

## CHAPTER 6

# Italy's Secularity and Freedom of Religion under the COVID-19 Pandemic<sup>1</sup>

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### Abstract

This chapter analyses the sociological and legal characteristics of Italy's religious tendencies under the COVID-19 crisis, in respect of which the logic of emergency has impacted on a society that is becoming more and more secular. The COVID-19 crisis highlighted the increase in religious pluralism in Italy over the previous three decades, not only in terms of the proliferation of different denominations but also in terms of the growing presence of other sociocultural groups. For these very reasons, the COVID-19 crisis went to the heart of the historical dilemma of religious freedom and thus to the principle of equality that, as such, implies the right to be different. This also reflects the fact that, although Italy had one of the highest vaccination coverage rates in the European Union, protests against both the COVID-19 vaccine and vaccination in general were widely reported in the media and public debate. These protests were mainly seen as populist, driven by

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individualistic demands, in which religious institutions did not play an important role. By contrast, the main denominational authorities urged their followers to be vaccinated and to follow the advice of public health officials.

## Introduction

In the first half of 2020, Italy was the first Western country to be hit by the pandemic, leaving citizens and residents with a greater sense of unpredictability from a new, invisible, and unknown threat. Although it was a collective experience, the pandemic exposed people to different levels of closeness to the virus, which was reflected in different levels of existential insecurity: those who reported infection in their family were more likely to suffer the worst consequences of the crisis, given their proximity to COVID-19 and the impact it had on their loved ones (Molteni et al. 2021). The threat to public and private health was so severe that the central government imposed restrictions on people's fundamental right to freedom of movement.

Initially, a few cities in the Lombardy region of north-western Italy were targeted by the government's restrictive measures. These were later extended to the entire national territory. Residents were required to stay at home unless authorised by the authorities – in writing – for work or health reasons, in order to reduce the transmission of the SARS-CoV-2 virus. Schools, museums, cinemas, theatres, and all other social, recreational, and cultural facilities had to remain closed, including most shops. In shops selling essential goods, such as supermarkets and pharmacies, a distance of at least one and a half metres between customers had to be maintained in order to contain the spread of the virus. In these places, people were also obliged to wear masks. These measures were unprecedented in the history of the republic. They went so far as to restrict some inviolable and inalienable human rights, including the right to freely profess one's religion and to celebrate religious rites in community (Romano et al. 2022).

The development of the vaccine campaign was the first step towards a long-term solution to the pandemic. In Italy, the mass vaccination programme started in December 2020. By 17 May 2022, the country had one of the highest vaccination coverages in the European Union, with only Portugal, Malta, and Spain exceeding it in terms of percentage of population vaccinated with at least one dose. As of 27 July 2022,

86 per cent of Italian eligible subjects had completed their primary vaccination cycle and 83.7 per cent had got their booster doses too, with slight differences among regions (GIMBE 2022). Nevertheless, in the media and in the public debate, protests against restrictive measures, COVID-19 vaccines and vaccination in general experienced a great resonance. These protests were mainly seen as populist, driven by individualistic demands, in respect of which religious institutions did not play important roles; on the contrary, the most relevant confessional authorities invited their believers to vaccinate and follow the advice of public health officials. In fact, from an antagonistic position in a dwindling minority, campaigns against the government's measures and mass vaccination took the form of a culturally and religiously diversified politicisation around new issues and, in particular, as an expression of critical citizenship stating doubts about decisions taken by politicians (Primieri et al. 2023).

### Setting the Context

In Italy, the COVID-19 crisis led to a lively debate on the restrictions imposed on the public liturgical life (masses, funerals, baptisms, marriages) of the Catholic Church, the main religion in the country, and of denominations other than Catholicism (as Article 8 of the Italian Constitution defines minority religions). But, unlike in other European countries, the debate in Italy was confined to the realm of scientific disputes, while judicial review was almost non-existent (Alicino 2022; Sanfelice 2020).<sup>2</sup> Nevertheless, the discussion revealed the logic of the traditional Italian religious landscape and the Italian system of law–religion relations (Ferrari 2020).

It must be underscored that about 71.4 per cent of Italian residents ascribe to Christianity, making it the dominant religion in the country, with Catholicism being the majority Christian denomination; the Catholic Church accounts for 93 per cent of all Christians. Other denominations of this type include Orthodox Christianity, Jehovah's Witnesses, and Protestantism. Only 0.6 per cent of the population ascribe to religions such as Judaism, Hinduism, and Sikhism. Although the Catholic Church is no longer the state religion, as it was before 1948, it is still the majority religion and its symbols and rituals are part of the country's public culture. In this way, Catholicism functions as a dominant denomination, providing social and cultural clues,

including those relating to certain aspects of the state's legal system.<sup>3</sup> However, this trend must now coexist with other facts. One is that sociocultural pluralism, driven by immigration and globalisation, has come to characterise the Italian religious scene<sup>4</sup> (Alicino 2023). In this respect, the analysis of the relationship between religion and COVID-19 has highlighted that the traditional legal instruments regulating the presence and status of religious organisations are no longer adequate to meet the needs of the contemporary social and cultural geography of Italy, which has undergone major changes in recent decades.

In fact, for those who were already religiously socialised, the COVID-19 emergency led to a higher likelihood of attendance. But, while this behaviour is very clear for the more institutional form of religiosity, the results are less clear for the individual form of prayer. This suggests that in Italy there are non-religious people in the trenches and that their numbers are increasing over time (Molteni et al. 2021). At the same time, a look at Italy during the COVID-19 emergency is helpful in examining how internal and external causes could touch the raw nerve of the historical dilemma between unity and diversity, which is an undeniable factor of Italy's current legal context.

In this respect, the emergence of the Covid-19 has indeed reinforced a trend that has been present in contemporary democratic systems for some time: in normal situations, security is in constant dialogue with fundamental freedoms; in states of emergency, the dialogical dimension recedes in favour of the competitive one. Moreover, collective security tends to be confused with subjective security, sometimes going so far as to promote the protection of perceived (in)security.

## Legal Aspects

In early February 2020, the Italian Council of Ministers declared a state of emergency.<sup>5</sup> The government did so under the Civil Protection Code, which allows the President of the Council of Ministers to adopt exceptional measures in the event of a natural disaster.<sup>6</sup> These were measures that, although disguised as administrative acts (the so-called DPCMs, i.e. decrees of the president of the Council of Ministers), took the form of sources of primary law: this was demonstrated by their tendency to affect constitutional rules and principles concerning fundamental rights, such as those related to freedom of movement, assembly,

private economic initiative, and the right to profess one's religion freely in public (Articles 16, 17, and 41 of the Italian Constitution).

In this regard, it is important to note that, during the first phase of the COVID-19 crisis, places of worship were open to the public and individuals were allowed in on condition that they kept a minimum distance from others. After a few days, the situation deteriorated to the point where access to places of worship for purposes such as prayer was not considered an essential or primary need (Licastro 2020). On 26 April, the prime minister announced the government's prudent plans for a slow end to Italy's long coronavirus quarantine. The restrictions that had been in place for seven weeks would be eased from 4 May, when parks, factories, and construction sites would be reopened. In the case of places of worship, the conditions for their opening remained subject to the adoption of precautionary measures, such as a minimum safety distance of one metre between people. Until 18 May 2020, civil and religious ceremonies remained suspended.<sup>7</sup>

Apart from a small number of 'dissidents' (as many of them like to be called), the population responded by implementing the government's measures without protesting. On the contrary, the response of the Italian Bishops' Conference (CEI) was to address the policies that would continue to limit the church's capacity for pastoral activity. The bishops stated that they were in constant negotiations with the authorities of the state. The CEI did so through the proposal of guidelines and protocols 'in full compliance with all health regulations'. On the other hand, the Italian government had 'arbitrarily excluded the possibility of celebrating Mass with the people without consulting the Holy See,' the CEI said (CEI 2020a). Pope Francis was not entirely in agreement with the CEI: 'At a time when people are beginning to receive instructions to come out of quarantine, let us pray to the Lord to give his people, all of us, the grace of prudence and obedience to the rules so that the pandemic does not return,' he said on 28 April 2020 during a morning Mass at the Vatican residence, Casa Santa Marta.

This helps to clarify the comments of some lawyers who criticised the emergency measures taken by the government to prevent and contain the spread of the virus. These critics were mainly referring to the autonomy of the Holy See as enshrined in Article 2 of the 1984 Agreement between the Catholic Church and the Italian State, which, according to Article 7.2 of the 1948 Constitution, reformed the Lateran

Pact of 1929. It is important to note that Article 2 of the 1984 Agreement states:

the Republic shall recognize the full freedom of the Church to develop its pastoral, educational, and charitable mission, of evangelisation and sanctification; in particular, the Church shall be assured the freedom of organisation, of public exercise of worship, of exercise of its magisterium and spiritual ministry as well as of exercise of jurisdiction in ecclesiastical matters.<sup>8</sup>

In addition, Article 14 of the 1984 Agreement provides that, in the event of a problem of interpretation, the provisions of this Agreement shall be subject to ‘the search for an amicable settlement by a joint commission appointed by the two Parties [the state and the Holy See]’<sup>9</sup> (Montesano 2020; Pacillo 2020).

In fact, Article 2 of the 1984 Agreement does not concern religious freedom for Catholics as individuals. It refers only to the public exercise of worship. To put it another way, Article 2 deals with what is called *libertas ecclesiae*, not *libertas fidelium*. And the government’s emergency measures have never called into question *libertas fidelium* (Colaïanni 2020). In spite of this, some authors have affirmed that the restrictive measures taken by the government were contrary to the 1969 Vienna Convention and the corresponding procedure. These measures, they say, were imposed unilaterally, without the collaboration of the Holy See, as required by Articles 2 and 14 of the 1984 Agreement: since the Agreement is similar to an international treaty, this also led to the violation of the Vienna Convention, they also affirmed (Pacillo 2020).

It is true that one of the most fundamental principles of the church is *Prima sedes a nemine iudicatur* (the first sees no judge). But this refers to the law of the church, not to the law of the state. Furthermore, on the basis of generally recognised principles of international law,<sup>10</sup> the Italian state’s interpretation of Article 14 of the 1984 Church–State Agreement will prevail if it is not possible to reach an amicable settlement as provided for by the Vienna Convention (Alvarez 2005; Colaïanni 2020). Moreover, the international status of the 1984 Agreement does not make it a legally binding source of constitutional rank, as the Italian Constitutional Court has repeatedly affirmed<sup>11</sup> (see on this Cassese 1977 and Colaïanni 2012). And if these arguments are not sufficient, it is worth recalling the procedure of the Vienna Convention, which provides that ‘a party that ... invokes either a defect in its

consent to be bound by a treaty or a ground for impeaching the validity of a treaty must notify the other parties of its claim'; this notification 'must be in writing'.<sup>12</sup> With regard to the measures taken by the Italian government in relation to the COVID-19 emergency, the Holy See has never done so. This means that, legally speaking, the question of whether the Vienna Convention applies is irrelevant (Botti 2020).

In any case, the COVID-19 crisis did not prevent the church and other religions from cooperating with the state, as clearly demonstrated by phase 2 of the government's coronavirus lockdown measures. Indeed, on 7 May the Italian prime minister, the minister of the interior, and the president of the CEI signed a protocol on the return to Mass. On the basis of this protocol, public worship would resume in few days but under specific rules, such as the number of people allowed in church, the obligation to use face masks, and the distance between worshippers. Rather than allowing more people into a church, additional services would be held if there were demand. The priests were allowed to celebrate most of the Mass without a mask; however, they had to wear a mask and gloves when they distributed the Eucharist. The protocol banned choral singing, kept holy-water stoups dry, and suspended the traditional handshake as a sign of peace.<sup>13</sup> These rules were the result of a collaboration between the government and the CEI in which 'both have made their responsible contributions', said the then CEI chairman (CEI 2020b).

Significantly, very similar rules were signed by other religious leaders, including those representing groups that did not have the 'understanding' (*intese*) provided for in Article 8.3 of the Italian Constitution (Tozzi 2011), and even those groups that were not legally recognised as cults under law 1159/1929 on *culti ammessi* (admitted cults). This was particularly the case for some Muslim communities, which were able to sign the aforementioned protocols in the COVID-19 emergency,<sup>14</sup> despite their lack of legal recognition (Alicino 2023). It should be also noted that these initiatives followed the so-called 'mini-understandings', such as those governing relations between the Italian Department of Penitentiary Affairs (DAP), on the one hand, and the Jehovah's Witnesses, the Protestant churches, the Islamic Conference (IIC), and the Union of Islamic Communities and Organisations of Italy (UCOII), on the other: the representatives of these religious organisations were now allowed to enter prisons to provide spiritual support on the basis of those mini-agreements (Alicino 2020; Angeletti 2018).

## Sociological Aspects

In Italy, religion in general, and Catholicism in particular, is both a powerful and a volatile force. Suffice it to note that many people choose to be part of a denomination more as a result of their culture than for any religious reason. In addition, the number of practising Catholics has fallen and the proportion of those identifying themselves as atheist or non-Catholic has risen over the last three decades. In fact, religious pluralism in Italy is not only increased by the proliferation of denominations in the same geographical area but also by the increasing presence of at least four sociocultural groups, namely religious believers, religious believers with forms of personal spirituality, non-believers, and non-affiliated (Alicino 2021).

For example, a growing number of Italians claim to be Catholics because they feel 'at home' with the tradition and teachings of the Roman Church, even though it is quite improbable that they believe in all of its essential values and precepts, such as those referring to the divine Jesus, hell, original sin, and papal infallibility. There is also an increasing number of people who claim no religious affiliation at all but who consider themselves to be religiously motivated. This could explain one of the peculiarities of Italian religious behaviour: religion can still fill public places (for local papal visits, canonising of saints, remembrance of charismatic personalities, etc.), while churches remain largely empty (especially when used for Sunday services, private prayer, Bible reading, etc.) (Garelli 2014; Zurlo and Johnson 2016).

Interestingly, during the outbreak, people who reported family infection attended religious services and prayed more often than those who did not. Exposure to the virus led to a higher likelihood of attendance among those who had some form of religious socialisation. The implication of this is that a religious revival in the event of dramatic events cannot be ruled out. What we need to understand is whether the impact of such phenomena is limited to the emergency periods or whether they have longer-term effects. In this sense, it can be said that the use of religion as a coping strategy is particularly relevant for those who have already been socialised in a religious way. At the same time, it can be assumed that, as the number of religiously socialised people declines in line with the general decline of religion, it can be expected that the same will be true for people who turn to religion when they experience existential insecurity (Molteni et al. 2021).



This is also reflected in investigations of the relationship between religious behaviour and the vaccination campaign. In this field, the experience of COVID-19 has demonstrated that the Italian population mostly identifies the health scientific community as a reliable source of information. From January 2021 to January 2022, about eight million cases, over 500,000 hospitalisations, over 55,000 hospitalisations in intensive care units, and about 150,000 deaths were directly prevented by COVID-19 vaccination. However, the phenomenon of vaccine hesitancy, both against COVID-19 vaccines and vaccination in general, received a surge of attention from media, including the news, after the beginning of the pandemic (Primieri et al. 2023). This applies to different aspects. One is related to the fact that during the COVID-19 crisis national and local politicians sought to add credibility to their actions by relying on scientific advice. The difficulty with this attitude is that scientists do not always have concrete answers and can feel pressured by politicians to go beyond what is actually known. As a result, all positions on the political spectrum tended to weaponise every bit of (uncertain) information that, for the same reason, would open the door to sociopolitical disputes (Primieri et al. 2023). That is especially the case when the subject of dispute is the combination of the protection of health and the multifaceted nature of religious freedom, which, of course, are not always easy to balance.

On the other hand, it is crucial to emphasise the fact that, with the exception of a few dissenting minorities within the Catholic Church and other religious minorities, almost all denominational organisations supported the government's restrictive measures to prevent and combat coronavirus and the consequent vaccination campaign, urging their adherents to follow the guidelines provided by the state authorities. Criticism in this regard came mainly from certain Catholic elites, who originally contested the government's measures not because of their content but because they were taken unilaterally without considering the opinion of the church leadership and the method of bilateral consultations (Alicino 2022).

That is surprising considering that some of the most important nationalist right-wing political parties, including Fratelli d'Italia (Brothers of Italy or FdL) and the Lega Party, vigorously protested against both the then government's restrictive measures to contain the spread of coronavirus and the vaccination campaign (Vampa 2023). This is even more relevant in the light of the fact that, after the political

election of 25 September 2022, FdL and the Lega Party became head of Italy's far-right governing coalition, which is still at work today (Baraggia 2023; Donà 2022). Not coincidentally, some studies found a link between conspiracy theory beliefs, anti-vaccine positions, and voting behaviour during the COVID-19 outbreak (Serrani 2023).

Neo-religious minorities are another sociological issue. Attention is focused on the land in public cemeteries, where separate areas must be reserved for the burial of people belonging to 'confessions other than Catholicism' (as stated in Article 8.3 of the Italian Constitution).<sup>15</sup> Muslim immigrants, for example, often have a preference for the repatriation of the body of a loved one to their country of origin. This was not possible during the pandemic: in the first phase of the outbreak, the government stopped flying and using other means of transport. As a result, many Muslims were forced to bury their loved ones on Italian soil. However, the Islamic requirement of burial within 24 hours of death could not always be honoured. This was because there were (and are) very few cemeteries for Muslim worshippers in Italy. For example, in the province of Brescia in the region of Lombardy a Macedonian family had to keep the body of one of its members enclosed in a coffin at home for more than a week; this was due to the fact that the city in which they lived lacked an Islamic burial ground (Gianfreda 2020). Just one year earlier (February 2019), the Lombardy Regional Council had approved an amendment that negated a provision of the regional 2009 funerary law<sup>16</sup> compelling private associations to allow burials in their allocated spaces in public cemeteries, regardless of sex or religion.<sup>17</sup> Muslim leaders responded that in this manner the regional law would likely only limit space for Islamic funerals, making them more segregated. On the other hand, as a result of cooperation between local authorities and religious communities, other city councils reserved space for Islamic burials, as was the case of the council of San Donato Milanese, a suburb of Milan, and the related public cemetery of Monticello.

It is also important to note that during the worst phase of the epidemic Islamic burial law was adapted to the existing medical evidence. This had implications for practice recommendations and guidelines (Hirji, Hirji, and Lakasing 2020; Ahmed and Ryan 2022; Sona 2021). Moreover, some foreign documents were translated into Italian and distributed among local Muslim communities; this was the case for the UCOII 'Regulations on Funeral Rituals and Burials at the Time

of the Coronavirus Pandemic', which followed a specific fatwa issued by the European Council for Fatwa and Research.<sup>18</sup> Two main principles guided these instructions. On the one hand, the lives of those involved in handling the body and the rest of the community must not be endangered, which means that protecting life (*hifẓ al-nafs*) is the primary of the five ultimate goals of Islamic law (*maqāṣid al-sharī'ah*). On the other, the community must have respect for the dignity of the dead and the feelings of the bereaved.

All this is evidence of the fact that the pandemic emergency has forced public institutions and religious leaders to find new solutions in the system of relations between the state and the denominations. Indeed, these events and the relative solutions have opened the way to developing more effective cooperation based on a more democratic and inclusive pluralism.

## Conclusion

The experience of the pandemic in Italy has made us aware that no right is absolute. This is all the more the case when it comes to the right of religious freedom. It is true that this right cannot be unduly restricted in the name of emergencies, including those related to public health. It remains that, taking into account the existing situation and specific circumstances, religious freedom, especially in the form of the right to promote a religion and to celebrate its rites in public, must be balanced with other rights. This balance is particularly necessary in the face of imminent threats to the right to life, which is the precondition for the exercise of all other fundamental rights, including religious freedom (Alexy 2014; Lerche 1961; Pino 2014; Stone and Mathews 2008).

Another peculiar aspect of the Italian experience during the pandemic is that, in spite of the potential area of litigation, there has been almost no judicial review of the government's emergency measures in this context.<sup>19</sup> This may be explained by the fact that health experts have often acted as a filter for potential judicial appointees, given the high level of scientific knowledge required to deal with the issues involved. The role of the Comitato Tecnico-Scientifico (Technical-Scientific Committee or CTS) is one of the most important examples of that. Indeed, during the pandemic, CTS, which was and is part of the Prime Minister's Office for Civil Protection,<sup>20</sup> together with the

Superior Institute of Health, acquired a normative function, being closely involved in the implementation of the government's restrictive measures, including those related to religious ceremonies.<sup>21</sup>

The Italian experience also suggests that, in an emergency context such as the pandemic, religious rites and spiritual gatherings are vital opportunities for socialised people to practise and exercise their religiosity; the inability to participate in such ceremonies can cause social discomfort, if not health problems. It is still the case that, in the first phase of the COVID-19 crisis, the threat came from a virus that did not distinguish between those who believed and those who did not. The virus also made no distinction between places of worship and other venues, including restaurants, bars, theatres, sports stadiums, and stores. Under normal circumstances, this similarity may be socially and morally unacceptable: you cannot compare places of worship with other settings such as bars and restaurants. However, in order to control the spread of the deadly virus during a global pandemic, this comparison is to some extent necessary. All congregations, including religious ones, are potential carriers of disease, putting at risk not only the participants but everyone with whom they are in contact.

In other words, the Italian experience during the COVID-19 crisis illustrates how endogenous and exogenous factors can affect the social and legal aspects of religion in democratic societies (Dalla Torre 2020). This is all the more relevant at a time when economic uncertainty, the politics of fear, and asymmetric emergency situations remain active and persistent (Alicino 2023).<sup>22</sup>

From this point of view, the fundamental lesson to be drawn from the pandemic is that emergency legislation is indispensable because it allows a democratic system to respond to emergencies while keeping the exercise of public power within the limits set by the constitution. If applied with due care, this legislation can act as a self-defence mechanism that is functional to the existence of a constitutional order: a way to avoid authoritarian tendencies on the one hand, and to increase the degree of resilience of democratic institutions in preventing or mitigating serious threats on the other.

## Notes

- 1 This chapter builds on the author's earlier work (Alicino 2022) with permission from Brill.
- 2 See also Consorti (2020a, 2020b), Licastro (2020), Tira (2020), and Macrì (2020).
- 3 As we will see, Article 7 of the Constitution was considered an instrument that was meant: (a) to protect both the state and the Catholic Church, as two independent and sovereign entities; (b) to secure the Lateran Pacts, approved during the fascist regime in 1929; and (c) to pave the way for the reform of the 1929 Pacts.
- 4 CESNUR, Dimensioni del pluralismo religioso in Italia, 2021, <https://cesnur.com/dimensioni-del-pluralismo-religioso-in-italia> (accessed 3 April 2023); ISTAT, 'Aspetti della vita quotidiana: Pratica religiosa – regioni e tipo di comune' 2020, <http://dati.istat.it/index.aspx?queryid=24349>; Ipsos Public Affairs, 'I cattolici tra presenza nel sociale e nuove domande alla politica novembre 2017', <https://www.acli.it/wp-content/uploads/2017/11/Cattolici-e-politica-analisi-Ipsos-novembre-2017.pdf> (accessed 3 April 2023).
- 5 See 'Dichiarazione dello stato di emergenza in conseguenza del rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili,' *Gazzetta Ufficiale* 26 (1 February 2020).
- 6 See the 2018 Italian legislative decree, no.1.
- 7 See DPCM, 'Ulteriori disposizioni attuative del decreto-legge 23 febbraio 2020, n. 6, recante misure urgenti in materia di contenimento e gestione dell'emergenza epidemiologica da COVID-19, applicabili sull'intero territorio nazionale,' *Gazzetta Ufficiale* 108 (27 April 2020).
- 8 Article 2 of the 1984 Agreement.
- 9 Article 14 of the 1984 Agreement.
- 10 As stated in Article 10 of the Italian Constitution.
- 11 the Italian Constitutional Court, decisions no. 348/2007, no. 349/2007, no. 73/2001, no. 15/1996, no. 168/1994, no. 323/1989, no. 153/1987, no. 96/1982, no. 188/1980, no. 48/1979, no. 104/1969, no. 32/1960, and no. 323/1989.
- 12 Article 65 of the Vienna Convention.
- 13 Presidenza del Consiglio dei Ministri, 'Protocollo circa la ripresa delle celebrazioni con il popolo,' [http://www.governo.it/sites/new.governo.it/files/Protocollo\\_CEI\\_GOVERNO\\_20200507.PDF](http://www.governo.it/sites/new.governo.it/files/Protocollo_CEI_GOVERNO_20200507.PDF) (accessed 28 September 2024).
- 14 Governo italiano, 'Protocollo con le Comunità Islamiche' (18 May 2020), [https://www.interno.gov.it/sites/default/files/2020.05.14\\_protocollo\\_comunita\\_islamiche.pdf](https://www.interno.gov.it/sites/default/files/2020.05.14_protocollo_comunita_islamiche.pdf) (accessed 3 September 2024).
- 15 See D.P.R. 10 sett 1990, n. 285, *Approvazione del regolamento di polizia mortuaria*, Article 100.
- 16 Legge Regionale 30 dice 2009, n. 33, *Testo unico delle leggi regionali in materia di sanità*, Article 75.
- 17 See Legge Regionale 4 marzo 2019, n. 4 *Modifiche e integrazioni alla legge Regionale 30 dice 2009*, n. 33.
- 18 See UCOII, 'Coronavirus, Fatwa Associazione degli Imam per i riti funebri. Regolamenti sulle ritualità funebri e sepolture al tempo della pandemia da coronavirus' (19 March 2020), <https://ucoii.org/2020/03/19/coronavirus-fatwa-associazione-degli-imamper-i-riti-funebri/> (accessed 3 September 2024).

- 19 The only judicial decision refers to the 29 April 2020 decree of Lazio's Regional Administrative Tribunal (in Italian TAR), which rejected a petition against the DPCMs' restrictive measures on religious ceremonies. See *Tar Lazio, decreto 29 aprile 2020, n. 3453*. With regard to the vaccine obligation, it is important to note that the Council of Administrative Justice for the Sicilian Region raised the question of constitutional legitimacy concerning the vaccine obligation for the prevention of SARS-Cov-2 infection. In its decision of 15 February 2023 (no. 14), the Italian Constitutional Court ruled that this question was unfounded. The court held that the choice made by the government to prevent the spread of the virus could not be considered unreasonable or disproportionate in light of the epidemiological situation and the available scientific findings.
- 20 See *Decreto del Capo Dipartimento n. 371 del 5 febbraio 2020 Istituzione del Comitato scientifico*.
- 21 It would suffice to mention that, not by chance but rather by necessity, the CTS approved the above-mentioned 'Protocols Concerning the Resumption of Public Masses' before going to the state's authorities and religious representatives for their signature. See the Italian Government, 'Protocollo circa la ripresa delle celebrazioni con il popolo', 63, where it is stated that 'during the meeting of 6 May 2020 the Technical-Scientific Committee has analysed and approved this "Protocol Concerning the Resumption of Public Masses"' (*il Comitato Tecnico-Scientifico, nella seduta del 6 maggio 2020, ha esaminato e approvato il presente 'Protocollo circa la ripresa delle celebrazioni con il popolo'*).
- 22 See on this Alicino et al. (2021).

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