

Academic Year: (2022 / 2023)

Review date: 24-05-2022

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 single thinking. 3 Closeness to others and universal solidarity. 4 Pluralism and interculturalism. 6. Right to difference. 7. Solution to the problem: coexistence and intercultural dialogue.

II. FREEDOM OF CONSCIENCE AND PERSONAL IDENTITY. 1. Freedom of conscience and personal identity. 1.1. Principle of 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. Majority and minority in democracy: the possible tyranny of majority.

III. EQUALITY. 1. Meaning of the equality clause. 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 vs impartiality. 2.2.4. Neutrality and constitutional pact. 2.3. The separation between State and religious groups. 2.4. Positive secularism and integrated cooperation.

V. TOLERANCE 1. Multicultural society and constitutional pact. 2. Concept of tolerance. 3. Types of tolerance. 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 state as guardian of the tolerance.

VI. MANAGEMENT OF CULTURAL DIVERSITY SYSTEMS (I): 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. Interculturalism.

VII. MANAGEMENT OF CULTURAL DIVERSITY SYSTEMS (II): INTERCULTURALISM 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. MANAGEMENT OF CULTURAL DIVERSITY INSTRUMENTS. 1. In the creation of the law (normative instruments). 1.1. General Law-Special Law. 2.1. Conscientious objection. 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 (previous harmonization practices). 3.1. Amicable settlements. 3.2. Concerted adjustments.

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

X. MULTICULTURALISM AND MASS MEDIA. 1. Social function of the media. 2. The mixed media system. 3. The role of the public media. 3.1. Public service commitment. 3.2. The right of access to the media. 4. The role of private media.

XI. MULTICULTURALISM AND RELIGIOUS SYMBOLS. 1. Concept and classes of religious symbols. 2. Most controversial religious symbols. 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.

ASSESSMENT SYSTEM

SE1. FINAL EXAM, in which the knowledge, skills and abilities acquired throughout the course will be assessed globally.

SE2. CONTINUOUS ASSESSMENT of works, performance in debates, presentations in class, exercises, practices and work in the workshops throughout the course.

% 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
- LLAMAZARES CALZADILLA, M.C. Ritos, signos e invocaciones, Estado y simbología religiosa, Madrid:Dykinson, 2015
- NUSSBAUM, M. Libertad de conciencia, Barcelona:Tusquets, 2009
- TAYLOR C. y MCLURE, J. Laicidad y libertad de conciencia, Madrid:Alianza Editorial, 2011
- TAYLOR, C. El multiculturalismo y la política del reconocimiento, México:Fondo de Cultura Económica, 1993
- WALTZER, M. Tratado sobre la tolerancia, Barcelona:Paidós, 1995