# Ecclesiastical Law

## Prof. Andrea Bettetini

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

Knowledge and understanding

Students will study the legal rules governing the relationship between the Italian State and religions with a view to enhancing their own legal education. Thus, students successfully attending the course of ecclesiastical law may learn the historical and positive law principles regulating the relationships between religious and political order.

Ability to apply knowledge and understanding

The knowledge and understanding of the subject studied will enable students to acquire the interpretative instruments for a conscious and not emotional approach to the problems posed by the religious order in the Italian and European society in order to independently provide and communicate solutions and opinions on the uncertainty of a multicultural and multi-religious system.

With specific reference to legal relations with the Catholic Church, it is advisable (if not essential) that students first pass their exams in Canon Law in order to have a complete picture from the point of view of both the Catholic Church and the State. The course will devote special attention to issues concerning the Concordat with the Catholic Church as well as the agreements entered into between the State and other religious denominations. Since the principle of religious freedom, the civil effects of a religious marriage and the civil status of ecclesiastical corporations are issues that are of relevance to a wide range of careers that students could embark on, they will be dealt with in the special part of the course with a particular focus on their links with constitutional law, administrative law and the international legal order.

***COURSE CONTENT***

*General Part*

The Italian State and religious confessions. The Republic of Italy as a secular State. The Italian constitution and the religious phenomenon. Religious identity and religious pluralism. Freedom of religion; the transnational nature of religious freedom. Religious factors and the European legal order: Religious marriages and the Italian State. Religious education.

*Special Part*

Religious corporations. The subjectivity of the Ecclesiastical corporations. The Church assets. The buildings and places of worship. The religious cultural properties. The clergy sustenance.

***READING LIST***

8 Cfu’s Program:

*For the General Part*

A. Bettetini - A. Perego, *Diritto ecclesiastico*, CEDAM, Padova, 2022.

*For the Special Part*

A. Bettetini, *Ente ecclesiastico, beni religiosi e attività di culto. Profili giuridici*, Giuffrè, Milano, 2019.

6 Cfu’s Program:

A. Bettetini - A. Perego, *Diritto ecclesiastico*, CEDAM, Padova, 2022.

***TEACHING METHOD***

Classroom frontal lectures describing the course content.

The lectures will be supplemented by in-depth tutorials held by two assistants:

* Mr. Alessandro Perego and Mr. Leonardo Caprara: *Religious corporations: between speciality and common law*.

– Mr. Mattia F. Ferrero: *The international protection of religious freedom.*

***ASSESSMENT METHOD AND CRITERIA***

The final exam aims to assess the students’ attainment of the learning outcomes.

 The students’ learning assessment consists of a final oral exam. The questions concerning the key points of the different parts of the program aim to test the candidates’ general knowledge, their ability to critically approach the topics studied and to cross-reference the different parts of the course contents.

*Criteria for the awarding of the final grade:*

The final grade will be equally awarded based on the students’ qualitative and quantitative reasoning skills, their critical approach to the topics covered during the course, and their ability to cross-reference the different parts of the course contents.

More specifically, the oral exam consists of a series of questions on the course textbooks and the final mark is the average of the scores obtained in these questions. Student who prove to have a comprehensive view of the topics addressed during lectures combined with their ability to use them with a critical approach, and to have a good command of the subject-specific language will be awarded top marks. Students with inappropriate ability to synthesise and analyse information and/or a correct but not always appropriate language use will be awarded a pass mark; students with knowledge gaps and/or inappropriate use of the language– although with limited knowledge of the exam material – will be awarded a fail mark. Also knowledge gaps (e.g. neglecting a part of the study material included in the syllabus), inappropriate use of the language, and difficulties getting familiar with the reading list material suggested during the course will be assessed with a fail mark .

***NOTES AND PREREQUISITES***

Students are required to have basic knowledge of private law and constitutional law.

For students *attending lectures* the specifics of the course programme will be defined during the initial lessons.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.