

ECCLESIASTICAL LAW (M/Z)

(Syllabus A.Y. 2017-18)

(prof. A. Licastro)

Aims

The module aims to make students achieve the following skills:

- 1) Knowledge of technical - legal issues of theoretical and practical interdisciplinary importance, deriving from the individual, collective and institutional religious freedom within the Italian legal system;
- 2) knowledge of the effects on of EU international and comparative law. The latter concerns both religious and secular juridical systems.
- 3) knowledge and skills necessary to manage the legal issues raised by the religious and cultural pluralism at every level (statutory level, administrative level, judicial level, contract level);
- 4) appropriate mastery of technical tools offered by the Italian law in force, in order to ensure and promote the implementation of secularism as a substantial safeguard, in the regime of pluralism, of religious freedom of everyone.

Requirements

Students should have passed to examination of Constitutional Law in order to take this exam.

Course content

The module is dedicated:

- 1) to investigate the efficiency of the system of sources of Italian law regarding individual, collective and institutional religious freedom;
- 2) the identification and analysis of the technical and practical current difficult issues connected with the management of pluralism in religious matters;
- 3) to examine the normative regulation concerning the exercise of religious freedom (objection on religious grounds, non profit field, religious organizations, education, labour law, family law, penal law, protection of privacy) and juridical institutions that consequently developed in our as in other juridical systems.

The module studies issues that will be analysed in depth relevant in other modules pertaining to the same disciplinary area, such as Canon Law, Ecclesiastical Comparative Law, History and Systems of Relations between Church and State. The weighty interdisciplinary connotation of the analysed issues contributes to a better understanding of the implications of the exercise of religious freedom, even in the ambit of Constitutional Law, Civil Law, Family Law, Labour Law, Administrative Law, Tax Law, Criminal Law, International Law and European Union Law. The historical-cultural and socio-political value of the module also provides an educational background useful to improve the knowledge of history, philosophy and sociology of law.

Teaching methods

Traditional - Frontal lectures and (also practical) exercises in class.

Teach check mode

The acquisition of learning outcomes is controlled with a final oral examination. The exam consists of a set of questions relating to fundamental parts of the program. The candidate must demonstrate an appropriate level of knowledge and understanding, critical maturity, the skill to solve specific legal problems and correct communication skills (particular attention will be given to the appropriate use of technical terms). The acquisition of learning outcomes is assessed by numerical rating (18/30 – 30/30).

Books

Students are recommended to study the following three handbooks for the purpose of their individual preparation:

- 1) S. Berlingò *Fonti del Diritto ecclesiastico*, in *Digesto delle discipline pubblicistiche*, vol. VI Torino, Utet, 1991, pages 454-484;
- 2) G. Casuscelli-S. Domianello, *Intese con le confessioni religiose diverse dalla cattolica*, in *Digesto delle discipline pubblicistiche*, vol. VIII, Torino, Utet, 1993, pages 518-543;
- 3) F. Finocchiaro, *Diritto Ecclesiastico*, twelfth edition, edited and updated by Bettetini and Lo Castro Bologna, Zanichelli, 2015; Only the following pages: pages 149-245 (corresponding to chapter 6), pages 270-301 (corresponding to chapter 8, paragraphs 1-5.1), pages 342-367 (corresponding to chapter 9, section I), pages 397-422 (corresponding to chapter 9, section III), pages 452-539 (corresponding to chapters 11 and 12).

Besides, the reading of the *Codice di Diritto ecclesiastico*, Milano, Giuffrè, Fifth edition, 2009, edited by S. Berlingò and G. Casuscelli, is recommended.

Warning: Students with a degree in “Scienze Giuridiche”, who moved to a master’s degree course are exceptionally allowed to study an alternative syllabus (instead of the previous one) which corresponds with the topics contained in G. Casuscelli, *Nozioni di diritto ecclesiastico*, Fifth Edition, Torino, Giappichelli, 2015, chapters 1-23 (pages 3-432). The reading of the *Codice del diritto ecclesiastico*, Milano, Giuffrè, Fifth edition, 2009, edited by S. Berlingò and G. Casuscelli, is also recommended.

Students using such an option have to inform the Examination Board just at the moment they are going to take the exam.