JURISPRUDENCE: CATHOLIC LEGAL THEORY
Spring 2010 – Tuesdays 4-5:50PM (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 regarding the Catholic Legal Theory Project by asking me (or one of my co-bloggers) to post your comments to a post on MOJ and/or emailing the author of our assigned readings with a question about the week’s reading.
2) Contribute one post, with or without attribution, to MOJ through me or one of the other authors of MOJ.

3) A writing project: Let me know by January 29 of your choice between the following methods for fulfilling the written requirements of 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 Sunday 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 as Appendix A) 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 Sunday 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.

**Grading**

10% of the grade will be based on class participation and 90% on the written papers.

**Attendance**

Attendance is required. For each absence after the first absence the student’s grade will be lowered one grade point. If the student must miss a second class and both absences are for good cause shown, I will give the student the option of writing an extra paper in lieu of lowering the grade.

**Outline of Assignments and Discussion Topics**

**Class 1**

- 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.

**Class 2**

I. The Nature of the Human Person

Class 3

- Compendium: ¶ 1-6, 13-20, 34-37, 72-78, 105-159 (25 pages).

II The Person in Community

Class 4

- Catechism, Part III, Chapter One, Articles 2-7: ¶¶ 1718-1719, 1730-1742, 1749-1756, 1762-1770, 1776-1794, 1803-1829 (19 pages)

Class 5

- Compendium: ¶ 160-197 (13 pages).

III Political and Legal Theory

Class 6

- Compendium: ¶ 377-427 (7 pages).
IV. Substantive Areas of Law

Class 7

- Compendium: ¶¶ 255-322 (33 pages).

Class 8


Class 9


Class 10

- 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](http://www.vatican.va/edocs/ENG0141/_INDEX.HTM)

Class 11

- Compendium ¶¶ 209-254 (16 pages).

Class 12

Class 13

- 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 reflection papers**

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 Sunday before the relevant class.*