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Jewish Relations with the Italian State and the Challenge of Jewish Pluralism

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Abstract

This paper provides a brief introduction to the institutional history of Italian Judaism, from Emancipation (1848/1870) to the present time, to evaluate the important accomplishments of the Law of the Jewish Agreement of 1989, as well as its limitations in the face of a growing Jewish pluralism in Italy. Law n. 101 of 1989, and the corresponding internal norms of the Jewish Statute, established the Union of Italian Jewish Communities (UCEI) as the representative body of the Jewish religion in its relations with the State, regarding it as the “unitary expression of Judaism in Italy” empowered to speak authoritatively on matters of general Jewish interest. This unitary system has come under pressure in recent years, starting with the traditionalist turn of the Italian Rabbinate in 2003. There are now seven progressive Jewish communities in Italy, which exist in a legal limbo, as mere associations, outside of UCEI. Another crack in the Agreement structure has emerged in the recent dispute between UCEI and the self-proclaimed, orthodox “Jewish Community of Catania,” over the right to use the name “Jewish Community.” Finally, we consider the movement for a greater Jewish unity outside of the traditional institutions unfolding in the Jewish Dialogue forum.

Summary: 1. The genesis of “the Jewish Agreement”. – 2. The unitary Judaism of the Jewish Agreement and Statute. – 3. Cracks in the unitary structure: progressive Judaism; independent orthodox Judaism; Jewish unity beyond the traditional institutions.

1. The genesis of “The Jewish Agreement”

The norms governing the bilateral relations between the Italian Jewish Communities and the Italian State, embodied in “the Jewish Agreement,” were adopted by the relative parties in 1987 and enacted into law in 1989. The ensuing legal structure of this relationship rests upon the public recognition of the Union of Italian Jewish Communities (“UCEI”) as the representative body of Italian Jews. At a distance now of almost 40 years, we are in a good position to appreciate both the Agreement’s great achievements, and its inexorable fragilities.

To do this, we have to begin with a brief consideration of the over 2000-year history of Jewish life in the Italian peninsula (“Italy”). While Jews have been present in Italy since ancient Roman times, the population boomed after the Spanish expulsion of the Jews in 1492. By the end of the 16th century, most Jews were forced to live in highly restrictive ghettos, in which the characteristic institutions of Italian Judaism – the Israelitic Communities (“*Università israelitica*”) – would begin to take form. The Communities were publicly-recognized bodies, subject to the sovereign law, but internally self-governing. Jews were necessarily subject to the jurisdiction of their Community’s authorities, who had the power to tax them, adjudicate their internal conflicts, and determine the application of Jewish law.

The emancipation of Jews from the ghettos started in 1848, and arrived in Rome in 1870. As Jews left the ghettos, they withdrew *en masse* from the Israelitic Communities, exchanging the rabbis’ unappealable authority for an equal citizenship in a modern state. This depleted the Communities’ economic resources and their relevance as public bodies. Judaism became a religious practice – rather than totalizing condition of life – to be celebrated in specific times, in the magnificent church-like synagogues that emerged out of the old ghettos.

The consolidation of the Italian Fascist state would appear – at first – as a lifeline to the hollowed-out Communities. Seeking to exercise a strong control over all religious life in the country, the government offered Jewish leaders a bargain that they couldn’t refuse: the power to tax all Jews resident in their jurisdiction. The ensuing Falco Law of 1930 radically reorganized Jewish institutions, establishing the Union of Italian Israelitic Communities (which would become the UCEI with the 1987 Agreement), as the umbrella organization representing the twenty-five local Communities, from Turin and Trieste to Rome and Naples. The Communities had previously been organized into a voluntary Consortium to coordinate their activities at the national level, and now they had no choice but to belong to the Union. Jewish cooperation with the Fascist state did not prevent the devastation of the antisemitic Racial Laws of 1938, nor the death of some 8,000 Italian Jews in the Holocaust.

The republican constitution of 1948 changed the context for the exercise of religious life in Italy. Article 7 recognized the privileged role of Catholic Church, disappointing Protestants and Jews, who had hoped that the constitutional guarantees of equal citizenship would imply the perfect equality of all religious groups. The Constitutional Assembly made an important concession to them in Article 8, which recognized the “equal liberty” (but not the full equality) of minority religions, and Article 19, guaranteeing the individual right to religious freedom. According to Article 8, non-Catholic religious denominations had the right to organize themselves autonomously, according to their own statutes, and to enter into their own Agreements with the State to define their specific rights, freedoms and institutions.

Despite this constitutional revolution from authoritarianism to democracy, the Jewish Communities continued to be organized according to the norms of the 1930 Falco Law: it was certainly convenient for the Community leaders. The long road to the 1987 Jewish Agreement began in Turin, in the early 1960s, with the protests of the Jewish women who no longer accepted the Falco Law’s allocation of political power to men only. But the feminist wave did not make it all the way to Rome, and it wasn’t until 1978 that the Communities began to negotiate with the State for a reform to the Falco Law. Then

the Constitutional Court knocked out a pillar of the Falco structure, in 1984, ruling that the Communities could not mandate the membership and taxation of all Jewish persons resident in their territory (prior to this, the only way to exit a Jewish Community was by registering in another Jewish Community, or converting to another religion). In the face of this decision, the Communities had to rethink their mission and institutional arrangements. At this time, the political climate in Italy also became more temperate towards the equal liberty of religious minorities: the Villa Madama Accords of 1984 revised the Lateran Pacts, and finally disclaimed Catholicism as the state religion. This opened the door to the non-Catholic religious groups to finally secure their Article 8 Agreements with the State.

2. The Jewish Agreement and the Statute

The Jewish Agreement, and the Law enacting it, regulate three main areas of public Jewish life: the individual rights guaranteed to Jewish citizens; the structure of Jewish institutions; and financial arrangements.

Even though Article 19 of the Constitution already guaranteed the individual rights of everyone to profess and practice a religion, Jewish leaders felt it necessary to adapt these general norms to the particular needs of Jewish religious observance. They won the rights to religious circumcision and kosher slaughter, observance of a Saturday day of rest and Jewish religious holidays, access to Jewish spiritual assistance in public institutions, exemption from Catholic religious instruction in public schools, establishment of Jewish schools, perpetual burial and the civil recognition of religious marriages.

Turning to institutional specifications, the Jewish Agreement consolidated the regulation of Jewish life both at the local level of the Communities and at the national level, in the Union of Italian Jewish Communities. Article 19 of the Law implementing the Agreement (n. 101 of 8 March 1989) constituted UCEI as the representative body of the Jewish religion in its relations with the State and in matters of the Jewish general interest. It thus affirmed that the Italian legal system considers the Jewish religion as singular and unitary. This is consistent with Jews own religious understanding of themselves as being a part of one people, with a single ancestor and shared history.

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. 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 of 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 registered 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 emancipation, the Communities have 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 the Communities started to define themselves as "orthodox."

We will see in the next section how this orthodox turn has put pressure on the Agreement's unitary system. Because, while the unitary, singular Judaism recognized by the Italian State has become

decidedly orthodox, the Communities are still made up mostly of non-observant Jews. While many in the unorthodox laity accept orthodox authority in strictly religious matters (in which they take little interest anyway), not everyone is able to find their place.

The law guarantees significant public funding to UCEI, as well as providing fiscal benefits to the Communities and their members. In 1996, the Union began to adhere to the national system for the allocation of taxpayer funds to recognized religious denominations. The Union receives this public funding, which it then distributes downstream to the local Communities. This mechanism has greatly reinforced the position of the Union with respect to the Communities, which have come to depend on it for an important slice of their budgets.

3. Cracks in the unitary structure: progressive Judaism; independent orthodox Judaism; Jewish unity beyond the traditional institutions

a. 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 fifty countries in the world. Today it has the largest presence in the United States, where it is the major current. Reform Judaism emerged 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 provided 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 continues to offer 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.

Progressive Judaism thus 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 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 began to attract interest in Italy 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). Jews-by-choice and foreign Jews living in Italy also felt more welcome in progressive communities than in the traditional 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 background or status, gender identity or conversion process. And there are others who 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.

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.

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. Access to religious services (circumcision, mikvah, funerals, certificates) are only guaranteed by the State to members of the traditional UCEI Communities. 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.” 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 become a broad and welcoming umbrella organization, in which all types of Italian Judaism 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 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 formations, organized according to Jewish law and tradition, each within its own district,” 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.” Such recognition would have to be formalized by 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 the “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 at all. 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 no. 1159 of 24 June 1929. The UCEI Agreement explicitly suspends the effectiveness of this law “with respect to [the]...institutions and persons belonging to Judaism in Italy.” 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 no. 1159 of 24 June 1929, and of the royal decree no. 289 of 28 February 1930, cease to have effect with respect to members of the Italian Buddhist Union only (and not with respect to “Buddhism” more generally).

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. 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 an Italian law on religious freedom that would make the process for the state recognition of religious minorities significantly more reasonable.

b. The Case of the “Jewish Community of Catania”

On 28 October 2022, the self-proclaimed Jewish Community of Catania “Catania” opened a new synagogue. It did not follow the procedures set forth in the Agreement and Statute for the establishment of a new Jewish Community, which would have involved an initial petition to both UCEI and the locally-competent Jewish Community of Naples. The UCEI Council issued a declaration strongly condemning this initiative as illegitimate under the Law n. 101 of 1989 incorporating the Agreement. Together with the Jewish Community of Naples, UCEI sued Catania for improperly appropriating the name “Jewish Community,” on the grounds that Law n. 101 of 1989 reserved that public identity exclusively to its constituent entities. It accused Catania of attempting to create the false public impression of itself as a member of the Union, and thus improperly lay claim to the religious authenticity and social legitimacy that such membership implies. Catania argued that “Jewish Community” is a generic identity, reflecting the traditional Jewish practice of communal worship, education and welfare throughout the world.

In its decision n. 10758/2023, handed down on 31 January 2025, the Civil Court rejected UCEI’s claim, ruling resoundingly in favor of Catania. In its reasoning, the Court appealed first to the common-sense, dictionary definition of “community” as a group of people united by such qualities as common interests, customs or values. It noted the historical fact that Jewish people in the Diaspora are organized as communities, understood as associations “of all the Jews resident in a place... for the provision of their religious and other needs.” And it concluded that, in Italy, this organization takes a specific form, rooted in the institutions of the Israelitic Communities that governed Jewish ghettos in Italy before emancipation.

In response to this decision, UCEI declared that the Court had failed to understand its core argument, which wasn’t about the religious freedom of an association, but rather the protection of a kind of trademark, “Jewish Community” that, on the basis of Italian law, exclusively denotes the traditional institutions of Italian Judaism as “original social formations” recognized by presidential decree. According to UCEI, the self-described Jewish Community of Catania had not fulfilled the procedural requirements for consideration as an institution of Italian Judaism, for never having properly applied to Naples and to UCEI. Catania had also failed to meet the basic substantive conditions for Jewish Community status, which include a minimum number of residents, the regular supply of kosher food, the presence of a ritual bath and, above all, religious guidance from a rabbi approved by the UCEI’s Italian Rabbinical Assembly. The Jewish Community of Catania published its response on Facebook, criticizing UCEI’s statement as “the same old tired nonsense”, and accusing it of being undignified and disrespectful for not accepting the Court’s decision.

There are significant flaws in the current law, and the Court’s judgment in favor of Catania clearly resonates with them. There is a reasonable case to be made that the inherent and acquired defects in the Union’s representation of Italian Jews justify the tolerance of self-described Jewish Communities operating independently of it. It is likewise reasonable to consider that the Union’s monopoly under the law applies only to the material establishment of affiliated Jewish Communities and not to the simple use of the name. The Civil Court’s decision would surely have been fortified by a more careful consideration of the law’s potential ambiguity.

c. The Jewish Dialogue

Holding its first meeting in July 2025, the Jewish Dialogue brings together Jews from both inside and outside of the traditional institutions of Italian Judaism. The main item on the agenda in this and a second meeting in November 2025 was to discuss the hitherto unquestioned centrality of the State of Israel to the Italian Jewish identity. A third meeting is planned for May 2026, to reflect upon the meaning of Jewish ethics today.

Motivated by an indignation at the marginalization of critical voices by the Jewish institutions, the Dialogue creates a space for the free expression of opinions on the most important issues in Jewish life: from problems with the local Communities, to Israel, the Occupied Territories and the disaster of Gaza. The goal is a renewal of Jewish institutions to render them more coherent and responsive to the basic values of Italian Jewish citizens. Participants in the first two meetings reported an impressive climate of active listening, respectful disagreement, and openness in the face of diverse and contrasting opinions.

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