



UNIVERSITÀ  
DEGLI STUDI DI MILANO-BICOCCA

## SYLLABUS DEL CORSO

### Pluralismo Religioso e Integrazione Europea

1920-4-A5810215

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#### Learning objectives

The course aims to:

- a) build up conceptual and analytical tools to study the evolution of the religious pluralism's protection in the European scenario;
- b) to experience applications of this knowledge for analysing the case law of the supranational courts on freedom of religion.

#### Contents

The "Religious pluralism and European integration" module addresses the issue of pluralism and religions in multicultural European societies. While religious matters remain at the margins of EU competence, questions of religious pluralism and religious discrimination are increasingly reaching European courts and policy makers. Both are called to foster and build upon an inclusive European citizenry, respecting and promoting the diversity of the peoples of Europe. The issues of religious pluralism, religious freedom and religious discrimination are increasingly addressed by the European Courts (European Court of Human Rights and Court of Justice), and this trend is going to increase as a result of the EU's future accession to the ECHR and the now binding nature of the Charter of Fundamental Rights, which also protects the right to freedom of thought, conscience and religion (Art. 9 ECHR, Art. 10 Charter of Rights).

## **Detailed program**

For the students attending the course, lectures will be on the following issues:

1. Democracy and Freedom of Religion
2. Protection of Democracy and Freedom of Religion in the Accession Criteria to EU, or Copenhagen's Criteria
3. Case Study - the Secularization and re-Clericalism Tendencies in Former Yugoslavia Countries
4. The Democratic Principle in the CJEU and ECtHR Case Law
5. Fundamental Rights in ECHR and EU Orders: towards a Unified System of Protection in Europe?
6. Freedom of Religion in art. 17 TFUE e art. 10 ECHR
7. The European Context: Freedom of Religion as an Individual Human Right
8. The European Context: Freedom of Religion as a Collective Human Right
9. The European "laïcité": Religion in the Public Space.
10. Models of State-Religion Relations in Europe
11. Case- Study - Two Opposite Models: Spain and UK
12. The Secular Europe: Communities, State and Freedom
13. Violence in the Relationship between Religious Groups, from a Criminologist's Perspective
14. Open Question: UE Anti-discrimination Policies and State Member's Competence
15. Open Question: Places of Worships, the Italian Case
16. Open Question: Religious Education and Clothing
17. Open Question: Conscience Objection and Religious Belief
18. Open Question: Religion and Family Law

**19. Focus on Islam: the European Legal Context and Islam – the Turkey's Case and EU Enlargement Process**

**20. Focus on Islam: Arab Springs, Democracy and Religious Pluralism: a Debate with Civil Society**

**21. Law and Religion in theological Studies**

## **Prerequisites**

none

## **Teaching methods**

Lectures; case-studies analysis; working groups; students' presentations; seminars with Italian and international guests.

## **Assessment methods**

The students attending the class could choose to give the exam in a written form: detailed informations about it will be provided during the course.

For the students not attending the class, the exam will be oral, with questions on the following texts:

1) M. Lugli - J. Pasquali Cerioli - I. Pistolesi, Elementi di diritto ecclesiastico europeo. Principi, modelli, giurisprudenza, II ed., Torino, Giappichelli, 2012;

2) Materials suggested by prof. Marchei and Ninatti: please, send a mail to [natascia.marchei@unimib.it](mailto:natascia.marchei@unimib.it) and [stefania.ninatti@unimib.it](mailto:stefania.ninatti@unimib.it) in order to receive them.

## **Textbooks and Reading Materials**

For the students attending classes, articles and essays to study for the exam will be suggested during the course.

For the students not attending classes, they have to study:

1) M. Lugli - J. Pasquali Cerioli - I. Pistoiesi, Elementi di diritto ecclesiastico europeo. Principi, modelli, giurisprudenza, II ed., Torino, Giappichelli, 2012;

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