

30527 - Ecclesiastical Right of the State

Syllabus Information

Academic year: 2023/24

Subject: 30527 - Ecclesiastical Right of the State

Faculty / School: 102 - Facultad de Derecho

Degree: 432 - Joint Law - Business Administration and Management Programme

ECTS: 6.0

Year: 2

Semester: Second semester

Subject type: Compulsory

Module:

1. General information

This subject studies a branch of the legal system of the State, which deals with the specific regulation of religious freedom, both in its individual and collective dimension, the latter referring to the confessions and religious groups in which the person is integrated. And, as for the individual dimension of the matter, the fundamental right of religious freedom is studied in relation to the also fundamental rights of ideological freedom and freedom of conscience.

It is a discipline of growing importance in the current social contexts in which the Law has to face the new challenges arising from global and plural coexistence, in which the legal treatment of the cultural-religious factor acquires a preponderant role, which it is necessary to know

In order to facilitate the use of the class explanations, the work of personal assimilation of the contents of the subject and the preparation of the practical classes, the use of the bibliography supplied to the Library of the University is recommended.

2. Learning results

The student, in order to pass this subject, must demonstrate the following results...

1. Is able to indicate, define and describe the content, manifestations and limits of religious freedom and, by extension, of ideological freedom and freedom of conscience.
2. That he/she is able to understand, synthesize and explain the content of the relations and matters of common interest between the State and religious denominations.
3. That he/she is capable of solving hypothetical or real cases of legal situations related to the aforementioned subjects.
4. That they are capable of analyzing legal problems and developing possible solutions and that he/she has the creativity necessary to face new conflictive situations.

The knowledge and critical evaluation of the norms and jurisprudence that frame the exercise of religious, ideological and conscientious freedoms are factors of growing importance in the context of a pluralistic society from the ideological and religious point of view. Particularly interesting is the study of the presence and action of the confessions and religious groups in society.

This subject constitutes an excellent observatory to measure the effective incidence of the constitutional values and principles in the regulation of a wide field of matters relating to religious freedom, as well as to ideological freedom and freedom of conscience; and not only through the study of the rules but especially of the administrative and judicial decisions that apply and interpret them.

3. Syllabus

1. Law, Politics and Religion
2. Precedents, constitutional principles and sources
3. The right to religious freedom and its legal protection
4. Conscientious objections
5. Education, culture and religious factor
6. The civil effectiveness of religious marriages
7. Legal and economic regime of religious denominations and entities
8. Ministers of worship and religious assistance

4. Academic activities

The learning process designed for this subject is based on the following:

1. Theoretical classes. (36 hours per group), where the teacher will explain the program of the course and will encourage the participation of the students.

2. Practical classes (24 hours per subgroup), which will consist of the exposition of a text commentary or a case of fact to be solved by the students applying the rules and taking into account the interpretative criteria established by the jurisprudence and doctrine.

3. Voluntary complementary activities: attendance to conferences and seminars and completion of assignments.

5. Assessment system

The student must demonstrate achievement of the intended learning results through the following assessment activities:

1. An overall written test that will cover the entire program and will consist of two parts: 1) a theoretical exercise, which will account for 70% of the final grade; and 2) a practical exercise, which will account for 30% of the final grade.

2. Students who opt for a system of early assessment of the internship are not required to perform the exercise mentioned in the previous number in any of the calls of the term. The grade obtained in the practical will be applied to them, which will represent 30% of the final grade, provided that they have passed the theoretical exercise.

3. The complementary activities of the course include voluntary attendance to conferences and seminars, and the completion of assignments; but these activities will only serve to improve the grade of those students who have passed the subject.