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The Regulation of Religion through National Normative Frameworks: A Comparative Analysis between Italy and Argentina

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Abstract: The normative framework is one of the constitutive edges of state regulation of religion. It contributes to the configuration of different forms of relations between state and religions. This can be observed in at least three areas. First, in the way the state defines religion. Second, in the way it recognises and legislates its relationship with different religions. Finally, in the rules it establishes for confessional institutions and actors at different levels of social life (education, health, prisons, etc.). In this article, we propose to comparatively analyse the national legal systems that regulate religion in Italy and Argentina, with special emphasis on the equal or differentiated treatment of different religions. The policies of recognition and integration of religious minorities find in the normative framework an empowering or limiting factor, depending on the national context. Although both countries share a dominant Catholic matrix, their historical developments and legal formats present contrasts that project different scenarios of religious governance, which we will try to elucidate.

Keywords: religion; normative frameworks; state; regulation; Argentina; Italy

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1. Introduction

The national state and its legal system have long been emphasised by social sciences as a crucial factor in the study of secular–religious interactions. In fact, the national normative framework is one of the constitutive elements of state regulation of religion, influencing the configuration of different forms of relations between the state and religions. However, the analysis of the national legal framework in itself—namely, what is prescribed by law—is not always sufficient to define the more nuanced configurations of concrete relations between the state and religions, nor to assess the tangible conditions of religious pluralism in a given society—as saying, what results from the law. Over time, scholars have highlighted the limitations of relying solely on state-centric approaches[1].

Following the proposals of the spatial turn[2], the local dimension of urban governance has acquired a new relevance in the study of social phenomena of global scope and local recurrence (Sassen 2005), with significant implications for the empirical study of secular–religious relations in contemporary societies[3]. As research increasingly shows, beyond the general—*de jure*—framework, it is also important to examine the concrete—*de facto*—impact on matters closer to the daily lives of believers and their organisations. In the Italian case, for example, as Ferrari and Ferrari (2015), among others, have pointed out, "if the official doctrine of the Constitutional Court seems quite clear and coherent, the situation is more complex when we move from the highest principles to the jurisprudence of the lower courts and, above all, to the legislative and political sphere. At this level, the Italian monoconfessional tradition significantly limits the pluralism associated with secularism as a juridical principle". In Argentina, while legislation at the national level has not changed

significantly in past decades (directly and indirectly benefiting Catholicism), at sub-national levels of government partial changes are taking place, in a "bottom-up" logic that seeks to broaden the representation of religious diversity (García Bossio 2018).

In this article, we propose to comparatively analyse the concrete consequences arising from the application of the national legal systems that regulate religion in Argentina and Italy, with special emphasis on the equal or differentiated treatment of different religions. In order to achieve this objective, three areas of investigation have been selected, corresponding to the three main fields of practical application of the rules that protect, promote, or hinder the status and agency of different religious organisations. First is the way the state defines religion. Second, the way it recognises and legislates its relationship with different religions. Finally, the rules it establishes for confessional institutions and actors at different levels of social life (education, health, prisons, places of worship, etc.).

As we shall see, the policies of recognition and integration of religious minorities find in the legal framework an empowering or limiting factor, depending on the national context and the positioning of each confessional organisation in relation to the state and the wider religious field. Although both countries—Argentina and Italy—share a dominant Catholic matrix, their historical developments and legal formats present contrasts that project different scenarios of religious governance, which we will attempt to elucidate. After a historical and demographic framing of the Argentine and Italian religious landscapes, the following three paragraphs will develop each of the aforementioned dimensions: definition, recognition, and regulation.

Methodologically, this work is based on the case study as a research design (Yin 2003), with a strategy of multiple cases (Stake 2006), instrumentally selecting them. The comparison between the two countries is part of a larger project that aims to analyse state policies of integration of religious minorities at the national level in Argentina and Italy, and at the local level in the metropolitan areas of Buenos Aires and Turin. As we will see in this article, both countries have similarities and differences in the way religious issues are handled by the state. There is some background research on both countries (Oyarzo 2018; Mariotti and Marradi 2021), but none of it focuses on the regulatory and institutional framework in the way that will be addressed here.

From there, we conducted a comparative study taking into account the following material: literature review, analysis of national legal frameworks (national constitution, codes, and other laws), use of secondary sources (surveys on religious affiliation and other case studies) and original fieldwork. In the latter, we conducted participant observation and semi-structured interviews with ministers of worship, public administrators, and experts.

For the Italian case, fieldwork was conducted between 2017 and 2023 in the cities of Turin, Rome, and Catania, including interviews with state agents at the national level of government. For the Argentine case, material was collected between 2016 and 2023 in the city of Buenos Aires and municipalities in the province of Buenos Aires (especially José C. Paz, La Plata, Quilmes, Florencio Varela, and Lanús), also including interviews with national state agents.

2. Theoretical Background

The secularisation paradigm represents the dominant theoretical and analytical framework through which the social sciences have traditionally observed the relationship between religion and secular modernity. The framework is not unitary; rather, it consists of a variety of theories corresponding to distinct approaches, theoretical dimensions, and empirical factors. These theories usually observe the phenomenon as a configuration of the presence or absence of three key elements: (i) the distinction between secular spheres, institutions, and religious norms; (ii) the decline of religious beliefs and practices; and (iii) the marginalisation of religion in the private sphere. Theories on the process of secularisation of European societies have been, from various quarters and on several occasions, reduced to the secularisation of institutional spaces.

In other cases, the process has been entirely criticised in favour of new interpretative paradigms that are still competing—such as the post-secular society, multiple modernities and secularities, desecularisation, secular transition, or competition. Davie (1990), Iannaccone (1991), Finke and Stark (1992), Casanova (1994), Berger (1999), Hervieu-Léger (1999), Stark (1999), Eisenstadt (2000), Habermas (2006), Grim and Finke (2006), Semán (2007), Mallimaci (2008), Voas (2008), Molendijk et al. (2010), Rosati and Stoeckl (2012), Wohlrab-Sahr and Burchardt (2012), and many others have all contributed to this boundless field of study. While a great deal of ongoing quantitative and qualitative research is producing new empirical evidence on the various dimensions of religiosity and secularity, and a new focus has arisen on intergenerational religious transmission as a factor in the growth or decline of religiosity among populations, recently Stolz (2020) has been busy reordering a good deal of this immense body of scientific literature, and Voas (2020) has continued the debate[4].

Other authors have instead focused on the political dimension of the secular state, its interactions with monopolistic or pluralistic configurations of the national religious field, and its close relation to the conditions of religious freedom as an indicator of the health of democracy in specific countries. Jurists and politologists from comparative politics often refer to three kind of ecclesiastical law, or secular–religious models (Robbers 2005): state–Church, separation, and hybrid—or concordatarian/cooperationist—systems; or, alternatively, to "formal establishment combined with pluralism (as in Great Britain), a cooperation model (as in Germany), and strict separation (as in the case of French laïcité)", as Wohlrab-Sahr and Burchardt (2017, p. 9) remember citing Matthias Koenig (2007). To describe regimes of separation or state–religion relations, Rajeev Bhargava (2009) introduced his idea of "political secularism", while Alfred Stepan (2000, 2011), applying the concept of multiple secularisms, proposed his model of "twin tolerations" and a casuistry of four democratic patterns of state–religion–society relations (separatism, established religion, positive accommodation, and principled distance). Kuru (2009) introduced the distinction between "assertive" and "passive" secularism and Modood (2010) introduced the opposing categories of "moderate" and "radical" secularism, while Wohlrab-Sahr and Burchardt (2017) suggested the term "secularity for the sake of . . ." to denote the different configurations of the concept and its guiding ideas.

Thus, the debate has been going on for a long time, and scholars are still far from taking a common position. Within this frame, this contribution differs from other, equally useful works (such as Moniz 2023) in that the validation of one theory and the refutation of others is not its aim. Rather than focusing on the relative merits of competing theories, this contribution aims to illustrate a more nuanced reality than can be discerned from a cursory examination of normative systems. It also seeks to contribute to the analysis of discrepancies between legal systems, declared ideologies, political models and orientations, and actual practices of governing religious diversity, in order to avoid the risk of reifying an ideal, purely theoretical configuration of the degree of secularisation or confessionality of a country.

Wohlrab-Sahr and Burchardt (2017, p. 25) recall how "the ways in which secularity is legally identified and anchored in constitutional laws often prove to be relatively stable and independent from such political shifts [. . .] secularism and secularity move in different historical rhythms". Sharing their contribution and starting from this, the comparison of the Argentine and Italian case suggests that no particular political shifts may be necessary to motivate divergences between constitutional dictates and political approaches. Administrative practices and bureaucratic repercussions may be sufficient to shape the religious field of a country—and for several decades, regardless of political fluctuations—in a way that is even diametrically opposed to what would otherwise be inferred from the purely ideological orientations represented, for example, in the legal, political, or media debate.

Italy is currently experiencing a decline in religious transmission and collective religiosity, as well as a culturalisation of religion, an individualisation of forms and practices of religiosity, and religious diversification. Although the Italian legal system was established at a time when collective religiosity was still high and religious plurality was less prevalent,

it sets up a secularised and egalitarian state. It explicitly endorses the secularity of the state, religious freedom for all denominations, and the right to exercise it in public or private, autonomously or in an organised manner. The Constitution imposes a specific obligation on the state to eliminate obstacles to the full enjoyment of rights, including freedom of worship, and to intervene to mitigate inequalities. The Constitutional court has consistently upheld the principle of a *laicità* that is understood as state's equidistance with regard to all religious beliefs, upholding a regime of pluralism that encourages religious initiative and autonomy rather than hindering it. Nevertheless, an analysis of the day-to-day practices of religious and secular actors who interact in the public sphere reveals a clear disparity in treatment. In Italy, the equity and pluralism formally guaranteed by the secular side of the state contrasts with the system of privileges typical of religiously oriented public institutions, in a way that is independent of mere political orientation.

Argentina, with a different legal system, also shows a decrease in religious identifications, greater individualisation, and diversification. Although practices of sacralisation persist (Martín 2009) and we can observe dynamics typical of lived religion (Morello et al. 2019), institutional identifications are decreasing. Legally, the country presents an inequality of origin between the Catholic Church and other religions, in what Grim and Finke (2006) call state favouritism. This does not prevent the existence of religious freedom, but it is more regulated by the state. Beyond these legal differences, two phenomena occur simultaneously. "Top-down" laws have been passed in recent decades which are contrary to many religious principles (Catholic and other religions), such as same-sex marriage and the legalisation of abortion. "Bottom-up", there are systems of cooperation between the state and different religions that change the dynamics of state favouritism and allow even very minority religions to maintain a fluid dialogue with local governments, especially in areas such as social action. In this way, pluralism is produced in daily governance, even if the main legal frameworks do not change.

The subsequent sections will analyse the interrelations between religious affiliations, legal frameworks, and governance in Italy and Argentina.

3. A Country (No Longer) with Catholic Hegemony

With differences in the presence and composition of its religious diversity, both in Italy and in Argentina, Roman Catholicism has long exercised a cultural hegemony in the religious field. Thus, beyond the beliefs and practices of its citizens, the religion that was taken for granted (Beckford 2003) was Roman Catholicism, impacting the way religion is perceived in each country. In turn, this allowed the Catholic Church to have—and still has today in some specific areas—relevance and interference in the economy and politics of each country. In more recent times, social secularisation and the weakening of intergenerational religious transmission have led to a marked reduction in the number of practising Catholics, and an increase in the number of nones.

Below we will present statistical data on the religious composition of both countries. It should be noted that in neither case do we have census data on this topic, so we will use other statistical sources. In this sense, the data presented are based on estimates that take into account data reported by religious organisations, data from national multi-purpose surveys, and surveys and projections related to intervening factors, such as incoming and outgoing migration flows. In the Argentine case we will take the survey conducted by the CEIL-CONICET's Society, Culture and Religion program, which was applied in 2008 and 2019 (Mallimaci 2013; Mallimaci et al. 2019), allowing us to establish certain trends.

Catholics in Italy are generally estimated at around 75% of the population[5] (44,138,250 out of a total of some 58,851,000). However, this includes both a minority of practising Catholics—assiduous, regular, or irregular—and the majority of non-practising Catholics who identify only culturally with that denomination—the so-called "cultural Catholics". The National Institute of Statistics' multi-purpose survey, "Aspects of daily life"[6], shows a decline in the number of regular practising Catholics over the last twenty years. The percentage of Catholics attending religious rites at least once a week has decreased from

36% to 19% of the population, while the percentage of non-practising Catholics has doubled from 16% to 31%. The decline in religious practice has affected all age groups, but it is most prominent among younger generations, especially those aged 14 to 24. In 2022, only 8% of young people aged 18 to 19 reported being regular practitioners. Over time, the proportion of individuals attending a place of worship at least once a week has declined across all age groups. Women continue to be the largest group among regular worshippers, with 22% of the female population attending regularly compared to 15% of the male population in 2022.

According to data from Fondazione ISMU (2022, 2024) and Cesnur[7], minority religions constitute approximately 12.5% of the population, which amounts to around 7,328,000 people with Italian and foreign citizenship. Muslims (around 2,281,175 people, or 3.9%) and Orthodox (2,131,300 people, or 3.6%) are the two largest religious groups after Catholics. Italy is the third European country in terms of Islamic presence, following France and Germany. This makes it a relevant case for studying the integration of Muslims in Europe.

Among Italian citizens, in addition to Roman Catholics (whether they are regular practising or "cultural Catholics"), an estimated 2,297,000 belong to other denominations, according to Cesnur. The population included 566,000 Muslims, 445,000 Orthodox, 414,000 Jehovah's Witnesses, 366,000 Protestants and Evangelicals, 218,000 Buddhists, 57,000 Hindus, 36,000 Jews, 29,000 members of Human Potential movements, 28,500 Mormons, 26,000 other Catholics, and 25,000 Sikhs, as well as smaller numbers of Baha'i, new religious movements, esoteric groups or groups of Oriental origin, and other Christians.

Starting in the 1970s and 1980s, and with greater intensity in the 1990s and 2000s, immigration and conversions have contributed to a new pluralisation of the Italian religious landscape. According to data compiled by the ISMU Foundation, as of 1 January 2023, foreign citizens in Italy numbered about 5,775,000, which accounts for 9.8% of the total population. Legally resident foreign citizens numbered 5,050,000, which accounts for 8.6% of the total population. Of the foreigners legally present in Italy, approximately 75% were citizens of non-EU countries. Among them, the majority (40%) came from four countries: Ukraine (with a sharp increase following the war with Russia), Morocco, Albania, and China. The remaining non-EU citizens mostly came from India, Bangladesh, Egypt, the Philippines, Pakistan, Moldova, Sri Lanka, Senegal, Nigeria, Tunisia, and Peru, with values between 5% and 2% of the non-EU foreign population.

As of 1 July 2023, the majority of foreign-born residents in Italy were affiliated with a Christian denomination (53.1%). Among them, 29.2% were Orthodox (with a significant increase linked to Ukrainian immigration), 17% were Catholic, 2.7% were Evangelical, 1.6% were Coptic, and 2.6% belonged to other Christian denominations. Muslims were estimated to be 29.7%, followed mainly by Buddhists (3.3%), Hindus (2.1%), and Sikhs (1.7%). As of 1 July 2023, the ISMU Foundation estimated that 9.7% of the population with foreign citizenship identified as atheists or agnostics. The estimated number of individuals with foreign citizenship who identified as Muslim was 1,521,000, while those who identified as Orthodox was 1,499,000, and those who identified as Catholic was 870,000.

In Argentina, we can observe a majority identifying as Catholic but falling, from 76.5% in 2008 to 62.9% in 2019 (from around 30,689,578 to 25,233,653 out of a total of some 40,117,096); while there is growth in two specific groups: nones and evangelicals. While the evangelical growth is considerable, from 9% (3,610,538) to 15.3% (6,017,564) (which reaches higher values in low-income sectors), the growth of those who do not identify with a religion is even more significant, from 11.3% (4,533,231) to 18.9% (7,582,131) in ten years. If we take into account that the number of people who frequently attend a temple or place of worship decreased—from 35.2% in 2008 to 27% in 2019 (Mallimaci et al. 2020, p. 13)—we can account for a country in which practices linked to the most institutionalised religion are decreasing. At the same time, in recent decades there has been a process in which the cost of identifying with religions other than Catholicism, or none at all, has decreased. Although this does not imply that people stop believing in God, it does mark a growing secularisation of public life and allows us to understand—in part—the advance of certain policies that oppose Catholic doctrine, such as the legalisation of abortion.

Evangelical growth (important but less accelerated than projected years ago) had an impact on local disputes over religious representation, which had its climax in the debate over the legalisation of abortion in 2018 and in the 2019 presidential elections. Outside these three presences, there were Jehovah's Witnesses and Mormons, which also dropped from 2.1% (842,459) to 1.4% (531,639), and then other religions, which remained around 1.2% (481,405). In this last group, statistically very small, we find a great variety of religions, ranging from Judaism and Islam to local religions (such as the Basilian Scientific School, spiritualist) and religions of the African matrix. This last group has a widespread presence in the territory of the province of Buenos Aires, especially in large urban areas, but with a low social identification of its followers in public spaces, largely due to years of discrimination (Frigerio and Wynarczyk 2004). This is why researchers and state agents specialised in the subject and the religious communities themselves consider that they are underrepresented.

Unlike the Italian case, immigration in Argentina today is not associated with a change in the religious landscape of the country. Most immigrants come from Christian religions. Although there is a community of Muslims from countries such as Senegal, their presence is very small and has not generated a need for specific policies on the part of the national state.

4. State Definition of Religion

As we mentioned, Italy's religious landscape has historically been a plural one. Though the Catholic faith is designated as "the only religion of the state" in its Statute, since the unification of the country in 1861, the Kingdom of Italy has included regulations to recognise and protect Jewish and Waldensian minorities. However, for centuries, the relationship between the state and minority confessions in Italy has been troubled.

After the Inquisition was established in Spain in 1478 and the Alhambra decree of 1492, which led to the persecution of Jews, Muslims, and heretical Christians, the Republic of Venice established the first known ghetto in 1516. This was followed by the State of the Church in 1555, which imposed social, residential, cultural, and economic segregation on the Jews of the kingdom through the papal bull *Cum nimis absurdo*. This measure was later adopted by other Italian monarchies. Following the Protestant Reformation, the *Congregazione del Sant'Offizio* was established in 1542, which led to the persecution and massacre of heretical Christians in the Italian peninsula. The Waldensians of Calabria were the first to be targeted in 1561, followed by those of Savoy during the "Piedmontese Pasque" of 1655.

The recognition of civil and political rights of minorities in the Italian Risorgimento was influenced by the French Revolution, the Enlightenment, and the People's Spring. The *Statuto albertino*, enacted in 1848 by the Kingdom of Sardinia, is the only constitutional dictate that granted new rights to subjects, including those belonging to minority religious groups, to survive without substantial modifications: it later became the Statute of the Kingdom of Italy in 1861. The Siccardi Laws of 1850 sanctioned the secularisation of the state; in 1870, the annexation of Church territories caused a historic fracture between the Italian state and Roman Catholicism. This wound was healed in 1929 with the signing of the Lateran Pacts between the Holy See and the fascist government. Although Law 1159 of 1929 established the category of "non-Catholic cults admitted in the state", in 1938, the government issued racial laws against Italian Jews. After the Liberation in 1945, the 1948 Constitution of the Italian Republic established the secular nature of the state and the rights of all religious denominations.

Until the mid-nineteenth century, the history of European states was founded on the perception of religious diversity as a threat to public and political order, and a source of instability, conflict, and violence. This perception changed with the affirmation of liberal principles and the enactment of constitutional charters—and then again during the twentieth century (Lagi 2021). Those were times of personalistic and authoritarian governance of territories, resources, populations, and public space itself. The despots understood public space as their private property and based their privilege, authority, and

the loyalty of their subjects on religion. A vision of religious diversity as closely, if not exclusively, connected to the presence of foreigners has become prominent. Furthermore, in addition to denying the religious plurality that is intrinsic to the European—and so Italian—population, this overlay also denies the native character of the second (and subsequent) generations who were born or raised in the country of their parents' immigration, forcing a representation of diversity as an external threat to national homogeneity. It is not a coincidence that state–religion relations in Italy were entrusted first to the Ministry of Justice and, from 1932, to the Ministry of the Interior, contributing to "accentuate a mentality and practice of a police-like nature towards non-Catholics" (Madonna 2011; see also Rochat 1990; Long 1991).

Currently, in Italy, the relationship between the state and religions is governed by a set of laws from the 20th century. These laws were enacted during both the monarchical period of fascist dictatorial government and the democratic republican period. The coexistence of norms established in different historical–political periods is anything but peaceful. Alongside the principles of secularism and religious pluralism, a system of legal privilege for the Catholic Church and explicit references to questionable categories (such as "state religion", "acatholic confessions", and "admitted cults") survive. Religious freedom is protected by the 1948 Constitution through a set of norms that guarantee rights directly (Articles 3, 7, 8, 19, and 20) and indirectly (Articles 2, 17, 18, and 21), which are essentially dedicated to the protection of human rights, freedom of assembly, association, and expression of thought.

> Article 3
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> All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinions and personal and social conditions;
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> Article 7
>
> The State and the Catholic Church are, each within its own order, independent and sovereign. Their relations are regulated by the Lateran Pacts. Amendments to the Pacts, accepted by both parties, do not require a constitutional revision procedure;
>
> Article 8
>
> All religious confessions are equally free before the law. Religious confessions other than the Catholic Church have the right to organise themselves according to their own statutes, insofar as these are not contrary to Italian law. Their relations with the State are regulated by law on the basis of agreements with the competent representations;
>
> Article 19
>
> Everyone has the right to freely profess their religious faith in any form, individually or in association, to propagate it and to worship in private or in public, provided it is not contrary to morality;
>
> Article 20
>
> The ecclesiastical character and the religious or cult-related purpose of an association or institution may not give rise to special legislative limitations, nor to special tax burdens on its constitution, legal capacity and any form of activity.

In Argentina, there is a legal inequality of origin, which places the Catholic Church in a preferential position, although respectful of religious freedom. Configured around a complex relationship between the State and the Church at the origin of the country's history, this is crystallised in the National Constitution, which, sanctioned in 1853, maintained three key positions in dispute: the Gallican, the intransigent, and the liberal (Di Stefano 2011). The Gallican position promoted a "national" Church where the diocesan structure depended fundamentally on the State; the intransigent position, which demanded a clear separation between Church (as societas perfecta) and State, being very restrictive with

religious diversity; and the liberal position, which promoted the unrestricted recognition of freedom of conscience, abandoning the patronage and promoting the concept of tolerance to diversity. Finally, the Gallican and liberal positions prevailed, with a concession to the intransigent position by allowing provincial constitutions to declare the Catholic religion as the state religion. It is important to point out that during a good part of the country's history, Argentina—as it happened with other Latin American countries—maintained the figure of the "Patronato regio", a concession of the Catholic Church to the kings of Spain during the conquest that allowed them to appoint bishops in American lands. The three models presented maintained the figure of Patronage in their link between state and Church.

If we analyse the central points of the religious presence in the Constitution, we can see that God is mentioned as "source of all reason and justice" in the Preamble, while Article 19, referring to the private actions of men, indicates that "they are reserved only to God" (Secretaría de Culto 2001, p. 69). Specifically regarding religions, two basic parameters are established: on the one hand, Article 2 states that the federal government "sustains the catholic, apostolic and Roman cult". On the other hand, Article 14 assures that every inhabitant of the Nation has the right to worship freely, extending this guarantee to foreigners in Article 20 (in these two articles we can see the influence of the liberal side). The regular ecclesiastics cannot be members of the Congress (article 73).

> Article 2
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> The Federal Government upholds the Roman Catholic Apostolic worship;
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> Article 14
>
> All the inhabitants of the Nation enjoy the following rights in accordance with the laws regulating their exercise, namely: to work and to exercise all lawful industries; to navigate and trade; to petition the authorities; to enter, remain, transit and leave the Argentine territory; to publish their ideas in the press without prior censorship; to use and dispose of their property; to associate for useful purposes; **to worship freely**; to teach and learn;
>
> Article 20
>
> Foreigners enjoy in the territory of the Nation all the civil rights of citizens; they may exercise their industry, commerce and profession; own real estate, buy and dispose of it; navigate the rivers and coasts; **freely exercise their worship**; testament and marry in accordance with the laws. (. . .);
>
> Article 73
>
> Regular ecclesiastics cannot be members of Congress, nor can governors of provinces for the province of their command.

Although in 1966, with the signing of the Concordat between Argentina and the Holy See, the Patronage ended, it was not until 1994 that a series of articles of the Constitution that strongly linked the state structure with the ecclesiastical structure were modified. Thus, until 1994, according to article 67, it was up to the Congress of the Nation to "preserve the peaceful treatment of the Indians and promote their conversion to Catholicism" (item 15), to approve or reject the concordats with the "Apostolic Chair", to maintain the patronage (item 19) and to admit in the territory of the Nation other religious orders in addition to the existing ones (item 20) (Secretaría de Culto 2001, p. 71). More complex was the requirement that the president of the republic be a Catholic (article 76) and that he should swear by the Holy Gospels (article 80), with a series of specific attributions regarding patronage (article 86).

Beyond the transformations that took place in the different versions of the National Constitution—all of which were agreed upon with the Catholic Church—we can establish a first-state parameter. In Argentina, there is acceptance of religious diversity, but granting the Catholic Church a "special status" (Frigerio and Wynarczyk 2004) often equates it with the identity of the nation. This can be seen in the survival of article 2 of the Constitution, which establishes the "support" of the Catholic cult (without delimiting whether it is an

economic or symbolic support) and in other legal forms that regulate religion, as we will see in the next section.

5. State Recognition of Religions

In addition to the rules concerning the exercise of religious freedom, the Constitution therefore provides for specific legal provisions concerning the regulation of relations between the state and confessional organisations and their recognition as entities endowed with legal personality, through reference to dedicated rules and their implementing regulations. The Italian legal system does not provide for the possibility of founding associations with a religious purpose, nor does it have a national register of religious organisations. These can be established as free associations with a cultural or social purpose, and subsequently apply for legal recognition through political approval.

Relations between the Italian State and the Holy See are regulated through the Lateran Pacts of 1929, subsequently amended and renewed in 1984 with the Agreement of Villa Madama. On the other hand, those with "religious denominations other than the Catholic Church" are regulated through the system of *intese* (Article 8 of the Constitution), which can only be accessed after obtaining legal recognition as an "admitted cult" (Law 1159–1929 and implementing regulation Royal Decree 289-1930).

These *intese*, among other things, provide access to public funds through "8xmille" (Giorda and Vanolo 2021) and impose legal duties on the parties involved. Both the *intesa* and the "admitted cult" require a long bureaucratic, administrative, and political process involving numerous state agencies and departments. The entities involved in this matter include the Ministry of the Interior, the Council of State, the Council of Ministers, and Parliament. There are at least thirteen formal steps in the process:

(1) Proposals made by religious organisations already recognised and endowed with legal personality;
(2) With the favourable opinion of the State Council;
(3) Are subject to prior examination by the Ministry of the Interior, General Directorate for Religious Affairs;
(4) The Government has the power to enter into negotiations with the representatives of the organisation;
(5) The organisation has to submit a request to the Prime Minister who, with a special mandate;
(6) Entrusts the negotiations to the Undersecretary or Secretary of the Council of Ministries;
(7) The undersecretary or secretary asks the "Inter-ministerial Commission for Agreements with Religious Denominations" to draw up a draft agreement;
(8) The "Advisory Commission on Religious Freedom" gives its verdict.

Once the formalities foreseen in the negotiation of the draft agreement have been completed the following steps ensue:

(9) The draft is signed by the Undersecretary or Secretary and the representative of the religious organisation;
(10) The agreement is sent to the Council of Ministers for review.

If the Council approves it, the following steps ensue:

(11) The Prime Minister and the President of the religious organisation can sign the final draft, which stipulates the *intesa*;
(12) And which is sent to the Parliament for discussion and, if successful;
(13) The enactment of a specific law.

The institution of the *intesa*, which should have been the main form of regulation of relations with non-Catholic confessions since 1948, has, in fact, only been implemented since 1984, as saying the same year of the revision of the Concordat between State and Church, as noted by Simone Martino (2014) among others. Seventy-six years after its institution and forty years after the first *intesa*, this formula concerns only a minority of

the confessional organisations present in Italy today. Thus, the religious field in Italy resembles a pyramid, with Roman Catholicism at the top and only thirteen confessional organisations with *intesa*, comprising two Buddhist, one Hindu, one Jewish, and nine Christian groups. The application process is undoubtedly cumbersome, involving multiple steps, from submitting the application to negotiating, signing, and transforming it into law via parliamentary approval.

Considering the interval between the ratification of a draft (point 9 on the above list) and the date of parliamentary approval (point 13), the Waldensian Table had to wait for six months in 1984, while it took a year and eleven months for Pentecostal Evangelicals of the Assemblies of God in Italy and the Union of Seventh-day Adventist Christian Churches (1988). It took two years and one month for the ratification of the *Intesa* with both the Union of Jewish Communities in Italy (1989) and the Evangelical Baptist Christian Union of Italy (1995). It took two years and seven months for the Evangelical Lutheran Church in Italy (1995); five years and three months for Greek Orthodox, Mormons, and Pentecostal Evangelicals of the Apostolic Church in Italy (2012); five years and eight months for Buddhists and Hindus of their respective Unions (2012 and 2013); one year for the Buddhist association Soka Gakkai Buddhists (2016); and two years and five months for the Association of the Church of England (2021).

However, the wait is significantly longer if we take into account the full iter. For instance, the Italian Buddhist Union had to wait more than a decade. In 2012, Alessandro Albisetti referred to the delayed parliamentary approval of ratified *intesa* as "phantom agreements" (Albisetti 2012a, 2012b). Some organisations are still waiting on feedback, though, as Jehovah's Witnesses, who, to date, have been waiting nineteen years for a parliamentary response.

To date, only one Islamic organisation has been allocated the designation of "admitted cult" thus far, and that was fifty years ago: that is the Islamic Cultural Centre of Italy, founded in 1966 and recognised by the state through presidential decree in 1974, in view of the construction of the Great Mosque of Rome. This occurred during a period of pro-Islamic policies, which reached their peak in the 1970s and 1980s following the oil crisis and Italy's strategic relations with Arabian Peninsula countries. Nevertheless, none of the significant Muslim organisations who submitted applications were able to get the *Intesa*. 1992 saw the submission of an application by the Ucoii, or Union of Islamic Communities in Italy; in 1993, the Islamic Cultural Centre of Italy; in 1994, the Ami, or Italian Muslim Association; and in 1996, the Coreis, or Italian Islamic religious community.

The process of reaching an agreement involves very high costs in terms of professionals and economics, but also reputational, social, and political capital. Together with the organisational characteristics, governmental criteria, and sets of demands on both sides to be included as clauses in the specific contracts, these sets of capitals can constitute elements of structural and political discrimination that greatly affect the timeframe and thus the practicability of legal recognition. Of course, the political nature of the final decision, which requires a parliamentary vote, can further delay—if not jeopardise—the translation of an already signed agreement into law. Parliament can approve or reject the treaty (by a double vote of the Chamber of Deputies and the Senate), but it can also simply fail to schedule or postpone discussion of the bill, making the length of the process almost incalculable.

It is important to note that *intesa* and "admitted cult" are not mandatory: religious organisations are free to apply for recognition or not, accepting the limits of simple recognition as a legal person under private law. Constituting oneself as an association with a cultural or social purpose differs fundamentally from recognition as a cult organisation. The economic dimension has the greatest impact, as the agreement allows access to public funds collected through tax returns (8 $\times$ 1000). Among symbolic limitations, the failure to obtain agreement or at least an "admitted cult" entails difficulties in obtaining social or political recognition in the public and political sphere. Legal recognition, in fact, acts as a state "license" of "official" religion.

In addition, there are practical limitations on the recognition of ministers of religion, the services they may provide in public spaces such as schools, hospitals, and prisons, the civil recognition of religious marriages, the organisation of cemetery spaces, and access to public land or funds for the construction or renovation of places of worship. Although the Constitutional Court has ruled that the enjoyment of benefits envisaged for bodies of worship does not require legal recognition, in practise, the discipline remains complex and its management by local public administrations often results in forms of deliberate discrimination.

Having established the distinction in the National Constitution between the Catholic Church and other religions, Argentina has two other important forms of differential recognition. On the one hand, in the Civil and Commercial Code of the Nation—whose last reform is from 2015—an old distinction is maintained between the Catholic Church as a public legal person, that is, comparable to any state organisation; and the other religions as a private legal person, on par with other organisations of the civil society (Mallimaci 2015). Although the Code makes an advance by contemplating the figure of private religious legal entity (previously it did not exist, and religions had to be registered as civil society organisations), its lack of regulation continues to generate tensions.

On the other hand, non-Catholic religions require registration in the National Registry of Cults[8], which, with previous antecedents (Secretaría de Culto 2001), has been in force since 1978, through the de facto law 21.745 (Catoggio 2008). This registry is part of the National Secretariat of Cult, which belongs to the Ministry of Foreign Affairs, International Trade, and Cult. This Secretariat, the highest authority in matters related to religions at the national level, is in charge of establishing international links in matters of religious freedom, with the Vatican and with the Sovereign Military Order of Malta towards the exterior, and towards the interior it centralises at the national level the steps that both the Catholic Church and the other religions carry out before the State. It also has the function of advising government officials in all matters related to religion. Within this dependency is the Registry of Institutes of Consecrated Life in which the religious orders of the Catholic Church are registered (the secular clergy must not register because it is a public juridical person) and the aforementioned National Registry of Cults. Both registries are national and apply to the entire Argentine territory.

In its historical origin, the National Registry of Cults has at least two clear antecedents in 1833 and 1948. The first, the Registry of Ministers of Worship in the different religious beliefs existing in the Province of Buenos Aires, was created by Governor Viamonte, whose main objective was to keep a list of ministers authorised to celebrate marriages between people of religions other than Catholicism, which was necessary given the promotion of immigration from Anglo-Saxon countries, but it was soon absorbed by the national dynamics (Navarro Floria 2000). The second, the "Fichero de Cultos", was sanctioned during the first Peronism in a context of tension with the Catholic Church (Catoggio 2008), being a tool for the recognition of diversity for its legitimate link with the State. The "Fichero" subverts the previous intention of Farrell's de facto government to establish a Registry with police regulation functions, which would control the "dangers" that Judaism and evangelical churches supposedly implied for the national identity. This in a context where the State was aligned with institutional Catholicism, and therefore imagined the Argentine citizen as Catholic (Catoggio 2008). However, this idea of the state regulating negatively those religions that move away from the Catholic imaginary, or that suppose some kind of "competition" for the Catholic Church, remains to some extent in the current Registry. This began to take shape during the government of Estela Martínez de Perón and materialised in the decree of the last civil–military dictatorship mentioned above. During these years of de facto government is when the Registry will have a clearer police regulation function, controlling any religion that might seem "dangerous" (Catoggio 2008), closing places of worship and prohibiting public demonstrations (even religions, such as the case of the Jehovah's Witnesses).

Catoggio (2008) provides an account of how at least three tendencies of the Argentine public policy on religion materialise and juxtapose in the National Registry of Cults: a process of bureaucratic–institutional centralisation of the survey of religions already existing in the territory; the knowledge and standardisation of religious diversity based on statistical data; and a police imperative of control of minorities that could be presented as dangerous to "national security" for not responding to the imaginary of the white, Catholic, and modern nation (Frigerio 2012). This has been changing progressively so that the element of police control has been reducing, the other two growing and assuming a new edge: that of the recognition of religions other than the Catholic Church as part of the subsidiarity of the relations between religions and State in Argentina (Esquivel 2014), also fulfilling that function of "relief wheel" (Carbonelli 2015) in a territory that has more needs and at the same time is recognised as more diverse in its beliefs.

However, even in the face of this openness, registration presents tensions for religions on at least two levels: on the one hand, the processes of adaptation to an imaginary of what is understood by religious for the state (Ceriani Cernadas 2013) has forced the adaptation of the practices themselves to be translatable to the requirements of the Registry. On the other hand, the hierarchisation of beliefs still prevents certain religious practices from being registered, especially those more associated with popular sectors, such as the Gauchito Gil and San La Muerte (López Fidanza and Galera 2014).

The inscription in the National Registry of Cults is of a legal nature, it does not have a restrictive function but a registration function (as is the ID for individuals), and it is a voluntary inscription. This means that if a religion is not registered it is not illegal, but it does not have its place of worship recognised by the state, and therefore cannot establish agreements or tax benefits.

The registration includes six forms and a series of theological and sociological data on the place of worship. The process begins by registering a place of worship, for which the characteristics of the religion are evaluated. Once accepted, an identification number is assigned to that religion. If that religion opens a new place of worship, it must register it separately, but it is assigned the same ID as the original registration. For example, the Evangelical Methodist Church of Argentina is registered with ID 320, from the registration of its temple in Cabildo Street in the City of Buenos Aires. Today it has 124 Methodist temples registered with ID 320 throughout the country. This explains why the National Registry of Cults currently has more than thirty thousand registrations (which refer to thirty thousand places of worship, not thirty thousand religions), and has granted 7848 IDs. This number should also be taken into consideration, because each Evangelical Pentecostal church usually processes its own ID, increasing the number of IDs. In addition, not all places of worship are active, but data updating processes are usually slow, and a number that has already been issued is not reused.

If we disaggregate the registration requirements, they are composed of six forms and complementary information. The forms include:

1. The application for registration;
2. The general characteristics of the worship;
3. The relationship with religious entities abroad, and its establishment in Argentina (in the case of being a local religion, its foundational act);
4. The description of the personnel with religious hierarchy;
5. The authorities;
6. The central place of worship.

To this must be added the act of composition of the directive commission, the history of the religious organisation (in general and in Argentina), the legal status (today as a simple association), the statutory norms, the characteristics of the doctrine, the permanent and regular activities of worship (with days and schedules, and an explanation in case animal sacrifices are performed), the training of the ministers of worship, the sociological dimension of the entity (understood as number of members), the translation of foreign documents, and the number of branches.

The point that usually generates more complications is associated with Form 6 and has to do with demonstrating the legitimacy of the use of the place where the worship is held and its certification. This may be owned by the religious organisation, have a lease or gratuitous bailment contract, or have state authorisation in the case of public lands. In turn, it must be demonstrated that the registered property is the main place of worship, either with a certification from a notary public, the municipality, or the police.

As we have mentioned, registration is not mandatory, so sometimes some religious communities desist from registering when part of the process is complex. At the same time, it is the responsibility of the organisations already registered to update their data and to report possible changes. When they fail to do so, they do not lose their registration, but the data remains outdated, and important information on the spatial composition of religious diversity is lost.

With the administration of Andrea de Vita (2009–2019), the first non-Catholic and non-lawyer director of the Registry, a process of decentralisation of part of the registration process began, although the final acceptance (or not) remains in the hands of the central office in the city of Buenos Aires. This decentralisation was propitiated by the signing of agreements with provinces and municipalities (the latter mainly in the province of Buenos Aires), in order to speed up a process that is free and simple, but that many times found in speculators intermediation that did not facilitate the registration and swindled the religious communities (García Bossio 2018).

6. State Regulation of Religious Activities

Religious diversity and its relationship to public, social, and political space can be analysed using a variety of territorial markers (and, conversely, to investigate the public policies undertaken in the field of local regulation of religious diversity). One can, of course, think of the forms of religious expression in urban life, through which religions are sometimes made visible (e.g., through the symbolic use of the body and clothing), sometimes audible (through language, sounds, music, songs, calls to prayer, and other forms of sonic expression). Food, and the locations where it is produced, exchanged, and eaten are among them, such as the religious activities in healthcare system (hospitals, hospices, cemeteries, etc.) and education services (public schools displaying religious symbols, offering religious education classes, coexisting with private denominational schools, etc.).

Regarding religious education, in Italy there are no special legal issues with denominations having the ability to create schools and other educational facilities of any kind or size. Article 33 of the Constitution actually grants this right to private individuals, and the terms of the Villa Madama agreement and some *intese* with other denominations simply reiterate and apply this principle. There is a noticeable distinction between the laws governing religious instruction in state schools that apply to the Catholic Church and the other organisations. The Villa Madama Agreement mandates that Catholicism be taught in public schools at all levels; religious instruction is not offered at the university level. The state bears the entire financial burden of Catholic religious education; the selection of teachers is the responsibility of the diocesan bishop; and the curricula for Catholic religious education are determined by agreement between the Minister of Public Education and the President of the Italian Episcopal Conference. In the case of denominations with an *intesa*, an "admitted cult" or non-recognised denominations, the parents of the pupils may request the school authorities to provide specific religious instruction on the school premises; the cost of this instruction is the sole responsibility of the religious organisation. Pupils or their parents must declare each year whether or not they wish to take part in Catholic religious education. If they refuse, they can concentrate on other subjects—with or without the help of a teacher—or leave the school. The legitimacy of public funding of private (including religious) schools has long been debated. In any case, families who send their children to state-recognised private schools are entitled to partial reimbursement of school fees.

Italian law makes it easier to wear religious symbols in public places, including schools, hospitals, and public offices, and allows a similar degree of freedom for civil servants. The only restriction would be in relation to symbols that require the face to be covered, as this would make it difficult to recognise the person and establish relationships with others. In recent years, this has been discussed again in relation to the use of health masks during the COVID-19 pandemic crisis, but there are no public conflicts on this issue. The presence of crucifixes in public buildings, such as schools, hospitals, and courts, has been the subject of debate and confrontation, but has never been denied.

With regard to prisons[9], article 26 of Law 354/1975 on Prison Regulations recognises the freedom of prisoners and internees to profess their faith, receive religious instruction, and practise their religion. Legislative Decree No. 123 of 2 October 2018 amended article 9 of the Prison Order to provide that inmates who request it are guaranteed, as far as possible, a diet that respects their religious beliefs. In prison establishments, religious assistance is guaranteed for all religions and, for the Catholic religion, the presence of a chaplain in each establishment is provided for. For denominations other than the Catholic religion, chaplains may enter the prisons in two different ways: in the case of religious denominations that have signed an agreement with the Italian State, ministers may enter the establishments without special authorisation; a *nulla osta* issued *ad personam* by the Religious Affairs Office of the Ministry of the Interior is required for all non-recognised organisations.

In the case of hospitals, article 38 of law no. 833 of 23 December 1978 "Establishment of the National Health Service" states that "religious assistance is guaranteed in the in-patient institutions of the National Health Service, respecting the will and freedom of conscience of the citizen". With regard to the Catholic Church, many Italian regions have signed agreements with the Presidents of the regional Episcopal Conferences on religious assistance in public hospitals. Non-recognised religious organisations can sign specific agreements with health care institutions to allow spiritual assistance to be provided on hospital premises by religious chaplains who have obtained a *nulla osta* from the Ministry of the Interior.

From this point of view, the city of Turin is a relevant case for its experience in the field of public services (Bossi and Ricucci 2023): this is the case, for example, of the public–private management of cemeteries, or of the agreements on religious and spiritual assistance in prisons and hospitals, guaranteed also to members of denominations without de jure recognition, through the de facto recognition of their clergy, mediated by the Interreligious Committee, the Catholic diocese, and the Department for Integration. Where many local and regional governments seem to be retreating, abandoning the definition of non-recognised interlocutors—a passive tactic that often translates into exclusionary policies—, other non-political institutions are intervening pragmatically to respond to the failures of a terrain long unprepared for religious diversity.

Throughout the fieldwork, the importance of each administration's practical endeavour kept coming up, and it was validated in every interview setting. It is important to highlight the entire statement made by a minister of a Greek Orthodox parish (interview #5/22-5-17):

> "Common sense ensured that even before the *intesa*, we were received in hospitals without problems. Catholic chaplains themselves searched to open jails to admit Orthodox ministers. Common sense always won out in this situation".

Among the spatial markers of religious presence, places of worship in particular are a clear example of the difficulties that can arise in the exercise of the right to freedom of religion and non-discrimination in Italy. At the national level, legal confusion arises from the overlapping of a democratic and secular order—which establishes equality before the law—and a dictatorial and confessional one—which privileges certain religious organisations and hinders others. The result is a highly politicised system of legal recognition that, instead of regulating certain strategic partnerships between the state and the organisations, acts as an instrument of regulation and control (Becci 2021). Through the pyramid of recognition—and with a long, expensive and uncertain iter over which political discretion

prevails—the Italian state acts as a gatekeeper of the religious field, determining which groups can organise as religious organisations and which others must transform themselves into cultural or social associations instead.

As we have seen, this distinction is not without consequences and creates a vicious circle that can even lead to administrative censorship of religious activities. At the local level, religious groups that are not recognised by the State are forced to organise themselves as civil associations. Their statutes reflect this form of organisation, declaring the predominance of cultural or social activities and minimising or omitting the worship activities for which they were created. Their premises are not registered as places of worship but as places for cultural or social purposes. It is therefore possible for the public authorities to confiscate the seat of a religious group constituted as a cultural or social association if they find that it is carrying out worship activities that are not compatible with the purpose of use established by the local building and urban planning regulations. Or, with an even more paradoxical distortion, the public authority may compare the Islamic sermon to a theatrical performance, the imam to an actor, the prayer room to a cabaret stage, and the assembled faithful to an audience. In Rome, for example, in 2019, the municipal police sealed off one of the prayer rooms most frequented by the Bangla population because the association had not applied for a public performance permit (Pierucci 2017; Tieri 2019).

From this point of view, Turin is a peculiar case. In the city that was the first capital of unified Italy, a flexible administrative regime has allowed the establishment of religious bodies as activities of public interest in all urban areas, recognising de facto the legitimacy of existing places of worship, without ever imposing de jure confiscation for incompatibility with religious activities. Despite its open and inclusive orientation, this pragmatic approach goes hand in hand with the survival of a regime of clear normative distinctions in the organisational culture of local administrations. The limits imposed by a confused legal system became clear during the interview with the Directorate for Private Building and during the conversation with the Planning Service—Coordination of General Urban Planning and Historic Heritage of the Urban and Territorial Department of the Municipality of Turin, of which an extract is provided below:

> "Compatibility is very elastic: in order to identify not a cultural centre, not an association, but a public service, I must be able to substantiate it. You cannot use a standard that certifies a profession for worship and then carry out other activities. In order to qualify, I must have a legal regulation and it must be recognised at the concordat level, as with *intesa.* In a very specific cultural and historical reality such as that of Italy, where there has been a kind of state monopoly of the Catholic confession, not by chance even with the presence of a concordat, from there an analogy has opened up to a multitude of other confessions. Not all of them: there's a list. Are only those on the list to be considered public? [*Is the statute of the association enough?*] I think they should be recognised, otherwise every sect or association becomes a confession. [*If you present as a cultural association for religious purposes, with a coherent statute, and ask for funds or an area or a building in which to settle. . . If you present with that definition, but without Intesa, what happens?*] I do not think it can be recognised, because religions have a defined legal regime. Otherwise, how can cultural activities be distinguished from those of public interest? It has to be established in an *intesa* with the state, and it seems to me that this is a non-competitive but exclusive matter for the state. If it is not possible to identify it, if it does not have the nature of public interest, how does it judge the cases? You should have a list, like for hospitals: how do you distinguish a clinic of public interest from private activities?". (Interview #31/8-1-19)

The problem of identification—who should do it and according to what criteria—imposes a pragmatic limit on administrations accustomed to working with a technical approach to defined categories, making decisions based on the objective presence of circumstantial, measurable characteristics. However, the pragmatic obstacle is mainly due to legal uncertainty, which does not provide administrations with any tools:

> "[*When stating that the agreement was not fundamental, the Court only indicated the need for a statute, prior de facto public recognition, and common consideration*] Well, that means nothing: what does it mean? [For example, the fact that a sharing pact has been signed with the municipality. . .could be a valid prior public recognition?] I can't give you an answer, I have to be honest. Maybe it's one, but do you need them all? There is not only a technical answer, but also a legal-administrative one. I can't give you a direct answer. [*The regional law, for example, provides for an organised, widespread and significant presence at the national level, a significant settlement in the local community*] And significant means that it represents, I don't know, 10,000 people? Or maybe 10% of a city of a million people? In my opinion, it is no coincidence that these rules give rise to appeals and interpretations in one verse or another, depending on the objective that each person sets for himself. A technician accustomed to working in an accounting way, like a binary system, on the basis of what determines whether the condition exists? There's a need for certainty. A term like "significant" means nothing from a geometric point of view. As an urbanist, I often go to the legal part, but if there are deliberately these definitions, which are in themselves a *vulnus*, how do I say what is significant? 10%? 5%? I don't know". (*ivi*)

Thus, religions without legal recognition have conformed to the status quo, homologating to the legislation, to its vulnus and its interpretations[10], preferring, above all, a short-term tactic: that which allows the immediate satisfaction of organisational needs. Thus, instead of mosques (or Buddhist temples, Sikh or Pentecostal churches, etc.) qualified as places of worship, hundreds of sites of cultural associations are emerging in Italy: an escamotage by religious groups and local public administrations to transcend legal recognition as a place of worship through institutional recognition, thereby guaranteeing the application of the right to freedom of religion. Escamotage, however, is often denounced by Islamophobic parties as a strategy to hide the presence of mosques—and the illegal activities that they believe would be carried out there.[11]

In addition to the material and normative constraints faced by all organisations without state recognition, the establishment of Islamic places of worship is further hampered by political opposition and social stigma, which, together with administrative practice, contribute to encouraging "mimetic" forms of adaptation. However, this is an exogenous mimetism induced by the context, in which the (lack of) legal recognition and, on top of it, the normative system based on the pyramid of recognition play an important role, as it becomes clear in the interviews with the referents of Islamic organisations:

> "[*Why do some call them cultural centres?*] Because in some regions or areas they don't want to hear about mosques. Even if the association is asking for renovation or building work, it is always called a cultural centre. There is no opposition. Unfortunately, these associations are forced to move. If you manage a place of worship, you should be able to declare it. [. . .] It is not easy because we do not have an agreement with the state and we are not recognised as religious bodies. This always causes problems because there is always something to do: It is not easy to open a place of worship and ask for a proper building destination, we are going around laws that have been in place for too long [. . .] and the legal system is still that of the 1929. We are looking for a way to the agreement, we have recently had many consultations with lawyers and notaries [. . .] We still need a form of recognition that meets our needs and the requirements of the law that we have to respect". (representative of an Islamic association, interview #18/22-7-17)

> "They don't give us permission to have a mosque, they only give us the cultural centre, and sometimes not even that, because Islam is not recognised as a religion: That's why we have cultural associations. [*Why can't you get recognition?*] I don't know, we have to ask, we have to do something, we all Muslims together, not just one organisation. We have to try to at least get Islam recognised as a religion, like the others". (representative of an Islamic association, interview #23/23-11-17)

In the silence of both religious and secular institutions, mosques have indeed become the target of aggressions and acts of vandalism, scourges of the holy books, pig walks, and other insults. On a more subtle level, some parties have launched political campaigns to ban Islamic places of worship. It is precisely by taking advantage of this legal patchwork, to which unrecognised religious organisations are forced to adapt in order to exist, that political forces of the more or less radical and sovereign right have been able to promote Islamophobic laws, commonly referred to as "anti-mosques". Although they have been declared unconstitutional by the Court, they have allowed the confiscation or closure of numerous religious centres, between security decrees and administrative bribes. In many cases, the reason was precisely the lack of an authorisation for religious activities, which was rejected by the authorities themselves because it had been submitted by organisations without an *intesa*.

Although constitutional jurisprudence has intervened to harmonise local regulations with the principle of non-discrimination based on the legal status of religious organisations, since 2015 a new legislative season has begun in some regions, restricting the right to free exercise of religion. Among other things, these "anti-mosques" laws have introduced elements that discriminate against religious organisations without legal recognition, among which Islamic organisations are undoubtedly the most numerous and exposed.

Thus, the law of the Lombardy region of 3 February 2015 n. 2 (by Lega Nord-Forza Italia-Fratelli d'Italia-Popolari-Pensionati), the law of the Veneto region of 12 April 2016 n. 12 (Lega Nord-Forza Italia-Fratelli d'Italia), and the law of the Liguria region of 14 December 2016 n. 23 (Forza Italia-Lega nord-Fratelli d'Italia) provide the following:

(a) Two differentiated disciplines for access to building and economic contributions for denominations with and without *intesa*, with more difficult paths and intrusive controls [. . .] reserved for the latter;
(b) The presence of ad hoc political bodies used to decide on the existence of the requirements foreseen only for denominations without *intesa*;
(c) The need to obtain preliminary opinions from organisations, citizens' committees, exponents, and representatives of the law enforcement agencies, as well as the provincial offices of the districts and prefectures, in order to assess possible public security profiles in relation to the preparation of the plan for religious services;
(d) The possibility for municipalities to hold a referendum on the plan, without clearly specifying the aspects and issues on which the referendum could be held;
(e) The right to include in the municipal urban plans the obligation to use the Italian language for all activities carried out in the facilities of common interest for religious services that are not closely related to ritual practices of worship» (Marchei 2017, p. 5).

After the Court's interventions, the season of anti-mosque laws seemed to be over. Since 2018, the issue had largely disappeared from the front pages of newspapers, to make room for other, more page-turning and profitable issues. However, a few months after taking office on 22 October 2022, Fratelli d'Italia has proposed a new law to prevent the presence of mosques in Italy. The bill was presented to the 8th Environment and Territory Commission by Tommaso Foti, already known to the chronicles for being under investigation since 2022 for corruption and trafficking in illicit influences precisely in relation to change in destination of use in favour of entrepreneurs, from which he would have received money (Trinchella and Tundo 2022).

If enacted into law, it would prevent unrecognised religious communities from organising as associations for cultural and social purposes (and therefore to organise in all respects), or make it extremely difficult to find land or buildings compatible with the purpose of the place of worship, thus subjecting religious freedom to the discretionary power of the competent municipal administrations in the area of construction and change in use—and to possible political, criminal, and economic pressure. The Foti proposal explicitly refers to Islam and mosques, accusing associations of taking advantage of administrative confusion to circumvent urban norms and inaugurate religious places in areas intended for other services (Tieri 2023). According to the signatories, the current regulation is being

used as a "picklock" to set up hidden mosques, prayer rooms, and "madrasahs" without specific authorisation.

Designed to impede the right to worship, association, and prayer of Muslims, the rule would in fact affect dozens of denominations without legal recognition by the State, including "ethnic" or non-Roman Catholic churches, Evangelical, and Orthodox and Pentecostal churches, but also Adventist associations, Bahá'ís, Jehovah's Witnesses, Taoists, Sikhs and Shintoists, Buddhists, and Hindus not affiliated to organisations with *Intesa*, including new religious or spiritual movements, etc. (Fraschilla 2023). The opposition of the centre and left parties in the Eighth Committee objected, defending the legitimacy of the current regulation and its applicability to the case of religious organisations. The supporters of the proposed law are divided between those who demand transparency and respect for the norm and those who invoke the spectrum of international terrorism and the need to prevent the presence of "informal" mosques as places of "jihadist radicalisation" (Piccardo 2023), which would include more than 1,200 Islamic places in Italy, that is, all but five or six mosques misleadingly called "official".

In the regulation of daily religious activities, the Argentine state maintains the privilege for the Catholic Church in chaplaincy in prisons and public hospitals, armed forces and other security forces, where the only official presence is that of a Catholic priest. This does not mean that the presence of other religious assistance is prohibited, but since it is not officially regulated, it depends on negotiations between religious leaders, the directors of the institutions, and the Catholic priests. In the case of evangelical churches, there is an important organisation that, despite the lack of a specific legal framework, has allowed the creation of "evangelical wards" in prisons (quieter and cleaner than common wards, and where prisoners who are at risk of being harmed by others, such as rapists, are generally held) (Brardinelli and Algranti 2013). In a less organised way, other spiritual practices associated with the New Age have also entered prisons, such as the Art of Living Foundation in the province of Buenos Aires (Viotti 2021). The Catholic Church also maintains a privileged position in state support for social assistance activities, while evangelical churches have gained ground in addiction care and prevention (Algranti and Mosqueira 2018).

In education, Argentina has a long tradition of secular state education. In this sense, and despite having had numerous conflicts throughout its history, free public education does not include religious education in its curriculum and discourages the presence of religious symbols in schools. Where denominational education does exist is in the so-called privately managed public schools. In this case, these schools have different levels of state support, and are mostly Catholic denominational, although there are also schools managed by evangelical churches and the Jewish community. In the case of universities, something similar happens, with public universities being secular and several private denominational universities generally being run by the Catholic church and evangelical churches.

In territorial management and presence in the public space, some of this distinction is also maintained; although, progressively at the local level, there may be a greater openness. There are no restrictions on the religious symbols a person may wear in public space. In terms of religious symbols in cities and state agencies, these are mostly Catholic, which has generated different controversies, but without major conflicts (García Bossio 2017). The largest pilgrimages in the country are Catholic, and in general they have ample support from the state for their development. Particularly noteworthy is the youth pilgrimage to Luján, a city in the province of Buenos Aires where the image of the Virgin Mary, patron saint of Argentina, is located. On the first weekend of October, pilgrims from the City of Buenos Aires, but also many other localities, travel almost 60 km in an average of ten hours, generating a continuous flow of people—ranging from one million to 2.5 million—from the early hours of Saturday to the early hours of Sunday. Nine municipalities are crossed, so state assistance from each locality and the provincial government is made available to the Church (Flores 2015). This does not happen with any other religion in the country.

Unlike what happens in Italy, in Argentina there is no clear restriction for the installation of places of worship in the cities. Even many religions that have not yet been registered in the National Registry of Cults establish their places of worship, often by renting existing premises, without further control by the state. This, however, is not free of tensions. The presence of evangelical churches in what used to be theatres or movie theatres in downtown areas of the cities usually generates some discomfort among the local population (Frigerio 2017). In the same way, many temples of African religions, even those registered in the National Registry of Cults, do not have a sign or clear identification on public roads for fear of being discriminated against. In all these cases, the state usually mediates, but not to close the place of worship, but many times to regularise its situation, and to maintain peace among neighbours.

The question of the ownership of the land or the legal rental of the places of worship only becomes a problem when the process of registration in the National Registry of Cults is initiated, because, in that case, it is necessary to have a legal certification. Faced with this difficulty, many municipalities have opted to generate a parallel registry to the national one, in which to contemplate these churches and temples that do not meet all the legal requirements but maintain an active role in their communities (Carrone 2023).

One problem with state regulation of religion in Argentine daily life is that there is no single criterion as to how this regulation should be. Outside the framework of the National Registry of Cults, each province and municipality establish its criteria. In almost all provinces, and several municipalities, state agencies have been created whose main function is the management of religious matters, while in other localities this task is carried out by other offices, generally in public spaces or ceremonial offices.

In those cases where there is an office of "cult", the main tasks are usually the articulation with the National Registry of Cults, the management of the use of public space, and the protocol presence in religious events. Outside of these activities, more proactive agencies promote concrete actions to make the religious diversity of the locality visible and to create interreligious dialogue groups. However, each local initiative depends a lot on the management profile of state agents, so there is often no long-term public policy planning.

7. Conclusions

In this article, we attempt to show the form of state regulation of religion through the normative frameworks of Argentina and Italy. Both countries started from a long relationship with Catholicism in the construction of their normative frameworks, in an imaginary that associated the nation with Catholicism. In turn, both countries show a decline in the identification of their citizens with Catholicism, hand in hand with the growth of the nones and religious diversity.

Each country, however, presents particularities in its legal framework that have an impact on how the governance of religion is conceived and, therefore, on how the management of diversity can be conceptualised (Table 1). First, there is a significant distance in the framework of the relationship between the Catholic Church and the state. While Italy has established the separation of Church and state, Argentina still maintains the "support" of Catholicism in its Constitution. Second, the regulation of religion is seen as a problem whose competence lies with different state agencies: in Italy, the Ministry of the Interior; in Argentina, the Ministry of Foreign Affairs. It is interesting to note that, despite this difference, in both cases, religious diversity is to a greater or lesser extent seen in relation to immigration and internal security.

Table 1. Summary table of the main points of comparison.

	Italy	**Argentina**
Religious composition	Catholic 75%; None 12.5%; Other religions 12.5% (2022)	Catholic 62.9%; None 18.9%; Other religions 18.1% (2019)
Constitution	Art. 3 (non-discrimination); Art. 7 (separation Catholic Church/Concordat); Art. 8 (equality before the law/Agreements); Art. 19 (religious freedom); Art. 20 (religious association); Art. 117 (legislate on religion)	Preamble (God the source of all reason and justice); Art. 2 (Catholic Church support); Art. 14 (freedom of worship); Art. 20 (freedom of worship for foreigners); Art. 73 (ecclesiastics may not hold legislative office)
Concordat with the Catholic Church	1929: Catholicism as state religion, Vatican City, financial compensation; renewed in 1984: "Free Church in a Free State".	1966 End of the *Patronato Regio*
Registration of non-Catholic Religions	Agreement (Intesa) 13; "Admitted cults" 48; Associations; Unregistered, informal religious groups	Registered in the National Registry of Cults; 7848 identifications (more than thirty thousand places of worship); Unregistered, informal religious groups
Government registration area	Ministry of Interior	Ministry of Foreign Affairs and Cult
Benefits of enrolment	Symbolic recognition and access to the 8×1000 (percentage of taxes, already de facto for the Catholic Church)	Symbolic recognition and access to tax exemptions and other state benefits (already de facto for the Catholic Church)
Chaplaincy Education	Participation of religious diversity in prisons, hospitals, and cemeteries (when legally recognised); otherwise through special, ad hoc permissions; Mostly public education	Official for the Catholic Church in hospitals and Armed Forces. In other religions, present but not regulated; Mostly public education
Public space management	From the municipal government. Permission is required, but there are usually no problems if they do not have it	From the municipal government. Permission is required, but there are usually no problems if they do not have it
Places of worship	Regulated according to urban planning, without considering religious criteria and sustaining a certain status quo; major impediments to Islam	There is no specific urban regulation, although certain permits are required to ensure registration in the National Registry of Cults

Source: Prepared by the authors.

Third, there is a change in the way religious diversity is recognised at the legal level. While in Italy there is a pyramidal structure with the Catholic Church at the top, thirteen denominations recognised by agreements, other as "admitted cults", and a majority of non-recognised organisations, in Argentina, this hierarchy is composed of three groups: the Catholic Church on top, as part of the state, the other religions that must be registered in the National Register of Cults, and finally beliefs that cannot or do not want to be registered. It is also interesting to note the criterion of registration: in the Italian case, it is the recognition of religions as institutions, while in the Argentinian case, it is the registration of places of worship, and in the same act they are recognised as part of a religion.

Fourth, there is an important difference in the management of public space and the possibility of creating new places of worship in the urban fabric. In this sense, the Italian system is much more restrictive than the Argentinean one, where limits depend more on regulation by society than by the state and its local agencies. This also has an impact on the specific weight that local authorities have in the management of religious affairs, so that in Argentina the lack of a clear management task in the local space, and in Italy the lack of clear criteria to be applied by administrations, leaves room for a variety of activities that depend on both the political opportunity structure and the profile of the people in charge of this task. In both cases, these gaps leave the governance of religions through public management to

individual competences—often insufficient—and to personal initiative—which can result in bureaucratic or political arbitrariness.

Beyond the differences, some similarities allow us to see challenges for the future. In both cases, there is an overlap of rules, laws, and agreements between different levels of government and different religions that often allow for political discretion. In turn, legal recognition is understood and used as a control device that, even in the Argentine case, which seems less restrictive, ends up giving the state the power to define what is and what is not a religion in its territory.

In both cases, therefore, the question arises as to the need for an organic law on religious freedom and what form it should take. This raises the following questions: should the state regulate the religious practices of its inhabitants? What should be the scope of this regulation? Is it possible for the state to generate a form of management that promotes religious pluralism instead of the hierarchisation of legitimate religions?

Alongside fluctuations in religiosity among the population, or in the legal system that ground social living and regulate relations between public space and confessions, and despite the formal type of state–religion system, the comparison between the Argentinean and Italian cases suggests that both countries are better described as limited, adaptive, hybrid secularities, with their foundations resting on arbitrary mechanisms of alliance or control, rather than on equity and pluralism; and this confirms that secularity and confessionality can de facto coexist in the same environment: which is that of everyday administrations of power relations.

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Notes

1 For an overview, please see (Borraz and John 2004; Bowen 2007; Bertossi 2012; Schmidtke 2014; Scholten 2015; Martikainen 2016 among others).

2 For a first orientation, we refer to the texts by (Soja 1989; Hervieu-Léger 2002; Knott 2005; Warf and Arias 2009; Davie 2012; Hopkins et al. 2013; Marramao 2013; Grüning and Tuma 2017; Mezzetti and Ricucci 2019; Breskaya et al. 2023).

3 To cite but a few of the relevant studies conducted in this perspective: (Griera 2012; Griera and Nagel 2018; Becci et al. 2013; Giorgi and Itçaina 2016; Esquivel and Pérez 2016; Körs and Nagel 2018; Martínez-Ariño 2019).

4 If you have missed the latest episodes in a saga as long and exciting as Sociology itself, we recommend that you start with at least these last two fundamental contributions.

5 Data available at: https://it.usembassy.gov/it/rapporto-sulla-liberta-di-religione-nel-mondo-2022-italia/#:~:text=Secondo%20le%20stime%20di%20uno,3,7%20per%20cento%20musulmano (last accessed on 24 April 2024).

6 Data available at: https://www.istat.it/en/archivio/129959 (last accessed on 24 April 2024).

7 Data available at: https://cesnur.com/dimensioni-del-pluralismo-religioso-in-italia/ (last accessed on 24 April 2024).

[8] In Argentina, state agencies and legislation use the term "cult" to refer to the different religious institutions and their places of worship.

[9] For further information please see: https://www.giustizia.it/giustizia/it/mg_2_3_0_5.page (last accessed on 24 April 2024).

[10] As also found by Martucci (2018).

[11] To cite but one recent example, taken from a news article entitled "The Lega Nord: It's not a cultural centre, it's a mosque", published by the local online newspaper Cuneo Dice: "The Lega Nord deputy then went on to add: 'Islam is not compatible with a rule of law', he said, and then made an appeal: 'Inside the mosque disguised as a cultural centre, Italian should be spoken, to ensure transparency. The cases in which radicalised elements have emerged are due to situations in which people have tried to evade the control of the police by speaking Arabic [. . .] Senator Giorgio Bergesio: 'We are not racist, but we are against mosques being opened under the banner of a cultural club'. [. . .] Simone Mauro, city secretary of the Lega Nord: [. . .] 'We will go ahead with other complaints to stop this nonsense'" (Simone 2018).

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