

MPS 235/STP 565 Introduction to Church Law

Fall 2019

Course Outline

September 4 to December 4, 2017

Wed. 1:15-4:05pm – Eugene de Mazenod Room

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Course Description

Role of the law in the Church today. The development of Canon Law. Ecclesiastical laws and the people of God. Revision of Church Law.

NTC Educational Goals and Course Objectives

- a) *Intellectual Formation Goal:* To learn the law and its capacity for teaching and educating people in the Catholic Faith
- b) *Cultural Context Goal:* To understand the theological, spiritual, liturgical and social dimensions of the law
- c) *Personal and Spiritual Formation Goal:* To be able to maturely reflect upon the law and its effect upon the human person
- d) *Capacity for Ministerial Leadership Goal:*
 - To apply the law in pastoral ministry and
 - To understand the law as a component of justice in social ministry

Course Assignments and Evaluation

Evaluation of course work is based on demonstrating a clear understanding of canonical terms and concepts, the ability to distinguish between various canonical acts, the precise use of canonical language, an appreciation of the implications of precise canonical formulations on the validity and liceity of juridical acts, and an understanding of the relationship between general canonical norms to specific canonical acts and processes. The laws governing marriage, institutes of consecrated life, societies of apostolic life and secular institutes, as well as those governing judicial processes will not be covered in this course. **While the Course reading will be the same for all students (Course Notes provided by the Instructor) whether in the MPS 235 or STP 565 Program, nevertheless the Assignment and Test questions may vary for each program to reflect the undergraduate or graduate nature of the course.**

In-class Tests/Mini Case Studies 10% September 4 to December 4, 2017

Students will be tested on the material presented in class and given the opportunity to apply canon law through mini case studies throughout the term.

Assignment 1 10% September 25, 2017

Students will choose 1 historical canonical figure and compose 1 mini-biography that is not to exceed 5 pages (typed, double spaced) with an additional page naming your sources, appropriately cited. Please describe *who* the individual was and *their contribution to canon law*. Alternatively, students may choose a significant canonical compilation/compendium (other than the 1917 and 1983 Codes) and explain its historical development and significant to canonical science (also not to exceed 5 pages [typed, double spaced] with an additional page naming sources, appropriately cited).

Assignment 2 & 3 20% October 23, 2017 & November 27, 2017

Students will be given 2 case studies in order to examine and apply the canon law that relates to these particular situations.

Midterm Exam 25% October 30, 2017

Final Exam 35% Date to be determined

Textbooks

The Students will be provided with unpublished course notes produced by the instructor.

Code of Canon Law, Latin English Edition. New English Translation. Washington: Canon Law Society of America, 1999.

Note: The Code is available online. For those who anticipate involvement in pastoral ministry, it is recommended that instead of the above the following is purchased, as it has a short but useful commentary accompanying the text: Caparros, Ernest et al., ed. *Code of Canon Law Annotated*. 6th ed. rev. Montreal: Wilson & Lafleur Ltée, 2004.

Benedict XVI, Apostolic Letter *motu proprio, Omnium in mentem*, October 26, 2009. AAS 102 (2010): 8-10 [available online].

Pope Francis, Apostolic Letter *motu proprio, Concordia inter codices*, 31 May 2016. AAS 108 (2016): 602-606 [available online].

Assembly of Quebec Catholic Bishops. *Canonical and Pastoral Guide for Parishes*. Montreal: Wilson & Lafleur Ltée, 2006.

Recommended Reading

John Paul II. Apostolic Constitution *Sacrae disciplinae leges*, January 25, 1983. AAS 75 II (1983): vii – xiv.

Course Requirements

Students are required to develop an understanding of canon law, its principles and development; become familiar and comfortable with the *Code of Canon Law*; become knowledgeable of the particular canons related to parish and pastoral ministry; and learn to apply canon law.

Through the use of lectures, class presentations, group work, case studies and exams, students will be able to achieve a basic understanding of the discipline of canon law and its relevance to the life of the Church.

Course Schedule

1. Introduction to the law of the Eastern Catholic Churches: Hierarchy and structure of the Churches, adscription issues, some marriage issues. John Vizza, JCL (3 hours: 4 September)
2. An Introduction to Law: Divine Law, Human Law and the relationship between them; need for law; historical development of canon law; significant canonical collections; Apostolic Constitution *Sacrae disciplinae leges*; Principles of Revision of the 1983 *Code*; structure of the *Code*; (2 classes: September 11)
3. Book One: introductory canons; law and custom; doubt; *lacunae leges*; decrees and administrative acts; juridical persons and acts; governance; ecclesiastical offices; *ecclesia supplet*; canonical time; liturgical law (3 classes: September 18, 25, October 2)
4. Book Two: obligations and rights of Christ's faithful and clerics; lay associations; Roman Pontiff and the College of Bishops; Roman Curia, Apostolic Constitution *Pastor Bonus*; Bishops and Episcopal Conferences; the Diocese; the parish (3 classes: October 9, 16, 23)
5. Book Three: magisterium of the Church; obligations concerning Catholic doctrine; ministry of the Divine Word (½ class: October 30 [after the mid-term exam])
6. Book Four: general norms for the sacraments; sacraments of initiation; sacrament of penance; anointing of the sick; holy orders (2 classes: November 6, 20)
7. Book Five: Acquisition of Temporal Goods; Administration of Temporal Goods; Alienation of Temporal Goods 1 class: November 27)
8. Book Six: sanctions; delicts and penalties 1 class: December 4)

General Academic Information

Late Submission Policy.

Extensions beyond an original deadline may be granted only in those cases where it is possible to mark a late assignment and submit a final grade to the Registrar within the parameters of the given semester. If an extension is not sought according to established procedures, or one is not granted, missed assignments shall result in the assigning a final grade of "Incomplete." In this event, the policy governing "Incomplete Courses" shall apply. Details are available in the *Student Handbook*.

Course Attendance

No credit will be given for a course if the student has been absent, for any reason whatever, from one-third or more of the lectures and/or seminars scheduled for the term. Likewise, no credit will be given if term assignments or other assignments are or remain incomplete.

Leave of Absence and Policy for Incompletes

Extensions to an incomplete grade may be granted in extenuating circumstances, but may not exceed 16 weeks following the end of the course. Students who fail to complete course work by the agreed deadline will have a grade assigned which is based on work completed.

Academic integrity

Acts of academic dishonesty (plagiarism, cheating, etc.) are subject to an appropriate penalty. The grade F may be assigned to a student guilty of such acts by the professor of the course in which the

infraction occurred. A second offense against academic integrity makes the student liable to automatic dismissal from NTC. Details are available in the Student Handbook in the Academic Misconduct Policy.

Academic grievances

Students may appeal grades received; the procedure is outlined in the Student Handbook in the Grade Appeal Policy. For other grievances, students will refer to the Student Grievances Policy also outlined in the Student Handbook.

NOTE: The GPA is computed on the basis of cumulative grade point (letter) values, not percentage values. All courses are included in this calculation except those exceeding degree requirements and/or received as transfer credits from other recognized institutions.

Grading System

Undergraduate Studies C.Th., Dip.Th., B.Th.			Graduate Studies M.T.S., M.Div., M.Th., G.C.C.S.A., M.R.E.		
Grade Meaning	Grade	Grade Point	Grade Meaning	Grade	Grade Point
Excellent	A+	4.0	Excellent	A+	4.0
	A	4.0		A	4.0
	A-	3.7		A-	3.7
Good	B+	3.3	Good	B+	3.3
	B	3.0		B	3.0
	B-	2.7		B-	2.7
Adequate	C+	2.3	Adequate	C+	2.3
	C	2.0		C	2.0
	C-	1.7		C-	1.7
Marginal	D+	1.3			
	D	1.0			
Fail	F	0.0	Fail	D+	1.3
				D	1.0
				F	0.0

Written Assignments - Style and Format

Newman Theological College requires that all written work be submitted in acceptable academic format and style. Please note the following regulations:

Regulations

Research papers, book reports, article summaries, reflection papers, and essays should be double-spaced, printed on one side only, and submitted on white, 8.5" x 11" paper.

A standard type style, such as Times New Roman, with a 12-point font size, must be used. The instructor will specify the most recent edition of the style manual to be used:

1. Kate Turabian, "A Manual for Writers of Term Papers, Theses, and Dissertations" (Chicago: University of Chicago Press).
2. Joseph Gibaldi & William Aichters, eds., "MLA Handbook for Writers of Research Papers" (New York: Modern Language Association of America).
3. American Psychological Association "Publication Manual of the American Psychological Association" (Washington: APA Publications).

Copies of these standard references may be purchased in the NTC bookstore.

Ignorance of standard form is not considered an acceptable excuse for deviation from required standards of format and style.

Academic Regulations

The following Academic Regulations are located in the Academic Calendar for your reference:

- Changes in Registration: Add/Drop/Withdraw Notice
- Course Work
- Final Examination Schedule
- Incomplete Grade Policy
- Inclusive Language

Related Academic Matters

The following Related Academic Matters are located in the Academic Calendar for your reference:

- Grade Reports & Posting
- Glossary of Academic Terms

Other Related Policies

The following policies are located in the Student Handbook for your reference:

- Academic Misconduct Policy
- Grade Appeal Policy

Recording of Lectures

Audio or video recording of lectures, seminars or any other teaching environment by students is allowed only with the prior consent of the instructor. Recorded material is to be used solely for personal study, and is not to be used or distributed for any other purpose without prior written consent from the content author(s).

Student Accessibility Services

If you have special needs that could affect your performance in this class, please let me know during the first week of the term so that appropriate arrangements can be made. If you are not already registered with Student Services, contact Doreen Bloos at 780-392-2450 ext. 2212; Email doreen.bloos@newman.edu.

Bibliography

Agar, Joseph T. Martin de. *A Handbook on Canon Law*. Montreal: Wilson & Lafleur Ltée, 1999.

Arrieta, Juan Ignacio, *Governance Structures within the Catholic Church*. Montreal: Wilson & Lafleur Ltée, 2000.

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Ecclesiae de mysterio, Interdicasterial instruction on certain questions regarding the collaboration of the non-ordained faithful in the sacred ministry of priests, 15 August 1997. *AAS* 89 (1997), pp. 852-877.

Flannery, Austin, ed. *Vatican Council II, the Conciliar and Post Conciliar Documents*. New rev. ed. Vol. 1. New York: Costello Publishing Co., 1996.

Hervada, Javier. *Introduction to the Study of Canon Law*. Montreal: Wilson & Lafleur Ltée, 2007.

Huels, John M. *Liturgy and Law*. Montreal: Wilson & Lafleur Ltée, 2006.

_____. "The Power of Governance and its Exercise by Lay Persons: A Juridical Approach." *Studia canonica*, vol. 35 (2001), pp. 59-96.

_____. "The Supply of the Faculty to Confirm in Common Error." *Studia canonica*, 40 (2006), pp. 293-348.

_____. *The Pastoral Companion*. 4th ed. Montreal: Wilson & Lafleur Ltée, 2009.

Lüdicke, Klaus, et al., *Dignitas Connubii: Norms and Commentary*. Washington: Canon Law Society of America, 2006.

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Martínez Sistach, Lluís. *Associations of Christ's Faithful*. Montreal: Wilson & Lafleur Ltée, 2008.

McKenna, Kevin E., et al, ed. *Church Finance Handbook*. Washington: Canon Law Society of America, 2009.

Pontifical Council for the Promotion of Christian Unity. *Directory for the Application of Principles and Norms on Ecumenism*. Ottawa: Canadian Conference of Catholic Bishops, 1993.

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Sheehy, Gerard et al., ed. *The Canon Law: Letter & Spirit*. Collegeville: The Liturgical Press, 1995.

Woestman, William H. *Sacraments: Initiation, Penance, Anointing of the Sick*. Ottawa: St. Paul University, 1996.

_____. *Canon Law of the Sacraments for Parish Ministry*. Ottawa: St. Paul University, 2007.

_____. *The Sacrament of Orders and the Clerical State*. 2d ed. Ottawa: St. Paul University, 2001.

_____. *Ecclesiastical Sanctions and the Penal Process*. 2d ed. rev. Ottawa: St. Paul University, 2003.