Law Department

Main information on teaching	
Name of the course	**Ecclesiastical law**
Degree programme	SSG
Year of the course	2°
University educational credits (Italian CFU) / European Credit Transfer and Accumulation System (ECTS):	6 1.25 credits (corresponding to 10 teaching hours out of a total of 48) are allocated to the study of the governance of climate migration in the European Union, and its impact on religions and fundamental rights, within the framework of the teaching activities envisaged under the **Jean Monnet Module (ERASMUS-JMO-2025-MODULE) entitled *Climate Migration Governance – Legal Protections for Environmentally Displaced Persons in the European Union*** (Project acronym: **CLIMOVE-U**) (Project No. 101238566), ERASMUS-JMO-2025-HEI-TCH-RSCH (Jean Monnet Actions in the field of Higher Education Teaching and Research), and coordinated by Prof. P. Martino for the three-year period 2025–2028.
SSD	GIUR-07/A - Law and Religion
Language of delivery	Italian
Discharge period	1° semester from 1/10/2025 to 16/12/2025
Attendance requirement	Attendance is not mandatory, but recommended

Teacher	
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Course location	Department Plan IV, Scale C
Virtual	NO
Reception (days, times and arrangements)	Tuesday/Wednesday from 10.00 to 13.00, other days by appointment

Syllabus	
Educational Objective	The course aims to bring students to the knowledge of the dynamics of interaction of religious communities with public institutions (central and local) and civil society, and to introduce them to the framework for the implementation of freedom of religion in the processes of European legal integration. The objective is to make them capable of navigating the analysis of normative sources in an intercultural perspective, addressing the institutes of ecclesiastical law and Case Studies. This methodology will introduce students to the skills necessary to understand and resolve the legal issues that arise from the operation of these communities for the integration into democratic and pluralistic constitutional systems. The course will help bring students to the awareness of the phenomena studied and the ability to develop solutions in the wider context of the protection of human rights and identity. The training aims to provide skills in the use of tools and practices of analysis and monitoring of phenomena and in the processing and return of results, allowing students to master an innovative methodology of interdisciplinary approach to issues and projected to their insertion in the world of work.
Pre-requisites	Institutions of Private Law, Constitutional law

Teaching content (Programme)	**General and preparatory notions. The sources of ecclesiastical law:** sources of production and sources of knowledge; unilateral sources and pacts; sources of domestic law, and confessionals; the subjects of regulatory production, procedures. **The constitutional foundations and the principle of secularism of the State**: Non-discrimination, rights of conscience; the notion of religious confession; the statutes of religious confessions, confessional autonomy and the distinction of orders: artt. 7, 1° co. e 8, 1°- 2°; Art. 8, 3° co. e 7, 2° co.; Cost. e Intese: training procedures and persons entitled to the agreements communities of faith and government bodies; the statutes of religious communities and autonomy: laboratories drafting Statutes and analysis of the new statutes of UCOII and COREIS; the right to understanding; the inemendability of the text of the Understanding, the law of approval; Agreements with the Catholic Church: Lateran Pacts, revision of the Concordat and new Agreement (l. 121/85); the constitutional coverage of the Pacts and the Revision Agreement; the role of the Commission for Understandings. **New religious communities:** problems of recognition and integration: minors and women in the processes of social integration, the religion of immigrants and forms of protection. **Freedom of religion and processes of European integration**: Individual religious freedom: art. 19 const. subjective public law, areas and limits. Fundamentalism in contemporary society: the right to religious affiliation, new communities of faith and pluralism, sectarianism, anti-cult and protection of religious freedom: OSCE Judas lines. **Religion teaching: IRC in public schools**; school pluralism and new religions: right of access and cultural mediation; religious teachers. **Conscientious objections**. The protection of religious sentiment: in employment relationships, criminal protection. **Spiritual assistance in separate communities**: Detention and penal institutions, hospitals and nursing homes: in particular the access of Islamic communities and the Protocols with the Ministry of Justice and the DAP. Case studies UCOII and CII protocols. **Minister of religion**: traditional qualification, role and nine challenges: Imams and religious leaders, civic education. **Religious factor and judicial interventions**: Protection of fundamental rights within religious and criminal cult communities. Hate speech, islamophobia, the terrorism of c.d. religious matrix, religious symbols; **The bodies of religions and faith communities:** Art. 20 Const.: establishment and forms of activity; **The third sector**: religious institutions and communities of faith, the new perspectives of inter-religious integration and inclusion. Support of the clergy and means for the activity of religion or worship: the Institutes for the sustenance of the clergy; remuneration; the private-law revenues of denominational bodies; the revenues of public law; the financing of confessions; the eight per thousand and other deductible offers. **Religious buildings**: buildings of worship; Islamic places of worship: authorizations and case studies. Holy See and **Vatican City State**: the "Roman question" and the Treaty of 1929; standardization and organs. **Marriage.** Monogamous and polygamous religious marriages. Concordat marriage: autonomy of the will of civil effects, publications, impediments, transcription; the procedure of enforcement: participation of jurisdictions on marriage, ecclesiastical judgments of ecclesiastical nullity and divorce. Marriage before the ministers of the religious confessions. **Climate migration, religions and fundamental rights** (10-hour Jean Monnet Module CLIMOVE-U). The governance of climate migration in the EU raises new challenges for the protection of fundamental rights and human security, regarding religious freedom. The condition of climate migrants and displaced people requires guarantees of inclusion, human security, and access to religious practices in host countries. Comparative perspective makes it possible to connect environmental protection, human security, human rights, and religious freedom as essential elements of integration policies.

Reference texts	1) VITALI, Enrico-CHIZZONITI, Antonio G., Manuale breve. Diritto ecclesiastico, Giuffrè, Milan, 2022. e 2) VENTRELLA, Carmela, La Corte d'appello dello Stato della Città del Vaticano. Pluralità di funzioni e vocazione interordinamentale, Cacucci, Bari, 2020 (chap. III p. 79-88 e chap. IV p. 93-129)
Notes to reference texts	**N.B.,** We recommend studying all the chapters contained in Vitali's text part one, the one in part two on "Questions and Answers" is optional.

Teaching Organization			
Course hours			
Total	Frontal teaching	Practice (laboratory, field, exercise, other)	self-study
150	48		102
CFU/ETCS			
6			

Teaching Methods	
	Frontal teaching will be enriched by seminar activities and laboratories,

	as well as co-working sessions with testimonials/interviews and working groups, role playing aimed at problem solving and the study of sector case studies. The methodological approach will be legal and open to raising awareness towards the psycho-social, geopolitical, linguistic, media operational and security aspects as all supported using digital AI technologies specific to the individual sectors.

Learning outcomes planned	
Knowledge and Understanding	**Students will acquire**: 1. The ability to understand the central institutions of discipline in the legal system; 2. the ability to identify the links between the normative discipline of individual systems, dedicated to religious interests, and the interventions of national and supranational Courts. 3. the ability to express themselves clearly and with appropriate technical-legal language, articulating a reasoning that knows how to transfer to the interlocutors the acquired knowledge and the elaboration of original solutions; 4. the ability to link the various institutions considered in the framework of a logical-systematic order.
Knowledge and applied comprehension skills	**Students will acquire:** 1. a specific methodology for the study and legal analysis of phenomena and for the construction of solutions, also with the use of study/solution techniques specific to other disciplines; 2. the ability to resolve issues starting from concrete cases, developing autonomy of critical judgment in the elaboration of concrete solutions; 3. the ability to use AI tools to support data research and communication; the analysis of a legal text through the categories of legal-forensic linguistics. 4. the ability to analyse, catalogue and compare acquired data for the formulation of papers, project work and/or power points for the presentation of study and research results; 5. the methodology of drafting: a technical opinion, a judgment note, a report analysis.
Transversal skills	In line with what is defined by the European Union, given the articulation and transversality inherent in ecclesiastical law, the course will have a priority legal approach, but also an interdisciplinary open to geopolitical, psycho-social, socio-religious, linguistic, media and operational-security methodology, as supported using digital AI technologies specific to individual sectors. Students will acquire articulated critical awareness of individual institutions in addition to a methodology of study and transversal analysis that, placing the specific institution at the center, will enable them to assess and master all its possible implications and the interdisciplinary, methodological and system implications in the rule of law. Students will be led to the ability to know, act and communicate "consciously" in the complex social contexts of interreligious integration, addressing the challenges posed by various organizational models impacted, among others, by migrations, human traffiking, artificial intelligence. They will be brought to the understanding and respect of ideas represented and placed in different ways for intercultural, ethics, religious, political formation, etc. to also develop a better awareness of their role and function within the society. The result will be a vision of ecclesiastical law contextualized in respecting the guarantees of human rights, the use of the media, the control of fake news and distorted information.

Evaluation	
How to verify learning	The assessment of students will be carried out through general and specific questions (3/4). The following shall be checked:
Evaluation criteria	It will be verified that students have achieved the expected learning outcomes based on: *1. Ability to learn and overall knowledge of the topics*: the degree of knowledge of the topics of the program in the light of the reference texts will be evaluated; *2. Ability to analyze, catalogue and compare the acquired data*: acquisition of methodological skills, basic disciplinary contents, research of legislative and jurisprudential sources in the face of the prospect of applicative legal issues; 3. *Ability to develop legal construction and autonomous and objective critical thinking*: ability to start from case studies and arrive at practical and interconnected legal solutions to transversal skills and problem-setting and problem-solving; 4. *Specific communication skills*: the mastery of legal language and the ability to explain comprehensively, also using examples and connections, the discipline of legal institutions will be verified.
Measurement criteria learning and final grade	The final grade is awarded in thirtieth grade. The exam is considered passed when the grade is greater than or equal to 18/30 Single oral exam for the 6 CFU (Administrative Law I and II) For the purposes of the evaluation in thirtieths, the level of preparation achieved in accordance with the criteria will be taken into account and, in line with the expected learning outcomes, the different levels of preparation will lead to different judgments: excellent (30/30 laude), excellent (28/29), good (25/27), fair (21/24), sufficient (18/20). The awarding of honours presupposes the unanimous consent of the examination committee.
More	**Attending Students** will be able to take into account the in-depth analysis of the lessons, seminars and co-working and/or working group activities. The related supplementary study materials will be made available on the online teacher's page, coinciding with these meetings. For the purposes of the exam, students can prepare a short report (oral) or a Power point or Prize, a report analysis on a theme corresponding to one of the seminar/co-working and/or working group, after having agreed with the Teacher**. Students coming from other degree courses** for the purposes of the integrative examinations will be evaluated in accordance with the resolutions of the Department and Interclass Council, on the program agreed with the teachers. **Erasmus students:** Specific programmes for Erasmus students may be agreed with the teacher during the reception hours**.** **Assignment of thesis:** The written theses will be assigned at the scheduled times for the reception, with the subscription of the module downloadable from the website of the Department. The thesis is assigned according to the procedures and times provided by the regulations approved by the Department and Interclass Councils.