

# IMPACT AFRICA EDUCATION FOUNDATION

IMPACT AFRICA TECHNICAL UNIVERSITY U.S.A

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## DEPARTMENT OF CHRISTIAN SCIENCE CANON LAW

### COURSE OUTLINE:

#### **CL 201: History of Canon Law**

3.00 Credits

Legal texts: church orders, Oriental collections, Dionysiana, Hispana, Pseudo-Isidorian forgeries, Decretum of Burchard, collections of Ivo of Chartres, the formation of the Corpus Iuris Canonici, developments after the Council of Trent. Church structures: the episcopate, presbyterate, patriarchate, papacy, councils, and the like.

#### **CL 202: Sources in Canon Law**

3.00 Credits

The purpose of the course is to provide an advanced introduction into the sources of canon law prior to the Codex iuris canonici of 1917. Special emphasis will be placed on Gratian's Decretum, the Decretales, and the major glosses and commentaries of the middle Ages. Emphasis will also be placed on the Corpus iuris civilis and its glossators and commentators. The goal of the course is to provide familiarity with these sources and with the tools used in understanding them.

#### **CL 203: Structures of the Particular Church**

3.00 Credits

#### **CL 204: Religious Liberty**

3.00 Credits

Study of several aspects of the relations between Church and State. The students will be confronted with theoretical considerations and principles as well as with practical applications of the latter in national and international jurisprudence.

#### **CL 205: Constitutional Law of the Church**

3.00 Credits

'Ius Publicum Ecclesiasticum' both Externum and Internum. Critique of historical approaches to the Ius Publicum; theological foundations in view of Vatican II; elements comprising the Church constitution. Canons 3; 204-207.

#### **CL 206: Ordained Ministry**

3.00 Credits

The canonical study of the sacrament of orders and the legal state associated with that sacrament. Issues include the selection, training, ministry and life of the ordained as well as the sacrament itself: reception, minister, requirements, and irregularities and impediments. Canons 232-293; 1008-1054; 1708-1712.

#### **CL 207: Administration in the Diocesan Curia**

3.00 Credits

Contemporary theories of management and communication applied to the diocesan curia as described in the Code of Canon Law and actual practice from a representative sampling of United States dioceses. Specific concerns such as planning, organizational structure, record keeping, confidentiality, budgeting, and relating to agencies outside the diocese. Offered alternate years.



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## **CL 208: Law for Consecrated Life**

3.00 Credits

This course examines the history, nature, spirit, and purpose of life consecrated by the evangelical counsels. It presents an overall history of the beginnings and evolution of this gift of the Holy Spirit to the Church. Further, it demonstrates how the Church treasures and preserves this divine gift through stable forms of living, while encouraging these forms to grow and flourish in accord with the spirit of the founders and their sound traditions.

## **CL 209: Special Issues in Lay Ministry** (canon 576).

2.00 Credits

The course considers various aspects of lay ministry; definition, interpretation and implementation of pertinent canons on office and power of governance, parish staffing (c. 517.2), employment practices and preparation for ministry. Also, cc. 208-231 on obligations and rights of the Christian faithful and lay Christian faithful, as well as cc. 298-329 on Associations of the Faithful.

## **CL 210: Philosophy and Theology of Law**

3.00 Credits

A study of select philosophers and theologians whose views on the role of law in society and in the Church have shaped the canonical system of law and continue to provide keys for its interpretation and development.

## **CL 211: Liturgical Law**

2.00 Credits

The nature of liturgical legislation; discipline of the Constitution on Liturgy; implementing documents and praenotanda of the Roman liturgical books. The authority of diocesan bishops and conferences of bishops. Particular liturgical books and norms. Relation of liturgical legislation to the Code of Canon Law; especially canons 2, 834-839.

## **CL 212: Theology of Marriage: Foundations in Theological Anthropology**

2.00 Credits

The primary focus of this course is to explore the unity of the systematic and moral theology of marriage when viewed from its profound anthropological foundations. As such, this course examines the teaching of the Catholic Church on four specific areas in relation to Christian marriage: 1) the human person's creation imago Dei; 2) the effect of sin and concupiscence on the human person; 3) redemption in Christ; and 4) the life of grace and virtue. These four themes coalesce as the theological background from which the student may further integrate and internalize pastoral practice in the teaching of the Church on the Sacrament of Marriage.

## **CL 213: Procedural Law**

3.00 Credits

A general overview of key issues in the law on the formal process in the 1983 code with reference to the marriage nullity process in particular; competence, tribunal organization, procedural capacity, the opening of the formal process, the rules of evidence, the decision, and ways of impugning the decision. Canons 1400-1691.

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## CL 214: Temporal Goods

3.00 Credits

This course considers the ownership, administration and alienation of ecclesiastical goods, normally after students have acquired some background in the history of canon law, general norms, sacramental law and particular Church structures. The canon law of temporal goods can only be understood properly in relation to the Church's theological self-understanding and the role that temporalities have played in the history of the Church. It is especially important that students understand the canon law of temporal goods in relation to the doctrine of the Incarnation and its implications for the Church's ownership and use of material things. The Church asserts a fundamental right and responsibility to own and use material things. How the Church's structure is understood theologically and given concrete expression juridical affects the exercise of this fundamental right and fulfillment of the responsibilities it gives rise to. This concern should likewise influence the way Church entities are structured in civil law. After a brief consideration of the theological context in which the Church's law of temporal goods should be understood and the historical development of theological concepts that inform the current norms of the Code regarding temporalities the course will begin to consider the norms of the Code themselves, starting with the general principles outlined in the introductory canons of Book V. Interwoven with the treatment of the introductory canons will be a consideration of the temporal context within which the Church's regulation of temporalities is to be understood (a brief history of Church/State relations with respect to the Church's ownership and use of property, and the contemporary context in this regard). Following the structure of Book V, the course will go on to consider norms that apply to the acquisition of goods by Church and specific Church entities. Because of the relationship between the acquisition of goods for the Church's use and the necessity of identifying exactly what person or entity has acquired them, at this point in the course attention will also be given to the ecclesiological context within which the canon law of temporal goods is to be understood and applied (that is, how authority is distributed in the Church and various discrete entities capable of property ownership are created and identified), and the civil context (how those same persons and entities gain recognition before the civil law for purposes of protecting and vindicating property rights). Norms that apply to the administration of Church goods will then be taken under consideration and then norms that apply to contracts that affect the ownership and use of Church goods. As the Code itself does, special attention will be given to contracts and transactions that involve the alienation of Church property. Finally, pious causes and pious wills and foundations will be considered.

## CL 215: Protection of Rights in Administrative Life of the Church

3.00 Credits

Contemporary concern for rights within the Church, causes and implications; canonical tradition and the protection of rights; categories of rights and their respective bases; selected human, ecclesial, and ecclesiastical rights; necessity of juridical protection of rights within the Church; nature of juridical protection; juridical protection in the new Code of Canon Law; administrative justice; ecclesiastical due process; administrative courts. Canons 208-231, 1713-1716, 1732-1739.

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## **CL 216: Confidentiality and the Law**

2.00 Credits

Survey of issues relating to confidentiality in civil and canon law: the seal of confession and the "priest-penitent" privilege; other evidentiary privileges in civil law; principles of moral theology with respect to confidentiality; "mandatory reporting" laws; "secret archives" etc. The course will consider areas of potential conflict between the two legal systems and the bases for claiming protection in civil law for confidential communications and other information considered confidential.

## **CL 217: Teaching Office of the Church**

2.00 Credits

Canonical aspects of the Church's teaching office or magisterium. Canons 747-833 examined in the light of the documents of the Second Vatican Council from both doctrinal and disciplinary aspects. The ministry of the word; including preaching and catechetical formation; missionary activity, including higher education; communications media.

## **CL 218: Selected Issues in Chancery Practice**

2.00 Credits

Some practical issues involving canon law faced by those who work in diocesan curiae: e.g., personnel management, dealing with extern clergy, investigation of complaints of sexual misconduct, developing policies, administers temporal goods, disputed issues in liturgical law, dealing with recourses to the Holy See.

## **CL 219: Special Procedures: More Grave Delicts**

2.00 Credits

The Congregation for the Doctrine of the Faith is solely competent in penal matters related to the most serious delicts [graviora delicta] committed by clerics and members of the lay faithful. The course will examine the substantial and procedural norms of universal law governing the graviora delicta as well as the applicable particular ecclesiastical law for the United States. It will also provide practical guidance in the implementation and application of these norms.

## **CL 220: Ecumenism and Canon Law**

2.00 Credits

From the ecclesiological principles of the 19th Century as expressed in the 1917 Codex Iuris Canonici to the principles of the Second Vatican Ecumenical Council and the 1983 Codex Iuris Canonici. A study of select documents on the theory and practice of ecumenism, especially as articulated in the *ius vigen*s.

