

THE STATE AND FREEDOM OF BELIEF (21016)

Option

Degree awarded: Degree in Law

Academic year: Third

Term: First

Number of ECTS credits 5

Student hours: 125

Syllabus

This subject is a study of the system for protecting fundamental rights in the Spanish legal system. It includes an analysis of the mechanisms provided for in the 1978 Spanish Constitution to protect fundamental rights, their legislative development and the impact on the Spanish legal system of European and international systems for the protection of human rights.

On completing the course students will know and understanding the concept and fundamental ideas of what is meant by human rights, their relationship with constitutionalism and the international human rights movement. They will also know and understand the mechanisms of protection and guarantee provided for in the 1978 Spanish Constitution and their interrelation with European systems for the protection of fundamental rights. Finally, students will acquire essential knowledge of the content of the fundamental rights recognised in the Spanish legal system. To follow the course students need to develop skills related to the ability to understand and analyse constitutional texts, both past and current, constitutional case law and doctrinal articles, as well as the capacity to apply the structures of constitutional argument to conflict resolution and the critique of institutions.

TOPIC 1.

1. Law and religion.
2. Political power and religious power.
 - 2.1. Ancient times.
 - 2.2. The Middle Ages.
 - 2.3. The Modern Age.
 - 2.4. 1789 to the present day
3. Historical precedents for the Spanish state's relationship with religious faiths.
 - 3.1. The XIX century.
 - 3.2. The Second Republic.
 - 3.3. The Franco Regime.

TOPIC 2.

1. The system of sources and cooperation agreements.
 - 1.1. Unilateral sources.
 - 1.2. Sources of pacts between the Holy See and the Spanish State.
 - 1.2.1. State agreements with religious faiths.
 - 1.3. The civil relevance of the internal rules of religious orders.
2. The religious factor and the 1978 Constitution.
 - 2.1. Religious freedom.
 - 2.2. State secularism
 - 2.3. Equality.
 - 2.4. Cooperation.

TOPIC 3.

1. Faiths and religious bodies vis-à-vis Spanish law.

- 1.1. Legal personality.
- 1.2. Legal organisation of the Catholic Church.
- 1.3. The Religious Entities Register

TOPIC 4.

1. The funding of religious faiths.
2. Religious attendance.

TOPIC 5.

1. Religious teaching in schools.
2. Personal religious symbols: the Islamic veil, the skull cap, etc.
3. Stationary religious symbols: the crucifix, etc.

TOPIC 6.

1. Arranged marriages. Forced marriages.
2. Repudiation. Corporal punishment.
3. Polygamy.

TOPIC 7.

1. Freedom of expression and religious freedom.
2. Products made according to religious rules: cosmetics etc.
3. Legal protection for the diversity of religious foods.

TOPIC 8.

1. Prayer, weekly rest and religious festivities.
2. Funeral rituals and places of worship.

TOPIC 9.

1. Conscientious objections:
 - 1.1. Concept and legal protection.
 - 1.2. Main manifestations.

TOPIC 10.

1. Marriage systems
2. The Spanish marriage system.
 - 2.1. The civil effectiveness of religious weddings in the legal system.
 - 2.2. Statement of Adjustment to Civil Law.