

SUBJECT TEACHING GUIDE

G491 - Canonical Matrimonial Law for Civil Lawyers

Degree in Law

Academic year 2022-2023

1. IDENTIFYING DATA					
Degree	Degree in Law			Type and Year	Optional. Year 4
Faculty	Faculty of Law				
Discipline	Topic: Further State Ecclesiastical Law				
Course unit title and code	G491 - Canonical Matrimonial Law for Civil Lawyers				
Number of ECTS credits allocated	6	Term	Semester based (2)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

Department	DPTO. DERECHO PUBLICO				
Name of lecturer	ENRIQUE HERRERA CEBALLOS				
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Other lecturers					

3.1 LEARNING OUTCOMES

- The students must be able to resolve real cases about marriage nullity.

4. OBJECTIVES

We pretend that the students know the canonic process about marriage nullity.

6. COURSE ORGANIZATION	
CONTENTS	
1	THE CANONICAL MARRIAGE. 1. Approach; 2. Concept; 3. Sacramental consideration; 4. Purposes of the marriage; 5. Essential properties; 6. Property of the marriage; 7. Principle of "favor fidei".
2	THE "IUS CONNUBII" AND IMPEDIMENTS IN GENERAL. 1. The right to marry; 2. Impediments and prohibitions; 3. Legal nature; 4. Classification of the impediments; 5. Legal regime: establishment; cessation and dispensation.
3	SPECIAL IMPEDIMENTS. 1. Disabilities due to physical disability; 3. Impediments due to legal incompatibility; 3. Impediments due to crime; 4. Impediments due to kinship
4	THE MARRIAGE CONSENT. 1. Introduction; 2. Consensual disability; 3. Ignorance, error and fraud; 4. Simulation; 5. Condition; 6. Violence and fear
5	THE LEGAL FORM. 1. Accessory formalities; previous and subsequent; 2. Concept of legal form; 3. Ordinary form; 4. Extraordinary form; 5. Dispensing form
6	LEGAL STRUCTURE OF MARRIAGE. 1. The matrimonial legal relationship and its elements; 2. Canonical filiation and its classes; 3. The paternity and legitimacy test; 4. Legitimation; 5. Education of the children.
7	NULLITY AND VALIDATION OF MARRIAGE. 1. The invalid marriage; 2. Declaration of nullity; 3. Validation and its classes
8	SEPARATION AND DISSOLUTION OF MARRIAGE. 1. Previous distinctions; 2. Marital separation; 3. Indissolubility of the bond and its exceptions; 4. Declaration of presumed death; 5. Dissolution of the marriage while and not consummated; 6. The "favor fidei" or privilege of faith; 7. Pauline privilege; 8. Petrine privilege
9	ORDINARY CONTENTIOUS PROCESS. 1. Introduction; 2. Instructional period; 3. Probationary period; 4. Incidental causes; 5. Discussion period; 6. Decision period: the sentence
10	RESOURCES, INCIDENTS AND SPECIAL PROCESSES. 1. Challenge phase; 2. Incidental matters; 3. Documentary process; 4. Process "brevior" before the bishop; 5. Process of dissolution of the marriage while and not consummated
11	CIVIL EFFECTS OF CANON MARRIAGE. 1. Historical introduction; 2. The current marriage system; 3. Canonical marriage in Spanish law

7. ASSESSMENT METHODS AND CRITERIA				
Description	Type	Final Eval.	Reassessn	%
To pass the subject the minimum grade will be 5.	Written exam	Yes	Yes	50,00
They must be resolve throught internet.	Activity evaluation with Virtual Media	No	No	50,00
TOTAL				100,00
Observations				
The final exam will be carried out in person unless force majeure advises or imposes its realization through non-contact methods. In this case, the teacher will notify the students of the change of procedure and of the electronic means to be used.				
Observations for part-time students				
There will specialized attention to part-time students.				

8. BIBLIOGRAPHY AND TEACHING MATERIALS
BASIC
J. MANTECÓN, Derecho matrimonial canónico para juristas civiles, Editorial Académica Española, 2018
D. TIRAPU y A. LÓPEZ SIDRO, Curso breve de Derecho matrimonial canónico, Comares, 2005

