

# Italy

A limb of southern Europe stretching out into the Mediterranean, Italy's Roman past penetrates deeply into European cultural history, the "umanista" of the Italian Renaissance prefigured the modern humanist movement, and the Catholic Church remains a predominant force in the country today.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
	<u>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</u>	<u>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</u>	
<u>There is systematic religious privilege Preferential treatment is given to a religion or religion in general There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups State-funding of religious institutions or salaries, or discriminatory tax exemptions</u>	<u>There is state funding of at least some religious schools Religious schools have powers to discriminate in admissions or employment Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</u>	<u>Discriminatory prominence is given to religious bodies, traditions or leaders Religious groups control some public or social services</u>	<u>Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</u>
<u>Official symbolic deference to religion</u>	<u>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</u>		<u>Concerns that secular or religious authorities interfere in specifically religious freedoms</u>

Legend

## Constitution and government

Although since 1948 the Italian Constitution always guaranteed freedom of religion, it was only in 1979 that the Constitutional Court affirmed the equality of rights for the non-religious, and only in 1987 that *laicità* (neutrality of the State with respect to religions) became a Constitutional Principle (again thanks to a judicial ruling of the Court). However, until its revision in 1984, the Concordat

with the Catholic Church (which has Constitutional status) implied that Italy formally had a State religion.

## **A web of accord and concordats, with some notable exceptions**

The government keeps a complex system of legal agreements with various religious communities. The state has professed being secular since 1984 but gives support to religious communities according to these agreements. Not having such agreements does not affect someone's rights to believe, but prevents one from receiving many privileges available to other communities.

As of 2009, Italy had established agreements with thirteen religious groups, including the concordat with the Catholic Church (of a Constitutional status apart from the others), Orthodox Christians, Jews, Baptists, Lutherans, Buddhists, Hindus, and Jehovah's Witnesses. (though signed in 2007, has still not been ratified by law). Muslims comprise the biggest group without an agreement, mostly because of the lack of a unified representation of their organization. There had also been attempts to pass laws restricting Muslims' religious practices as well as local conflicts concerning the construction of certain mosques. These problems have raised concerns regarding the future status of the Muslim community.

<[berkleycenter.georgetown.edu/essays/religious-freedom-in-italy](http://berkleycenter.georgetown.edu/essays/religious-freedom-in-italy)>

The Union of Rationalist Atheist and Agnostics, *Unione degli Atei e degli Agnostici Razionalisti* (UAAR) (an IHEU Member Organization) requested an accord with the State on the grounds that religious beliefs should not gain their adherents more rights than to non-believers (see below). Besides, non-believers are by far the largest "religious" minority in Italy. However, in 1996 the Undersecretary of State answered that these accords "cannot be extended to other associations that don't have a religious nature". In the same year UAAR appealed against this answer to the President of the Republic, on the basis that several constitutional rulings establish equality between the rights of religious organizations and of non-religious life stance associations. This appeal was won. However, the Council of Ministers then gave a negative answer in 2003, and there has been continued resistance to accepting the equality of non-religious worldviews. There follows a history of sentences, appeals, wins and losses that spans more than a decade and is still in process.

## **Testing church-state relations and religious privilege**

Separation of church and state was tested in 2002 when a member of UAAR, with the support of the association, attempted to obtain the removal of crucifixes from the classrooms of the school her son attended, arguing that such displays are a patent sign that the State is not neutral when it comes to religions, and that it is all the more unacceptable in a formative environment. The request was denied by the school, and was then addressed to the regional Administrative Court which, in 2005 gave a negative answer, with a peculiar rationale:

*"the crucifix [is a] symbol of a particular history, culture and national identity [...] and an expression of some of the secular principles of the community"*

— TAR del Veneto, Section III, ruling n.1110/2005

After failing an appeal to the Council of State, the last resort was the European Court of Human Rights, which turned the case into a high-profile event. In 2009 the Court ruled that crucifixes should not be present in classrooms, noting that by aligning the schools with a particular religion such religious symbols may serve as signs of exclusion and marginalisation. But some members of the Italian government responded with reactionary fervour to the ruling:

*"We won't remove the crucifix. They might as well die, we will not remove it"*

— From a 2009 television interview of the then Minister of Defence Ignazio La Russa

The government appealed immediately to the Grand Chambre which, in March 2011, reverted the previous decision, declaring that every European State has a “margin of appreciation” in religious matters, and that the crucifix is a religious, but passive, symbol.

## **Education and children’s rights**

A huge privilege pertains in schools: the Concordat dictates that in all levels of education (except universities) there be a teaching of religion, delivered by teachers chosen by the Church but paid for by the state.

An alternative to the teaching of religion is meant to be ensured by all school, be it an alternative subject, individual study assisted by a teacher, individual study alone, or leaving the school. Those who choose an alternative subject (which can be anything that fits in the formative offer of the school, and not only a civic/humanist alternative) are entitled to it by law. However, many schools try to dissuade students and parents from not attending religious class, often on the grounds of conformism, integration, bureaucratic difficulties, lack of funds, general economic problems. (The easiest way to get out of religious class seems to be to declare oneself as adherent to another religion, be it true or not.)

Pastoral visits by clergy are often allowed in schools during lesson time, and the same often happens for religious ceremonies (mass is formally prohibited in school time, but it is not uncommon to get around this by “suspending” the classes for the duration of the mass!).

## **Family, community and society**

### **Humanists left behind**

The growing popularity of humanist funerals and wedding ceremonies (which still have not been permitted to confer legal marital status) is hindered by municipalities that do not have appropriate places to provide for the ceremony (even though the law says they must provide them, for funerals: Decree of the President of the Republic of 14 January 1997).

In Italy a marriage ceremony conducted by a Catholic priest (*concordatarian wedding*) is legally binding. It is not infrequent that people seeking a divorce go not through the Italian legal iter, but rather seek an annulment from the Church: when obtained, it makes it so that the wedding *never existed*, so that (for instance) no alimony is due to the less well-off partner.

Frequently the state authorities seem to value religion in general over non-religion and to inflate its significance over secular worldviews. For example, a 2010 sentence of the Milan Court, regarding whether a child could be sent to church against the will of the father, as requested by the mother, not only found without any compromise in her favour, but made a value judgement about her religion over the father’s non-religious views:

*“Sunday school and attending mass are a formative path useful for socializing and learning those moral and religious values (solidarity fraternity equality sharing ...) that are universal and rooted in human culture”*

— 2010 Milan Court sentencing

## Catholics put in front

Among the privileged religions, Roman Catholicism is the dominant faith, and by far the most privileged.

Its ministers, for example, are present in several institutions of the state, and paid for with taxpayers' money. They can be found in hospitals, penitentiaries, barracks, nursing homes, ... In all these places other religions can have their representatives, although unpaid. Secular or non-religious representatives, however, are excluded and denied access altogether.

Again, in the media the Catholic Church is by far dominant. A study showed that in 2013 almost 100% of the television time dedicated to religions was allotted to the Catholic Church. This includes the news, and mass-culture programs. The Italian state television, RAI, has a whole department, RAI Vaticano, solely dedicated to the task of propagating Catholic messages.

Conversely, the time dedicated to humanism and non-belief was almost non-existent.

A religious tax is heavily biased towards the Catholic Church. Every taxpayer has to give eight thousandths ("otto per mille") of his taxes to either a recognized religion or to the state. Most taxpayers choose neither, assuming that their share will go to the State, but instead the share from those who do not specify the beneficiary is divided among the possible recipients according to the relative number of expressed choices. Since in Italy the majority identify as at least nominally Catholic, most of the money ends up to the Catholic Church. This mechanism was denounced in November 2014 as inadequate and misleading by the Corte dei Conti (Court of Audit):

*"[the recipients] receive more from those who do not make a choice than from those who do choose... There is no adequate information, even though the majority does not make a choice and it can reasonably be assumed that if one doesn't choose their share of tax will not be assigned... [The sums involved] are huge, much higher than in any other European country, and keep increasing even in the face of the current contraction of public expenditure. Still, many confessions are excluded from access to 8 per mille because of the lack of an accord with the State... The State is the only recipient that does not advertise how he spends its share..."*

— Press release of the Corte dei Conti, 28 November 2014

[corteconti.it/cerca\\_nel\\_sito/dettaglio.html?resourceType=/\\_documenti/comunicati\\_stampa/elemento\\_0051.html](http://corteconti.it/cerca_nel_sito/dettaglio.html?resourceType=/_documenti/comunicati_stampa/elemento_0051.html)

The Italian tax on real estate, TASI, ex IMU, has long been denounced by UAAR as shamelessly favouring the Catholic Church. The details have varied over the years, but as of March 2014 [finanze.it/export/download/Imu/IMU\\_2014\\_istr.pdf](http://finanze.it/export/download/Imu/IMU_2014_istr.pdf) almost all the schools and private clinics owned by the Church do not have to pay the tax. In the latest step of a legal history begun in 2006, in November 2014 the Court of Justice in Luxembourg admitted an appeal regarding this matter. [o-re-la.org/index.php?option=com\\_k2&view=item&id=194:italian-church-and-state-ambiguities-challenged-by-the-debt-crisis-the-ici/imu-affair&Itemid=85&lang=fr](http://o-re-la.org/index.php?option=com_k2&view=item&id=194:italian-church-and-state-ambiguities-challenged-by-the-debt-crisis-the-ici/imu-affair&Itemid=85&lang=fr)

UAAR has estimated that summing this "religion tax", the costs of religious personnel, and all the other privileges of the Catholic Church, more than 6 billion Euros are given by the State to the Church every year.

## Marginalisation of Muslims

Although Islam has more members than some religious groups with official status — including Buddhism, Hinduism and Judaism, it does not have official recognition. Therefore, no Muslim

organization may receive funding under an Italian law that would let taxpayers give some of their taxes to a religious group, meaning they wouldn't receive additional taxes. Anti-Muslim bigotry exists, particularly among conservative politicians who blame the country's economic woes on immigrants (whom they connect with Muslims uncritically). The government has made efforts in recent years to assimilate Muslims. In 2005, the Ministry of the Interior established the Council for Italian Islam to foster dialogue between the government and the Italian Muslim community, which was meant to be an umbrella organization of various Islamic groups. The establishment of the council would have provided the structure for Islam to receive legal recognition as a religion eligible for tax money. "The Italian state wanted to recognize the religion," Chalikandi lamented, "but unfortunately, the Muslim organizations and leaders couldn't get a consensus and they couldn't sign that accord with the government." How much time that might take remains uncertain.

<[huffingtonpost.com/2013/05/28/italian-muslims-face-uncertain-future\\_n\\_3347178.html](http://huffingtonpost.com/2013/05/28/italian-muslims-face-uncertain-future_n_3347178.html)>

## Freedom of expression, advocacy of humanist values

### Defamation and blasphemy

Defamation of religion is still a criminal offence under articles 403 and 404 of the penal code (offence to a religious confession by defamation of a person, and of things, respectively - see for instance Highlighted cases, Padovan, below).

Article 404 states criminalizes "offending a religious confession" in a public place, or place of worship, or anyone who "vilifies with insulting expressions" various religious ideas, punishable with a fine from €1,000 to €5,000. The article also specifies a prison term of up to 2 years for "Anyone who publicly and intentionally destroys, scatters, deteriorates, renders useless or smears things that are objects of worship or are consecrated to worship or are necessarily destined to be worshipped". The overlap here with criminal damage and inflation of the crime purely for "religious" objects is problematic, but so far it appears that a prison term would not apply except in cases of physical damage to religiously-defined property.

<[brocardi.it/codice-penale/libro-secondo/titolo-iv/capo-i/art404.html](http://brocardi.it/codice-penale/libro-secondo/titolo-iv/capo-i/art404.html)>

Blasphemy *per se* also remains an administrative offense (article 724); it was a penal offense until as late as 1999.

### Highlighted cases

**Rolando Mandragora**, former Juventus football player, was suspended in 2018 for one Serie A game after making "blasphemous remarks" during a match against Sampdoria. It was Lega Serie A, the competition's governing body, that later took the incident to review and suspended the 21-year-old.

<[bbc.co.uk/sport/football/45347238](http://bbc.co.uk/sport/football/45347238)>

**Hogre** is one of the two anonymous artists who, on 1 June 2017, placed satirical posters at a bus stop in Rome. Hogre's poster "Ecce homo erectus" depicts Jesus with an erection, resting one hand on the head of a praying child. The poster represents a response to the sexual abuse charges against Cardinal Pell, the third highest-ranking Vatican official. Hogre was then arrested and charged with Article 404 of the Penal Code. Hogre has stated:

*"...my final intent is to win in court in order to put the law into discussion and, hopefully, highlight the relationship between the church and the state with criticism."*

<[hyperallergic.com/410323/hogre-jesus-chared-with-public-offense-italy/](http://hyperallergic.com/410323/hogre-jesus-chared-with-public-offense-italy/)>

In 2009 **Manlio Padovan**, a member of UAAR, funded a poster advertising campaign with the slogan “The bad news is that no god exists. The good news is you don’t need one”. The posters were removed by the police in order to “safeguard the religious sentiment”. Mr. Padovan was also prosecuted, and finally acquitted three years later, under criminal charges of defamation of religion. The same slogan was refused by the media company IGPDecaux, when the same year UAAR asked for it to circulate on buses in Genova, because it was “offensive to the believers of the great monotheistic religions”.

**Franco Coppoli** and **Davide Zotti**, both teachers and both UAAR members, removed the crucifix from their classroom (in 2008 and 2014, respectively). Mr. Coppoli was suspended from teaching for a month, and at the time of publication of this report, Mr. Zotti faces the prospect of a similar ruling.

**Franco Frattini**, then Foreign Minister, wrote in October 2010 that “atheism, materialism and relativism” are “perverse phenomena”, characterized by “fanaticism and intolerance”, “menacing society”, and that they should be fought with an alliance between Christians, Muslims and Jews. <[esteri.it/MAE/EN/Sala\\_Stampa/ArchivioNotizie/Interviste/2010/10/20101022\\_FrattiniMedioOriente.htm](http://esteri.it/MAE/EN/Sala_Stampa/ArchivioNotizie/Interviste/2010/10/20101022_FrattiniMedioOriente.htm)>

On 20 September in Italy the Capture of Rome marks the anniversary of the Italian army gaining control of Rome (after a rather mild military action) from the Papal State, in 1870. At the official event in Rome in 2010, activists from **UAAR**, bearing the association flag, were detained by the police, and their identification documents sequestered for the duration of the event. Meanwhile the Vatican’s Secretary of State was praying, next to the President of the Republic, for the deaths of the soldiers.

In 2010 Massimo Bitonci, a member of parliament and then mayor of a small town called Cittadella, suggested to the major of the neighboring Abano Terme, where the **Lautsi family** from the crucifix case lived, to revoke their residence in the town, adding that “if they were to pass by Cittadella they might find their pictures posted on the walls with ‘wanted’ written over them”. Bitonci is now mayor of the large town of Padua.