

Academic Year: ( 2019 / 2020 )

Review date: 09-05-2020

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: LLAMAZARES CALZADILLA, MARIA CRUZ

Type: Electives ECTS Credits : 3.0

Year : Semester :

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Theory of law and sociology of law  
Political Theory and Traditions of Thought  
Public liberties and constitutional rights  
Freedom of conscience and public liberties

## OBJECTIVES

1. Knowledge of the multiculturalism issues in the current western societies.
2. Knowledge of different solutions to conflicts arising from the new multicultural reality.
3. Formulation of possible solutions based on three fundamental legal principles: freedom of conscience, secularism and tolerance.

## DESCRIPTION OF CONTENTS: PROGRAMME

I. DESCRIPTION OF THE PROBLEM: PLURALISM AND MULTICULTURALISM. 1. Causes. 2. Globalization and unique thinking. 3 Closeness of others and universal solidarity. 4 Pluralism and interculturalism. 6. Right to difference. 7. Answer to the problem: overcoming conflicts, coexistence and intercultural dialogue.

II. FREEDOM OF CONSCIENCE AND PERSONAL IDENTITY. 1. Freedom of conscience and personal identity. 1.1. The personalism 1.2 Individual identity and collective identity. 2. Conceptual precisions. 3. Elements of freedom of conscience. 4. Freedom of conscience of the minor. 5. Majorities and minorities in democracy: the possible tyranny of majorities.

III. EQUALITY. 1. Meaning of the equality clause in the EC. 2. Formal equality. 3. Material equality. 3.1. Requirement of objective and reasonable justification of differentiated treatment. 3.2. Positive discrimination

IV. LAICITY. 1. Models of the State's relationship with cultural and religious groups. 2. The secular State. 2.1. Conceptual precisions. 2.2. The neutrality of public powers. 2.2.1. Neutrality and freedom of conscience. 2.2.2. Neutrality and cooperation. 2.2.3. Neutrality versus impartiality. 2.2.4. Neutrality and constitutional pact. 2.3. The separation between the State and ideological groups. 2.4. Positive secularism and integrated cooperation.

V. TOLERANCE 1. Multicultural society and constitutional pact. 2. Tolerance concept. 3. Lessons. 4. The principle of tolerance. 4.1. Tolerance and neutrality. 4.2. Tolerance and right to difference. 4.3. Tolerance and equality. 5. Social function of tolerance. 6. The guardian State of tolerance.

SAW. SYSTEMS OF MANAGEMENT OF CULTURAL DIVERSITY (I): THE MODELS OF INTEGRATION OF MINORITIES. 1. Cultural plurality: previous concepts. 2. The concept of minority. 3. Integration models. 3.1. Assimilation. 3.2. Multiculturalism 3.2.1. Ghettos 3.2.2. Interculturality

VII. SYSTEMS OF MANAGEMENT OF CULTURAL DIVERSITY (II): INTERCULTURALITY AS A PARADIGM. 1. Successes and failures of the models already tested. 1.1. UK. 1.2. France. 1.3. Canada. 2. Brief approximation to the Spanish model.

VIII. INSTRUMENTS FOR THE MANAGEMENT OF CULTURAL DIVERSITY. 1. In the creation of the standard (normative instruments). 1.1. General Law-Special Law. 2.1. Objections of conscience. 2. In the application of the rule by the judges and courts: reasonable accommodation. 3. In the relations of the Administration with the citizens and the citizens among themselves: the previous harmonization practices. 3.1. Friendly agreements. 3.2. Agreed adjustments.

IX. MULTICULTURALISM AND SCHOOL. 1. Right to education and freedom of education. 2. Instruments of cultural diversity management. 2.1. Education for citizenship. 2.2. The religion class 3. Other actions.

X. MULTICULTURALISM AND MEANS OF COMMUNICATION. 1. Social function of the media. 2. The mixed media system. 3. The role of the public media. 3.1. Commit public service. 3.2. The right of access. 4. The role of private media.

XI. MULTICULTURALISM AND RELIGIOUS SYMBOLS. 1. Concept and classes of religious symbols. 2. Religious symbols of greater conflict. 3. Conflicts, solutions and management models.

#### LEARNING ACTIVITIES AND METHODOLOGY

The academic activities are divided into magisterial lessons (large group) and practice sessions (small groups).

1. Magisterial lessons: presentation of the theoretical bases of the subject.

2. Practice sessions: specific activities with a practical approach of the subject. This activities will be published in Aula Global at the beginning of the course and may include practical exercises, readings of bibliography or relevant sentences and tests to check the level of acquired knowledge.

**% end-of-term-examination:** 60

**% of continuous assessment (assignments, laboratory, practicals...):** 40

#### BASIC BIBLIOGRAPHY

- KYMLICKA, W. Ciudadanía multicultural. Una teoría liberal de los derechos de las minorías, Barcelona:Paidós, 1996
- LEMA TOMÉ, M. Laicidad e integración de los inmigrantes, Madrid:Marcial Pons, 2007
- LEMA TOMÉ, M. Laicidad e integración de los inmigrantes, Madrid:Marcial Pons, 2007
- LLAMAZARES CALZADILLA, M.C. Ritos, signos e invocaciones, Estado y simbología religiosa, Madrid:Dykinson, 2015
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- NUSSBAUM, M. Libertad de conciencia, Barcelona:Tusquets, 2009
- TAYLOR C. y MCLURE, J. Laicidad y libertad de conciencia, Madrid:Alianza Editorial, 2011
- WALTZER, M. Tratado sobre la tolerancia, Barcelona:Paidós, 1995