UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Comparative Ecclesiastic Law

2324-5-A5810224

Learning objectives

The objective of the course is to provide the tools to know and interpret the different models of secular states' approach to the regulation of religious phenomenon, by using the comparative method.

Contents

Contemporary societies are characterised by an increasing relevance of supranational rights and the circulation of cross-fertilization between national legal models.
The comparative ecclesiastical law course aims to introduce to the knowledge of the legal choices and the caselaw solutions adopted by European and some non-European legal orders in relation to the right to religious freedom of individuals and groups and the principle of the neutrality of the State in its multiple ramifications. By way of example, some topics covered relate to the principle of equality without distinction of religion, the legal treatment of religious groups, the wearing of religious symbols, the right to proselytism, conscientious objection, ethos-based organisations, religious instruction, the criminal protection of religious sentiment.
The first part of the course is devoted to the study of the different systems of relations between the State and religious denominations, while the second part aims at analysing the specific European legal systems. In addition, time and space are reserved for the study of cases settled by some the European Courts in the field of religious freedom.

Detailed program

Law and religion and legal comparison.
The different systems of relations between the State and religious denominations in European and some non-European countries.

The right to religious freedom, the principle of the neutrality of the State and its different ramifications (i.e.: the principle of equality without distinction of religion, the legal treatment of religious groups, the wearing of religious symbols, the right to proselytism, conscientious objection, ethos-based organisations, religious instruction, the criminal protection of religious sentiment).

Detailed analysis of the legislation of some European countries on religious freedom.
Analysis of specific caselaw of national and supranational jurisdictions.

Prerequisites

Knowledge of Constitutional law

Teaching methods

Lectures supported by the use of slides (also uploaded to the e-learning area). Further materials and judgments are available on the e-learning page.

Assessment methods

Oral examination consisting of open questions on the topics treated in the programme. No intermediate tests are scheduled.

Textbooks and Reading Materials

A. Licastro, Il diritto statale delle religioni nei paesi dell'Unione Europea. Lineamenti di comparazione, Giuffrè, latest edition.
The following essays, published online by the review Stato, Chiese e pluralismo confessionale (www.statoechiese.it): M. Galimberti, Il secolarismo all'ombra dei minareti: il principio costituzionale di laicità nella Turchia moderna e contemporanea; M. D'Arienzo, La laicità francese: “aperta”, “positiva” o “im-positiva”?; Miguel Rodriguez Blanco, Il principio di laicità in Spagna.

Sustainable Development Goals

REDUCED INEQUALITIES | SUSTAINABLE CITIES AND COMMUNITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS