UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Law and Religion

2425-3-A5810030

Learning objectives

The course enables participants to acquire the tools needed for a comprehensive assessment of the state of our democracy and the effective realization of the rights and freedoms outlined in our Constitution, with a particular focus on the right to freedom of thought, conscience, and religion. The specific objective of the course is to provide the tools to understand and critically interpret the legal framework governing religious phenomena, both in individual and collective light, within the Italian legal system and within the European legal space.

Contents

The course primarily focuses on studying the constitutional framework of ethnic, cultural, and religious phenomena, along with the fundamental principles that govern them: the inalienable rights of individuals (Article 2 of the Constitution), the principle of equality (Article 3 of the Constitution), the distinction between civil and religious orders, the supreme principle of Italian *laicità*, equal freedom for all religious denominations, the principle of bilateral agreements, the autonomy of religious groups, the principle of religious freedom for individuals and groups, and the principle of non-discrimination against religious organizations (Articles 7, 8, 19, and 20 of the Constitution).
Part of the course will also address specific and contemporary issues such as religious symbols, religiously motivated crimes, places of worship for non-Catholic denominations, family law within religious law, religious freedom and artificial intelligence.

Detailed program

The course begins with a general and methodological introduction, then explores the constitutional aspects of ecclesiastical law, focusing on the sources of this law (Articles 2, 3, 7, 8, 19, and 20 of the Constitution) and the

evolution of constitutional jurisprudence in this area. The rulings of the Constitutional Court on religious freedom and Italian *laicità*, from the 1950s to the present day, will serve as a guiding theme throughout the course. These rulings will also be discussed in relation to specific topics such as the criminal protection of religious sentiment, places of worship, oaths, religious symbols, and family law. The course will also highlight the study of religious marriages in monotheistic traditions (Catholicism, Judaism, and Islam) and their relationship with the civil legal system.

Prerequisites

Knowledge of Italian constitutional law.

Teaching methods

20 in-person frontal lectures ("*modalità erogativa*").
4 remote lectures ("*modalità erogativa*").
The remote lectures will be recorded.
Slides, study materials, and Constitutional Court rulings will be uploaded to the e-learning page.

Assessment methods

Oral exam. Discussion on the topics covered in the lectures and the exam texts. Open questions on the subjects included in the program. No midterm exams are planned.
The evaluation will consider knowledge of the legal framework, Constitutional Court rulings, critical ability in identifying key issues, and technical language.

Textbooks and Reading Materials

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.
N. MARCHEI, *Il giudice civile e la nullità del matrimonio "concordatario"*, G. Giappichelli, Torino, 2021.
Consultation of an Ecclesiastical Law Code is essential.

Sustainable Development Goals

GOOD HEALTH AND WELL-BEING | GENDER EQUALITY | REDUCED INEQUALITIES | SUSTAINABLE CITIES AND COMMUNITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS