

Italian code: IUS/11 (old) – GIUR-07-A

Credits: 6

Course: Ecclesiastica Law

Main language of instruction: Italian

Other language of instruction: English

Head instructor

Professor Alessandro BUCCI - alessandro.bucci@unicusano.it

Objectives

Concept and definition of ecclesiastical law.

The sources of ecclesiastical law.

Systems of relations between the State and Confessions in the Italian legal experience.

The institutional religious freedom: the State and the Catholic Church. The Lateran Treaty , art. 7 of the Constitution, the Agreement of February 18th, 1984.

The institutional religious freedom: the State and the religious Confessions. The agreements with those Confessions that are different from the Catholic one. The law on the allowed cults.

The individual and collective religious freedom (art. 19 Cost.).

The Concordatory marriage: general characteristics, the production of legal effects, the exequatur of ecclesiastical sentences of marriage annulment, the question regarding the retention of jurisdiction in favor of the ecclesiastical courts.

Religion and education: denominational schools and the teaching of religion.

The ecclesiastical entities.

The government of the Catholic Church and the Central Authorities of the Church.

The ecclesiastical heritage .

The religious cultural assets and spiritual assistance.

The Holy See.

The State of the Vatican City.

Pluralism , multiculturalism and religious symbols.

Course structure

The course of Ecclesiastica Law is organized according to the e-learning and includes 'erogative' and 'interactive' teaching

Competencies

A. Knowledge and understanding:

The teaching of the course "Ecclesiastical Law" aims primarily to students to achieve rigorous and practical learning of the content and operation of relationship between the Italian State and Holy See. This course will focus on introduction about a basic knowledge of religious freedom in its triple institutional, individual and associative perspective. Moreover the understanding of the religious fact in the Italian order in order to contribute to the formation of the jurist; the ability to understand the role and the perspective of the Catholic Church on the international scene.

B. Applying knowledge and understanding:

- apply knowledge and understanding skills in the expression of the notions, categories and institutes of ecclesiastical law
- acquire a conscious autonomy of judgment with regard to the understanding and interpretation of normative sources and jurisprudence
- Acquisition of the vocabulary and of the general and specific technical-legal language of ecclesiastical law
- Acquisition of skills for the adaptation of knowledge in relation to the variability of the legal and jurisprudential framework
- Understanding the evolution of Church-State relations in Italy. Understanding the phenomenon of multiculturalism and its impact on the legal reality fully.
- Learning the articles of the Italian Constitution regarding the religious phenomenon in an analytical way and being able to understand other State laws related to religious freedom.
- Understanding the key issues underlying the right to religious freedom.
- Communicating the acquired knowledge in a comprehensive and convincing way, demonstrating also to have developed the necessary skills to independently investigate the matter.
- Understanding and demonstrating knowledge of the fundamental institutions of the Italian ecclesiastical law

C. Making judgements:

The student shall be able to make accurate judgments on private law issues and to solve problems using relevant information, applying the appropriate methods.

D. Communication skills:

The student shall be able to express legal concepts and notions with argumentative ability, to work in another language and to explain legal problems with the right technical language.

E. Learning skills:

The student shall prove to have understood the importance of the autonomy of the individual in the development of ecclesiastical law and to have acquired skills for independent learning.

Syllabus

Subject 1. introduction to ecclesiastical law

Subject 2. Institutional religious freedom

Subject 3 The Holy See and the Vatican State; the central government of the Catholic Church

Subject 4 The marriage

Subject 5 The ecclesiastical patrimony and the assets of ecclesiastical bodies

Subject 6 Religious freedom, multiculturalism and religious education

Evaluation system and criteria

The course ends by a final examination **in Italian**, which will evaluate understanding, assimilation, mastery of private law basic concepts, their interactions and correlations as well as the proper use of appropriate legal terminology.

The format of this examination could be oral or written:

- the oral exam consists of an oral interview in front of the committee with a minimum of three questions, which will affect the entire course programme;
- the written exam consists of a written examination in which the student should answer to thirty ended-questions to be answered from a choice of three.

Bibliography and resources

1. Materials to consult

G. DALLA TORRE, *Lezioni di Diritto ecclesiastico*, Giappichelli, Torino, 2017.

5. Recommended bibliography:

A. BUCCI, *La vicenda giuridica dei beni ecclesiastici della Chiesa*, con prefazione di S. Em.za Card. F. COCCOPALMERIO [Collana Studia et documenta Utriusque Iuris, vol. I], Voltornia Edizioni, Roma 2012.