

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

Francesco Alicino

Abstract

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 Catholic Church's organization; the major religion in Italy. 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. This problem is exacerbated by the fact that religions, including minority ones, are seeking greater role in the public space as well as the political arena. The questions related to Islamic groups are clear demonstrations of that.

With this Paper the author will focus the attention on some of these questions. In particular, he will 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, such as Islamic ones, 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 in fact 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.

Francesco Alicino is Associated Professor in Public Comparative Law, Ecclesiastical Law and Canon Law at University of LUM "Jean Monnet" (Casamassima, Bari, Italy). He is also Professor at the MISLAM (Academic Master) of the School of Government (LUISS "Guido Carli", Rome). He is a member of the academic staff of the Institute of S. Pio V. (Rome). In the 2008 he took the PHD at the "école doctorale en droit" (University Aix-Marseille III, Paul Cézanne, France). In 2008 he took Degree in "formation doctorale européenne en droit canonique et droit des relations religions Etats" (University of Paris-Sud 11 and Catholic Institute of Paris, France). In the 2004 he obtained a post in a PHD course in Institutions and Comparative Politics at the University of Bari (Italy), resulting first in the relating competitive examination. He graduated in Political Science (2003) at the University of Bari (Italy) achieving the highest mark (110/110 *cum laude*) with a special mention. He is a reviewer for international journals and has been involved in several international conferences and in international and national research projects. He is the author of several books and articles in English, Italian and French.