

SUBJECT TEACHING GUIDE

G477 - Religious Pluralism, the State and the Law

Double Degree in Law and Administration and Business Management Degree in Law

Academic year 2022-2023

1. IDENTIFYING DATA					
Degree	Double Degree in Law and Administration and Business Management			Type and Year	Compulsory. Year 1 Compulsory. Year 2
Faculty	Faculty of Law				
Discipline	Topic: State Ecclesiastical Law				
Course unit title and code	G477 - Religious Pluralism, the State and the Law				
Number of ECTS credits allocated	6	Term	Semester based (1)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

Department	DPTO. DERECHO PUBLICO				
Name of lecturer	ENRIQUE HERRERA CEBALLOS				
E-mail	enrique.herrera@unican.es				
Office	Edificio de las Facultades de Derecho y Ciencias Económicas y Empresariales. Planta: + 2. DESPACHO (D218)				
Other lecturers	CARLOS ALVARO MARTINEZ GARCIA				

3.1 LEARNING OUTCOMES	
- To know the basic juridical problems on religious freedom and confessional pluralism in Spain	
- To know the solutions given to those problems in spanish and comparative Law , with a particular attention to European Union regulation and jurisprudence	

4. OBJECTIVES

- To get the particular juridical aspect of the social and religious factor, in its individual and collective dimension
- To learn to appreciate the confessional and ideological pluralism from own convictions
- To appreciate unity of juridical science as Ecclesiastical Law includes aspects in connection with different juridical subjects , and even juridical systems (as Canon Law and other confessional Laws)
- To achieve a global and critical vision of positive Law considering the importance of analysing institutions , norms and juridical conflicts in the setting of historical records and its sociological circumstances, in particular those related to Church and State relations

6. COURSE ORGANIZATION

CONTENTS

1	THE ECCLESIASTICAL LAW OF THE STATE. 1.- Basic notions. 2.- Doctrines on relations between political and spiritual power. 3. Current systems in the XXI century. 4.- Religious freedom in the doctrine of the Catholic Church
2	PRINCIPLES OF THE SPANISH ECCLESIASTICAL LAW. 1.- The principles of the Ecclesiastical Law. 2.- The principle of religious freedom. 3.- The principles of neutrality, laïcité or non confessionality. 4.- The principle of equal rights before law. 5. The principle of cooperation between State and confessions.
3	THE SOURCES OF ECCLESIASTICAL LAW. 1.- Ecclesiastical law, between special and common law. 2.- Classification of Ecclesiastical law sources. 3. Unilateral sources. 4.- Bilateral sources. 5. Presence of confessional law in state law.
4	THE RIGHT OF RELIGIOUS FREEDOM. 1.- Regulation of religious freedom. 2.- Religious freedom in the Spanish juridical system. 3. Limits of religious freedom. 4.- Protection of religious freedom
5	CONSCIENTIOUS OBJECTIONS. Origin of conscientious objection. 2.- Conscientious objection notion. 3.- Main conscientious objections. 4.- Other kind of conscientious objection.
6	CONFESSIONS AND RELIGIOUS ENTITIES. 1.- Collective subjects in Ecclesiastical law. 2.- Regulation of confessions and religious entities. 3.- Recognition of religious entities: personification, nature and types
7	WORSHIP PLACES AND RELIGIOUS MINISTERS. 1.- Worship places. 2.- Religious ministers
8	RITUAL FOOD, HOLIDAYS AND RELIGIOUS SYMBOLS. 1.- Regulation on food and religious holidays. 2.- Symbols and religious clothing. 3.- Rules for solution of problems
9	FREEDOM OF EDUCATION AND RELIGIOUS TEACHING. 1.- Freedom of education and the right to education. 2.- Parents right to choice education for their sons. 3. Religious teaching in public schools. 4.- Private schools
10	FUNDING OF RELIGIOUS CONFESSIONS. 1.- Historical references. 2.- Reasons for economical cooperation. 3.- Direct financing. 4.- Indirect financing
11	PROTECTION TO CULTURAL HERITAGE OF CONFESSIONS. 1. Evolution of concept of cultural heritage. 2.- Constitutional regulation. 3.- Cultural heritage in the 1979 Agreement with the Holy See. 4.- Cultural heritage of other confessions. 5.- Implementation of the Spanish Cultural Heritage Act to confessions. 6.- Cultural heritage in the Autonomous Communities
12	RELIGIOUS ASSISTANCE IN SPECIAL FIELDS. 1.- Approach to the concept. 2.- Basis of the assistance. 3.- Models. 4. Assistance in the Spanish Army. 5.- Assistance in prisons. 6.- Assistance in public hospitals
13	CIVIL EFFECTS OF RELIGIOUS MARRIAGE. 1. Historical approach. 2.- Current matrimonial system. 3.- Canonical marriage in the Spanish system. 4.- Civil effects of marriage of religious minorities. 5.- Conclusions

7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Practical cases will be held every week	Work	Yes	No	40,00
Final exam will consist of a number of short questions	Written exam	Yes	Yes	50,00
		No	No	0,00
Exam will consist of 5 short questions	Written exam	No	No	10,00
TOTAL				100,00
Observations				
<p>The final exam must be done at the Faculty. In case of health emergency may be done through electronic media. In these case the professor will notify the students of the change.</p> <p>La final grade will be obtain trough the weighted average grade of the different grades get in the cases , final exam and seminary.</p> <p>The students are not able to pass the subject when they have less than 5 points over 10 in the theoretical examen.</p>				
Observations for part-time students				
There will be personalized attention for part-time stuents.				

8. BIBLIOGRAPHY AND TEACHING MATERIALS

BASIC

- J. MANTECÓN, Pluralismo religioso, Estado y Derecho, Dictus Publishing, 2018
 R. PALOMINO, Manual breve de Derecho eclesiástico, 8ª ed., 2020 (manual en pdf).