

LAW AND RELIGION

Faculty of Law - Course: *European Studies* (LM-90)

Teacher: *Fabio Franceschi*

Academic Year 2023/2024

CFU: 6

Curriculum:

- 1) EU's Law and Economics - First year - First semester
- 2) Comparative and European Law - Second year - First semester

Contents:

1. *Religion in EU Member States' Constitutions* – 2. *Church and State Relations*: a) *The traditional classification of the systems of State-Church Relations*; b) *The State orientation in religious matters*; c) *Constitutional models of Church-State Relations*; d) *The ECHR and the EU* – 3. *The European model of State-Religious Organizations Relations* – 4. *The protection of religious minorities* – 5. *The principle of equality and prohibition of discrimination* – 6. *The right to freedom of thought, conscience and religion: Article 9 of the ECHR* – 8. *Practical problems of freedom of religion (Religious pluralism and freedom in Islam; Religious Pluralism, Religious Freedom, and Christianity; Religious Freedom as a Human Right; Pluralism, Pastafarianism and the Scope of the Freedom of Religion; Protection against Religious Hatred; The European Court of Human Rights and the Challenge of Balancing the Rights to Freedom of Expression and the Protection of Religion/Belief under the ECHR)*; 9. *Religion and 'freedom to do'*; 10. *Religion and 'freedom not to do'* – 11. *Religious practice and observance in the EU Member States*

Examination

Students are required to book the exam by the seventh day before the exam date, on the website: <http://www.uniroma1.it/studenti/infostud>. Unreserved students cannot take the exam. All information and the exam timetable dates are available on the University website.

Textbooks

1. R. BOTTONI, *Pathways to Law and Religion*, Milano, Educatt, 2023, pp. 162 (being published: before publication, a draft text will be available on the Law on Religion Course page on the Moodle platform, or it can be requested via email to the professor).
2. EUROPEAN PARLIAMENT (Directorate General For Internal Policies Policy Department C: Citizens' Rights And Constitutional Affairs), *Religious practice and observance in the EU Member States*, 2013, pp. 87 (Free for download: [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474399/IPOL-LIBE_ET\(2013\)474399_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474399/IPOL-LIBE_ET(2013)474399_EN.pdf))
3. B. JAHID HOSSAIN & C.M. ZOETHOUT (Eds), *Freedom of religion and religious pluralism. Studies in religion, secular beliefs, and human rights*, vol. 16 (Leiden; Boston: Brill/Nijhoff, 2023): Chapter 3: *Religious pluralism and freedom in Islam* (pp. 36-56); Chapter 4: *Religious Pluralism, Religious Freedom, and Christianity* (pp. 57-76); Chapter 5: *Religious Freedom as a Human Right* (pp. 79-100); Chapter 6: *Pluralism, Pastafarianism and the Scope of the Freedom of Religion* (pp. 101-120); Chapter 9: *Protection against Religious Hatred* (pp. 168-191); Chapter 13: *Walking on a High Wire. The European Court of Human Rights and the Challenge of Balancing the Rights to Freedom of Expression and the Protection of Religion/Belief under the ECHR* (pp. 257-279) (Free for download at: <https://brill.com/edcollbook-oa/title/61481>).

Course attendance is free. For those who attend at least 80% of the lectures, exemption from the study of parts of textbooks is provided. The program for attending students will be provided by the professor in classroom and can be used exclusively by attending students. The list of attending students will be published by the professor at the end of the course. Non-attending students will have to take the exam with the ordinary program.

Graduation

Attending students are given priority for the assignment of the degree thesis.

Teacher email address

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