

Multiculturalism and Religious Freedom

Code: 102249
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

Name: Ivan Jimenez Aybar
Email: Ivan.Jimenez@uab.cat

Use of languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: Yes

Prerequisites

It is recommended a special predilection for the study of human rights, as well as learn how to defend them at the Courts of Justice.

Objectives and Contextualisation

- 1.- Study the concept, basis and development of the right of religious freedom in the context of human rights.
- 2.- Analyze the challenges of multiculturalism and diversity of religions from the legal perspective.
- 3.- Study of the legal regulation of religious freedom in Europe from a comparative perspective.
- 4.- Exercise legal actions in different national and european jurisdictional instances (European Court of Human Rights), through real cases about religious freedom.
- 5.- Learn how to work in a legal team though the method of the real case and the ficticial trials.

Skills

- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Presenting in front of an audience the problems of a concrete law suit, the applicable legal regulations, and the most consistent solutions.
- Students must be capable of communicating their points of view in a compelling way.
- Students must be capable of perceiving the impact and implications of the decisions taken.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning outcomes

1. Associating the demands of multiculturalism with the constitutionally recognised rights.

2. Contextualising in a hermeneutic level the different general institutions of the legal system.
3. Critically reasoning the legal discourse explained in the ad casum resolution of the different factual cases.
4. Defining the religious diversity and the community and individual reasons underlying in the exercise of freedom of religion.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Describing from a theoretical perspective the Law institutions that guide axiologically the legal applicable solutions.
7. Describing the historical trajectory of the modern State and its progressive deconfessionalisation in connection with the religious institutional factor.
8. Showing the existing connections between political power, constitutional tradition, religious tolerance, and its later stage: religious freedom and equality.
9. Students must be capable of communicating their points of view in a compelling way.
10. Students must be capable of perceiving the impact and implications of the decisions taken.
11. Technically summarising the acquisition of theoretical knowledge through oral reflection.
12. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

- 1.- Management models of multiculturalism in modern societies: integration, assimilation, coexistence, accommodation, etc.
- 2.- Models of relationship between the State and religions in modern societies: USA, Canada, Spain, Italy, France, etc.
- 3.- Religious freedom in the context of the international legal protection of human rights.
- 4.- The case of Spain: from tolerance to religious freedom.
- 5.- Religious freedom in the Constitution of 1978.
- 6.- The legal protection of religious freedom in the regional and municipal levels in Spain.
- 7.- The jurisdictional protection of religious freedom in Spain: criminal, civil, etc. The appeal to the Constitutional Court and the European Court of Human Rights. Real cases: fictitious trials.

Methodology

The distinction between theory and practice is only formal, and not material. The theory will be explained while we'll work the real cases.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
Master classes	22.5	0.9	2, 4, 6, 7, 8
Work in aula (discussion, fictitious trials, etc.)	100	4	9, 5, 3, 10, 11, 12, 1
Type: Autonomous			
Work outside of aula	22.5	0.9	5, 3, 10, 12, 1

Evaluation

1.- The purpose of this activity is to teach the student how to report a violation of a fundamental right to these two institutions.

2.- The purpose of this activity is to teach the student how to prepare a legal report about a real case.

3.- The purpose of this activity is to teach students how to prepare these appeals, always about real cases.

4.- The purpose of this activity is to teach the students how to prepare the legal arguments, the procedural strategy and the conclusions about a real case.

The specific date or week of the evaluable activities will be published on the Virtual Campus before the start of the teaching, without prejudice to the fact that, exceptionally and for reasons of force majeure, these may be modified with sufficient notice and in advance.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
1.- Appeal to Defensor del Pueblo or Síndic de Greuges	10 %	1	0.04	9, 2, 4, 5, 6, 7, 8, 3, 10, 11, 12, 1
2.- Legal report about a real case	20 %	1	0.04	9, 5, 3, 10, 1
3.- Appeal to the Constitutional Court and appeal to the European Court of Human Rights	30 %	1	0.04	9, 5, 3, 10, 12, 1
4.- Ficticial trial.	40 %	2	0.08	9, 5, 3, 10, 11, 12, 1

Bibliography

León Benítez, María Reyes / Leal Adorna, María del Mar: Derecho y factor religioso. Editorial Delta. Madrid 2008.

Consell de l'Audiovisual de Catalunya / Universitat Autònoma de Barcelona: Mitjans de comunicació i pluralisme religiós. Barcelona 2010.

Seglers Gómez-Quintero, Àlex: Libertad religiosa y Estado autonómico. Editorial Comares. Granada 2005.

Seglers Gómez-Quintero, Àlex (coord.): Pluralisme confessional i laïcitat. Els reptes de la llibertat religiosa en les societats modernes. Revista de temes contemporanis. Abril/setembre 2005.

Jiménez Aybar, Iván: El Islam en España. Aspectos institucionales de su estatuto jurídico. Navarra Gráfica Ediciones. Pamplona 2004.