

LOYOLA UNIVERSITY CHICAGO - SCHOOL OF LAW

Course Syllabus

Canon Law for Civil Lawyers – Law 458

25 E. Pearson, Room 1467

(Part-time faculty office: Room 1301)

Bishop Thomas J. Paprocki, J.D., J.C.D.

2.0 Credit Hours

Fall, 2008

COURSE DESCRIPTION

Mention “canon law” and the uninformed person may wonder how much the law has to say about firing a cannon. “Canon law” to a more educated mind may conjure up images of medieval scholars poring over Latin manuscripts. Others with some limited contemporary contact with canon law will at least have heard of the Catholic Church’s procedures involving marriage annulments.

Many people would be surprised and perhaps mystified to find out that canon law still plays a central role today in determining how the Catholic Church handles the broad spectrum of issues involved in the daily management of a world-wide multinational organization. Moreover, there are many aspects of a contemporary civil lawyer’s practice that may involve issues requiring some knowledge or familiarity with the current canon law of the Church.

Examples of these would be in the areas of litigation relating to allegations of clerical sexual misconduct with minors; Catholic identity, mergers and joint ventures involving Catholic schools and health care institutions; immigration aspects of foreign religious workers; wills, estates and bequests involving ecclesiastical goods and offerings for Masses; incorporation and tax-exempt status of religious organizations; the protection of human rights; and, of course, marriage and family law, especially divorces and annulments. Other issues are strictly religious, such as the sacraments.

This course will be conducted as a seminar in which students will be invited to write a research paper and make a classroom presentation on some issue of canon law, preferably one that involves aspects of both civil law and canon law.

METHOD OF INSTRUCTION

This course will be conducted as a seminar discussion. Readings will be assigned from the required texts. Each course participant will be expected to attend class regularly and punctually, to listen attentively to the course instructor, to read carefully the assigned sections in the required text, to ask intelligent questions, and to contribute substantially to the classroom discussion. In addition, each student will be expected to write a research paper of approximately twenty pages (with proper citations and footnotes) and make an oral presentation in class based on the contents of the research paper (15-17 minutes; Q & A 8-10 minutes; total 25 minutes).

Canon Law for Civil Lawyers – Law 458

Bishop Thomas J. Paprocki, J.D., J.C.D.

Page 2

COURSE OBJECTIVES

1. To provide a basic survey of the canon law of the Latin Rite of the Roman Catholic Church.
2. To develop an understanding of the similarities and differences between canon law and civil law and the interaction between the two, particularly as experienced in the Catholic Church and as practiced in the common law legal system of the United States of America.
3. To develop skills of critical reading, interpretation, synthesis and problem-solving using the *Code of Canon Law*, commentaries on the *Code*, and scholarly canonical literature.
4. To acquire a basic familiarity with aspects of canon law in relationship to the practice of civil law, including recognition of circumstances when special canonical counsel may be needed.
5. To develop the ability to research an appropriate topic, make an oral presentation and prepare a written analysis on a selected area of canon law.

METHOD OF EVALUATION

In lieu of an examination, the course grade will be based on the research paper (40%), the oral classroom presentation (30%), attendance (15%) and participation in the seminar discussions (15%). The type of topic appropriate for the research paper and class presentation would be any area of canon law of interest to the student, preferably a subject in a contemporary civil lawyer's practice that may involve issues requiring some knowledge or familiarity with the current canon law of the Church. Collaboration among students is permitted on seminar projects and assignments. Each student should select a topic as soon as possible in consultation with the instructor (see course description above for some examples). While the law school grade curve does not apply to seminars with fewer than 25 students, evaluation of the student's work will involve some measure of qualitative comparison with the work of other students in the class. Please note that regular and punctual class attendance is required. **There are no excused absences.** In a seminar without an exam, as this one is, active participation is essential since there is no way to make up for missed classroom discussions and presentations. The following attendance policy will be the basis for the portion of the grade (15%) based on attendance:

Perfect attendance:	A
1 absence:	A-
2 absences:	B
3 absences:	C
4 absences:	D
5 or more absences:	WF

REQUIRED TEXTS

Pete Vere and Michael Trueman, *Surprised by Canon Law, Volume 1: 150 Questions Catholics Ask About Canon Law* (Cincinnati, Ohio: Servant Books, 2004 [hereinafter abbreviated as *SBCL-1*]).

Pete Vere and Michael Trueman, *Surprised by Canon Law, Volume 2: More Questions Catholics Ask About Canon Law* (Cincinnati, Ohio: Servant Books, 2007 [hereinafter abbreviated as *SBCL-2*]).

New Commentary on the Code of Canon Law, commissioned by the Canon Law Society of America, edited by John P. Beal, James A. Coriden and Thomas J. Green (New York, N.Y./Mahwah, N.J.: Paulist Press, 2000 [hereinafter referred to as *New CLSA Commentary*]).

ADJUNCT PROFESSOR

Most Rev. Thomas J. Paprocki, S.T.L., J.D., J.C.D.
Auxiliary Bishop of Chicago
1400 S. Austin Blvd.
Cicero, IL 60804
Telephone (708) 329-4040
Fax (708) 222-8854
e-mail: tpaprocki@luc.edu (or)
tpaprocki@archchicago.org

8/26/2008

Canon Law for Civil Lawyers – Law 458

Bishop Thomas J. Paprocki, J.D., J.C.D.

Class Schedule (subject to change as needed)

Fall Semester, 2008

- Week 1 (8/27) Introduction: history, general canonical norms; juridic persons
(Read: *SBCL-1* pp. 1-10; reference: *New CLSA Commentary* pp. 1-26; 154-176)
- Week 2 (9/3) Canonical Rights and Obligations; Institutes of Consecrated Life
(Read: *SBCL-1* pp. 11-27; *SBCL-2* pp. 25-44; reference: *New CLSA Commentary* pp. 254-303; 398-421; 741-779; 1818-1837) Assignment of case study topics
- Week 3 (9/10) Structure and the Universal Church; Roman Curia and Papal Elections
(Read: *SBCL-1* pp. 29-32; *SBCL-2* pp. 71-74, 83-91; ref.: *New CLSA Commentary* pp. 423-500)
- Week 4 (9/17) The Bishop and Diocesan Structure; Conferences of Bishops
(Read: *SBCL-1* pp. 33-40; *SBCL-2* pp. 65-69; ref.: *New CLSA Commentary* pp. 511-546; 588-609; 622-652)
Brief written summary of case study, outline and bibliography due
- Week 5 (9/24) Holy Orders, Priests and Parish Structure; Parish Life
(Read: *SBCL-1* pp. 41-46; *SBCL-2* pp. 13-23, 45-55; reference: *New CLSA Commentary* pp. 673-740; 1193-1233; 1837-1854)
- Week 6 (10/1) The Church's Teaching Office; Catholic Schools and Universities
(Read: *SBCL* pp. 47-61; ref.: *New CLSA Commentary* pp. 911-937; 953-976)
- Week 7 (10/8) Sacraments of Baptism, Confirmation, Eucharist, Confession and Anointing of the Sick
(Read: *SBCL-1* pp. 63-111; *SBCL-2* pp. 13-23; reference: *New CLSA Commentary* pp. 1033-1191)
- Week 8 (10/15) Catholic Health Care – Guest Lecturers: Kerrin Slattery & Erin Davis Shedd, Health Law Department, McDermott Will & Emery LLP
(Read *Ethical and Religious Directives for Catholic Health Care Services*)
- Week 9 (10/22) Marriage and Annulment – Guest Lecturer: Rev. Arthur Anderson, OFM, JCD (Cand.)
(Read: *SBCL* pp. 113-119; reference: *New CLSA Commentary* pp. 1234-1399)
- Week 10 (10/29) Church Goods, Penal Law and Safeguarding the Sanctity of the Sacraments
(Read: *SBCL-2* pp. 57-64, 93-120; reference: *New CLSA Commentary* pp. 1451-1605)
Student presentations: _____
- Week 11 (11/5) Student presentations: _____
- Week 12 (11/12) Sacred Times, Places and Sacramentals (including Exorcisms); Canonization of Saints
Guest Lecturer: Fr. Jeffrey Grob, JCD
(Read: *SBCL-2* pp. 5-12, 75-82; reference: *New CLSA Commentary* pp. 1400-1448)
- Week 13 (11/19) Student presentations _____
ALL STUDENT PAPERS DUE
- Week 14 (11/26) Thanksgiving break – NO CLASS MEETING
- Week 15 (12/3) Concluding synthesis and summary of matters presented and discussed