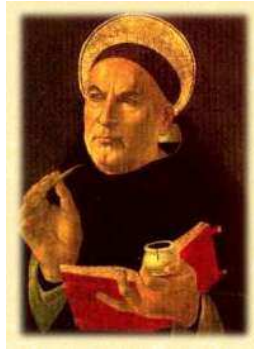


# Aquinas Institute for Theology and Catholic Studies



Theo. 391: The Canon Law of Marriage

**Syllabus:** Fall 2009

Rev. W. Curtis Mallet, MA, JCL

Classroom: Rosa Mystica Hall, 417 E. Simcoe Street, St. Genevieve Parish, Lafayette, Louisiana

Wednesdays: 6:00 – 9:00 pm (see exceptions below)

Email: [frmallet@cox.net](mailto:frmallet@cox.net)

## **Required texts:**

**\*\* All students, without exception, must have a copy of the code of canon law which they can take to class. We will make constant reference to the law in our class discussions. One cannot possibly expect to study the law without the text.**

*Code of Canon Law, Latin-English Edition: New English Translation.* Washington, DC: Canon Law Society of America, 1998. [Any of the commentaries marked with an asterisk\* under “recommended texts” will suffice as a code.] Also available online at:

<http://www.jgray.org/codes/cic83eng.html>

McAreevey, John, *The Canon Law of Marriage and the Family*, Four Courts Press, 1997.

[Available at [www.amazon.com](http://www.amazon.com) for \$29.95]

## **The following articles/Rotal Cases will be provided in handout form:**

Gianni Cardinale, “Till the Rota Does You Part,” *30 Days*, No. 5, 2004

Edward Peters, “Annulments in America: Keeping Bad News in Context,” *Homiletic and Pastoral Review*, November 1996.

*Catholic-Episcopal Guidelines*-Province of New Orleans

*Coram Baer*

*Coram Gassor*

*Coram Lankash*

*Coram Briarwold*

*Coram Kavanaugh*

*Coram Caldonia Tribunal*  
*Consent in Marriage Diagram*  
*Marriage Preparation Guidelines-Province of New Orleans*  
*Pre-Nuptial Investigation Form – Diocese of Lafayette (New Orleans Province)*  
*Psychological Elements of Consent*  
*Dispensation Forms (various) – Diocese of Lafayette*  
*Glossary of Canonical Terms (provided by instructor)*  
*Papal Allocutions to the Roman Rota 1987 and 1988*  
*General Outline of the Formal Case Procedure*

**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).

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

Lawrence Price, et. al. eds., *The Tribunal Handbook: Procedures for Formal Matrimonial Cases*, Canon Law Society of America, 1995.

\*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 5<sup>th</sup> Spanish-language edition of the commentary prepared under the responsibility of the Instituto Marín de Azpilcueta, 2<sup>nd</sup> edition, Montreal, Wilson and Lafleur Limited, 2004.

**Helpful Websites:**

[http://www.vatican.va/holy\\_father/john\\_paul\\_ii/speeches/index\\_spe-roman-rota.htm](http://www.vatican.va/holy_father/john_paul_ii/speeches/index_spe-roman-rota.htm)

<http://www.canonlaw.info/canonlaw.htm>

<http://www.newadvent.org/cathen/09056a.htm>

<http://canonlaw.info/>

**Course description:**

3 credits. This course will address canonical aspects of the sacrament of Matrimony: freedom for marriage, impediments, elements of and defects in matrimonial consent, indissolubility, canonical form, mixed-religion marriages, convalidation, and grounds and procedures involved in seeking to have a marriage declared null.

**Evaluation:**

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 grade:

- 40% Midterm Examination
- 40% Final Examination
- 20% --practicum project

\*\* This is a proposed outline of classes. What is covered or emphasized in class is subject to change depending on time, interests of students and availability of resource materials. Please feel free to request specific topics in writing.

### Schedule of Classes

Date	Topics	Reading Assignments: McAreavey Book
1. August 26, 2009	The Canonical Doctrine of Marriage	pp. 15-60
2. September 2, 2009	Pastoral Care and the Prerequisites of Marriage	pp. 62-74, Pre-Nuptial Inquiry Form, Marriage Preparation Guidelines-Province of New Orleans
3. September 9, 2009	Matrimonial Impediments	pp. 75-95, Dispensations etc.
4. September 16, 2009	Matrimonial Consent	pp. 96-136, Consent in Marriage Diagram, Psychological Elements of Consent
5. September 23, 2009	Matrimonial Consent	Papal Allocutions to the Roman Rota 1987 and 1988, <i>Coram Gassor</i> (can. 1095, 2°); <i>Coram Baer</i> (can. 1095, 3°)
NO CLASS on September 30, 2009 or October 7, 2009	Fr. Mallet away on pilgrimage	

6. *October 10, 2009 9:00 a.m. – Noon	Matrimonial Consent	<i>Coram</i> Lankash (various), <i>Coram</i> Briarwold (can. 1099)
7. October 14, 2009	Matrimonial Consent	<i>Coram</i> Kavanaugh (can. 1102), <i>Coram</i> Caldonia Tribunal (can. 1101)
8. October 21, 2009	<b>Midterm Examination</b>	
9. October 28, 2009	The Form of the Celebration of Marriage Mixed Marriages	pp. 137-164 Lack of Form Petition, Dispensation form, Catholic- Episcopal Guidlines
10. November 4, 2009	Secret Celebration of Marriage The Effects of Marriage Validation of Marriage	pp. 165-178
11. November 11, 2009	Procedural Law of Marriage	pp. 179-192
12. November 18, 2009	Procedural Law of Marriage	Procedural Schema
13. November 24, 2009	Tribunal Practice: Advocacy, Starting a Formal Case, Officers, Forms, Parties and Witnesses, Other Proofs	Formal Case Packet, <i>30 Days</i> Article, <i>Annulments in</i> <i>America</i>
14. December 2, 2009	The Separation of the Spouses	pp. 193-203
15. December 9, 2009	<b>Final Examination</b>	

revised: 3 July *syllabus.doc*