

Syllabus

«Legal Method in Secular and Canonical Law»

Author	Sil'vestrova Elena Vital'evna
Credits Earned	2
Lectures and Seminars (hrs.)	24
Individual Work (hrs.)	52
Academic Year	1
Studying Format	Non-blended

I. Course Description

a) Title of a Course

Legal Method in Secular and Canonical Law

b) Pre-requisites

Canon law is a set of ordinances and regulations made by ecclesiastical authority (Church leadership), for the government of a Christian organization or church and its members. It is the internal ecclesiastical law, or operational policy, governing the Catholic Church (both the Latin Church and the Eastern Catholic Churches), the Eastern Orthodox and Oriental Orthodox churches, and the individual national churches within the Anglican Communion. The way that such church law is legislated, interpreted and at times adjudicated varies widely among these three bodies of churches. In all three traditions, a canon was originally a rule adopted by a church council; these canons formed the foundation of canon law.

c) Course Type

Compulsory

d) Abstract

The course “Legal Method in Secular and Canonical Law” is intended to familiarize students with the main problems related to the possibilities of applying categories, concepts, and approaches adopted in secular legal science to canonical law, primarily to the law of the Russian Orthodox Church, the specifics of canonical law in comparison with secular legal systems, including a combination of the principles of oikonomia and akriviya in canon law.

II. Learning Objectives

The main goal of the course is to provide students with an idea of the limits of applying the modern methodology of secular law to canonical law and, above all, to the current law of the Russian Orthodox Church; to form in students an idea of the specifics of the methodology and methods of applying methodological approaches in canonical law.

III. Learning Outcomes

Develop students' scientific interest in the questions of the canonistic methodology; the formation and development of skills for analyzing the methodological concepts, approaches and methods used in secular legal science in the research of canon law; development of skills to scientifically analyze forms and methods of applying the methodology of secular jurisprudence in canonical law

IV. Course Plan

- 1) Comparative analysis of concepts and methodological approaches of secular and canonical law
- 2) Terminological features of canon law
- 3) Modern law enforcement practice of the Russian Orthodox Church
- 4) Modern practice of secular courts on religious issues and the specificity of methodological approaches to the canonical legal heritage of the Russian Orthodox Church in modern conditions.

V. Reading List

a) Required

- Russian society and the Orthodox Church: religion in Russia after communism / Z. Knox. – London; New York: Routledge, 2009. – 257 c. – (BASEES/Routledge series on Russian and East European studies; ISBN 978-0-415-54616-4.
- The post-Soviet Russian Orthodox Church: politics, culture and greater Russia / K. Richters. – London; New York: Routledge, 2013. – 212 c. – (Routledge contemporary Russia and Eastern Europe series; ISBN 978-0-415-66933-7.

b) Optional

Vol.1 : The Canon Law and ecclesiastical jurisdiction from 597 to the 1640s / R. H. Helmholz. – 2004. – 693 c. – На англ. яз. - ISBN 0-19-825897-6.

* In accordance with clause 4.2.8 of the Agreement “On the network of educational programs” № cc / 057-2018 / 00-2018 / 01 dated 08/27/2018, students of the HSE Educational Program are granted the right to use OCAD’s material, technical and library resources. The following and additional literature is presented in full in OCAD.

VI. Grading System

From 1 to 10 where under 4 is failed to complete the course, 4-5 satisfactory, 6-7 good, 8-10 excellent mark.

VII. Guidelines for Knowledge Assessment

To successfully master this discipline, a student who has begun the master’s program should know the basics of secular law, in particular, the Constitutional Law of the Russian Federation, the history of canon law of the Orthodox Church, the basics of canon law, master the terminology of canon law, possess basic research skills of independent source analysis, critical comparison of various points of view. Fluency in English should be at a level that allows understanding the educational and scientific literature of theological and legal (legal) content

VIII. Methods of Instruction

IX. Special Equipment and Software Support

PC and video screen