JURISPRUDENCE: CATHOLIC LEGAL THEORY
Fall 2008 – Wednesday s 10:00-12:00 (2 credit seminar)

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Course Description:
The 2000-year-old Catholic Church played a pivotal role in the formation of the western legal culture. Does it have anything of relevance left to offer that culture in the 21st century? The seminar will explore this question. The topic is particularly timely because a majority of the justices on the Supreme Court are Catholic; Catholics represent a pivotal voting demographic in the American political landscape; and the issue of religion and religious values in the public square is hotly debated as some warn of a creeping theocracy and others of the naked public square, devoid of religious faith.

Required Texts:
• Scaperlanda & Collett (eds), Recovering Self-Evident Truths: Catholic Perspectives on American Law (2007)
• Catechism of the Catholic Church, available online at http://www.vatican.va/archive/ENG0015/_INDEX.HTM
• A couple of other sources as indicated in the syllabus
• Postings on MOJ, online at http://www.mirrorofjustice.blogs.com/

Course Requirements:
1) Thoughtful preparation for and participation in class discussion each week.
   a) In addition to the assigned material for the week, each student will be responsible for following the posts on MOJ.
   b) Each student is encouraged to participate in the discussion on MOJ by asking me (or one of my co-bloggers) to post your comments to a post, address a question about the week’s reading to the author if the author is an MOJ contributor, and/or post your questions regarding the Catholic Legal Theory project.
2) Contribute one post, with or without attribution, to MOJ.

3) A writing project: Let me know by September 3rd of your choice between the following methods to convey how you plan to engage the material in this course.

   a) According to the scheme at the end of this syllabus, choose five class discussion topics on which you will write five four-page (double-spaced) “reflection” essays that thoughtfully engage the material as you try to understand what the Catholic Church (and the particular author) is proposing, why it is proposing it, and the questions and issues raised by the proposal. These papers and your reflections should greatly enrich our class discussion. You must email me each essay by 5 p.m. of the Monday before the relevant class. At the end of the semester, write a final 7-8 page essay that summarizes your reflections on the course as a whole.

   b) Write a 25 page (double-spaced) research paper to fulfill your graduation writing requirement (following the procedures appended to this syllabus) PLUS five half-page paragraphs (according to the scheme at the end of the syllabus) reflecting on the reading and raising questions and issues that should enrich our class discussion. You must email me each reflection paper by 5 p.m. of the Monday before the relevant class.

   I have a strong preference for the essay option – Option A. However, as some students may need to use this course to fulfill the graduation writing requirement, the paper option is also available.

Outline of Assignments and Discussion Topics

Class 1 – August 27

   • Introduction to Jurisprudence: Texts and Reading on the Philosophy of Law 3d Ed., pp. 1-19 (pdf file emailed to you).
   • Albert Alschuler, From Blackstone to Holmes: The Revolt Against Natural Law (pp. 1-18)(Word file emailed to you).
   • Francis Cardinal George, Foreword in Recovering Self-Evident Truths, pp. xi-xii.
   • Michael Scaperlanda and Teresa Collett, Introduction in Recovering Self-Evident Truths, pp. 1-14

Class 2 – September 3


I. The Nature of the Human Person

Class 3 – September 10

   • Lorenzo Albacete, A Theological Anthropology of the Human Person in Recovering Self-Evident Truths, pp. 39-51.
• Compendium: ¶¶ 1-6, 13-20, 34-37, 72-78, 105-159 (25 pages).

\section*{II The Person in Community}

\textbf{Class 4 – September 17}

• Avery Cardinal Dulles, *Truth as the Ground for Freedom* in *Recovering Self-Evident Truths*, pp. 69-84.
• Catechism, Part III, Chapter One, Articles 2-7: ¶¶ 1718-1719, 1730-1742, 1749-1756, 1762-1770, 1776-1794, 1803-1829 (19 pages)

\textbf{Class 5 – September 24}

• Compendium: ¶¶ 160-197 (13 pages).

\textbf{No class October 1}
III Political and Legal Theory

Class 6 – October 8

• Christopher Wolfe, Why We Should (and Should Not) Be Liberals in Recovering Self-Evident Truths, pp. 131-151.
• Compendium: ¶ 377-427 (7 pages).

IV. Substantive Areas of Law

Class 7 – October 15

• Compendium: ¶ 255-322 (33 pages).

Class 8 – October 22

• Compendium: ¶ 323-376 (18 pages).

Class 9 – October 29


Class 10 – November 5

• Catechism, Part Three, Section Two, Chapter Two, Article 5 ¶ 2258-2267.
• Evangelium Vitae ¶ 52-77 (You Shall Not Kill) available online at http://www.vatican.va/edocs/ENG0141/INDEX.HTM

Class 11 – November 12
• Compendium ¶¶ 209-254 (16 pages).

Class 12 – November 19


Class 13 – December 3

• Compendium ¶¶ 433-520 (29 pages).
Reflection Essay Requirements and Guidelines

HEADER:
In the header of the first page of your essays, in addition to your name and the date, please also note which essay (out of the five required) this is for you and which week’s material it addresses. Please number your pages, as that is a helpful orientation for when I give feedback.

PAGE REQUIREMENT:
Your essays should be four full pages, in Times New Roman 12 point font, 1 inch margins.

CITATIONS:
For citations to Church documents, next to your quoted text or citation, note the first two or three letters of the Latin title and the paragraph number of the document (eg, Gaudium et spes paragraph 4 = GS 4, Solicitudo rei socialis paragraph 19 = SRS 19).

For citations to Recovering Self-Evident Truths, simply note the chapter author and the page number.

Keep in mind that the essays are not research papers. However, if you are drawn to pulling in specific cases or law review articles as a basis for your discussion, a simplified notation with the most basic information – just enough to orient me – will be fine (e.g., US Cont. amend. 4; R. Posner, A Theory of Negligence 1972). The footnotes to the Compendium and the Catechism provide a rich source of primary texts if you choose to delve deeper.

AVOID FOOTNOTES:
In such a short essay, if you are tempted to drop into a long and extended discussion in a footnote, at least consider whether the thought might be better integrated into the text.

Distribution of assignments for essays or half-paragraph reactions

Essay #1 - Section I.
Essay #2 – Choose 1 set of materials from Section II.
Essays #3 - #5 - Choose 3 sets of materials from Sections III & IV.

Email me your essay by 5 p.m. on the Monday before the relevant class