

«RELIGIOUS PLURALITY: AN ITALIAN MODEL?»

ITALIAN LEGAL PATTERNS – Professor Alessandro Ferrari

Religious freedom: the Italian experience

Professor Alessandro Ferrari presented the development of the Italian state in terms of institutional changes concerning religious freedom. Starting before the unity of Italy in 1861 when the statute of the kingdom of Piedmont considered the Catholic religion as the only State religion and simply tolerated the other faiths. After the unity the state was a kind of “liberal state” and began its age of “laicization”, period in which Italy was a strong nation with a weak state. During this period the relationship between State and Church was very stretched, there was a sort of estrangement. What happened in 1929 with the “conciliation”, during fascism, is particularly important, indeed was built a system that destroyed the laicization laws and fixed the relationship between these institutions. The state recognized that church and state were two different institutional systems, by achieving an agreement with Vatican and recognizing it as an independent state and a legal law system. During this period was made a law that nowadays is still used to manage the different cults and only few clauses were modified, the law n. 1159 of 1929. When Italy became a republic in 1947 was made a constitution in which some articles guarantee the inviolable rights of the person and his religious freedom (artt. 2; 3; 7; 8; 19).

In 1984 state and Vatican stipulated a new concordat that provides for agreement between a different cult from Catholic and the state. All these institutional changes produced an old Egyptian pyramid pattern in which primarily there is the Catholic Church, which has a privileged tool, the concordat, to manage its relations with the Italian Republic; in the middle there are few cults that have achieved an agreement with the state, followed by the cults recognized by the 1929 law. Outside of this pattern there are the non-recognized cults: 90% of non-Catholic cults are outside of the system, among this the Muslim communities.

ITALIAN SOCIOLOGICAL PATTERNS – Professor Maria Chiara Giorda

The spatial turn:

Professor Maria Chiara Giorda in her presentation talked about the importance of geography in religious diversities studies as every religion has a place. The city is now more religious than the country because of its super diversity, European cities are the space of religious diversity. There are diachronically multireligious places due to a lack of religious freedom diversity: one of the main issues is the lack of religious places. One of the new perspectives in this field is the substitution and subdivision: it means that religious places are shared by two or more religions. There are three different ways in which religions can be localized in cities and it can be explained in three movements: historical religions that KEEP PLACE, it means there is a religion alive, full of observants that have a center of activities; diaspora religions that MAKE PLACE, religions that migrated to other places; new religions that SEEK PLACE, is a religion that doesn't want a permanent and physical place. Professor Giorda gave an explanatory example by mentioning some buildings of worship situated in different Italian cities and showing some pictures of multireligious and multifunctional worship buildings. Finally, focused her presentation talking about religions in the city of Turin: it's very interesting that there is a neighborhood, San Salvario, in which there are several worship buildings from very different cults that coexist all together.

«THE JURIDICAL RECOGNITION OF RELIGIOUS CONFESSIONS»
– prefect **Giovanna Maria Rita Iurato**

Prefect Giovanna Maria Rita Iurato in her speech showed how a religion can achieve juridical recognition from Italian state. The law on Permitted Cults L. N. 1159/1929, dated back to Fascist period, it can't be applied to religions that have an agreement with the State, for implementation of c. 3 art. 8 Const. Indeed, the Agreement is the main tool to regulate the relations between the Italian State and the religious confessions, provided for the Constitution, this lead up to a Law at the end of a complex procedural process that involve the participation first of the government and then of the parliament. The recognition of legal personality of religious confessions is declared by Republic President decree, as consequence to a favourable estimate of the Prefect of the necessary requirements to achieve legal personality instead of the agreement, that required Government and parliament approval. The religious confessions that have an agreement with the state amount to 10% of the participants of the several faiths different from Catholics. Paradoxically, are excluded the religious communities that in terms of number have more observants present on Italian territory, among this: Muslim communities, Romanian Orthodox Church and Jehovah's witnesses.

**«MANAGEMENT OF PLURALISM IN A LOCAL CONTEXT: THE COMO EXPERIENCE
REFRAMING THE RELIGIOUS DISCOURSE IN ITALY BETWEEN OLD AND NEW CHALLENGES»**

Prof. Roberta Ricucci (Università degli Studi di Torino)

Migration is a fact of the world we live in. It's a movement of people from one place to another place so it is a human mobility. In social context, we can link migration and religion, especially with Islam religion. There's general tendency between migrants and Muslims. People think that all migrants are Muslims. In fact, this is an incorrect assumption when we search the database of migrants. For instance, foreign resident rate in Italy from Romania is 23.1%. They are legal citizens of the European Union. After Romania, we can note Albania, Moldova and Ukraine are outside from the European Union but they are European. So we can say that they are not Muslim or this is not African invasion. Italy is a peculiar case between the other Southern European countries. Because ethnic composition of migrants vary in Italy. For instance, there are Egyptians and Filipinos in Milan, Romanians and Moroccans in Turin. For this reason, integration seems hard at first glance. It is difficult to manage pluralism in Italy. In this case, integration levels should be managed at local level. Hence, Italy does not have integration national level. The strategies could be developed for integration such as; starting from the local level, developing strategies also with other religious groups, improving involvement in social context, promoting an active and lay citizenship. However, certain issues still create barriers to integration, we can start from the bottom. We can improving social dialogues, events, dinner ecc. between migrants and citizens in social context to managing pluralism. During Como Winter School, we've seen so many examples of it. For instance, we've made inter-religious dialogues in Orthodox church (it was during our visits) that has impressed us. If we start from local level, we can reach national level.

«PLURAL DEMOCRACY IN ITALY»

Prof. Giorgio Grasso (Università degli Studi dell'Insubria)

What does it mean to be a pluralist democracy? Pluralist democracy is a form of democracy where governments make decisions as a consequence of the interaction between groups and organisations who have different ideas and contrasting arguments. What is its situation today in Europe? Today, Europe is facing the opposition between liberal and non-liberal democracies. For instance, Visegrad group. It is a group composed by Czech Republic, Hungary, Poland and Slovakia. Their attitude against immigration whereas they're populist. Hence, we need to radicalise democracy. Democracy is a form where people live in peace. If we talk about plural democracy, somehow we talk about politics where statesman and other different political groups make a decision for the State. In Europe, we can say that there is a plural democracy. However, there are also problems to manage the plural democracy. Especially, when politicians talk about 'immigration', they could not take a common decision. Because their visions about immigration are different. To solve this, they should be make some Summits to discuss every opinion together. Because it is plural democracy, it should be discuss supra-national level in the EU. Otherwise, populism can be increase in continent of Europe.

«FRENCH MODEL OF INTEGRATION»

Martine Cohen (CNRS-GSRL, Paris)

Martine Cohen, a CNRS researcher, showed the development of France as a model of religious and cultural integration. Starting from the French Revolution, after which **freedom of conscience and opinion** – even religious - and equal civil rights to Jews were recognized, passing through the Napoleonic era, when a formal equality was recognized to religions (it was only formal because only 4 cults were authorized), the separation between State and Catholic Church that happened in the 1880's and that led to the opening of public schools, the following separation between State and other Churches with accomodations, we arrived to the debate on the meaning of "**laicism**".

In the Constitution of 1946 the word appeared for the first time as a **constitutional principle**, but without a clear definition. An important application of this principle can be seen in the Debré law, which regulated the relations between the State and confessional private schools in France: the latter had to accept every pupil (regardless of their faith) and include the national program in the curriculum. In the 2000's the debate has been renewed, given that the State has to face an increasing **religious diversity**. New laws have been introduced, such as the prohibition for children at school to carry visible religious symbols and for women to wear the integral veil in public for security reasons. Nowadays some **challenges** are open: how to deal with globalization, the growth of religious diversity, the presence of non-state armed groups and a politically weak Europe?

Some **proposals** come from the municipalities, such as the organization of moments of "togetherness" that involves religious groups.

«MOROCCAN MODEL OF INTEGRATION»

Professor Mohammed Mouaqit (Université Hassan II – Casablanca)

Mohammed Mouaqit, professor at Hassan II University in Casablanca, dealt with the phenomenon of religious pluralism in Morocco, for what concerns its development and its reception by the Moroccan political society. The discussion has begun from the illustration of the Moroccan religious composition, which is quite homogeneous, since it is prevalently constituted by Muslims. Among Muslims, Sunnites fill a hegemonic position. On the contrary, the Jewish component, which has represented the most relevant minority in the Moroccan scenery, has strongly decreased (the Jewish migration has represented a sort of «hemorrhage» for the country). A little Christian presence can be observed among the stranger residents or the sub-Saharan immigrants. Moreover, other religious confessions can be found across the territory, such as Buddhists. This religious pluralism allows to temper the confessional homogeneity of Moroccan population. It is possible to complain about religious homogeneity, because if on one hand it excludes religious divisions (so it can be considered an element of social and political stability), on the other hand this homogeneity can jeopardize the religious pluralism and the freedom of conscience. So, how does Morocco insert the religious pluralism in the political and social framework? Morocco faces the question of religious plurality through a «holistic model» which is the model of tolerance and protection.

Morocco has put an end to the ancient system of *dhimma* based on confessionalism and discrimination among religions. This system foresaw concretely an inequality of treatment between Muslims and people belonging to the religions of the Book, so Christians and Jews. According to this protocol, people belonging to these communities were avoided from the participation in public life. Also in case of a dispute between Muslims and non-Muslim people, the question was assigned to the Muslim jurisdiction. However the member of Jewish and Christian communities saw recognized the right to profess freely their religion and to have their own schools and education. Nowadays, at least formally, the Moroccan State is oriented towards an egalitarian logic of the citizenship. In fact, Moroccan constitutions affirm the equality of all the citizens. In the Moroccan model of integration, one principle prevails above all: religious freedom. This has led to an important consequence. It has revolutionized the previous system, in which confessions different from Christianity or Judaism didn't find inclusion, since they were categorized like associations. Today, the egalitarian model of citizenship has deeply changed the sense of religious freedom. In fact this freedom isn't affirmed anymore such a prerogative reserved to «*dhimmis*» (the protected). Religious freedom is affirmed and guaranteed towards all cults, without specifications. The question now is understanding how much the citizenship in Morocco, meant as device of rights, is indifferent to religious differences. In other words, how much it is integrative and inclusive. The State has established a social system which is not built on the difference between Muslims and non-Muslim people. Morocco has now allowed the dissociation between religious belonging and national belonging. In this way, Moroccan law allows the concession of Moroccan citizenship also to a non-Muslim person. It is the national identification which determines rights and obligations on the base of a juridical equality. On the contrary, the Muslim familiar right considers as basis of affiliation the membership of Islam. For this reason, in this case, rights and obligations are determined according to the distinctions between Muslims and non-Muslim people. In this way, it is forbidden celebrating a marriage between a Muslim and a non-Muslim. As a consequence, if a non-Muslim wants to get married with a Muslim, he must convert to Islam religion, it means apostatizing. The social community doesn't oblige non-Muslims to deny their religion for the acquisition of nationality and political rights, but it requires the apostasy for the acquisition of the private familiar rights. So the familiar Muslim right works according to an exclusive logic, while the citizenship model, brought by the State, works according

to an inclusive and integrative logic. The egalitarian model of citizenship is connected with an individualistic conception of rights. For this reason it is in contrast with the strong attachment at the holistic values, expressed by the political authorities. However some transformations are ongoing inside the society, which express themselves through the affirmation of the individual. It is possible to see what just said by the observation of the number of people who have chosen to convert from Islam to other religions, principally to Christianity. For what concerns this aspect, Morocco's penal legislation appears nowadays less unfavourable than the past to the freedom of conscience. Surely, the freedom of conscience isn't recognized explicitly, but apostasy isn't incriminated anymore by the penal legislation.

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