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The Italian State and the Unity of Italian Judaism

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The Status of Judaism in the Italian Legal System

A “religious confession” is a basic unit of religious freedom protection in the Italian legal system. However, the Italian legal system does not clearly articulate what a “religious confession” is.¹ This renders indeterminate the scope of Article 8 of the Constitution, according to which:

All religious confessions are equally free under the law.

Non-Catholic religious confessions have the right to organize themselves according to their own statutes, as long as they do not conflict with Italian law.

Their relations with the State are governed by law, on the basis of formal Agreements with their representatives.

In practice, the recognition of a religious group through such formal Agreement depends more upon its political fortunes than its intrinsic qualities. The legal ambiguity around the category of religious confession raises the question of whether one religious confession can have two Agreements, and a corollary uncertainty regarding the degree of specificity necessary in defining a religious group for the purposes of recognizing it in an Agreement.

Despite the deep pluralism at the heart of Italian Judaism,² the Italian legal system considers the Jewish religion as single and unitary.³ This is consistent with Jews’ own religious conception of themselves as part of a single people tracing back to the same ancestors and a shared history. The unity of the Jewish religion is manifest in the Agreement between the Italian State and the Union of Italian Jewish

¹ P. HARRIS, *Confessioni religiose*, in Enciclopedia Treccani diritto online, 2017.

² Consider, for example, the Five Schools or synagogues of the historic Roman Jewish ghetto: Scola del Tempio, Scola Nova, Scola Siciliana (Italian rite), Scola Castigliana (Spanish rite) and Scola Catalana, as well as the synagogues of the smaller French and Aragonese communities. In Northern Italy, Jewish communities have traditionally been made up of Jews from Spain, France and the German-speaking territories. More recently, Jewish migrants from the Middle East and North Africa have settled in Italy (Libyans in Rome, Egyptians and Persians in Milan). The differences between these groups tends to revolve more around ritual customs than doctrinal questions.

³ See G. SACERDOTI, one of the “fathers” of the Agreement between the State and the Union of Italian Jewish Communities (*l’Unione delle Comunità ebraiche italiane* - UCEI), *L’Unione delle Comunità ebraiche italiane tra adesione all’ebraismo ortodosso e rappresentanza di tutti gli ebrei italiani: l’Intesa del 1987 è ancora attuale?*, in *Stato, Chiese e pluralismo confessionale*, volume n. 10, 2020.

Communities⁴ (*Unione delle comunità ebraiche italiane* - UCEI) which recognizes UCEI as the “representative body of the Jewish religious confession in its relations with the State and in matters of the general interest of Judaism”.⁵ UCEI is responsible for representing all Italian Jews, independently of their level of religious observance or their belonging to one of the constituent Jewish communities.

UCEI is organized according to the Statute of Italian Judaism, according to which an individual’s Jewish status is determined with reference to “Jewish law and tradition”. According to the traditional norms of rabbinical Judaism, a Jew is a person who has a Jewish mother, or who has been converted to Judaism following a traditional (orthodox) program.⁶ All of those who qualify as Jews in this way, and are resident in a particular territory, have the qualified right to belong to the relevant Jewish community. Individual membership does not depend on one’s level of religious practice or observance. Still, the Chief Rabbi of the Community must approve individual applications for membership, and may therefore reject them (if, for example, the applicant does not or cannot provide adequate documentation of Jewish status); this power to reject applications for membership means that the law itself foresees that there can be Jews who are unaffiliated with any Jewish Community (according to data provided by UCEI, in 2018 there were some 25,000 Jews inscribed in the 21 Italian Jewish Communities, out of a total Italian Jewish population of approximately 30,000).

Both the outward-facing Agreement and the inward-facing Statute of Italian Judaism make reference to Jewish law and tradition, but leave the individual Jewish communities a certain discretion in interpreting them. From the time of Jewish Emancipation in the Kingdom of Italy (which commenced in 1848, and arrived in Rome only in 1870), Italian Judaism has tolerated assimilation, including secular or non-practicing Jews as well as the many children of mixed marriages. It is only in the beginning of the 21st century that official Italian Judaism starts to define itself as “orthodox”.

Progressive Judaism

Progressive Judaism, also known as Reform or Liberal Judaism (depending on the country and the variety of internal differences), is the largest denomination in contemporary Judaism, with approximately 1.8 million adherents in more than 50 countries in the world. Today it has the largest presence in the United States, where it is the major current.

Progressive Judaism interprets traditional Jewish law and custom through the prism of such modern values as universal human equality. In contrast with traditional or orthodox Judaism, Progressive Judaism regards men and women as equals, and it fully welcomes LGBTQ persons and couples (who may also contract a religious marriage). The full sex and gender equality recognized by Progressive Judaism implies that women pray together with men; they are called to read the Torah in public and lead religious services. They may serve as rabbis and cantors.

Progressive Judaism is also animated by the principles of inclusivity in determining who may be a member of the Jewish people and religion. This inclusivity means a smoother path to membership for

⁴ There are **21** constituent communities, mainly in Central and Northern Italy. Their size varies significantly from one locality to another. The single community of Naples has jurisdiction over all of Southern Italy and the Islands. The number of Jews registered in the UCEI communities is an estimated 25,000, of which the majority live in Rome and Milan.

⁵ Article 19 of Law n. 101 of 8 March 1989. Section 2 charges UCEI with the care and protection of the religious interests of Jews in Italy; the conservation of Jewish traditions and cultural heritage; the coordination of the activities of the different Communities; relations with foreign Jewish groups and institutions.

⁶ Article 2§1.

the children of mixed marriages in which the mother is not Jewish, giving due regard for the figure and the function of the father. A significant number of progressive congregations have simply equated the traditional value of matrilineality and the modern appreciation for patrilineality in determining an individual's Jewish status. This spirit of inclusion is also manifest in the attitude towards individuals who seek to convert to Judaism by undertaking a serious course of cultural and liturgical education.

Progressive Judaism originated as Reform Judaism with the emancipation of Jews in France and Germany in the late 18th century. It served as an initial response to the search for identity, religious life, and Jewish community in a world where assimilation into Christian society was finally possible. It emerged to provide a religious, private, and communal outlet for Jews who had become full citizens in secular public life, but did not want to abandon Judaism altogether, nor convert to Christianity. Progressive Judaism offered a kind of reconciliation between Judaism and modernity, accepting the evolution of religious norms and practices in the face of scientific, social, and ethical change.

The emancipation of Jews on the Italian peninsula began with the Kingdom of Italy in 1848, which led to a mass withdrawal of individuals from traditional Jewish communities. Judaism lost its character as a total condition and became a religion, a fundamentally private matter. Reformist tendencies also emerged in Italy, but a coherently formulated and organized movement has only been in place since the beginning of the 21st century.

Progressive Judaism began to attract interest in Italy especially after 2003, the year in which the religious authorities of the UCEI – under pressure from religious authorities in Israel – began insisting upon a more orthodox understanding of Jewish identity. At this time, Italian Jewish communities stopped recognizing the Jewish status of children born to Jewish fathers and non-Jewish mothers. This policy left many mixed families without access to Jewish educational institutions, excluding them from public rituals and religious celebrations (circumcision, Bar/Bat Mitzvah, etc.). Progressive Jewish communities were able to welcome not only mixed families, but also anyone who preferred a community based on gender equality (including sexual orientation or gender identity). Foreign Jews living in Italy also felt more welcome in progressive communities than in the traditional, territorial ones. The different social reasons for belonging to a progressive community have produced a rich diversity of ideological and religious attitudes within them. There are members who are more or less observant, more or less conservative in their interpretation of Jewish law, and more or less attached to the State of Israel. There are some who would prefer to practice Orthodox rites if they were not excluded from those communities for reasons of age, family, or gender.

There are now seven progressive communities in Italy, with a total membership of about 1,000 people. Since 2017, the communities have been organized at the national level in the Italian Federation for Progressive Judaism (FIEP). They are also part of the European Union for Progressive Judaism (EUPJ), which brings together about 175 liberal, reformed, and progressive communities in Europe, and the World Union for Progressive Judaism (WUPJ). The WUPJ was founded in London in 1926 and is an international network of about 1,250 “communities” or “congregations” in more than 50 countries.

Some Italian Jews belong to both a progressive community and a traditional territorial Jewish community. There is no contradiction in this, as it only entails the duty to pay the relevant membership fees. There are other adherents of progressive Judaism who would not qualify for membership in one of the traditional Jewish communities: those who have converted according to the progressive rite, and some foreign Jews. Then there are adherents of progressive Judaism who could but choose not to be a part of a traditional community, often because they do not accept its patriarchal character and

intolerance towards LGBT persons, or because they simply prefer the reformed rite. These distinctions matter for access to religious services (circumcision, mikvah, funerals, certificates), which are only guaranteed by the State, though its Agreement with UCEI, to members of the traditional UCEI communities.

Progressive Jewish communities in the Italian legal system

Progressive communities in Italy are organized as simple associations under private law. This means that their members cannot enjoy all the rights and privileges granted to the now orthodox UCEI communities. For example, progressive rabbis coming from outside the EU are not eligible for visas or residence permits and those that are allowed to work in Italy still cannot perform civilly recognized marriages. Most importantly of all, progressive communities cannot access the subsidies or tax breaks enjoyed by institutions belonging to the UCEI.

According to Italian law, the UCEI is the representative body of Italian Judaism and it determines access to the religious rights and privileges that it administers. To this end, Article 41.8 of the Statute of Italian Judaism provides that representatives of “associations present in the social reality of Italian Judaism” may be granted the right to participate as observers, with the right to speak but not to vote, in the UCEI Council. In 2018, FIEP asked UCEI for general recognition as an organization representing a social reality of Italian Judaism, and specifically to have observer status in its Council. This request was rejected with a statement from the UCEI that progressive Judaism is not a current of Italian Judaism, which is fundamentally orthodox. In September 2020, UCEI and FIEP initiated a roundtable discussion to examine the claims of progressive Judaism. UCEI representatives were open to discussing some of the religious needs of progressive Jews (such as access to ritual baths and circumcision) and to collaborating with FIEP on security and the fight against antisemitism.

Only in April 2025 did UCEI effectively recognize FIEP as an association present in the “social reality of Italian Judaism” and committed to inviting “a FIEP representative to UCEI Council meetings, with the right to speak but without the right to vote, on issues of common interest and concern.”⁷ This could be a major step forward for progressive Judaism, if it allows it to access a share of UCEI’s public funding, its places of worship, and physical spaces for progressive schools and cultural centers. After so many years in which UCEI did not recognize progressive Judaism as a legitimate player in Italian Judaism, its recognition now promises to boost the status of progressive Judaism in the eyes of other Jews and Italian society more generally. All of this nurtures the hope that UCEI may now become a broad and welcoming umbrella organization, in which all types of Italian Judaism may enjoy representation and respect.

But the new privilege of participating in Council meetings, without voting rights, granted a full seven years after the first request, could also prove disappointing. Now FIEP will at least have a voice. But without even a vote, let alone much support from other UCEI members, this new status might not amount to much. Therefore, the FIEP could aspire in the long term to obtain a more robust kind of recognition from the UCEI. However, it is unclear what form this recognition could take, given the rigid and limited nature of the Agreement and the Statute of Italian Judaism; progressive Jewish communities, after all, are not “traditional institutions of Judaism in Italy, [not] original social

⁷ UCEI-FIEP Document of 02.04.2025, signed by Noemi Di Segni, President of UCEI, and Carlo Jossef Riva, President of FIEP.

formations, organized according to Jewish law and tradition, each within its own district”⁸, the only kinds of community cognizable under Italian law and UCEI’s own internal norms. The Statute does also provide that “other Jewish institutions and entities... may be recognized as legal entities for civil purposes, provided that they have religious or worship purposes... and are approved by the competent Community for the territory and by the Union.”⁹ This recognition would further require a decree by the President of the Republic, after consultation with the Council of State. It is an onerous process to be sure, and it is not clear if it could even be undertaken by individual or federated progressive communities at all.

If the relationship with UCEI foreseen in the Document of 2 April 2025 is not able to guarantee the representation of the rights and interests of progressive Judaism, are there other paths that its leaders make pursue? FIEP has taken note of the German precedent in which the administrative courts have forced the opening of official Jewish representative bodies to include reform Jews. However, Article 8 of the Italian Constitution guarantees the freedom of religious confessions to organize themselves according to their own statutes, and this creates a strong presumption in favor of the immunity of UCEI’s internal policies from judicial or administrative review. The autonomy of UCEI is further reinforced by Article 25 of the Agreement, according to which “The religious and worship activities of the Union... shall be carried out in accordance with the Statute of Italian Judaism... without interference from the State...” and “[t]he ordinary management and extraordinary administration of the Union... shall be carried out under the control of the competent bodies in accordance with the Statute, without interference from the State...” It is therefore not surprising that there are no relevant precedents in Italy in which the courts have ordered religious denominations to comply with the obligations set out in their agreement or to interpret their statutes in a manner consistent with those obligations.

Leaving aside the question of the political opportunity of a possible agreement between the Italian State and progressive Judaism, there is also the legal question of whether the Italian legal system has the space to allow for it. One condition for obtaining an Agreement is the prior recognition of the religious body as an “*ente di culto*” (religious entity), according to the rules set forth in the law of 24 June 1929, no. 1159. The UCEI Agreement explicitly suspends the effectiveness of this law “with respect to [the]...institutions and persons belonging to Judaism in Italy.”¹⁰ The suspension of the effectiveness of the rules for recognition as a religious body would seem to preclude the possibility that progressive Judaism could aspire to its own Agreement. To circumvent the inapplicability of the religious entity rules to institutions and persons belonging to Judaism in general, representatives of progressive Judaism could insist that “progressive Judaism” is its own distinct religious confession, something other than the general Jewish religious confession recognized in the UCEI Agreement. But many of the adherents of progressive Judaism (imagine those who have undertaken the demanding path of conversion, or whose family members have been persecuted just for being Jewish) would not easily accept such a compromise. This preclusion of recognition as a religious entity for all possible denominations of religious confessions that have reached an Agreement is unique to Judaism. In the agreement with the Italian Buddhist Union (UBI), for example, the provisions of the law of 24 June 1929, n. 1159, and of the royal decree of 28 February 1930, n. 289, cease to have effect with respect to members of the Italian Buddhist Union only (and not with respect to “Buddhism” more generally).¹¹

⁸ Statute of Italian Judaism, Art. 1.

⁹ *Id.*, Art. 21.

¹⁰ Art. 34§2 of the Agreement.

¹¹ Agreement between the Italian State and UBI, Art. 25§1.

Aside from the problem (probably unconstitutional if interpreted literally) of Article 21 of the Jewish Agreement, there are other obstacles to the recognition of Italian progressive Judaism as a religious entity. The most formidable one comes from the jurisprudence of the Council of State, whose opinion bears upon the decision of the Ministry of the Interior to adopt the relevant Ministerial Decree. According to the precedent of the Council of State, a religious body seeking recognition as a religious entity must demonstrate a certain “numerical consistency”, meaning at least 500 members in a specific territory, or at least 5000 at the national level.¹² The path to the decree of the Ministry of the Interior is long, and achieving it brings few advantages in itself, although it opens the door to the ultimate pursuit of an Agreement. In the meantime, it is in the interest of progressive Judaism to lobby – and pray – for a Italian law on religious freedom that would make the process for the state recognition of religious minorities significantly more reasonable.¹³

¹² For a searing criticism of this doctrine for its inappropriate analogy with the Catholic experience of parishes, see **P. CONSORTI**, *L’approvazione dei ministri di culto delle confessioni religiose senza intesa è subordinata alla loro «consistenza numerica»?*, in *Quaderni di diritto e politica ecclesiastica*, 2-2013, pp. 903-909.

¹³ **P. HARRIS**, *Il modello italiano delle intese e le micro-minoranze confessionali*, in *Libertà religiosa: il diritto senza legge*, Fondazione Basso and Centro Studi Confronti (eds.), Roma, Edizioni Com Nuovi Tempi, 2024, pp. 135-146.