
The Place of Minority Religions and the Strategy of Major Denominations. The Case of Italy

Alicino Francesco*¹

¹Francesco (Alicino) – Università Lum Jean Monnet S.S. 100 km 18 Casamassima, BA 70010
Centralino Segr. Didattica 0806978213 Centralino Rettorato 0806978111, Email info@lum.it, Italie

Résumé

Based on either the bilateral legislation (the Lateran Pacts and the Intese-agreement, as stated by Articles 7 and 8 of the 1948 Constitution) or the 1929 Act (no. 1159) on ‘admitted religions’, the Italian law regulating the relationship State-religions remains substantially tailored on the exigencies and the notion of traditional creeds that, in turn, are mainly based on the model of major Catholic organization. As a consequence, in the light of a current (unprecedented) religious and cultural diversity, the Italian law seems to be characterized by a limited secularism or, as some have said, a ‘baptised laicità’. Tending to privilege some denominations, those legal instruments cannot be easily used for regulating different (theologically and structurally) religions. Thus, the relationship, or we would better say the ‘connection’, between State and religion through the bilateral legislation and the 1929 Act are becoming increasingly difficult and, at times, harshly contested. The questions related to Islamic groups are clear demonstrations of that. The author will focus the attention on some of these questions. He will in particular analyse the legal and political strategies through which the traditional denominations seek to preserve privileges. On the other hand, he will investigate the manner in which the neo religious groups operate with a view to improve their legal status, also considering the principles stated by the 1948 Constitution, the European Union law and the European Convention of Human Rights. These are principles that, in matter of religion, are generally based on the imperative balance between the ‘universal’ need for a peaceful coexistence among different viewpoints and the equal protection of ‘specific’ religious needs and rights. Not only the rights of a group to be different from traditional denominations, but also the fundamental rights of individuals within both the State’s legal system and the religious communities.

*Intervenant