

GLOBAL LAW AND RELIGION (APRIL 2018)



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Short Bio: Dr. Pasquale Annicchino is a Research Fellow at the European University Institute in Florence and an Associate Researcher at FBK Foundation. Upon appointment of the Italian Ministry of Interior he is also a member of the Italian Council for the relationships with Muslim Communities. He has written many articles in national and international peer-reviewed journals (European Public Law, First Amendment Law Review, Oxford Journal of Law and Religion, George Washington Journal of International Law). His last book is: *Law & International Religious Freedom. The Rise and Decline of the American Model* (Routledge, 2017).

Duration of the course: 10 hours

Proposed dates: TBC

Fields:

- Law and Religion
- International Human Rights
- Law and Geopolitics

Short description

The course will be focused on the study of the interaction of law, religion and human rights at the global level. After a theoretical introduction to the interaction of law and religion the course will focus on selected topics of particular relevance from a legal and geopolitical perspective. By attending this course students will be able to grasp the role of religion in today's legal and social controversies.

Selected topics and classes

- The interaction of law and religion
- Constitutionalism and religion in the public sphere
- The protection of religious freedom in the West: United States and Europe
- Radical Islam and Terrorism: current challenges
- Russia and the Orthodox Church: the fragmentation of the international human rights paradigm?

Methods of teaching

Seminars based on the socratic methodology

Assessment

Written exam with open questions

Bibliography

A list of mandatory and complementary readings will be provided for each class. They will be circulated via e-mail in order to guarantee access to the students.

Seminar 1 (2 hours)

The Interaction of Law and Religion

Required readings:

J. Witte jr., *Law, Religion and Human Rights*, Columbia Human Rights Law Review, 28, 1, 1996, pp. 1-31, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1851137

O. Roy, *The Crisis of the Secular State and the New Forms of Religious Expression*, available at: https://www.diplomatie.gouv.fr/IMG/pdf/0101Roy_gb.pdf

Optional readings:

H. Berman, *Law and Revolution. The Formation of the Western Legal Tradition*, Cambridge, Harvard University Press, 1983

Seminar 2 (2 hours)

Constitutionalism and Religion in the Public Sphere

Required readings:

G. Halmai, *Religion and Constitutionalism*, MTA Working Paper 5/2015, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2609104

M. Rosenfeld, *Introduction. Can Constitutionalism, Secularism and Religion Be Reconciled in an Era of Globalization and Religious Revival?*, *Cardozo Law Review*, 30, 6, 2009, pp. 2333-2368, available at: <http://cardozolawreview.com/Joomla1.5/content/30-6/ROSENFELD.30-6.pdf>

A.L. Whitehead, S.L. Perry, J.O. Baker, *Make America Christian Again: Christian Nationalism and Voting for Donald Trump in the 2016 Presidential Election*, *Sociology of Religion*, advanced access January 2018, available at: <https://academic.oup.com/socrel/advance-article-abstract/doi/10.1093/socrel/srx070/4825283?redirectedFrom=fulltext>

Optional readings:

G. Halmai, *Varieties of State-Church Relations and Religious Freedom through Three Case Studies*, *Michigan State Law Review*, 2, 2017, pp. 175-205 available at: <https://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1186&context=lr>

O. Roy, *Secularism confronts Islam*, Columbia University Press, 2007

Seminar 3 (2 hours)

The protection and promotion of religious freedom in the West: United States and Europe

Required readings:

P. Annicchino, *Law & International Religious Freedom. The Rise and Decline of the American Model*, Routledge, 2017 (chapters 1, 2, 3)

Z. Calo, *Constructing the Secular: law and religion jurisprudence in Europe and the United States*, *ReligioWest Working Paper-RSCAS 94/2014*, available at: <http://cadmus.eui.eu/handle/1814/32792>

M. Ventura, *Dynamic Law and Religion in Europe: Acknowledging Change, Choosing Change*, *RSCAS research paper 91*, 2013, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2376194

Optional readings:

P. Annicchino, *Is the European Union going deep on Democracy and Religious Freedom?*, *The Review of Faith and International Affairs*, 12:3, 2014, pp. 33-40

P. Annicchino, *A Transatlantic Partnership for International Religious Freedom? The United States, Europe and the Challenge of Religious Persecution*, *Oxford Journal of Law and Religion*, 5, 2, June 2016, pp. 280-297

Seminar 4 (2 hours)

Radical Islam and Terrorism: current challenges

Required readings:

O. Roy, *International Terrorism: How can prevention and repression keep pace?*, BKA Autumn conference, 18-19 November 2015, available at: <https://life.eui.eu/wp-content/uploads/sites/7/2015/11/OLIVIER-ROY-what-is-a-radical-islamist.pdf>

O. Roy, *Who are the new jihadis?*, *The Guardian*, 13 April 2017, available at: <https://www.theguardian.com/news/2017/apr/13/who-are-the-new-jihadis>

Optional readings:

O. Roy, *Jihad and Death. The Global Appeal of Islamic State*, London, Hurst, 2017

Seminar 5 (2 hours)

Russia and the Orthodox Church: the fragmentation of the human rights system

Required readings:

K. Stoeckl, *The Russian Orthodox Church and Human Rights*, London-New York, Routledge, 2014 (chapters 3 and 4)

L. Malsko, *The Human Rights Concept of the Russian Orthodox Church and Its Patriarch Kirill I: A Critical Appraisal*, *European Yearbook of Human Rights*, 2013, pp. 403-416, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2792391

Optional readings:

P. Annicchino, *The Past is Never Dead. Christian Anti-Internationalism and Human Rights*, in M. Koskenniemi, M. Garcia-Salmones Rovira, P. Amorosa, *International Law and Religion: Historical and Contemporary Perspectives*, Oxford, Oxford University Press, 2017, available at: <http://www.oxfordscholarship.com/view/10.1093/oso/9780198805878.001.0001/oso-9780198805878-chapter-9>