

Syllabus
Winter Quarter, 2009

Canon Law
STMA 507
Classroom: Hunt 150
Thursdays: 1:30 - 4:20 pm

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Required texts:

John Beal, James Coriden, Thomas Green, eds., *New Commentary on the Code of Canon Law*, New York, Mahway, NJ, Paulist Press, 2000.

John Huels, *The Pastoral Companion. A Canon Law Handbook for Catholic Ministry*, New Series, 3rd ed., Revised and Updated, Quincy, IL, Franciscan Press, 1995.

Recommended texts:

Austin Flannery, ed., *Vatican Council II. The Conciliar and Post-Conciliar Documents*, Northport, NY, Costello, 1975 (or any English translation of the conciliar and postconciliar documents).

Code of Canons of the Eastern Churches, Latin-English Edition, Translation prepared under the auspices of the Canon Law Society of America, Washington, CLSA, Washington, 1992.

Gerard Sheehy et al., eds., *The Canon Law Letter and Spirit. A Practical Guide to the Code of Canon Law*, London, Geoffrey Chapman, 1995.

Ernest Caparros, Michel Thériault, Jean Thorn, eds., *Code of Canon Law Annotated*, Latin-English edition of the *Code of Canon Law* and English-language translation of the 5th Spanish-language edition of the commentary prepared under the responsibility of the Instituto Marín de Azpilcueta, 2nd edition, Montreal, Wilson and Lafleur Limited, 2004.

James Coriden, Thomas Green, Donald Heintschel, eds., *The Code of Canon Law. A Text and Commentary*, Lond, Geoffrey Chapman, 1985.

James Coriden, *An Introduction to Canon Law*, Mahwah, NJ, Paulist Press, 1991.

James Coriden, *Canon Law As Ministry. Freedom and Good Order for the Church*, Mahwah, NJ, Paulist Press, 2000.

Ladislav Orsy, *Theology and Canon Law: New Horizons for Legislation and Interpretation*, Collegville, Minn., Liturgical Press, 1992.

Course description:

This course will give an overview of the role of canon law in the life of the Roman Catholic Church. It aims to give the students an understanding of what the law encompasses, as well as to be a practical guide for how to resolve canonical issues that are part of parish life. The course will cover: the role of law in the Church, the sacraments, the hierarchical structure of the Church. The course will also explore the link between the law and theology.

Course requirements:

Attendance is required, as well as active class participation, and a demonstration that the student is grappling with the readings and the issues at hand.

Determination of final grades:

Class participation

(participation in discussion; preparedness for discussion):	10%
1 st assignment (short paper: 5-7 pages): due January 29, 2009	20%
2 nd assignment (short paper: 5-7 pages): due February 19, 2009	20%
3 rd assignment (long paper: 15-20 pages): due March 12, 2009	50%

***** This is a proposed outline of classes. What is covered or emphasized in class might change depending on the interests of the students. Please feel free to request specific topics.

N.B. I am not intending to cover books V and VI of the Code, as well as most of books I and VII. If people are interested in these books, we can add them and change the proposed format of the course, as necessary.

Week I (January 8, 2009):

Overview of course. What is canon law: what is its role in the church; what is its history in the 20th century; introduction to the 1983 *Code of Canon Law*, as well as a brief introduction to the 1990 *Code of Canons of the Eastern Churches*.

We will address: familiarity with the Code and other legislative texts, including what is contained in the Code, how to use it, how to cite documents, how to know their weight.

We will study some basic principles: common good, natural, divine and positive law, *salus animarum suprema lex*.

Suggested reading: *New Commentary*, pp. 1-44.

N.B. *Glossary of canonical terms* in Huels, pp. 397-410.

This material will be covered throughout the early weeks:

Subjects of the law (cc. 1, 7-22, 96-112)

Power of governance (cc. 129-144)

Dispensations (cc. 85-93)

Defense of rights: within this topic we will address declarations of invalidity, protection of one's good name, as well as issues arising from the clergy sexual abuse scandal. If there is need, we will allot more class time to this issue.

Suggested reading: *New Commentary*: pp. 47-49; 55-86; 140-153; 183-194; 126-137
Huels: pp. 3-36

Week II (January 15, 2009):

Structure of the 1983 Code; influence of Vatican II: *munera* of teaching, sanctifying and ruling

Hierarchical structure: Rights and obligations of the faithful (cc. 208-223)
Rights and obligations of the lay faithful (cc. 224-231)
Rights and obligations of clerics (cc. 227-289)
Rights and obligations of institutes of consecrated life and their members (cc. 662-672)

Suggested reading: *New Commentary*: pp. 241-392; 828-842.
Huels: pp. 3-36

Week III (January 22, 2009):

Structure of the Church: Universal Church (Roman Pontiff and Roman Curia) (cc. 330-341; 349-361)
Particular church/diocese (cc. 368-411)

Episcopal conference (cc. 447-459)
Brief referral to parishes (cc. 515-55): these canons will be covered
in Week IX with Father Bawyn.

Suggested reading: *New Commentary*: pp. 423-453; 464-489; 501-546; 588-609
Huels: pp. 380-388

Week IV (January 29, 2009):

1st assignment due

Sacraments: Introduction (cc. 840-848)
Baptism (cc. 849-878)

Other acts of divine worship: Sacramentals (cc. 1166-1172)
Liturgy of the hours (cc. 1173-1175)
Funerals (cc. 1176-1185)
Sacred times and places (cc. 1205-1253)

Suggested reading: *New Commentary*: pp. 997-1065; 1400-1413; 1424-1448
Huels: pp. 37-62; 299-336

Week V (February 5, 2009):

Sacraments: Confirmation (cc. 879-896)
Eucharist (cc. 897-958)
Penance (cc. 959-997)
Anointing of the Sick (cc. 998-1007)

Suggested reading: *New Commentary*: pp. 1065-1233
Huels: pp. 63-186

Week VI (February 12, 2009):

Sacraments: Marriage: introduction, preparation, impediments (cc. 1055-1094)

Suggested reading: *New Commentary*: pp. 1234-1296
Huels: pp. 187-230

Week VII (February 19, 2009):

2nd assignment due

Sacraments: Marriage: consent, canonical form, mixed marriages (cc. 1095-1129)

Suggested reading: *New Commentary*: pp. 1296-1352

Huels: pp. 231-270

Week VIII (February 26, 2009):

Sacraments, cont.: Marriage: dissolution, declaration of nullity, 'convalidation' (cc. 1141-1165; 1671-1685)

Suggested reading: *New Commentary*, pp. 911-939; 947-948; 953-976
Huels: pp. 273-295

Week IX (March 5, 2009):

Sacraments, cont: Orders (cc. 1008-1054)

Hierarchical structure, cont.: Parishes (cc. 515-555)

Suggested reading: *New Commentary*: pp. 673-733
Huels: pp. 357-374

Week X (March 12, 2009):

3rd assignment due

Teaching office: Infallibility (cc. 749-754)
Ministry of the Divine Word (cc. 762-772)
Catechetical Formation/Catholic Education (cc. 773-821)
Missionary Activity (cc. 781, 788)

Suggested reading: *New Commentary*, pp. 911-939; 947-948; 953-976

Assignments

For the three assignments, choose a different area of focus in the Code. If you wish to choose topics in the same general subject area, please have your choices approved by the professor.

1st assignment: due January 29, 2009 (5-7 pages)

2nd assignment: due February 19, 2009 (5-7 pages)

For the first two assignments, do a reflection paper on a canon or a group of canons, or perhaps on the subject of an article. Demonstrate how the law is trying to help pastorally in a particular situation.

Objective: if it is your opinion that a particular regulation is not ‘pastoral’, consider why strict regulations might be necessary in a particular situation. Of, if you consider the law to be ‘pastoral’, how is it so? Can you highlight situations where the law might be interpreted strictly, or others where it is interpreted less strictly?

3rd assignment: due March 12, 2009 (15-20 pages)

Choose a theme/subject that interests you theologically. Consider the following:

- is it dealt with in canon law?
- if so, how?
- if not, why not?

Consider not only what has been legislated, but also what is left open in the law for further interpretation. Are different interpretations possible?

What does your research tell you about the relationship between theology and canon law?

Cite commentaries and articles, as well as legislation since the 1983 Code, if applicable. Use the format approved by the University.

N.B. Topics must be approved by professor.