UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Religious Pluralism and European Integration Mod. A

1920-4-A5810215-A581021501

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: detailled 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 and stefania.ninatti@unimib.it in order to receive them.

The oral exam will be supported by the webex system. Students have to enroll both at segreterie online and at elearning platform of the course 2019/2020.

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. Pistolesi, Elementi di diritto ecclesiastico europeo. Principi, modelli, giurisprudenza, II ed., Torino, Giappichelli, 2012;

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