



ISSN: 2941-430X

The specific legal implementation of the model regulations of the Catholic (arch)dioceses of Germany for the granting of the Missio Canonica and the temporary ecclesiastical mandate to teachers for Catholic religious education in the German dioceses

Thomas Meckel

Zusammenfassung: Der Ständige Rat der Deutschen Bischofskonferenz hat am 23. Januar 2023 eine Musterordnung der katholischen (Erz-)Diözesen Deutschlands für die Erteilung der Missio Canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht beschlossen, die kein Gesetz der DBK darstellt, sondern die Empfehlung an die 27 Diözesanbischöfe, sich beim Erlass revidierter Missio-Ordnungen an der Musterordnung zu orientieren. Der Beitrag untersucht die formale sowie die inhaltliche Umsetzung der Musterordnung zur Missio Canonica und der kirchlichen Bevollmächtigung in den 27 deutschen Diözesen und zeigt Übereinstimmungen als auch regionale Differenzen in der Umsetzung der Musterordnung und im Vergleich zu früheren Ordnungen auf.

Abstract: On 23 January 2023, the Standing Council of the German Bishops' Conference adopted a model ordinance of the Catholic (arch)dioceses of Germany for the granting of the Missio Canonica and provisional ecclesiastical authorisation to teachers for Catholic religious education, which does not constitute a law of the DBK, but rather a recommendation to the 27 diocesan bishops to follow the model ordinance when issuing revised Missio ordinances. This article examines the formal and substantive implementation of the model ordinance on Missio Canonica and ecclesiastical authorisation in the 27 German dioceses and highlights similarities as well as regional differences in the implementation of the model ordinance and in comparison with earlier ordinances.

Schlagwörter: Religionsunterricht, Religionslehrer/-in, Missio Canonica, Kirchliche Unterrichtserlaubnis, Missio-Kommission, Verkündigungsdienst der Kirche.

Keywords: Religious instruction, teacher of religion, Missio Canonica, ecclesiastical teaching permit, Missio Commission, teaching function of the Church.

This is an AI supported translation. The entire article is translated into English, including the quotes from the original article. We therefore ask you to consider this translation as a reading aid only. The citation, including the references contained therein, refers to the original article.

On 23 January 2023, the Permanent Council of the German Bishops' Conference adopted a model regulation of the Catholic (arch)dioceses of Germany for the granting of the Missio Ca-

nonica and provisional ecclesiastical authorisation to teachers for Catholic religious education.¹ In accordance with c. 804 § 1 in conjunction with c. 455 § 1 CIC/1983, the Bishops' Conference has legislative competence for the field of Catholic education and thusly also for religious education. As this is generally standardised differently in the respective states in terms of religious law, the legislative competence of the Bishops' Conference means that national particularities can be better addressed.² However, the Model Ordinance presented for comment is not a legislative act of the German Bishops' Conference. This is indicated by two things: according to the title, it is a Model Ordinance that may now be implemented in the 27 dioceses. In addition, the Model Ordinance has not been adopted by the plenary assembly, which, unlike the Permanent Council, would be the competent authorised body of the Bishops' Conference for legislative acts in accordance with Art. 8 Para. 1 of the Statute of the German Bishops' Conference³. It is therefore a recommendation of the Permanent Council to orientate the dioceses towards the Model Ordinance.

Before the more recent regulations were issued, the *Missio Canonica* for teachers of religion was issued in accordance with the framework guidelines⁴ and the corresponding framework rules of procedure⁵ adopted by the German Bishops' Conference in 1973 for the dioceses of the so-called old federal states, including West Berlin. Reunification in particular raised the question of whether and how the dioceses of the East German federal states could promul-

¹ See Deutsche Bischofskonferenz, *Musterordnung der katholischen (Erz-)Diözesen Deutschlands für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht*. URL: <https://www.dbk.de/presse/aktuelles/meldung/neue-musterordnung-fuer-die-erteilung-der-missio-canonica> [viewed on: 26/02/2025].

² See in detail MECKEL, Thomas, *Religionsunterricht im Recht. Perspektiven des katholischen Kirchenrechts und des deutschen Staatskirchenrechts*, Paderborn; München; Wien u.a. 2011 (= KStKR; 14), p. 136f.

³ Deutsche Bischofskonferenz, *Statut der Deutschen Bischofskonferenz*. Februar 2021. URL: https://www.dbk.de/fileadmin/redaktion/diverse_downloads/Statut-DBK_01-07-2021.pdf [viewed on: 26/02/2025].

⁴ Deutsche Bischofskonferenz, *Rahmenrichtlinien der Deutschen Bischofskonferenz vom 12. bis 15. März 1973 zur Erteilung der kirchlichen Unterrichtserlaubnis und der Missio canonica für Lehrkräfte mit der Fakultas „Katholische Religionslehre“*, in: Wenner, Reinhard (Hrsg.), *Beschlüsse der Deutschen Bischofskonferenz*, St. Augustin 2001 ff., p. 275.

⁵ Deutsche Bischofskonferenz, *Rahmengeschäftsordnung vom 24. bis 27. September 1973 zu den Rahmenrichtlinien der Deutschen Bischofskonferenz vom 12. bis 15. März 1973 zur Erteilung der kirchlichen Unterrichtserlaubnis und der Missio canonica für Lehrkräfte mit der Fakultas „Katholische Religionslehre“*, in: Wenner, Reinhard (ed.), *Beschlüsse der Deutschen Bischofskonferenz*, ed. by R. Wenner, St. Augustin 2001 ff., p. 277.

gate and enforce these framework guidelines and the framework rules of procedure specifically for their territory after their reconstitution.⁶ The new model regulations of 2023 marks a new stage of promulgated regulations for the conferral of the *Missio Canonica*.⁷

Before examining the implementation of the Model Ordinance of 2023 and in the German dioceses, it is worth taking a look at the universal church regulation of the so-called *Missio Canonica* for religious education teachers.

1. The canonical regulation of the *Missio Canonica* for teachers of religion at universal church level

The term "*Missio Canonica*" for religious education teachers is commonly used as a terminus technicus for the declaration of no objection and teaching authorisation of a religious education teacher.⁸ The question arises as to whether and how the CIC/1917 and the CIC/1983 use the term "*Missio Canonica*" or "*Missio*" in the context of the norms on religious education and teachers of religion.

1.1 The legal regulation of the *Missio Canonica* for teachers of religion in the CIC/1917

C. 1328 CIC/1917 stipulates that only those who have received the *missio* by virtue of an ecclesiastical office or authorisation from their competent superior may exercise the ministry of preaching.⁹ In c. 1381 § 3 CIC/1917, it is standardised with regard to religious instruction and

⁶ See MECKEL, Thomas, Neuere Entwicklungen im Bereich der rechtlichen Regelung der *Missio Canonica* für Religionslehrer/innen und der kirchlichen Studienbegleitung in den deutschen Diözesen, in: Archiv für katholisches Kirchenrecht 180 (2011), pp. 64-91.

⁷ The work by BADER, Anna Maria, Die Neuordnung der *Missio Canonica* für den katholischen Religionsunterricht in Deutschland. Ein Vergleich der Musterordnung mit den Ordnungen der einzelnen (Erz-)Diözesen, Sankt Ottilien 2025 (= Münchener Theologische Studien. III. Kanonistische Abteilung; 86) is still in the publication process and could therefore not be considered.

⁸ See MECKEL, Thomas, s. v.: *Missio Canonica*. Catholic, in: LKRR, vol. 3, p. 262.

⁹ See c. 1328 "*Nemini ministerium praedicationis licet exercere, nisi a legitimo Superiore missionem receperit, facultate peculiariter data, vel officio collato, cui ex sacris canonibus praedicandi munus inhaerent.*" Own translation: Niemandem ist es erlaubt, den Verkündigungsdienst auszuüben, wenn er nicht vom rechtmäßigen Oberen die Sendung erhalten hat, indem eine besondere Befugnis gegeben oder ein Kirchenamt übertragen wird, dem gemäß der heiligen Canones der Verkündigungsdienst anhängen soll." (No one is permitted to exercise the ministry of preaching unless he has received the mission from the legitimate superior by being given a special faculty or an ecclesiastical office to which, according to the sacred canons, the ministry of preaching is to be attached.).

religious teachers that it is the responsibility of the local Ordinary to approve (approbare) religious teachers (magistri) and religious books or to remove them for reasons of faith or custom (remove).¹⁰ However, the *Ius approbandi* does not include the *missio*, but establishes the right to approve religious teachers and religious books vis-à-vis the state.¹¹ The *Missio Canonica* for teachers of religion is based on the basic norm of c. 1328 CIC/1917, which also explicitly uses the term *missio*. While a pastor no longer requires his own *missio* to teach religious education due to his ecclesiastical office of pastor, magistri, who may be female or male lay people¹², require *missio* through the conferral of a *facultas* in accordance with c. 1327 CIC/1917, so that these lay people "... may officially teach religion with ecclesiastical approval and recognition".¹³ According to c. 1373 § 2, the CIC/1917 assumed priests as religious teachers (magistri) in middle and high schools, while it can be concluded from c. 1373 § 1 CIC/1917 that female and male lay people are also authorised as religious teachers for religious instruction in elementary schools.¹⁴

1.2 The legal regulation of the *Missio Canonica* for teachers of religion in the CIC/1983

During the Codex reform, c. 10 of the Schema Canonum Libri III De Ecclesiae Munere Docendi (Schema Canonum Libri III De Ecclesiae Munere Docendi)¹⁵ continued to use the term *missio* as utilized in c. 1328 CIC/1917.¹⁶ It was then removed, as the wording of c. 10 EcclMunDoc did not sufficiently distinguish between acting in one's own name and acting in the name of the Church and, in this aspect, even parents would otherwise have required a *missio* for the education of their own children, which would not have been consistent in view of the natural law

¹⁰ See c. 1381 § 3 "Eisdem similiter ius est approbandi religionis magistros et libros; itemque, religionis morumque causa, exigendi ut tum magistri tum libri removeantur." Own translation: „In gleicher Weise ist es ihr Recht, die Religionslehrer und -bücher zu approbieren/ zu genehmigen; ebenso ist es ihr Recht, um des Glaubens und der Sitte willen zu fordern, dass Lehrer als auch Bücher entfernt werden.“ (In the same way, it is their right to approve/authorise religious teachers and books; likewise, it is their right to demand that teachers and books be removed for the sake of faith and morality.)

¹¹ See on this subject MECKEL, Religionsunterricht (see note 2), p. 46f.

¹² See on the term *magister* in CIC/1917 MECKEL, Religionsunterricht (see note 2), pp. 42-44.

¹³ RIEDEL-SPANGENBERGER, Ilona, Sendung in der Kirche. Die Entwicklung des Begriffes „*missio canonica*“ und seine Bedeutung in der kirchlichen Rechtssprache, Paderborn; München; Wien; Zürich 1991, p. 141.

¹⁴ SEE MECKEL, Religionsunterricht (see note 2), pp. 42-44.

¹⁵ Pontificia Commissio Codici Iuris Canonici Recognoscendo (ed.) Schema Canonum Libri III De Ecclesiae Munere Docendi, Typis Polyglottis Vaticanis 1977, abbreviated: EcclMunDoc.

¹⁶ See c. 10 EcclMunDoc "Nemini licet quodvis ministerium verbi Dei annuntiandi exercere, nisi a legitimo Superiore *missionem* receperit, sive facultate specialiter data, sive officio collato cui vi iuris hoc munus inhaerat."

anchoring of the duty to educate and the right to educate.¹⁷ The Codex Reform Commission intended to act on the term in another place and at another time,¹⁸ but this was never put into practice; as the current CIC/1983 does not explicitly use the term *missio*, but presupposes it in cc. 759 in conjunction with cc. 804-805, insofar as cc. 804 and 805 in particular standardise the specific mission of religious teachers to act publicly in the name of the Church. C. 759 CIC/1983 no longer speaks of *missio*, but states in the second half-sentence that, in addition to their baptismal apostolate of exercising the ministry of proclamation in their own name¹⁹, lay people can also be called to exercise the ministry of proclamation or the ministry of the word in the name of the Church. The term *missio* from c. 1328 CIC/1917 has been dropped and replaced by *vocare*, which is used in many places in the CIC/1983 in the "... juridical sense of ecclesial mission".²⁰

In c. 804 § 2 CIC/1983, the term *magister* is used with regard to the *institutio religiosa catholica* in schools and in c. 805 CIC/1983 the term *magister religionis* is used explicitly. The term *magister* is not restricted to clerics in the CIC/1983, but can moreover include both male and female lay people.²¹ Anyone who is to be appointed as a teacher of religion (*deputantur*) in accordance with c. 804 § 2 CIC/1983 must fulfil three criteria: the right doctrine (*recta doctrina*), the testimony of Christian life and pedagogical skills. C. 805 CIC/1983 takes up two criteria again, the right doctrine and the corresponding testimony of life. Similarly, c. 759 speaks of the "*exemplum vitae christianae*", since the lay people are "witnesses of the Gospel through their word and the example of Christian life". Teachers of religion must therefore orientate their lives according to the doctrine of faith and morals of the Church.²² The phrase "*deputantur*" in c. 804 § 2 CIC/1983 initially leaves open the question of who appoints the teachers of religion. This corresponds with the distinction made in c. 805 that the local Ordinary has the right "to appoint or approve religious teachers and ... if necessary for religious or moral reasons, to dismiss or demand their dismissal". This distinction between the *nominare* or *approbare* of religious education teachers relates to the respective school authority. While the

¹⁷ See MECKEL, Thomas, s. v.: *Elternrecht*. Katholisch, in: LKRR, vol. 1, pp. 829-832.

¹⁸ See *Communicationes* 29 (1997), p. 32: "...si conviene di sopprimere il canone, perché della 'missio canonica' se ne parlerà a suo luogo".

¹⁹ See cc. 204 § 1 in conjunction with 96, 211 and 225 § 1 CIC/1983.

²⁰ RIEDEL-SPANGENBERGER, *Sendung* (see note 13), p. 271.

²¹ See MECKEL, *Religionsunterricht* (see note 2), pp. 139f.

²² See *ibid.*, p. 144.

local Ordinary can directly appoint or dismiss a religious education teacher at Catholic-run schools, at state schools he can declare the approbatio of the religious education teacher to the religiously neutral state and, if the criteria are not met, withdraw his or her ecclesiastical mission and demand his or her dismissal.²³ While the nominatio contains a positive authorisation of the religious education teacher, the approbatio can be qualified as a declaration of no objection by the Church to third parties or the state, to which the authorisation to teach in the name of the Church is then added in accordance with c. 759 CIC/1983.²⁴ Even if the CIC/1983 no longer uses the term missio, it standardises a specific mission for teachers of religion in c. 804 § 2 in conjunction with cc. 805 and 759 CIC/1983, which enables them to act officially in the name of the Church.

2. Commentary on the model regulations of the Catholic (arch)dioceses of Germany for the granting of the Missio Canonica and the provisional ecclesiastical authorisation to teachers for Catholic religious education and their implementation in the German dioceses

In the following, the Model Ordinance and its implementation in the German dioceses will be discussed. Before the content can be discussed, the implementation at the formal level must be examined.

2.1 Formal implementation of the Model Ordinance in the German dioceses

As the Model Ordinance is not a law of the German Bishops' Conference, it was the task of the diocesan bishops to issue new missio ordinances as diocesan law in accordance with cc. 7 in conjunction with 8 § 2 CIC/1983, which generally comes into force one month after its promulgation, unless the legislator provides for a different date of entry into force in the legal text. The Code does not contain a specific provision as to what form this promulgation must have.²⁵

²³ See *ibid.*, p. 140f.

²⁴ C. 759 must be considered here with cc. 804 and 805, since religious instruction is explicitly mentioned in its systematic context, the service of the Word of God, in c. 761 as "propositio doctrinae in scholis". See MECKEL, Religionsunterricht (see note 2), pp. 141-144.

²⁵ See WENNER, Reinhard, Die Deutsche Bischofskonferenz als Gesetzgeber. Unzulänglichkeiten bei Partikularnormen und anderen Beschlüssen, in: Puza, Richard; Weiß, Andreas (eds.), *Iustitia in caritate. Festgabe für Ernst*

The minimum criterion must be "that the will of the ecclesiastical legislator to enact certain norms in a binding manner for the particular church entrusted to it is recognisable".²⁶ As a rule, this is made clear by the promulgation formula, which must be signed by the diocesan bishop in accordance with c. 391 CIC/1983 as the sole legislator of the diocese and which regulates the entry into force of the law and the expiry of previous laws.²⁷

One example is the implementation in the Diocese of Aachen. In the Diocese of Aachen²⁸, the promulgation of the Regulations for the granting of ecclesiastical authorisation (Missio canonica/ecclesiastical teaching permit) to Catholic religious education teachers in the Diocese of Aachen will take place on 5 May 2023 under the heading "Bishop's announcements" with effect from 1 June 2023 with a promulgation signed by the diocesan bishop, which also overrides previous Regulations:

"The above regulations [will] come into force on 1 June 2023. The previously valid regulations on the Church Teaching Permit, Missio canonica and the accompaniment of religious education teachers (KIANz. for the Diocese of Aachen of 1 May 2014, No. 74, pp. 105-106) are hereby repealed. Aachen, 5 May 2023 + Dr Helmut Dieser Bishop of Aachen"²⁹

In contrast to the not always unerring and precise legislative practice of particular churches in the past³⁰, the respective Missio ordinance has been effectively enacted in every diocese. Many dioceses proceed in such a way that they print the law under the relevant heading of the respective diocesan bishop, which is labelled differently. These dioceses are listed first. In the Diocese of Erfurt, this is done under the heading "Decrees and notifications of the

Rößler zum 25jährigen Dienstjubiläum als Official der Diözese Rottenburg-Stuttgart, Frankfurt a. M. 1997 (= AIC; 3), pp. 677-692.

²⁶ HALLERMANN, Heribert, Die Bestimmungen zu ökumenischen Wortgottesdiensten in deutschen Diözesen, in: the same (ed.), Ökumene und Kirchenrecht - Bausteine oder Stolpersteine?, Mainz 2000, p. 96.

²⁷ I would like to thank Ann-Kathrin Weber, research assistant, for her research on the Missio orders.

²⁸ Bishop of Aachen, Ordnung für die Erteilung der Kirchlichen Bevollmächtigung (Missio canonica/Kirchliche Unterrichtserlaubnis) an katholische Religionslehrkräfte im Bistum Aachen vom 5. Mai 2023, in: Kirchlicher Anzeiger für die Diözese Aachen. Amtsblatt des Bistums Aachen 6 (2023), pp. 148-154.

²⁹ Ibid, p. 154.

³⁰ See MECKEL, Entwicklungen (see note 6), pp. 64f.; 70-75.

bishop"³¹ which was put into force on 1 November 2023, superseding the previous Regulations.³² In the Diocese of Magdeburg, the Missio Ordinance will enter into force under the heading "Documents of the Bishop"³³ on 1 October 2023, superseding the previous ordinance.³⁴ In the Diocese of Mainz, the Missio Ordinance under the heading "Decrees of the Most Reverend Bishop"³⁵ will come into force on 1 July 2023, with the previous ordinances being repealed.³⁶ In the Diocese of Trier, the Missio Ordinance will enter into force on 1 May 2024 under the heading "Decrees of the Bishop"³⁷ with the previous ordinance from 2007 ceasing to apply, but retaining the implementing provisions on the ecclesiastical study support

³¹ Bishop of Erfurt Ordnung für die Erteilung der Missio canonica und der Kirchlichen Bevollmächtigung an Lehrkräfte für den Katholischen Religionsunterricht in den (Erz-)Diözesen Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz, Magdeburg (Missio-canonica-Ordnung) vom 16. Oktober 2023 – Anlage, in: Amtsblatt für das Bistum Erfurt 10 (2023), p. 2f. with reference to the Annex, which contains the text of the order and begins with the pagination page 1.

³² See *ibid.*, p. 2f.: "On 23 January 2023, the Permanent Council of the German Bishops' Conference adopted a new model regulation for the granting of the Missio canonica. It replaces the framework guidelines for the granting of the ecclesiastical teaching licence and the Missio canonica for teachers with the faculty "Catholic Religious Education" from September 1973. The Missio canonica is the ecclesiastical authorisation that religious education teachers need in order to teach Catholic religious education. The model regulations were then discussed at the conference of school department heads of the Eastern dioceses and finally adapted to the North-East region on 14 June 2023. The Missio canonica regulations will come into force for the Diocese of Erfurt with effect from 1 November 2023. On the same date, the regulations for the Missio canonica Commission of the Diocese of Erfurt from 1 January 2000 will cease to apply. Erfurt, 16 October 2023 (seal) signed. Dr Ulrich Neymeyr, Bishop (seal) signed. Elisabeth Wappes, Chancellor". In the *ibid.* appendix, 1, it also reads: "This order comes into force for the Diocese of Erfurt with effect from 1 November 2023. On the same date, the Regulations for the Missio canonica Commission of the Diocese of Erfurt of 1 January 2000 (published in the Official Gazette of the Diocese of Erfurt No. 1/2000 of 17.01.2000) shall cease to be in force. Erfurt, 16 October 2023 (seal) signed. Dr Ulrich Neymeyr Bishop (seal) signed Elisabeth Wappes Chancellor".

³³ Bishop of Magdeburg, Ordnung für die Erteilung der Missio canonica und der Kirchlichen Bevollmächtigung an Lehrkräfte für den Katholischen Religionsunterricht in den (Erz-) Diözesen Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz, Magdeburg (Missio-canonica-Ordnung) vom 15. September 2023, in: Amtsblatt des Bistums Magdeburg 10 (2023), pp. 130-135.

³⁴ See *ibid.*, p. 135: "These regulations come into force for the Diocese of Magdeburg with effect from 1 October 2023. On the same date, the regulations for the awarding and withdrawal of the Missio canonica and the provisional ecclesiastical teaching licence for teachers of Catholic religion in the Diocese of Magdeburg dated 01.12.2011 (Official Gazette 12/2011) shall cease to apply. Magdeburg, 15.09.2023 Dr Gerhard Feige Bishop".

³⁵ Bishop of Mainz, Order for the granting of the Missio canonica and the provisional ecclesiastical authorisation to teachers for Catholic religious education in the diocese of Mainz of 11 May 2023, in: Kirchliches Amtsblatt für die Diözese Mainz 6 (2023), pp. 120-124.

³⁶ See *ibid.*, 124: "The provisions of these regulations come into force on 1 July 2023. At the same time, the 'Framework Guidelines for the Granting of the Church Teaching Permit and the Missio canonica for Teachers with the Faculty 'Catholic Religious Education' (Kirchliches Amtsblatt Mainz 116 Jg. Nr. 1, 10 January 1974, p. 2) as well as the 'Framework Rules of Procedure for the Framework Guidelines for the Granting of the Church Teaching Permit and the Missio canonica for Teachers with the Faculty 'Catholic Religious Education' (Kirchliches Amtsblatt Mainz 116 Jg. Nr.1, 10 January 1974, p. 2-3) and the 'Beauftragung zur Erteilung von katholischem Religionsunterricht in der Diözese Mainz' (Kirchliches Amtsblatt Mainz 149 Jg. Nr. 10, 12 July 2007, p. 138-139) are no longer in force. Mainz, 11 May 2023 + Peter Kohlgraf Bishop of Mainz".

³⁷ Bishop of Trier, Ordnung für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht im Bistum Trier vom 20. April 2023, in: Kirchliches Amtsblatt für das Bistum Trier 5 (2023), pp. 183-188.

of students.³⁸ In the Diocese of Limburg, the promulgation of the Missio Regulations will take place under the heading "The Bishop of Limburg"³⁹ with entry into force on 1 May 2023 and expiry of all previous provisions.⁴⁰ In the Archdiocese of Cologne, the Missio Ordinance under the heading "Documents of the Archbishop"⁴¹ will enter into force on 1 June 2023 and supersede all previous ordinances.⁴² In the Diocese of Fulda, the Missio Regulations signed by the diocesan bishop on 15 March 2023 will be published on 28 March 2024 and will enter into force on 15 April 2024 under the heading "The Bishop of Fulda"⁴³ with the previous Regulations being repealed but the Regulations on ecclesiastical study support being retained.⁴⁴ The Diocese of Eichstätt promulgates the Missio Regulations under the heading "The Bishop of

³⁸ See *ibid.*, p. 187f.: "(1) The provisions of these regulations shall enter into force on 1 May 2023. At the same time, the guidelines for the granting of the ecclesiastical teaching licence and the Missio canonica for teachers with the facultas 'Catholic Religious Education' and rules of procedure of 21 May 2007 (KA 2007 No. 96) shall cease to apply. (2) The implementation regulations for the ecclesiastical study support for students of Catholic religious education/theology/religious education with the professional goal of 'religious education teacher' in the Diocese of Trier of 19 May 2007 (KA 2007 No. 98) remain unaffected. Trier, 20 April 2023 (seal) + Stephan Bishop of Trier".

³⁹ Bishop of Limburg, Ordnung für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht in der Diözese Limburg vom 18. April 2023, in: Amtsblatt des Bistums Limburg 5 (2023), pp. 133-138.

⁴⁰ See *ibid.*, p. 138: "The provisions of these regulations come into force on 1 May 2023. All previous regulations shall expire on this date. Limburg, 18 April 2023 + Dr Georg Bätzing Ref.: 164A/9633/23/01/2 Bishop of Limburg Prof. Dr Peter Platen Chancellor of the Curia".

⁴¹ Archbishop of Cologne, Ordnung für die Kirchliche Bevollmächtigung zur Erteilung des katholischen Religionsunterrichts (missio canonica / Kirchliche Unterrichtserlaubnis) im Erzbistum Köln vom 31. März 2023, in: Amtsblatt des Erzbistums Köln 6 (2023), pp. 101-106.

⁴² See *ibid.*, p. 106: "These regulations replace the framework guidelines for the granting of the ecclesiastical teaching licence and the missio canonica for teachers with the faculty 'Catholic Religious Education' as well as the framework rules of procedure of 11 February 1974 and the agreement of the diocesan bishops in North Rhine-Westphalia on the ecclesiastical teaching licence, missio canonica and the accompaniment of religious education teachers of 27 November 2013. It will enter into force on 1 June 2023 upon publication in the official gazette of the Archdiocese of Cologne. Cologne, 31 March 2023 + Rainer Maria Card. Woelki Archbishop of Cologne".

⁴³ Bishop of Fulda Ordnung für die Verleihung der Missio canonica und der kirchlichen Unterrichtserlaubnis zur Erteilung von katholischem Religionsunterricht im Bistum Fulda (Missio-Canonica-Ordnung – MCO) vom 15. März 2024, in: Kirchliches Amtsblatt für die Diözese Fulda 3/140 (2024), pp. 69-78.

⁴⁴ See *ibid.*, p. 78: "§ 10 General implementation decree The Vicar General shall issue a general implementation decree containing the provisions necessary for the implementation of these regulations, in particular the regulations for the mentorship for prospective religious education teachers. § Section 11 Entry into force (1) This Act shall enter into force on 15 April 2024. (2) At the same time, the regulations for the awarding of the Missio canonica and the granting of the ecclesiastical teaching licence in the Diocese of Fulda of 2 July 2015 (K. A. 2015, No. 93) shall cease to apply. (3) The current regulations for ecclesiastical study support (mentoring) for students with the career goal of religious education teacher in the Diocese of Fulda (K. A. 2015, No. 94) shall continue to apply until the entry into force of a general implementation decree in accordance with § 10. Fulda, 15 March 2024 Seal Dr Michael Gerber Bishop of Fulda".

Eichstätt"⁴⁵ with effect from 1 September 2023, with the previous Regulations ceasing to apply.⁴⁶ In the Archdiocese of Munich and Freising, the promulgation of the Missio Regulations took place under the heading "The Archbishop of Munich and Freising"⁴⁷ with entry into force on 1 September 2023, with the previous Regulations expiring.⁴⁸ In the Diocese of Passau, the Missio Regulation was promulgated under the heading "The Bishop of Passau"⁴⁹ with entry into force on 1 September 2023 and the expiry of the previous ordinance and the ordinance for the Missio Commission.⁵⁰

In the Diocese of Würzburg, the Missio Regulations under the heading "Bishop of Würzburg"⁵¹ came into force on 1 September 2023, superseding the previous ordinance.⁵² In the Diocese

⁴⁵ Bishop of Eichstätt, Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 1. August 2023, in: Pastoralblatt des Bistums Eichstätt 6 (2023), pp. 300-310.

⁴⁶ See *ibid.*, p. 310: "The provisions of these regulations come into force on 1 September 2023. At the same time, the guidelines for the granting of the provisional teaching licence and for the awarding of the Missio canonica for teachers with a state examination in the subject 'Catholic Religious Education' in the Bavarian (arch)dioceses of 26 October 2011 (cf. Pastoralblatt des Bistums Eichstätt 2011, No. 11, pp. 237-240) shall cease to be in force. Eichstätt, 01.08.2023 Gregor Maria Hanke OSB Bishop of Eichstätt".

⁴⁷ Archbishop of Munich and Freising, Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 7. Juli 2023, in: Amtsblatt für das Erzbistum München und Freising 9 (2023), pp. 340-350.

⁴⁸ See *ibid.*, p. 350: "The provisions of these regulations come into force on 1 September 2023. At the same time, the guidelines for the granting of the provisional teaching licence and for the award of the Missio canonica for teachers with a state examination in the subject 'Catholic Religious Education' in the Bavarian (arch)dioceses of 18 January 2011 (cf. Official Gazette for the Archdiocese of Munich and Freising 2011, No. 6, pp. 126-129) shall cease to apply. Munich, 7 July 2023 Reinhard Cardinal Marx Archbishop of Munich and Freising".

⁴⁹ Bishop of Passau, Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 10. August 2023, in: Amtsblatt für das Bistum Passau 5 (2023), pp. 330-342.

⁵⁰ See *ibid.*, p. 342: "The provisions of these regulations come into force on 1 September 2023. At the same time, the 'Guidelines for the granting of the provisional teaching licence and for the award of the Missio canonica for teachers with a state examination in the subject 'Catholic Religious Education' in the Bavarian (arch)dioceses' of 23 February 2011 (cf. Official Gazette for the Diocese of Passau 2011, Episode 3, No. 22, pp. 21-23) shall cease to be in force. Passau, 10.8.2023 Dr Stefan Oster SDB Bishop of Passau". Decree cancelling the Rules of Procedure of the Episcopal Missio Commission. I hereby repeal, with effect from 1 September 2023, the Rules of Procedure of the Episcopal Missio Commission, signed on 19 November 2019 and published in the Official Gazette 2020, Episode 2, No. 21. These will be replaced by the 'Regulations of the Catholic (arch)dioceses in Bavaria for the granting of the Missio canonica and provisional ecclesiastical authorisation to teachers for Catholic religious education' published in the Official Gazette 2023, Volume 5, No. 84. Passau, 1 September 2023 Bishop Stefan Oster SDB Bishop of Passau".

⁵¹ Bishop of Würzburg, Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 26. Juli 2023, in: Würzburger Diözesanblatt. Amtliches Verordnungsblatt der Diözese Würzburg 8 (2023), pp. 302-312.

⁵² See *ibid.*, p. 312: "The provisions of these regulations come into force on 1 September 2023. At the same time, the guidelines for the granting of the provisional teaching licence and for the awarding of the Missio canonica for teachers with a state examination in the subject 'Catholic Religious Education' in the Bavarian (arch)dioceses of 17 January 2011 (WDBI 157 [2011] No. 1, pp. 6-9) shall cease to apply. Würzburg, 26 July 2023 Dr Franz Jung Bishop of Würzburg".

of Speyer, the promulgation of the Speyer Missio Regulation was carried out under the heading "The Bishop of Speyer"⁵³ with entry into force on 1 May 2023 and expiry of the previous ordinance.⁵⁴ In the Archdiocese of Freiburg, the Missio Regulation under the heading "Archbishop"⁵⁵ came into force on 16 June 2023 and the previous ordinance was repealed.⁵⁶ In the Archdiocese of Paderborn, the promulgation of the Missio Regulation took place under the heading "Documents of the Archbishop"⁵⁷ with entry into force on the day of promulgation, 22 April 2024, and with the repeal of the previous ordinance.⁵⁸ The Diocese of Augsburg has promulgated the Missio Regulation under the heading "The Bishop of Augsburg"⁵⁹ with entry into force on 1 September 2023 and repeal of the previous ordinance.⁶⁰

In the Archdiocese of Bamberg, the Bamberg Missio Regulation was declared applicable from 1 September 2023 under the heading "The Diocesan Administrator"⁶¹ by the then Diocesan

⁵³ Bishop of Speyer, Ordnung für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 19. April 2023, in: Oberhirtliches Verordnungsblatt. Amtsblatt für das Bistum Speyer 4 (2023), pp. 175-183.

⁵⁴ See *ibid.*, p. 183: "The provisions of these regulations come into force on 1 May 2023. At the same time, the 'Guidelines for the Granting of the Church Teaching Licence and the Missio canonica for Teachers with the Facultas 'Catholic Religious Education' shall cease to be in force. Speyer, 19 April 2023 [Signature] + Dr Karl-Heinz Wiesemann Bishop of Speyer".

⁵⁵ Archbishop of Freiburg, Ordnung für die Erteilung der Missio canonica und der vorläufigen Unterrichtserlaubnis an Lehrkräfte für den katholischen Religionsunterricht in der Erzdiözese Freiburg vom 13. Juni 2023, in: Amtsblatt der Erzdiözese Freiburg 12 (2023), pp. 241-247.

⁵⁶ See *ibid.*, p. 246: "This order comes into force on 16 June 2023; it replaces the Missio Order of 10 January 2005 (ABI. 2005, p. 13), which is hereby repealed. Freiburg im Breisgau, 13 June 2023 ++ Stephan Archbishop Stephan Burger".

⁵⁷ Archbishop of Paderborn, Ordnung für die Kirchliche Bevollmächtigung zur Erteilung des katholischen Religionsunterrichts (Missio canonica / Kirchliche Unterrichtserlaubnis) im Erzbistum Paderborn vom 22. April 2024, in: Kirchliches Amtsblatt für die Erzdiözese Paderborn 5 (2024), pp. 79-83.

⁵⁸ See *ibid.*, p. 83: "These regulations shall enter into force upon signature. It shall be published in the official church gazette. With the entry into force of this regulation, the regulation on the ecclesiastical authorisation to teach Catholic religious education (Missio canonica / ecclesiastical teaching permission) of 9 May 2014 (KA 2014, No. 77.) shall also cease to be in force. Paderborn, 22 April 2024 The Archbishop of Paderborn L. S. ++ Udo Markus Bentz Archbishop Gz.: 1.72/5342.20.40/1/1-2023".

⁵⁹ Bishop of Augsburg, Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 10. Juli 2023, in: Amtsblatt für die Diözese Augsburg 9 (2023), pp. 400-411.

⁶⁰ See *ibid.*, p. 411: "The provisions of these regulations come into force on 1 September 2023. At the same time, the guidelines for the granting of provisional teaching permission and for the conferral of the Missio canonica for the Bavarian (arch)dioceses of 18 January 2011 (cf. Official Gazette of the Diocese of Augsburg 2011, No. 7, p. 252 ff.) shall cease to apply. Augsburg, 10.07.2023 + Bertram Dr Bertram Meier Bishop of Augsburg Sr M. Anna Schenck CJ Notary".

⁶¹ Diocesan Administrator of the Archdiocese of Bamberg, Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 18. Juli 2023, in: Amtsblatt für das Erzbistum Bamberg 10 (2023), pp. 368-380.

Administrator, Auxiliary Bishop Herwig Gössl, during the period of vacancy until a future Archbishop has made a decision in this regard.⁶² In 2024, it was then put into permanent effect by Archbishop Herwig Gössl, who is now Archbishop of Bamberg.⁶³

The Diocese of Münster has issued two Missio regulations. On the one hand, Bishop Felix Genn has issued an ordinance for the North Rhine-Westphalian part of the Diocese of Münster, which was printed under the heading "Decrees and announcements of the bishop"⁶⁴ with entry into force on 1 May 2023 and the expiry of a previous administrative regulation.⁶⁵

⁶² See *ibid.*, p. 380: "The provisions of these regulations come into force on At the same time, the guidelines for the granting of the provisional teaching licence and for the awarding of the Missio canonica for teachers with a state examination in the subject 'Catholic Religious Education' in the Bavarian (arch)dioceses of 18 January 2011 (cf. Official Gazette for the Archdiocese of Bamberg 134 [2011] 22-26) shall cease to be in force. Diocesan Administrator Auxiliary Bishop Herwig Gössl declares the 'Regulations of the Catholic (Arch)Dioceses in Bavaria for the Granting of the Missio canonica and the Provisional Ecclesiastical Authorisation to Teachers of Catholic Religious Education' in the present version to be provisionally applicable to the Archdiocese of Bamberg with effect from 1 September 2023 until the future Archbishop of Bamberg has made a final decision on its implementation in diocesan law. Bamberg, 18 July 2023 + Herwig Gössl Diocesan Administrator and Auxiliary Bishop".

⁶³ Archbishop of Bamberg Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 2. Mai 2024, in: Amtsblatt für das Erzbistum Bamberg 5 (2024), p. 121: "The 'Order of the Catholic (arch)dioceses in Bavaria for the granting of the missio canonica and provisional ecclesiastical authorisation to teachers for Catholic religious education', declared provisionally applicable with effect from 1 September 2023. The 'Regulations of the Catholic (arch)dioceses in Bavaria for the granting of the missio canonica and provisional ecclesiastical authorisation to teachers for Catholic religious education' (Amtsblatt 146 [2023] 368-380), which were declared provisionally applicable with effect from 1 September 2023, are hereby finally put into force. Bamberg, 2 May 2024 + Herwig Archbishop of Bamberg".

⁶⁴ Bishop of Münster, Ordnung für die Kirchliche Bevollmächtigung zur Erteilung des katholischen Religionsunterrichts (Missio canonica/[vorläufige] Kirchliche Unterrichtserlaubnis) im nordrhein-westfälischen Teil des Bistums Münster vom 1. Mai 2023, in: Kirchliches Amtsblatt für die Diözese Münster 5 (2023), pp. 210-219.

⁶⁵ See *ibid.*, p. 219: "The above regulations enter into force on 1 May 2023. At the same time, the agreement regarding the application for and granting of the ecclesiastical teaching authorisation and the missio canonica of 1 March 2014 (Kirchliches Amtsblatt Münster 2014, No. 5, Art. 69) as well as the regulations for the return, withdrawal and rejection of an application for the granting of the ecclesiastical authorisation to teach Catholic religious education of 1 April 2018, which are available as administrative regulations, shall cease to be in force. Münster, 01.05.2023 L.S. + Dr Felix Genn Bishop of Münster".

For the Oldenburg part of the Diocese of Münster, the Ecclesiastical Court of Vechta has issued its own regulations under the heading "Regulations and announcements of the Episcopal Ecclesiastical Court in Vechta"⁶⁶, which came into force on 1 October 2023 and superseded previous regulations.⁶⁷

In the Archdiocese of Berlin, the Missio Regulation has been promulgated with effect from 29 August 2023 under the heading "The Archbishop of Berlin".⁶⁸ This Official Gazette was published on 1 September 2023, so that the Archdiocese of Berlin was only informed of its entry into force retrospectively and the *vacatio legis* pursuant to c. 8 CIC/1983 no longer applied.⁶⁹

The Diocese of Essen has issued the Missio Regulations under the heading "Bishop's Announcements"⁷⁰ with entry into force at the time of publication on 6 April 2023 and with the expiry of the previous regulations.⁷¹ On 30 June 2023, a minor amendment was promulgated to § 9 para. 4, adding a more detailed definition of the legal counsel that the person concerned

⁶⁶ Bischöflicher Offizial von Vechta, Grundlegung und Ordnung für die kirchliche Bevollmächtigung von Lehrerinnen und Lehrern zur Erteilung von katholischem Religionsunterricht im Oldenburgischen Teil der Diözese Münster (Missio-Ordnung) vom 5. September 2023, in: Münster 10 (2023), p. 376-383.

⁶⁷ See *ibid.*, p. 383: "The above regulations shall enter into force on 1 October 2023. At the same time, the previously applicable regulations shall cease to apply. Vechta, 05.09.2023 L.S. Bischöflich Münstersches Ecclesiastical Court + Wilfried Theising Bischöflicher Offizial und Weihbischof".

⁶⁸ Archbishop of Berlin, Order for the granting of the Missio canonica and the ecclesiastical authorisation to teachers for Catholic, Ordnung für die Erteilung der Missio canonica und der Kirchlichen Bevollmächtigung an Lehrkräfte für den Katholischen Religionsunterricht in den (Erz-) Diözesen Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz, Magdeburg (Missio canonica Ordnung) vom 29. August 2023, in: Amtsblatt des Erzbistums Berlin 9 (2023), p. 110 with reference to an annex to the Official Gazette, which has a new pagination beginning with page 1.

⁶⁹ *Ibid.* p. 110. "The Regulations for the Granting of the Missio canonica and the Ecclesiastical Authorisation to Teachers of Catholic Religious Education (Missio canonica regulations) were put into force by Archbishop Dr. Heiner Koch on 29 August 2023. The wording of the Regulation can be found in the appendix to this. The annex is part of the official gazette."

⁷⁰ Bishop of Essen, Ordnung für die kirchliche Bevollmächtigung zur Erteilung des katholischen Religionsunterrichts (Missio canonica/[vorläufige] Kirchliche Unterrichtserlaubnis) im Bistum Essen vom 6. April 2023, in: Kirchliches Amtsblatt für das Bistum Essen 4 (2023), pp. 69-74.

⁷¹ *Ibid.* p. 74: "The above regulations hereby enter into force. At the same time, the agreement regarding the application for and granting of the Church Teaching Licence and the Missio Canonica dated 27.11.2013 (Kirchliches Amtsblatt, Stück 12, 57. Jahrgang, Nr. 74, vom 05.09.2014) is repealed. Essen, 06.04.2023 + Dr Franz-Josef Overbeck Bishop of Essen."

may call upon. The word "legal" was missing in the initially promulgated version.⁷² The following was a reprint of the ordinance with this addition, which will also be cited below.⁷³

The Diocese of Rottenburg-Stuttgart promulgates the Missio Regulation under the heading "Episcopal Ordinariate"⁷⁴ with entry into force on the publication date of 2 March 2023, but without mentioning the expiry of the previous ordinance.⁷⁵

Other dioceses also promulgate with a sufficient promulgation formula that expresses the legislative intention of the respective diocesan bishop, but this is done without sorting under a specific heading, as in the Archdiocese of Hamburg⁷⁶ with entry into force on 1 November 2023 and repeal of the previous ordinance.⁷⁷ At the very beginning, reference is made to similarities, as some dioceses in the north and east have come to an agreement:

"In accordance with canon 804 § 1 CIC, the following regulations are issued for the Archdiocese of Hamburg, with the exception of the last sentence of the preamble and § 9, which are identical in the (arch)dioceses of Berlin, Dresden-Meißen, Erfurt, Görlitz and Magdeburg, in particular in §§ 6 to 8."⁷⁸

⁷² See Bishop of Essen, *Ordnung für die kirchliche Bevollmächtigung zur Erteilung des katholischen Religionsunterrichts (Missio canonica/[vorläufige] Kirchliche Unterrichtserlaubnis)* im Bistum Essen, in: *Kirchliches Amtsblatt für das Bistum Essen* 7 (2023), p. 122: "The order for the ecclesiastical authorisation to teach Catholic religious education (Missio canonica and [provisional] ecclesiastical teaching permit) in the diocese of Essen dated 06.04.2023 (KABL Essen 2023, No. 22) is hereby supplemented by the word 'rechtlichen' in § 9 para. 4. § Section 9 (4) reads as follows: 'Affected persons may consult a person of their confidence as legal counsel at any time during the proceedings.' Essen, 30 June 2023 + Dr Franz-Josef Overbeck Bishop of Essen."

⁷³ Bishop of Essen *Ordnung für die kirchliche Bevollmächtigung zur Erteilung des katholischen Religionsunterrichts (Missio canonica und [vorläufige] Kirchliche Unterrichtserlaubnis)* im Bistum Essen, in: *Kirchliches Amtsblatt für das Bistum Essen* 7 (2023), pp. 122-126.

⁷⁴ Bishop of Rottenburg-Stuttgart, *Ordnung für die Erteilung der Missio canonica und der vorläufigen kirchlichen Unterrichtserlaubnis an Lehrkräfte für den katholischen Religionsunterricht in der Diözese Rottenburg-Stuttgart (Missio-Ordnung)* vom 2. März 2023, in: *Kirchliches Amtsblatt für die Diözese Rottenburg-Stuttgart* 5 (2023), pp. 182-186.

⁷⁵ See *ibid.*, p. 186: "The above regulations shall enter into force upon publication in the Official Church Gazette."

Rottenburg a. N., 2 March 2023 + Dr Gebhard Fürst Bishop".

⁷⁶ Archbishop of Hamburg, *Ordnung für die Erteilung der Missio canonica und der Kirchlichen Bevollmächtigung an Lehrkräfte für den Katholischen Religionsunterricht in den (Erz-)Diözesen Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz, Magdeburg (Missio-canonica-Ordnung)* vom 24. Oktober 2023, in: *Kirchliches Amtsblatt Erzbistum Hamburg* 9 (2023), pp. 149-155.

⁷⁷ See *ibid.*, p. 155: "These regulations enter into force on 1 November 2023. At the same time, the Order for the Granting of the Missio canonica in the Archdiocese of Hamburg (Missio-Ordnung) of 5 September 2008 (*Kirchliches Amtsblatt Erzbistum Hamburg*, 14. Jg., No. 9, Art. 91, p. 101 ff, v. 18 October 2008), amended on 1 March 2017 (*Kirchliches Amtsblatt Erzbistum Hamburg*, 23rd Vol., No. 3, Art. 54, p. 98, v. 15 March 2017) and on 17 May 2021 (*Kirchliches Amtsblatt Erzbistum Hamburg*, 27th Vol., No. 6, Art. 66, p. 95, v. 31 May 2021). Hamburg, 24 October 2023 L. S. + Dr Stefan Heße Archbishop of Hamburg".

⁷⁸ *Ibid.*, p. 149.

The Diocese of Dresden-Meissen also promulgates the Missio Regulation without classifying it under a specific heading⁷⁹ with entry into force on 1 August 2023, superseding the previous ordinance.⁸⁰ The Diocese of Osnabrück also promulgates under no specific heading and with a different title: "Foundation and Regulations for the Ecclesiastical Authorisation of Teachers to Teach Catholic and Christian Religious Education (Missio Regulations)".⁸¹ The regulations came into force on 1 April 2023, superseding all previous regulations.⁸² The Diocese of Regensburg is also not promulgating the Missio Regulations under a specific heading⁸³ with effect from 1 September 2023, superseding the previous regulations.⁸⁴ Similarly, the Diocese of Görlitz does not promulgate the Missio Regulation under a specific heading⁸⁵ with entry into force on 1 October 2023 and expiry of the previous regulation.⁸⁶ However, all ordinances, even without a specific heading, have promulgation formulas that clearly indicate the legislative will of the diocesan bishop.

⁷⁹ Bishop of Dresden-Meißen, Ordnung für die Erteilung der Missio canonica und der Kirchlichen Bevollmächtigung an Lehrkräfte für den Katholischen Religionsunterricht in den (Erz-)Diözesen Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz, Magdeburg (Missio-canonica-Ordnung) vom 24. Juli 2023, in: Kirchliches Amtsblatt für das Bistum Dresden-Meißen 8 (2023), pp. 186-198.

⁸⁰ See *ibid.*, p. 198: "These regulations come into force for the Diocese of Dresden-Meißen with effect from 1 August 2023. On the same date, the guidelines for the granting of the ecclesiastical teaching licence and the Missio canonica for teachers with the faculty of Catholic religious education and rules of procedure shall cease to apply. (KA 97/ 2008) Dresden, 24 July 2023 Heinrich Timmerevers Bishop of Dresden-Meißen".

⁸¹ Bishop of Osnabrück, Grundlegung und Ordnung für die kirchliche Bevollmächtigung von Lehrerinnen und Lehrern zur Erteilung von katholischem und christlichem Religionsunterricht (Missio-Ordnung) vom 24. März 2023, in: Kirchliches Amtsblatt für die Diözese Osnabrück 5 (2023), pp. 372-377.

⁸² See *ibid.*, p. 377: "The above regulations enter into force on 1 April 2023. At the same time, the previously applicable regulations are repealed. Osnabrück, 24 March 2023 + Dr Franz-Josef Bode Bishop of Osnabrück".

⁸³ Bishop of Regensburg, Ordnung der katholischen (Erz-)Diözesen in Bayern für die Erteilung der Missio canonica und der vorläufigen kirchlichen Bevollmächtigung an Lehrkräfte für den katholischen Religionsunterricht vom 20. Juli 2023, in: Amtsblatt für die Diözese Regensburg 7 (2023), pp. 105-110.

⁸⁴ See *ibid.*, p. 110: "The provisions of these regulations come into force on 1 September 2023. At the same time, the guidelines for the granting of the provisional teaching licence and for the award of the Missio canonica for teachers with a state examination in the subject 'Catholic Religious Education' in the Bavarian (arch)dioceses of 10 January 2011 with entry into force on 1 September 2011 (cf. Official Gazette for the Diocese of Regensburg No. 1 of 20 January 2011, pp. 7-9) shall cease to be in force. Regensburg, 20 July 2023 + Rudolf Bishop of Regensburg".

⁸⁵ Bishop of Görlitz, Ordnung für die Erteilung der Missio canonica und der Kirchlichen Bevollmächtigung an Lehrkräfte für den Katholischen Religionsunterricht in den (Erz-)Diözesen Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz, Magdeburg (Missio-canonica-Ordnung) vom 29. September 2023, in: Amtsblatt des Bistums Görlitz 8 (2023), pp. 10-19.

⁸⁶ See *ibid.*, p. 19: "These regulations enter into force on 1 October 2023 in the Diocese of Görlitz. At the same time, the implementation regulations for the granting of the ecclesiastical teaching licence and the missio canonica for teachers of Catholic religion in the diocese of Görlitz in accordance with the framework guidelines of the German Bishops' Conference of 20 March 2009 (Official Gazette No. 3/2009), last amended on 30 June 2014 (Official Gazette No. 7/2014), shall cease to apply. Görlitz, 29 September 2023 Ref. 518/2023 L.S. Wolfgang Ipolt Bishop L.S. Joachim Baensch Chancellor".

Prior to the Model Ordinance of the German Bishops' Conference, the Diocese of Hildesheim issued a Missio Regulation in 2022 under the heading "The Bishop of Hildesheim"⁸⁷, which came into force on 1 July 2022, superseding the previous regulation.⁸⁸

2.2 The implementation of the Model Ordinance in the German dioceses

The Bavarian (Arch)Dioceses of Munich and Freising, Bamberg, Augsburg, Passau, Regensburg, Eichstätt and Würzburg have adopted the Model Ordinance almost in its entirety. For this reason, the following commentary does not refer to every agreement, but only to individual modifications. The (Arch)Dioceses of the North-East region of Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg have largely agreed on a common text for the Missio Regulation. They are very close to the Model Ordinance with the formation of an interdiocesan Missio Commission: Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg. For this reason, the following does not refer to every agreement, but only to individual modifications. The dioceses in the federal state of North Rhine-Westphalia, i.e. the Archdiocese of Cologne, the Archdiocese of Paderborn, the Diocese of Essen, the North Rhine-Westphalian part of the Diocese of Münster and the Diocese of Aachen have orientated themselves on the Model Ordinance, but have also carried out some restructuring and accentuation, with a few differences among themselves, which are mentioned below. Although the Diocese of Fulda follows the Model Ordinance, it has also made its own changes, which are referred to below. The Archdiocese of Freiburg and the Diocese of Rottenburg-Stuttgart have agreed on some, but not all, adjustments. The Dioceses of Limburg, Mainz, Fulda, Osnabrück, Speyer, Trier and the Oldenburg part of the Diocese of Münster are based on the Model Ordinance with a few different deviations. The Diocese of Hildesheim had already adopted an amendment to the

⁸⁷ Bishop of Hildesheim Missio canonica-Ordnung 2022. Ordnung für die Verleihung und den Entzug der Missio canonica bzw. der Kirchlichen Unterrichtserlaubnis für Lehrkräfte des Unterrichtsfaches Katholische Religion in der Diözese Hildesheim (Missio-canonica-Ordnung) vom 15. Juni 2022, in: Kirchlicher Anzeiger für das Bistum Hildesheim 5 (2022), pp. 103-106.

⁸⁸ See *ibid.*, p. 106: "The above regulations enter into force on 1 July 2022. At the same time, the regulations for the awarding and withdrawal of the Missio canonica and the ecclesiastical teaching licence for teachers of Catholic religion in the Diocese of Hildesheim (Missio Canonica Regulations) of 01.08.2008 shall cease to be in force. Hildesheim, 15.06.2022 L.S. + Dr Heiner Wilmer SCJ Bishop of Hildesheim".

Missio regulations in 2022.⁸⁹ The Dioceses of Osnabrück, Hildesheim and the Episcopal Ecclesiastical Court of Vechta are working on an amendment to their Missio regulations in light of the plans for Christian Religious Education (CRU)⁹⁰ in the state of Lower Saxony.⁹¹

The following is a description of the implementation of the model ordinance of the Missio Ordinance in the German dioceses. For better orientation, the respective text of the model ordinance is reproduced. Only in the case of the preamble is the main text reproduced without the footnotes due to better readability in the footnote, otherwise in the main text. The adoption of the Model Ordinance is not explicitly noted, but only amendments, deviations and additions to the Model Ordinance are pointed out.

⁸⁹ See all references in the following commentary.

⁹⁰ See SIMOJOKI, Henrik; LINDNER, Konstantin; HENSE, Ansgar et al, Einleitung, in: Simojoki, Henrik; Lindner, Konstantin; Hense, Ansgar et al (eds.), *Christlicher Religionsunterricht (CRU Rechtswissenschaftliche und theologisch-religionspädagogische Perspektiven auf ein Reformmodell in Niedersachsen, Tübingen 2024 (= Praktische Theologie in Geschichte und Gegenwart; 44)*.

⁹¹ See friendly information provided by Dr Jessica Griesse from the School and University Department of the Mission Division in the Episcopal Vicariate General Hildesheim.

The model regulations begin with a detailed preamble, in the sense of which the regulations should also be interpreted.⁹² The framework guidelines of 1973 did not have such a preamble.⁹³ In the preamble, the *Missio Canonica* as well as the temporary ecclesiastical authorisation is qualified as an "ecclesiastical mission, mandate and support for religious education

⁹² DBK, Musterordnung (see note 1), Preamble, 1-5: "Preamble The *Missio canonica* as an ecclesiastical mandate and reinforcement for religious education teachers The *Missio canonica* (ecclesiastical authorisation) and the provisional ecclesiastical authorisation for the period of the preparatory service are the ecclesiastical mission, mandate and support for religious education teachers to teach Catholic religious education within the framework of the school's educational mandate. In this mission of religious education teachers, the constitutional construction of Catholic religious education as a so-called 'res mixta' in accordance with Article 7 Paragraph 3 of the Basic Law becomes concrete and it is part of the jointly perceived responsibility of the state and the Catholic Church for the subject. Within the framework of this joint responsibility, the federal states only employ teachers in Catholic religious education who - like teachers of all subjects - stand up for the free democratic basic order in the sense of the Basic Law and are authorised by the local Ordinary to teach religious education in the name of the Church. This authorisation is also regulated by canon law.

From the Church's perspective, Catholic religious education has three main tasks:

1. 'Imparting structured and life-relevant basic knowledge about the faith of the Church' - the imparting of knowledge presupposes that religious education teachers have this basic knowledge imparted in their theological studies as well as the competence to reflect on this knowledge in relation to the reality of people's lives today; 2. 'Reflective exploration of forms of lived faith' - reflective exploration requires religious education teachers to be personally familiar with forms of lived faith; 3. 'Promotion of religious dialogue and judgement skills' - the prerequisite is a religiously situated personality capable of dialogue who, as a religious education teacher, perceives and also conveys the interplay of questions, doubts and trust as a learning path of faith. Therefore, in addition to the theological and pedagogical aptitude acquired through theological and pedagogical studies and the subsequent preparatory service, the profession of religious education teacher requires full integration into the Catholic Church through the initiation sacraments of baptism, confirmation and Eucharist and the willingness to 'seek in the Church the basis of communication for [one's] life of faith'. In line with the aim of Catholic religious education to enable pupils to think and act responsibly with regard to faith and religion, the profession of religious education teacher also includes the willingness to teach religious education in accordance with the teachings of the Catholic Church. The foundations for this are the creed of the Catholic Church, the apostolic tradition and the principle of the 'hierarchy of truths'. This creates a strong bond with the community of the Catholic Church. However, "attachment to the Church cannot [...] include a commitment to a glorified, theologically exaggerated ideal image of the Church. The tension between claim and reality, between the message of Jesus Christ and the actual manifestation of his Church, between origin and present, must not be trivialised and certainly not ignored. Love for the church and critical distance need not be mutually exclusive'. For this reason, religious education teachers should also take a theologically justified position on controversial church issues in the classroom in the sense of critical loyalty and thus contribute to a living church that struggles to follow Jesus Christ in today's world and progresses with the help of the Holy Spirit. Orthodoxy in the sense of canon 804 § 2 CIC does not exclude theologically justified criticism and doubt. At the same time, a credible positioning of one's own religiousness is required within the ideologically pluralistic society in the knowledge that this is always a lifelong task. Catholic religious education teachers are recognisable as Catholic teachers precisely when they teach Catholic religious education in a cooperative and ecumenical spirit in a denominationally aware and difference-sensitive manner. Since religious education is a regular subject, the basic rules of school learning apply to it as to any other subject: 1. the aim of teaching is to enable pupils to make independent judgements, which is why any form of indoctrination should be avoided. Catholic religious education also pursues this goal, because it should enable pupils to think and behave responsibly with regard to religion and faith. 2. This goal is served by the principle of controversy in school lessons; according to this principle, what is controversial in science and society must also be dealt with controversially in class. In theology and in the life of the church, there is a legitimate plurality of convictions that should be discussed in religious education. If different points of view and their theological justifications were to remain undiscussed, this would contradict the above-mentioned objective and the intended promotion of the pupils' ability to make judgements. 3 With this

teachers to teach Catholic religious education within the framework of the school's educational mission" and is thus initially classified as religious education in accordance with Art. 7, 3 GG, which is a joint matter of state and religion, so that only teachers who "stand up for the free democratic basic order in the sense of the Basic Law and have been authorised by the local Ordinary to give religious instruction in the name of the Church"⁹⁴ can be appointed by the state. Reference is then made to the norms of canon law in a footnote quoting cc. 804 § 2 and 805.⁹⁵

In addition to this anchoring of the *Missio Canonica* in the context of religious and canon law, the preamble also addresses the tasks of religious education and religious education teachers with reference to various documents of the German Bishops' Conference. With reference to

objective, religious education also complies with the third basic rule, the school requirement of subject and pupil-orientation, which is also theologically justified; for it is the task of the Catholic Church to 'answer, in a way appropriate to each generation, people's enduring questions about the meaning of present and future life and about the relationship between the two'. Observance of these principles of school education and the confessional character of religious education are not contradictory; for the confessional character of the subject in accordance with Article 7 Paragraph 3 of the Basic Law presupposes that religious education teachers not only teach the subject from the perspective of an observer of the faith, but also from the perspective of a participant in the faith. This includes participating in the life of the church and its struggle to answer the question of what following Christ means today. The expectation that religious education teachers give a 'witness to Christian life' (can. 804 § 2) in schools and lessons is linked to their ecclesiastical authorisation. Pope Paul VI already recognised the importance of this witness: 'People today prefer to listen to witnesses rather than to scholars, and if they listen to scholars, it is because they are witnesses.' Religious education teachers should bring their personal faith and their experiences of faith into the classroom in a didactically and methodologically reflective way. For pupils, parents and colleagues, they are also a point of contact outside of the classroom in often very personal questions of faith and life. It is not uncommon for them to be challenged to make a personal statement by criticising faith and the church. However, their testimony is also evident in their daily dealings with pupils, colleagues, parents, school management and, last but not least, in their shared responsibility for shaping school life. All religious education teachers are called upon to bear witness to Christian life in this way, regardless of their background, age, disability, personal life situation, sexual orientation or gender identity. Acts that are publicly recognisable and are directed against the church or its values are incompatible with the witness of Christian life. The profession of religious education teacher is demanding and challenging. By granting the *Missio canonica*, the bishops want to encourage religious education teachers to accept these challenges. The *Missio canonica* is above all a declaration of trust, which is linked to the promise that the Church will accompany and support religious education teachers. The following rules of procedure are to be interpreted in the spirit of this preamble. It serves as a basis for the development of diocesan regulations so that the *Missio canonica* and the provisional ecclesiastical authorisation are granted according to comparable criteria and are mutually recognised by the dioceses."

⁹³ See DBK, Rahmenrichtlinien (see note 4).

⁹⁴ DBK, Musterordnung (see note 1), Preamble, 1.

⁹⁵ See *ibid.*, fn. 1: "See can. 804 § 2 *CIC*: 'The local Ordinary must endeavour to ensure that those who are to be appointed as teachers of religion in schools, including non-Catholic schools, are distinguished by orthodoxy, by the witness of Christian life and by pedagogical ability. Can. 805: 'The local Ordinary has the right for his diocese to appoint or approve teachers of religion and, if necessary for religious or moral reasons, to dismiss them or demand their dismissal.

the document "Religious Education Facing New Challenges" from 2005⁹⁶ and the document on "The Future of Confessional Religious Education" from 2016⁹⁷, the preamble emphasises the "teaching of structured and life-relevant basic knowledge about the faith of the Church"⁹⁸, the "[r]eflexive exploration of forms of lived faith"⁹⁹ and the "promotion of religious dialogue and discernment"¹⁰⁰. In addition to the necessary academic theological and pedagogical qualifications of religious education teachers, the preamble emphasises, with reference to c. 842, the importance of receiving all the sacraments of initiation and the "willingness to teach religious education in accordance with the teachings of the Catholic Church".¹⁰¹ The reception of the sacraments of initiation was also largely provided for in the amendments to the Missio ordinances after the turn of the millennium.¹⁰² The basis for this is "the creed of the Catholic Church, the apostolic tradition and the principle of the 'hierarchy of truths'", which is enshrined in Article 11 of the Decree on Ecumenism of the Second Vatican Council. At the same time, reference is made to the difference between the ideal image and the reality of the Church and, in this context, the Würzburg Synod resolution is cited that "love for the Church and critical distance... need not be mutually exclusive".¹⁰³ The preamble emphasises that, within the framework of the criterion of orthodoxy for the Missio Canonica in accordance with c. 804 § 2, teachers of religion should "position themselves theologically justified in the sense of a critical loyalty to controversially discussed ecclesiastical topics, also in the classroom", so that doubts or criticism can have their place. It should be noted here that religious education teachers must always ensure that they label their own opinions at all times and do not pass them off as the doctrine of the Church. Catholic religious education should be taught in a "denominationally aware and differentially sensitive" and "in an ecumenical spirit".¹⁰⁴ Religious

⁹⁶ German Bishops' Conference, *Der Religionsunterricht vor neuen Herausforderungen*, Sekretariat der DBK (ed.) Bonn 2017 (= *Die deutschen Bischöfe*; 80).

⁹⁷ German Bishops' Conference, *Die Zukunft des konfessionellen Religionsunterrichts. Empfehlungen für die Kooperation des katholischen mit dem evangelischen Religionsunterricht*, Sekretariat der DBK (ed.) Bonn 2016 (= *Die deutschen Bischöfe* 103).

⁹⁸ DBK, *Religionsunterricht vor neuen Herausforderungen* (see note 96), p. 19.

⁹⁹ DBK, *Die Zukunft des konfessionellen Religionsunterrichts* (see note 97), p. 13.

¹⁰⁰ DBK, *Religionsunterricht vor neuen Herausforderungen* (see note 96), p. 19.

¹⁰¹ DBK, *Musterordnung* (see note 1), Preamble, 2.

¹⁰² See MECKEL, *Entwicklungen* (see note 6), p. 79.

¹⁰³ Joint Synod of the Dioceses in the Federal Republic of Germany, *Der Religionsunterricht in der Schule. Ein Beschluss der Gemeinsamen Synode der Bistümer in der Bundesrepublik Deutschland*, in: Bertsch, Ludwig; Boonen, Philipp; Imhof, Paul et al. (eds.), *Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland. Official Complete Edition*, vol. 1, Freiburg 1976, pp. 123-152; here p. 148.

¹⁰⁴ DBK, *Musterordnung* (see note 1), Preamble, p. 3.

education as a regular subject should enable pupils to make their own judgements on religious issues and, in accordance with the principle of controversy, discuss socially and academically controversial issues as well as theologically controversial issues and do so in a pupil-oriented manner.¹⁰⁵ It is then emphasised that religious education is taught by religious education teachers from the perspective of the participants and not from the perspective of observation and therefore, according to c. 804 § 2, a "testimony of Christian life" is indispensable and the faith of the teachers also plays an important role in religious education, but also in the daily school life, in which religious education teachers can simultaneously be contact persons for the pupils, for the parents, for other teachers and also for the school administration.¹⁰⁶

It emphasises the witness of Christian life "in schools and lessons"¹⁰⁷, which "all religious education teachers are called upon to do, regardless of their origin, age, disability, personal life situation, sexual orientation or gender identity. Acts that are publicly recognisable and are directed against the church or its values are incompatible with the witness of Christian life."¹⁰⁸ This is mentioned in an accompanying footnote:

- "- the public advocacy against fundamental principles of the Catholic Church (e.g. the propagation of abortion or xenophobia),
- the degradation of Catholic beliefs, rites or customs,
- the propagation of religious and ideological convictions that contradict Catholic beliefs, in particular the promotion of other religious or ideological communities."¹⁰⁹

The Missio regulations are thus to be adapted to the changes in the basic order of church service, which, in particular in Art. 7, no longer makes the personal lifestyle of the respective person the point of reference for labour law standards.¹¹⁰ The question arises here as to whether the particular law legislator is overly restricting the criterion of orthopraxy according

¹⁰⁵ See *ibid.*

¹⁰⁶ See *ibid.*, p. 4.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*, p. 4, fn. 16.

¹¹⁰ German Bishops' Conference, Grundordnung des kirchlichen Dienstes vom 22. Januar 2022, Sekretariat der DBK (Hrsg.), Bonn ⁵2023 (= Die deutschen Bischöfe 95A), Art. 7 para. 2: "The requirements extend primarily to conduct in the ministry. Off-duty behaviour is only legally significant if it is publicly perceptible, violates fundamental values of the Catholic Church and thereby impairs its credibility. The core area of private life, in particular relationships and privacy, is not subject to legal judgement. Special church requirements for clergy, candidates for ordination, members of religious orders and persons in novitiate and postulancy remain unaffected by this."

to c. 804 § 2 in conjunction with 805, and whether, according to c. 135 § 2, a contradiction exists between particular law and universal ecclesiastical law, and the regulation would thereby be null and void¹¹¹ or the concept of 'Christian living' is only substantiated by the legislation of the diocesan bishop. However, the universal church legal system assumes a Christian way of life that is not limited to professional life and does not separate private life from it.¹¹² In contrast, the Missio regulations, which appeared as an amendment to the 1973 framework guidelines, often emphasised proof of life in a valid marriage and the Catholic upbringing of children.¹¹³

Finally, the Missio Canonica is also qualified as a promise of trust by the bishops to support and accompany the teachers.¹¹⁴ The preamble concludes that "[t]he following Rules of Procedure... are to be interpreted in the spirit of this preamble".¹¹⁵

Most Missio Regulations generally adopt the preamble or modify it slightly.¹¹⁶ In the following, only deviations are explicitly pointed out. The Missio Ordinances of the Archdioceses of Cologne and Freiburg and the Dioceses of Mainz and Speyer omit the sentence that the following regulation is to be interpreted in the light of the preamble.¹¹⁷ At the end of the preamble, the Missio Regulation of the Diocese of Aachen refers to the fact that the regulation is based on

¹¹¹ See critical HECKEL, Noach, Zeuge sein aus Existenz? – Religionslehrerinnen und -lehrer in der Musterordnung der Deutschen Bischofskonferenz für die Erteilung der Missio canonica: Kunz, Florian; Lörsch, Martin; Wuckelt, Agnes (eds.), partizipativ – prozesshaft – hoffnungsvoll. Katechese in Gegenwart, Trier 2023, pp. 216-225, here especially pp. 223-225.

¹¹² See note 21 and PULTE, Matthias, Rechtlicher Rahmen religiösen Lehrens im Licht der neuen „Missio-Ordnungen“ in den deutschen Diözesen. URL: <https://www.nomokanon.de/index.php/nomokanon/article/view/264/515> [viewed on 26.02.2025].

¹¹³ See MECKEL, Entwicklungen (see note 6), pp. 79; 84f.

¹¹⁴ See DBK, Musterordnung (see note 1), p. 4.

¹¹⁵ See *ibid.*

¹¹⁶ See, for example, all Bavarian Missio-Ordnungen (Diocese of Augsburg, Missio-Ordnung (see note 59), pp. 400-404; Archdiocese of Bamberg, Missio-Ordnung (see note 61), pp. 368-373; Diocese of Eichstätt, Missio-Ordnung (see note 45), pp. 298-304; Archdiocese of Munich and Freising, Missio-Ordnung (see note 47), pp. 340-344; Diocese of Passau, Missio-Ordnung (see note 49), pp. 330-335; Diocese of Regensburg, Missio-Ordnung (see note 83), pp. 105-107; Diocese of Würzburg, Missio-Ordnung (see note 51), pp. 302-306 and Archdiocese of Berlin, Missio-Ordnung (see note 68), pp. 1-4; Archdiocese of Hamburg, Missio-Ordnung (see note 76), pp. 149-151; Diocese of Dresden-Meißen, Missio-Ordnung (see note 79), pp. 187-191; Diocese of Erfurt, Missio-Ordnung (see note 31), pp. 1-4; Diocese of Görlitz, Missio-Ordnung (see note 85), pp. 10-13; Diocese of Magdeburg, Missio-Ordnung (see note 33), pp. 130-132 as well as p. 130-132.) and Diocese of Fulda, Missio-Ordnung (see note 43), pp. 69-72; Diocese of Trier, Missio-Ordnung (see note 37), pp. 183f.; Diocese of Limburg, Missio-Ordnung (see note 39), pp. 133-135, Diocese of Rottenburg-Stuttgart, Missio-Ordnung (see note 74), pp. 182f.

¹¹⁷ See Archdiocese of Freiburg, Missio-Ordnung (see note 55), p. 242; Archdiocese of Cologne, Missio-Ordnung (see note 41), p. 103; Diocese of Mainz, Missio-Ordnung (see note 35), p. 122; Diocese of Speyer, Missio-Ordnung (see note 53), p. 178.

the model ordinance of the Bishops' Conference.¹¹⁸ The Diocese of Essen has a very abbreviated preamble, which refers to religious education as a common matter and the canonical regulation of the *Missio Canonica* or ecclesiastical authorisation according to cc. 804 § 2 and 805 and the expression of the trust associated with it and the support and care for the religious education teachers.¹¹⁹ In the *Missio Regulation* of the Archdiocese of Paderborn and the North Rhine-Westphalian part of the Diocese of Münster, it is already clear in the preamble that it is not the local Ordinary but the local bishop who is spoken of as the conferrer of the *Missio Canonica* or ecclesiastical authorisation.¹²⁰ While c. 804 § 2 is based on the local Ordinary, diocesan bishops, who according to c. 381 have all ("omnis") authority, can reserve the conferral of ecclesiastical authorisation for themselves. The *Missio Regulation* of the Diocese of Osnabrück contains additions with regard to Christian Religious Education (CRU), which is mentioned alongside Catholic religious education "and will deal with basic knowledge about different theological teachings and forms of lived faith of other Christian churches in respectful communication and discursiveness in its own religious education".¹²¹ The *Missio Regulation* for the Oldenburg part of the Diocese of Münster also recognises this addition to the text, albeit without directly referring to Christian religious education here.¹²² It points out that the local Ecclesiastical Court of the Ecclesiastical Court of Vechta is responsible for awarding the *Missio Canonica* or ecclesiastical authorisation for its Oldenburg part.¹²³

The Diocese of Hildesheim, which amended its *Missio Regulation* before the model ordinance in 2022, specifies in its *Missio Regulation* the role of the teacher as a witness to the faith and the necessity of the *Missio Canonica* or ecclesiastical teaching licence, granting in accordance with cc. 804 § 2 and 805.¹²⁴

"§ 1 Requirement of ecclesiastical authorisation

(1) In order to teach Catholic religious education, the religious education teacher requires a permanent ecclesiastical authorisation (*Missio canonica*).

¹¹⁸ See Diocese of Aachen, *Missio-Ordnung* (see note 28), p. 149.

¹¹⁹ See Diocese of Essen, *Missio-Ordnung* (see note 70), p. 122.

¹²⁰ See Archdiocese of Paderborn, *Missio-Ordnung* (see note 57), p. 79; Diocese of Münster NRW, *Missio-Ordnung* (see note 64), p. 210.

¹²¹ Diocese of Osnabrück, *Missio-Ordnung* (see note 81), p. 373.

¹²² See Diocese of Münster Oldenburgischer Teil, *Missio-Ordnung* (see note 66), p. 376.

¹²³ See *ibid.*

¹²⁴ See Diocese of Hildesheim, *Missio-Ordnung* (see note 87), p. 103.

(2) Anyone preparing to teach Catholic religious education independently in a state or ecclesiastical training relationship shall require a provisional ecclesiastical authorisation for the Catholic religious education taught within the framework of this training relationship.

(3) The provisions of secular law on the professional and pedagogical qualifications of religious education teachers shall remain unaffected."¹²⁵

§ 1 para. 1 of the Model Ordinance standardises the purpose and effect of the Missio Canonica. In contrast to acting in one's own name on the basis of baptism in accordance with c. 204 § 1, acting in the name of the Church as a teacher of religion requires the Missio Canonica or ecclesiastical authorisation in accordance with cc. 759 in conjunction with 804 § 2 and 805 until it is revoked or returned.

The Missio Regulations of the Bavarian (arch)dioceses add a "as a rule" before mentioning the Missio Canonica in § 1 para. 1: "To teach Catholic religious education, the religious education teacher requires a permanently granted ecclesiastical authorisation (usually the Missio canonica)".¹²⁶

While the permanent Missio Canonica is granted after passing the Second State Examination or its equivalent, there is a temporary ecclesiastical authorisation for the period of the traineeship in the state or church training context in accordance with Section 1 para. 2 of the Model Regulations, which generally expires when the training relationship ends. In the framework guidelines, this ecclesiastical teaching authorisation was called "ecclesiastical teaching authorisation".¹²⁷ This provisional ecclesiastical authorisation also authorises teachers to act in the name of the church. It does not differ from the Missio Canonica in this respect, but in the fact that the Missio Canonica is granted permanently. § 1 para. 3 of the Model Ordinance contains a clause stating that professional or pedagogical questions of qualification that are regulated by state law remain unaffected by the provisions made here. This is relevant in the case of the withdrawal of ecclesiastical authorisation or the Missio Canonica, as this cannot be used to withdraw state-awarded qualifications. For this reason, the academic training of teachers of

¹²⁵ DBK, Musterordnung (see note 1), § 1.

¹²⁶ See Diocese of Augsburg, Missio-Ordnung (see note 59), p. 405; Archdiocese of Bamberg, Missio-Ordnung (see note 61), p. 373; Diocese of Eichstätt, Missio-Ordnung (see note 45), p. 304; Archdiocese of Munich and Freising, Missio-Ordnung (see note 47), p. 344; Diocese of Passau, Missio-Ordnung (see note 49), p. 335; Diocese of Regensburg, Missio-Ordnung (see note 83), p. 107; Diocese of Würzburg, Missio-Ordnung (see note 51), p. 306.

¹²⁷ DBK, Rahmenrichtlinien (see note 4), no. 2.

religion, i.e. the *ars paedagogica*, which is mentioned in c. 804 § 2 as a criterion for the conferral of the *Missio Canonica*, is also not mentioned in c. 805 as a possible criterion for withdrawal.¹²⁸

The *Missio* Regulations of the Diocese of Aachen, the Diocese of Essen, the North Rhine-Westphalian part of the Diocese of Münster and the Archdioceses of Cologne and Paderborn use the term ecclesiastical authorisation in § 1 as a generic term for the unlimited *Missio Canonica* and the ecclesiastical teaching permit for the preparatory service and an ecclesiastical teaching permit for other persons, e.g. teachers with corresponding further training, which can be issued for a limited or unlimited period.¹²⁹ The *Missio* regulations of the Archdiocese of Cologne already state in § 1 para. 1 that it is not the local Ordinary, but only the Archbishop himself granting the ecclesiastical authorisation.¹³⁰ In the *Missio* Regulations of the Archdiocese of Paderborn, the North Rhine-Westphalian part of the Diocese of Münster and the Diocese of Essen, the respective bishop is named as the conferring authority and not the local Ordinary.¹³¹ In the Oldenburg part of the Diocese of Münster, the bishop or the official of Vechta awards the *Missio Canonica* and the local ordinary the provisional teaching authorisation.¹³² In addition, the *Missio* Ordinance of the Archdiocese of Cologne refers in § 1 para. 3 to the necessary "fulfilment of professional and personal requirements" and in § 1 para. 4 to the

"personal requirements... in each case [mentioned]: membership and full incorporation into the Catholic Church through baptism, confirmation and eucharist, proven by an extract from the baptismal register; a written declaration with the following wording: 'I declare my willingness to give religious instruction credibly in accordance with the teachings of the Catholic Church and to give a personal testimony of Christian life'".¹³³

In § 1, the *Missio* Ordinance of the Archdiocese of Paderborn already mentions the recognition or reissue of the ecclesiastical authorisation in the event of a change of teacher and also refers to the requirements of a professional and personal nature, which are specified as in the *Missio*

¹²⁸ See MECKEL, *Religionsunterricht* (see note 2), p. 144.

¹²⁹ See Diocese of Aachen, *Missio-Ordnung* (see note 28), p. 150; Diocese of Essen, *Missio-Ordnung* (see note 70), p. 123; Diocese of Münster NRW, *Missio-Ordnung* (see note 64), p. 214f. Archdiocese of Cologne, *Missio-Ordnung* (see note 41), p. 103; Diocese of Münster Oldenburgischer Teil, *Missio-Ordnung* (see note 66), p. 379; Archdiocese of Paderborn, *Missio-Ordnung* (see note 57), p. 81.

¹³⁰ See Archbishopric of Cologne, *Missio-Ordnung* (see note 41), p. 103.

¹³¹ See Diocese of Essen, *Missio-Ordnung* (see note 70), p. 123; Diocese of Münster NRW, *Missio-Ordnung* (see note 64), p. 215; Archdiocese of Paderborn, *Missio-Ordnung* (see note 57), p. 81.

¹³² See Diocese of Münster Oldenburgischer Teil, *Missio-Ordnung* (see note 66), p. 379.

¹³³ Archbishopric of Cologne, *Missio-Ordnung* (see note 41), p. 103.

Ordinance of the Archdiocese of Cologne.¹³⁴ In the Missio Regulations of the archdioceses of Paderborn and Cologne, the testimony of Christian life is not contextualised solely to schools and teaching, but is formulated in general terms as in previous missio regulations. This shows the inconsistent implementation of the Model Ordinance, which in turn leads to the question of how recognitions are carried out across dioceses if the award conditions were different.¹³⁵ At the same time, the Missio Regulations of the two archdioceses do not change the preamble of the model regulations and adopt the following passage in particular with the following wording: "All religious education teachers are called upon to bear such witness to Christian life, regardless of their origin, age, disability, personal life situation, sexual orientation or gender identity."¹³⁶ In its preamble, however, the Archdiocese of Cologne does not include the sentence from the model regulations: "The following rules of procedure are to be interpreted in accordance with this preamble."¹³⁷ The preamble is therefore only an unconnected preamble to the applicable standard text. The Archdiocese of Paderborn has not adopted the sentence in its Missio regulations either, but has added the following phrase: "In accordance with this preamble, the following regulations are issued for the Archdiocese of Paderborn to regulate all procedural matters."¹³⁸ There is therefore an interpretative link to the text of the norm. However, this contextualisation of orthopraxy in schools and teaching is found in the Missio Regulations of the North Rhine-Westphalian part and the Oldenburg part of the Diocese of Münster.¹³⁹ Section 1 of the Missio Regulations of the Diocese of Essen already mentions the recognition or reissue of the ecclesiastical authorisation in the event of a change of teacher and also refers to the requirements of a professional and personal nature, which are specified as follows:

¹³⁴ Archdiocese of Paderborn, Missio-Ordnung (see note 57), p. 81: "The personal requirements include in any case: membership and full incorporation into the Catholic Church through baptism, confirmation and Eucharist, proven by a current extract from the baptismal register, which must not be older than three months; a written declaration with the following wording: "I declare my willingness to teach religious education credibly in accordance with the teachings of the Catholic Church and to give a personal testimony of Christian life."

¹³⁵ See PULTE, Rahmen (as note 112), S. 15f.

¹³⁶ Archbishopric of Paderborn, Missio-Ordnung (see note 57), p. 80 and Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 102.

¹³⁷ DBK, Musterordnung (see note 1), p. 4.

¹³⁸ Archdiocese of Paderborn, Missio-Ordnung (see note 57), p. 81.

¹³⁹ See Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 214; Diocese of Münster Oldenburgischer Teil, Missio-Ordnung (see note 66), p. 380.

"4. The personal requirements include

- membership and full incorporation into the Catholic Church through baptism, confirmation and eucharist, evidenced by an extract from the baptismal register not older than six months,

- the written declaration with the following wording:

"I promise to represent the teachings of the Catholic Church in religious education and at school in a credible and respectful manner and to position myself consciously and authentically with my own religiousness in an ideologically diverse society and thus give a credible testimony of Christian life."

- the willingness to contribute with critical loyalty to a vibrant church that radiates positivity and is inviting to people in a pluralistic society, as well as participation in the diverse life of the church in the Diocese of Essen."¹⁴⁰

It becomes clear that the criterion of orthodoxy and orthopraxy is paraphrased with other expressions that place the authentic positionality and credible life testimony of the teacher in a pluralistic social context. Critical loyalty is specifically emphasised, as is the teacher's own contribution to church life, which they are called upon to bring to life.

The Missio Ordinance of the Diocese of Fulda distinguishes under the generic term of ecclesiastical authorisation between the unlimited Missio Canonica and the temporary ecclesiastical teaching permit either for the preparatory service or for persons who are to teach religious education with a recognised qualification.¹⁴¹

Many Missio regulations supplement the model regulations with provisions on various professional groups¹⁴² such as priests. In § 1 para. 5 of the Missio Regulations of the Diocese of Fulda, reference is also made to the standards applicable to parish assistants, pastoral assistants and parish and pastoral counsellors. Section 1 para. 6 states that in the case of priests in active service incardinated in the Diocese of Fulda, the ecclesiastical authorisation shall be deemed to have been granted irrespective of disciplinary or criminal law restrictions. This also applies to priests incardinated elsewhere but working in the diocese as well as candidates for the priesthood after admissio.¹⁴³ The Missio Regulations of the Archdiocese of Freiburg stipulate in § 4 that parish and pastoral ministers are granted their Missio Canonica "in connection with their ecclesiastical mission" and that deacons and priests possess it by virtue of their ordination, unless otherwise stipulated.¹⁴⁴ The regulation on parish and pastoral advisors is

¹⁴⁰ Diocese of Essen, Missio-Ordnung (see note 70), p. 123.

¹⁴¹ See Diocese of Fulda, Missio-Ordnung (see note 43), p. 72.

¹⁴² See MECKEL, Developments (see note 6), pp. 79f.

¹⁴³ See Diocese of Fulda, Missio-Ordnung (see note 43), p. 72.

¹⁴⁴ Archdiocese of Freiburg, Missio-Ordnung (see note 55), p. 244.

regulated identically in the Missio Regulation of the Diocese of Rottenburg-Stuttgart as in the Archdiocese of Freiburg, but in the Diocese of Rottenburg-Stuttgart "deacons and priests... have the Missio Canonica by virtue of their office, unless otherwise stipulated in their ministry".¹⁴⁵ This shows that in the Diocese of Rottenburg-Stuttgart, the Missio Canonica is not assumed to have already been conferred by ordination, but is always linked to the respective church office conferred, which, unlike ordination, can also be lost again. Section 6 of the Missio Ordinance of the Archdiocese of Cologne stipulates that parish and pastoral ministers receive their Missio Canonica "if the academic requirements are met as part of their training".¹⁴⁶ Priests of the Archdiocese of Cologne "receive the missio canonica through the granting of the instrument of jurisdiction", while deacons and priests of other dioceses or religious orders are granted an ecclesiastical authorisation in individual cases if they fulfil the academic requirements.¹⁴⁷ In the case of the laicisation of priests or deacons, they can receive ecclesiastical authorisation if the rescript of laicisation permits this and the archbishop expressly agrees to it.¹⁴⁸ The Missio Ordinance of the Archdiocese of Paderborn stipulates that parish clerks are granted the Missio Canonica as part of "their ecclesiastical mission".¹⁴⁹ A regulation on pastoral counsellors is omitted, although this professional group now appears to have been established.¹⁵⁰ Similar to the Cologne regulations, priests of the Archdiocese of Paderborn "receive the Missio canonica through the granting of the instrument of jurisdiction. For secular priests of other dioceses and religious priests, the regulations of their own incardination association apply."¹⁵¹ In individual cases, deacons may be granted the Missio Canonica if "the scholastic requirements" are met.¹⁵² Laicised priests or deacons can be granted the Missio Canonica on request if the laicisation decree allows this.¹⁵³ The Missio Ordinance of the Diocese of Essen stipulates that the Missio Canonica is granted to parish and pastoral workers and also to priests who are not mentioned here in the other ordinances with their religious education

¹⁴⁵ Diocese of Rottenburg-Stuttgart, Missio-Ordnung (see note 74), p. 184.

¹⁴⁶ Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 104.

¹⁴⁷ Ibid.

¹⁴⁸ See *ibid.*

¹⁴⁹ Archdiocese of Paderborn, Missio-Ordnung (see note 57), p. 82.

¹⁵⁰ See Berufsziel Pastoralreferent (m/w/d). URL: <https://berufungspastoral-paderborn.de/berufe-der-kirche/pastoralreferent/> [viewed on: 26/02/2025].

¹⁵¹ Archdiocese of Paderborn, Missio-Ordnung (see note 57), p. 82.

¹⁵² Ibid.

¹⁵³ See *ibid.*

training and state teaching licence.¹⁵⁴ Permanent deacons may be granted ecclesiastical authorisation in individual cases if they fulfil the school-related requirements. This is also possible for other pastoral staff. In the case of laicised deacons or priests, if they fulfil the academic requirements, the decision is made solely by the bishop, without referring to the rescript for laicisation.¹⁵⁵ Section 5 para. 1 of the Missio Regulation of the North Rhine-Westphalian part of the Diocese of Münster stipulates that pastoral ministers receive the Missio Canonica after completing their religious education training and obtaining a state teaching qualification.¹⁵⁶ Priests of the Diocese of Münster have the Missio Canonica by virtue of their office and have also completed religious education training elements. For priests not incardinated in the Diocese of Münster, the regulations of their incardination associations apply and the Bishop of Münster decides in the event of a duplication. Permanent deacons can receive the Missio Canonica if they fulfil the educational requirements. Laicised priests and deacons can receive a Missio Canonica if the laicisation rescript allows this and the Bishop of Münster agrees.¹⁵⁷ Article 2 of the 2022 Missio Regulations of the Diocese of Hildesheim stipulates that priests have "the Missio canonica ex officio", unless other regulations apply in individual cases.¹⁵⁸ Permanent deacons can receive the Missio Canonica if they are pedagogically qualified to do so.¹⁵⁹ Parish and pastoral counsellors receive this "with their episcopal appointment" and other employees can be awarded this if they are professionally and pedagogically qualified. Laicised priests or deacons or parish and pastoral workers who are no longer in the service of the Diocese of Hildesheim can be granted this if they apply for it.¹⁶⁰

"§ 2 Responsibilities; scope of the Missio canonica

(1) The local Ordinary of the (arch)diocese in which the teacher teaches religious education is responsible for issuing the Missio canonica (can. 805 CIC). The Missio canonica is valid for an unlimited period of time.

(2) The local Ordinary of the (arch)diocese in which the degree qualifying for the teaching of Catholic religious education was obtained, or the (arch)diocese in which the teacher training institution responsible for the religious education teacher is located, shall be responsible for issuing the provisional ecclesiastical authorisation.

¹⁵⁴ See Diocese of Essen, Missio-Ordnung (see note 70), p. 124.

¹⁵⁵ See *ibid.*

¹⁵⁶ See Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 218.

¹⁵⁷ See *ibid.*

¹⁵⁸ Diocese of Hildesheim, Missio-Ordnung (see note 87), p. 103.

¹⁵⁹ See *ibid.*

¹⁶⁰ See *ibid.*, p. 104.

(3) By way of derogation from para. 2, the (arch)diocese in which the religious education teacher works shall be responsible for granting provisional ecclesiastical authorisation in the case of in-service training of religious education teachers with the aim of acquiring the state teaching qualification for Catholic religious education.

(4) The Missio canonica or provisional ecclesiastical authorisation shall be recognised by other (arch)dioceses. If a religious education teacher teaches religious education at a school that is not located on the territory of the (arch)diocese that issued the missio, he/she is obliged to present his/her missio certificate to the competent authority of the (arch)diocese."¹⁶¹

§ 2 para. 1 of the Model Ordinance defines that the local Ordinary named in c. 805 is the person in whose jurisdiction, i.e. the respective archdiocese or diocese, religious instruction is to be provided for the award of the Missio Canonica. It is also clarified once again that the Missio Canonica is not granted for a limited period of time, but for an unlimited period. In the Missio Regulations of the Archdiocese of Cologne, the conferral is reserved for the Archbishop of Cologne.¹⁶² In the Missio Regulations of the Archdiocese of Paderborn, the North Rhine-Westphalian part of the Diocese of Münster and the Diocese of Essen, the respective bishop is named as the conferrer and not the local Ordinary.¹⁶³ In the Oldenburg part of the Diocese of Münster, the bishop or the official of Vechta confers the Missio Canonica and the local ordinary confers the provisional teaching licence.¹⁶⁴ Article 3 of the Missio Regulation of the Diocese of Hildesheim also stipulates the bishop as the conferring authority.¹⁶⁵

§ 2 para. 2 of the Model Ordinance stipulates that the local Ordinary in whose jurisdiction the qualifying studies were completed or the respective training institution is located is responsible for granting provisional ecclesiastical authorisation. The Missio Regulation of the Diocese of Rottenburg-Stuttgart standardises this identically in substance, but in the wording it is based on the responsibility of the local Ordinary of Rottenburg-Stuttgart, who is responsible in the case of teacher training institutions located in his area.¹⁶⁶ This is similarly standardised in the Missio Regulations of the Archdiocese of Cologne.¹⁶⁷ The same is done in the Missio

¹⁶¹ DBK, Musterordnung (see note 1), § 2.

¹⁶² See Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 103.

¹⁶³ See Diocese of Essen, Missio-Ordnung (see note 70), p. 123; Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 215; Archdiocese of Paderborn, Missio-Ordnung (see note 57), p. 81.

¹⁶⁴ See Diocese of Münster Oldenburgischer Teil, Missio-Ordnung (see note 66), p. 379.

¹⁶⁵ See Diocese of Hildesheim, Missio-Ordnung (see note 87), p. 104.

¹⁶⁶ See Diocese of Rottenburg-Stuttgart, Missio-Ordnung (see note 74), p. 183.

¹⁶⁷ See Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 103.

Regulations of the Archdiocese of Freiburg.¹⁶⁸ However, the Missio Regulations of the Bavarian dioceses stipulate in § 2 para. 2 that the local ordinary in whose area the preparatory service is carried out is responsible for persons who have not obtained their degree in Bavaria.¹⁶⁹

§ 2 para. 3 of the Model Ordinance regulates the responsibility for ecclesiastical authorisation in the case of in-service further qualification of a teacher for the state teaching profession. In this case, the local Ordinary in whose jurisdiction the teacher is working is responsible. The text of the standard should have referred more precisely to the local Ordinary and not just the diocese or archdiocese.

§ 2 para. 4 regulates the scope of the Missio Canonica or ecclesiastical authorisation, which is recognised by all (arch)dioceses. When moving to the area of responsibility of another (arch)diocese, the teacher must present the certificate of their Missio Canonica there. The framework guidelines of 1973 only provided for the validity of the Missio Canonica in the respective federal state.¹⁷⁰ The Missio Ordinances of the (Arch)Dioceses of Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg also stipulate, in addition to the Model Ordinance, that after submission of the documents of the Missio Canonica or the ecclesiastical authorisation of the giving (arch)diocese and confirmation of their validity and verification of the teacher's church affiliation, these documents are reissued by the receiving (arch)diocese.¹⁷¹ In the Missio Regulation of the Oldenburg part of the Diocese of Münster, reference is again made to the separate responsibility of the Official of Vechta.¹⁷² According to the Missio Regulations of the Archdiocese of Cologne, a new certificate must be applied for when moving to the area of the Archdiocese of Cologne without a new award procedure being carried out.¹⁷³ The Missio Ordinance of the Diocese of Aachen does not follow the Model Ordinance

¹⁶⁸ See Archbishopric of Freiburg, Missio-Ordnung (see note 55), p. 243.

¹⁶⁹ See Diocese of Augsburg, Missio-Ordnung (as note 59), p. 405; Archdiocese of Bamberg, Missio-Ordnung (as note 61), p. 374; Diocese of Eichstätt, Missio-Ordnung (as note 45), p. 305; Archdiocese of Munich and Freising, Missio-Ordnung (as note 47), p. 344; Diocese of Passau, Missio-Ordnung (as note 49), p. 335; Diocese of Regensburg, Missio-Ordnung (as note 83), p. 107 47; Diocese of Würzburg, Missio-Ordnung (see note 51), p. 306.

¹⁷⁰ DBK, Rahmenrichtlinien (see note 4), no. 10.

¹⁷¹ See Archdiocese of Berlin, Missio-Ordnung (see note 68), p. 4; Archdiocese of Hamburg, Missio-Ordnung (see note 76), p. 152; Diocese of Dresden-Meißen, Missio-Ordnung (see note 79), p. 192; Diocese of Görlitz, Missio-Ordnung (see note 85), p. 14; Diocese of Magdeburg, Missio-Ordnung (see note 33), p. 193. 79); Diocese of Erfurt, Missio-Ordnung (see note 31), p. 4.

¹⁷² See Diocese of Münster Oldenburgischer Teil, Missio-Ordnung (see note 66), p. 379.

¹⁷³ See Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 103.

of only dealing with the scope and questions of responsibility in § 2, but devotes itself in § 2 to standardising the personal and professional requirements, which is then dealt with below in the appropriate place of the Model Ordinance.¹⁷⁴ The regulations are similar in the Missio Regulations of the Archdiocese of Paderborn, the North Rhine-Westphalian part of the Diocese of Münster and the Diocese of Essen.¹⁷⁵

"§ 3 Requirements for the conferral of the Missio canonica

(1) The Missio canonica is granted if the following requirements are met:

1. successful completion of studies in Catholic theology qualifying for teaching at public schools, 2. successful completion of the preparatory service, 3. full incorporation into the Catholic Church through the sacraments of initiation (baptism, confirmation and eucharist), 4. willingness to teach religious education credibly in accordance with the teachings of the Catholic Church within the framework of the school's educational mission, 5. willingness to bear witness to Christian life in school and teaching.

If the requirements according to sentence 1 are not met, the missio canonica shall be denied.

(2) The application shall be submitted to the ecclesiastical authority using a form. The following must be enclosed with the application: 1. certificates and other documents which show that the requirements under para. 1 sentence 1 no. 1 to 3 have been met, 2. a personal declaration of willingness to teach religious education and to bear witness to Christian life in accordance with para. 1 sentence 1 nos. 4 and 5, 3. the accompanying study letter or other suitable proof of participation in the compulsory modules of the mentoring programme at the place of study, 4. a letter of reference written by a person working in the church's preaching ministry and is not professionally involved in the training of religious education teachers."¹⁷⁶

The prerequisites for the awarding of the Missio Canonica in accordance with § 3 Para. 1 of the Model regulations require the passing of the relevant theological degree, usually the First State Examination in Catholic Religious Education¹⁷⁷, as well as the subsequent preparatory service, which is usually completed with the Second State Examination. The relevant certificates must be submitted. In addition, the applicant must have received all the sacraments of initiation of the Catholic Church and submit the accompanying study letter on the events of the mentorship. This was already provided for in the Missio regulations, which were amended

¹⁷⁴ See Diocese of Aachen, Missio-Ordnung (see note 28), p. 150.

¹⁷⁵ See Archdiocese of Paderborn, Missio-Ordnung (see note 57), p. 81; Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 214f. and Diocese of Essen, Missio-Ordnung (see note 70), p. 123.

¹⁷⁶ DBK, Musterordnung (see note 1), § 3.

¹⁷⁷ DBK, Musterordnung (see note 1) refers to preparatory service in Section 3 (1). In some regulations, "or a recognised qualification" is added. See Archdiocese of Berlin, Missio-Ordnung (see note 68), p. 5; Archdiocese of Hamburg, Missio-Ordnung (see note 76), p. 152; Diocese of Dresden-Meißen, Missio-Ordnung (see note 79), p. 193; Diocese of Görlitz, Missio-Ordnung (see note 85), p. 14; Diocese of Magdeburg, Missio-Ordnung (see note 33), p. 132f.; Diocese of Erfurt, Missio-Ordnung (see note 31), p. 5.

at the beginning of the current millennium after the framework guidelines of 1973.¹⁷⁸ If the requirements are not met, the granting of the "Missio canonica is denied" according to § 3 para. 1 of the Model regulations. This explicit sentence is omitted in the Missio Regulations of the (Arch)Dioceses of Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg, which does not change anything in the matter, as no Missio Canonica can be granted if one of the requirements is not met.¹⁷⁹

Compared to the previous regulations, the criteria of c. 804 § 2 of orthodoxy and orthopraxy are described in more detail and related to the school context. Section 3 para. 1 no. 4 therefore states that the applicant must personally "declare their willingness to teach religious education in a credible manner in accordance with the teachings of the Catholic Church within the framework of the school's educational mission". The image of the religious education teacher as a credible witness is an integral part of church documents.¹⁸⁰ The addition of the context of the educational mission of the school is new compared to previous regulations and clarifies once again that the teaching activity in religious education, in addition to the realisation of the Church's ministry of proclamation, is based on the school's educational mission and also fulfils it, as religious education is also part of this educational mission. C. 804 § 2 speaks generally of the "testimony of Christian life". § 3 para. 1 of the Model Ordinance contextualises this testimony to "the willingness to give a testimony of Christian life in school and class". This contextualisation is also related to the reform of the basic order of church ministry.¹⁸¹ Furthermore, according to § 3 para. 2 of the model regulations, only one reference letter must be submitted and no longer two¹⁸², which must be prepared "by a person who is active in the church's preaching ministry and is not professionally involved in the training of religious education teachers". The regulation that one of the references should come from a priest has thus

¹⁷⁸ See MECKEL, *Entwicklungen* (see note 6), pp. 84-89.

¹⁷⁹ See Archdiocese of Berlin, *Missio-Ordnung* (see note 68), p. 5; Archdiocese of Hamburg, *Missio-Ordnung* (see note 76), p. 152; Diocese of Dresden-Meißen, *Missio-Ordnung* (see note 79), p. 193; Diocese of Görlitz, *Missio-Ordnung* (see note 85), p. 14; Diocese of Magdeburg, *Missio-Ordnung* (see note 33), p. 132f.; Diocese of Erfurt, *Missio-Ordnung* (see note 31), p. 5.

¹⁸⁰ See e.g. Congregation for Catholic Education, *Der katholische Laie – Zeuge des Glaubens in der Schule. Dokument der Kongregation für das Katholische Bildungswesen*, 15. Oktober 1982, Sekretariat der DBK (Hrsg.), Bonn 1982 (= *Verlautbarungen des Apostolischen Stuhls* 42) sowie Kongregation für das katholische Bildungswesen, *Der katholische Lehrer – Zeuge des Glaubens in der Schule*, in: Ilgner, Rainer (ed.), *Handbuch Katholische Schule* vol. 1, Cologne 1994, pp. 93-120.

¹⁸¹ See note 109 in this essay.

¹⁸² See also DBK, *Rahmenrichtlinien* (see note 4), 4c).

been dropped.¹⁸³ Two references were retained in the regulations of the 1973 amendments to the framework regulations at the time and most of them also stipulated that one of them had to be provided by a priest.¹⁸⁴ The Missio Regulation of the Oldenburg part of the Diocese of Münster adds that an accompanying study letter does not have to be submitted if it has already been submitted when applying for the provisional teaching licence.¹⁸⁵

The Diocese of Aachen already standardises the requirements in accordance with the model ordinance in § 2 of the Missio Regulation. The letter of reference is issued by a person in pastoral ministry and is not further restricted.¹⁸⁶ The Missio Ordinance of the Archdiocese of Freiburg supplements the requirements for the Missio Canonica in § 3 No. 1 with the possibility of "post-qualification or in-service training"¹⁸⁷ and in this case excludes the need for the letter of reference in No. 4.¹⁸⁸ This is also regulated accordingly in the Missio Regulations of the Diocese of Rottenburg-Stuttgart and adds "or a comparable professional introduction" to the preparatory service.¹⁸⁹ The Missio Regulations of the Diocese of Rottenburg-Stuttgart are the only ones that also require a "vote of the responsible school dean and, if applicable, further references".¹⁹⁰ Reference has already been made to the special features of the criterion of orthopraxy in the Missio Regulations of the Archdioceses of Cologne and Paderborn.¹⁹¹ In the case of the letter of reference, the Archdiocese of Cologne only adds that the person must be active in pastoral ministry in full-time office. In § 3 of the Archdiocese of Cologne's Missio Regulations, the Archbishop is also the grantor; the local Ordinary is authorised to present the certificate signed by the Archbishop.¹⁹² According to the Missio Regulations of the Archdiocese of Paderborn, the reference is to be issued by a person "who works full-time or part-time in the pastoral ministry of the Catholic Church".¹⁹³ The Missio Regulations of the Diocese of

¹⁸³ See *ibid.*

¹⁸⁴ See MECKEL, *Entwicklungen* (see note 6), p. 80f.

¹⁸⁵ See Diocese of Münster Oldenburgischer Teil, *Missio-Ordnung* (see note 66), p. 380.

¹⁸⁶ See Diocese of Aachen, *Missio-Ordnung* (see note 28), p. 150.

¹⁸⁷ Archdiocese of Freiburg, *Missio-Ordnung* (see note 55), p. 243.

¹⁸⁸ See *ibid.*

¹⁸⁹ Diocese of Rottenburg-Stuttgart, *Missio-Ordnung* (see note 74), p. 184.

¹⁹⁰ *Ibid.*

¹⁹¹ See note 136 in this essay.

¹⁹² See Archbishopric of Cologne, *Missio-Ordnung* (see note 41), p. 103.

¹⁹³ Archdiocese of Paderborn, *Missio-Ordnung* (see note 57), p. 81.

Osnabrück add to the criterion of orthodoxy that the teacher must "credibly teach religious education in accordance with the teachings of the Catholic Church in an ecumenical spirit".¹⁹⁴

Instead of a reference, the Missio Regulations of the Diocese of Fulda stipulate the following: "proof of an interview with a person from the pastoral ministry who has been nominated by the Episcopal Vicariate General in agreement with the teacher. This interview must be based on an interview guide issued for this purpose by the Episcopal Vicariate General."¹⁹⁵ The Missio Regulations of the Diocese of Essen provide for a reference "by a person who works full-time in the pastoral or charitable service" when awarding the Missio Canonica;¹⁹⁶ alternatively, instead of a reference, "by proof of an interview with a person who works full-time in the pastoral or charitable service of the Diocese of Essen. This interview should enable an exchange of dialogue in which the personal paths and challenges of a credible witness in church and society are discussed."¹⁹⁷ The Missio Regulations of the North Rhine-Westphalian part of the Diocese of Münster have also replaced the reference with a dialogue in § 2 para. 3:

"In addition, an interview must be conducted between a full-time pastoral worker and the applicant. This interview replaces the previous reference. This interview should enable an exchange of dialogue and address challenges and opportunities as to how a testimony of Christian life can be given in a critical positionality. The Department of Religious Education provides guidelines and a certificate template for this interview on its website. The pastoral staff member and the applicant both certify to the Department of Religious Education that this interview has taken place by signing and stamping the parish."¹⁹⁸

In the Oldenburg part of the Diocese of Münster, a reference from a person "who works in the church's preaching ministry and is not professionally involved in the training of religious education teachers" is required in accordance with Section 3 para. 1 No. 4.¹⁹⁹

Article 1 of the Missio Regulation of the Diocese of Hildesheim from 2022 states that the prerequisites for the award of the Missio Canonica are the completion of relevant studies or another adequate qualification, the successful completion of the preparatory service for which the ecclesiastical teaching licence was granted, full integration or initiation through baptism,

¹⁹⁴ Diocese of Osnabrück, Missio-Ordnung (see note 81), p. 374.

¹⁹⁵ See Diocese of Fulda, Missio-Ordnung (see note 43), p. 73.

¹⁹⁶ Diocese of Essen, Missio-Ordnung (see note 70), p. 123.

¹⁹⁷ Ibid.

¹⁹⁸ Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 214f.

¹⁹⁹ Diocese of Münster Oldenburgischer Teil, Missio-Ordnung (see note 66), p. 380.

confirmation and the eucharist and "[t]he formal affiliation to the Catholic Church" as well as "the willingness to teach religious education credibly in accordance with the teachings of the Catholic Church and to contribute in critical loyalty to a living church that radiates positively and is inviting to young people".²⁰⁰ The criterion of orthodoxy is supplemented here by these descriptions, which, however, are not legally tangible, but rather have an illustrative character. Furthermore, the prerequisite for conferral is "active participation in the basic practices of the church, evidenced by two references, one of which must be obtained from a person who works full-time in pastoral ministry, usually a priest".²⁰¹

"§ 3 Requirements for the conferral of the Missio canonica

(3) The ecclesiastical authority shall examine the application and recommend to the local Ordinary that the missio canonica be granted or refused. Before the ecclesiastical authority recommends that the missio canonica be refused, it shall give the religious education teacher the opportunity to submit a written statement within a reasonable period of time; this period may be extended at the request of the religious education teacher. If the Missio canonica is to be refused in accordance with para. 1 sentence 2 in conjunction with para. 1 sentence 1 no. 4 or 5, the authority shall forward the case to the Missio Commission. The religious education teacher may withdraw the application at any time. (4) If the requirements according to para. 1 are completely fulfilled, the local Ordinary shall send the religious education teacher with the Missio canonica. The religious education teacher shall receive a certificate to this effect. As a rule, this is presented by the local Ordinary or a person authorised by him during a church service."²⁰²

The preliminary examination and decision recommendation is prepared by the episcopal authority, usually the school department of the Episcopal Ordinariate. If all requirements are met, the Missio Canonica is granted by the local Ordinary in accordance with § 3 para. 4 of the Model Ordinance and he himself or a person delegated by him presents the certificate in a religious service. Should the examination come to the conclusion that the granting of the Missio Canonica is not to be recommended due to the non-fulfilment of the criteria of orthodoxy or orthopraxy in accordance with cc. 804 § 2 in conjunction with 805 CIC/1983, the applicant is given the opportunity to comment within a set period of time, which can also be extended upon request. The authority then forwards its findings to the Missio Commission. The application for Missio Canonica can be withdrawn by the applicant at any time.

²⁰⁰ Diocese of Hildesheim, Missio-Ordnung (see note 87), p. 103.

²⁰¹ Ibid.

²⁰² DBK, Musterordnung (see note 1), § 3 para. 3.

"§ 4 Granting of provisional ecclesiastical authorisation

(1) The provisional ecclesiastical authorisation is granted for a limited period of time - generally for the duration of the preparatory service - upon application. It shall be granted if the following requirements are met: 1. successful completion of studies in Catholic theology qualifying for teaching at public schools, 2. full incorporation into the Catholic Church through the sacraments of initiation (baptism, confirmation and eucharist), 3. willingness to credibly teach religious education in accordance with the teachings of the Catholic Church within the framework of the school's educational mission, 4. willingness to bear witness to Christian life in school and teaching. If the requirements according to sentence 1 are not met, the provisional ecclesiastical authorisation shall be denied.

(2) The application shall be submitted to the ecclesiastical authority using a form. The following must be enclosed with the application: 1. certificates and other documents which show that the requirements in accordance with para. 1 sentence 1 no. 1 and 2 have been met, 2. a personal declaration of willingness to teach religious education and to bear witness to Christian life in accordance with para. 1 sentence 1 no. 3 and 4, 3. the study certificate or other suitable proof of participation in the compulsory modules of the mentoring programme at the place of study.

(3) The ecclesiastical authority shall examine the application and recommend to the local Ordinary that the provisional ecclesiastical authorisation be granted or refused. The religious education teacher shall be heard on the relevant reasons before the provisional ecclesiastical authorisation is refused. § Section 3 para. 3 sentence 3 shall apply accordingly. (4) The religious education teacher shall receive a certificate on the granting of the provisional ecclesiastical authorisation. This can be presented in person or sent by post.²⁰³

The Missio Regulations of the Bavarian Dioceses add in § 4 para. 4 that the expiry of the ecclesiastical authorisation occurs either upon completion of the preparatory service or after the expiry of three years.²⁰⁴

The same criteria and the same procedure apply to the temporary conferral of ecclesiastical authorisation as described under § 3 for the conferral of the Missio Canonica. Therefore, this is not repeated here, but only the differences are pointed out. Of course, the requirements do not include the completion of the preparatory service, which is not yet available, at the beginning of which the ecclesiastical authorisation is finally granted. However, one decisive difference is that references no longer need to be obtained for the granting of the ecclesiastical authorisation. It can also be sent by post or awarded in person.

²⁰³ Ibid, § 4.

²⁰⁴ See Diocese of Augsburg, Missio-Ordnung (as note 59), p. 408; Archdiocese of Bamberg, Missio-Ordnung (as note 61), p. 376; Diocese of Eichstätt, Missio-Ordnung (as note 45), p. 307; Archdiocese of Munich and Freising, Missio-Ordnung (as note 47), p. 338; Diocese of Passau, Missio-Ordnung (see note 49), p. 338; Diocese of Regensburg, Missio-Ordnung (see note 83), p. 108; Diocese of Würzburg, Missio-Ordnung (see note 51), p. 309.

The Missio Regulations of the Dioceses of Osnabrück and the Oldenburg part of the Diocese of Münster omit the addition "temporary" in the introductory sentence.²⁰⁵ The Missio Regulations of the (Arch)Dioceses of Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg add a new separate paragraph 3 in § 4, which stipulates that in the case of "granting of a provisional ecclesiastical authorisation for the duration of further training ... § 4 paragraph 1 no. 1 and, as far as affected, paragraph 2 no. 1 and no. 3 may be deviated from", which means that there is no relevant degree or, if applicable, no certificate or proof of study from the mentorate.²⁰⁶ In these regulations, a separate final paragraph has also been added stating that an extension of the ecclesiastical authorisation is possible after an application has been made.²⁰⁷ In § 5 of its regulations, the Missio Regulations of the Archdiocese of Freiburg omit the sentence of the model regulations regarding the granting of the ecclesiastical teaching authorisation, stating that the ecclesiastical teaching authorisation will not be granted if the requirements are not met. In § 5 Para. 1 No. 1, in addition to a degree in Catholic theology, proof of "postgraduate qualification or in-service training" is also mentioned as an alternative.²⁰⁸ In addition, § 4 para. 4 leaves the method of transmitting the church teaching licence open and neither the postal service nor the method of personal delivery is mentioned.²⁰⁹ Similar regulations can be found in the Missio Regulations of the Diocese of Rottenburg-Stuttgart.²¹⁰

Article 7 of the Missio Regulations of the Diocese of Hildesheim from 2022 stipulates that the ecclesiastical teaching licence is generally granted for a limited period for the duration of the preparatory service. The requirements for awarding the licence are the relevant degree or an equivalent qualification, full initiation into the Catholic Church and existing formal membership, the mentorate's accompanying study letter, in the event that this is not available due to another place of study, an interview with a responsible person from the Ordinariate and a

²⁰⁵ See Diocese of Osnabrück, Missio-Ordnung (see note 81), p. 375; Diocese of Münster Oldenburgischer Teil, Missio-Ordnung (see note 66), p. 380.

²⁰⁶ Archdiocese of Berlin, Missio-Ordnung (see note 68), p. 6; Archdiocese of Hamburg, Missio-Ordnung (see note 76), p. 153; Diocese of Dresden-Meißen, Missio-Ordnung (see note 79), p. 194; Diocese of Görlitz, Missio-Ordnung (see note 85), p. 14f.; Diocese of Magdeburg, Missio-Ordnung (see note 33), p. 133; Diocese of Erfurt, Missio-Ordnung (see note 31), p. 6.

²⁰⁷ See *ibid.*

²⁰⁸ Archdiocese of Freiburg, Missio-Ordnung (see note 55), p. 244.

²⁰⁹ See *ibid.*, p. 245.

²¹⁰ See Diocese of Rottenburg-Stuttgart, Missio-Ordnung (see note 74), p. 184f.

declaration of "willingness to teach religious education credibly in accordance with the teachings of the Catholic Church and to contribute in critical loyalty to a living church that radiates positively and is inviting to young people".²¹¹

Section 5 of the Missio Regulations of the Diocese of Aachen provides for an ecclesiastical teaching licence, which is granted either for a limited or unlimited period. In accordance with § 5 Para. 3 No. 3, it is issued for a limited period for students of Catholic theology being in the second part of their study phase (main study programme). In accordance with § 5 Para. 3 No. 1, it is issued for a limited period or, under certain circumstances, for an unlimited period for persons who have a degree and training for the teaching profession, but who have not completed it in Catholic religious education and who are undergoing post-qualification within the framework of certificate courses. During the post-qualification period, a temporary licence to teach in the church is granted and, after successful completion, a permanent licence. It is explicitly emphasised that converts can attend these courses. The same applies in accordance with § 5 para. 3 No. 2 for persons who have completed a degree in theology but have not completed a teacher training course, but who are seeking further qualification.²¹² For all groups of persons, it is a prerequisite according to § 5 para. 4 that they are fully integrated into the Catholic Church and are prepared to credibly teach religious education "in accordance with the teachings of the Catholic Church" and a "testimony of Christian life in school and teaching".²¹³ The relevant documents must be submitted for the application in accordance with § 5 para. 5 and in the case of persons with a teaching degree and training, but who have not yet had a qualification in Catholic religious education, the school must certify that teachers without a *facultas* for religious education must be employed. The granting of the ecclesiastical teaching licence is done by post and in the case of a missing licence the person must be heard.²¹⁴ The Missio Regulations of the Archdiocese of Cologne, the Archdiocese of Paderborn²¹⁵, the North Rhine-Westphalian part of the Diocese of Münster²¹⁶ and the Diocese of Essen²¹⁷ have similar regulations for the temporary or permanent granting of the ecclesiastical

²¹¹ Diocese of Hildesheim, Missio-Ordnung (see note 87), p. 106.

²¹² See Diocese of Aachen, Missio-Ordnung (see note 28), p. 151f.

²¹³ Ibid, p. 152.

²¹⁴ See *ibid*.

²¹⁵ See Archbishopric of Paderborn, Missio-Ordnung (see note 57), p. 81f.

²¹⁶ See Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 215f.

²¹⁷ See Diocese of Essen, Missio-Ordnung (see note 70), p. 124.

teaching licence for student teachers of Catholic theology in their main course of study, people who have studied Catholic theology without a teaching qualification and people who have a teaching qualification but not in Catholic religious education. This path is also open to converts. In this case - regardless of whether they are converts or not - the documents to be submitted must also include "permanent employment at a school; the school management must justify the need to work without a teaching qualification, willingness to undergo further training in religious education...".²¹⁸ The Missio Regulations of the Archdiocese of Cologne contain an additional requirement: "A letter of reference from a Catholic personality. It should be noted that no family members should be named for the reference".²¹⁹ The term "Catholic personality" is legally vague and therefore difficult to define. Ultimately, any Catholic who is not related to the applicant is eligible. In accordance with § 5 para. 3, the ecclesiastical teaching licence is only granted for one year when it is first issued and is only granted for an unlimited period if a corresponding further training certificate is available in accordance with § 5 para. 4. Section 7 of the Missio Regulations of the Archdiocese of Cologne explicitly deals with the mentorship and the study letters, which are a prerequisite for the granting of the ecclesiastical teaching licence.²²⁰ The Missio Regulation of the Archdiocese of Paderborn also contains a separate passage on mentoring in § 6²²¹, as does the Missio Regulation of the North Rhine-Westphalian part of the Diocese of Münster²²² and the Missio Regulation of the Diocese of Essen.²²³ Section 5(7) of the Missio Regulations of the Archdiocese of Cologne contains a special provision for graduates²²⁴ and graduates of the Würzburg correspondence course, who can obtain a church teaching licence for the religious education practice phase and then apply for a Missio Canonica upon successful completion and a corresponding certificate of "state qualification to teach religious education".²²⁵ Section 4 para. 7 of the Missio Regulation of the North Rhine-Westphalian part of the Diocese of Münster regulates something similar.²²⁶

²¹⁸ Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 104 and cf. also Archbishopric of Paderborn, Missio-Ordnung (see note 57), p. 82.

²¹⁹ Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 104.

²²⁰ See *ibid.*

²²¹ See Archbishopric of Paderborn, Missio-Ordnung (see note 57), p. 82.

²²² See Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 216.

²²³ See Diocese of Essen, Missio-Ordnung (see note 70), p. 125.

²²⁴ The Archdiocese of Cologne, Missio-Ordnung (see note 41), p. 104, forgets to mention female graduates, where only graduates are mentioned, whereas the order otherwise uses both terms.

²²⁵ *Ibid.*, p. 104.

²²⁶ See Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 216.

The Missio Regulations of the Diocese of Fulda provide for regulations for other cases in a separate paragraph (§5), such as the case of a school where, due to a lack of religious education teachers, a teacher who was not originally trained in religion is to teach religious education. This person must meet the requirements of a qualification recognised by the Episcopal Ordinariate, full initiation into the Catholic Church through the sacraments of initiation as well as "...the willingness to credibly teach religious education in accordance with the teachings of the Catholic Church within the framework of the school's educational mission and ... the willingness to bear witness to Christian life in school and class."²²⁷

In addition to the relevant certificates and the personal declaration on orthodoxy and orthopraxy, the "...reference from a person working in pastoral ministry or proof of participation in two courses offered by the mentoring programme for student teachers or proof of participation in courses of the teacher's choice that have been recognised as comparable by the Episcopal Vicariate General" must be submitted.²²⁸

"§ 5 Expiry of the Missio canonica and the provisional ecclesiastical authorisation

(1) The Missio canonica expires through withdrawal or renunciation.

(2) The Missio canonica and the provisional ecclesiastical authorisation may be withdrawn in accordance with § 8 if the requirements for their issue are no longer fully met. The local Ordinary who issued the Missio canonica or the provisional ecclesiastical authorisation is responsible for the withdrawal. The Missio canonica is withdrawn on the recommendation of the Missio Commission.

(3) Before the Missio Commission is involved, the ecclesiastical authority is obliged to inform the religious education teacher in writing of the facts relevant to the intended withdrawal, to discuss these in a meeting with the religious education teacher and to make an offer of pastoral or supervisory support. In addition, the religious education teacher must be given the opportunity to respond in writing within a reasonable period of time. The religious education teacher must be heard before the provisional ecclesiastical authorisation is withdrawn.

(4) The religious education teacher may declare the renunciation of the Missio canonica or the provisional ecclesiastical authorisation to the local Ordinary responsible in accordance with para. 2 sentence 2. The waiver must be in writing; it does not require acceptance by the local Ordinary.

(5) If the Missio canonica or the provisional ecclesiastical authorisation has expired, the religious education teacher may not teach Catholic religious education. If the religious education teacher is at a public school, the ecclesiastical authority shall inform the state school supervisory authority."²²⁹

²²⁷ Diocese of Fulda, Missio-Ordnung (see note 43), p. 75.

²²⁸ Ibid.

²²⁹ DBK, Musterordnung (see note 1), § 5.

§ 5 of the Model Rules is dedicated to the loss of the Missio Canonica or ecclesiastical authorisation, which can either be withdrawn or waived in accordance with Section 5 para. 1. The renunciation of the Missio Canonica or the ecclesiastical authorisation, which was not yet known in the 1973 framework guidelines but was already included in some amendments prior to the model regulations²³⁰, must be notified in writing by the religious education teacher to the competent local Ordinary in accordance with § 5 para. 4, who is not obliged to accept it. For the sake of legal certainty, it is advisable that the acceptance of the waiver and its effect, as standardised in § 5 para. 5, of no longer being able to teach religious education, is recorded in writing and communicated to the teacher. It is possible to reapply for the ecclesiastical authorisation or the Missio Canonica so that it can be granted again if the requirements are met. In accordance with § 5 para. 5, the expiry of the Missio Canonica or the ecclesiastical authorisation is communicated by the Ordinariate to the state authority responsible for school supervision. The Missio Canonica or ecclesiastical authorisation may be withdrawn by the local Ordinary who previously granted it in accordance with § 5 para. 2 if the requirements of orthodoxy or orthopraxy in accordance with c. 804 § 2 in conjunction with § 3 and 4 of the Model Regulation are no longer met and the Missio Commission has recommended withdrawal. The Missio Regulation of the Archdiocese of Freiburg has not adopted the sentence "The local Ordinary who issued the Missio canonica or the provisional authorisation is responsible for the withdrawal" in § 6 para. 2.²³¹ In § 5 para. 3, the model regulations now provide for a more detailed description of the rights of the teacher concerned, in contrast to the framework guidelines and the framework rules of procedure of 1973, as well as some improvements in the newer regulations after the millennium²³². If a withdrawal is intended, this must be communicated to the teacher concerned in writing, stating the reason for the intended withdrawal, and a discussion must take place. In addition, counselling or supervision must be offered. The teacher will also be given the opportunity to comment in writing within a certain period of time. If a withdrawal is made, the teacher has the right to be heard again. The more detailed procedure is regulated in the following paragraphs on the Missio Commission and its work.

²³⁰ See MECKEL, Entwicklungen (see note 6), p. 80f.

²³¹ See Archbishopric of Freiburg, Missio-Ordnung (see note 55), p. 245.

²³² See MECKEL, Entwicklungen (see note 6), pp. 81-83.

The Missio ordinances of the (Arch)Dioceses of Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg add a separate paragraph 5 in § 5, which stipulates that in the event of a crisis of faith or a crisis in relation to church affiliation, which has to do with serious problems with the teachings of the church, the teacher can suspend the Missio Canonica at his own discretion. This must be done in consultation with the Ordinariate, which for its part is obliged to offer pastoral help or counselling and support. The Missio Canonica will then be granted again if the teacher applies for this and the requirements for this are met.²³³ A corresponding provision is also contained in § 5 Para. 5 of the Missio Ordinance of the Oldenburg part of the Diocese of Münster²³⁴ and § 5 Para. 5 of the Missio Ordinance of the Diocese of Osnabrück.²³⁵ § 5 para. 6 of the Missio Regulation of the Diocese of Osnabrück also states that if the Missio Canonica expires, not only Catholic but also Christian religious education may no longer be taught.²³⁶

In addition to expiry due to renunciation or withdrawal of the Missio Canonica, § 6 para. 1 of the Missio Regulations of the Diocese of Aachen also provides for expiry due to leaving the church.²³⁷ This is also provided for in § 8 Para. 2 of the Missio Regulations of the Archdiocese of Cologne.²³⁸ A reference to the regulations on leaving the Church is added at this point in the form of a footnote and not in the main text in § 5 Para. 2 of the Missio Regulations of the Diocese of Limburg.²³⁹ The Missio Regulations of the Diocese of Fulda stipulate that ecclesiastical authorisation should be withdrawn if

"2. the respective teacher has committed acts which would justify termination of employment in accordance with the values of the respective applicable basic order of church service within the framework of church employment relationships with church employees, for example public advocacy against fundamental principles of the Catholic Church (for example the propagation of abortion or xenophobia) as well as leaving the church."²⁴⁰

²³³ See Archdiocese of Berlin, Missio-Ordnung (see note 68), p. 6; Archdiocese of Hamburg, Missio-Ordnung (see note 76), p. 153; Diocese of Dresden-Meißen, Missio-Ordnung (see note 79), p. 195; Diocese of Görlitz (see note 85), p. 16; Diocese of Magdeburg, Missio-Ordnung (see note 33), p. 133. 195; Diocese of Erfurt, Missio-Ordnung (see note 31), p. 7.

²³⁴ Diocese of Münster Oldenburgischer Teil, Missio-Ordnung (see note 66), p. 381.

²³⁵ See Diocese of Osnabrück, Missio-Ordnung (see note 81), p. 375.

²³⁶ See *ibid.*

²³⁷ Diocese of Aachen, Missio-Ordnung (see note 28), p. 152.

²³⁸ See Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 104.

²³⁹ Diocese of Limburg, Missio-Ordnung (see note 39), p. 136.

²⁴⁰ Diocese of Fulda, Missio-Ordnung (see note 43), p. 75f.

It is interesting to note that the Missio Regulations of the Diocese of Fulda provide for both the local Ordinary who granted the authorisation at the time and the local Ordinary in whose area of responsibility the teacher is working as the local Ordinary to withdraw the authorisation.²⁴¹

According to the Missio Regulations of the Archdiocese of Paderborn, if a person leaves the church, the certificate of conferral must be returned and the ecclesiastical authorisation is revoked without involving the Missio Commission.²⁴² The Archdiocese of Paderborn regulates in its Missio Regulations that in the event of the return of the Missio Canonica, "an open-ended discussion to clarify the reasons for the return" is offered and in the event of the refusal of a discussion or no withdrawal of the return, the ecclesiastical authorisation is revoked. This is done in writing and the original certificate must be returned.²⁴³ In addition, the Missio Regulations of the Archdiocese of Paderborn stipulate that if the requirements for the granting of ecclesiastical authorisation are not yet fully met, the applicant will be informed in writing that they will receive advice on how the application can be approved. To this end, the applicant can also apply for a vote by the Missio Commission in this matter if there are still differences of opinion.²⁴⁴

Art. 4 of the Missio Regulation of the Diocese of Hildesheim from 2022 standardises the return of the Missio Canonica or, in conjunction with Art. 7, the ecclesiastical teaching permit "for reasons of faith or conscience". It can also be granted again. If the conditions for granting the licence are no longer met, teachers are also required to return their Missio Canonica or ecclesiastical teaching licence. Once the licence has been returned, the teaching of religion is prohibited and the relevant state authorities will be informed.²⁴⁵

"§ 6 Tasks and composition of the Missio Commission

(1) The Missio Commission established by the local Ordinary shall take action if it is intended to reject an application for the conferral of the missio canonica in accordance with Section 3 para. 1 sentence 2 in conjunction with para. 1 sentence 1 no. 4 or 5 or to withdraw the missio canonica or the provisional ecclesiastical authorisation.

²⁴¹ See *ibid.*, p. 76.

²⁴² See Archbishopric of Paderborn, Missio-Ordnung (see note 57), p. 83.

²⁴³ See *ibid.*, p. 82.

²⁴⁴ See *ibid.*, p. 83.

²⁴⁵ See Diocese of Hildesheim, Missio-Ordnung (see note 87), p. 104.

(2) The members of the Missio Commission are

1. one representative of the (arch)episcopal authority, 2. three religious education teachers from different school levels, 3. one theological university lecturer, 4. one lawyer qualified to hold the office of German judge who is not employed by the church.

(3) The members, with the exception of the representative of the (arch)episcopal authority, perform this activity on an honorary basis.

(4) The local Ordinary appoints the members of the Missio Commission for five years. Further terms of office are possible. The local Ordinary shall appoint a deputy for each member. (5) The Commission shall elect a President from among its members."²⁴⁶

Section 6 of the Model Regulations defines the Missio Commission in more detail, which becomes active in accordance with Section 6 para. 1 if a withdrawal of the Missio Canonica or ecclesiastical authorisation or a rejection of an application for these is intended. According to Section 6 para. 2 of the Model Ordinance, the members are "1. a representative of the (arch)episcopal authority, 2. three religious education teachers from different school levels, 3. a theological university lecturer, 4. a lawyer qualified to hold the office of German judge who is not employed by the church."

According to § 5 Para. 3, with the exception of the representative of the Episcopal Ordinariate, they are active in an honorary capacity and, like their deputies according to § 5 para. 4, are appointed by the local Ordinary for a period of five years with the possibility of reappointment. According to § 5 para. 5, the local Ordinary does not appoint a President, but the Missio Commission itself conducts the election of a President. With four members, a person requires at least three votes for the office of President. It is noticeable that the model regulations do not stipulate that a member must also have expertise in canon law in every case. This is a desideratum, as it concerns the examination of a question of canon law.²⁴⁷

The (Arch)Dioceses of Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg have established an interdiocesan Missio Commission, supplemented by § 6 para. 7 of the Model Regulations, which stipulates that the Missio Commission shall draw up rules of procedure for its work and that a list of the proposed persons shall be sent to the local ordinaries in accordance with § 6 para. 6. If one of the local ordinaries does not approve this list, a new one must be drawn up.²⁴⁸

²⁴⁶ DBK, Musterordnung (see note 1), § 6.

²⁴⁷ See MECKEL, Entwicklungen (see note 6), p. 82.

²⁴⁸ See Archdiocese of Berlin, Missio-Ordnung (see note 68), p. 7; Archdiocese of Hamburg, Missio-Ordnung (see note 76), p. 153f.; Diocese of Dresden-Meißen, Missio-Ordnung (see note 79), p. 196; Diocese of Görlitz,

The Missio Regulations of the Bavarian Dioceses use the term school types instead of school level in § 6 para. 2 and name the various school types "(primary, secondary and special schools; secondary modern schools; grammar schools; vocational schools)".²⁴⁹

The Missio Regulations of the Diocese of Rottenburg-Stuttgart adopt the persons designated for the Missio Commission for the Model Regulations and add a person who represents a professional association of religious education teachers.²⁵⁰ The Missio Regulations for the Oldenburg part of the Diocese of Münster specify the representative of the episcopal authority as the "representative of the Episcopal Ecclesiastical Court of Münster".²⁵¹

The Missio Regulation of the North Rhine-Westphalian part of the Diocese of Münster provides for the following persons for the Missio Commission and is an order in which the President is appointed directly:

"a. The Head of the Department of Religious Education in the Episcopal Vicariate General, who is the President of the Missio Commission.

b. The responsible officer for the ecclesiastical authorisation

in the Department of Religious Education; this person also conducts the business of the Missio Commission.

c. The responsible officer of the Department of Religious Education for the type of school concerned

d. A representative of the Department of Canon Law in the Episcopal Vicariate General

e. A theological university lecturer from a university in the area of the Diocese of Münster"²⁵²

The incorporation of expertise in canon law should be emphasised positively. The Missio Regulations of the Archdiocese of Cologne specify the list of members of the Missio Commission so that the President is the head of the school/university department of the Archbishop's Ordinariate; the Bishop is represented by a head of department and a school councillor from the type of school concerned.²⁵³ The Missio Commission also includes: "representatives of religious education and associations" and "representatives of theological disciplines (dogmatics,

Missio-Ordnung (see note 85), p. 17; Diocese of Magdeburg, Missio-Ordnung (see note 33), p. 196. 79), p. 196; Diocese of Erfurt, Missio-Ordnung (see note 31), p. 7.

²⁴⁹ Diocese of Augsburg, Missio-Ordnung (see note 59), p. 409; Archdiocese of Bamberg, Missio-Ordnung (see note 61), p. 378; Diocese of Eichstätt, Missio-Ordnung (see note 45), p. 308; Archdiocese of Munich and Freising, Missio-Ordnung (see note 47), p. 339; Diocese of Passau, Missio-Ordnung (see note 49), p. 339; Diocese of Regensburg, Missio-Ordnung (see note 83), p. 109; Diocese of Würzburg, Missio-Ordnung (see note 51), p. 310.

²⁵⁰ See Diocese of Rottenburg-Stuttgart, Missio-Ordnung (see note 74), p. 185.

²⁵¹ Diocese of Münster Oldenburgischer Teil, Missio-Ordnung (see note 66), p. 382.

²⁵² Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 217.

²⁵³ See Archbishopric of Cologne, Missio-Ordnung (see note 41), p. 105.

canon law, religious education)".²⁵⁴ While in the Missio Ordinance of the Archdiocese of Cologne only the Archbishop is otherwise the conferrer of the Missio Canonica and the ecclesiastical authorisation, the local Ordinary is always named as the person to advise and act within the framework of the Missio Commission procedure.²⁵⁵ It is therefore also the local Ordinary who appoints the members of the Missio Commission in accordance with § 9 para. 4.²⁵⁶ In the Missio Regulation of the Archdiocese of Paderborn, on the other hand, the Archbishop is not only the conferrer, but also the person who withdraws the Missio Canonica or the ecclesiastical authorisation.²⁵⁷ This is also the case in the Missio Regulation of the Diocese of Essen.²⁵⁸ The following persons are also provided for the Missio Commission in the Missio Regulations of the Archdiocese of Paderborn, amending the Model Regulations:

- "- the Head of the School and University Division (President);
- the Head of the Department of Religious Education at the Archbishop's General Vicariate, which also conducts the business of the Missio Commission;
- the unit of the Religious Education Department responsible for the type of school in question;
- Head of the Department of Canon Law in the Archbishop's Vicariate General;
- a theological university lecturer from a university in the area of the Archdiocese of Paderborn.
- A deputy may be appointed for each member."²⁵⁹

It is to be welcomed that a person with expertise in canon law is permanently provided for. The biggest deviation from the Model Regulations is that there is no obligation to appoint deputy members. The Missio Regulations of the Diocese of Aachen use the term "ecclesiastical authorisation" in Section 7 para. 1, as it serves as a generic term for the various missions to act on behalf of the Church in religious education.²⁶⁰

In the Diocese of Aachen, the Missio Commission consists of

- "1. a representative of the Department of Education and Schools of the Episcopal Vicariate General,

²⁵⁴ Ibid.

²⁵⁵ See *ibid.*, p. 105f.

²⁵⁶ See *ibid.*, p. 105.

²⁵⁷ See Archbishopric of Paderborn, *Missio-Ordnung* (see note 57), p. 82f.

²⁵⁸ See Diocese of Essen, *Missio-Ordnung* (see note 70), p. 125f.

²⁵⁹ Archbishopric of Paderborn, *Missio-Ordnung* (see note 57), p. 82.

²⁶⁰ See Diocese of Aachen, *Missio-Ordnung* (see note 28), p. 153.

2. a religious education teacher of the school level for which the ecclesiastical authorisation has been applied for or for which the ecclesiastical authorisation has been granted, the withdrawal of which is intended,
3. a theological university lecturer,
4. the episcopal official or a person authorised by him."²⁶¹

Instead of just appointing a lawyer in general, it makes sense to directly appoint a person with expertise in canon law, which is ensured here by the official or a person appointed by him.

The Missio Regulations of the Diocese of Fulda also provide for the official as a member of the Missio Commission:

- "1. a person from the office of the Episcopal Vicariate General responsible for school matters,
2. three religious education teachers from different school levels,
3. one person from theological university teaching,
4. a person qualified to hold the office of German judge who is not employed by the church,
5. the episcopal official."²⁶²

The Missio Regulations of the Diocese of Fulda sensibly regulate the case that the President would not belong to the specific case-related commission: "The commission elects a President from among its members. If the President is not a member of the commission meeting in the specific individual case in accordance with § 8, he or she shall delegate the exercise of his or her rights and tasks to one of the members meeting after consultation with them."²⁶³

In the Diocese of Aachen, the Missio Commission is only appointed by the local Ordinary if necessary in the respective case in accordance with § 7 para. 4 and 5, whose four members then elect a chairperson from among themselves, which requires a new consultation and decision in the event of a tie vote, as no vote could be decisive before the election of a chairperson.²⁶⁴

In the Diocese of Essen, the Missio Commission is made up as follows:

- "a. The Head of the Department of Cultural Development in the Episcopal Vicariate General as representative of the Vicar General
- b. a consultant in the Department of Religious Education and School Culture

²⁶¹ Ibid.

²⁶² See Diocese of Fulda, Missio-Ordnung (see note 43), p. 76.

²⁶³ Ibid.

²⁶⁴ See Diocese of Aachen, Missio-Ordnung (see note 28), p. 153.

- c. one member from the Legal Department of the Diocese of Essen
- d. a theological university lecturer at a university in the area of the Diocese of Essen."²⁶⁵

As in the Archdiocese of Paderborn, the appointment of deputies is not mandatory and the regulations point out that in urgent cases, the commission can also meet by circular resolution.²⁶⁶

Although the Missio Regulation of the Diocese of Hildesheim was published in 2022 and thus before the Model Ordinance, the content of Articles 5 and 6 on the procedure of the Missio Commission is already based on the Model Ordinance. In the Diocese of Hildesheim, the Missio Commission consists of the following persons:

- "a. the Head of the Education Department
in the Episcopal Vicariate General as representative/
Representative of the Vicar General;
- b. a religious education teacher;
- c. a theological university lecturer;
- d. one further member with the qualification for
German judgeship or higher administrative service."²⁶⁷

The regulations on the five-year appointment - the bishop is the appointee here -, substitution and partiality are otherwise identical to the Model Regulations, with the exception of the addition that the vote of the presiding person is decisive in the event of an equal number of votes.²⁶⁸

"§ 7 Working methods of the Missio Commission

(1) The Missio Commission shall meet for each school level. In specific individual cases, it shall consist of: 1. the representative of the (arch)episcopal authority, 2. the religious education teacher of the school level for which the Missio canonica has been applied for in the specific individual case or for which the Missio canonica, the withdrawal of which is intended, has been granted, 3. the theological university teacher, 4. the lawyer.

(2) The Missio Commission shall only have a quorum if all four members are present. It shall not meet in public, even if a hearing of the teacher concerned takes place.

²⁶⁵ Diocese of Essen, Missio-Ordnung (see note 70), p. 125.

²⁶⁶ See *ibid.*

²⁶⁷ Diocese of Hildesheim, Missio-Ordnung (see note 87), p. 104f.

²⁶⁸ See *ibid.*, p. 105.

(3) If a member of the Missio Commission is rejected due to concerns of bias, the Missio Commission shall decide excluding the rejected member; in the event of a tie, the President shall have the casting vote. Substitute members shall not be consulted for the decision in accordance with sentence 1; paragraph 2 sentence 1 shall not apply. Reasons for the rejection must be given in writing. The rejected member must comment on this. The decision pursuant to sentence 1 cannot be contested.

(4) If a member who is not recused declares himself to be biased, paragraph 3 shall apply accordingly."²⁶⁹

According to § 7 para. 1, the religious education teacher of the school level corresponding to the case is part of the Missio Commission. According to § 7 para. 2, a quorum requires the presence of all four members. Its meetings are not public. This also includes hearings of the religious education teacher concerned by the Missio Commission. Paragraphs 3 and 4 of § 7 regulate the determination of possible biased members. In the event of bias, the members who are not in question due to bias shall have a quorum and, in the event of a tie, the President shall have the casting vote. The deputy members are not authorised to vote in this case. A declaration of bias must be justified in writing to the biased member, who is obliged to declare his or her bias, although there is no longer any possibility of appeal against the decision. According to § 7 para. 5, a member can also declare himself biased. Only the regulation of the North Rhine-Westphalian part of the Diocese of Münster assumes that this decision can be contested: "The decision can be contested subject to the establishment of an ecclesiastical administrative jurisdiction."²⁷⁰ The Missio Regulations of the Bavarian Dioceses use the term "school type (or school type group for primary, secondary and special schools)" instead of school level.²⁷¹

"§ 8 Procedure for the involvement of the Missio Commission

(1) The ecclesiastical authority shall forward the case to the Missio Commission, enclosing the written statement of the religious education teacher. If, after a preliminary examination, the Missio Commission considers the refusal or withdrawal of the missio canonica to be appropriate, it shall again give the teacher of religion the opportunity to submit a written statement within a reasonable period of time; this period may be extended by the President of the Missio Commission at the request of the teacher of religion. At the request of one of its members or the religious education teacher, the Missio Commission shall hold an oral hearing.

²⁶⁹ German Bishops' Conference, Model Regulations (see note 1), § 7.

²⁷⁰ Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 217f.

²⁷¹ See Diocese of Augsburg, Missio-Ordnung (as note 59), p. 410; Archdiocese of Bamberg, Missio-Ordnung (as note 61), p. 378; Diocese of Eichstätt, Missio-Ordnung (as note 45), p. 308; Archdiocese of Munich and Freising, Missio-Ordnung (as note 47), p. 340; Diocese of Passau, Missio-Ordnung (see note 49), p. 340; Diocese of Regensburg, Missio-Ordnung (see note 83), p. 109; Diocese of Würzburg, Missio-Ordnung (see note 51), p. 310.

(2) Notwithstanding para. 1 sentence 3, the Missio Commission shall use such evidence as it deems necessary at its due discretion to establish the facts of the case. In particular, it may obtain information of any kind, hear witnesses and experts or obtain written or electronic statements from parties, experts and witnesses and consult documents and files.

(3) The Missio Commission shall send the local Ordinary a written vote with a recommendation for his decision. The decision on the vote in accordance with sentence 1 shall be made by majority vote; in the event of a tie, the President shall have the casting vote. Commission members who are outvoted may add a minority vote to the vote.

(4) The decision of the local Ordinary shall be sent to the religious education teacher in writing with reasons. Within ten days, the religious education teacher may apply in writing for the decision to be amended or cancelled (cf. canon 1734 § 2 CIC). If the application according to sentence 2 is unsuccessful, the teacher of religion may lodge an appeal with the competent Roman Congregation via the local Ordinary within fifteen days (cf. canons 1732-1739 CIC).

(5) The local Ordinary may, for serious and urgent reasons, temporarily withdraw the missio canonica during the procedure under paragraphs 1 to 4 until a final decision is made. Prior to this, the religious education teacher shall be given the opportunity to submit a written statement without delay. The decision according to sentence 1 is not contestable. § 5 para. shall apply accordingly.

(6) The teacher may consult a legal counsellor at any time during the proceedings.²⁷²

The final § 8 of the Model Regulations regulates the work of the Missio Commission. It receives written documentation on the case from the episcopal ordinariate with the statement of the religious education teacher concerned and carries out a preliminary examination to determine whether the facts of the case suggest a withdrawal or rejection of an application. If this is the case, the teacher must again be given the opportunity to comment within a specific period of time.²⁷³ The President may extend this period at the teacher's request. If one of the members requests an oral hearing of the teacher, this shall be held. According to § 8 para. 2, the Missio Commission may take any evidence it deems necessary for the case and "may in particular obtain information of any kind, hear witnesses and experts or obtain the written or electronic statements of parties, experts and witnesses and consult documents and files". After evaluating the case, the Missio Commission submits its decision recommendation to the local Ordinary in writing, which it reaches by a majority of the members' votes. In the event of an equal

²⁷² DBK, Musterordnung (see note 1), § 8.

²⁷³ See e.g. Diocese of Essen, Missio-Ordnung (see note 70), p. 126, where the deadline is specified as 14 days.

number of votes, the President decides. Minority votes by members who did not receive a majority vote may also be added.

The local Ordinary must communicate his decision in writing to the teacher concerned in accordance with § 8 para. 4, who in turn has the option of a hierarchical appeal in accordance with cc. 1732-1739 CIC/1983. She may request in writing within 10 days that the local Ordinary cancels or amends his decision according to c. 1734 § 2. If the local Ordinary does not respond within 30 days, a period of 15 days to lodge an appeal with the competent Dicastery for Education and Culture of the Roman Curia begins on the thirtieth day, according to cc. 1735 CIC/1983 in conjunction with 1737 §§ 1 and 2. If the local Ordinary issues a new decree or a notice of rejection, the period of 15 days runs from the announcement of the new decree or the rejection. The provisions on hierarchical recourse are not described in detail, as the procedure following the decision of the Dicastery with the possibility of appeal to the Apostolic Signature within the 60-day period of use is not mentioned further.²⁷⁴ The Missio Regulations of the Dioceses of Essen and the North Rhine-Westphalian part of the Diocese of Münster mention the possibility for those affected to lodge their complaint "with the papal jurisdiction in Rome" without first naming the appeal to the competent congregation.²⁷⁵

In the case of reasons that are serious and urgent, a provisional withdrawal of the Missio Canonica by the local Ordinary is possible in accordance with § 8 para. 5. The teacher concerned has the right to comment on this directly in writing, although the decision of the local Ordinary cannot be contested by the teacher and its provisional withdrawal also means that religious instruction can no longer be given.

§ 8 para. 6 provides that the teacher concerned may consult a legal adviser at any stage of the proceedings. It is left open as to which qualifications this person must have, so that the teacher is free to choose. The Missio Regulations of the (Arch)Dioceses of Berlin, Hamburg, Dresden-Meißen, Erfurt, Görlitz and Magdeburg specify the term "religious education teacher" in Section 8 para. 6.²⁷⁶ The Missio Regulation of the Archdiocese of Paderborn omits the teacher's

²⁷⁴ SEE GRAULICH, Markus, s. v.: Rekurs. Katholisch, in: LKRR, vol. 3, p. 864f.

²⁷⁵ Diocese of Essen, Missio-Ordnung (see note 70), p. 126 and Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 218.

²⁷⁶ See Archdiocese of Berlin, Missio-Ordnung (see note 68), p. 8; Archdiocese of Hamburg, Missio-Ordnung (see note 76), p. 155; Diocese of Dresden-Meißen, Missio-Ordnung (see note 79), p. 198; Diocese of Görlitz, Missio-Ordnung (see note 85), p. 18; Diocese of Magdeburg, Missio-Ordnung (see note 33), p. 135; Diocese of Erfurt, Missio-Ordnung (see note 31), p. 9.

right to a written statement in § 9 para. 8 in the case of withdrawal for serious and urgent reasons and only refers generally in § 9 para. 6 to the hierarchical appeal in accordance with cc. 1732-1739 CIC/1983, without describing its steps.²⁷⁷ The Missio Regulations of the Diocese of Essen and the North Rhine-Westphalian part of the Diocese of Münster also omit the teacher's right to a written statement in this case.²⁷⁸ It is very interesting that the Missio Regulations of the North Rhine-Westphalian part of the Diocese of Münster do not standardise the incontestability of this decision as the other regulations do, but instead state: "This provisional decision shall be notified to the person concerned in writing and is contestable subject to the establishment of an ecclesiastical administrative jurisdiction."²⁷⁹

Article 6 of the Missio Regulations of the Diocese of Hildesheim is almost identical to Article 8 of the Model Regulations, except for the addition that the teacher concerned may appeal to the Missio Commission within 14 days of notification of the intention to withdraw the Missio Canonica.²⁸⁰

3. Summary

The 2023 Model Ordinance and its implementation in the German dioceses retains the distinction already made in previous Missio Ordinances between ecclesiastical authorisation granted for a limited period during the legal clerkship and the Missio Canonica, which is granted for an unlimited period after completion of the second state examination. Some regulations, particularly those of the dioceses in the federal state of North Rhine-Westphalia, also share this, but use the term ecclesiastical authorisation as a generic term for the Missio Canonica, the ecclesiastical teaching permit for the period of the traineeship and the ecclesiastical teaching permit for teachers who do not yet have a qualification for the subject of Catholic Religious Education, but are continuing to qualify for it. What is new compared to previous regulations is that only one reference and no longer two references are required for the Missio Canonica and no references need to be obtained for the ecclesiastical teaching licence for the period of the traineeship. Only in the Archdiocese of Cologne is a reference also required for

²⁷⁷ See Archbishopric of Paderborn, Missio-Ordnung (see note 57), p. 83.

²⁷⁸ See Diocese of Essen, Missio-Ordnung (see note 70), p. 126; Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 218.

²⁷⁹ Diocese of Münster NRW, Missio-Ordnung (see note 64), p. 218.

²⁸⁰ See Diocese of Hildesheim, Missio-Ordnung (see note 87), p. 105

the ecclesiastical teaching licence for the “Referendariat”. In the 1973 amendments to the framework rules of procedure after the turn of the millennium, some Missio Regulations had already begun to no longer require a reference from a priest, but had retained two references. However, the need for a reference from at least one priest still prevailed. In the Model Regulation as well as in all newly issued Missio Regulations, the requirement that a reference must come from a priest no longer exists. It is also new that in the Diocese of Essen and the North Rhine-Westphalian part of the Diocese of Münster, for example, the reference can alternatively be provided by an interview with a full-time pastoral or charity worker. The Missio Regulations of the Diocese of Fulda even stipulate that instead of a reference, an interview with a full-time person must be conducted according to a guideline agreed upon by the applicant and the Vicariate General. As was already the case in some Missio Regulations in the previous wave of amendments, several Missio Regulations now provide for separate standards for the professional groups of priests, pastoral and parish assistants as well as laicised priests or deacons. The Missio Regulations of the (Arch)Dioceses of Cologne, Paderborn and Essen stipulate the diocesan bishop as the conferrer of the ecclesiastical authorisation or the Missio Canonica instead of the local Ordinary. The award criterion of orthodoxy is still made with the personal declaration that religious education is taught in accordance with the principles of the Catholic Church, although some Missio Canonica regulations emphasise in this context that critical questions do not fundamentally call into question the teacher's loyalty. As in the previous amendments, the Missio Regulations include full incorporation into the Catholic Church through the reception of the sacraments of initiation and the current Missio Regulations supplement the withdrawal in the event of leaving the Church more clearly than the Model Regulations. With regard to the criterion of orthopraxy, the Model Ordinance and most diocesan implementations of it contextualise the witness of Christian life in schools and lessons and already emphasise in the preamble that lifestyle or, for example, sexual orientation etc. cannot be the subject matter. Attention was drawn to the tension towards the more comprehensive concept of the testimony of Christian life according to cc. 804 § 2 in conjunction with 805. Some dioceses, such as the Archdioceses of Paderborn and Cologne, omit this contextualisation but leave the statements in the preamble in the text. This shows the inconsistent implementation of the Model Ordinance, which in turn leads to the question of how recognitions are carried out across dioceses if the award conditions were different. In the Archdiocese of Paderborn, there is also a connection between the preamble and the interpretation of the

ordinance in its light. This connection is not taken up in the Missio Regulation of the Archdiocese of Cologne. The reference to life in a valid marriage, which was included in some Missio Regulations of the last amendment, is no longer mentioned in any of the new Missio Regulations. The Missio Regulations of the Diocese of Osnabrück already refer to the Christian Religious Education (CRU) currently being planned in the state of Lower Saxony. The Dioceses of Osnabrück, Hildesheim and the Oldenburg part of the Diocese of Münster will amend their Missio Regulations when the CRU is introduced. Some orders prior to the current amendment had already included the return of the Missio Canonica or the ecclesiastical teaching licence in addition to the withdrawal, which has now also been included in the Model Ordinance and the subsequently promulgated Missio Regulations. As part of the procedure of the Missio Commission, its composition, working methods and, in particular, the rights of the person concerned have been concretised. The firm establishment of a person with expertise in canon law is still a desideratum in the Model Ordinance and in some current Missio Ordinances. The forms of study support provided by the mentorates as part of the most recent amendments are now also anchored in the current Missio Regulations through proof of the study support letter when applying for a church teaching licence.