

Matrimonial causes law

Academic Year: (2023 / 2024)

Review date: 28-03-2023

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: MOTILLA DE LA CALLE, AGUSTIN

Type: Electives ECTS Credits : 3.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Civil Family Law

OBJECTIVES

The student will learn about the reality of Family Law, especially where it is concerned with matrimonial crisis: separation, annulment and dissolution. At the same time, the aim is to help the student reach a reasonable level of knowledge of the discipline, as well as acquiring the capacity to use the necessary theoretical and practical instruments for the resolution of matrimonial conflicts.

DESCRIPTION OF CONTENTS: PROGRAMME

- Spanish marriage system: Constitution, Civil Code and Agreements with religious denominations.
- Civil Marriage: concept; celebration forms; legal capacity; consent to marriage; personal and patrimonial effects (matrimonial property systems; rules about the end of the common property); separation, nullity and divorce; matrimonial causes; settlement agreement and judicial decree.
- Civil effects of religious marriage: religious wedding ceremonies recognized by Civil Law:
 - a) Protestant, hebrew and muslim marriage ceremonies.
 - b) Catholic marriage: concept; the canonical form; legal capacity; consent to marriage; court proceedings; the recognition of civil effects to decisions of ecclesiastical tribunals declaring nullity and dissolution of marriage.

LEARNING ACTIVITIES AND METHODOLOGY

Students must resolve properly practical exercises about civil praxis -preparing separation or divorce petitions and mutual agreements on separation or divorce causes, etc.- or canonical praxis -resolving fiction cases about marriage nullity or dissolution "super rato", preparing canonical trials on this issues, etc-. They must write down their answers and submit them to the teacher through Aula Global; or some basic questions about the practice will be asked in class. Then, the case will be bring up for discussion in the classroom, where the students will explain their position about it, debating with the guide of the teacher.

Tutorials may be individual or collective. The course's tutorial hours will be posted on Aula Global.

ASSESSMENT SYSTEM

The continuous assessment will take into account the marks obtained in the practical exercises posed, and the participation in their resolution and debate in the classroom. The maximum mark in the continuous evaluation will be 4 points.

The final exam will consist of several questions on the knowledge acquired during the course. The maximum rating is 6. To pass the course it is required to obtain at least 2 out of 6 possible points in this test.

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- BERNARDEZ CANTON Curso de Derecho Matrimonial Canónico, Tecnos. , 1998.
- BLASCO GASCÓ Instituciones de Derecho Civil. Derecho de familia, Tirant lo Blanch, Última edición

- BOTTONI-FERRARI ROUTLEDGE HANDBOOK OF RELIGIOUS LAW, ROUTLEDGE, 2019
- DIEZ PICAZO - GULLÓN Sistema de Derecho Civil Español, Tecnos, Última edición
- DOE Marriage in Anglican and Roman Catholic Canon Law, Centre for Law and Religion, 2009
- GARCÍA GÁRATE matrimonio y libertad religiosa, Dykinson, 2018
- LASARTE ÁLVAREZ Principios de Derecho Civil. Tomo V, Trivium, Última edición
- PEÑA Derecho de Familia, Universidad Complutense, Última edición
- WITTE law and Protestantism: the legal teachings of protestant reformation, Cambridge U.P., 2002

ADDITIONAL BIBLIOGRAPHY

- ALBADALEJO Derecho Civil. Tomo I, vols. 1 y 2, Bosch, Última edición
- CASTÁN TOBEÑAS Derecho Civil Español, común y foral. Tomo I, vols. 1 y 2, Reus, última edición
- DOE, Norman Law and Religion in Europe, Oxford University Press, 2011
- GAUDEMET El matrimonio en Occidente, Civitas, 1993
- LACRUZ BERDEJO Elementos de Derecho Civil. Tomo I y IV, Bosch, última edición
- LACRUZ BERDEJO Elementos de Derecho Civil, IV, Bosch, Última edición
- LACRUZ BERDEJO Elementos de Derecho Civil. Tomo I y IV, Bosch, última edición
- LASARTE ALVAREZ Principios de Derecho Civil. Tomo 5, Trivium, Última edición
- LOPEZ ALARCON-NAVARRO VALLS Curso de Derecho Matrimonial Canónico y Concordado,, Tecnos, 2001
- LÓPEZ MONTES Derecho de Familia, Tirant lo Blanch, Última edición
- MARTIN DE AGAR Introducción al Derecho Canónico, Tecnos, 2001
- SOUTO Derecho matrimonial, Marcial Pons, 1999