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BOOK REVIEWS

**Giorgi, Alberta (2018), *Religioni di Minoranza tra Europa e Laicità locale [Minority Religions between Europe and Local laicism]*
Milano: Mimesis**

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Is not rare to hear debates consuming around the wearing of the Islamic veil, or on the possibility of realizing a new place of worship; or debates on the presence of the minarets, controversies on crucifix in public spaces and yet others regarding the possibility of consuming marijuana for ritual practices. Even if these talks seem very distant one from another they all share a common denominator: these are debates questioning the position of minority religion and exposing the contradictions they have to face when, due to every belief specificity, they rise demands that either seem hardly answerable appealing to the existent normative framework or are pictured as incompatible with a given system of values.

The core question of the research presented in this volume is if, and how, minority religions in Italy activate legal strategies in order to have their demands recognized.

In this sense “this is a book speaking about religion and at the same time not only about religion” (Giorgi 2018, 7).

This is a book speaking of the contradiction emerging in Italy on matters involving minority religions and more importantly is a book that attempts to understand which are the discursive arenas in which these contradictions can be discussed and eventually overcome mobilizing juridical-legal strategies.

As inferable from the title the author assumes a multi-scalar perspective; religions are to be observed at the macro as well as the micro scale. In this attitude Giorgi drives the reader from European courts to small municipalities all over Italy; the journey is never one-directional and requires the attention of keeping in mind the larger 'map' and the possible trans-scalar consequences and repercussions of every taken action.

The requirement of going back and forth among scales and levels of government is rooted in the questions driving the larger project within which Giorgi's work is inscribed. Giorgi, together with Pasquale Annicchino, curated the Italian section of the European research project "Grassrootsmobilise Directions in Religious Pluralism in Europe – Examining Grassroots Mobilisations in the shadow of European Court of Human Rights Religious Freedom Jurisprudence", the research took place between 2014 and 2018 with the main scope of studying the side effects of European Court of Human Rights (ECtHR) jurisprudence having religion as their central argument. For the intentions of the project are considered side effects those not directly related to the treated law cases but those more loosely related to the framework built around ECtHR decisions.

The research is greatly based on interviews to experts and privileged witnesses including members and representatives of the variegated religious associative realm and specialists who worked on specific legal controversies. Other sources on which the research builds on are analysis of ECtHR presence on media as well as the screening of precedent researches conducted comparatively in Italy and Portugal.

Giorgi is not new to the topic, before her involvement in the project the author had already been working on the discursive framing of religious for over a decade, this previously acquired knowledge is also deducible from the vastness of references used, and provided, in the volume.

The publication is in Italian and presents itself in a quite friendly format. It is only 160 pages long, however the reader should preferably have some background knowledge on the issue of minority religions and on the different implications that can be found at different territorial and government levels. Since the research is focused on Italy, and in some of its parts it discusses specific and detailed issues, it would also be helpful to have some knowledge about normative framework regulating religion(s) in the Country. The book itself contains all this information and much more, however a complete newcomer to the topic might risk to have some trouble in navigating the great amount of contents presented.

The volume is structured in five chapters broadly moving from the general to the particular, nonetheless a certain flexibility is required: in fact this movement from is double folded, firstly it is a gradual passage from the international to the local,

simultaneously it is a movement across the complex, seldom linear, relations bonding academic references, norms and juridical praxis to policies and religious groups' practices.

This main skeleton is preceded by an introduction anticipating the driving research questions and it is followed by conclusions summing up the main contents and helping the reader to reconstruct the general structure.

The first chapter starts by problematizing the meaning of the expression 'minority religion'. As the author underlines it is nothing absolute, it is contextual and relational and it is tied to the existence -and definition - of a majority. In this sense minority religions are those who cannot be inscribed in the majority and, in the case of Italy they are the non-Catholic religions.

The debate on religions stems at first in the '90s greatly due to inversion of migration trends. Starting from the '70s, in a twenty-year period, Italy passed from being a predominantly emigration country to be a predominantly immigration one. Despite the consolidated presence of some historical minorities on Italian territory (such as Jews, Christian Orthodox or Evangelical) this inversion prompted a discursive shift and, in the imaginary, minority religions progressively became the religions of the others, where 'others' is not only indicative of different religious groups but of different geographical and cultural belongings.

Discussions and debates involving religion in general, and 'religions of the others' in particular, greatly articulate around two main themes: the one of morality and sexuality and the one of presence and visibility of religion in public arena and public spaces.

Both these themes become relevant and controversial whenever the demarcation line between the public sphere, allegedly secular, and the private one, allegedly the proper one for religion, is challenged. "The problem is the presumed difference and irreconcilability between religious and secular values" (Giorgi 2018, 17) as well as the presupposition of some religions (especially Islam) to be irreconcilable with modernity where, on the opposite, a Christian identity would be seen as compatible.

This argument is better developed in the second part of the chapter where the discourse on minorities is framed within the one on secularization.

Following on this, the chapter frames the discourses on minorities within the debates on secularization arguing that this last concept in Europe is strongly connected to the idea of emancipating from religion. Even if the volume is not thought as a contribute to the already rich literature on secularization this section provides wide

and handful literature of reference; impossible not mention -between others - Casanova (1994); Asad (1993; 2003) and Berger, Davie and Fokas (2008).

In European countries, the relation between the public authorities (allegedly secular) and the religious ones is generally regulated at the national level and if the utopian horizon is often that of complete separation between the two spheres, it appears as nothing more than an ideal. In every Country and political system, it is possible to identify some sort of contact between what is perceived to be the “religious” and what is thought, and often asked, to be the “secular”. If understanding how this entanglement develops in each national context is relevant it is also of primary importance to recognize the existence of supranational levels of reference (especially the European one) and to account for their relevance.

Europe is not only a new frame contributing to redesign geographic equilibriums, it is an active actor providing juridical tools.

Different territories and levels (local, regional, national and supranational) “are characterized by a complex weaving of juridical regimes providing differentiated political, legal and discursive opportunities” (Giorgi 2018, 29). Such differentiated regimes insist at the same time on the same territories and are not necessarily completely coherent one with the other.

Whether Europe does not provide any single, systematic, policy explicitly targeting religion an analysis of the policies time to time involving religion show a progressive movement in the direction of a ‘Europeanisation’, in the double sense of intervention of UE in national issues regarding religion and of the uprising of themes that go beyond the border of the single nation-state. In general, the author argues, the UE while not deliberating directly on religious issues is characterized by being active and attentive to religious diversity. Broadly speaking the position undertaken by the UE produces a discursive space based on the elevation of “individual rights” to the level of “European values”, freedom of religion is thus designed as an individual right.

That said, is also central to maintain that many decisions impacting on the degree of freedom that religious actors can enjoy are taken and regulated at the local level, when translated in practical actions and local policies the impacts of Europeanisation on the religious diversity governance in Italy seem to be quite contradictory.

As may be sensed the fact of framing religion within the discourse of human rights opens a number of debates concerning the essence of religion as a social, and not purely individual phenomena, and it could then also be legit to question what are the cases that can be addressed through “Europeanization” and “tribunalization”, and what instead are hardly included under this loosely defined umbrella of protections.

The second chapter moves from here to discuss the spread of the language of “rights” and the increasing relevance at the international level of law courts as arenas of democratization in a process that has been labelled “tribunalization of politic”. Specific reference is here to the role played by the European Court of Human Rights (ECtHR).

The “tribunalization of politic” as defined by Hirshl is “the ever-accelerating reliance on courts and judicial means for addressing core moral predicaments, public policy questions, and political controversies” (2008, 94).

While several explanations can be provided to motivate this ongoing phenomenon, the chapter focuses on two of them: change in the government structures and expansion of international law.

Changes in government structure refer to the multiplication of layers of government – with the relatively recent creation of number of supranational organisms – and to the proliferation of semi-autonomous structures which in absence of a unique political centre of reference acquire increasing importance in solving those disputes which political organs are incapable of solving.

Many of these international courts, and the ECtHR in particular, are devoted to the resolution of conflict occurring between individuals and States and not among States; the role of the court is to deliberate on individual rights assuming as reference the European Convention of Human Rights, currently subscribed by 47 countries.

Following on this line of thought the author presents the ECtHR as an opportunity structure for the claim of individual rights and, after explaining how the ECtHR functions, she introduces the concept of “margin of appreciation”, meaning the freedom of States to apply ECtHR deliberations with a certain degree of flexibility. Since the sole existence of such flexibility implies a derogation from the paradigm which sees all rights as equally universal the margin of appreciation applicability can vary depending on the specific issue: for instance there is no flexibility on crimes of torture while the flexibility is quite relevant for cases related to the right of freedom of religion, in these cases the margin granted to single states is traditionally quite wide.

The chapter follows by presenting the ECtHR jurisprudence on the theme of religious freedom and highlights how the court approach has been subject to change over time. Three phases are identified: the first characterized by weak intervention and *de facto* support to traditional majorities, the second – starting in the ‘90s – characterized by support to minorities and separation between public and religious institution, the third – and ongoing phase – is characterized by quite wide recourse to the “margin of appreciation” and from an attitude attentive to majorities. The threshold from the second to the third phase was signed by the “Lautsi case” (Fokas; 2015). It has been an

important argument raised by Lautsi against the crucifix's presence in Italian public spaces. Following on several passages and a pervasive political mobilization "pro-crucifix" the court at the last level of judgment deliberated against Lautsi, and appealing to the margin of appreciation, recalled the relevance of Christianity in Italian culture thus allowing the permanence of the crucifix in classrooms, offices etc. ...

The action of the European Court can have both direct and indirect effects. Direct when the sentences are applied, indirect when Court decisions inspire new actions and influence political decisions not directly asked by the verdict. In short jurisprudence can help to "legitimize or delegitimize certain requests" (Giorgi 2018, 54) and hence help to create political opportunities.

Despite some risks, the concept of "structure of political opportunities" has become since the '70s a necessary conceptual reference for the study of social movements. One of the first definitions of the expressions indicates "the degree to which groups are likely to be able to gain access to power and to manipulate the political system" (Eisinger 1973, 25 as cited in McAdam 1996, 23). In the case of religions seems proper to ask in what way the increasing relevance of jurisprudence at different level of government, and in particular the presence and action of ECtHR tribunal, impacts the action of minority groups.

In this inquiry, it is important to account for the fact that the mere presence of a potentially favourable structure is not sufficient in order for it to have an impact: the potential beneficiaries (in this case minorities religious groups) need firstly to know about its activity and then to evaluate it as accessible and positive to pursue their interests.

In such process there are some obstacles that must be considered and that can limit the possibilities of some groups to access ECtHR, such limits are grounded in the differentiated starting points in which minority groups may be positioned and include: (1) differentiated access gates. For instance, in the Italian context, State-Church relationships favour some groups much more than others in the access to many possibilities (2) Not all claims are equally legit and recognized by the opportunities structures, so that if group claims are not included in the discursive possibilities their chances to access the opportunity structure are consistently reduced. (3) In addition not all groups have similar legal and economic opportunities in order to pursue instances that might require very lengthy process eventually needing high levels of legal competence and specialization.

Following on the double movement from the general to the particular chapter three presents how these themes are articulated in the Italian context and, in more detail,

the attention is on how and when ECtHR is considered, or fails to be considered, as a structure of opportunity.

The first part of the chapter provides an introduction to the Italian legal framework. In Italy the State is required to be neutral in front of religions but the relations between it and the religions can be normed according to differentiated regulatory regimes for different religions. In this system, the religion enjoying the greatest privileges is the Catholic one, followed by those (twelve so far) who signed specific agreements (*Intese*) with the Ministry of Intern, they are then followed by those religions who gained juridical personality (it means they are officially recognized as religions), and lastly all those religious groups which organize themselves as associations with no specific reference to religious ends.

This multi-layered structure stands on unstable ground especially regarding three particularly problematic nodes: the definition of religion, the compatibility between some religious practices and the legal system and the relation between national and local legal frameworks.

The definition of religion has long been an important node in sociology of religion and the many debates do not provide any definitive solution (Cavanaugh; 2006); when translated in everyday action such conceptual fuzziness may turn having very serious consequences, for instance, on the type of regulatory regime each group has to comply to and thus on the rights and duties granted or refused to it.

As the author shows through some cases, defining what a religion is or is not can be a complex process which not seldom requires the intervention of the judiciary system, it is the case in Europe, as exemplified by the examples in the volume, but similar arguments can also emerge in very diverse contexts as for example the U.S. one (see Sullivan; 2005).

Moving beyond defining disputations there are also other points of structural instability.

Eventual incompatibilities between some religious practices and the legal system let emerge the distance between value systems and how our principles, laws and practices may be less universal than we ought to think.

In addition, in absence of a general and unique law regulating religious issues many controversies arise at the local level. Regulations on specific issues (E.g. Realization of places of worship) mostly depend on local decisions, this decisional independence comes with the risk of incurring in "religious municipalization" where religious rights may be granted and protected in some municipalities and not in other (Mancini; 2017).

If, on one side, the local dimension tends to assume an overarching importance this trend is mirrored from the increasing tendency to Europeanization.

As shown by Giorgi in this chapter the attractiveness of the European horizon differs when changing the point of view. Giorgi presents some of the testimonies given from the privileged witnesses (both religious and non-religious) she interviewed during while working on the research project. What emerges is that the European dimension is a relevant horizon to which actors refer especially when talking about principles, at the same time this horizon may be of difficult access because of the necessity of disposing of resources, networks, specific competences so to be able to appeal to international institution. Among the different religious minorities present in Italy the one more strongly dependent on the migratory process are often the weaker one, and paradoxically, also those that have greater difficulties to access international levels of protection.

In this sense there are uneven entry possibilities for the different groups.

Difficulties in direct access to international courts don't exclude the presence and importance of indirect effects deriving from the existence and activities of these bodies implies: one of the most relevant side effect is the spread of the "language of rights".

Access and impact of side effects are the topics treated in chapter 4.

In Italy no minority religious group has ever been directly involved in ECtHR cases and this limits the degree of familiarity with the structure. In general, also beyond the strict limits of religion, many of the cases which manage to be accepted in front of the ECtHR (after having expired all the possibilities to appeal to national level of judgment) are 'pilot cases' mobilizing interested actors even where not directly involved.

'Pilot cases' are costly both in economic and human resources and require high skills in terms of legal and juridical literacy, these requirements are very rarely present simultaneously within weakest minority-religions groups.

The feelings toward the language of rights on the other hand are double sided and many groups struggle in embracing it especially when it means to open a legal argument, which can be seen a way of acting not conforming to religious codes and ethics; in the world of a Buddhist interviewed moving to judiciary level means moving toward battle and "this is not in our culture" (Giorgi 2018, 102).

When seen from the perspectives of religious groups the language of rights also presents one more complication: human rights are individual while religious groups often refer to collective identities.

The reference to individual/ collective identities cannot be automatically inferred by looking at the binary dichotomy religious/non-religious but is something to be scrutinized time to time, for instance Giorgi reports testimonies of groups who seem to be more comfortable in referring to group identities while others, such us representatives of protestant groups, are used to interpret the language of rights as

coherent with a necessary – they say- secularization of legal institution. In their perspective and with this end in mind it becomes crucial to embrace the individual focus of the discourses, it also couples with a stress on the relevance of translating any instance into a *laic* language.

Beyond the specific position of each confession or representative, the perception on the opportunity and efficacy of recurring to international tribunals depends also on an critical considerations on the outcome of previous sentences and how they match (and if they match) the claims eventually forwarded by the different groups. As a consequence of these type of evaluations the language of rights is sometimes also successfully used from majoritarian religious groups if they perceive themselves as excluded from laic political positions.

What emerges from the chapter is that the balance between the right to religious freedom and other rights may turn to be very controversial and religious minorities are not necessarily those using the opportunities provided by ECtHR structure, majorities may be in fact better equipped for the long and complex procedures required to access.

Many of minorities religion may attempt to develop other strategies of recognition, Giorgi mentions three of them (which can possibly be intertwined): juridical recognition, attempt to modify the State- religion relations, and the so called ‘juridical mimesis’.

The first of these strategies is the one allowing to climb the pyramid of legal recognition finally signing an agreement with the State. This agreement for minority religions means not only access to increased legal rights but also to increased cultural recognition. The second strategy implies a long-term work in the attempt to develop a general law on freedom of religion, the last proposal has been in 2017, however at moment there are no progresses on this.

The third strategy is that of mimesis, it means the “selective activation and deactivation of its own religious identity” (Giorgi 2018, 119). One of the most frequent ways by which it occurs is by groups deciding to be recorded as simple associations not directly related to the religious practice.

All these elements and contradictions, as well as the lack of a clear and unique legislative framework emerge and are highlighted in local struggles.

Chapter five discusses how the arguments rotating around the issue of religious freedom take shape locally. In reading this chapter is necessary to keep in mind how ‘the local’ is only one of the layers to be considered and by no means it can be accounted for the whole complexity characterizing the issue in general as well as the specific controversies.

Local phenomena must be interpreted in a dialogic communication with the supra-local and the supranational.

Both minority and majority religious groups privilege the local scale as arena for direct action, sensitization and networking, these activities are in fact deemed more feasible in a given, clearly limited, informal local context rather than in the highly formalized trans-local one. In this direction in many cities processes of interreligious dialogue have been started with various degrees of success

However in other situations where specific attention to the themes of religious diversity is missing the degrees of religious freedom varies, as the author points, one of the ambits in which such variation is more visible is the one concerning places of worship realization. A great number of controversies upon their realization can be listed and three regional councils deliberated norms, informally labelled the 'anti-mosque laws', to oppose the realization of minority-religions places of worship.

These cases are exemplary of how the issue of religion comes to be politicized and can lead to relevant polarizations not only between right and left wing but also among different territorial levels which not necessarily have the same interests.

In the words of an interview reported by the book the theoretical relevance of these laws is not only in the content but in the fact of "using an administrative tool in order to regulate a principle" (Reported by Giorgi 218, 134; interview #44; 20/03/2017)

The proliferation of such norms and struggles show the difficulties of ensuring the effective fruition of rights, and in particular of the freedom of religion right, that risk to be only granted on paper.

On this line in Italy, even if with some delay when compared to other European countries, there is an increasing amount of literature both moving from sociology and planning and targeting the issue of religious spatiality and in particular the exceptionality of Muslim places of worship (i.e. Saint-Blancat and Schmidt di Friedberg, 2005; Conti, 2016; Chiodelli and Moroni, 2017)

In five chapters the journey that started at the European level ended at the municipal one, each step attempted to cast a new light on the very knotty and multifaceted net bounding the action of religious groups in Italy.

The volume is closed by a chapter of conclusions helping to summarize the contents and clarify ones more the structure and the intentions of the book.

The governance of religion becomes the governance of religions and where for the governance of religion was fundamental to keep separate the political from the religious, for the governance of religions the priority is the neutrality.

In this changed frame the books introduces the rise of an important factor of complexity, it is the emergence and increasing relevance of the ECtHR, here discussed

as a new structure of opportunity able to modify the discursive field and, at times, used as an amplification of the political realm.

More and more marginal actors may find convenient to reposition their controversies from the national political arena to the international juridical one.

The study of how minority religions activate a legal strategy for the recognition of their rights shall be placed in a dialogic relation with other adjacent debates, the author identifies three discussions to which this work can contribute and that can as well be fruitful lines for further research:

(1) The discussion on cultures of secularity and on differentiated forms of 'local *laïcité*', intending for it the diverse meanings that may be attached to the principle of separation between state and religion; the core idea is that in each local context the principle of separation may answer to different needs and thus assume different significates.

Such line of inquiry, Giorgi underlines, can be promising in the attempt to identify the possibilities of action of every group according to their operative setting.

(2) The discussion on forms and effects of the Europeanization process. The contribute of the volume regards in particular two of the aspects highlighted by Olsen (2002); the creation of central institution at the European level and the redistribution of competences among institutions.

With particular attention to minority religions, one of the points of greater relevance is the development of a common language, specifically the language of rights.

More generally European institution seem to be attentive to minority religions and to value diversity, nonetheless their action is selective toward the 'acceptable' religions and the acceptable 'religious practices', hence there is a certain degree of exclusivity.

(3) The discussion on juridical mobilization and opportunity structure. The contribute in this regard are two folded: first it provides material to inquiry the ways in which the law (international, national, regional) shapes the action of religion.

Secondly, and maybe with greater strength, it stresses and argument on how juridical mobilization is often the last resource in an attempt to overcome vacuums left open from traditional politic and is in this sense that opportunity provided by the presence of ECtHR seems more relevant.

The volume presents the port of landing of an important European research and at the same time can be a promising starting point for navigating on similar, or interconnected, routes.

The research's results constitute a valuable piece to be added to the growing, but still very open, body of literature investigating the various and intricate relations bonding State action(s) to religious groups, and in particular minority one, passing through the juridical sphere.

Where the reading can risk, at times, to appear complex its richness will also prove to be handfull in order to systematize the wide range of interrelated streams of academic thinking.

The originality of the work lays in the constant accounting of the multi-layered structure at the geographical and social level but especially at the legal one, and in the attention that has been posed in highlighting the presence or lack of communication, consequences, reaction connecting vertically, horizontally and eventually diagonally the different level of government, the juridical system and the religious organized groups.

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