UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Law and Religion

2324-3-A5810030

Learning objectives

The objective of the course is to provide the tools to know and critically interpret the regulation of the religious phenomenon in the Italian legal system, paying attention to both its individual and collective dimensions. More specifically, the course enables students to acquire the tools for an overall assessment of the resilience of our democracy and the effective implementation of the principles and freedoms enshrined in the Italian Constitution.

Contents

Ecclesiastical law deals with the State's legal system that regulates - in the multiple fields of the legal experience - the interests of individuals and organisations pertaining to religious beliefs and convictions. It explores these dimensions in a systematic manner and with specific interpretative criteria. In the course, the study of the constitutional structure of the religious phenomenon and the fundamental principles that regulate it is crucial, i.e.: the principle of equality without distinction of religion (Art. 3 Const.); the principle of distinction of the civil order from the religious order; the supreme principle of laicità of the Italian State, the equal freedom of religious denominations, the principle of the bilateral agreement between the State and religious groups, the autonomy of confessional groups, the principle of religious freedom of individuals and groups, the principle of non-discrimination of ecclesiastical bodies (Art. 7, 8. 19 and 20 Const.).

Detailed program

The course, after a general and methodological introduction, delves into the constitutional profiles of the discipline, with specific reference to the sources of ecclesiastical law (Articles 2, 3, 7, 8, 19 and 20 of the Constitution) and the evolution of the constitutional jurisprudence on the subject. The judgments of the Constitutional Court on religious freedom and the secular nature of the State from the 1950s to the present day represent the "red thread" of the

course structure. The case law, in fact, is at the centre of the methodology adopted also in the second part of the Course, which deals with specific topics, i.e.: the criminal protection of religious sentiment, the legal status of religious buildings, the oath of the witness, religious education, agreements with confessions other than the Catholic Church, etc. Particular emphasis is also placed on the institution of the so-called "Concordat marriage", from its birth (1929) and throughout its evolution in the Italian legal system up to the present day.

Prerequisites

Knowledge of Italian constitutional law

Teaching methods

Lectures supported by the use of slides (also uploaded to the e-learning area). Further materials and judgments of the Constitutional Court are available on the e-learning page.
Lectures are not recorded.

Assessment methods

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

Textbooks and Reading Materials

1. G. CASUSCELLI (a cura di), Nozioni di diritto ecclesiastico (con esclusione dei capitoli nn. 3, 4, 9, 10, 11, 13, 16, 21, 22, 24, 25, 26, 27), V ed., G. Giappichelli, Torino, 2015.
2. N. MARCHEI, Il giudice civile e la nullità del matrimonio "concordatario", G. Giappichelli, Torino, 2021.

Sustainable Development Goals

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