

FREEDOM OF RELIGION IN ITALY. PROBLEMS AND CHALLENGES

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I. Kant made a clear-cut distinction between the realm of morals and the realm of law. A human action may be morally wrong without being legally forbidden. I have the right to blame an action as immoral although I cannot and I do not want to condemn it as illegal. This corresponds to the well known aphorism of Voltaire: I fully disagree with what you say but I am ready to give my life to defend your right of saying it. All men have a duty to search for truth and in this search we must accept the possibility that they incur in different kinds of errors. The best way to overcome errors is a free discussion and this presupposes both freedom of conscience and freedom of expression. The principle of toleration demands that we criticize the maxims and the behaviour of others without pretending to punish them and that we allow others to criticize us, making use of the same right.

A first problem we are confronted with in Italy (as well as in most western countries) today is that a new principle of intolerance is being introduced in our public discussion. It is forbidden to be 'judgemental', that is, it is forbidden to speak (and even to think) in terms of good and bad or in terms of right and wrong.

The old principle of toleration presupposed the existence of truth, the difficulty of the path towards truth and the possibility of error in good faith or even of unavoidable error. For this reason we must struggle for truth and against error but we have not the right to despise those who are in error. Moreover, since none of us possesses the totality of truth we can never rule out the possibility that we ourselves in one way or another may be wrong.

The new prohibition of being 'judgemental' is based on the conviction that there is no truth and we do not have the right of bothering anyone with questions on his way of thinking or acting. The fact that somebody thinks that he is wrong might make him unhappy and the subjective feeling of satisfaction or dissatisfaction is the last legitimate remnant of the antiquated concepts of good and evil, right and wrong.

The full acceptance of this new rule in the public discourse may easily collide with the principle of religious freedom. Let us take the example of Christian religion. We are ready to accept the principle of toleration. God does not want the sinner to die but rather that he is converted and lives. The

final judgement will come only after the end of this life and the Christian must hope and pray for the salvation of his opponents and even of his persecutors. The issue would be more complicated with other religions (Islam, for example) that pretend to enforce their precepts on this earth giving them the sanction of criminal law. For Christians however there is no inherent objection to the principle of toleration stated in the abovementioned form. This acceptance cannot be extended to the refusal to pass any judgement on good and evil. There are many things that are evil and it is routinely part of Christian teaching and preaching to tell right from wrong. The Church can be and ought to be delicate and full of charity in condemning the sin showing at the same time respect for the dignity of the person who is doing something wrong, but a Church that does not teach what is good and what is evil would not be the Church of Jesus Christ. Now exactly this right to express moral judgement in the public discourse is being questioned. It is not just a moral climate. This moral climate demands public recognition in the form of criminal law through the so called 'hate crimes'. There are many possible meanings of these words. Let us take the example of homosexuality. We are all against gay bashing and any form of violence against homosexuals. Men or women who happen to be homosexuals have the same rights to be protected against violence as any other citizen. But shall we qualify as violence the persuasion that homosexuality is morally wrong? Shall we consider as guilty of homophobia all those who have moral objections against homosexuality? Shall we forbid priests to censure homosexuality in their homilies or to teach children that God wants men and women to create families and to procreate and educate children? Gay rights movement want to go beyond tolerance and pretend full acceptance and seem to identify full acceptance with the prohibition to criticize their lifestyle.

I have produced one example, perhaps the most conspicuous in our society but this trend constitutes a general mood. The very idea of sin is discredited. Different social sectors consider as an attempt to their inalienable rights the very idea of being criticized and demand measures against possible criticism. The possible result is a limitation of the right of free speech and, as a consequence, of religious freedom.

A second issue is closely related to the first and to the crisis of the idea of tolerance. This is the issue of non discrimination. The traditional Kantian distinction of law and morals allowed us to consider certain patterns of action as lawful but as morally objectionable. They were lawful because they pertained to the private sphere of action of the person where the state has not the right to interfere. The state however retained the right to promote in the public square values different and sometimes opposed to those that

could be accepted in the private sphere. Let us make again the example of homosexuality. The family (the natural or traditional family based on marriage) has a social function: to engender and to educate children. In all civilizations the older generation lives out of the work and the support of the young. If there are no children then there will be no future and the senior generation will die unattended. Of course children may be born out of wedlock. Can they be equally well-educated? The generation of '68 thought that the family could disappear and be substituted through different agencies able to perform the same function. All attempts made in this sense have failed. The family has been desecrated but not substituted. Children can be fabricated but have a right to be born and educated in a family.

Many psychological and sociological investigations confirm that the family is the most appropriate environment for the rearing of children. To make a long story short: the family has an essential social function. It is different from a homosexual couple. In a family the parents invest most of their emotional, physical and economic resources in their children. Most of their savings will be spent for the children. One of the parents (most often the mother) will sacrifice a large part of her professional career to the educational tasks of the family. As a result parents will have a disposable income a good deal smaller than a homosexual couple or a heterosexual couple without children. Shall we recognize to these couples the same status and the same public support that are granted to families? It seems that there are good reasons to enhance in the symbolic order the standing of families and to support them also economically. The children raised by the families will pay taxes and contributions for the pensions and the health care also of those who had no families and therefore were more affluent throughout their whole active life. What shall we say in front of the pretensions of those who want families and homosexual couples to be put exactly on the same standing? Is it an illegitimate discrimination to say that the family has a social function and a social relevance and other forms of sexual living together have not? Is it a discrimination in schools to propose the family as a way of life it is worthwhile to concretize in one's life? Shall we on the contrary expose our children to homosexual and heterosexual lifestyles giving them equal value? Has at least the family the right to choose which models of sexual behaviour they want their children to be exposed to? Has a Catholic school the right to pretend that teachers conform to certain codes of behaviour expressing the core values of the institution?

A third issue regards constitutional values. Also in this case a concrete example will make it easier to see the point. Is euthanasia (or abortion) a right protected by the Constitution?

I am ready to admit that in a democracy after a discussion in Parliament and in the country a permissive law on euthanasia may be passed. I have an objection to the idea that euthanasia may be considered as a constitutional right. The recognition of euthanasia as a constitutional right implies that a law forbidding euthanasia cannot be passed and a fundamental principle of Christian social doctrine is considered incompatible with the Constitution. A Constitution is not only a document that dictates the principles of the organization of state powers. A Constitution summarizes the fundamental values that stand at the core of the life of a nation and embody her identity and her self consciousness. If the defence of life in the juridical and in the political order is banned from the political discourse then not only Christians but also all those who for different religious or philosophical reasons feel obliged in conscience to defend the right to life as a inalienable and indisposable right become second-class citizens. They can be discredited as supporters of an antiquated system of values opposite to the confession of political values contained in the Constitution. The demand to declare the defence of life to be unconstitutional was defeated in the Italian Chamber of Deputies a few days ago with a comfortable majority. It is however a sign of the times that it was proposed and defended. Whilst some of us are worried for the consequences of religious pluralism (and I shall explain soon the reasons why I am also concerned with this issue) I wonder whether we should start being worried about a different and opposite threat. Is a new reconsecration or even a re-clericalization of society taking place in front of our eyes whilst we are not yet fully conscious of this new divide and of the demands arising from this new state of affairs? I have often defended against Catholic colleagues the positive meaning of the methodological doubt. It demands us not to be too certain of our possession of truth. A living truth is a truth that has to be discovered anew every day in front of new challenges. In this way we discover new dimensions of truth. We are not the masters of truth. Truth, rather, is our master. Now I defend the methodological doubt in front of a new kind of dogmatism that wants to forbid the dialogue on truth and the research of truth. This prohibition to ask metaphysical and existential questions characterizes a post pluralist society.

In a pluralist society different visions, different religions, different human experiences stand side by side in a common social space and discuss with one another on truth. Pluralist society has two presuppositions: truth exists, there is a common language of reason in which we can articulate our differences and search for a consensus.

The post pluralist society denies the existence of truth and the possibility of a discussion on truth. Those who cling to the idea of a search for truth and

of a dialogue on truth are enemies of the new public spirit and should be treated as such. One might consider whether a society without truth (or at least without the search for truth) would still be a society. The so-called liquid society resembles rather a mass of individual living side by side without constituting a community and without a real participation of one in the life of the other. It is equally doubtful if such a liquid society could survive for long. The family, in which children are born and educated, presupposes a living participation of one in the life of the other. The relation man/woman and even more the relation parents/children presupposes exactly that active interest of one in the life of the other that leads to questions on what should we do (together) and, as a consequence, what is the proper or true behaviour in a given situation. Without families and children societies disappear from history and die.

A further reason why it is improbable that a post pluralist societies may last for long is that there are in our world other non pluralist society that pose a challenge the post pluralist society is not ready to face. This challenge leads and almost compelles our societies to question the principles of a post pluralist society. In the case of Europe this challenge is the growing presence of Islam. In all of Europe identitary movements are growing that want to defend traditional national identity. Very often they rediscover the Christian roots of these national identities. In Finland a new party has taken 19 per cent of the electoral vote on the basis of a program based on the defence of life since conception and of the family, and Finnland is generally considered as a protestant and largely (very largely) secularized country. Unfortunately most of these movements are anti-European. Probably this depends upon the post pluralist image that for many reasons has been associated to the European Union in this last years. I do not support these movements. On the contrary I think they may become dangerous because the contrary of an error is not the truth but only the opposite error. The reaction against post pluralism leads to a kind of nostalgia for an integrated non pluralist society. These movements are, however, a sign of our times that seldom receives the attention it deserves. It tells us that peoples are not ready to accept the post pluralist perspective. The idea that the movement towards post pluralism is irresistible and irretrievable must perhaps be provided with a question mark.

We have seen that the presence of Islam in our countries has the effect of leading us to reconsider our civil and religious identity. How do we reconcile freedom of religion for Islam with our system of civil liberties? Here and now I shall propose a pragmatcal answer to this question. First of all we must point out the fact that there are a large number of different interpretations of Islam: Sunni Islam is not the same as Shia Islam; traditional maharabut Islam is not the same as Wahhabi Islam or as al Qaeda integralism. We must also make a

distinction between majority and minority Islam. Islam accepts in theory and also in historical practice that a minority Islamic community in a predominantly non Islamic country has to live in a kind of hospitality relation that imposes on them specific duties and obligations. We must make a compact with our Muslims and make clear what are in our country their rights and their duties and they must accept to formulate their religious practice in a form that does not collide with civil peace. On this basis we have a duty to allow islamic communities to build their mosques but have a right to control whence comes the money used for this purpose. We know that the vast majority of Islamic immigrants come from countries where non belligerent varieties of Islam are dominant. We know also that integralist groups subsidize the building and the functioning of mosques in order to ideologize the Muslims living in this country. We have a right to forbid that mosques be financed by integralist groups. We also have a right to control what is preached in the mosques and to forbid the preaching of holy war against Christians or of the holy massacre of Jews. We can therefore demand that the preacher be instructed in our Constitution and present a religious doctrine that is fully compatible with the values of the Constitution. A solution to this problem might be that the preacher must be provided with a degree of an Italian faculty of Islamic theology or with a degree of an Italian institute for religious studies. This is the content of a bill of law I am about to submit to the Italian Chamber of Deputies but it seems to me that on these principles there is a broad consent among Italian political forces and also in the Mohammedan community in Italy.

I have selected in this contribution four issues that are debated in Italy (and in many other western countries) today. Three of them arise out of a new post pluralist mentality that does not recognize the search of truth as the centre of the political order. The medieval political order had at its centre an established truth. In the modern, pluralist political order, the state does not pretend to know the ultimate truth. It however recognizes that truth must exist and the penultimate truths upon which the political order is founded can be determined (at least provisionally) through a free discussion in the context of a democratic decision making. In the post pluralist political order we have a new dogmatism: there must be no truth and the search for truth is interdicted.

The fourth issue we have considered is the result of the spread of Islam in European countries. How can Islam find its place in our civil and political order? It seems that a solution can be found in the context of a pluralist society but cannot be found in a post pluralist society.