

## MPS 366 / STP 566 Marriage: Canonical Issues

Fall 2021

### Course Outline

#### Class Start Date & End Date

Start Date: Tuesday, 14 September 2021; End date: Tuesday, 7 December 2021

#### Class Meeting Time, Location, and Room

Tuesdays, 1:15 – 4:05, NTC, St. Eugene de Mazenod Room

**Instructors Name:** Rev. Philip Creurer, JD, JCD, PhD  
**Office:** Assumption & Resurrection Parish Offices, 10555 50A St. Edmonton  
**Office Hours:** By Appointment  
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#### Course Description

The place and importance of matrimonial legislation in Church law. General principles, Laws governing preliminaries to marriage, impediments, consent, canonical form, time and place of marriage, effects. Convalidation. Separation of spouses. Second marriages. Pastoral care of the divorced and remarried.

#### Course Objectives

- a) *Intellectual Formation Goal:*
  - To learn the matrimonial law of the Church
  - To understand what is constitutive canonically to marriage
- c) *Cultural Context Goal:* To understand the theological, spiritual, and liturgical formation required for marriage in the Church
- d) *Personal and Spiritual Formation Goal:* To be able to reflect upon the canonical effects of marriage law on the human person
- e) *Capacity for Ministerial Leadership Goal:* To learn to use and apply marriage law in one's pastoral ministry

## Course Assignments and Evaluation

<u>In-class Tests</u>	10%	Students will be quizzed on the material presented in class throughout the term.
<u>Pre-Marriage Inventory</u>	10%	Students will both learn and administer a pre-marriage inventory to a couple preparing for marriage.
<u>Case Studies</u>	15%	Students will be given 2 case studies in order to examine and apply matrimonial law.
<u>Midterm Exam</u>	25%	
<u>Final Exam</u>	40%	

## Textbooks

*Code of Canon Law, Latin English Edition. New English Translation.* Washington: Canon Law Society of America, 2017.

Pontifical Council for the Family. *Preparation for the Sacrament of Marriage.* Vatican City: Libreria Editrice Vaticana, 1996.

## Recommended Reading

Amenta, Peiro. *Administrative Procedures in Canonical Marriage Cases: History, Legislation and Praxis.* Montreal: Wilson & Lafleur Ltée, 2011.

Catholic Bishops of Alberta & the NW Territories, "Guideline for the Pastoral Accompaniment of Christ's Faithful Who Are Divorced and Remarried without a Decree of Nullity," (guidelines take effect 14 September 2016) (full text is in the class notes).

Pope Francis. Apostolic Letter *motu proprio De concordantia inter codices* (by which certain norms of Canon Law are changed) 31 May 2016.

Pope Francis. Apostolic Letter *motu proprio Mitis iudex Dominus Noster* (changing certain norms regarding marriage nullity processes) 8 September 2015.

Pope Francis. Post-Synodal Apostolic Exhortation on Love in the Family *Amoris Lætitia.* London: Catholic Truth Society, 2016.

## Course Requirements

Students are required to develop an understanding of marriage law and become knowledgeable of the particular canons related to marriage.

Through the use of lectures, group work, case studies and exams, students will be required to apply matrimonial law, become familiar with prenuptial forms, and to understand the pastoral reality of marriage in the Church today.

### **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 Academic Calendar.

### **Course Schedule**

1. Marriage: canonical marriage (cc. 1055-1062); consent (cc. 1095-1107); form of marriage (cc. 1108-1112, 1116, 1117/835 *CCEO*); effects of marriage (cc. 1134-1140) (3 classes)
2. Preparing for marriage (cc. 1063-1072; 1113-1115): prenuptial process; prenuptial forms; premarital inventory (3 classes)
3. Impediments to marriage (cc. 1083-1094/800-812 *CCEO*); special circumstances – non-practicing Catholics, cohabitation, older couples, second marriages, teenage marriage, catechumens (2 classes)
4. Dispensations/permissions for marriage (cc. 1073-1082; 1124-1129/800-814 *CCEO*) (2 classes)
5. Celebration of marriage (cc. 1118-1123) (1 class)
6. Declaration of Nullity: types and processes, forms; separation of spouses; pastoral care of the divorced and remarried (2 classes)

### **General Academic Information**

#### **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 renders the student

liable to automatic dismissal from NTC. Further details are available in the Academic Calendar in the Academic Misconduct Policy.

### Academic Grievances

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

*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		
Grade Meaning	Grade	Grade Point
Excellent	A+	4.0
	A	4.0
	A-	3.7
Good	B+	3.3
	B	3.0
	B-	2.7
Adequate	C+	2.3
	C	2.0
	C-	1.7
Marginal	D+	1.3
	D	1.0
Fail	F	0.0

Graduate Studies		
Grade Meaning	Grade	Grade Point
Excellent	A+	4.0
	A	4.0
	A-	3.7
Good	B+	3.3
	B	3.0
	B-	2.7
Adequate	C+	2.3
	C	2.0
	C-	1.7
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 Ahters, 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 Academic Calendar 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:

A student with special needs that could affect their performance in class should contact their professor during the first week of the term so that appropriate arrangements can be made. They should also register with Student Services by contacting Sr. Zoe Bernatsky at 780-392-2450 ext. 2213; email [zoe.bernatsky@newman.edu](mailto:zoe.bernatsky@newman.edu)

### **Bibliography**

Amenta, Peiro. *Administrative Procedures in Canonical Marriage Cases: History, Legislation and Praxis*. Montreal: Wilson & Lafleur Ltée, 2011.

Beal, John P. et al., ed. *New Commentary on The Code of Canon Law*. New York/Mahweh: Paulist Press, 2000.

Caparros, Ernest et al., ed. *Code of Canon Law Annotated*. 2d ed., rev. and updated. Montreal: Wilson & Lafleur Ltée, 2004.

*Code of Canons of the Eastern Churches, Latin English Edition*. New English Translation. Washington: Canon Law Society of America, 2001.

Coriden, James A. et al., ed. *The Code of Canon Law: A Text and Commentary*. New York/Mahweh: Paulist Press, 1985.

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

Pope Francis. Apostolic Letter *motu proprio De concordantia inter codices* (by which certain norms of Canon Law are changed). 31 May 2016.

Pope Francis. Apostolic Letter *motu proprio Mitis iudex Dominus Noster* (changing certain norms regarding marriage nullity processes). 8 September 2015.

Pope Francis. Post-Synodal Apostolic Exhortation on Love in the Family *Amoris Lætitia*. London: Catholic Truth Society, 2016.

Huels, John M. *The Pastoral Companion*. 4<sup>th</sup> ed. Montreal: Wilson & Lafleur Ltée, 2009.

Kowal, Wojciech, and Woestman, William H. *Special Marriage Cases and Procedures*. 4<sup>th</sup> ed., rev. and updated. Ottawa: St. Paul University, 2008.

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

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

Wrenn, Lawrence G. *The Invalid Marriage*. Washington: Canon Law Society of America, 1998.