

No. 19669

**SPAIN
and
HOLY SEE**

Agreement on seminaries and universities of ecclesiastical studies (with schedules). Signed at Madrid on 8 December 1946

Authentic text: Spanish.

Registered by Spain on 27 March 1981.

**ESPAGNE
et
SAINT-SIÈGE**

Accord relatif aux séminaires et aux universités ecclésiastiques (avec tableaux). Signé à Madrid le 8 décembre 1946

Texte authentique : espagnol.

Enregistré par l'Espagne le 27 mars 1981.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE HOLY SEE AND THE SPANISH GOVERNMENT ON SEMINARIES AND UNIVERSITIES OF ECCLESIASTICAL STUDIES

Article 1. Dioceses shall freely have, in accordance with canon law, ecclesiastical seminaries, whose organization and management belong to the competent authorities of the Church.

Article 2. The Spanish State shall contribute, under the present Agreement, to the endowment of minor and major seminaries established in keeping with the prescriptions of canon law and the executive provisions issued by the Spanish episcopacy.

Article 3. The Spanish State shall contribute to the endowment of a minor seminary in each diocese in respect of the following items:

- (a) Administrative and teaching staff;
- (b) Costs of upkeep and repairs, library and *matériel*.

Article 4. Also, for the religious and scientific training of ecclesiastics, the Spanish State shall contribute, in accordance with schedule B, to the endowment of the major seminary in the following dioceses:

- Ecclesiastical province of Burgos: Burgos, Calahorra, León, Palencia, Santander and Vitoria;
- Ecclesiastical province of Granada: Granada, Almería, Cartagena, Jaén and Málaga;
- Ecclesiastical province of Santiago: Santiago, Lugo, Mondoñedo, Orense, Oviedo and Túy;
- Ecclesiastical province of Seville: Seville, Badajoz, Cadiz, Cordova, Las Palmas and Tenerife;
- Ecclesiastical province of Tarragona: Tarragona, Barcelona, Gerona, Lérida, Tortosa, Solsona, Urgel and Vich;
- Ecclesiastical province of Toledo: Toledo, Coria, Cuenca, Madrid-Alcalá, Siguëenza and Plasencia;
- Ecclesiastical province of Valencia: Valencia, Majorca and Orihuela;
- Ecclesiastical province of Valladolid: Valladolid, Astorga, Avila, Salamanca, Zamora and Segovia;
- Ecclesiastical province of Saragossa: Saragossa, Huesca, Pamplona, Tarazona and Teruel;
- Priorate *nullius*: Ciudad Real.

In respect of such endowment as may be considered necessary in the future for other seminaries, what is agreed between the two authorities shall govern.

¹ Came into force on 8 December 1946 by signature, in accordance with article 11.

Article 5. In consideration of the fact that the aim of seminaries is to train holy and learned priests and that a contribution to that aim must be made by professors having the proper religious, moral, ecclesiastical and cultural qualities, appointment to chairs endowed in accordance with this Agreement shall be made by the diocesan bishop, following a competition, in which he may permit priests of other dioceses to participate, provided that they possess the specified qualities and have the permission of their own prelate. In respect of cultural qualifications, the competition shall be open to priests who exhibit qualifications satisfying the requirements of the teaching to which they aspire, such as scientific works that merit consideration, or who satisfy the following conditions:

- (a) For the chairs of the humanistic course: they are in possession of academic degrees in philosophy, theology or canon law, and are preferably graduates in classical languages or history;
- (b) For the chairs of the philosophical course: they are in possession of higher academic degrees in philosophy, theology or canon law and are graduates in philosophy and letters or in science;
- (c) For the chairs of the theological course: they are in possession of higher academic degrees from a university or theologico-juridical faculty of ecclesiastical studies.

Professors designated by a prelate on the basis of a competition shall remain on trial as extraordinary professors for three years before their appointment as regular professors or definitive appointment.

A bishop shall also have the right, which he may freely exercise "according to his conscience", to remove professors for reasons of doctrine or morality and ecclesiastical discipline or owing to grave transgressions of their scholastic duties or lack of proper efficiency in the performance of their teaching and training mission.

Article 6. The study of the language, literature, geography and history of Spain shall be compulsory in seminaries at least to the extent specified in the Plan of Intermediate Education in Spain, and the ecclesiastical authorities shall take care that in the teaching of those disciplines the purest Spanish patriotic sentiment is inculcated.

Prelates shall communicate to the Ministry of National Education the texts, programmes and timetables of disciplines which are not philosophical or theological.

Such communication shall be of a purely informative character.

Consequently, seminary students who, in addition to the classical course (five years), have passed the philosophical course (three years) shall be legally qualified to take the final examinations established for the obtainment of the bachelor's degree.

Article 7. The Spanish State recognizes the universities of ecclesiastical studies founded by the Apostolic See, endowing those presently existing in Spain on the basis of:

- (1) The apostolic constitution "*Deus Scientiarum Dominus*", of 24 May 1931, together with the ordinances of 12 June 1931;
- (2) The related statutes, duly approved by the Holy See.

In respect of the endowment of university faculties created in the future, what is decided by mutual consent shall govern, within the provisions of this Agreement.

Article 8. Endowments under articles 3, 4 and 7 above shall be adjusted to the figures appearing in schedules A, B and C annexed to the present Agreement, and their amount shall be modified *pari passu* with the remunerations of the analogous professoriate in the teaching establishments of the State.

Article 9. The competent prelates shall communicate to the Ministry of Justice, on a purely informative basis, appointments of professors to endowed chairs in seminaries, vacancies thereof and the decree announcing competitive examinations, for publication in the official journals. Such decree shall be published within two months of the occurrence of the vacancy.

Concerning such appointments, vacancies and announcements relating to the professoriate of the Universities of Ecclesiastical Studies of Salamanca and Comillas, the prelate and the chief superior, respectively, in their capacity as chancellors and in accordance with the statutes proper to those institutions, shall make analogous communications to the Ministry of Justice for the purposes and within the time-limits specified above.

Article 10. Endowments for professors shall not constitute ecclesiastical money and are understood to be allotted to the chairs indicated, being payable per pay-roll to the professors of those chairs through the diocesan Ordinary, in so far as he receives them from the Government.

Article 11. The provisions of the present Agreement shall enter into force on the day of its signature and shall be incorporated into the new Concordat; the competent authorities shall adopt appropriate measures for the immediate execution thereof.

Transitional article. Present professors recognized by the diocesan Ordinary as suitable in relation to the purpose of the seminaries may be confirmed by that Ordinary in the teaching to which they have been dedicated, even though they do not possess academic degrees.

DONE in duplicate.

Madrid, 8 December 1946, Feast of the Immaculate Conception, Patroness of Spain

For the Holy See:

[Signed]

CAYETANO CICOGNANI
Archbishop of Ankara
(Apostolic Nuncio)

For the Spanish Government:

[Signed]

ALBERTO MARTÍN ARTAJO
Minister for Foreign Affairs

SCHEDULE A

ENDOWMENT OF MINOR SEMINARIES

(In pesetas)

5 professors of Latin and Spanish, 8,000 pesetas each	40,000
1 professor of Greek	8,000
1 professor of geography and history	6,000
1 professor of religion and French	6,000
1 rector	4,000
1 spiritual father	4,000
1 study prefect	3,000
Maintenance and repair costs	6,000
Library and <i>matériel</i>	6,000
TOTAL	83,000

SCHEDULE B

ENDOWMENT OF MAJOR SEMINARIES

(In pesetas)

3 professors of philosophy, 8,000 pesetas each	24,000
1 professor of mathematics and physical and natural sciences	8,000
1 professor of Spanish, Greek and Latin literature	8,000
1 professor of fundamental dogmatics	8,000
1 professor of general introduction to Sacred Scripture, biblical Greek and Hebrew language	8,000
1 professor of fundamental and special moral theology	8,000
1 professor of ecclesiastical history (prolegomena), ecclesiastical history with patristics, fine arts, archaeology and doctrinal liturgy	8,000
1 professor of special dogmatics	8,000
1 professor of Sacred Scripture (special introduction and exegesis)	8,000
1 professor of canon law and ecclesiastical public law	8,000
1 civil history auxiliary	6,000
1 rector	4,000
1 study prefect	3,000
1 spiritual father	3,000
Library, museum and laboratory	18,000
Repairs	8,000
TOTAL	138,000

SCHEDULE C

ECCLESIASTICAL UNIVERSITY OF SALAMANCA

*Faculty of theology**(In pesetas)*

(a) 1 regular professor of fundamental theology	12,000
4 regular professors of special dogmatic theology	48,000
2 regular professors of special ethics	24,000
1 regular professor of fundamental ethics	12,000
2 regular professors of ecclesiastical history and archaeology	24,000
1 regular professor of general introduction to Sacred Scripture and Hebrew language and biblical Greek	12,000

	<i>(In pesetas)</i>
2 regular professors of Sacred Scripture (exegesis of Old and New Testaments) and biblical theology	24,000
1 regular professor of history of theology and Spanish theology	12,000
1 regular professor of pastoral theology, historico-systematic institutions, liturgy and catechismal pedagogy	12,000
1 professor <i>ad tempus</i> of institutions of canon law and principles of law	10,000
Amount to be carried forward	190,000

ECCLESIASTICAL UNIVERSITY OF SALAMANCA

Faculty of canon law

	<i>(In pesetas)</i>
	Amount carried forward
	190,000
(a) 3 regular professors of " <i>Codex Juris Canonici</i> "	36,000
1 regular professor of philosophy of law and ecclesiastical public law	12,000
1 regular professor of history of canon law and concordatory law	12,000
1 professor <i>ad tempus</i> of Institutions of Roman law	10,000
1 professor <i>ad tempus</i> of institutions of civil law	10,000
1 professor <i>ad tempus</i> of fundaments of international law according to Francisco de Vitoria	10,000
Amount to be carried forward	280,000

ECCLESIASTICAL UNIVERSITY OF SALAMANCA

Faculty of philosophy

	<i>(In pesetas)</i>
	Amount carried forward
	280,000
(a) 1 regular professor of introduction to philosophy and logic	12,000
1 regular professor of cosmology	12,000
1 regular professor of psychology	12,000
1 regular professor of ontology	12,000
1 regular professor of critique of knowledge	12,000
1 regular professor of natural theology	12,000
1 regular professor of ethics and natural law	12,000
1 professor <i>ad tempus</i> of history of Spanish philosophy	10,000
Amount to be carried forward	374,000

Common to all faculties

1 rector	6,000
3 deans, 2,500 each	7,500
1 secretary-administrator	12,000
1 librarian	4,000
Auxiliary and subaltern staff	18,000
Amount to be carried forward	421,500
(b) For library and laboratory	50,000
For publications	20,000
For <i>matériel</i>	17,000
TOTAL	508,500

PONTIFICAL UNIVERSITY OF COMILLAS

Faculty of theology

	<i>(In pesetas)</i>
(a) 1 regular professor of fundamental theology	12,000
2 regular professors of special dogmatics	24,000
1 regular professor of Sacred Scripture	12,000
1 regular professor of ecclesiastical history and patrology	12,000
1 professor <i>ad tempus</i> of history of dogmas and history of theology	10,000
1 professor <i>ad tempus</i> of canonical institutions	10,000
1 professor <i>ad tempus</i> of moral theology	10,000

Faculty of philosophy

(a) 1 regular professor of ontology and cosmology	12,000
1 regular professor of rational psychology and experimental psychology	12,000
1 regular professor of ethics and theodicy	12,000
1 regular professor of introduction to philosophy and history of philosophy	12,000
1 regular professor of physico-chemical sciences, related to philosophy	12,000
1 professor <i>ad tempus</i> of texts of Saint Thomas and Aristotle	10,000
1 professor <i>ad tempus</i> of natural sciences, related to philosophy	10,000

Faculty of canon law

(a) 3 regular professors of "Codex Juris Canonici"	36,000
1 regular professor of philosophy of law and ecclesiastical public law	12,000
1 regular professor of history of law and concordatory law	12,000
1 professor <i>ad tempus</i> of institutions of civil law	10,000
1 professor <i>ad tempus</i> of institutions of Roman law	10,000
Amount to be carried forward	250,000

Common to all faculties

	<i>(In pesetas)</i>
Amount carried forward	250,000
1 rector	6,000
3 deans, 2,500 each	7,500
1 secretary-administrator	12,000
1 librarian	4,000
Auxiliary and subaltern staff	18,000
Amount to be carried forward	297,500
(b) For library and laboratory	50,000
For publications	20,000
For matériel	17,000
TOTAL	384,500