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Secularism and pluralism in schools

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The Italian public school system has serious problems concerning secularism and pluralism. The main one is the Teaching of the Catholic Religion (TCR), a doctrinal and only formally optional subject whose implementation determines limitations in the exercise of the rights to education and religious freedom. The unbalanced adoption of textbooks in primary school is a further and measurable lack of equal educational dignity between those who make use of the TCR and those who do not. Even in the proposals to overcome the current system and move to a non-confessional study of the religious phenomenon, the perspective of non-belief continues to be excluded. It is an evidently incomplete pluralism, made even more limited by the performance of acts of worship in the institutes and the frequent presence of the crucifix in the classrooms. The aspects to be considered are numerous. They concern legal issues, discriminatory practices in school organization and an evaluation of the changes underway through the analysis of data that must be laboriously recovered and made public.

Teaching of the Catholic religion

The Italian Republic is required to ensure "the teaching of the Catholic religion in non-university public schools of all levels." It must be "taught in accordance with the doctrine of the Church [...] by teachers who are recognized as suitable by the ecclesiastical authority". This was established by Law 25 March 1985 n. 121, which ratified and implemented the agreement signed on 18 February 1984 between the Holy See and the Italian Republic, the so-called new concordat. Compared to the 1929 concordat, the state religion was abolished. TCR was also extended to preschools (children aged 3-5) and is no longer a compulsory subject, but "everyone is guaranteed the right to choose whether or not to avail themselves of said teaching."

To maintain that the hour-long Catholic religion class is based on culture and is an opportunity for discussion, criticism and pluralism is clearly wrong. By law, the teachings offered are within the lines of Catholic doctrine and the selection of teachers passes through the unquestionable judgment of the diocesan ordinary. In practice, the bishops deliver a letter to people they trust and only these people can obtain that state job. It is a form of clientelism that ties approximately 25,000 public school teachers to the decisions of the ecclesiastical hierarchies, who can withdraw the diocesan letter of suitability at any time. They can also do so in relation to aspects of the employee's private life that are perfectly legitimate for all other public employees: cases of religion teachers who have not had their annual assignment renewed because they are "single mothers" or because they are in favor of distributing

condoms at school have made the news. Less well known are the cases in which the possession of the qualification to teach another subject allows the teacher hired thanks to the "recommendation" of the bishop to change chairs, bypassing the precarious workers on the waiting list.

If we look closely, it is also wrong to think that the Catholic religion class is there for an hour a week. In nursery school there are 60 hours a year, about an hour and a half a week. In primary school there are two hours a week: more or as many as the hours dedicated to history, geography, science, art, music and English. It becomes an hour a week only starting from lower secondary school, when students are less easily influenced and acquire the necessary autonomy to be able to opt for all the alternative choices.

The alternatives

With the Villa Madama agreements of 1984, TCR becomes not compulsory anymore. Now, during school enrollment, it is up to parents to express a choice, which can be to avail themselves of it or not to avail themselves of it. In the years following the innovations introduced by the new Concordat, disputes arose regarding the possibilities that schools must grant to those who choose not to attend religious education. The Constitutional Court expressed itself with the historic ruling 203/1989, which also established that secularism is a supreme principle of our legal system: «The State is obliged, by virtue of the Agreement with the Holy See, to ensure the teaching of the Catholic religion. For students and their families, it is optional: only the exercise of the right to avail itself of it creates the scholastic obligation to attend it. [...] For those who decide not to avail themselves of it, the alternative is a non-obligatory status. In fact, the provision of other compulsory teaching would constitute conditioning for that questioning of conscience that must be kept attentive to its only object: the exercise of the constitutional freedom of religion." Two years later, the Constitutional Court again established, with ruling 13/1991, that for those who do not avail themselves of the TCR, the non-obligatory status must also include leaving school.

This leads to the forms that parents and students who choose not to attend the TCR still have to fill out today, the so-called Form C. Here are the options provided:

- a) Educational and training activities
- b) Individual study and/or research activities with the assistance of teaching staff
- c) Free individual study and/or research activities without the assistance of teaching staff
- d) Non-attendance of school during the hours of Catholic religion teaching

The ministry restricts option c) to secondary schools, and option b) is not suitable for students aged 3-10. For the youngest, option a), the so-called alternative hour, becomes an obligatory choice, except for the very rare cases in which the parent or guardian can collect the child during full working hours.

In an ideal world, all four choices should be guaranteed and the actual possibility of exercising them should be a priority for a secular school. Unfortunately, this is not the case at all.

No form of discrimination should arise

"In compliance with freedom of conscience and the educational responsibility of parents, everyone is guaranteed the right to choose whether or not to avail themselves of said teaching [TCR]. Upon enrollment, students or their parents will exercise this right, at the request of the school authority, without their choice being able to give rise to any form of discrimination." The principle that the choice to avail or not to avail of the TCR must not give rise to any form of discrimination is written in the Villa Madama agreements, in Law 121/1985, in Legislative Decree 297/1994 (Consolidated Law on Education) and in countless ministerial circulars.

The opposite should be surprising: is it possible that forms of discrimination against minors are practiced in public schools? Yet this is the case, especially in childhood. Every year, when school starts, for pupils who avail themselves of the TCR, the teacher, the classroom, the textbook and the teaching program are defined and immediately available. Frequently, boys and girls of the alternative hour spend weeks, sometimes months, without a teacher, being sorted into other classes or, worse, remaining silent while listening to the religious lesson; the classroom is not always guaranteed, the book is almost never adopted and the teaching program is vague and sometimes limited to not very interesting topics with the surreal justification that otherwise it would be a sort of unfair competition towards those who are attending the lesson of the teacher chosen by the bishop.

To counter these situations, widely considered tolerable by school principals and teachers, it was necessary to resort to legal initiatives. The most important culminated with the order of the Court of Padua of 30 July 2010, which established that the failure to activate the alternative hour constitutes "illegitimate discriminatory behavior." An elementary school in the Padua area refused to guarantee the teaching and training activities envisaged in the ministerial model, citing alleged lack of funds and the fact that it would only be an optional provision to be paid for by the school as excuses. The Union of Rationalist Atheists and Agnostics (UAAR in Italian) sponsored the appeal of a family whose daughter was held in the two-hour class where the lessons in accordance with the Church doctrine were conducted and, subsequently, moved to parallel classes where she had to remain silent while the lesson intended for other students took place. The judge ruled that the activation of alternative teaching constitutes an obligation on the part of the school, where first "the child had to attend the Catholic religion class [which] certainly constitutes an infringement of religious freedom" and subsequently "placed in a parallel class [...] she did not benefit from any cognitive contribution, thus determining a limitation of her right to education protected by art. 34 of the Constitution." Due to this double discrimination, the institute and the Ministry of Education were also sentenced to pay a compensation of 1,500 euros to the family. The sentence also highlighted that the funds to pay teachers of the alternative hour are provided for in the state budget. The following year, a joint note from the ministries of economy and education was sent to schools of all levels: it contained the opinion shared with the General Accounting Office of the State which reiterated that the choice to make use of teaching

activities that are alternative to the TCR makes them a "mandatory structural service" to be paid "through fixed expenditure roles".

Thanks to this decisive legal victory, parents have access to a template of a warning letter provided by the UAAR to send by registered mail or certified email to the school principal when the alternative activity is slow to start. It may seem like a strong decision to warn the school attended by their children, but it becomes a necessary action for their protection and numerous testimonies report that alleged organizational problems or lack of resources are resolved very quickly once the registered letter is delivered.

Another legal victory dates back to 2020, when the Lazio Regional Administrative Court ruled in favor of UAAR on an appeal filed seven years earlier. The circular for enrollments for the 2013/14 school year had provided that Form C relating to the choices of alternative activities had to be collected once school had already started. The Ministry of Education was again sentenced and the TAR (Regional Administrative Court) established that the ministerial provisions were "inadequate or non-existent training solutions that can lead to the effective frustration of the principle of non-discrimination for religious reasons and the right to teach" and that the choice of alternative activities "must take place in times that guarantee the timely planning and start of teaching activities as required by the principles of reasonableness and good progress." Following the sentence, the circulars on school enrollments were modified. Today, Form C is filled out between May 31 and June 30 of each year, three months before the start of school. Let's be clear, it remains a penalizing system since the most logical and reasonable time to prepare the form would be when the application for enrollment is filled out and when the decision to attend or not the TCR is made (around February). In any case, there are no more excuses for delaying the start of the alternative hour.

Books for those who have the right to have them

We have seen that from the first day of class, schools have all the information on how many students do not avail themselves of the TCR and for how many of these the Alternative Activity (Aa) must be guaranteed. The greatest critical issues emerge in primary school because there are two TCR hours per week, because a structured teaching method begins and because children aged 6-10 are neither autonomous for individual study nor, obviously, for leaving the institute. In this context, it becomes essential to guarantee a valid Aa when the class group separates because the Catholic religion lesson begins. The textbook plays a crucial role, as a support for the teacher and as an element of sharing and even formal recognition within the school day for the children of the Aa. Yet, there are very few schools that guarantee equal educational dignity: in the vast majority of cases, those who avail themselves of the TCR receive the Catholic religion book while girls and boys of the alternative hour remain without one. This difference in treatment is even more serious in primary school where by law the texts are provided free of charge to families through the book coupon: why do schools use these public funds only for those who choose TCR?

In recent years, specialized publishers have published textbooks for the Aa program that cover the lessons of all five years of primary school. A small positive signal arrived in the 2023/24 year, when in 5.6% of classes in Italian state primary schools one of these books was adopted for the alternative subject. The UAAR took action by launching the "Books for those who have the right to have them" Campaign, aimed at raising awareness among teaching staff to decide on the adoption of the text for the Aa program and supporting schools and students with the donation of almost 1,500 of these books. An encouraging result arrived immediately, even if the situation remains an emergency: in 2024/25 the primary classes in which the book for the Aa is guaranteed increased from 5.6 to 9.5%.

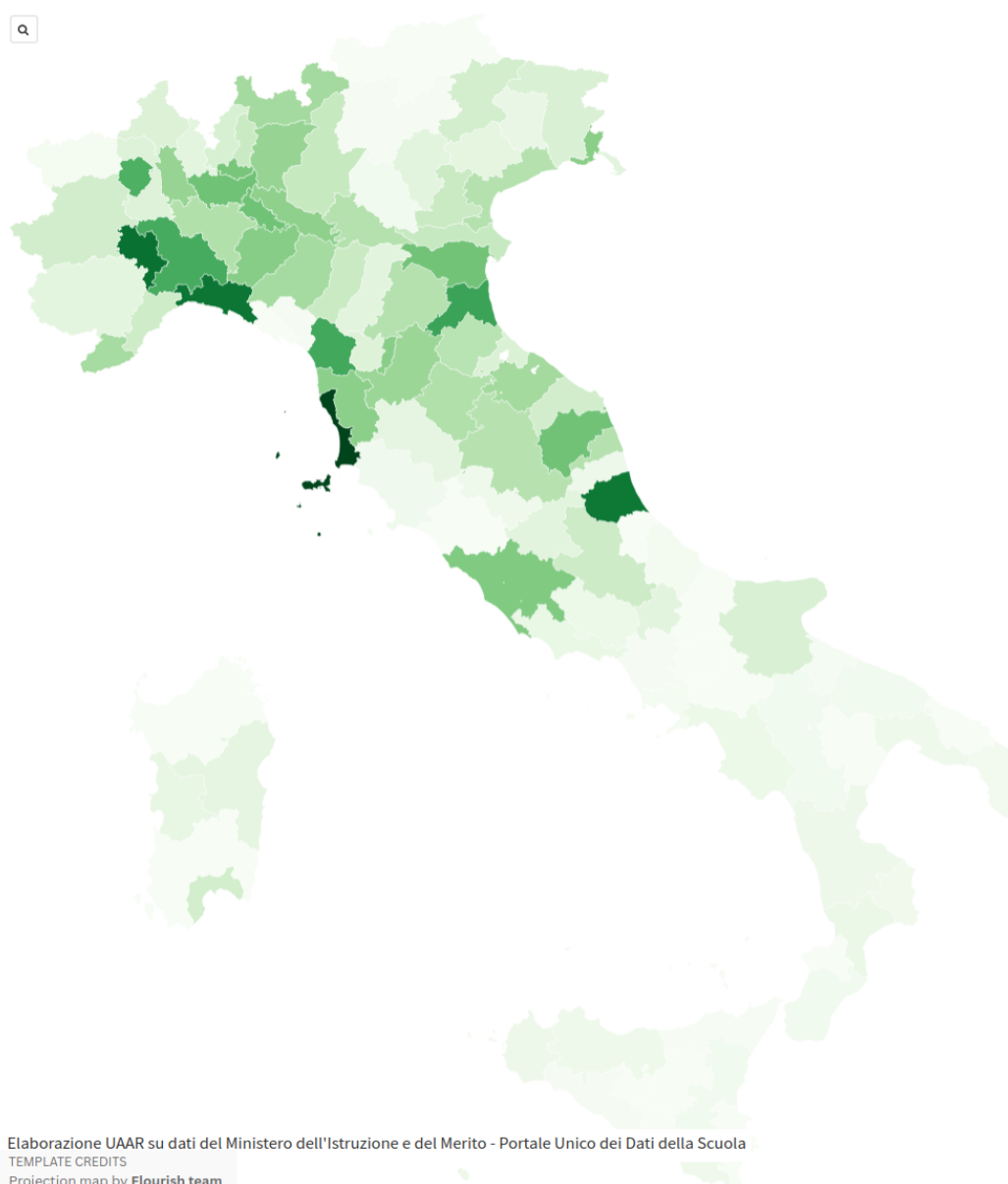
By accessing the datasets made available by the Ministry of Education and Merit, the UAAR has developed the territorial distribution of these virtuous schools (figure 1). The almost total absence of schools in the South is immediately noticeable, while in the Center-North the phenomenon is patchy. The province with the highest percentage of classes in which books are adopted is Livorno with 44.1% and the provinces of Asti, Genoa, Teramo, Ravenna, Lucca, Alessandria and Biella also exceed 25%. This heterogeneity may be due to word of mouth between school principals, teachers and parents. Learning that the school where a colleague teaches or that of your daughter's teammate guarantees "Books for those who have the right to have them" can trigger a positive emulation effect and get the news to the Teachers' Council of your school.

Percentage of elementary school classes in which the adoption of the book for an activity that is alternative to TCR (per province). 2024-2025 indicators.

Percentuale di classi di scuole primarie in cui risulta l'adozione di libri di testo per l'attività alternativa all'insegnamento della religione cattolica (per provincia)

Valori riferiti al 2024-25

0.2 44.1



Elaborazione UAAR su dati del Ministero dell'Istruzione e del Merito - Portale Unico dei Dati della Scuola

TEMPLATE CREDITS

Projection map by Flourish team

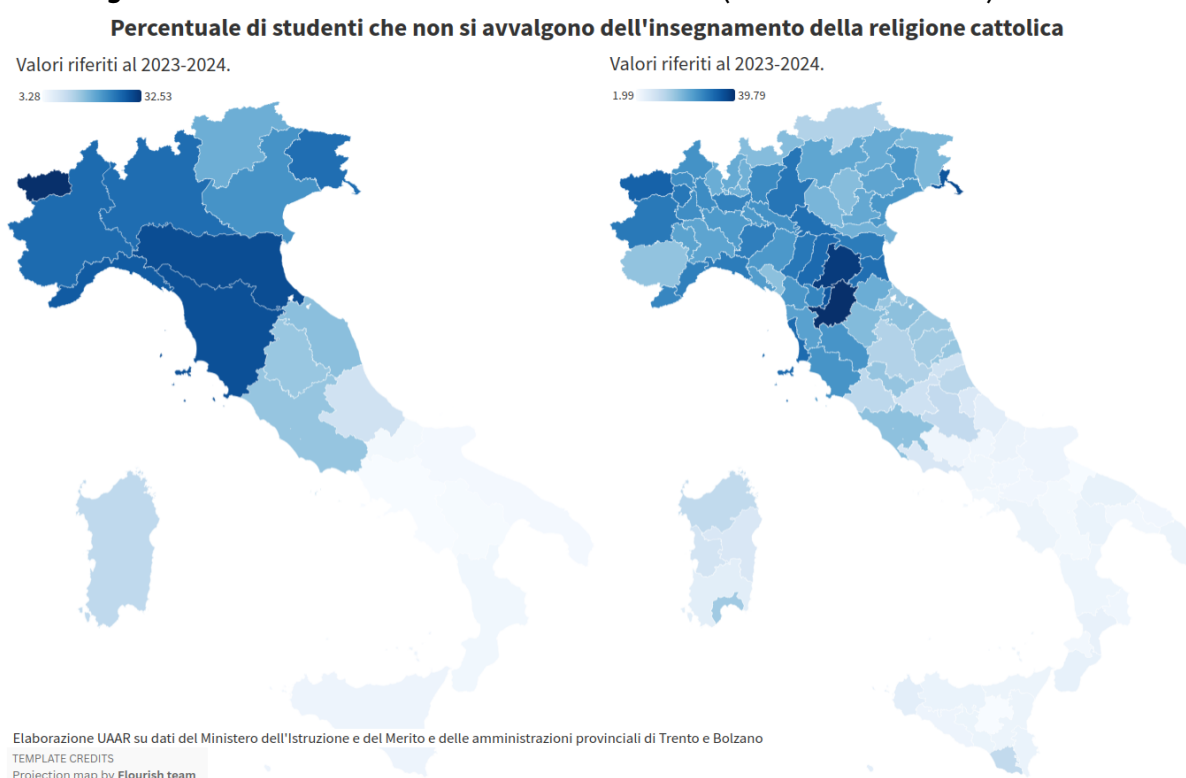
While data on book adoptions in all Italian schools are freely accessible, information on adhering and non-adhering to TCR has never been made available by any government. We had to make an effort to obtain, process, and make the data public, and thus gain a clearer understanding of how choices relating to TCR have evolved over time.

Data on the non-attendance of TCR in Italian schools

The Unified School Data Portal is a ministerial site that presents itself as follows: «Schools, students, school staff... all just a click away. A single web archive full of data and information to download and consult online». It is certainly a step forward in transparency and sharing massive amounts of information. However, the lack of a crucial dataset stands out, that of the choices of families and students regarding TCR. Consequently, the UAAR, as part of the #datiBeneComune (#dataCommons) project that unites over three hundred organizations that ask the Government and Parliament for open and machine-readable data on the main topics of interest to citizens, has used the tool of generalized civic access and requested the data from the Ministry of Education and Merit and the autonomous provinces of Trento and Bolzano.

Since 2022, it has been possible to access the data freely on the non-attendance of TCR in Italian schools at: uaar.it/dati-no-irc. The site contains graphical elaborations and lists with multiple levels of aggregation; it offers the possibility to download archives for further elaborations and consult the situation for each individual school with the historical series of the number and percentages of choices in the last six years. At a national level, the progressive disaffection for Catholic religious teaching in state schools emerges. In 2020/21 the number of non-availleurs was just over a million, in 2023/24 it reached 1,164,000, and this despite the constant decrease in the student population in Italy. The phenomenon varies between North and South (figure 2), between cities and provinces and in the different school levels.

Percentage of students who do not avail themselves of TCR (2023-2024 indicators)



The regions where the secular choice prevails in relation to TCR are Valle d'Aosta (32.53%), Emilia Romagna (29.33%) and Tuscany (29.01%), while Sicily, Calabria, Puglia, Basilicata and Campania record percentages lower than 5%. As for the provinces, the ones in the lead are Florence (39.79%) and Bologna (38.15%). But it is by restricting the territory to the municipal area that the acceleration of the no to religious education is noted: in the municipality of Florence there was the secular overtaking of Florence (51.51% of students do not attend TCR), followed by the municipalities of Bologna (47.29%), Aosta (43.58%), Biella (40.62%), Mantua (40.54%). At the bottom of the ranking are Taranto, Benevento and Barletta, with percentages lower than 3%.

A territorial division of Italy is added to the division of girls and boys in the same class based on their parents' religious choices, and it is reasonable to think that there are areas where there is greater freedom to choose alternatives to TCR and others where social conditioning and inattention by schools limit this freedom. The solution would be simple: abolish the hour-long Catholic religion class and study non-religious religions and worldviews in the subjects of history, philosophy, art, geography and literature. But the prospects seem far from this secular and civil solution.

Prospects

The government is not backing down and will indeed guarantee the placement of almost 5,000 Catholic religion teachers through a public exam open only to candidates pre-selected by the bishop (to participate it is necessary to present a recently issued letter of diocesan suitability). Through Bishop Derio Olivero, president of the Episcopal Commission for Ecumenism and Interreligious Dialogue of the Italian Episcopal Conference, the ecclesiastical side has leaked an alleged willingness to take a step back: "giving up a space that is rightfully theirs to make society take a step forward." We can say that for secularism and pluralism it is a poisoned meatball: the transition to a subject that on paper would be a non-denominational multi-religious study would have as a counterpart the obligation to attend it, and who if not the teachers already chosen by the bishop would be the holders of the new chairs? To make society take a step forward, TCR should instead be brought into extracurricular hours because no law provides that its temporal placement be analogous to that of the compulsory subjects.

And not only. Practical reasons and good school organization already require that optional activities are truly optional, therefore they should be scheduled outside of normal class hours. This should also be reflected in the use of accurate terminology. It is enough to take a look at the official communications of the institutes to notice how widespread the use of the word "exonerated" to identify those who do not avail themselves of it is. This is a derogatory term, which had meaning in the times of state religion when the TCR was mandatory, but which today conveys the idea that it is necessary to present a motivated request, which may or may not be accepted, in order not to undergo confessional teaching in public schools. No justification is instead required; it is an unquestionable choice of conscience that for the school becomes a provision to be put into practice without any form of discrimination.

The existence of problems of freedom of conscience, interference and pressure from the school system in favor of Catholic religious teaching is not only shown by the testimonies and requests for assistance that arrive at the S.O.S. Secular desk of the UAAR. The UN Committee for the Rights of the Child also spoke out. In 2011, in its periodic report on compliance with the UN Convention on the Rights of the Child, also ratified by Italy, it expressed the fear that "the freedom of minors to receive or not religious instruction in nursery, elementary and secondary schools could be compromised in practice by the lack of valid teaching alternatives" and asked that the State intensify "efforts to guarantee in practice the effective optional nature of religious instruction."

There are other forms of confessional conditioning in public schools. Just think of pastoral visits during class time, when the bishop enters schools to meet with school children. For the Council of State, it can be classified as a cultural activity, if duly authorized and approved by the school bodies. In essence, it is aimed at the promotion and control by the "good shepherd" of individuals and communities in relation to Catholic values. On the other hand, acts of worship during school hours, such as blessings, prayers and obviously participation in religious functions, are illegitimate. Yet they continue to be organized by various schools, which sometimes resort to stratagems such as strategic interruptions of lessons to allow forms of religious devotion that would only make sense in private Catholic schools.

We conclude this non-exhaustive analysis of problems that afflict secularism and pluralism in public education with the most symbolically striking one: the presence of the crucifix in classrooms. It is a legacy from the times when the State imposed a religion on its citizens; the battle to remove it unites minority confessions and secular associations. In 2009, the European Court of Human Rights, on an appeal sponsored by the UAAR, ruled against the presence of the symbol of the Catholic religion in schools. We recall that previously the Council of State had incredibly arrived at establishing that the crucifix represents a "secular symbol". The victory lasted less than two years because the appeal presented by the Italian government led to the definitive pronouncement of the Grande Chambre of Strasbourg, which granted each state a margin of appreciation for decisions in religious matters, attributing to the crucifix the role of an inconsequential "passive" symbol (certainly not secular). It is a setback that did not stop the UAAR, which was already sponsoring another appeal, this time in defense of a teacher sanctioned for removing the crucifix during his lessons. It took thirteen years and numerous degrees of judgment, but in 2021 the United Sections of the Court of Cassation ruled in favor of the teacher and against those who had sanctioned him, establishing that "the authoritative display of the crucifix in classrooms is not compatible with the supreme principle of secularism of the State. The obligation to display the crucifix is the expression of a confessional choice. The Catholic religion was a factor of unity of the nation for fascism; but in constitutional democracy the identification of the State with a religion is no longer permitted." Problematic aspects remain unresolved, however, such as the need to expose oneself in the first person and involve the school community on issues that should remain external to the world of public education, such as personal positions on religious matters. But another step forward has been taken towards a secular, plural and "open to all" school as stated in art. 34 of the Italian Constitution.