

**The complex world of philosophical  
and, non-religious beliefs.  
Legal and social profiles**

**Le monde complexe de la croyance  
philosophique et non religieuse.  
Profils juridiques et sociaux**

**Proceedings of the XXXII<sup>th</sup> Annual Conference  
Venice, 12-15 May 2022**

**Actes du XXXII<sup>ème</sup> colloque annuel  
Venice, 12-15 Mai 2022**

**ROBERTO MAZZOLA  
ANTONIO ANGELUCCI  
SILVIA BALDASSARRE  
(eds.)**

**EUROPEAN CONSORTIUM FOR CHURCH AND STATE RESEARCH  
EDITORIAL COMARES**

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European Consortium for Church and State Research  
Editorial Comares



CENTRO STUDI  
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Polígono Juncaril  
C/ Baza, parcela 208  
18220 Albolote (Granada)  
Tlf.: 958 465 382

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Dedicated to Pierre-Henry Prélot,  
Member of the Consortium since 2015 until 2021  
In memory of a colleague and friend.

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## **INSTITUTIONAL GREETINGS**

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## GREETINGS FROM THE EUROPEAN CONSORTIUM FOR CHURCH AND STATE RESEARCH

LINA PAPADOPOULOU<sup>1</sup>

The annual meeting of the European Consortium for Church and State Research is taking place this year in a city which is synonymous with history, culture, pluralism and, of course, unique beauty. The city itself suggests that being different – how many cities are literally built on water and have water, instead of street-buses? – is not a curse but can be a blessing, a blessing in historical, social and spiritual terms. We owe a lot to our dear Italian colleagues, and especially to Professor Roberto Mazzola, who has organized this meeting, for granting us the pleasure of visiting this wonderful city.

The topic of this year's annual meeting also suggests that religious pluralism and difference should be embraced. In the 'Christian fortress Europe' not simply tolerance but also acceptance should be shown and should be institutionally guaranteed not only for the believers of other (Abrahamic or otherwise) religions but also for those seeking spirituality along other pathways, which may not be those of the prevailing or state or majoritarian religions in the country concerned or in another country outside Europe. These other – often narrow – spiritual pathways should not entail and result in discrimination against those brave enough to follow them and explore the unseen, as long as the common constitutional and political culture of equal freedom for All remains the undisputed framework in which these cults or individual pursuits can exist and develop.

As the current President of the Consortium for Church and State Research, I am confident and proud that the scholars who are here to discuss and deliberate on the above-mentioned topic – whether they be members of the Consortium or not – are in exactly the right place as they have displayed open minds and hearts towards the – sometimes – unusual, if not unknown. That's why I trust that our stay in Venice will be both enjoyable and intellectually rewarding.

<sup>1</sup> *President of the European Consortium for Church and State Research.*

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## GREETINGS FROM THE UAAR SECRETARY

ROBERTO GRENDENE<sup>1</sup>

I open today's meeting with great honour and excitement. This event was thought of and organized by the (Italian) Union of Rationalist Atheists and Agnostics – UAAR –, with the collaboration of the Centre for Comparative Studies of Civilisations and Spiritualities and of the University of Oriental Piedmont.

Following this meeting, two days will be dedicated to the 32nd meeting of The European Consortium for Church and State Research, sponsored by UAAR to ensure we ourselves become the subject and object of investigation at a highly scientific level. Today's purpose is to focus on people like us and organizations like ours, targeting a very large and polyhedric set of non-religious individuals, of groups they identify themselves with and feel represented by.

Efforts to be recognized and to be given the same rights as religious institutions, beliefs and people have arisen all over the world. This has been happening even where joining irreligious beliefs or organizations can lead to imprisonment, torture and the death penalty. In Italy, for 35 years, these reasons and beliefs have been represented by the philosophical and non-confessional organization UAAR. The fact that this organization started just a few years after the second Concordat between the State and the Catholic Church is no accident (the first one was signed by the fascist regime in 1929 as a part of the Lateran Treaty, thanks to which the independent State of Vatican City was created).

UAAR's main social objectives are the assertion of secularity, the defence of atheist and agnostic civil rights, and the possibility to exercise their freedoms: freedom of conscience, of expression, of self-determination, all within a secular and a-religious conception of existence. The importance, at a social level, of knowledge and recognition regarding these freedoms cannot be stressed enough. That is why UAAR promotes awareness campaigns on themes like: the right to secular education for students who do not have catholic teachings at school, the right not to be consid-

<sup>1</sup> *Secretary of the Union of Rationalist Atheists and Agnostics (UAAR).*

ered as members of a specific religious denomination, the right to have institutional places without religious symbols, to see one's own will respected regarding one's demise, one's sexual and reproductive health. To defend these aforementioned rights, UAAR has also undertaken several legal actions, with their success being beneficial for everybody, not only for non-believers.

It is thanks to UAAR that, in 1999 in Italy, a right that is now well established with Europe's GDPR (General Data Protection Regulation) was recognised: I'm referring to the right to a formal apostasy, commonly known as "debaptism". UAAR has also been able to guarantee many families the freedom from religious teachings in school, through formal notices and official verdicts. This organization has defended, up until acquittal, teachers that had removed the crucifix from classroom walls, obtaining, just a few months ago, the statement by the Court of Cassation that defined the authoritative imposition, by school principals or other authorities, to display the crucified Christ in State-owned schools as «incompatible with the supreme principle of secularity of the State».

Amongst the many legal initiatives carried out, worth mentioning here is a verdict of 2020 with which (following a censorship case for one of UAAR's campaigns) the Court of Cassation declared that art. 19 of the Italian Constitution, which discusses the freedom of religion, concerns not only religiousness, but also irreligious people and their organizations.

Every day, with its SOS Secularity Service, UAAR assists people that identify themselves as irreligious, with obstacles in exercising their rights: in school, the workplace, the hospital, and in moments at life's end. UAAR works to ensure that halls for civil partnerships, marriages, and funerals are guaranteed and really available wherever and whenever needed. It has formed many secular celebrants, throughout the country, to offer the possibility to have a personalized and nonreligious ceremony for life's important moments. All these challenges characterize contemporary irreligiousness and secularization, both at the individual and collective level.

Amongst UAAR's goals, we must mention the support of scientific and philosophical freedom in research, which is expressed by art. 33 of the Constitution and is a declination of the supreme principle of secularity.

More to the point, we are here today to discuss and to analyze the phenomenon of irreligiousness. We are here to do so with a scientific point of view, free from conditionings, ideologies and dogmas. The importance of this topic results from it being the most significant and the least debated in today's religious landscape, even in contexts where attention and interest towards social phenomena could be expected.

For this reason, my thanks go to the scientific committee. Thanks also to Prof. Francesco Piraino of the Centre for Comparative Studies of Civilisations and Spiritualities and to Prof. Roberto Mazzola of the University of Oriental Piedmont. I would lastly also like to thank Dr. Adele Orioli, legal advisor of the Union of Rationalist Atheists and Agnostics.

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## CINI FOUNDATION'S COMMITMENT TO DIALOGUE BETWEEN CIVILIZATION AND SPIRITUALITY

FRANCESCO PIRAINO<sup>1</sup>

Describing the Institute for Venice and the East and its development into the Centre for Comparative Studies of Civilisations and Spiritualities is a challenging task. In fact, over the years the Institute/Centre has shed its skin several times. This has involved a change not only of name but also of its academic interests, approaches, methods, and aims. The directors of this polymorphous Institute/Centre have been experts in Sinology, Byzantinology, Slavistics, the history of religions and, now, social anthropology.

Despite this mutability and formal unsettledness, over the more than sixty years of the Institute/Centre's history, we find that its interests have mainly continued to concern spirituality, the encounter with religious and cultural diversity, the search for a humanism, the porosity between the secular and the religious, and the so-called challenges of the contemporary world. Moreover, even before the creation of the Institute for Venice and the East in 1958, we find these themes in the mission of the Fondazione Giorgio Cini,<sup>2</sup> described by Vittore Branca (1913–2004) as the promotion of “the social and spiritual growth of man, of every man, whom Vittorio felt was a son and a brother.”<sup>3</sup> Branca describes a desire for the truth rooted in Christianity but also tending towards an interest in the other, in the search for a living rather than an affected humanism.

Cini's religious humanism implied a self-critique of the so-called Western society, colonialism, the European *mission civilisatrice*. This is confirmed by a revolutionary

<sup>1</sup> *Director of the the Centre for Comparative Studies of Civilisations and Spiritualities 'Giorgio Cini Foundation'*.

<sup>2</sup> In the first two articles of the statute mention is made of “spiritual tradition” and “encounter of different civilisations” <<https://www.cini.it/wp-content/uploads/2016/07/statuto.pdf>>.

<sup>3</sup> V. Branca, *Vittorio Cini e l'idea della Fondazione: Continuità di una tradizione*, in *La Fondazione Giorgio Cini. Cinquant'anni di storia*, by U. Agnati, Electa, Milano, 2001, pp. 7–11.

conference held in 1955: “Islam’s Judgment on Western Civilisation.”<sup>4</sup> The idea at the heart of this conference was very radical for the time but would even be radical today: the Islamic world was asked to criticize the colonial West and question its values, practices, and policies. The aim was to lay the foundations for mutual understanding, because as Carnelutti put it, “you have to know each other to love each other, but you also have to love each other to know each other”<sup>5</sup> and create a path of joint self-criticism in order to find new points of agreement.

In 2017, the Institute changed its name and became the Centre for Comparative Studies of Civilisations and Spiritualities, which reflected the need for a rethink in terms of epistemology, methodology, politics, and aesthetics. The old comparative approach focused on religious humanism, archetypes, and the idea of religious and cultural essences gave way to a new comparative approach, for which we wrote a sort of “non-manifesto”.<sup>6</sup> In fact, unlike a manifesto that coherently describes the meaning of doing comparative research, we have chosen to highlight the heterogeneity of the approaches adopted. In this non-manifesto of comparative studies, we wish to emphasise that comparing does not imply seeking an all-embracing synthesis of the phenomena being studied. It is not a question of searching for a metalanguage capable of summarizing different phenomena, but rather of finding an infra-language capable of connecting different perspectives. We do not wish to propose a specific methodology or pre-established terms of comparison to be rigidly applied. Comparison is not right or wrong, but it can be “useful or useless,” never conclusive, as Segal has argued.<sup>7</sup> From this perspective, comparing means developing a certain attention and sensitivity to the porosity between different religious and cultural phenomena, to global phenomena, to the relationship/encounter/confrontation with otherness, and to the phenomenology of the human body and emotions. The search for possible universals, strictly in the plural, has not been abandoned, but rather multiplied in its various forms. To avoid the abovementioned shortcomings of the “old comparativism,” the universal can no longer be studied as a set of fixed ideas or archetypes but only as an ever-imperfect attempt that takes on different forms in different contexts. Studying issues related to universality also means studying how we imagine the other and consequently how we exclude the other: “inclusivism and exclusivism” “universalism and racism,” are two sides of the same coin. To broaden this horizon, we need to take into account as many dimensions as possible, such as culture, religion, ethnicity, gender, sexual orientation, etc.

<sup>4</sup> G. Piovene, *Processo dell’Islam alla civiltà occidentale*, Firenze: Giunti, Firenze, 2018; S. Bigliardi, *Guido Piovene osservatore dell’Islam e del Medio Oriente*, *ArteScienza* V, n. 9 (2018), pp. 51–78.

<sup>5</sup> G. Piovene, *Processo dell’Islam alla civiltà occidentale*, cit., p. 11.

<sup>6</sup> F. Piraino, ‘Editorial’, *Religiographies* 1, n. 1 (2022), pp. 3–14.

<sup>7</sup> R. Segal, *In Defense of the Comparative Method*, *Numen* 48, n. 3 (2001), pp. 339–73.

The multi-pronged approach to comparison has only been possible because of a genuinely interdisciplinary stance. Historians, sociologists, anthropologists, psychologists, literary scholars, jurists and linguists have participated in the events organised by the Centre for Comparative Studies of Civilisations and Spiritualities.<sup>8</sup> From this perspective, comparing also means building new bridges between disciplines, in the hope of being able to look through various lenses at the complexity that we are faced with. Comparison can also take us beyond the confines of scientific research in the narrow Popperian sense, delimited by the principles of falsification and verifiability.<sup>9</sup> Indeed, emotions, perceptions, bodily and aesthetic experiences can have a cognitive value, even though they are difficult to describe in terms of rational coherence. Here I am thinking of art as an aesthetic experience that enables us to feel a “sensory truth,”<sup>10</sup> which is not imposed through the power of argumentation but allows us to “transform the sensible, the reality of sight, taste, touch and smell, which inevitably implies a change in ideas, understanding and vision.”<sup>11</sup> Art expressed in words or silence remains a physical, sensual, “bodily” form of consciousness.<sup>12</sup> For these reasons, the Centre organised several artistic research projects, such as the Creative Europe project Invisible Lines.<sup>13</sup>

The international conference “Non-Belief and Non-Believers: evolution and challenges of contemporary irreligiousness”, held at the Cini Foundation in May 2022 and organized in collaboration with the Union of Rationalist Atheists and Agnostic and the University of Piemonte Orientale, perfectly fits our Centre’s aims and missions. This conference, and the consequent publication, discuss the timely and delicate issue of non-believing in sociological and juridical terms. It places the phenomena of non-believing in the tensions between secularization and post-secularization, and between freedom of expression and protection of sacred, particularly evident in matters of blasphemy laws. This publication proves the prismatic identities of irreligiousness, which change according to each cultural context, touching one of the main subjects of our Centre: the question of translatability among different cultural contexts.

<sup>8</sup> <<https://www.cini.it/en/institutes-and-centres/civilta-e-spiritualita-comparate>>.

<sup>9</sup> K. R Popper, *The Open Society and Its Enemies*, Princeton University Press, Princeton, 2013.

<sup>10</sup> K. Busch, ‘Artistic Research and the Poetics of Knowledge’, *Art & Research: A Journal of Ideas, Contexts and Methods* 2, n. 2 (2009), pp. 1–7.

<sup>11</sup> J. Varto, ‘Forward’, in *Artistic Research: Methodology Narrative, Power and the Public*, by Mikka Hannula, Juha Suoranta, and Tere Vadén, Peter Lang, Berna, 2014, pp. vii–x.

<sup>12</sup> J. Klein, ‘What Is Artistic Research’, *Journal for Artistic Research*, 2010.

<sup>13</sup> <<https://invisiblelines.eu>>.

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# SCATTERED NOTES ON FIFTEEN YEARS OF UAAR LEGAL ACTIVITIES, FROM THE A OF ABORTION TO THE V OF VILIFICATION

ADELE ORIOLI<sup>1</sup>

Established in 1986, the Union of Rationalist Atheists and Agnostics (UAAR) has garnered recognition not only in legal matters but also through various initiatives it has undertaken, sponsoring the efforts of individual citizens on diverse subjects.

Overall, the *cahier de doléances* for Italian non-believers remains disappointingly extensive today. For these individuals, challenges arise immediately from birth, particularly due to Law 40/2004 on medically assisted procreation. Despite courts dismantling the worst aspects of this provision over thirty years of trials, in its current form Law 40/2004 in fact still prevents heterologous fertilisation, for LGBTQ+ couples or singles. Challenges for Italian non-believers also persist into the afterlife, since only a few Italian communities provide non-religious sites for funerals. Unfortunately, this topic is often overlooked, since, in the worse-case-scenario, these celebrations are commemorated in church due to the complete absence of alternatives, despite an explicit regulatory provision in Presidential Decree 285/1990.

Against this background, the aim of this report is to conduct a more thorough examination of the significant legal initiatives that have involved UAAR over time. These initiatives are typically accessible through the association's website section on "laicità" and will be discussed in the following sections.

As will be seen, significant issues range from obstacles in accessing abortions, due to high percentages of conscientious objectors, to vilification. This latter, along with blasphemy, continues to be prosecuted in our country, even resulting in prison sentences, as seen in cases involving the damage to religious objects. Further, additional issues center on the so-called "8 per mille" (eight per thousand) system, a compulsory tax mechanism to financially support religious groups, but primarily favouring Catholics due to their high presence in public schools, hospitals and prisons.

<sup>1</sup> *Chief of Uaar Legal Department.*



In general, these challenges have not consistently led to success for UAAR. Furthermore, the persistent nature of these issues, often left unaddressed for years with substantial financial and human costs, poses a significant barrier to the effective implementation of the principle of secularism in Italy.

For all of these reasons, when unsuccessful at the domestic level UAAR has typically brought appeals before the European Court of Human Rights (ECtHR) after exhaustion of internal remedies.

An illustrative instance is the *Lautsi* case, where UAAR achieved success initially but faced defeat in the Grand Chamber. As of the current writing, decisions from the ECtHR regarding two significant disputes—one involving Italy’s refusal of a UAAR-State “religion-like” agreement, and another related to UAAR’s Naac campaign in Genoa—are still pending.

The following is meant to be a brief summary – by no means an exhaustive list – of some of the legal disputes in which the UAAR participated in various ways and which, if not directly altered the Italian legal system, at least recently changed jurisprudence and ecclesiastical doctrine.

## I. PREMISE

In the absence of any specific recognition in the Italian legal system that would equate philosophical non-confessional associations with religious denominations or at least place them both *de jure* and *de facto* within the sphere of religious organizations, UAAR is currently recognised as an Association for Social Promotion (APS). Under this legal structure, UAAR is now enlisted among a group of very heterogeneous entities, from sports clubs to religious confraternities, which have been recently included in the Runtis (national register of the third sector). Against this backdrop, it is essential to note that there is an ongoing appeal before the ECtHR, initiated by UAAR to secure the initiation of negotiations with the Italian Government for an agreement in line with Article 8 of the Constitution.

. With that being said, we can briefly distinguish the areas and methods of UAAR’s legal intervention. Unfortunately, a first option that was comparable to trade union representation and permitted the APS to act in the name and on behalf of its members in accordance with Article 27 of Law 383/2000 has not been re-proposed in the discipline of the Runtis and as a result, it must currently be regarded as residual.

UAAR’s participation can be divided into two primary categories: associative cases and individual cases for which it provides legal aid, while also covering the costs of the hearings.

Within the first group it is possible, in turn, to distinguish those legal initiatives that on the basis of the social aims explicitly set out in the statute counter discrimination against non-believers in the general sense (e.g. Marriage Prize) from those that, while reverberating as authoritative precedents, concern the UAAR in the strict

sense. This category includes both actions in self-defence typically from censorship (e.g. *Bene senza D*) as well as those that carry out a strictly promotional function of the association's activities (e.g. Request for an agreement ex art. 8 currently pending before the ECtHR).

On the other hand, from the perspective of advocating for individual appeals, we can differentiate between those that seek to identify best practices universally applicable (such as de-baptism) and those that, moreover, concern individual and specific cases, from loud bells to workplace discrimination. For the education sector, where individual causes and group objectives collide and where activity, including the consulting activity of our support desk, is particularly active, a separate discourse should be created.

## II. DE-BAPTISM

UAAR successfully secured the right for individuals to formally apostatize from the Catholic Church through a legally recognized process in 1999. This achievement was realized through a targeted appeal by one of its members and was grounded in the legitimate assertion to provide an accurate representation of one's personal identity, following the enactment of the privacy protection law in Italy (Law 675/1996 and its subsequent amendments) and the establishment of the Garante<sup>2</sup>. Individuals can now obtain an annotation in the margins of the baptismal register by completing a brief form.

This annotation stops the baptism's civil implications, making the person's data useless for statistical analysis and contact possibilities. Baptism would leave citizens' constitutional rights insecure or, at the very least, not guaranteed in the first instance, based on case law precedents that have not yet been refuted or superseded<sup>3</sup> and on the basis of Article 7 of our Constitution, which identifies the Catholic Church as an independent and sovereign entity on par with the Italian Republic. It is justifiable to raise concerns also about the constitutionality of "paedo-baptism" due to its prevalent practice in a legal system that upholds the right to freely join and leave religious organizations in all situations where formal apostasy is not feasible (such as in cases of an unknown parish, missing registers, or baptism abroad). This becomes even more pertinent considering that our Constitutional Court, through the invalidation of the Jewish Communities Statute, has emphasized the inseparability of free will and free determination from devotion and affiliation to any religion<sup>4</sup>.

<sup>2</sup> Garante per la protezione dei dati personali, Dati sensibili – Come annotare lo "sbattezzo" nel registro dei battezzati – 10 ottobre 2002 [1066415] (How to record "sbattezzo" in the register of baptised persons).

<sup>3</sup> Florence Court of Appeal, Judgment of 25 October 1958.

<sup>4</sup> Constitutional Court, Judgment No 239/1984.

### III. MARRIAGE PRIZE

Although it had been in force for more than a century, it was only in 2010 that UAAR was informed of a curious announcement by the Torre del Greco municipality to award a “major prize for needy girls” amounting to five thousand euro. The prize was reserved for girls under thirty years of age, in poor economic conditions, who had married by 31 December. And so far so good. But further and essential conditions for participation were not only to have contracted a religious marriage but even the “certificate of good moral and civil conduct” issued by the officiating priest. An appeal won by the Association<sup>5</sup> on the basis of a regulation that already existed in 1890 and that forbids charitable organisations from donating aid on the basis of religious affiliation, and reiterated by the current regulations on social services that, on the basis of constitutional values, forbid any discrimination in this sense.

### IV. DEFAMATION: THE PAPOZZE CASE

In 2009, in Papozze, in the province of Rovigo, UAAR put up posters with the words «The bad news is that God does not exist. The good news is that you don't need it», after having duly paid the municipality the required fee and having obtained the validation stamp from the municipal police. However, following a report by some residents, the posters were removed and confiscated<sup>6</sup> by the police to protect the “religious sentiment of the area”. The UAAR referent, Manlio Padovan, was then investigated for offences under Article 403 (insulting a religious confession by insulting persons) and Article 404 (insulting a religious confession by insulting or damaging property) of the Criminal Code.

The case concluded in 2012 following multiple requests from UAAR, and charges against Padova were dropped. It is important to highlight the reasons that prompted the public prosecutor to seek the dismissal of the case.

Referring to Article 404, it was argued that the conduct did not take place as there was no contempt of property. While in relation to Article 403, the absence of the subjective element was emphasized, noting that the posters therefore had «undoubtedly offensive content towards the Catholic population of Papozze».

According to the prosecutor, the UAAR slogan «undoubtedly tends to portray the religious as naive and gullible, thus violating the intimate right of everyone to feel free to profess their faith, even in public». The prosecutor further asserted that such propaganda is «more anti-Christian than *laica*», citing Wikipedia as evidence. However, the prosecutor allowed for the possibility (in dubio pro reo) that Padovan

<sup>5</sup> Tar Campania, Section I, Judgment No. 4978/2011.

<sup>6</sup> The posters were kept for years at the «Criminal Records Office of the Court of Rovigo, at the disposal of the competent judicial authority».

intended only to express his thoughts, although the provocative sentence offended the Catholic inhabitants of Papozze. In short, Padovan (and therefore UAAR) was spared a criminal conviction solely because it couldn't be proven that they intended to offend Catholics.

## V. CRUCIFIX: THE COPPOLI CASE

The teacher Franco Coppoli, in service since 2008 at the “Alessandro Casa-grande” professional institute in Terni, used to remove the crucifix from the wall of the classroom at the beginning of his lessons, only to replace it at the end. On 24 November, the school board unanimously decided to ask the regional school office and Education Minister Mariastella Gelmini to intervene. In February 2009, the teacher was suspended from his job for a month, and with the help of UAAR he appealed to the labour court in Perugia for discrimination in the workplace.

The appeal was rejected on the grounds that the school administration's conduct did not qualify as “harassment”, as it was not characterised by discriminatory intent. Following a complaint, the court of Terni was in turn called upon to express its opinion, and with an order of 5 October 2009 decided that, due to the transfer of Professor Franco Coppoli to another institute, the «topicality of the allegedly discriminatory conduct had ceased to exist with the consequent cessation of the matter precautionary nature of the dispute».

After other negative rulings by the Court of Terni and the Court of Appeal of Perugia, and the further sanction of a one-month suspension, the case reached the Supreme Court. With sentence 24414/21, filed on 9 September 2021, the unified civil sections of the Court of Cassation upheld Coppoli's appeal, sponsored by UAAR, thus annulling the disciplinary sanction against him and declaring illegitimate the service order and the circular of the school headmaster that imposed the crucifix in the classroom. More than this, the Supreme Court ruled that «the authoritative display of the crucifix in classrooms is not compatible with the supreme principle of *laicità* of the State. The obligation to display the crucifix is an expression of confessional choice. The Catholic religion was a factor in the unity of the nation for Fascism; but in constitutional democracy the identification of the State with a religion is no longer permitted». Nonetheless, the presence of the symbol as such was not considered discriminatory *in re ipsa* and with a doubtful gap between theory and practice the Supreme Court referred the concrete regulation of the presence or absence of the crucifix in classrooms to the individual school communities (a subject not well defined in its composition).

## VI. ALTERNATIVE TEACHING TO RELIGION CLASSES: THE CASE OF PADUA

Formally, Italy is required to guarantee the teaching of the Catholic religion (IRC) at all levels of public schools, beginning at the age of two, as a result of the

so-called New Concordat stipulation made in 1984. The State pays the teachers, who are nonetheless appointed by the local bishops. That instruction ought to be voluntary rather than required. Ought to. However, there are still many challenges that parents and kids face that prevent them from using the IRC, especially in the case of underage pupils who cannot in any case leave or wander independently. UAAR intervenes at schools when it is practicable and required, and it is because of this precedent that it is now frequently possible to obtain one's rights without going to court.

A primary school in Padua obliged a girl, whose parents had chosen an alternative curriculum to the Catholic religion, to stay in class to assist an IRC lesson. The school subsequently gave the girl permission to transfer to other parallel classrooms, but it insisted on not implementing the alternative curriculum. While the first request was rejected, the outcome of the appeal was positive: the Court of Padua, in an order dated 30 July 2010<sup>7</sup>, defined this behaviour as "discriminatory and illegitimate". The judge properly noted that both direct and indirect forms of discrimination had occurred – the former being the requirement that the student attend religious services and the latter being the lack of equitable classroom and instructional opportunities for the student throughout the school year –, condemning the Institute and the Ministry jointly and severally to pay 1.500 euro in compensation.

## VII. ALTERNATIVE HOUR: LATE ACTIVATION

In January 2013, UAAR appealed to the Lazio Regional Administrative Court (TAR) against a ministerial circular that, by implementing the bishops' indications, instituted discrimination between students. While religion classes could be chosen months in advance (in the enrolment period) and consequently activated at the beginning of the school year, the alternative class could only be chosen when the school year had already begun, with consequent delays of up to months for its activation.

After seven years, the Lazio Regional Administrative Court ruled, on 9 October 2020, that «the postponement of the second option to the beginning of the school year contrasts with the possibility of timely organisation and appropriate provision of alternative activities, resulting in a start to the school year that has already begun and with inadequate or non-existent educational solutions that can lead to the actual frustration of the principle of non-discrimination on religious grounds and the right to education». For the judges of the Regional Administrative Court, the choice of alternative activities: «must take place within a timeframe that guarantees the timely planning and start of teaching activities as required by the principles of reasonableness and good performance».

<sup>7</sup> <[www.uaar.it/uaar/campagne/progetto-ora-alternativa/ordinanza-padova.pdf](http://www.uaar.it/uaar/campagne/progetto-ora-alternativa/ordinanza-padova.pdf)>.

In response to the ruling, the Ministry adjusted its approach by extending the choice of the alternative option to the Catholic religion to June, before the commencement of lessons, facilitating better school organization. Despite these changes, reports of the failure to implement alternative instruction or the numerous challenges faced by those opting out of Catholic religious instruction still persist. In some instances, individual schools have been discovered falsifying the ministerial form available online in an attempt to sway students toward Catholic religious instruction.

### VIII. GOOD WITHOUT GOD (BENE SENZA D)

In 2013, UAAR initiated the campaign “Viviamo bene senza D” (Let’s live well without D), employing graphic elements to depict the word “IO” (I) emerging from the word “Dio” (God). The campaign asserts that ten million Italians live well without D, and when they face discrimination, UAAR is there to support them.



The Council of Verona (mayor Flavio Tosi, Lega Nord) is the only public administration that decided to censor the initiative on the grounds that it would convey a message “potentially harmful to any religion”. UAAR promptly filed an appeal under Article 702 of the Code of Civil Procedure to initially establish and subsequently halt the overtly discriminatory conduct of the Municipality of Verona. But in a disconcerting and hasty order, the judge at first instance did not grant the request: According to the Court of Rome, denying the billposting was not discriminatory «because, far from making a distinction, exclusion, restriction or preference based on religion, it simply assessed a profile of opportunity on the formal content of the message, its language and literal tenor, certainly not on the possibility of asserting the positions of the petitioning company with regard to its beliefs on matters of religion». Aside from the fact that UAAR does not appear to be a society, what is puzzling is that, according to the judge, the public administration can constrain freedom of conscience and expression for reasons of “opportunity” and not legitimacy.

UAAR appealed against a negative ruling once again in 2018. Specifically, the Court of Appeal deemed that the campaign “Living well without D” was not a promotion of fideistic choices, because «it is not characterised by any propositional message from UAAR in favour of atheism or agnosticism or more generally in favour of the values it advocates; rather, it assumes a single and uniform connotation of denial of religious faith». According to the judges, moreover, UAAR would be constitutionally protected by Article 21 (freedom of thought), a right that would however be limited by Article 19 (religious freedom), which would not apply to atheistic choices.

Moving on to the appeal to the Supreme Court, the order 7893 of 2020 fully supported UAAR’s arguments, overturning the decision of the Rome Court of Appeal with referral.

In February 2022, the Court of Appeal of Rome ruled definitively on the judgement on resumption, confirming “the discriminatory character” of the refusal to affix. The court ordered the affixing of the ten censured posters, the publication of the sentence in a national newspaper and the legal costs to be paid by the Municipality of Verona, which was also ordered to pay 50.000 euro in damages.

## IX. TESTA O CROCE? NON AFFIDARTI AL CASO

Given the high proportion of conscientious objectors in public hospitals and among local doctors, UAAR started a new information campaign in 2018 called “Head or Cross<sup>8</sup>? Don’t rely on chance”. The campaign’s goal is to raise public awareness regarding the choice of doctors.



In the poster, a healthcare provider, unmistakably identified by the lab coat and stethoscope, is depicted alongside a priest, easily recognizable by his cassock and a prominently displayed crucifix.

<sup>8</sup> Expression used in Italian for “Heads or Tails”.

Both themes are presented in an unbiased manner, without any specific distortion, alteration, or caricature that would imply a negative judgment on the characters in the poster, whether explicitly or subtly. The statements “Head or Cross?” and “Don’t rely on chance”, along with the prompt to “ask your doctor if he practices any form of conscientious objection”, are prominently featured.

In essence, the poster served as a clear call to action and was consequently displayed in numerous Italian cities. However, it faced censorship in the municipality of Genoa, where the administration rejected the billboard, citing an alleged violation of individual freedom of conscience and the rights of religious denominations.

The administration, which had previously invoked Article 21 of the Italian Constitution and the right to free expression a couple of months earlier in favour of another poster supporting the “no choice” movements (depicting a fake yet realistic foetus), nevertheless rejected the same right for the “Head or Cross” poster. This occurred despite the rejection of the fetus poster by the Regional Children’s Rights Ombudsman.<sup>9</sup>

The Liguria Regional Administrative Court concurred with UAAR’s arguments on the basis that the message does not include any elements suggesting an intent to disparage the Catholic religion or to depict it in a manner inconsistent with its openly disseminated cultural positions, including its clear opposition to abortion. Therefore, the court concluded that the restriction of freedom of thought (referred to as arbitrary censorship) is not justified<sup>10</sup>. The Council of State, to which the municipality is appealing, reversed the judgment. In so doing, it noted that the Naac campaign exceeded the “general limits of expressive continence” and went «beyond measured evaluations, without necessity transmutes into evaluations detrimental to the moral and professional dignity of others».

Due to the fact that restricting freedom of opinion would also be justified by discrimination based on religion, the Municipality of Genoa was correct to refuse to post UAAR’s communication<sup>11</sup>. An ECtHR judgment regarding this matter is currently pending and expected soon.

<sup>9</sup> <[www.ilsecoloxix.it/genova/2018/05/17/news/il-garante-dei-diritti-dell-infanzia-boccia-il-manifesto-anti-aborto-1.30461892](http://www.ilsecoloxix.it/genova/2018/05/17/news/il-garante-dei-diritti-dell-infanzia-boccia-il-manifesto-anti-aborto-1.30461892)>.

<sup>10</sup> TAR Liguria, sez. I, 4 March 2019, judgment No 174.

<sup>11</sup> Council of State, Sec. V, 9 April 2019, Judgment No 2327.



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**GREETINGS FROM THE UNIVERSITY  
OF ORIENTAL PIEDMONT**

ROBERTO MAZZOLA

Greetings

I would like to thank the UAAR, the Cini Foundation, the European State & Church Consortium and the University of Oriental Piedmont for making it possible, in a symbolic place like Venice, on such a complex topic as non-belief and the new borders of religiosity and religion freedom, to hold an open discussion within an international context.

In particular, I thank Dr. Orioli, Prof. Angelucci, Dr. Baldassarre and Dr. Piraino for enabling the success of the meeting and sharing so many hours of work and extensive discussions while fully respecting the diversity of views and sensitivities.

Cordially

Roberto Mazzola – University of Oriental Piedmont

