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INDICE / TABLE OF CONTENTS

Sezione 1
Embodiment and Disembodiment in Religion and Ethics

Sezione 2
A Disciplined Interdisciplinarity

Sezione 3
Theology and Philosophy in Dialogue: Between Threshold, Imagination, and Emic Dimension

Sezione 4
Minorities and Autonomies: Dialogues on Rights

Sezione 5
Mortali. Riflessioni sull'arte di vivere

Sezione 6
Miscellanea

INTRODUCTION TO ISSUE 2024 OF "ANNALI DI STUDI RELIGIOSI"

Massimo Leone

1. An overview

The 2024 issue of the journal "Annali di studi religiosi" by the Center for Religious Studies at the Bruno Kessler Foundation (FBK–ISR) presents a rich interdisciplinary exploration of various themes at the intersection of religion, ethics, and contemporary social issues. The journal reflects a commitment to examining complex and nuanced topics through diverse academic lenses, fostering a multidisciplinary dialogue that integrates philosophical, theological, anthropological, juridical, and socio-political perspectives.

The articles in this issue, in particular, address several overarching themes. First, "Embodiment and Disembodiment", explored through the lenses of sexuality, respect in urban spaces, and the dualism of body and soul, examining how physical presence and absence shape personal and collective identities. Second, "Cultural and Spiritual Identity", with articles on Tengrism in Kazakhstan and Ignatian spiritual exercises reflecting on how traditional and modern elements of spirituality interact and respond to contemporary challenges like digitalization and globalization. Third, "Ethics and Medical Humanities", involving the discussion of palliative care and the re–emergence of the soul in medical ethics and highlighting the importance of integrating spiritual care into healthcare, so as to emphasize holistic approaches to end–of–life

issues. Fourth, "Religious and Social Justice", with a focus on human trafficking, religious minorities, and the concept of a "Christian nation" in addressing critical issues of dehumanization, autonomy, and the role of religion in public policy.

The journal as a whole clearly exemplifies the interdisciplinary nature of FBK–ISR's research, merging insights from different fields to address contemporary societal challenges. By incorporating diverse methodologies and theoretical frameworks, the articles provide a comprehensive understanding of complex issues. This interdisciplinary approach is vital in religious studies, where phenomena often transcend simple categorizations and require multifaceted analyses. The journal remains closely connected to pressing social realities, tackling thorny issues such as human trafficking, ethical dilemmas in healthcare, and the political implications of religious identities. By addressing these topics, the journal contributes to broader societal debates, offering scholarly insights that can inform public policy and ethical practices. The focus on social justice and human rights underscores the journal's commitment to making a tangible impact on contemporary social issues.

Indeed, studying human values, including religious values, at a Foundation primarily focused on technology, like the Bruno Kessler Foundation, is crucial. It ensures that technological advancements are aligned with humanistic principles and ethical considerations. Understanding the human at the center of technology development helps developers create solutions that are not only innovative but also respectful of human dignity, cultural diversity, and ethical standards. This integration fosters a more holistic approach to technology, ensuring it serves the broader goals of societal well–being and human flourishing.

By integrating these themes and approaches, the journal and FBK–ISR demonstrate the importance of interdisciplinary research in addressing the complex, multifaceted challenges of the modern world. Such work highlights how scholarly inquiry into religion and ethics can contribute to a deeper understanding of humanity, guiding both technological and social progress.

2. The sections

Here follows a concise description of the sections and their contents.

The first section, entitled "Embodiment and Disembodiment in Religion and Ethics" as Boris Rähme opportunely points out in its preface, is based on papers from two academic panels. They both refer to the central theme of FBK–ISR 2023 research year, devoted to "Embodiment and Disembodiment in Religion and Ethics". Here follows a short description of the papers of the section, followed by some considerations on their transversal qualities.

The article by Paolo Costa, titled *Embodiment, Disembodiment, and Overembodiment: Merleau–Ponty, Foucault, and Augustine on the Significance of Sexuality in Human Life*, explores the role of the body in shaping personal identity through the lens of human sexuality. Costa uses Merleau–Ponty's *Phenomenology of Perception* to highlight the embodied experience of sexuality, contrasts this with Foucault's examination of sexual ethics in early Christianity, and then delves into the dialogue between Foucault and Augustine in the context of *The History of Sexuality*. The study aims to elucidate the contemporary value attached to sexual intimacy and its implications for understanding modern "axiophany" as a type of "hierophany".

The article by Valeria Fabretti, titled *Room for Otherness: Body, Space, and Materiality in the Investigation of Respect within Multi–Religious Cities and Spaces*, probes the concept of mutual respect in diverse urban environments. Fabretti proposes an agential, embodied, and spatialized interpretation of respect, examining how respectful interactions emerge from the interplay between individual performances and the spatial characteristics of urban settings. The paper suggests exploratory hypotheses for empirical research to understand how respect is enacted in multi–religious cities, aiming to contribute to the design of inclusive urban spaces that foster respectful coexistence among different religious and non–religious groups.

The article by Lucia Galvagni, *Disembodied Souls and Embodied Selves? The Return of the Soul in Medicine and of the Body in Spirituality*, reflects on the renewed attention to the soul in bioethics and the significance of the body in contemporary spirituality. Galvagni examines the

dualism of body and soul in historical and modern contexts, discussing the implications of this dualism in medical ethics, healthcare, and spiritual practices. The study highlights the importance of integrating ethical, philosophical, and religious perspectives to better understand the intertwined roles of the soul and body in human existence.

The article by Sara Hejazi, titled *Tengri Calling: Decolonizing Cultural Narratives in Contemporary Kazakhstan*, explores the revival of Tengrism as a cultural and spiritual response to the modern challenges of digitalization and globalization in Kazakhstan. Hejazi discusses how Tengrism, rooted in ancient spiritual beliefs, serves as an identity marker for urban Kazakhs, balancing traditional and modern elements. The study emphasizes Tengrism's role in promoting ecological engagement and sustainability while addressing post–colonial narratives and the quest for authenticity in the face of external cultural influences.

The article by Debora Tonelli, titled *"With My Whole Being": The Experience of Ignatian Journey. A Provocation for Spiritual Imagination*, explores the role of spiritual imagination in the Ignatian Spiritual Exercises, drawing analogies with immersive technological experiences. Tonelli discusses how these exercises, devoid of technological mediation, aim to transform individuals through self–knowledge and encounters with God. The study raises questions about the reality and authenticity of experiences mediated by technology compared to traditional spiritual practices.

The article by Shannon Craigo–Snell, titled *Acting Out and Acting In: Analyzing Digital and Virtual Liturgy*, investigates how liturgical practices express and shape Christian faith in digital contexts. Craigo–Snell outlines six functions of human action in worship — rehearsal, recognition, regulation, remembrance, resistance, and rejoicing — and assesses their effectiveness in digital and virtual settings. The study finds that digital platforms facilitate acting out faith through recognition and resistance, allowing for intimate and inclusive worship experiences. However, acting in through rehearsal, regulation, and remembrance poses challenges due to the need for physical presence and embodied interaction, which are difficult to replicate digitally. The article emphasizes the complexity of digital liturgy and the necessity for theological and practical adaptations in the evolving landscape of worship.

The papers collectively embody the approach to the study of religion and ethics of the Center for Religious Studies at the Bruno Kessler Foundation by integrating interdisciplinary perspectives and addressing contemporary issues through rigorous analysis. Paolo Costa's exploration of embodiment and sexuality through Merleau–Ponty, Foucault, and Augustine's lenses showcases the depth of philosophical inquiry, linking historical discourse with modern implications. Valeria Fabretti's investigation into mutual respect in multi–religious urban settings highlights the importance of spatial and material considerations in fostering coexistence, reflecting the center's commitment to empirical and social research. Lucia Galvagni's examination of the soul in bioethics and spirituality bridges ancient philosophical debates with current medical and ethical considerations, emphasizing the continued relevance of spiritual care in modern healthcare. Sara Hejazi's analysis of Tengrism's revival in Kazakhstan as a post–colonial identity marker demonstrates the integration of cultural, religious, and political dynamics, showing how traditional beliefs are reinterpreted in contemporary contexts. Debora Tonelli's comparison of Ignatian spiritual exercises with digital immersive experiences underscores the innovative ways technology intersects with spiritual practices, reflecting the curriculum's focus on new frontiers in religious studies. Shannon Craigo–Snell's evaluation of digital liturgy's impact on worship practices illustrates the nuanced understanding of how technology reshapes religious experiences, aligning with the center's emphasis on addressing modern challenges.

The second section, entitled "A Disciplined Interdisciplinarity", prefaced by Massimo Leone, and stemming from research activity conducted at FBK–ISR in the frame of the DREST national doctoral programme in Religious Studies, contains four key articles that embody the interdisciplinary and transdisciplinary ethos of such doctoral programme, partnered by FBK–ISR since its inception. In particular, Marco Barbieri's article explores the Axial Age and its philosophical implications through the works of Karl Jaspers and Martin Heidegger, highlighting the blend of empirical and faith–based elements in understanding historical and existential dimensions; Nicolò Germano's article examines the evolution of modern ethics from Kant to Nietzsche,

emphasizing the impact of nihilism on ethical and religious thought, and the ongoing quest for meaning in a world perceived as devoid of intrinsic purpose; Antonio Pio Di Cosmo's research on sacred images in North Apulia employs visual anthropology to decode the iconographic significance of the "*lectulum Salomonis*" type in medieval religious art, emphasizing the role of visual production in public worship and regional devotional practices; and Rebecca Sabatini's study of the Capuchin Catacombs in Palermo adopts a transdisciplinary approach, integrating anthropology, history, and religious studies to understand the dynamic interplay between material and immaterial cultural heritage. The four articles are organized in two pairs, the first underscoring the importance of historical context and philosophical inquiry in contemporary ethical and existential debates, while the second highlighting the relevance of historical and cultural artifacts in contemporary contexts, demonstrating the importance of interdisciplinary research in understanding and preserving cultural heritage.

The third section, entitled "Theology and Philosophy in Dialogue: Between Threshold, Imagination and Emic Dimension" contains articles that are rather theological in tone. It is aptly introduced by Debora Tonelli, who underscores the importance of dialogue between theology and philosophy, addressing fundamental questions of ethical, social, and political action, and the criteria for understanding these questions. Such dialogue is rooted in the recognition of Christian theology as a fundamental aspect of Western culture and its ongoing relevance in questioning human choices, values, and the ultimate meaning of life. Theology, even before becoming a doctrinal framework, prompts reflection on the relationship between humans and God, while philosophical rationality ensures that this reflection remains free from ideological dogmatism. This section includes five essays that explore various dimensions of this dialogue, examining how theology influences the emic dimension and how rational and theological understandings can coexist and enrich each other.

In particular, the article by Salvatore Rindone, titled *The Veiled Threshold: A Narrative Interpretation of the Temple in Christian Revelation*, examines the symbolic significance of the veil in the Jerusalem Temple, tracing its theological implications from the Old

Testament to the New Testament. Rindone explores the concept of the threshold, distinguishing it from a boundary, and uses it to analyze the biblical narratives of Moses and the Temple. The veil represents the separation between humanity and the divine in the Old Testament, a barrier that signifies the unapproachable holiness of God. However, in the New Testament, particularly at the moment of Jesus Christ's crucifixion, the veil is torn, symbolizing the removal of this barrier and the new access to God granted through Jesus. This act transforms the threshold into a passageway, inviting believers to cross into a closer relationship with the divine. Rindone's study highlights the theological shift from separation to communion, illustrating how the concept of the threshold evolves from exclusion to inclusion in Christian theology.

The article by Vincenzo Serpe, entitled *The Threshold between Human Rational Research and Revelation in Thomas Aquinas'* Summa Contra Gentiles examines Thomas Aquinas' *Summa Contra Gentiles* to highlight the philosopher's role as a "thinker on the threshold" between rational thought and divine revelation. Focusing particularly on the second book of the *Summa*, Serpe discusses how Aquinas navigates the complex interplay between philosophy and theology, using non–Christian sources such as Averroes, Avicenna, and Maimonides to enrich his theological arguments. The article delves into Aquinas' handling of the "creation versus eternity of the world"–debate, illustrating his method of engaging rational arguments while maintaining theological convictions rooted in Christian faith. Serpe presents Aquinas as a researcher who balances reason and revelation, contributing significantly to both philosophical and theological discourse by standing on the threshold of these two domains.

The article by Pierangelo Bianco, *Ecumenical Theology from the Emic*, investigates the development of ecumenical theology, focusing on the dialogues and intersections between different Christian traditions. Bianco traces the historical and theological roots of ecumenism, highlighting key moments and figures that have shaped the movement. The paper examines the challenges and opportunities presented by ecumenical dialogue, emphasizing the importance of mutual understanding and respect among diverse Christian communities. Bianco argues that ecumenical theology enriches the broader Christian tradition by

fostering a spirit of unity and cooperation, ultimately contributing to a more inclusive and comprehensive understanding of the Christian faith.

The article by Debora Tonelli, titled *The Biblical Imaginary in Political Thought: The Example of Consensus*, explores the concept of consensus as a fundamental element in social, political, and personal relationships through the lens of biblical narratives, particularly Exodus 19: 1–8. Tonelli argues that the biblical text has historically inspired various social and political revolutions, from the Afro–American struggle for emancipation to decolonial theology, by highlighting the central role of consent in these movements. The article examines how biblical stories provide a framework for understanding political and social consensus, engaging with Spinoza's interpretation to demonstrate the lasting influence of biblical thought beyond religious contexts. By analyzing the Exodus narrative, Tonelli shows how the biblical concept of covenant, which requires the people's consent, has informed modern ideas of democracy and social contracts, emphasizing the importance of mutual agreement and shared values in forming cohesive and just societies.

The article by Stefan Silber, *Towards a Postcolonial Theology of Nonviolence*, presents such theology as a form of resistance against the ongoing impacts of coloniality. Silber engages with postcolonial criticism, arguing that nonviolence should not be seen as a deterrent to decolonization but as an essential step toward liberation. By drawing on the thoughts of influential figures like Gandhi and Said, Silber outlines a theology that rejects all forms of violence, including structural and epistemic, and emphasizes the importance of autonomy and self–expression for colonized peoples. The paper advocates for a Christian theology that is attentive to the wounds of colonialism and seeks to transform itself through the inclusion of marginalized voices and experiences, aiming to develop a more just and nonviolent religious practice.

The fourth section, on "Religious Minorities", addresses a core theme of research at FBK–ISR. As Silvio Ferrari convincingly points out in the introduction, such attention seeks to obviate the lack of specific legal and research frameworks dedicated to the rights of religious minorities, highlighting the need for dedicated platforms for discussion

and analysis. Current international and domestic laws often inadequately address the unique needs of religious minorities, treating them similarly to other types of minorities. The section therefore explores the distinctiveness of religious minorities, emphasizing their basis in a comprehensive and normative worldview often rooted in divine revelation, which sets them apart from ethnic, linguistic, and national minorities. The section examines various forms of autonomy — such as institutional, territorial, and organizational — highlighting the complexities and overlaps among different types. Overall, the section advocates for a nuanced approach that recognizes the specific historical and legal contexts of different religious minorities to better address their unique challenges and autonomy needs.

In particular, the article by Ilaria Valenzi, *The Legal Concept of Autonomy*, explores the intersection of autonomy and minority status, particularly focusing on religious minorities. It aims to identify how autonomy serves as an instrument for the protection of religious minorities within legal pluralism without compromising fundamental rights. The discussion extends to the recognition of minorities in international law, emphasizing the necessity of collective rights alongside individual freedoms. The text delves into the multifaceted nature of autonomy, addressing its implications in both private and public law. Autonomy, in this context, is considered a relational concept, crucial for understanding the internal and external pluralities of contemporary constitutional systems. The paper also examines specific cases, such as the recognition of Shari'a law within European jurisdictions, to highlight the complexities and legal challenges in reconciling religious autonomy with state laws. It concludes by proposing that the notion of autonomy, aligned with legal pluralism, is essential for safeguarding minority rights in increasingly diverse societies.

The article by Kyriaki Topidi, *Minority Cultural Governance through Autonomy Arrangements*, examines cultural autonomy, discussing how this concept is pivotal for protecting the rights and identities of cultural minorities. The paper outlines the legal frameworks and mechanisms that support cultural autonomy, particularly within the European context. Topidi emphasizes the role of cultural autonomy in preserving the distinctiveness of minority groups, enabling them to maintain their

language, traditions, and customs within a broader national framework. The paper highlights various models of cultural autonomy, analyzing their effectiveness in different socio–political environments. The discussion includes case studies that illustrate both the successes and challenges of implementing cultural autonomy. Topidi concludes by advocating for a nuanced approach to it, one that balances the need for minority protection with the principles of national unity and social cohesion.

The article by Mattia Zeba, *Rationales, Categories, Solutions, and Constraints in the Management of Linguistic Diversity*, investigates the transition of minority rights advocacy from a focus on linguistic to religious identities. The paper tracks historical and legal developments that have influenced this shift, examining the role of international human rights instruments in this process. Zeba argues that while linguistic rights have been relatively well–established, religious rights continue to face significant challenges. The article explores the implications of this transition for minority groups, particularly in terms of legal recognition and protection. It also analyzes the intersections between language and religion, demonstrating how these elements often overlap in minority identity formation. Zeba concludes by stressing the importance of an integrated approach to minority rights that considers both linguistic and religious dimensions, advocating for policies that recognize and protect the complex identities of minority groups.

Rossella Bottoni's article, *Autonomy and Promotion of Religious Minorities' Rights*, delves into the relationship between minority autonomy and state policies aimed at promoting minority cultures. The paper argues that autonomy is not just about granting rights but also involves active promotion and support from the state to ensure the survival and flourishing of minority cultures. Bottoni examines various models of autonomy and promotion, particularly in the context of European legal systems. The discussion includes an analysis of how different states implement policies that balance autonomy with integration, highlighting best practices and potential pitfalls. Bottoni emphasizes the need for a dynamic and responsive approach to minority rights, one that adapts to changing social and political contexts. The article concludes by recommending specific policy measures that can enhance the effectiveness of minority autonomy and promotion.

Roberto Toniatti's paper, *Religious and Belief Identities*, delves into the European paradigm of the secular state and its approach to managing religious and belief identities. It outlines the historical and legal evolution of secularism in Europe, emphasizing the state's neutrality towards religion. The paper discusses the coexistence and conflict between religious and non–religious identities, advocating for a balanced and inclusive approach that respects fundamental rights. Toniatti argues that the secular state is best equipped to host and protect diverse religious and belief identities within a framework of pluralism and neutrality.

The last element in the section, a conversation between the already mentioned section authors Ferrari and Toniatti, consists of a series of questions and answers regarding the legal and social implications of religious autonomy. It covers topics such as the definition and legal foundations of religious autonomy and the challenges in its implementation. The dialogue discusses different legal systems' approaches to balancing religious freedom with state laws, the role of international law in protecting religious minorities, and the potential for legal pluralism to support diverse religious identities within a unified legal framework.

The fifth and last thematic section of the issue, entitled "Mortali: vivere nonostante" ["Mortals: Living nevertheless"] explores the profound impact of illness on individuals' lives, highlighting how it reshapes their sense of self, their physical and existential experiences, and their relationships with others. In the preface, Galvagni discusses the concept of "living nonetheless," emphasizing the continuous negotiation of space, time, and freedom that illness necessitates. She delves into the emotional and social dynamics that emerge in the context of disease, such as alienation from one's body, the significance of compassionate caregiving, and the quest for meaning in suffering. The text also references Piergiorgio Cattani's reflections on mortality and healing, suggesting that true healing involves reconciling with life's inherent challenges and limitations through relational and introspective processes.

The two articles in the section deepen the themes introduced in the preface. In Loreta Rocchetti's article, in particular, (*La vita: un viaggio di cui prendersi cura* [*"Life: A Journey to Take Good Care of"*], the narrative emphasizes life's journey and the importance of care, particularly in

the context of facing mortality. Rocchetti draws parallels between the stages of grief outlined by Elisabeth Kübler–Ross and the mythological story of Iphigenia, illustrating how individuals process impending death through denial, anger, bargaining, depression, and acceptance. The text underscores the significance of empathy, love, and community in navigating the end–of–life journey. By reflecting on the experiences of patients and caregivers, Rocchetti advocates for a compassionate approach that honors the emotional and existential dimensions of dying, encouraging a broader societal recognition of these themes.

The second article, by Giada Lonati, (*Le cure palliative incontrano Ifigenia* [*"Palliative Care Meets Ifigenia"*]), traces the origins and philosophy of modern palliative care, rooted in the compassionate legacy of Cicely Saunders. Lonati emphasizes that palliative care addresses the holistic suffering of individuals nearing the end of life, incorporating physical, emotional, social, and spiritual dimensions. The text highlights the importance of effective communication and the role of advance care planning in respecting patients' autonomy and preferences. Lonati reflects on the challenges faced by healthcare providers in discussing palliative care, advocating for a cultural shift towards recognizing and embracing mortality. The narrative also stresses the need for a community–based approach to end–of–life care, fostering resilience and hope amidst life's final stages.

The 2024 issue of the "Annali" also contains a final miscellaneous section, containing two articles and a review. Paolo Costa's review of Ludger H. Viefhues–Bailey's book *No Separation: Christians, Secular Democracy, and Sex* examines the intersection of political Christianity and secular democracy. In particular, the review discusses Viefhues–Bailey's argument that contemporary political movements in Germany, France, and the United States use Christian traditions to assert control and influence democratic processes. The reviewed book highlights the complex relationship between democracy and sexual politics, suggesting that identity and belonging in democratic societies are influenced by underlying sexual and libidinal dynamics. Viefhues–Bailey's analysis underscores the need for a democratic ethos based on mutual care and equality rather than exclusionary practices.

As regards the two articles in the section, Elena Cuomo's work, *Indifference towards Dehumanization*, addresses the political and

philosophical implications of human trafficking, particularly the trafficking of women. Cuomo argues that the dehumanization of trafficked women reflects a broader crisis in Western democracies, where biopower, visual hypercontrol, and commodification of human relationships erode fundamental human rights. The text uses the metaphor of blindness to describe societal indifference to the suffering of trafficked women, likening their plight to a form of modern slavery. Cuomo calls for a renewed philosophical engagement to address these issues, emphasizing the need to see and react to the dehumanization within our societies.

Nicola Manghi's article *Una 'nazione cristiana'?* [*"A Christian Nation?"*], examines the sovereignty of Tuvalu in light of its recent constitutional revision, which enshrined the nation's Christian identity and restricted human rights influences. This revision is contextualized as part of Tuvalu's response to existential threats from rising sea levels, seeking to maintain sovereignty potentially through a "digital nation." The article delves into the historical and political backdrop of Tuvalu, highlighting the dichotomy between the traditional island communities ("*fenua*") and the central state, perceived as colonial. A key focus is a 2003 court case where a missionary's expulsion from Nanumaga highlighted the conflict between local traditions and state laws, underscoring the influence of the London Missionary Society's 1861 arrival, which deeply impacted Tuvalu's cultural and religious landscape. Manghi argues that understanding Tuvalu's contemporary decolonial claims requires acknowledging these historical dynamics and their influence on national identity and governance.

3. Concluding remarks

The intellectual environment of FBK–ISR and its partners is a vibrant hub of scholarly inquiry that rigorously engages with the most pressing and nuanced aspects of religion and ethics. The interdisciplinary approach of the journal "Annali di studi religiosi" exemplifies this vibrancy, as it seamlessly integrates philosophical, theological, anthropological, juridical, and sociopolitical perspectives to address contemporary societal challenges. The articles in the journal eschew dogmatism and

bigotry, focusing instead on understanding religion and ethics as sets of human values rather than mere identity markers. This dynamic and inclusive intellectual space is characterized by its commitment to examining complex issues such as embodiment and disembodiment, cultural and spiritual identities, ethics in healthcare, and religious and social justice. The journal's proximity to real–world issues underscores its relevance, offering insights that inform public policy and ethical practices, thereby making a tangible impact on society.

The Center for Religious Studies at the Bruno Kessler Foundation (FBK–ISR) plays a crucial role in this vibrant scholarly community. Its research fosters an environment where interdisciplinary and transdisciplinary approaches thrive, encouraging scholars to tackle the multifaceted nature of religious and ethical questions. This ethos is reflected in the diverse research outputs, which span historical, cultural, and contemporary analyses. Moreover, the study of human values, including religious values, within a foundation primarily focused on technology, highlights the essential role of humanities in technological development. By understanding the human at the center of technological innovation, FBK–ISR helps ensure that advancements are not only innovative but also ethically sound and culturally respectful. This integration is vital for fostering technology that serves the broader goals of societal well–being and human flourishing, ensuring that technological progress remains aligned with humanistic principles.

SEZIONE 1
EMBODIMENT AND DISEMBODIMENT IN RELIGION AND ETHICS

INTRODUCTION: RELIGIOUS AND ETHICAL ASPECTS OF EMBODIMENT AND DISEMBODIMENT

Boris Rähme

The articles in this focus section are based on papers originally presented at the panel "Embodiment and Disembodiment in Religion and Ethics" of the EUARE 2023 conference in St. Andrews (June 2023) and the panel "Disembodiment in Religion, Ethics, and Law" at the 23rd International Roundtable for the Semiotics of Law (IRSL) in Rome (May 2023). The authors approach the overarching theme of embodiment and disembodiment from different disciplinary perspectives: philosophy, religious studies, sociology and theology.

Paolo Costa's *Embodiment, Disembodiment, and Overembodiment* is a philosophical reflection, in dialogue with Maurice Merleau–Ponty, Michel Foucault and Augustine, on how the body influences the formation of personal identities. Taking human sexuality as a paradigm, Costa develops his take on the question of what is at stake when people attribute particular value to sexual intimacy.

Valeria Fabretti's contribution *Room for Otherness* explores how and to what extent urban spaces characterized by cultural, religious and non–religious diversity can function as training grounds for fostering mutual respect. She develops a sociological account of respect in terms of embodied and spatialized performances, thus shifting the focus from

respect as a cognitive attitude towards respect as enacted through practices of physical encounter between persons. Using religious diversity as a case in point, Fabretti outlines a series of questions for further research.

In her article *Disembodied Souls and Embodied Selves?* Lucia Galvagni starts out from the observation that recent debates in bioethics and healthcare are characterized by a renewed interest in questions of spirituality and the notion of the soul. She argues that concepts traditionally rooted in religious beliefs and practices are appropriated, transformed and reemployed in debates about novel (bio–)technologies, leading to spiritualized representations of the technologically enhanced human body.

In her article *Tengri Calling*, Sara Hejazi introduces central elements of Tengrism and discusses its revival in present–day Kazakhstan. Hejazi shows how Tengrism can function as a multi–level identity marker, in particular among young urban Kazakhs. She sets out similarities and differences between Tengrism and New Age spiritualities, highlighting how features of local heritage, ecological awareness and Islam are intertwined in the revival of Tengrism in Kazakhstan.

Debora Tonelli's article *With All My Whole Being'* addresses the question of whether the use of imagination in spiritual exercises may generate experiences that are comparable to immersive experiences mediated by digital technologies of virtual and augmented reality. She pins down similarities and differences between the two.

The focus section concludes with Shannon Craigo–Snell's "Acting Out and Acting In", which sheds light on how the digital mediation of practices of worship affects the bodily and sensory participation in liturgy. From a theological vantage point based on the idea of epistemic humility, she carefully weighs pros and cons of digitally mediated participation in liturgical practices and opposes the binary framing of the relevant issues in terms of simplistic "good or bad?" questions.

EMBODIMENT, DISEMBODIMENT, AND OVEREMBODIMENT
MERLEAU-PONTY, FOUCAULT, AND AUGUSTINE
ON THE SIGNIFICANCE OF SEXUALITY IN HUMAN LIFE

Paolo Costa

Abstract: We live in a time when the body is given a relevance, even a symbolic relevance, which it may never have had in human history. But how tight is the link between body and personal identity? How much does our contingent body weigh on our sense of self? My paper's aim is to reflect on the role of the body in shaping people's identities by taking human sex life as a suitable example of the kind of energetic presence with which humans must come to terms in their lives. My argument begins with Merleau-Ponty's take on sexuality in his *Phenomenology of Perception*, it uses Foucault's investigation into the changes of sexual ethics in early Christianity as a counterpoint, and finally focuses on the asymmetrical dialogue between Foucault and Augustine in the fourth, posthumous volume of *The History of Sexuality: Confessions of the Flesh*. The end goal of this quick journey is to clarify what is at stake when a special value is attached to sexual intimacy nowadays and to see if this "axiophany" can be interpreted as a modern kind of "hierophany."

Viviamo in un'epoca in cui al corpo viene attribuita una rilevanza, anche simbolica, che forse non ha mai avuto nella storia dell'umanità. Ma quanto è stretto il legame tra corpo e identità personale? Quanto pesa il nostro corpo contingente sul nostro senso di sé? L'obiettivo dell'articolo è riflettere sul ruolo del corpo nella costruzione dell'identità delle persone, prendendo la vita sessuale umana come caso esemplare del tipo di presenza energica con cui gli esseri umani devono fare i conti nella loro vita. L'argomentazione parte dalla concezione della sessualità proposta da Merleau-Ponty nella *Fenomenologia della percezione,* utilizza come contrappunto l'indagine di Foucault sui cambiamenti dell'etica sessuale nel primo cristianesimo e si concentra infine sul dialogo asimmetrico tra Foucault e Agostino nel quarto volume postumo della *Storia della sessualità: Le confessioni della carne.* Lo scopo di questo rapido viaggio è chiarire che cosa vi sia in gioco quando si attribuisce un valore speciale all'intimità sessuale al giorno d'oggi e vedere se questa "axiofania" può essere interpretata come una sorta di "ierofania" moderna.

Keywords: Sexuality, Personal Identity, Merleau-Ponty, Foucault, Augustine

Parole chiave: Sessualità, Identità personale, Merleau-Ponty, Foucault, Agostino

1. Embodied Selves

We live in a time when the body is given a relevance, even a symbolic relevance, which it may never have had in human history. Or, at least, it has not had since the "axial" breakthrough disclosed a space beyond the physical world that began to be pictured as the place where essential and self-contained valuable things such as truth, goodness, beauty (the standard "strong evaluated" goods) are placed and pursued (Bellah and Joas 2011).

As Zygmunt Bauman (1999, pp. 42 and 46; 2001) recurrently noticed, we live in a society where there is an "obsessive preoccupation with the body," which is regarded as an instrument of pleasure and therefore handed over to all the attractions the world has in store for those who treasure it. A generically anti-platonic mood dominates the life of most modern men and women.

Whether it is a product of secularization or of the extraordinary progress of medicine, many today entrust to a reality like the flesh, which has been regarded as a fragile, transient, unreliable thing for centuries, the task of fulfilling the injunction to happiness that operates almost as a categorical duty in our time. For most people nowadays, the only possible source of pleasure resides in the body. A non-corporeal happiness has become almost unimaginable.

Now, the body certainly is important. Who would deny that? Everybody wants a healthy, fit, "performing" body that, if possible, elicits the admiration or envy of others. This shouldn't surprise us per se. What would be left of our self without a functioning body? How could we imagine it without a face to offer to the gaze of others, without senses to connect with the world around us?

However, come to think of it, the question is less trivial than it might appear at first glance. We can easily realize it if we focus on some revelatory questions. To what extent are we our body? How close is the link between body and personal identity? How much does the body we have been allotted by chance weigh on our sense of self? In other words, how much does the body matter when we have to answer the question "who are you?" For example, how much do the timbre of our voice, the color of our eyes or hair, the profile of our nose, our height, corpulence

or slenderness, elegance or awkwardness, beauty or ugliness, healthy or puny constitution, substantially affect our selfhood? Where is our true self to be located and championed?

I assume that many would hesitate to answer these questions with a blunt verdict and would opt instead for a qualified answer. We both are and aren't our bodies, because the human body is many different things. It probably doesn't make much sense here to contrast a pure interiority with a pure exteriority, as Descartes famously did, juxtaposing a *res extensa* – what inertly occupies a space – and a *res cogitans* – what is immaterial and capable of spontaneous agency. A related polarity, in fact, can be found within the experience of our "own" body. This should be obvious and familiar to everyone. Let's call it the double aspect of the body: that is, the fact that we experience our body both as our own and as a foreign mass – from within and from without, so to speak (*Leib* and *Körper*, a German philosopher would say). In this sense, there is indeed something like a basic dualism that weighs on the relationship we have with our body.

The lived body is *my* own body. The body that enables me to move, feel, speak, cogitate, in short, to feel happy and whole. When it is functioning at its best, the lived body is almost self-transparent. The magical experience of the "flow," of doing things without thinking about them, immersed in the fluidity of movement and action, is something more ordinary than might appear to those who picture "flow" only in relation to exceptional performances (for example, the competitive trance state of great sports champions). Just think of how rewarding it is to return to mindless walking after a rehabilitated sprained ankle. The perfect overlap between self and body, which is also experienced when the expressive functions of the face operate in harmony with the expressiveness of another person or persons, is precisely what makes us feel at one with our own body and what leads many to think that the hard-to-figure-out idea of an afterlife – of personal immortality – doesn't make much sense if it doesn't imply the survival of this expressive and acting totality. Our eternal soul is there: one with the lived body.

The alien body is, on the other hand, the body that resists our will, our desires, our fantasies. The matter that weighs down the spirit. It is the sick, the cumbersome, the needy, the craving body, but also the

rejected body, the body that was given us by the genetic lottery and we would rather change. The body as a prison of which Plato spoke disdainfully in the *Phaedo*, but also the body reified by the gazes of others, of which Jean-Paul Sartre offered some celebrated descriptions in *Being and Nothingness* or in his novel *Nausea*. For another French philosopher, Henri Bergson (2005), the clumsy body is the quintessence of the comic: the unresponsive memory, the stammering speech, the stumbling man that makes spectators gasp, the fluidity of movements that vanishes in the presence of an intrusive gaze. All examples of a body tripping over an overconfident subject, who is too confident, that is, in the possibility of being master in his own house.

Both views of the body are legitimate and are grounded in reality. Our bodies are both intimate and foreign, irreplaceable and manipulable. Thus, we aren't surprised by the desire to correct myopia, heal a decayed tooth, or by the choice to heavily intervene on an offended or diseased body. The objectified, sedated, operated on, manipulated body, however, is the same body with which we hope to identify again once the treatments have ended. This is why most of us are puzzled by the disembodied or "excarnated" views of personal identity by many analytic philosophers since John Locke's pioneering forays into the subject, with their sci-fi examples about brains in the vat or perfect duplicates of people by teleportation, etc. How could our self possibly consist of nothing but contingent psychological associations (i.e., subjective continuity granted by memory and character)? How could our connection to our own precious body be so thin? Are there no intrinsic limits to the manipulation of the body other than those self-imposed by a free will?

2. Sexed Bodies

If such is the case, the philosophical poser at this juncture is to find a successful reflective equilibrium between body's alienness and intimacy or, if you will, between its passivity and spontaneity. The body plays a fundamental role in our personal identity because it is hard to make sense of a human being apart from his or her incarnation in a particular

body. When people say "I," in fact, they also say "mine," that is, they assume the lived body and the intentional acts it makes possible.

This body, however, is also an object of care in a twofold sense. It is in need of care because it concerns us: because the integrity of our identity depends on it. But, at the same time, it is such because it forces us into an endless activity of maintenance that is feasible only if the body, when necessary, is no longer seen and defended as an indivisible whole, but is broken down into its parts and temporarily reified.

This dual stance, by the way, is also common in ascetic practices, which are ways of using the body and its passivity for the elevation of the body itself, of repetition for escaping from repetition, of constructing a habitus or second nature to escape the constraints of physical nature. Finding the right balance between agency and patency is the task which all humans have to accomplish at every stage of their lives. And every life stage knows its critical junctions.

My aim in what follows is to reflect on the role of the body in shaping people's identities by taking human sex life as a suitable example of the kind of energetic presence with which humans must come to terms in their lives. My argument will begin with Merleau-Ponty, it will then use Michel Foucault's position as a counterpoint, and finally focus on the asymmetrical dialogue between Foucault and Augustine in the fourth, posthumous volume of *The History of Sexuality* (Foucault 2021, chapter 3, section 3). The goal of this quick journey, in a nutshell, is to clarify what is at stake when people attach special value to sexual intimacy.

When philosophers speak of "embodiment" they generally refer to the kind of insights that I invoked above. That is, they assume that the experience of the lived body, or "flesh," in short, the sentient, acting body, is the first-person evidence that refutes any Cartesian substance dualism. From this point of view, disembodiment appears as both a theoretical and practical error: a misunderstanding that not only prevents us from fully understanding how we and other living beings function, but also gives rise to wrong, objectionable, even alienating life forms and life styles. When social critics blame the "excarnation" of modern civilization, they generally have in mind precisely the human harm that can result from the development and use of technologies which neglect the irreducibly embodied character of any animal life.

This is a reproach, which is often addressed to mainstream cognitive science or to the advocates of the much-trumpeted AI revolution. No machine, however "intelligent," that is no extrinsic union between a res cogitans (information) and a res extensa (processor), can be embodied in the way humans are. This may be even taken to be a (weak) transcendental condition of human agency as such (Taylor 1995).

3. The drama of human sexuality: Merleau-Ponty

Maurice Merleau-Ponty is generally seen as the originator of a "synoptic" criticism of philosophies that ignore these primary experiential data. His most important book, *The Phenomenology of Perception*, has a chapter (the fifth in Part One) called "The Body in its Sexual Being." A nonreductionist view of this important, but often neglected sphere of human existence is recognizable behind Merleau-Ponty's meticulous argument. His choice is easily explained. Human sex life clearly is the domain where the temptation to mechanistically explain the impulses of the body reaches its peak. According to the French philosopher, however, this temptation must be resisted at all costs, because, if considered open-mindedly, human sexuality appears to be the prototypical example of an intentionality that organizes experience according to a meaning, which is embodied all the way down.

The human body's sexual being, in short, is a universe populated with senses distinct from intellectual meanings, where the body acts plastically both as a synthetic power capable of amalgamating stimuli and as the source of an "intentionality which follows the general movement of existence". Put otherwise, sexuality plays a primarily "expressive" role, insofar as it condenses in itself "the whole active and cognitive being" (Merleau-Ponty 1962, p. 157).

Sexuality is "a manner of being in the physical and interhuman world," an "atmosphere," an "affective physiognomy," in which something primordial is subjectively experienced, something anonymous is personalized, something that acts upon us is acted upon (Merleau-Ponty 1962, pp. 159 and 168). And this can only happen through the body. For "the body expresses total existence, not because it is an

external accompaniment to that existence, but because existence comes into its own in the body. This embodied sense is the central phenomenon of which body and mind, sign and significance are abstract moments" (Merleau-Ponty 1962, p. 166).

This is why Merleau-Ponty speaks of sexuality as a "drama," in which "the contradictions of love" are intertwined, in the second half of the chapter. The paradox ultimately depends on the "metaphysical structure of my body, which is both an object for others and a subject for myself" (Merleau-Ponty 1962, p. 167). From this point of view, "sexuality is dramatic *because* we commit our whole personal life to it," in a condition of structural uncertainty as to the ultimate meaning of what we do (Merleau-Ponty 1962, p. 171).

These passages from the *Phenomenology of Perception* effectively summarize an "expressivist" view of human sexuality that has been almost common sense in the West since at least the Sexual Revolution of the 1960s (on Romantic expressivism and the resulting ethics of authenticity, see Taylor 2007, chapter 13). When someone today makes a trivial statement such as "a happy sexual life is fundamental to couple well-being," she is taking a stance, which is close to the one articulated in a more abstract and rigorous way by Merleau-Ponty.

Let me elaborate further on this point. From a non-sexophobic or, as we often hear it said today, sex-positive perspective, a fulfilling sex life is an essential component of a romantic relationship because sexual acts entail two closely related qualities: intensity and intimacy. Indeed, intensity of involvement demands a form of surrender, of letting go, and a loss of the boundaries of the self that makes the condition experienced by lovers special. To use a phenomenological vocabulary, erotic pleasure is the product of a common pre-thematic intentionality, as when you know what to do without explicitly telling yourself or mentally representing it.

Collapsing into one's sentient body, however, is an event occurring in different grades in the sexual act, which is a performance only partially out of the agent's control. When it is satisfying, sexual intercourse is rather experienced by partners as an opportunity for *self*-empowerment. From a self-interested perspective, this is why a happy sex life consolidates a couple and an unhappy one undermines it.

Explaining this dynamic in detail, though, is no easy feat. The context isn't self-interpreting. Self-empowerment seems to depend on the type of pleasure, evidently. But sexual pleasure has a distinctive nature. For it to be lived as a physical event that signifies something beyond itself, it must be experienced as an *appropriable*, personal process, in a different sense from that which we ascribe to other fleeting bodily pleasures such as scratching or evacuating. Here, however, the argument thickens, because an important part of the attractiveness of sexual pleasure actually lies in its also being a subpersonal pleasure, that is, the expression of impulses transcending the domain of alert consciousness.

In the *Third Duino Elegy*, Rainer Maria Rilke (1989) poetically translated this aspect of human sexual life with memorable images: the "terrors rushing back" [ältere Schrecken]; the "bitter engagements" [dunkelem Umgang]; "the tempest of origin" [die Fluten der Herkunft]; the "whirlpool raging inside"; "the primitive beckoning forest"; "ancestral blood"; etc. What Rilke wanted to convey with these celebrated lines is that the sexed body is never wholly transparent. That is, it is impossible to establish a priori *whom* the pleasure that lovers experience through the sexual act belongs to. When the qualifier "carnal" is associated with the sexual domain, it usually indicates the experience of the body as a physical entity, "matter" endowed with an enigmatic intentionality. The impact on people's imagination and will of this picture of the body cannot be underestimated and seems to demand a general reconfiguration of the ontology of the person, now seen primarily as a field of forces where ambiguous and insidious impulses, drives or inclinations impinge. This is more or less what we conjure up when we hear people say that sexuality is something important, enigmatic and, following Merleau-Ponty's insight, "dramatic."

4. Downplaying sex: Michel Foucault

It is precisely against this way of framing the human experience of *aphrodisia* (erotic pleasures) that Foucault mobilizes his skeptical gaze in his influential writings of the late 1970s and early 1980s. In particular, he develops an original genealogical study of Western sexuality to shed

a different light on the constellation of insights, models and questions fashioned, among others, by Merleau-Ponty. In short, Foucault's primary aim is to instill in his readers a robust impulse to proceed with caution and take nothing for granted in this beleaguered domain of human life. For, while the argument sketched above has the semblance of a first-hand account, the truth is that even Merleau-Ponty never explicitly discusses the concept of "sexuality" that he employs in the relevant chapter of the *Phenomenology of Perception*. On the contrary, he assumes it straightaway as a basic piece of evidence.

Yet, are we sure that we know what we're talking about when we talk about sex?

To begin with, the certainty that we're sticking here to a strictly descriptive approach is shattered by the realization that the term "sexuality" itself, and along with it the belief that the concept denotes a separate realm of human life characterized by a semantics and pragmatics of its own, is a fairly recent invention (19th century).

Thus, the first effect of truth produced by Foucault's conceptual-historical investigations comes from a radical form of recontextualization and has essentially a critical-negative intent. He proceeds, that is, as a *déconstructeur* of conventional wisdom. His overarching goal is to undermine the "apparatus of sexuality" that, he thinks, has only recently settled in people's everyday life. The result is a kind of "antidoxa" a reversal of common sense in matters of sexuality. In what follows, I will try to summarize the gist of his view in a few paragraphs, hoping to stay faithful to the spirit of Foucault's enquiry[1].

Contrary to what an erotic imaginary centered on genitality and the reproductive impulse would lead us to think, human sexuality is no fact of nature. At the most, brute facts of nature are intense sensations (in which, as is well known, the boundary between pleasurable and painful is fluid), the irritable surfaces into which they are built, and the various ways of mastering them (in the guise of either the economy or the art of pleasures). There is no plausible reason to push our ontological commitments beyond these philosophically unproblematic assumptions. In

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(1) To condense Foucault's position, I have drawn on the three volumes of his *History of Sexuality* (Foucault 1978, 1984, 1986) and Carrette 1999. For an overview, see also Elden 2016.

contrast, the desire to know more about a behavior that, as such, means nothing beyond its matter-of-factness, should always be viewed with suspicion. Put otherwise, the presumption or attribution of a more complex intentionality than that which is superficially manifested in the act of indulging in an intense sensation may conceal a dynamic of simultaneous construction and constriction of a subject who, as a result of his or her "libidinalisation," is both empowered and made more docile to social disciplines. From this point of view, a disproportionate interest in erotic practices and their taxonomy in conjunction with a problematizing stance may indicate that two converging processes of subjugation and subjectivation are covertly at work.

If this plea for recontextualization is successful and the apparatus of modern sexuality loses its veneer of obviousness, an almost boundless space for intellectual curiosity is opened up. On the one hand, the ways in which the bureaucratic agencies entrusted with the task of studying and watching over sexual malaises, dysfunctions or abnormalities operate in bourgeois society can be creatively re–described with further estrangement effects. Foucault's aim is to insinuate at least the suspicion that the modern invention of sexuality, notwithstanding its libertarian interpretations, may have surprising overlaps with the extravagant obsessions built into early Christian preaching. In his perspective, the common element would be the impulse to fathom, regulate and codify the pliable surface of human bodies, burdening them with a background of opaque intentions and meanings around which their unspeakable truths would revolve (which, as long as they are hidden or cloaked, must be extorted or released according to the prevailing mood in society).

Given that the use of pleasures is closely tied to the exercise of personal autonomy, one is naturally led to wonder how our understanding of the space of freedom actually enjoyed by individuals who are affected by these convergent processes of subjugation and subjectification should change in the light of the effort to defamiliarize what is prima facie common. According to Foucault, the liberties enjoyed even by "libinalized" beings are twofold. On the one hand, there is always the "negative" possibility of local resistance, since the power that is actualized in the dynamics of *assujettissement* is no less lacking in substance than the human beings on whom its effects are produced. On the flip

(constitutive) side, the point is instead to understand on which strategies or arts individuals can base their capacity to experience pleasure in order to explore possibilities that aren't predetermined by the disciplinary practices at work in their society, at least before they get stuck in a state of domination.

In the wake of this broadly "ethical" interest, Foucault retrieves from pre-Christian antiquity the ideas of a *souci de soi* and a technology of the self with constructive but not naively optimistic intentions. The kind of free subjectivity that forms the backdrop to his non-traditionalist recycling of tradition isn't built on an alleged inner "ideal" freedom – that is, it isn't premised on a "deeper" self – but takes shape in a practical-reflexive relationship of the acting and thinking subject with itself, whose ultimate goal is the preservation of a space of non-identity and non-determination. The reflexive practice of freedom, in other words, doesn't lead to the continuous solicitation of a hypertrophic moral consciousness, but to the slow construction of exemplary habitus or, likewise, "stylisation".

In tune with these assumptions, the importance of a judicious use of pleasures doesn't depend on any of the characteristics that the apparatus of modern sexuality attributes to a healthy sexual life. Rather, it arises from its being a suitable field for exploring borderline situations in which social heteronormativity can be circumvented not only in a punctual manner (as it is the case with madness, dissipation or death), but in the deferred and negotiated form of an aesthetics of existence. That is why Foucault insisted on the emancipatory potentialities of de-sexualized bodily pleasures in the last years of his life. In particular, he stressed the need to push sensory and sensual experience beyond the binary schemes entrenched in a form of life that, while it isn't built around individual freedom, neither can it completely wipe out its local and interstitial exercise.

5. Sex beyond the fallen body: Augustine

To wrap up my argument so far, Foucault not only claims that nothing "dramatic" happens in erotic pleasures, but that we must be wary of

clothing sex with a sacred or numinous aura, which can only have a disciplining effect. Put in a slightly different way, we must beware of attributing to the body meanings that it doesn't have per se. In short, we must be concerned less with disembodiment than with "overembodiment", i.e. with an excessive preoccupation with what the body might disclose to us about ourselves.

But when did this oversignification of the sexed body emerge in Western history?

Something subtle did happen during the twilight of classical antiquity. In *The Confessions of the Flesh*, in particular, Foucault's curiosity is aroused by the realization that there is both continuity and discontinuity between the sexual morality of the Church Fathers and the use of pleasures in ancient societies. Continuity can be found in the adherence to a lifestyle oriented towards temperance, self-mastery and a view of the reasons for action polarized between what is active and what is passive in human beings. Discontinuity, conversely, can be found in the subjectifying effects produced by how this common prescriptive level is "signified" and turned into reflexive practices through the construction of ascetic habits and the relevant "aleturgic", i.e. truth-making, imaginaries.

If the point is to understand the extent to which the history of early Christianity may help us to genealogically understand today's generally taken-for-granted link between a person's sexuality – and by "sexuality" I mean here the investment, orientation, success, nonchalance, experimentation, stylization in the domain of sexual acts, pleasures and desires – and his identity – his sense of self – this is more or less Foucault's conclusion: "with Christianity, the body becomes flesh."

Corps and *chair*: how should we understand the semantic divergence between two terms that are generally taken to be synonyms? In a nutshell, the idea is that, in the Christian worldview, a contingent fact of the world, which means nothing beyond itself, that is to say, which is more or less "efficient" and is at best manipulable, controllable, trainable through extrinsic arts or techniques, acquires a form of opaque intentionality. It becomes, that is, a field of autonomous signification, whose "truth" must be exposed, illuminated and turned into a norm by an elite of powerful *virtuosi*, who assign themselves a pastoral mission

towards the mass of *non virtuosi*. This pedagogical endeavor significantly narrows the scope of individual freedom precisely because it includes in the sphere of personal responsibility those sub-personal processes that had generally been contemplated with sovereign detachment in the past.

Parallel to this gestalt shift, there is a displacement of subjectivity upstream rather than downstream of acts or behavior. In the beginning, I mean, there is no longer action, but an embodied logos – a meaning that lurks in the recesses of reality, including its less noble parts. For flesh-and-blood individuals, this entails a thickening or hardening of the stakes of being a person. This leads to an almost exclusive focus in Christian pastoral care on the question of the meaning of individual acts and motives in the light of the (individual and collective) salvation history taken as a whole.

Even if one accepts this crude portrait of the transition from the pagan to the Christian world without objection, there still remains the problem of explaining such a shift on the basis of either internal reasons or external causes. While, with an investigative style that, rather than providing evidence, displays a wealth of significant information, Foucault succeeds in the feat of familiarizing the reader with an alien form of life, merging curiosity, respect and a sense of foreignness in equal parts, a surprising deafness to the leading tone of the Christian mind can be sensed between the lines. By "tone" I mean here the set of strong evaluations and moral sensibilities from which the distinctively Christian view of the human condition originates, and which isn't reducible to the urgency of codification, which has indeed often prevailed in the history of the Catholic Church, and which Foucault's investigation focuses on compulsively.

I hope that the general thrust of my argument is clear so far. Now, I'd like to further articulate my critical point by briefly discussing the original and symptomatic discussion of Augustine's understanding of the flesh in the final sections of *Les aveux* (Foucault 2021, III.2-3). Augustine famously took the gloomy Pauline vision of human nature after the fall to its extreme consequences. A distinctive feature of the postlapsarian condition is the splitting of the will and, with it, human beings' loss of spiritual and ethical self-mastery. According to a daring

interpretation of Genesis propounded in the *City of God* (Augustine 2012, bk. XIV), the beginning of this state of inner conflict would coincide with Adam and Eve's act of disobedience and manifest itself in the disconcerting form of a latent intentionality at work in the appetites, desires, primary emotions and thoughts that accompany the spontaneous dispositions of a Flesh in systematic struggle against the authority of the Spirit.

But why is this independent intentionality of the body so problematic for Augustine and, more generally, for Christians? Why are the spontaneous motions of the sexually aroused flesh more scandalous than the gut-wrenching reaction in front of an injustice that cries out to heaven (Jesus' *splanchnizesthai* in Mt 14:14)? Such questions do not seem to trouble Foucault, as if the basic insights and reasons that set the tone for Christian theological reflection were beyond the bounds of his investigation. In short, what stays on the margins of the picture painted in his *Confessions* is the insight that the scandal of the sexually aroused flesh concerns less the dualism between spirit and body, than the paradoxes afflicting the believer's efforts to construct a *personal* loving relationship with a *deus absconditus*. If this God, though inaccessible, is in his deepest essence love, the relationship with him cannot, in fact, disregard appetites, receptivity, passivity, which are all attributes of the flesh in Christian anthropology. Particularly disturbing, hence, is the presence of a disordered (i.e. self- and world-centered) form of love (*cupiditas* or *concupiscentia*) that pulls in the opposite direction to the *ordered dilectio*, which is instead guided and fertilized by God's oblative (i.e. self- and world-denying) love (see Arendt 1996; Nussbaum 2001, chapter 11). Viewed from this perspective, the dualism between *caritas* and *cupiditas* is a theological and exegetical conundrum that cannot be reduced to the "legal" question of the proper ordering of the various figures of sovereignty with which any individual has to reckon in relation to oneself. The point, to sum up, is the glorification of the "animal body" into a "spiritual body," when "the flesh will not lust after anything against the spirit," because it is still "the same self" that wavers between the mind and a flesh moved by "motions of desires which he wouldn't have, and yet had" (Augustine 1887, VIII, 19; see also Piergiacomi 2023).

Sure, the structural ambivalence of the flesh and the resulting unresolved tensions between emphasis on self-mastery and rhetoric of surrendering to God, use and enjoyment of the world, openness and closure to otherness, realism and enthusiasm, have constantly fueled the restlessness of Christ's followers and paved the way for exacerbating polarities (spirit/body, finite/infinite, high/low) around which not only the Christian worldview, but any religious tradition that, adopting Karl Jaspers' vocabulary, might be called "axial", revolves (Jaspers 2010).

All of this, however, stays on the background of Foucault's analytical gaze, whose theoretical impulse points elsewhere. But where exactly?

My hunch (see Cohen 1997; and Costa 2015) is that Foucault's thought, as well as that of several other French authors before and after him, taps into a vitalistic *Lebensanschauung* that functions as the theatre of a non-dialectical conflict between, on the one hand, the unrepresentable flux of life (exemplified first and foremost by needy and desiring bodies) and, on the other hand, the straitjacket that social institutions impose on such a principle of indeterminacy in an attempt to harness it, at least temporarily. In this sense, notwithstanding their apparent semantic depth, concepts such as "use of pleasures," "flesh," and "sexuality" are all shaky constructions, if not "fictitious points." One might even say that they are structurally "false," were it not for the fact that what is at stake in this kind of apparatus isn't knowledge as such, but knowledge as the power to determine the indeterminate (in the case at hand, the body as an infinitely malleable surface and its capacity to limitlessly expand the range of sensations that can be experienced).

6. Modern Hierophanies

What, then, would be the right measure to apply to the sexed body – that is, a measure that doesn't exceed either on the side of a desire-stifling "disembodiment" or of a penitentially disciplining "overembodiment"?

I only have the space here for gesturing towards some research questions. To begin with, the both theoretical and ethical dispute that I have presented and discussed in this essay could be re-described as a symptom of the typically modern dialectic between enchantment and disenchantment.

This claim should sound less extravagant once the biopolitical constructions that have articulated and channeled the enigmatic power of the sexed body in the modern age are regarded less as the net power effect of apparatuses of subjugation than as the generative and open-ended result of processes of sacralization and countersacralization. Following the German sociologist Hans Joas (2013), however, "sacralization" ought to be understood here not so much in terms of prohibition or tabuization, but rather as the standard setting for the emergence of new values, whose meaning and significance can be reconstructed by relying on a genealogy that is "affirmative" rather than purely negative or deconstructive.

To this end, it might be a good idea to see erotic practices as a prototypical case of experiences of self-transcendence, which, in turn, are the anthropological core of events of hierophany in general. That is to say, people encounter the sacred in their lives at times when the beautiful and the sublime, Eros and Thanatos, terror or ecstasy, seize them to the point of extorting thereby a surrendering, an opening or, indeed, an overstepping of the boundaries of the self, which demand then some kind of social or moral fashioning precisely because of the disrupting character of such irruptions (Joas 2022, pp. 182–184). In the case of sex, this shared demarcation and articulation of an uncanny experience takes place, first of all, as a mode of routinization through ritualization of excessive sensations. The excess depends, partly, upon emotional contagion, the rhythmic synchronization of gestures, as well as the enhanced attention that such an intimate "dance" or liturgy conveys, and in part upon the painful dissonance between the personal and sub-personal grounds of erotic pleasures.

In a book called *Interaction Ritual Chains*, the American sociologist Randall Collins (2004, chapter 6) developed a theory with a distinctly Durkhemian flavor, which, by bringing together the unstructured (or Dionysian) character of erotic ecstasy and the modern sacralization of the person, makes it possible to explain why self-transcendence and self-affirmation can go hand in hand in modern common-sense view of sexuality thanks to typically modern values such as respect/recognition and authenticity.

But having said that, why does it matter to establish who's right and who's wrong in this high-flown dispute between advocates of

reenchantment and disenchantment in matters of sex, where individual freedom should reign supreme?

The answer to this question, I think, turns around the way we interpret what is at stake in limit-experiences of self-transcendence, including erotic experiences. What do we ultimately expect from them? If we consider them in any sense of the word "important," "significant," what impact do they have on our expectations of a life, let's say, "fuller," more "authentic," "freer," etc.?

My hunch, as I have hinted from the beginning, is that the higher or strong goods we glimpse and seek in a fulfilling sexual life have more to do with self-transformation than with self-mastery, self-construction, or self-stylization. When I speak of "transformation," needless to say, I don't have in mind a planned and impeccably overseen change, but rather an "enactive," practical, dramatic metamorphosis of one's way of being open to the world and others, which relies also on the arcane intentionality of a body that, to quote a radio lecture by Foucault (2006), can never be a totally "utopian" reality, but it is always an agent called upon to measure its own field of action in the *terra incognita* that stretches out between being a body and having a body.

An enchanting experience, after all[2].

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ROOM FOR OTHERNESS
BODY, SPACE, AND MATERIALITY IN THE INVESTIGATION
OF RESPECT WITHIN MULTI–RELIGIOUS CITIES AND SPACES

Valeria Fabretti

Abstract: The article focuses on the notion of mutual respect and proposes an agential, embodied and spatialized reading of this notion. Looking primarily at the case of coexistence between different religious and non–religious identities in the urban context, the article highlights how more or less respectful relationships stem from the complex interplay between individuals' performances and the characteristics of the spaces they cross in everyday life. With the aim of guiding empirical research, the article identifies explorative hypotheses for a possible investigation of respect in multi–religious cities and spaces.

L'articolo si concentra sulla nozione di rispetto reciproco e propone una lettura strettamente legata all'agentività, alla corporeità e alla spazialità di questa nozione. Guardando prima di tutto al caso della coesistenza tra diverse identità religiose e non–religiose nel contesto urbano, l'articolo evidenzia come le relazioni più o meno rispettose originino dall'interazione complessa tra le performance degli individui e le caratteristiche degli spazi che essi attraversano nella vita di tutti i giorni. Con l'obiettivo di guidare la ricerca empirica, l'articolo identifica ipotesi esplorative per una possibile indagine sul rispetto nelle città e negli spazi multi–religiosi.

Keywords: Diversity, Respect, Space, Materiality, Religious places

Parole chiave: Diversità, Rispetto, Spazio, Materialità, Spazi religiosi

1. Introduction

Cultural, religious and ideological confrontations that erupt into the public discourse and social scene seem increasingly incapable of being

grounded in a serious consideration of otherness. They often result, instead, in the strengthening of polarizations and reciprocal offence. In part, this degeneration, which turns criticism into *humiliation* (Mazzone 2014), can be attributed to the tendency to "personalize" social tensions. This occurs when the most subjective, if not moral, aspects of the interlocutor are called into question with derogatory tones and a certain sense of superiority, diverting attention from what his/her alterity truly brings to the table: arguments and convictions, but also choices, practices and life styles. In the face of strong beliefs and the most radical diversities[1], it seems even more evident how personalization and moralization of confrontation recur and represent an obstacle to coexistence. If this involves the level of public discourse, social research has largely shown that such "diversity fatigue" also affects relationships between groups in social space and everyday life.

Evidences on non–recognition and humiliation at the expense of subordinate groups, while questioning any decency of societies (Margalit 1998), bring to the fore the limits of an abstract notion of coexistence and the search for its realistic conditions. In this vein, there is the need to rethink the hermeneutic and empirical validity of the concept of *respect*, as a limitedly demanding form of engagement with diversity. Indeed, the specific agential and emplaced implications of respect seems to position it as a privileged mode for coexistence since it may not inherently involve shared subjective and normative orientations. It is probably not by chance that related concepts as *kindness*, which similarly exhibit a more formal than substantive character, are object of a renewed sociological interest (Brownlie and Anderson 2017; Zaki 2021).

With a particular attention to the multi-religious city, where diverse traces of the sacred shed light on the public performance of different identities (Knott *et al.* 2016), this article intends to contribute to the theoretical and empirical research on the enactment of respect in everyday relationships between individuals and groups that are unfamiliar to each other. It proposes to direct this effort towards the identification of the differentiated ways in which respect is embodied and spatially embedded.

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(1) For a recent examination of the aspects inherent in religious and non–religious strong beliefs — namely beliefs that people would vehemently defend against any objections and counterarguments — see the materials produced by the EUREGIO Science Fund research project *Resilient Beliefs*: https://resilientbeliefs.fbk.eu/home.

The article begins with a theoretical exploration of the notion of mutual respect. In the first Paragraph, the agential and embodied character of respect is emphasised by recalling the intersection between recognition theories and Goffman's fundamental analysis of respectful interactions performed in public. The second paragraph further refines the frame, drawing on spatial studies and sociomateriality. Through these lenses, understanding respect in social life requires grasping how it results from the complex entanglement of individuals, artefacts and spatial elements, with their sensuous and symbolic components. Introducing the material and spatial dimension into the sociological analysis of respect also allows for reflection on how this performance can be favoured by intentionally design places and settings.

The third paragraph gradually approaches the empirical ground. It turns the theoretical view into research questions and working hypotheses addressing the case of the enactment of respect in spaces where different religious and non-religious forms of life coexist. Overall, the exercise invites delving into those multicultural districts where diverse religious communities, places and practices (events, festivals, etc.) are located and that gradually reshape the urban collective space. The analysis also examines the case of shared religious spaces — used by different faith communities, either over time or synchronically — and that of multi-faith or meditation or silence rooms, which are increasingly arranged in secular spaces to meet different religious and spiritual needs.

2. Not just a matter of mindset: agency and embodiment in mutual respect

Calls for mutual respect[2] are increasingly present in public life. While a broad spectrum of meanings is associated with the folk concept of respect (Reich *et al.* 2009), the notion finds in the philosophical and sociological realms a more defined conceptualization. Upon careful examination to identify its key components, this concept would seem to

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(2) The argumentation takes into consideration the case of respect towards individuals on a horizontal basis and does not include that of *deference*, which is implied in hierarchical relationships.

be as particularly capable of defining the kind of mutual recognition relationships that can be realistically demanded in highly plural contexts.

Drawing on the classical distinction offered by Darwall (1977), if an evaluative form of respect can be addressed to those who are held in esteem because of certain qualities they possess (*appraisal respect*), social relations widely adopt other forms of mutual acknowledgement; these are compatible with a lack of positive reciprocal consideration or even with the presence of negative moral judgements. The basis of these non–evaluative forms of respect can be found in the consideration of the addressee as holding a legitimate role in society (*recognition respect*) or in the attribution to him/her of an intrinsic moral value, as for the idea of dignity of the person; the latter case has been labelled as *moral recognition respect* (Dillon 2018). Overall, the interpretation of respect as recognition, increasingly explored also in its implications for political order (Galeotti 2010), allows us grasping its "impersonal" logic and behavioral component: respect is a response towards the receiver, which is independent of the interests and feelings of the respecter (Dillon 2022).

Moreover, considering respect a result of negotiation rather than an a-priori allows one to disociate it from the idea of personhood (Testa 2012); thus, it is possible not fall into the trap recalled by Walton (1998) as "ad hominem attacks" (since you are not a person deserving of respect, your argument is not either). To better capture how respectful relationships take shape in specific practices, a valuable contribution is offered precisely by recognition theories.

While in Honneth (1992) respect is a level of recognition primarily provided by laws and other legal norms towards citizens' fundamental rights, Honnethian scholars have approximated it to the level of social *agency*. According to them, recognition is an interpersonal and dialogical attitude that necessarily involves some form of action (Ikäheimo and Laitinen 2007). In this, recognition as respect differs from *tolerance*, which can be directed towards normative entities and expressed in an abstract way[3]. A further key aspect emerging from the reading of respect within recognition theories regards the dual directions of

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(3) However, as Galeotti (2009) explains, also the idea of tolerance is gradually shifting towards an agential mode, from the negative sense of non–interference to the positive sense of acceptance.

such proactivity: respect not only requires an agency to the person who enacts it; it is also based on the attribution of agency to the receiver (Schirmer *et al.* 2013). In this, respect differs from forms of recognition addressing non-agential properties of the recipient, e.g. his/her needs or feelings.

The agential reading of respect developed within recognition theories smoothly integrates into the conceptual framework of a specific sociological tradition. Reference is made to Goffman's (1963; 1967) disclosing of the unspoken rules of social conduct. Here respectful behaviours are included in individuals' expressive equipment used in public settings where people come together but not necessarily engage in direct communication or even know each other (*unfocused interaction*). In this regard, among the many concepts Goffman uses to identify the articulated set of expressive forms in public life, it is worth recalling that of *civil inattention*, indicating the way individuals demonstrate awareness of each other without intrusiveness. Such amount of indifference to others, while declaring the unwillingness to enter into a sustained interaction with them, allows the individual to support the "face" of interactions from damage and profanation (Jacobsen 2010). In ensuring the absence of hostile intentions, respectful inattention and other *reparatory rituals* assure a certain grade of mutual recognition — in a delicate balance between *deference* and *demeanor* (Goffman 1967) — and contribute to maintaining social order among urban passers–bye.

As for Goffman's perspective, other sociological approaches to respect stress the staging aspect (Sennet 2003) and echo the Durkheimian intuition of the constructive power of ritual for social order. Socially valid scripts, as *courtesy* and *politeness*, allow interactions to proceed peacefully even — as it may frequently occur in normatively plural contexts — in the absence of an intimate subjective and moral commonality or *sincerity* (Seligman and Weller 2008)[4].

With reference to the idea of *embodiment*[5], it should be emphasised

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(4) According to Seligman and Weller, in the subjective universe created by ritual, social illusion differs radically from lie, since the first has no intention to deceive the other: "In this, ritual is much more like play, which is the joint entrance into an illusionary world" (*ivi*, 22). In this regard, see also: Rosati 2009.

(5) In the face of the increased attention towards embodiment in social sciences (Le Breton 1992), it can be underlined how sociological tradition's central concepts have largely evoked

that respectful relationships necessarily involve a certain correspondence between mental states and physical movements. Recalling again Goffman's (1963) meticulous depiction of social life, which emerges as "above all an embodied activity" (Collins 2004, p. 34), people's *manners*, so essential for the smooth functioning of public life, are necessarily expressed by postures, gestures, non–verbal expressions, corporal signs, gaze behaviours and other bodily responses.

Empirical studies investigating the functioning of mutual respect in different social contexts have largely returned its agential, ritualised and bodily texture. This is evident in Stepan's (2012) political analysis of interreligious and state–religion relations in various geographical areas and in some sociological studies on education. The latter have particularly confirmed that respect is strictly relational, negotiated and connected more to bodily expressions than to linguistic intercourses (Anker and Afdal 2018). Thus, the presence or lack of respect in educational relationships seems to be primarily associated to a wide range of signs, "including forms of comportment, prosody, eye gaze, posture, dress, body hexis" (*ivi* p. 51).

In concluding, shared codes, subjective interpretations and body movements intertwine in mutual respect and result in acts which are difficult to interpret univocally (Sennet 2003). Rather than denying the role of inner dispositions in mutual respect, these considerations emphasise the importance of the performative components, which form the basis of coexistence when differences are more radical and the subjective and normative components of individuals and groups in relation have to take a step back.

3. Not just a matter of humans: space and materiality in mutual respect

If the expression of respect implies agentivity and embodiment, no investigation into its enactment can disregard the consideration of space and materiality, which mediate the relationship between individuals and their actions.

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the individual and societal significance of the body in the interpretation of the multifaceted human experience (Shilling 2001).

In his analysis of face–to–face interactions in public settings, Goffman anticipated crucial themes in the contemporary literature on space and atmospheric properties (de la Fuente and Walsh 2020). Contemporary spatial studies[6] can help us integrating his analysis as they explicitly focus on the complex entanglement of individuals' performances with material and spatial elements. On these accounts — I'm simplifying the vast and diverse production of contributions since the late seventies — space is a *social product*, not only conceived (e.g. by architects and designers) but also symbolically signified and practically perceived — namely (re) produced — by its inhabitants and users on a daily basis (Lefebvre 1991). In turn, space can be conceived as, being itself socially implicative, namely not only expressing but also impressing on social life and enabling certain classes of action and order (Löw 2016; Bartmanski and Füller 2024).

In this light, the investigation on respect in public life can gain important insights from focusing on the city and the multiple places that the individuals inhabit, more or less routinely. While being differently "lived" by them, urban spaces are differently able to construct, or at least affect, their social interactions.

A similar path has been undertaken by Sennett (1970; 2019) in his extended study of cultures and effects of urban living. In the search for the micro–foundations of democracy and social order, Sennett points at the Goffmanian dynamic by which, in the public realm, people cross each other physically without necessarily entering into verbal intercourses and develop, visually and bodily, a sense of familiarity with their reciprocal differences. An idea of proximity which doesn't wink to any nostalgia of communitarism and rather appeals to the concept of *neighbourhood* as formulated by Lévinas (1998). The role of non–discursive encounters is also key and those sensory aspects recently underscored by the concepts of *audio–scapes*, *smell–scapes*, *touch–scapes* and so forth could easily be included in the picture of the lived and atmospheric spatial experience (Degen 2008)[7].

Continuing to follow Sennett's examination of the urban (2019; Sendra and Sennet 2020), some peculiar conditions emerge as particularly

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(6) For a collection of recent advances in the field: Bartmanski *et al.* 2024.

(7) Recent studies have also framed the particular role of faces ad facial representations in urban life, adding the notion of *facescapes* to the ones mentioned above (Leone 2024).

able to solicit respectful forms of togetherness. Sennett highlights *porosity* and *multi–functionality*, in particular; that is, aspects which cause buildings, streets, and public spaces to lose a fixed form. Consequently, porosity and multi–funcionality train those who inhabit or traverse them to experience constant disruption, questioning, and abandonment of absolutes in their self–images. In this, Sennett (1970) draws on Erikson' pedagogy to remark on how *disorder* is able to stimulate a reorganization of individuals' identity for the sake of «Less Self, More Other».

Specific examples of *open forms* enabling experiences of neighbourhood are the separation of the different places through porous and easily walkable *borders*[8]; the presence of multifunctional spatial formations allowing for different activities (e.g. consumption of goods, cultural enjoyment, conviviality, work, etc.) to be carried out by different social groups simultaneously; and unfinished and incomplete forms, triggering bottom–up developments and participation (Sendra and Sennet 2020).

Sociomateriality further helps refine the view by including non–human figures in the picture. According to these traditions of studies, objects and artefacts, *dispositives* and *assemblages*, despite lacking inherent agency, facilitate the implementation of social actions (Orlikowski 2007) and alter them through their physical presence (*obstinacy*), just like movements are dictated by spatial configuration (Slife 2005). Therefore, recalling Latour (1998, p. 63), "It's to objects that we must now turn if we want to understand what, day after day, keeps life in the big city together: objects despised under the label 'urban setting', yet whose exquisite urbanity holds the key to our life in common". Non–human intermediaries — relays, affordances, props, documents, instruments, signs, etc. — leave *traces* that must be meticulously linked, tracked and followed, from place to place, in order to disclose what the social life consists of.

In this sense, expressions of respect can be related not only to spatial and but also to material assets. Evoking again the provoking role of open forms, we may imagine that mutual respect is more likely to occur where not only places but also artefacts and atmospheres imply

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(8) Sennet echoes the distinction, used in natural ecology, between *boundary* and *border* to be considered as two kinds of edges: while the fist is an edge where things end, the second is an edge where different groups interact. At the border, organisms become more inter–active due to the meeting of different species or physical conditions.

experiencing a certain discomfort, uncertainty and liminality. An example is constituted by multifunctional and incomplete spaces where people's uses are dynamic, *assemblages* are in constant flux and therefore social relations can take various forms (Sendra and Sennet 2020).

This hypothesis seems to be consistent with the acknowledgement that individuals' spontaneous interpretations of social scripts, previously remarked as constitutive of respect (See Par. 1), always rests on a certain grade of *reflexivity*. As studies on ritual clarify, this element, far from being in contrast with it, is fully internal to the logic of rituality (Rosati 2008). However, the individuals' ordinary and continuous interpretations of performative actions and mutual adaptations between *ease* and *alarm* — to recur once more to Goffman's (1963) vocabulary — could be limited in those cases, increasingly occurring in contemporary globalized cities, in which spaces are excessively overdetermined (Sennett 1970) and in "comfort-oriented societies" where public life and its atmospheres are increasingly, often technologically, controlled (Pavoni and Brighenti 2022). Here the very design of situations — which Goffman described as unfolding in contingent and ephemeral ways — has increasingly become an explictt target of urban policies and the interpersonal space of accounts, apologies and requests gets reduced (*ibidem*).

4. Exercising the theoretical lens: the investigation of mutual respect in multi–religious cities and places

The theoretical interpretation proposed above needs to be tested and redefined through empirical research on respectful practices in specific contexts. The following considerations approach the empirical level, addressing some research questions regarding the case of spaces in which different religious and secular forms of life coexist. The case provides an opportunity to analyse respectful relationships involving a thick form of otherness and the absence of consensus and reciprocal approval. Besides, disrespect and offence towards members of minority religious communities largely affect the public sphere (Fabretti 2023).

Drawing on the extensive set of studies which has applied the spatial lens to religious studies since the early nineties (Chidester and

Linenthal 1995; Knott 2005; Obadia 2015), two broad fields stand out as relevant to an investigation of mutual respect. In the following, they will be briefly recalled as indicat e fields for enquiring respect.

4.1. *Porosity of religious–non–religious boundaries within the city*

A first area of investigation requires navigating within the narrow fabric of urban environment, particularly in multicultural districts, where different religious groups "take place" (Becci *et al.* 2017). If the general reciprocal moulding of the religious and the urban has been largely studied (Rüpke and Rau 2020), the application of the theoretical perspective proposed in this contribution can lead to particularly depicting those modes of interaction that can foster mutual respect between people of diverse religions and between religious and non-religious persons.

Firstly, is the increasing presence of different religious places opening up cities and favouring conditions for respectful coexistence between different individuals, groups and sensibilities? In recent years, many forms of disrespect, sometimes extreme and often accompanied by a clear political significance, have been directed against minority religions' places of worship in European cities. One can think of the episodes of hatred, desecration and offense directed to mosques (Tateo 2019). Are there spatial and material features, both internal and external to religious places, that play a role in hindering this conflictual outcome and instead inducing respect?

In accordance with the interpretative frame developed (see Par. 1 and Par. 2), it appears reasonable to assume that the more porous the borders of religious spaces are in relation to the surrounding public areas, the higher the likelihood of religious and non–religious individuals becoming acquainted with their respective diversities. Porosity can be encouraged by siting places of worship in vibrant areas visited by various social groups for different purposes, ensuring easy accessibility to it, providing explicit information to the local communities about the non–religious activities that may occur within them, or even allowing non–affiliated citizens to integrate those activities with informal and spontaneous initiatives of public interest.

It is worth emphasising that such porosity does not mean dilution and indistinguishability between the religious and the secular. Marking the difference is particularly crucial in contexts like Italian cities, where the recognition of religious diversity through the allocation of adequate places of worship is hindered at a legal and political level and religious minorities are often forced to attend makeshift prayer places, located in commercial buildings or disused premises (Fabretti *et. al.* 2019; Ambrosini *et al.* 2022). Within the proposed framework, visibility is key and should be understood as a set of material elements (plaques, signs, symbols) in a dynamic relation with the surrounding spatial environment.

To explore this working hypothesis, it is not sufficient to map the dislocation of the various places of worship and their visibility/invisibility — aspects which are often affected by States' legal regulation and restrictions on the recognition of minority religions — but it is necessary to deepen the intensity of the interchanges between these places and the surrounding urban fabric.

But religious uses of urban space are not confined to places of worship: non–religious public spaces where religious and secular actors frequently cross each other in their lived experience of the city should also be investigated. We might consider, for instance, the increasing visible presence of religious practices due to festivals, celebrations, rituals and processions which take place in city squares, streets or parks (Bramadat *et al.* 2021); and the less investigated but equally indicative participation of religious leaders or communities in moments of national significance and public remembrance (e.g. celebrations of anniversaries, exhibitions in museums, memorials, etc.). Also in these cases, the degree of openness and the dialogical nature of events and spaces are crucial to allow for participation and exchange between different identities and for a continuous adaptive interpretations of the common goods.

4.2. *Sharing and multi–functionality within religious and multi–faith places*

As historical, sociological and anthropological studies have largely documented (Burchardt and Giorda 2021), a multiplicity of religious sites on different scales have been and are cohabited by different communities

worldwide, either synchronically — e.g. sacred places attracting believers and pilgrims from different religions (Albera *et. al.* 2022) — or over time; it is the case of those sites which have changed their religious identity throughout their history — from the archetypal St. Sophia in Turkey (Rosati 2015) to the many Catholic churches in Western Europe temporarily or permanently converted in Orthodox Christian (Giorda 2023)[9]. Differenlty, the expression multi-faith places refers to iconic buildings including areas for different cults intentionally planned to symbolically and politically represent interreligious dialogue (Griera and Nagel 2018)[10]; or to silence and meditation rooms frequently arranged in institutions (university campuses, hospitals or prisons) and public or private spaces (airports, shopping malls or workplaces) to meet the different religious and spiritual needs of their inhabitants and users (Crompton 2013). These fields of empirical research, extensively traversed through diverse interdisciplinary perspectives, are particularly interesting for the study of respect enactment. In considering these places, far from researching their possible implications in terms of religious syncretism, the attention can be directed towards the spontaneous reciprocal adaptations between religious groups which are mediated by spatial, material and sensory arrangements (Burchardt and Giorda 2021): to what extent and in which cases are they informed by, and soliciting, mutual respect?

Contested and tense forms of cohabitation are obviously possible in shared or mixed religious places (Hayden 2022; Hayden *et al.* 2016) since space is also a political domain. Bodily and sensory living of space creates an active arena (Soja 2000) whereby individuals and groups are positioned with different degrees of power. And contestations around meanings and uses of public space are played out (Degen 2008). Precisely the possibility that shared religious places imply different kinds of social contact — a variability that others tend to explain with appeal to cultural and political factors at a larger societal level (Hayden 2022) — leads, in a proper spatial and material perspective, to detecting how spatiality "makes a difference". Which properties, including symbolic references and atmospheres, allow a

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(9) For a collection and analysis of recent case–studies worldwide, see the *Shared Sacred Sites* project: www.sharedsacredsites.net.

(10) On the exemplar project House of One in Berlin, see: Burchardt (2021).

proximity as neighbourhood, in the sense of a reciprocal recognition of agency not necessarily implying a subjective and normative adherence? Furthermore, sacred spaces are always populated by objects, sometimes shared and at other times specific to one or more religious groups, that circulate, focus attention and interact with spatial characteristics and with the bodily movements, gestures, and practices of individuals: to what extent and in what ways does the introduction, use, or removal of certain artefacts modify the perception of being or not being respected among individuals who share that particular space?

Attempting once more to outline a research direction through the considerations proposed in the previous paragraphs, I suggest that the more these spaces are conceived as dynamic, incomplete, open to the changing configurations, arrangements and functions and to a variety of artefacts in circulation, the more they can solicit the individuals who inhabit them to a challenging contact, requiring attention to the other's agency, self–regulation and self–decentering.

It seems plausible that similar dynamics are more likely to occur when the spatial sharing results from bottom–up initiatives, as for the use of existing Christian buildings as sites also for other religious purposes, or when the internal configuration is particularly mobile and adaptable, as for the case of silence or meditation rooms.

However, once more, mutual respect appears as the result of a delicate and spatialized balance of identities' preservation and relational openness. Consider, for instance, the possible arrangement of meditation rooms within multi–functional areas, where religious and spiritual uses may coexist with other forms of spatial engagement (recreational activities, medical care, etc.): how can sacralization and desacralization of the space be configured in a way that respects the different individual sensibilities involved?

 Finally, the exploration and development of features that foster respectful relationships can extend to virtual spaces, whose prominence in the current mediascape opens up the prospect of a radical reinterpretation of spatiality and requires investigating traits of continuity and discontinuity with respect to physical space. Virtuality is also an important aspect of pilgrimages, whereby it (re)shapes perceptions, in continuous interactions with materiality (Bria and Giorda 2023).

5. Conclusion

The proposed reflection has revolved around the particular case of re-
spect between strangers and, to a lesser extent, among those of differ-
ent religious and non–religious backgrounds. Obviously, the issue of
mutual respect assumes a multiplicity of facets that are impossible to
capture within the scope of this contribution. However, the ongoing
search for respectful forms of coexistence in pluralistic societies should
abandon the ambition to trace comprehensive and univocal formu-
las. On the contrary, interdisciplinary research allows us to test, on a
case–by–case basis, an account of this complex and fluid social mode.
Indeed, similarly to the case of kindness, although perhaps with a less
affective nuance, respect is rooted in small acts, embedded in spaces
and infrastructures and with an atmospheric quality that risks appear-
ing insignificant or random in everyday life and show, instead, recur-
rent ingredients at a theoretically oriented examination (Brownlie and
Anderson 2017).

I suggested that mutual respect does not solely involve individuals'
mindset but is performed bodily and through space and materiality.
The article has also attempted to show that the challenge of coexistence
between differently religious and nonreligious individuals and groups
in today's cities offers a laboratory of interest for the spatial interpreta-
tion of the enactment of respectful relationships.

Such inquiry can provide useful elements not only for understand-
ing crucial mechanisms of the complex social fabric but also for inspir-
ing the intentional design of open and inclusive places in the cities we
inhabit (Sendra and Sennett 2020). Open spaces would work as prop-
er gyms of encounters, capable of exercising people to approach diver-
sity in respectful ways. Indeed, we might be inclined to recognize that,
compared to abstract moral calls for recognition of diversity, experienc-
es of space and materiality can be far more effective in orienting us to-
wards acknowledging the other's *room for manoeuvre*. These exercises,
in turn, can perhaps also train us to regulate the tones of our argumen-
tative practices on more respectful frequencies.

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DISEMBODIED SOULS AND EMBODIED SELVES?
THE RETURN OF THE SOUL IN MEDICINE AND OF THE BODY IN SPIRITUALITY

Lucia Galvagni

Abstract: There seems to be a return of attention to the dimension of the soul in bioethics and to the bodily dimension in spirituality, where very diverse moral, cultural, and religious sensitivities and beliefs characterize our communities and societies at present. The paper reflects on how the spiritual dimension and the care of the soul are currently considered in medicine and healthcare, and on the significance of the body in and for spirituality, underscoring the contribution that ethics and religion can offer to better interpret and understand these scenarios.

Si assiste oggi ad un ritorno di attenzione per la dimensione dell'anima in bioetica e per la dimensione del corpo nella spiritualità, dove sensibilità e credenze morali, culturali e religiosi molto diversi caratterizzano le nostre comunità e società. Il paper riflette su come la dimensione spirituale e la cura dell'anima sono attualmente considerate in medicina e nella cura della persona, e sul significato del corpo nella e per la spiritualità della salute, sottolineando il contributo che etica e religione possono offrire per interpretare e comprendere meglio questi scenari.

Keywords: Soul, Body, Medicine, Spirituality, Technological age

Parole chiave: Anima, Corpo, Medicina, Spiritualità, Età tecnologica

What does the term "soul" mean today? Where and how does it arise in the debate on issues regarding life and death, health and illness, healing, and care? What role and significance does the body have in contemporary medicine and culture? It is possible to observe two main tendencies at present that could be represented as a sort of chiasm: on the one hand, there seems to be a resumption of attention to the "soul" and

to the spiritual dimension, with new ways to understand, represent, and approach them in medicine; on the other, there is a corresponding renewal of attention to the body and to embodiment, not only in medicine and healthcare but also in spirituality, where the role and the value of the body probably have never been so central.

What can this resurgence of attention to the soul mean in medicine, healthcare, and bioethics and to the body in spirituality? What are the potential consequences? What kind of contribution can ethics, philosophy, and religion bring to this debate?

1. The body–soul dualism and the breath of life

In ancient philosophy and culture, the idea that the body and the soul represent two distinct realities that sometimes meet, collide, and cohabit, at least for a while, was very prominent, to the point that in philosophy and religion the soul was considered a "prisoner" of the body, in line with the interpretation formulated by Plato in the *Phaedo* (2002), and the relationship between soul and body was frequently represented as a dualism. This dualistic vision returns in the modern age in Descartes' conception, as a primary model for the interpretation of the relationship between body, considered as a *res extensa*, and mind, considered as *res cogitans*.

What remains of this dualism today? At present, medicine studies and reflects on the body, whereas the cognitive sciences and neurosciences consider and attentively study the mind. In some respects, we could argue that the ancient and traditional dualism of body and soul has been transformed into a dualism of body and mind. In this renewed and contemporary dualism, what has happened to the soul? Is there still space for the soul — for an entity that, over the centuries, has induced not only philosophers and intellectuals, writers and scientists, but more broadly all human beings to wonder about their destiny, the relationship between immanence and transcendence, and whether there is life after death?

In a reflection on the soul, a psychoanalyst wrote:

The soul is like the word that tries to say it. A breath, a fleeting breath […]. It is difficult to speak of the soul: we do not know it; we do

not see it. […] Yet we happen to grasp its presence. Each of us has felt this impalpable closeness at the edges of reality, this inaccessible background. Each of us has felt that existence is not restricted to what we know or see. Something transits elsewhere. Something, but what? Elsewhere, but where? […] Such questions stimulate the premonition of a mystery" (Ternynck 2022, pp. 22–23)[1].

These questions, observes Ternynck, tend to remain hidden in adult life, which is more focused on concrete issues, but sometimes they reappear. If the question "How should I live?" concerns an existential issue and entails a search for meaning, people who address this question often search for someone who can help them find their own answer: they search for a sort of guide — a psychoanalyst, a priest, a spiritual guide or referent, possibly a *life coach* as well.

"In the contemporary West, the breath of life has fallen; it slips downwards. We certainly live more freely and at a greater speed, but we breathe badly" (Ternynck 2022, p. 23). The image of breathing evoked by Ternynck reflects a meaning traditionally associated with the term 'soul'. Maintaining its metaphorical meaning, we could ask where our "life breath" goes and wonder what corresponds to it. The Greek term "pneuma" refers to the idea of breathing, of blowing, as well as to the idea of the soul. Among the Greek meanings of the term, one finds "blow (of the wind)", "exhalation", "breath, breathing", but also "'breath of life" (Rocci 1985, p. 1516). At present, the clinical discipline and medical specialty where breathing is scrutinized and treated is called 'pneumology', keeping the original meaning of breath and breathing. The Latin term *anima* means "vital principle" and it comes from the Greek term *anemos*, whose meaning corresponds to "wind, breath, vital breath". In the ancient Jewish tradition, the word "nefesh", translated as "soul, breath of life", referred to the animation of a living being, to the being as animated: *nefesh* was associated with a spiritual entity, embodied in a specific organ, and in this tradition, the soul was not conceived as separate from the body but, on the contrary, as consubstantial with it (Lys 1958)[2].

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(1) My translation from the Italian version.

(2) The Jewish tradition recognized a tripartition of the soul: *neshamà* is the highest part of the soul, located in the mind; *ruah* is the spirit located in the heart; and *nefesh* is the vital breath residing in the liver. Aristotle traced a tripartition as well to represent the soul's structure, distinguishing between an *intellective*, a *sensitive,* and a *vegetative* soul (Aristotle 2017).

The issue of the "soul" has been debated and differently defined during the centuries in theology, philosophy, literature, arts and poetry, psychology, and more recently in the neuroscientific field as well (Ravasi 2022). In addition, if it is difficult to identify or attribute a literary or univocal meaning to the term. It is nevertheless possible to identify signs and meanings that indicate the permanence of a condition beyond the form it assumes. Some contemporary definitions of the term can provide guidance in this inquiry. In the Cambridge Dictionary, "soul" is defined as "the spiritual part of a person that some people believe continues to exist in some form after their body has died, or the part of a person that is not physical and experiences deep feelings and emotions"[3]. In the Britannica Dictionary, the term is defined as "the spiritual part of a person that is believed to give life to the body and, in many religions, is believed to live forever; a person's deeply felt moral and emotional nature; the ability of a person to feel kindness and sympathy for others, to appreciate beauty and art"[4]. The Britannica Dictionary offers also a possible etymology of the word: it may derive from "soule" (Middle English), "sawol", meaning "spiritual and emotional part of a person, animate existence; life, living being". The term seems to have an analog in the Proto–Germanic "saiwalo", meaning "from the sea", where since the end of the Nineteenth century, the expression "soul–searching" has been referred to as a "deep self–reflection, examination of one's conscience"[5].

At a glance, these various definitions reflect shared meanings of the term, and they seem to present some common elements: the soul is an immaterial, non–physical component of the person; it corresponds to her deep and inner nature and sensitivity. In the most ancient traditions, the soul corresponded to the element that could animate the matter of the body; without this principle, the body would not be vital; it would be "inanimate" in the literal sense. Moreover, in spiritual and religious terms, the soul has been considered immortal or everlasting.

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(3) See https://dictionary.cambridge.org/dictionary/english/soul (last accessed on 29 March 2023).

(4) See https://www.britannica.com/dictionary/soul#:~:text=Britannica%20Dictionary%20definition%20of%20SOUL,the%20human%20soul%20%5B%3Dspirit%5D (last accessed on 15 April 2024).

(5) https://www.britannica.com/dictionary/soul (last accessed on 15 April 2024).

Whereas "body" refers to a material component, "soul" refers to an immaterial or a "spiritual" component of life. How is it possible to consider body and soul, mind and body, at present, and how are these elements different in their functions, which still remain parts of the whole that compose the human being?

2. The return of the soul in medicine and in bioethics

The notion of the soul is very significant in scenarios and issues regarding life and death, health and disease, suffering and healing, and human and non-human existence.

The term soul has been associated with spirituality and spiritual care since antiquity: in Plato, spiritual care means and implies the care of the soul (Mortari 2021) and this tradition seems to have remained present throughout the centuries, where there is a reference to the soul and the care of the soul, to interiority, to spirit and spirituality, to the divine and the mystical. Soul has been identified as an immaterial and a spiritual component of the individual and of the person; the cultural and religious traditions and the different disciplines that approached these notions and reflected on them bring attention to soul and spirituality as relevant existential traits in life (Ravasi 2022).

The notion of the soul has recently returned in bioethical debates, as some authors underscore (ten Have and Pegoraro 2022). Sometimes, the notion has been considered in a metaphorical sense; sometimes, it is discussed with reference to the notion of spirituality and its importance in and for healthcare (Cobb, Puchalski and Rumbold 2012). This attention to the spiritual dimension, initially present in some specific healthcare contexts, such as palliative care (Saunders 1984; Leget 2017; Gijsberts *et al.* 2019), has been renewed and broadened to other medical and care scenarios. At present, spirituality in health care, the spirituality of health, and the relationship among medicine, religion, and spirituality represent a growing new field of interest, research, and practice (Puchalski 2001; Cosmacini 2007; Jobin 2013; Jacquemin 2021).

Reflecting on the concept of soul, ten Have and Pegoraro (2022) underscore that medicine seems to have lost its own soul, and so too has

bioethics: these fields have forgotten the meanings and reasons that inspired them, namely, taking care of human beings and helping people to deal with uncertainties and difficulties related to situations and choices of life and death, health and disease, birth and dying. These authors urge reconsideration of the human condition and the anthropological traits that concern a person dealing with complicated conditions and people intervening in demanding scenarios of medicine and health care, which often raise issues debated in medical ethics and in bioethics[6].

What can it mean to refocus attention on the soul in the fields and contexts of care and healthcare?

The possible relevance of the spiritual component in health and healthcare had been considered during the 1990s at the World Health Organization: a specific commission worked on the proposal to modify the definition of health as a "state of complete physical, mental, and social wellbeing", adding the "spiritual" component as well. The General Assembly of the WHO finally decided not to accept the proposal nor to insert this modification because the term "spiritual" seemed too ambiguous, not univocally accepted: the distinction between the meanings of "spiritual" and "religious" is unclear; a reference to religion could require defining the relationships between religion and the state within specific contexts; and, furthermore, a religious interpretation and view of health was evaluated as incompatible with the secular profile and orientation of the WHO as an institution (Nagase 2012).

Over the years, and with a substantial increase at the time of the COVID pandemic and after the healthcare emergency that it caused, attention to this component has burgeoned, and today the topic of spirituality in health care has moved to be debated (Peng-Keller, Winiger and Rauch 2022). Now networks and centers dedicated to it are focused on reflection and research on spirituality and commitment in activities, practices, and education devoted to spirituality in healthcare [7]. Different tra-

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(6) On the specific goals of medicine and on their possible religious matrix see Pellegrino and Thomasma (1997).

(7) Some initiatives reflect the return of interest in spirituality in medicine and healthcare: see the Global Network for Spirituality and Health, GW Institute for Spirituality and Health (GWISH), https://gwish.org/programs/global-network-gnsah (last accessed on May 28, 2024); the network RESSPIR, Réseau Soins, Santé et Spiritualités related to the Interdisciplinary Research Center "Religions, Spiritualités, Cultures et Sociétés" at the Université catholique de Louvain, https://resspir.org/ (last accessed on May 28, 2024), and the *Initiative on Health,*

ditions offer concepts, notions and categories that can be adopted in this field: among the most relevant are personhood, belief, hope, search for meaning, compassion, dignity, care and healing, suffering, rites, and culture (Cobb, Puchalski and Rumbold 2012, Section II).

Also, if the contribution spirituality could bring in therapeutic terms and health outcomes is neither evident nor completely measurable (Anandarajah, Hight 2001, Balboni *et al.* 2007; Puchalski *et al.* 2014), spirituality can still represent an important component in the care process of a person, and it could be considered as an essential passage of the "ritual" of care. Some proposals to better understand and assess the spirituality and spiritual needs of patients have been formulated, as in the HOPE approach, where the sources of Hope and meaning, the role of Organized religion, the place of Personal spirituality and practices, and the Effects on medical care and on End–of–life decisions are considered (Anandarajah and Hight 2001).

3. The body in spirituality

Looking at the second term of the Platonic dualism, what is the role of the body in the field of medicine today and in this renewed attention to spirituality? What kind of representation has been offered of the body, and what kind of connection exists between the body and the self — a connection that, in the philosophical and neuroscientific debate, seems to refer to the deeper and more proper aspects of human identity? What is the connection between these two dimensions and dynamics that compose and define our embodied experiences?

In contemporary philosophy, phenomenology has brought attention back to the body. It has considered the lived experience we always have of the body, underscoring the epistemological role and value that it can have: the body, as observed, experienced, and lived, defines the relationship with reality, and in this way it contributes to defining our subjectivity as well (Merleau-Ponty 1976). The perception of having a body and, at the same time, being a body has been underscored by

Edmund Husserl, who indicated the two dimensions and the two different, complementary experiences that contribute to defining the unity of ourselves and the conditions of human consciousness: the physical body, the *Körper*, and the lived body, the *Leib* (Husserl 1960). Through the body, a person enters into relationships with herself, with others, and with the world surrounding her. Through the body, a person can define her identity and orient her knowledge and awareness, as well as enter into relationships, experiencing dynamics of recognition, reciprocity, attention, or, vice versa, dis–recognition, indifference, lack of respect, and violation (Melchiorre 1987; Malherbe 2014). In this sense, attentive care of the body can mean and transmit – through a bodily-mediated relationship — closeness and recognition of the person, and respect for her person in the different dimensions that can characterize her: the physical, the moral, the social, and the spiritual as well.

To what extent do we conceive of ourselves as abstract entities, and to what extent do we consider them bodily and corporeal? Starting from a phenomenological perspective in cognitive sciences, Varela, Thompson, and Rosch argue that our mind is embodied, and our cognition is and remains embodied as well (Varela *et al.* 2017). In addition, regarding spirituality, it seems possible to talk about an "inner life" of the soul precisely because human beings perceive and experience their own bodies. Hannah Arendt observed that the life of the soul cannot be expressed metaphorically, as can happen when we describe the activities of the mind, making "external" what human beings experience internally in their thoughts: the intensity of the soul's life can be better expressed through gazes, facial expressions, sounds, or gestures. Arendt wrote: "Our soul-experiences are body-bound to such an extent that to speak of an 'inner life' of the soul is as unmetaphorical as to speak of an inner sense, thanks to which we have clear sensations of the functioning of our inner organs" (Arendt 1978, p. 32). In an analogous sense, a young physician observes: "The interiority of the body is my own interiority. We tend to adopt notions and concepts that are very western, but as physicians, we should learn to give space to words and to interiority, both for patients and for caregivers"[8].

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(8) This is part of an interview realized for the research project "Which healthcare for the future? Towards a more equal and sustainable medicine and public health", lead in 2022 at the Bruno Kessler Foundation — Center for Religious Studies (L. Galvagni, P.I.).

The idea that there is a significant correspondence between a person's corporeal interiority and his or her spiritual dimension reflects a way of looking at the body, with its needs and its multiple resources[9]: human needs are very diverse, and in demanding conditions and situations for the person, they all require attention and care.

The embodied experience remains extremely significant in regard to spirituality as well. Where the body is impacted by pain or joy[10], its lived experience is more intense; in these situations, spirituality is more engaged, and spiritual needs tend to be perceived more intensely (Bellet 1992; Carel 2019). Many so-called "spiritual" activities imply an involvement of the body; in spiritual activities and practices, the body is deeply engaged; therefore, taking care of the soul implies often interacting with the body or working on the body of a person. Some authors observe that caregivers who practice spiritual care need to enter into a close relationship with the person they are taking care of in order to let these practices become forms of care for the soul (Kearney and Weininger 2012). In this way, the "mystical" could be reinterpreted as "the direct experience of the larger field of relationships in which we are embedded" (Kearney and Weininger 2012, p. 277).

Hence, if care of the soul in healthcare is receiving new attention, as the increase in contemplative studies shows, the presence of the body in spirituality seems to be extremely significant until the point of talking of "embodied spiritualities" (Bertolo and Giordan 2016; Varela *et al.* 2017), referring to yoga practices, mindfulness, or ritual prayer involving movements of the body, which can and tend to be practiced by people experiencing an illness as well.

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(9) Interiority can represent the different ways in which philosophy and religion have understood and still understand our capacity to reflect, to perceive and experience life externally and at an inner level, to re-elaborate our experiences and our stories, considering the possibility of the existence of a transcendent dimension as well.

(10) As Ricoeur observed, joy as well as pain represent "the last niche" of subjectivity (Ricoeur and Blattchen 1999).

4. Souls and bodies again, in our technological age

Curiously, some terms traditionally associated with philosophy, spirituality, and religion seem to recur in studies on new technologies and biotechnologies as well. In the report of the US President's Council on Bioethics, *Beyond Therapy. Biotechnology and the Pursuit of Happiness*, some very distinctive expressions have been adopted, such as the notions of "harmony of mind and body", of "ageless bodies", and of "happy souls" (President's Council on Bioethics 2003). These references bring back some peculiar notions adopted in religion and theology, as well as in philosophy, to talk about the relationship between body and mind and the condition of the soul: philosophy, religion, and spiritual practices have been traditionally attentive to improving human life conditions by focusing on the existential and interior levels, in a sort of orientation toward wisdom. At present, a new, strong attention to body and soul and a tendency to reconsider both of them — also in metaphorical or symbolic terms — seem to come back in reflections regarding different issues related to medical ethics, transhumanism, and technologies (Adorno 2012; Gaillard 2024).

Being a unity and representing a whole, human beings neither have nor are disembodied souls; they are unable to experience disembodied spirituality. How does the bodily condition impact spirituality, and how might the spiritual component be considered and accompanied during the care of the body and in health? To understand the relationship between these different components, it is important to reflect on the difference between two traits — the spiritual and the psychic. Observing the interaction between the psychic and the spiritual dimensions and dynamics, the sociologist of religion Raymond Lemieux (2017) underscores that the essence of spirituality seems to be desire, whereas the core of psychic dynamics consists of feelings and affection, following a distinction proposed by Emile Durkheim (1960). In this perspective, desire represents a dynamic tension that leads to a move towards an alterity, to discover and explore it, exercising imagination, and going beyond the conditions that life imposes. The desire could be represented and thought of as a "search for", where the person is oriented and remains open to the unpredictable and the unattended that

the other(s) always can bring and offer (Lévinas 1971). If desire is characterized by an orientation towards something or someone — an object, a condition, a person —, the tension it implies induces the person to go beyond herself, to transcend herself and in this sense can be interpreted as an aspiration to transcendence[11]. The reference to desire as a distinctive component of spirituality highlights the extent to which spirituality seems to be bodily–related and the extent to which its foundation remains corporeal.

Simone Weil reflected on the fact that what is sacred is not the abstract notion of the person; on the contrary, it is her being a body, her being a material entity; we could say her being embodied (1957). As embodied selves, human beings are not disembodied souls: taking attentive care of a person's body brings relief to the soul, and taking care of the soul — in its desiderative and aspirational dimension — may create a different balance for the body, and for the person, offering space for pleasure, joy and relief in very difficult circumstances as well. For this reason, when cure is no longer attainable, there are still ways to approach and to care for a person in the conditions she is experiencing — be they bodily, psychological, moral or spiritual. Spirituality has been defined as "the dynamic dimension of human life that relates to the way persons (individual and community) experience, express and/or seek meaning, purpose and transcendence, and the way they connect to the moment, to self, to others, to nature, to the significant, and/or the sacred" (Nolan, Saltmarsh and Leget 2011). In this approach, the spiritual attitude seems to be neither necessarily, nor strictly related to transcendence and to the sacred — in the most traditional sense of those words. If the essential features of the "soul" — what it represents, to what it corresponds, and if it can still refer to transcendence — apparently remain undefined, the soul, its existence, and its destiny can represent instead an issue of belief, conviction, faith, and practice, which can be both personal and collective, and more than a pure and simple object of knowledge.

This renewed attention to the soul and to the body does not involve solely medicine and healthcare; it more broadly concerns very diverse

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(11) Malherbe defines spirituality as "the relationship that a subject establishes with his own transcendence" (2014, p. 162); in his interpretation spirituality is "what in a human being is related to the question (and not to the assertion) of transcendence" (Malherbe 2014, p. 196; my translation from Italian).

cultures, societies, and contexts around the world. Perhaps, in the post–secular dimension that characterizes many of our societies, human beings are rediscovering the value of their embodied humanity, marked by precariousness and fragility but at the same time open to an incomparable tension to beauty, which may represent the most meaningful contribution that life and being alive makes to each and all of us.

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TENGRI CALLING
DECOLONIZING CULTURAL NARRATIVES IN CONTEMPORARY KAZAKHSTAN

Sara Hejazi

Abstract: Kazakh national identity is undergoing a process of redefinition and reconstruction in times of great cultural, social, and economic global transformations, represented by digitalization and decentralization of past cultural hegemonies.

Religious belief, which has been at the margins of Kazakh society during the Soviet Union, is being re–embodied through old and new forms of cults and spiritual practices, such as Islam, Orthodox Christianity, and Tengrism.

The contemporary process of national identity construction in Kazakhstan is thus a meticulous attempt to re–construct and negotiate modern and traditional traits. The central Asian geographical area is characterized by a rich tradition of ancient spiritual beliefs, such as Tengrism, which represent an opportunity to reinforce concepts — such as authenticity — against forces that appear to be threatening the local culture, globalizing values, and erasing the articulated and diverse Kazakh heritage.

The perception that Kazakh society is experiencing modern, secular, digital and consumerist global forces is a broadly discussed topic. In this framework, Tengrism represents an opportunity to respond to the contemporary need for a belief that enhances sustainability, ecological engagement, and a balanced interaction among humans and between humans and natural environments.

Tengri "ideology" therefore is an interesting and multi–level identity marker especially for urban Kazakhs: it represents a feature of local heritage, which was overwhelmed by historical events such as Islamization and russification; it might also be seen as a "new age" belief that can easily coexist with other religious and spiritual practices, integrating, for instance, Islam; finally, it represents an ecological belief system because of its hierarchical structure in which natural elements are worshiped. Compared to other religious revivals, Tengrism entails further advantages, from a political point of view: it is not necessarily a communitarian religion, longing for public places of worship or public visibility, moreover, Tengrism does not challenge the contemporary restrictions on religious practices imposed by the Kazakh government.

Tengrism does not involve communitarian rituals, carried out by large groups of people, nor does it have organized proselytism or evangelization activity.

Functioning primarily as an intellectual trend for cultured urban elites, Tengrism is intended to be a religion of post–soviet and modern Kazakhstan.

Rooted in a post–colonial narrative, Tengrism represents an attempt to find a balance between adhering to postmodern values and anchoring oneself into the ethnic, authentic, pre–industrial past of the nation.

Tengrism is, therefore, mostly a cultural, elitist, individual phenomenon: its roots are in libraries and intellectual circles more than among people and villages. Tengrism looks like a cultural movement, having private living rooms or forests and natural landscapes as sacred places. The role of Tengrism in contemporary Kazakh society is mainly that of revitalizing, producing and disseminating knowledge on an almost lost spiritual belief as a means for decolonizing and – at the same time localizing – modern Kazakh identities.

L'identità nazionale kazaka sta subendo un processo di ridefinizione e ricostruzione in tempi di grandi trasformazioni culturali, sociali ed economiche globali, rappresentate dalla digitalizzazione e dal decentramento delle egemonie culturali del passato.

La fede religiosa, che è stata ai margini della società kazaka durante l'Unione Sovietica, viene reincarnata attraverso vecchie e nuove forme di culti e pratiche spirituali, come l'Islam, il Cristianesimo ortodosso e il Tengrismo.

Il processo contemporaneo di costruzione dell'identità nazionale in Kazakistan è quindi un meticoloso tentativo di ricostruire e negoziare i tratti moderni e tradizionali.

L'area geografica dell'Asia centrale è caratterizzata da una ricca tradizione di antiche credenze spirituali, come il Tengrismo, che rappresentano un'opportunità per rafforzare concetti — come l'autenticità — contro forze che sembrano minacciare la cultura locale, globalizzando i valori e cancellando l'articolata e diversificata eredità kazaka.

La percezione che la società kazaka stia sperimentando forze globali moderne, laiche, digitali e consumistiche è un argomento ampiamente discusso. In questo quadro, il Tengrismo rappresenta un'opportunità per rispondere al bisogno contemporaneo di una credenza che valorizzi la sostenibilità, l'impegno ecologico e un'interazione equilibrata tra gli esseri umani e tra gli esseri umani e gli ambienti naturali.

L'"ideologia" Tengri è quindi un marcatore identitario interessante e a più livelli soprattutto per i kazaki che vivono nel contesto urbano: rappresenta una caratteristica del patrimonio locale, che è stato sopraffatto da eventi storici come l'islamizzazione e la russificazione; potrebbe anche essere visto come una credenza "new age" che può facilmente coesistere con altre pratiche religiose e spirituali, integrando, ad esempio, l'Islam; Infine, rappresenta un sistema di credenze ecologiche a causa della sua struttura gerarchica in cui vengono adorati gli elementi naturali.

Rispetto ad altri revival religiosi, il Tengrismo comporta ulteriori vantaggi, dal punto di vista politico: non è necessariamente una religione comunitaria, che anela a luoghi di culto pubblici o visibilità pubblica, inoltre, il Tengrismo non sfida le restrizioni contemporanee alle pratiche religiose imposte dal governo kazako.

Il tengrismo non prevede rituali comunitari, svolti da grandi gruppi di persone, né ha attività organizzate di proselitismo o di evangelizzazione.

Funzionando principalmente come una tendenza intellettuale per le élite urbane colte, il Tengrismo è destinato ad essere una religione del Kazakistan post–sovietico e moderno.

Radicato in una narrazione post–coloniale, il Tengrismo rappresenta un tentativo di trovare un equilibrio tra l'adesione ai valori postmoderni e l'ancoraggio al passato etnico, autentico e pre–industriale della nazione.

Il tengrismo è, quindi, per lo più un fenomeno culturale, elitario, individuale: le sue radici sono nelle biblioteche e nei circoli intellettuali, più che tra le persone e nei villaggi. Il tengrismo si presenta come un movimento culturale, che ha come luoghi sacri i salotti privati o le foreste e i paesaggi naturali. Il ruolo del Tengrismo nella società kazaka contemporanea è principalmente quello di rivitalizzare, produrre e diffondere la conoscenza di un credo spirituale quasi perduto come mezzo per decolonizzare e — allo stesso tempo localizzare — le moderne identità kazake.

1. Authentic reinventions. Searching for certainties in cultural roots

The last three decades have witnessed a significant revival of local – and long forgotten – cultures (or single cultural elements) in many different corners of the planet (Hobsbawm e Ranger 1992).

Tifinagh alphabet, for instance, re–emerged in 2003 as the "authentic" scripture of the Tamazight Berber language in Morocco, which, paradoxically, most of the Tamazight speakers were not able to use (El Medlaoui 2016).

The re–discovery of Tifinagh came in a top–down process, promoted both by academia and local authorities, as an elitarian, modern, urbanized form of knowledge.

The reproposal generated a public debate about the folklorization of Berbers led by Amazigh political activists, stating that the promotion of the Tifinagh alphabet was a "culturally artificial" choice that

would only contribute to further isolating and marginalizing Moroccan Berber groups (Gross e McMurray 1993). Similar examples of revitalizing, folklorizing, reinventing and reproposing lost, or marginal local cultures often involve processes of conflict and negotiation, as was the case with Zoroastrianism in Iran, throughout its recent history of secularization, re–islamization and re–secularization (Hejazi 2019).

A similar context is represented by the recent revival of Tengrism in central Asia, and in Kazakhstan (Laurelle 2007).

As in the case of Zoroastrianism and Tifinagh, the revival of Tengrism is not really about a practical, collective return to a specific ancient cult. Rather, it is about a return of Tengrism in public discourse and in cultural representation.

New narratives have emerged in the last few decades, placing Tengrism under a broader framework entangling culture, religion, academia, and politics to a modern sense of belonging to "original roots", that were lost to outside cultural domination. In other words, revivalism is intertwined with top–down de–colonization attempts.

These attempts are sustained by a single, fundamental concept that is as much universal as it is local and has been one of the main topics for modern anthropology ever since the end of the 1990s: authenticity.

The quest for authenticity has been the *leitmotif* of the reemergence, revival, and restoration of local identities in contemporary global culture, characterized by the constant flow or crossings of physical, mental, geographical, digital, virtual borders of human cultures, societies, and individuals. The reiterated process of cultural reinvention driven by authenticity can perhaps be described in terms of a mathematical proportion: the more interactions between diverse cultural settings take place in everyday life experience, the more fundamental becomes the quest for authenticity, as a drive through which identities are displayed.

One might argue that the idea of authenticity is not in itself universal, as it originated in the "western world", as anthropologist Richard Handler stated: "Our search for authentic cultural experience – for the unspoiled, pristine, genuine, untouched and traditional — says more about us (westerners, SH) than about others.".

However, the concept of authenticity has been spreading around the globe together with goods, people, and other ideas in the last fifty

years. It has been driving social, political and identity battles in decolonization processes throughout the second half of the twentieth century.

The rise of political Islam in the 1960s in Algeria and Iran was, for instance, one of the main results of the search for authenticity in those specific cultural contexts threatened by cultural domination "from the outside". Islamist philosophies[1] emerged as "authentic" cultural markers to rebel against the threat of western domination.

Post–colonial identity and authenticity narratives have often been intertwined with political activism and forms of public discourse that would stress memory and heritage as the grounds for political battles and cultural revivalism.

Historian of science Ian Hacking explains these social phenomena calling them "the third era of politics" (Hacking 1991).

In the first era, power would be displayed through the body of the individual, as the works of Michel Foucault pointed out; in the second era, power would be displayed through the social and collective body of the population, as it happens with massive demonstrations in support of a government, for example; in the third era, power would be displayed through memory and the notions of history, heritage, genealogy, authenticity, which go along with the ability to forgive and to forget, to erase and to reinvent.

The Kazakh return to Tengrism can be considered from this perspective as embedded in a "third era of politics". It represents the interplay of memory and authenticity; an attempt to both decolonize and modernize, to recollect and renew, to negotiate the spiritual and the political and to rethink ancient identity roots in global urban settings.

2. Discovering Tengrism: an anthropological case of serendipity in Almaty

In 2020 I had the chance to become adjunct professor at Al–Farabi Kazakh National University in Almaty, at the department of Religious and Cultural Studies, Faculty of Philosophy and Political Sciences. Because of the pandemic, I started teaching online for two years

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[1] Such as Iranian philosophers Ali Shariati's and Jalal Ahmad thoughts and works.

and could finally reach the cities of Almaty, Oskemen and the Altai Mountains as a visiting professor in the Fall of 2022.

While I started off with teaching the subject of "Global Cultures", in 2021 Professor Nurlykhan Alyanova[2] asked me to teach a course named "New Age Culture". This came as a surprise, because of a cultural misunderstanding about what this category meant.

In the Italian language and, more in general in Western Europe, by "new age" we refer to those spiritual movements born in the '70s of the twentieth Century, related to the 1968 hippy Movement and characterized by syncretic forms of spirituality, consisting of three main poles: alternative spiritualities interested in Oriental religions, esotericism and occultism, astrology and UFO research; alternative therapies advocating holistic medicine and wellbeing; and finally: alternative political or social organizations. Because concepts are also related to a system of values, new age practices in Italy have also been associated with "non–scientific" positions and irrationality.

But in Kazakhstan, this was not the case.

By "New Age Culture", Professor Aljanova was referring to the understanding of a popular social phenomenon in Kazakhstan that has been on the rise in the three previous decades: the revival of Tengrism and other forms of ancient shamanic cults among the urban youth (Laurelle 2007).

While there are some parallels between European new age cultures and the Kazakh Tengri revival, they are deeply different phenomena: in the first place, they emerged at different times: new age cultures in Kazakhstan emerged only at the end of the Nineties, while in Western countries, new age spirituality became popular thirty years earlier.

Secondly, while European new age is a cosmopolitan, syncretic attempt to draw spirituality or spiritual meanings both from Eastern and Western tradition, Kazakh new age has at its center Tengrism, the ancient local pre–Islamic religion that dominated central Asia until the thirteenth century.

Lastly, while new age cultures in the European context were embedded in a bottom–up social movement attempting to challenge the

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(2) Nurlykhan Aljanova is associate professor at the department of Religious and Cutural Studies at Al –Farabi Kazakh National University

status quo, in the Kazakh context, Tengri revivalism has been mainly an intellectual top–down movement, a search for cultural authenticity meant to challenge other dominant narratives: the Russian narrative, but also the post–capitalistic narrative of the exploitation of natural resources. While western new age presents itself as a counternarrative of minority groups, Tengri intellectual thought looks like a form of spiritual ecology, looking at the past to respond to present day challenges and issues (Shaimerdinova 2022).

3. Tengri Heart. How the cult is made

Tengrism is a form of animist religion having its roots in the Eurasian steppes, especially among Turkic and Mongolic ethnic groups.

Evidence of Tengrism's antiquity can be found in archaeological artifacts, oral traditions, and historical texts dating back to around the second or first century BCE (Laruelle 2021).

Derived from the Turkic words "Tengri," "tengr" or "tergir" (tänri in old Turkic) meaning "sky" or "heaven," Tengrism encompasses a complex system of beliefs centered around the worship of a sky god named Tengri, a supreme deity associated with celestial forces.

The worship of the sky or its deities is confirmed by many written and archaeological sources dating back to the Turkic kingdoms of Siberia in the sixth to eighth century. According to these sources, the concept "sky" became at that time a political institution connected with the emperor, and it was used as such to unify the Turkic empires until their conversion to Buddhism, Manichaeism, or Islam.

Tengri represented the personification of the universe, a father–like figure to which worshippers related through the constant individual and collective search and achievement of a balance with the natural environment (Eliade 2011).

Tengri is the creator and sustainer of all life, symbolizing harmony, balance, and divine transcendence. In Tengri cosmology, the universe is envisioned as a multi–layered realm comprising the celestial male–like realm (Tengri), the earthly female–like realm (Ar), and the subterranean realm (Yer). Each realm is inhabited by ancestral spirits and

divine entities that mediate between the human and the supernatural worlds.

Tengrism can be classified as an animist religion because it ascribes spiritual significance to natural phenomena such as mountains, rivers, animals, and celestial bodies or bodily parts of animals, like blood, liver, skin.

Animistic rituals, including offerings, prayers, and invocations, are performed to honor and appease the spirits inhabiting the natural world and encompass a diverse array of ceremonies that reflect the cyclical rhythms of nature and the changing seasons, solar and lunar eclipses, equinoxes, and solstices. Tengrism's sacred sites and places of worship are represented by natural landscapes such as mountains, lakes, and groves, which are believed to serve as portals to the spirit world (Kollmar–Paulenz 2013). Pilgrimages to these sacred sites were undertaken to seek blessings, divine guidance, and spiritual renewal or prosperity and good luck.

The adoption of Tengrism was influenced by interactions with neighboring cultures, including Chinese, Iranian, and Indo–European civilizations, which determined the similarities between Sky God Tengri and the European sky–gods; the similarities between Zoroastrian celebrations of solstices and equinoxes and the importance of these transitional times of the year in Tengrism; and, finally, the search for balance between humans and nature that is found both in Tengrism and Taoism.

The political spread of Tengrism coincided with the expansion of Turkic and Mongolic tribes across Central Asia and Eastern Europe, leading to its integration into various regional cultures and traditions (Kitagawa 1989).

Tengrism rose to the level of a state religion closely associated with the khanate from the 13th century, which, through the later Mongols, was able to take its place alongside other important world religions, such as Islam. As various nomadic empires rose and fell in Central Asia, such as the Xiongnu, Göktürks, and later the Mongol Empire under Genghis Khan, Tengrism became more rigid, organized and institutionalized. Sacred knowledge would be confined in the hands of cult ministers, making it an elitarian cult entangled with power.

Rulers often claimed divine mandate and legitimized their authority through religious rituals and ceremonies inspired by Tengri beliefs (May 2004).

The Arab conquest of Central Asia from the eighth century onwards, led to the gradual decline of Tengrism as a dominant religion. Islam — at the time, represented an egalitarian and liberating religion, especially for hierarchical societies. Many Turkic and Mongolic peoples converted to Islam, aspiring for a more egalitarian society.

Tengrism persisted in some regions, particularly among isolated nomadic communities, where it maintained its more spiritual character, but its influence waned over time, losing many practitioners.

Marlene Laurelle, a scholar who has extensively studied and analyzed the Tengri revival in central Asia, believes that what are understood to be contemporary Tengri practices in the modern context are not actually Tengrism, but co–opted Islamic practices (Roux 1956) on a Tengri cultural substrate, which make contemporary Tengrism look more like a monotheism than a polytheism, with Sky God being another version of Allah (Weller 2014).

Finally, the Soviet incorporation of the Kazakh cultural and geographical area, set up what scholar Nazi Reza Khan called a "specific model of modernity based on certain socialist principles and practices, such as philosophical atheism, rational reordering of collective life and centralized state system all according to Leninist principles." (Kahn 2005).

In this process, though ample provisions had been made for cultural diversities and national self–determination in the statute, previous beliefs, religious practices, and value systems changed radically, were set apart, hidden, or even forgotten.

4. To believe or not to believe?

Although the Soviet constitution has traditionally guaranteed both freedom of religious worship and freedom of anti–religious propaganda[3], the implementation of this second constitutional freedom in the Islamic areas of the former USSR, implied a political, systematic,

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(3) Article 52 of the 1977 Constitution reads: "Citizens of the USSR are guaranteed freedom of conscience, that is the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited."

top–down effort to discourage any form of religious belief, especially among the Kazakhs.

During the Soviet Union, public schools, public health care and public services were organized and implemented by the state, so that Muslim religious leaders' influence would be limited and marginalized: the mosque progressively lost its charisma and shifted from being the heart of the community to being its periphery.

The religious based welfare and social activity that was traditionally at the heart of local communities, was substituted by public state–based offices and services, even in remote villages[4]. This process inevitably determined a cultural shift: the soviet lifestyle (together with Russian language as the official language of the academia, the elites, and the industry) soon was associated with modernity, which was an ambition to accomplish for most of the Kazakh middle–upper classes.

Those Kazakhs who wanted to enjoy the promised advantages of modernization, were supposed to stick to the soviet cultural model. This cultural shift is still perceivable in some kind of social behavior that can be observed among urban educated Kazakhs.

While the older people who grew up during the Soviet Union tend to legitimize the consumption of alcohol during social events, most of the youth avoid drinking in respect of Islamic principles. The same can be observed in mosques all over Kazakhstan, where especially the young people go, even without their parents.

It is true that Islam has represented a form of resilience and resistance to the russification of Kazakhstan among middle–lower classes, peasants and villagers (Yaacov 1984).

Kazakh Muslims, as all Muslims of central Asia, were predominantly Sunni Muslims belonging to the Hanafi School of interpretation, which gave the whole area a uniformity of belief and practice, rare to find in the Muslim world (Rashid 2001).

This uniformity made the Muslim Kazakhs particularly resilient to secularization *tout court,* or to atheism (Benningsen 1958).

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(4) This information is extracted from my fieldwork and interviews with PhD students and professors of Amanzholov University, while visiting Oskemen and the villages of Altai, Zaysan and Birzhan.

However, most Kazakh academics and government representatives could not avoid being influenced by Soviet attitudes toward religion, thus leaving most of Islamic practices aside.

Nevertheless, students and educated youth in Kazakhstan have today not only massively returned to Islamic religion, in discontinuity with their parents and previous generations; they are also interested in and informed about Tengrism. The popularity of Islam among the youth goes together with the popularity of what the new Kazakh generation calls "our ancient roots".

5. Sky God and skyscrapers. Contemporary Tengrism among urban youth

The Tengri revivalist ideology is based upon a so–called return to the allegedly ancient religion of Turkic peoples.

Tengrism is promoted by small intellectual circles in Kazakhstan and Kyrgyzstan, as well as in several national republics of the Russian Federation, including Tatarstan and Buryatia. Scholar Marlene Laurelle has pointed out that just as heroes of the national epic were set up as the nation's symbol as soon as the Soviet Union collapsed, the republic's authorities as well as academic circles have institutionalized mythic figures and organized official celebrations that combine shamanism, Tengrism, epos and local myths with modern features. The foundation of national heritage museums and university courses are all to be read in this general framework, determined by a need to re–design national identity. However, this does not correspond to a real practice and widespread knowledge of Tengrism.

Most Kazakhs know little or nothing about the Tengri cult because the promotion of Tengrism and its presence in public discourse and representation has been going on in a top–down process. That is why Tengrism has become a course at the university, under the name "New Age Culture." In a certain sense, the academia or elitarian knowledge is providing a framework to explain some traditions and cultural behaviors that Kazakhs never abandoned and never knew were related to Tengrism.

For example, it is common for Kazakhs to smoke the house with adyraspan[5], which is a tengri ritual, or wear the tumar[6], which is a tengri talisman. The "tengrity" within these practices was either unknown or just forgotten. Now, "tengrity" is highlighted in upper class discourses as signifying the hidden greatness of the Kazakh nation's ancient spirituality (Laurelle (ì2021).

The proponents of Tengrism were all raised within late Soviet culture. The search for authenticity to heal the cultural wounds of cultural domination has gone through the search for an autochthonous spiritual belief.

Quoting again Marlene Laurelle, Tengrism has been functioning primarily as an intellectual trend for cultured urban elites and is therefore today intended to be a religion of the "reborn nation"[7].

It is a nation that is Islamic by faith and Tengri by culture. And the two features are not in opposition.

Most of the contemporary followers of Tengrism present their faith as monotheistic, as the existence of a pantheon of divinities does not contradict their belief in a superior abstract force: the sky god resembles the Islamic concept of Allah, which entails 99 names and qualifications.

Among my students at Al–Farabi and Amanzholov Universities, Tengrism was popular because it provided an environmentally friendly posture, a sort of religious ecocentrism. While students declared themselves Muslims, their sympathy for Tengrism would integrate their modern view on the human exploitation of natural resources, climate change and global challenges. They would denounce industrial modernity through Tengri narratives, which rehabilitate the spiritual to the detriment of the material. Students would then position themselves in favor of a political and economic deglobalization that would refuse to export Western values or neoliberal practices to the rest of the world. Maintaining the "pure" and ancient traditions such as Tengrism would represent a way to exit the risks of eradicating local cultures.

Through interactions with my students during class discussions, it was clear how national traditions, ethnic faiths, nation–states, and

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[5] A local name for the peganum, the smoke of the burnt plant is considered to ward off the evil spirits and bring luck

[6] a Kazakh national talisman in the shape of a triangular 'bag' made of leather or silver with the lines from the Quran inside

[7] *Ibid.*

a doctrine of world peace and non–interference would somehow be granted within a cultural framework that could refer both to Islam, on the one side, and to Tengrism, on the other. Furthermore, both Islam and Tengrism, students pointed out, gave them the possibility to have an unmediated link between themselves and the divine: while the original message of Islam is that of the unity (Umma) of a community whose members are all equal to God's eyes, Tengrism is a faith without a prophet, without a holy text, without any institutionalized place of worship, without a clergy, without dogma or interdicts, without rites and prayers. These specific characteristics of Tengri make it finally possible for young students to be Muslim and sometimes refer to Tengrism, whenever they felt the need to or even when they found themselves in natural settings, such as the Altai Mountains.

Finally, while the Kazakh constitution does guarantee religious freedom, religious diversity has undergone great restrictions in Kazakhstan since 2011, with the ban on freedom of religions that do not undergo an official registration and a long and complex bureaucratic request for officialization.

Tengrism, however, has not pushed for an officialization, nor have Tengri groups asked for proper places of worship or a public representation. This makes it possible for urban educated youth to be Muslim and Tengri at the same time, in a constant attempt to find authenticity against the challenges posed by the evermore digitalized and hyper–connected society.

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"WITH MY WHOLE BEING"
THE EXPERIENCE OF IGNATIAN JOURNEY.
A PROVOCATION FOR SPIRITUAL IMAGINATION

Debora Tonelli

Abstract: Technological development seems to be projecting the human being into a new dimension: the speed of progress and the realness of technologies (digital, virtual, immersive) allow the human being to experience even what is located "elsewhere" than us or even not existing in the reality of concrete objects. This raises numerous questions with respect to the concept of embodiment and disembodiment, but also of reality, truth, and experience. How is an experience real when carried out in a virtual or immersive context? Can such an experience be said to be less "real" or less "authentic"? Are these experiences really entirely new? In this paper I explore the role of spiritual imagination in the Spiritual Exercises of St. Ignatius, in analogy to immersive experience. The igniatian imagination is activated within a form of reflective meditation with the aim of transforming the person through better self–knowledge and encourage her/is encounter with God. Being devoid of technological mediation, the ability to activate and deactivate one's imagination depends solely on the individual and by the gift of God.

Lo sviluppo tecnologico sembra proiettare l'essere umano in una nuova dimensione: la velocità del progresso e la concretezza delle tecnologie (digitali, virtuali, immersive) permettono all'essere umano di sperimentare anche ciò che si trova "altrove" rispetto a noi o addirittura non esiste nella realtà degli oggetti concreti. Questo solleva numerosi interrogativi rispetto al concetto di *embodiment* e *disembodiment*, ma anche di realtà, verità ed esperienza. In che modo un'esperienza è reale quando si svolge in un contesto virtuale o immersivo? Si può dire che un'esperienza del genere sia meno "reale" o meno "autentica"? Queste esperienze sono davvero del tutto nuove? In questo articolo esploro il ruolo dell'immaginazione spirituale negli Esercizi Spirituali di Sant'Ignazio, in analogia con l'esperienza immersiva. L'immaginazione ignaziana è attivata all'interno di una forma di meditazione riflessiva con l'obiettivo di trasformare la persona attraverso una migliore

conoscenza di sé e favorire il suo incontro con Dio. Essendo priva di mediazione tecnologica, la capacità di attivare e disattivare la propria immaginazione dipende unicamente dall'individuo e dal dono di Dio.

Keywords: Spiritual exercises, Igniatian imagination, Immersive experience, Technology, Discernment, Images, Pilgrim

Parole chiave: Esercizi spirituali, Immaginazione ignaziana, Esperienza immersiva, Tecnologia, Discernimento, Immagini, Pellegrino

The impact of technology on the contemporary world is a much–debated topic, both because of the speed with which technological progress proceeds and because of the variety of areas in which it can be employed: from warfare to industry, from educational to entertainment, from medical to religious. No sphere of human life seems excluded from the new technologies, the digital, the virtual and the immersive. In particular, the possibility of experiencing something located "elsewhere" than us or even not existing in the reality of concrete objects raises numerous questions with respect to the concept of embodiment and disembodiment, but also of reality, truth, and experience. How is an experience real when carried out in a virtual or immersive context? Can such an experience be said to be less "real" or less "authentic"? Is driving a car through a simulator the same thing as driving it on the road? Probably not, because our mistakes would not have an impact on the world around us, yet simulation has effects on our minds and in fact in driver training, for example, it is used to gain ease in gestures and procedures that must be done automatically, quickly and safely in the real world. Recent case that ended up in court of a girl who reported being abused in the Metaverse[1]: although it was a virtual experience, it caused symptoms in the girl that were identical to those of an experience made in the real world. The technology used for simulation and immersion is thus able to deceive the mind of the user to the point of triggering on it a physiological and psychological process *as if* the experience were taking place in the real world, that is, the world inhabited by the body (Sherman 2003). Technology can thus trigger or foster effects on the mind that are identical to those of a real experience.

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[1] Other cases have been reported in the past that occurred on the platform Horizons World https://www.wired.it/article/stupro-metaverso-polizia/ last access on February 27, 2024.

This can potentially occur in all areas of human life, including religion (Campbell 2021).

Digital instrumentation is already in use to reproduce places of worship, reconstruct a religious setting, and encourage recollection and prayer both individually and communally. In this, the use of new technologies is in continuity with the need to foster spiritual experience. In the Christian context, for example, the architecture of churches, the way light is filtered and directed, silence or, conversely, musical styles have always played a very important role. The posture of the praying person has also always played a role: standing, kneeling or supine, it can be an expression of recollection, adoration, penance, as well as the dress worn, whether or not one has eaten, the use of incense. Last but not least, the use of sacred text itself: scripture has been the most revolutionary communication technology so far, but it is so much a part of us that we do not perceive it as ancillary. In sum, spirituality has always been a multisensory experience that is nourished (also) by instruments external to the soul. Then there are occasions when the individual — in solitude or together with others — is particularly predisposed to this recollection and then wherever he or she is, he or she is able to immerse himself or herself in his or her own interiority and have a spiritual experience. Certainly the habit of devoting oneself to one's spirituality also enhances this capacity.

New technologies seem to have opened up a dimension, namely the possibility of having an immersive experience without moving in time and space (Sherman 2003, ch. 2)[2]. A type of experience that can perhaps be likened to that of children, who are able to transform reality and themselves with their imagination, creating *a whole other world*

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[2] "Virtual worlds are not a new concept. Since its beginning, humankind has sought to shape its environment. In addition to manipulating the world in which they live, people have created their own concepts of alternate worlds. These alternate worlds are subject only to the rules of their human creators. The creator has total dominion. Such a virtual world might exist solely in the mind of its originator or be manifested through a medium whereby it can be shared with others. Of course, the real world influences the virtual world. While virtual worlds are imaginary spaces, it can sometimes be unclear where the real world ends and the virtual begins. This is especially true when the virtual world is a model of some place or experience intended to mimic a specific real–world counterpart. A virtual world is a real *representation* of some world that may or may not exist in the physical world. Even in the physical world, it is not always obvious whether something encountered is real or a representation."

with their eyes open. And yet it is precisely through play and the use of imagination that children confront reality, transform it or process it, and their immersion "elsewhere" can also be a way of learning to truly be "here and now".

As in the use of technology, a healthy use of imagination should also allow them to enter and exit the imagined experience (Rasmussen and Parnas 2015; Jansen 2018)[3].

Spiritual life can also be enhanced by imagination and in this paper I want to share some reflections on the use of spiritual imagination — as ability to form a mental image of something not present to the senses[4] — that, it seems to me, make it something akin to immersive experience. This is a virtual environment that submerges the perceptual system of the user in computer–generated stimuli, contemporary blocking out stimuli from the physical world (Bailey and Bailenson 2017; Slater and Saches–Vives 2016; Jang and Huang 2013). An investigation of immersive experience would actually require an in–depth study of virtual reality, but (1) this paper remains rooted in spiritual imagination; (2) it is an initial exploration of the possibility of comparing spiritual imagination and immersive experience, which I am approaching with much curiosity and interest. This also explains why there will be more issues in the conclusions that remain open and open questions than a definitive stance. Here I limit my self in saying that virtual reality becomes possible with the use of technology capable of extending the mental and bodily experience (Biocca and Delaney 1995), while the spiritual imagination I will examine is that of Ignatius of Loyola's *Spiritual Exercises* (henceforth *SE*, Ignatio 2012; Rotsaert 2015). This is a type of imagination activated within a form of reflective meditation with the aim of transforming the person through better self–knowledge

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(3) Recalling that, for Husserl, is "phantasy", the Authors define "imagination" "as an experience of 'inner' mental visual images with a pre–reflective awareness of their unreality" Jansen 2018, p. 318

(4) Aristotele (2001, III, 3, 428a) defined imagination as an active and passive faculty, in that humans can both produce and receive images. See also Lynch1973 and Marty 1984. For a philosophical analysis of imagination see Ferreyrolles 1995, pp. 17, 124–125, 139. Tracy 1981, however, is disappointing, since the author, in fact, does not define imagination and deals with it only in a few points of the work. In fact, there is no knowledge without imagination. It is a way of perceiving but also of shaping, experiencing and understanding: Didi–Huberman 2003. For the post–modern imagination, see: Kearny 1988 and 1998.

and encourage her/his encounter with God. Being devoid of technological mediation, the ability to activate and deactivate one's imagination depends solely on the individual and by the gift of God.

The objective of a reflection on the immersive dimension of the *SE* is the centrality of imagination in adult spirituality as a tool for deepening and growth. Unlike practices in which technological tools are used, the use of imagination is an exercise in the Ignatian *Exercise* which is succeeded, in a second moment, by intellectual reflection, that is, the attempt to understand rationally the experience just lived. The goal of this immersion is not entertainment or even the training of some skill, but a way to encounter Jesus: imagination is, therefore, an instrument of knowledge the mystery of faith[5].

After briefly describing how and why Ignatius conceived of the Spiritual Exercises, I will focus on the concept of imagination circumscribed to this specific area and its role in the practice of the *SE*. Next, I will focus on the involvement of the body and physicality in spiritual experience and formulate some concluding thoughts regarding the possibility of considering the Spiritual Exercises an "immersive" practice.

1. From Experience to the Spiritual Exercise

Ignatius was born in 1491 in the city of Loyola in the Basque Country to a wealthy family. According to the customs of the time, he was educated in the arts of chivalry and the Christian faith[6]. Until the age of 26 his life unfolded according to those ideals, only to experience a radical and profound change during a long convalescence following a wound suffered in battle. It is May 1521 and Ignatius is taken to his father's house for treatment. The severity of the wound will cause him to fear for his life several times. It will be during the long period of hospitalization that the valiant knight will begin a completely new

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(5) The theme of imagination and its relationship with reason runs through the history of Western thought. For an effective summary I refer to N. Steeves SJ, *Grazie all'immaginazione. Integrare l'immaginazione in teologia fondamentale*, Queriniana, Brescia 2018.

(6) For Ignatio's biography see https://web.archive.org/web/20131114004630/http://www.jesuitascastilla.es/pages/ser-jesuita/san-ignacio-de-loyola.php last access on Febraury 27, 2024.

path of discernment, as he himself tells his friend Ludovico González da Câmara, who will transcribe his biography, known as *Pilgrim's Tale* (Ignazio 1988).

After two years of requests, in 1553 Ignatius agreed to tell González about the journey of his conversion and the development of the *SE*, which, to this day, are the centerpiece of the spiritual formation of members of the Society of Jesus. With the support of the Pontiffs, the spread of the *Exercises* among religious but also among the laity, men and women, was such that it required the specific training of those who could give the *SE*, that is, accompany someone in the practice of the *SE*.

Returning to the biography of Ignatius, González argues that Ignatius allowed himself to be persuaded to recount the elaboration of the Exercises when he reassured him regarding the fact that even if he did not fulfill their request, they would continue to act with full trust in God (Ignazio 1988, p. 50). In sum, Ignatius' experience would never replace the faith in God that animated their request. Rather, they were asking the founder of the Company to share the experience that had guided him to the creation of a useful tool to nurture their faith. The goal of the members of the Company was, therefore, not to satisfy a curiosity, but all internal to their own faith journey.

The occasion for the story is a meeting between Gonzáles and Ignatius, in which the former confides to the latter boastful thoughts and the latter helps him process them. Then, after a few hours of solitary meditation, Ignatius decides to tell Gonzáles how he came to process the Spiritual Exercises.

In recounting this, Gonzáles says that he had the impression that Ignatius was encouraged to this change by God himself. In the biography in fact there are numerous places where Ignatius entertains himself directly with God, without any kind of mediation other than the ability to collect himself, to meditate, to pray, to discern. Some characteristics emerge in Ignatius' attitude that we also find in the *Exercises*: the direct relationship with God, the ability not to make hasty decisions, sincerity, awareness of choice. Every decision is the result of a process of discernment that takes place through inner dialogue with God. Choice and action follow the acquisition of awareness: they have affective and rational significance.

Ignatius' biography is a short composition in which only the essentials are narrated without any literary embellishment, without any attempt at persuasion, and without any further judgment or commentary. Gonzáles transcribes it without adding or taking away anything and without asking for anything because Ignatius was very precise in his narrative: "Father's manner of telling is his usual one, in all things, that is, so clear, that he seems to make present all the past. Therefore there was no need to ask him anything, because everything that was needed to understand well, Father remembered to tell." It resembles more an account than a novel, and yet it is precisely this simplicity and bareness that highlight the path that enabled the founder of the Society to elaborate the *SE*.

The account of Ignatius' biography begins with a timeline: there is a before and there is an after. Until the age of 26 he was devoted to the vanities of the world and does not describe himself as a saint, nor does his listener decide to sugarcoat the tale. What causes young Ignatius to change his path and goals is a gunshot wound that forces him to take a long rest at his brother's house. As soon as he gains some strength, he turns to reading chivalric poems that feed his boastful fantasies, until he finds more such books in the house where he is staying and begins to read the *Vita Christi* (Abbott Conway 1976) of Ludolphus of Saxony, known as the Carthusian, dating from 1374.

This work allows us to contextualize Ignatius' conversion in the devotion of his time and to anticipate some features of the *Exercises*. Indeed, it exerted considerable influence in Europe, being translated into several languages and acquired by numerous libraries. In it, the author urged the reader to contemplate the Gospel scenes by imagining himself within them, following the meditative strategy elaborated by Aelred of Rievalaux (d. 1167) in *De Institutione Inclusarum*, that is, exhorting the reader to *immerse* and project himself into the biblical scene. The immersive strategy also influenced the writing of Bonaventure's *Lignum Vitae*, but it was Ludolphus' work that profoundly affected modern Christian devotion and Ignatius' conversion.

Through the reading, the believer can exercise contemplation of the biblical scenes and experience them, to come to an affective understanding of them, *as if* he or she were *really* there, *as if* he or she were

really having that experience. At a later stage, the exerciser should transcribe in a notebook his or her experience, the moods that accompanied it, and reflect on it. The experience of Gospel reading thus does not consist of a pouring over of content and precepts, but involves a totalizing experience of the reader, in which the eyes of the mind and heart replace those of the body, rational reflection is enhanced by affective involvement, and the story becomes real through imagination (something similar to what happens in the entertainment industry that makes use of advanced technology, see Dodsworth Jr 1997). The immersive experience is totalizing[7]. The reading of the *Vita Christi* does not take place as mere pastime and reverie, but an exercise of devotion[8]. From this moment on, his thoughts oscillated between desires for vain glory and questions prompted by the ability to wonder what would happen if he himself behaved like some of those saints:

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(7) In describing the immersive experience, Slater and Sachez–Vives (2016) explain: "Consciousness of our immediate surroundings necessarily depends on the data picked up by our sensory systems – vision, sound, touch, force, taste, and smell. This is not to say that we simply reproduce the sensory inputs in our brains – far from it, perception is an active process that combines bottom–up processing of the sensory inputs with top–down processing (including prior experience, expectations, and beliefs) based on our previously existing model of the world. After a few seconds of walking into a room we think that we "know" it. In reality, eye scanning data show that we have foveated on a very small number of key points in the room, and then our eye scan paths tend to follow repeated patterns between them (Noton and Stark, 1971). The key points are determined by our prior model of what a room is. We have "seen" a small proportion of what there is to see; yet, our perceptual system has inferred a full model of the room in which we are located. In fact it has been argued that our model of the scene around us tends to drive our eye movements rather than eye movements leading to our perceptual model of the scene (Chernyak and Stark, 2001). It was argued by Stark (1995) that this is the reason why VR works, even in spite of relatively simplistic or even poor rendering of the surroundings. VR offers enough cues for our perceptual system to hypothesize "this is a room" and then based on an existing internal model infer a model of this particular room using a perceptual fill–in mechanism. Recall the quote from Sutherland above how people accommodated to and remarked on the realism of the wire frame rendered scene displayed in the "Sword of Damocles" HMD. The technical goal of VR is to replace real sense perceptions by the computer–generated ones derived from a mathematical database describing a 3D scene, animations of objects within the scene — represented as transformations over sets of mathematical objects — including changes caused by the intervention of the participant. If sensory perceptions are indeed effectively substituted then the brain has no alternative but to infer its perceptual model from its actual stream of sensory data — i.e., the VR. Hence, consciousness is transformed to consciousness of the virtual scenario rather than the real one — in spite of the participant's sure knowledge that this is not real".

(8) Not all interpreters agree on the role played by *Vita Christi* on Ignatius' spirituality, see Foss 1969, p. 92. However, the work is mentioned in almost all of his biographies and he himself recalls its importance in Ignazio 1988, p. 62.

His reasoning consisted of repeating to himself: St. Dominic did this, I must do it too; St. Francis did this, I must do it too. These thoughts also lasted for a long time. But when he became distracted, the worldly thoughts already remembered would resurface, and in these too he lingered much. The succession of such different thoughts lasted him a long time(Ignazio 1988, 63).

The change is by no means sudden, but slow, gradual, and Ignatius becomes aware of his own desires and the characteristics of his soul. From the beginning he shows himself to be imperfect and distracted, yet he slowly discerns some differences between his states of mind:

> There was, however, this difference: when he thought of those things of the world, he took great pleasure in them, but if, tired, he left them alone, he found himself dry and discontented; whereas going barefoot to Jerusalem, eating only herbs, practicing all the austerities, which he saw were done by the saints, not only consoled him when he dwelt on them, but were thoughts that, even after he had left them, left him satisfied and cheerful. (Ignazio 1988, p. 63).

Immersion in the Gospel scenes accompanies Ignatius toward a greater awareness of himself and his deepest desires. It becomes a tool not to escape from the world, but to immerse oneself in it with a new awareness. Ignatius devotes his time to reading and prayer, but it is the ability to question himself, along with a strong imagination that characterizes his personality and the *SE*: in fact, they propose a method of discernment without offering a content, much less a model, to which to conform. Each pilgrim engages in a very personal dialogue with God, starting from what he is and not from what he should or thinks he is. During his long and painful convalescence, his past life suddenly becomes no longer viable, but young Ignatius finds the resources to set out elsewhere. Reading is transformed from a delight that fuels fantasies of grandeur, into reflection and meditation. The vain Ignatius is always at the center of his own thoughts, but in a new way: he begins to measure himself against the Gospel figures and the saints "what if I also did like that saint?" Ignatius is potentially at a crossroads: build an ideal image of himself, or look at himself as he is and try to respond. He opts for the latter path and begins a journey of seeking God and

doing penance. As soon as his health permits, his inner journey will also become physical through numerous journeys and the pilgrimage to Jerusalem, but also through penances, fasting, and suffering of the body. His whole being is involved in this quest, and imagination has an impact on real life.

The *SE* arise in this experience, that is, while Ignatius is engaged in improving himself and grasping the signs of God's will in his life. He has no mediators, but practices the sacrament of confession, entertains himself with spiritual people who encourage him, engages in evangelization, and studies to complete his theological and literary formation[9]: discernment and apostolate are at the origin of the *Exercises*. The search implies humility, listening, the capacity for dialogue, but also for analysis and verification: the pilgrim seeks not only the answers, but the criteria for finding them. In the next section I will discuss an essential aspect of this search, imagination, which most assimilates *SE* to immersive experience.

2. Thank to the Imagination

In quickly reviewing Ignatius' life, some important elements emerged: the perseverance in the search, the participation of the body through penances and mortifications, the need to physically travel to Jerusalem, the coupling of the spiritual dimension with rational reflection, the immersion in the Gospel stories, the need to find criteria to understand the signs of God in his life, and the personalization of his spiritual journey. Ignatius' spirituality is not limited to and, above all, does not focus on the observance of certain precepts and devotional rules of the time, but on the search for the best way to encounter God: the pilgrimage to God is on a pilgrim's scale. This pilgrimage is characterized by the intense use of imagination, which allows immersion in the Gospel scenes and the lives of the saints. Through imagination[10], the text ceases to be

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(9) His attitude was judged too intimate during the Inquisition and suspected of being *alumbrado* (mystic). For this he was put in jail and released after careful examination of his doctrine. Ignatius also suffered arrest and imprisonment on other occasions, including the first printing of the *SE* (1548) but was always released, Ignazio 1988, p. 107.

(10) The reference here is to the valuable study by Steeves 2018.

narrative and becomes experience: "Not much knowledge satiates and satisfies the soul — writes Ignatius — but feeling and tasting things internally". (Ignazio 2012, p. 69).

The text of the *SE* is, therefore, not a theological treatise expressing truths of faith, nor a book of spirituality to be meditated upon, but a book of exercises to be done addressed to those who give the exercises to those who intend to walk this path. In the first Annotation to the Exercises Ignatius explains that:

> By the term "Spiritual Exercises" is meant any way of examining the conscience, meditating, contemplating, praying vocally and mentally, and other spiritual activities, as will be seen later. For just as walking, strolling and running are bodily exercises, so all ways of preparing and disposing the soul to free itself from all disordered affections and, once it has freed itself from them, to seek and find the divine will in organizing one's life for the salvation of the soul, are called spiritual exercises. (Ignazio 2012, 1st Annotation, p. 65).

The dry and not at all appealing style of the text is motivated by the fact that it is addressed to those who accompany those doing the exercises and not to the exercitant. It is more like a math exercise manual than a spirituality book: the list of exercises to be done is not interesting and all the flavor and value of this list is in doing them, that is, the itinerary that leads to inner transformation:

> He who gives the *Exercises* should not urge those who receive them to poverty or to promise more than to their contraries, nor to one state or way of life rather than another [...] in these spiritual exercises it is more convenient and much better in seeking the divine will, that the Creator Himself should communicate Himself to his devoted soul by embracing it in His love and praise and disposing it for the way in which it will be better able to serve Him in the future. So that he who gives them does not incline or lean toward one side or the other; but, standing in the middle, like a balance, lets the Creator immediately work with the creature and the creature with its Creator and Lord. (Ignazio 2012, p. 83–83)

The one who gives the Exercises merely gives a few pointers and adapts the Exercises to the specific case, somewhat like when you show

someone the way because you know the map. The limited intervention of the one giving the Exercises encourages autonomous living: no one can tell the exercitant how he or she should feel or what he or she should think in immersing himself or herself in a Gospel passage. The uniqueness of each pilgrim makes this path of transformation unique: from meditation, from prayer, from immersion in the Gospel scenes, each will emerge new and always different from all others. Each will make his own experience of the Gospel scenes, each will discover something new about himself through immersion in those scenes, each will know his own desolation and find his own way forward. Imagination plays a key role here, for it is the faculty that allows the Gospel story to become real and the pilgrim to have otherwise impossible experiences.

The ancients distinguished *fánstasma* that forms itself in our mind (dreams) from *fantasía* that was the imprint of something in our soul. In Ignatius' case, the imagination is part of contemplation, that is, silent meditation that listens to the life of Jesus. It is a new instrument of prayer, since in the first millennium of the Christian era any form of imagination in the act of praying was considered contrary to the prohibition of images imposed by the Decalogue and also because, in continuity with the Greek tradition, it was considered a degraded form of knowledge[11]. In the years when various religious orders (Franciscans, Benedictines, Dominicans) encouraged solitary prayer, built hermitages and places of prayer, Aelred of Rievalaux, Ludolphus of Saxony and then Ignatius introduced and developed the use of imagination in prayer. Through it Ignatius has intellectual and spiritual visions that enable him to better understand the mystery of God (Ignazio 1988, pp. 82–84). These are not hallucinations or extemporaneous experiences, but the knowledge that comes from visualizing oneself within the Gospel scenes, transforming them from stories into experience.

In the Preamble to Contemplation on the Nativity Ignatius describes the way to immerse oneself in the Gospel scene:

> here it will be to see with the eyes of the imagination the way from Nazareth to Bethlehem, considering its length and width, whether such a way is level or whether it crosses valleys or heights. In the same

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(11) Ex 20, 4–6 and Dt 5, 8–10; Platone 1994, VI–VII; Blasucci 1970.

way, looking at the place or grotto of the Nativity, seeing how large or small, low or high, and how it is adorned […] seeing the people; that is, seeing Our Lady, Joseph and the handmaid, and the infant Jesus, newly born. I will make myself like a poor and unworthy slave, looking at them, contemplating them and serving them in their needs, as if I were there present, with all possible respect and reverence; […] watching, noticing and contemplating what they say, […] watching and considering and what they do, for example, walking and working (Ignazio 2012, pp 195–199).

Following the directions given by the *SE*s, the exercitant will reconstruct the scene of the Gospel story with his mind's eye, place himself within it and experience it. At a later time, he or she will note down feelings, moods, and thoughts he or she had during the experience. The practitioner does not merely witness the scene, but participates in it, somewhat as happens during the performance of a musical score: it is through it, thanks to the musician, that the score truly becomes music and the personality of the performer realizes that music in a unique way. The musical score is not, therefore, something objective, nor is the author the repository of its ultimate meaning. Setting music is not just reading a score or trying to understand what the author intended to express, but entering into it and appropriating it through performance. Imagination allows us to experience facts that are not physically real and yet are no less true. Jesuit Nicolas Steeves defines imagination as follows:

it is what receives and forms images of things and people in us; its task is to imagine the real. It's a simple thing that we all have more or less: it receives and forms images. It is not a special thing reserved for a higher caste, for an elite. We Christians then add that his task is to imagine reality. Why? Because *there is an imagination* that takes you out of reality, which leads you towards ghosts, towards the false unreal, and ultimately towards death. *But there is another imagination that leads you* to know the real and the surreal, that is to know what lies 'behind appearances', which makes you discover things (heuristics), which makes you interpret them (hermeneutics), which also makes you act concretely, imagining good things to do (ethics). It is the imagination that makes you perceive God in all things (mystical) (Steeves 2016, p. 62; Lynch 1965, 1973, p. 18; Marty 1984).

Imagination practiced during *SE* is a form of immersiveness, deeply related to prayer, that is, to that bilateral action in which God and the believer meet: "Imagination is in fact a *locus* of spiritual experience. Ignatius is not satisfied with receiving raw mental images; he reflects within himself — with an imaginative intuition (the ""yes that open") — on what the spirits give to the imagination" (Stevees 2016, p. 64). Imagination is therefore a formative tool aimed at promoting self–knowledge and an encounter with God. In fact, the only criterion for distinguishing a good image from a bad one is whether or not it produces joy and brings or not God:

> It is not important to imagine in itself: what matters is to let oneself be informed, conformed, configured to Christ the Incarnate Word who chose poverty. God communicates himself in the imagination and makes people act well even without images (Steeves 2016, p. 65).

Images and imagination are and remain a means and not the end of the *SE*[12].

Gradually the journey is enriched with sensory, physical, especially visual and tactile experiences. The passages on which to meditate are often inhabited by Jesus and the characters of the parables, but also people in one's life. The experience lived in another dimension involves sensitivity (including physical) and bodily perception. Scripture becomes imagination embodied in the body of the practitioner. Thanks to the involvement of the senses, the imagination reflects the glory of the Lord (von Balthasar 1975, pp. 386–387).

3. Concluding Notes

The purpose of this paper was to explore the possibility of considering Ignatius' *SE* a form of immersive experience, such as that produced by the use of a viewer or technology capable of immersing the user in a place other than their own, while remaining comfortably seated in your

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(12) Spadaro (2024) explains it well, regarding the usefulness of *SE*s in creative writing, in which he (also) talks about the way in which literature is capable of modifying the world.

own home. I therefore traced the genesis of the *Exercises* and highlighted some characteristics.

This technology makes use of visual and sensorial instruments, favoring the immersion of the user who, for the duration of the experience, deludes himself into thinking he is elsewhere. Looking at a painting hanging on a wall is different from being able to enter inside it. Stargazing is different from swimming in space. Immersiveness therefore allows the increased experience of a context. So far, we can say that *SE* are something similar to these experiences mediated by technology and that the latter, like the Ignatian imagination, are only tools to allow such experiences. However, there are some differences that I would like to briefly highlight: the first is the use or otherwise of technology: in *SE* reading (and thus the "technology of writing") serves only to initiate the imaginative process, which then continues without further tools until the exerciser re–emerges from the imaginative experience to reflect rationally on what he has experienced. Reading marks the beginning; writing is the distancing technology, so to speak, that allows the exercitant to take a further step. In the case of the technologically mediated immersive experience "technological tools" are indispensable to the realization of the experience itself[13]. In the *SE* the setting is that of the evangelical scenes, reconstructed by the imagination of the practitioner and enriched, if desired, by other elements (places, characters, objects etc.): the imagination is not only that produced by the practitioner, but also a place of reception of divine revelation, a place of unfolding of the mystery. Therefore the images and the imaginative process itself are not limited, but part of a dynamic of prayer, that is, of an encounter between the practitioner and God.

Immersive technology offers pre–determined images and scenes, which can be explored and modified to the extent that the game allows. These limits cannot be overcome by the user, who enters a virtual world previously organized by someone else. Physical involvement occurs through sensors and there can be a physiological and psychological

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(13) In the *Diary* Ignazio reveals that he no longer receives the visions he expects. After the disappointment, he understands that the poverty of images fully corresponds to the material poverty that he has chosen and experiences this void of imagination as confirmation of correct discernment. Images, or their absence, are first and foremost a gift and always and only a means (Ignazio 1991, p. 315).

impact, but the user does not follow a path of transformation. In the *SE* the practitioner has a companion, with whom he shares his reflections on a weekly basis and objectifies the imaginative experience outside of himself. On the basis of these he receives scant instructions for continuing the journey. They consist of other evangelical verses to be read and meditated on in a disciplined way, a few minutes a day, every day.

Regarding the use of the body, the imagination produced during the *Exercises* uses the mind's eyes and there is a distancing from physical eye perception. In the case of technologically mediated imaginative experience, vision is physical in practice, mental in the process of recognizing the environment in which one is virtually immersed as Slater and Saches–Vives explain in their article (see note 16).

The cognitive dimension is also interesting: in *SEs* imagination is a vehicle of knowledge and encounter with God, while the type and quality of knowledge of immersive technology depends on the type of virtual environment and the purposes of the experience itself.

The technologically mediated immersive experience does not require discipline nor does it produce an internal path towards greater self–understanding or a spiritual experience. In some respects, the fact that the images are given to the player — rather than the player producing them in his own mind — inhibits the latter's participation and limits its effects to amazement (Saliers 2001). The immersive experience, with or without gaming companions, projects us into a virtual world and does not enhance our relationships — neither with ourselves nor with others. Its purpose is in the practice of technology, in the improvement of some skills or mere entertainment.

The immersive experience mediated by technology and *SE* are similar, but they do not coincide in terms of the tools used to produce it nor the purposes they set. However, they draw attention to the fact that human beings seek in different ways and with different purposes how to enhance their experience, whether limited to the here and now or projected towards a gradual transformation. In both cases, the enhancement of images, produced by technology or imagination, amplifies the individual's possibility of enjoying their experience, be it gaming or spiritual.

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ACTING OUT AND ACTING IN: ANALYZING DIGITAL AND VIRTUAL LITURGY

Shannon Craigo-Snell

Abstract: Liturgical practices are ways in which we act our faith out — expressing it to one another and the world — and ways that we act our faith in — shaping and sustaining ourselves as members of the body of Christ. Acting out and acting in are not separate, opposed, or sequential. Rather, they are two different aspects of the same human actions. Within this broader framework, I offer six functions of human action in Christian worship services and ask how well they work in digital settings. 1. Rehearsal: Christian liturgy is a pedagogy for the whole self–body, intellect, emotion, and will — that rehearses the congregation in Christian affections. 2. Recognize: During worship services, Christians recognize one another as beloved children of God, which helps them to live into that identity. 3. Regulate: Human beings are socially regulated beings, taking cues from one another about when we are safe and how we should respond to our environments. Elements of liturgy enable communal regulation of our nervous systems, emotions, and sense of well-being. 4. Remember: Our most treasured knowledge is stored in our bodies through communal ritual. 5. Resist: Congregations serve as social bodies that can resist oppression. 6. Rejoice: Worship services are often events of praise and joy. Online and virtual liturgies are very strong media through which Christians can act out our faith. We can recognize ourselves and one another, as digital media can allow for intimacy and bypass stigmatizing social norms. Sustaining and empowering social bodies capable of resistance is another strength of digital liturgy and technology. These are primarily ways of acting out Christian faith. The means by which Christians act their faith in — rehearsal, regulation, and remembrance — are more difficult in digital and even virtual contexts, as they emphasize bodies in context and proximity. Christianity involves not only the whole person, but a community of people whose bodies respond to one another. Some of the challenges — such as inculcating muscle memory and facilitating synchronized speech and action — might be solvable in a virtual context. Others, such as embedding sacred memories in communal rituals, might not. In regards to still other functions, such as rejoicing, we know enough to appreciate the limits of our knowledge — including what might be gained, lost, or altered by digital mediation.

Le pratiche liturgiche sono i modi con cui esprimiamo la nostra fede — manifestandola verso gli altri e verso il mondo — e i modi attraverso cui esperiamo la nostra fede — modellando e sostenendo noi stessi come membri del corpo di Cristo. Agire ed esprimere non sono azioni separate, opposte né sequenziali. Si tratta piuttosto di due aspetti della stessa azione umana. All'interno di questa struttura più ampia, offro sei funzioni dell'azione umana nei servizi di culto cristiano e mi interrogo su quanto funzionino nel contesto digitale. 1. Esercizio: la liturgia Cristiana è una pedagogia per tutto il proprio corpo, intelletto, emozione e la volontà — che esercita la congregazione negli affetti cristiani. 2. Riconoscimento: durante l'esercizio del culto, i cristiani si riconoscono gli uni con gli altri come amati figli di Dio, e ciò li aiuta a vivere in questa identità. 3. Disciplina: gli esseri umani sono esseri disciplinati socialmente, che traggono spunto gli uni dagli altri su quando siamo salvi e su come dovremmo rispondere ai nostri ambienti. Elementi della liturgia attivano la regolazione comune dei nostri sistemi nervosi, emozioni e senso di benessere. 4. Ricorda: la nostra conoscenza più apprezzata è memorizzata nei nostri corpi attraverso rituali comuni. 5. Resiste: Le congregazioni servono come corpo comune che può resistere alle oppressioni. 6. Rallegra: i servizi del culto spesso sono eventi di lode e gioia. Le liturgie online e virtuali sono dei mezzi molto forti attraverso cui i cristiani possono esprimere la loro fede. Possiamo riconoscere noi stessi e gli altri, in quanto i media digitali consentono l'intimità ed evitano la stigmatizzazione delle norme sociali. Sostenere e rafforzare corpi sociali capaci di resistenza è un'altra forza della liturgia digitale e della tecnologia. Queste sono vie primarie di espressione delle fede cristiana. I mezzi attraverso cui i cristiani esperiscono la loro fede — l'esercizio, la regolazione e il ricordo — sono più difficili nei contesti digitali e perfino in quelli virtuali, in quanto enfatizzano il corpo nel contesto e nella prossimità. La cristianità coinvolge nono solo l'intera persona, ma una comunità di persone i cui corpi rispondono uno all'altro. Alcune delle sfide — come inculcare una memoria ai muscoli e facilitare discorso e azioni sincronizzate — potrebbero essere risolte in un contesto virtuale. Altre sfide, come fissare memorie sacre in rituali comuni, al contrario non lo sono. Riguardo ad altre funzioni, come la celebrazione, ne sappiamo a sufficienza per apprezzare i limiti della nostra conoscenza — incluso quello che potrebbe essere guadagnato, perso o alterato dalla mediazione digitale.

Experiences during the Covid–19 pandemic have changed the conversation about the use of digital and virtual technology in church. While some theologians previously argued about whether digital mediation

was good or bad for churches, such binary framing was never particularly useful. In this article, I ask the more granular question of what particular functions of human actions in liturgy are more or less well suited for digital mediation. My goal is to assist theologians and church leaders in nuanced consideration of liturgy during a period of rapid change. My theological emphasis is epistemic humility concerning both Divine and human activity in church services.

By focusing on liturgy, I am taking a very different tack from communications scholar Heidi Campbell, a leading expert on digital church. For her 2005 book, *Exploring Religious Community Online: We Are One in the Network*, Campbell studied three online religious communities. She describes these communities as social networks formed around shared religious narratives. They excel in offering supportive relationships of care, reflecting a shift "toward relationships over structures in traditional religious practice" (Campbell 2005, p. 193). In an essay published in 2022, Campbell shifts her description of online church from a descriptive to a constructive mode. She asserts that "[c]hurches have primarily become about producing a programmed event rather than building communal interactions and relationships" (Campbell 2022, p. 60). Campbell suggests that the event–based focus stems from a model of the church as *ekklesia* (assembly) and "an understanding of community that is defined by static institutional and familial boundaries, as well as spatial associations" (*ibid.*, p. 60). This model, Campbell argues, is inadequate to contemporary realities, whereas another deeply traditional model of church as *koinonia* (community), defined by relationships among the people of God, is more fitting and useful today (*ibid.*, pp. 70–71). By focusing on liturgy, I am not declaring myself a proponent of a particularly event–based view of the church. I am, however, acknowledging that church services have been an important part of Christian life for millennia and continue to be so.

Throughout this essay I will take as given that our lives are, in Teresa Berger's phrase, "digitally infused" (Berger 2018, pp. 16–21). Further, I do not imagine that online experiences are somehow disembodied. Human beings are always embodied, even when looking at a screen. Theologian Deanna Thompson emphasizes that virtual reality is continuous rather than discontinuous with embodied existence (Thompson 2016, p. 11). I also take as given that God can do whatever

God chooses. The most basic description of what happens in church is a description of the actions of the Spirit. It is the Holy Spirit that gathers the people; worship is received by Christians as a gift. I do not imagine that God is hindered by digital mediation. At the same time, liturgy, "the work of the people", describes the actions of the worshippers. These actions — singing, praying, listening to sermons, partaking of the Eucharist, and so forth — differ in in–person, digital, and virtual settings. These differences are the subject of this paper.

Liturgical practices are ways in which we act our faith out — expressing it to one another and the world —and ways that we act our faith in — shaping and sustaining ourselves as members of the body of Christ. Acting out and acting in are not separate, opposed, or sequential. Rather, they are two different aspects of the same human actions. Within this broader framework, I offer six functions of human action in Christian worship services and ask how well they work in digital settings.

1. Rehearse

Christian liturgy is a pedagogy for the whole self — body, intellect, emotion, and will — that rehearses the congregation in Christian affections[1].

The theological term "affections" refers to deep–seated attitudes to the world that necessarily involve the intellect, emotions, will, and body (Craigo–Snell 2014, p. 46). One example of an affection is my recognition of my own sinfulness. This includes an intellectual assessment of my behavior, an emotion of regret, an ache in the pit of my stomach, and a will to do better. Another example is praise. The knowledge that God is worthy of praise includes an intellectual truth claim, an emotion of joy, bodily sensations and responses from chill bumps to shouting, and a will to praise God.

Theologian Don Saliers describes Christianity as a distinctive pattern of affections (Saliers 1980, pp. 8 and 11)[2]. Christians are formed

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(1) I have written about this extensively in S. Craigo-Snell, *The Empty Church: Theater, Theology, and Bodily Hope*, New York: Oxford University Press, 2014.

(2) Saliers interpretation of "affections" does not explicitly include embodiment.

in this pattern of affections through practices such as prayer and song, in which they engage their whole selves. In the various elements of liturgy, over the course of the liturgical year, Christians rehearse affections such as gratitude and lament. We do not rehearse bitterness and despair. Furthermore, each individual affection is held in relation with others in the larger pattern. For example, the Christian affection of praise is not mere admiration, but a praise for God's grace held in tension with the awareness of sin and lament for suffering. Liturgy is the rehearsal that shapes the participant in Christian affections and in a coherence of the self in which intellect, emotion, will, and body align (Craigo–Snell 2020).

Jonas Kurlberg uses the term "persuasive technology" to understand some of the formative power of liturgy. Persuasive technology is a "design mechanism that seeks to sway an individual's behaviour and thought" (Kurlberg 2022, p. 132). Commonly used in the tech world, this term can be applied to everything from road signs to propaganda. Kurlberg frames liturgy as a form of persuasive technology that is distinguished from others by its aim, which is to draw "the gathered community into a dynamic and formative experience of faith" (*ibid.*, p. 131). This highlights both the possibilities and dangers of online worship. On one hand, "the digital application of persuasive technology is particularly potent for liturgical formation as it can utilize machine learning to precisely and repeatedly shape individuals through emotional triggers" (*ibid.*, p. 135). The same power that keeps us scrolling on social media could be harnessed, possibly, to turn our hearts to God. On the other hand, medium and message are always intertwined, and any persuasive technology "includes power dynamics and an element of tacit manipulation, or at least the danger thereof" (*ibid.*, p. 138). I note Kurlberg's helpful frame as quite distinct from my own. Rehearsal emphasizes the coherent integration of the whole self in Christian affections — including intellect, emotion, will, and body.

Digitally mediated worship services allowed some of this rehearsal function to continue safely during the Covid–19 pandemic. Yet, digital mediation changes the bodily and sensory participation in liturgy in ways that might decrease the rehearsal function of church services. Watching church on a screen while sitting on a couch is a less immersive

experience of liturgy than being in a church building. Stained glass or sacred art is miniaturized or left off–screen. Incense does not translate. We are less likely to stand, kneel, or sing out loud. The sensations of a hard wooden pew or a folding chair, the vibrations of the organ or the drum, do not yet carry through computers. Even with a virtual reality headset that allows for an enhanced level of bodily engagement, the integration of the whole self in affections diminishes[3].

2. Recognize

During worship services, Christians recognize one another as beloved children of God, which helps them to live into that identity.

Theologian Natalia Marandiuc writes about the process of becoming a self, describing recognition as a key element in this process. In this technical sense, recognition is an exchange with another person that "validates who, what, and how the person is" (Marandiuc 2018, p. 53). Marandiuc argues that "the self as such is formed and actualized in such exchanges" (*ibid.*). For example, a person who sees herself as compassionate is affirmed and encouraged when another recognizes her compassion. This is not simply a matter of acknowledging what is already true. Rather, it is through the (ongoing) process of recognition that it becomes true, that this person becomes compassionate. In Marandiuc's root metaphor of home, the process ideally goes like this: A child is born into a home comprising loving attachment relationships. The others in this child's home recognize him as a person who is loving and beloved, thereby creating the conditions in which his identity as a loving and beloved person comes to be.

This process can go awry. When misrecognition occurs, the process of self–becoming is inhibited or distorted. This happens individually, when

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(3) The bodily and sensory participation varies from one member of a congregation to another based on levels of health, mobility, preference, and more. In listing a variety of possible sensory inputs, I do not imagine that every Christian experiences all of them. One of the most significant issues regarding digital and virtual worship is that of access: digital mediation provides access to many worshippers who have mobility issues or health concerns, while limiting availability to worshippers who lack reliable internet access, computers, or experience with computers.

a particular child is misrecognized as unlovable, and communally, when whole groups of people are misrecognized as inferior ((*ibid.*, p. 55).

While Marandiuc focuses on home as the site of recognition, it is easy to see how congregations are also spaces where people can be recognized or misrecognized. There are several moments in a church service where recognition can happen, including the informal greetings when the congregation gathers, the passing of the peace, the sharing of prayer requests that honor the particular struggles and joys a person is facing, and singular moments such as baptism and ordination.

When I first watched a virtual reality church service, I was taken aback by the variety of avatars. While some people looked like animated versions of human beings, others were represented as cartoon characters, animals, and even fruit. The pastor of the service (a chimpanzee) greeted each one, including the banana, and spoke about the love of God in Jesus Christ, available to each and all. My initial surprise gave way to an overpowering sense of fittingness; that this is recognition at its best[4].

I myself am Presbyterian, one of "the frozen chosen". Pre–Covid, I would rush on Sunday mornings to get my whole family looking presentable before we went to church — like we didn't just have a meltdown over something trivial. We tried to look like a family is "supposed" to look, unintentionally hindering the process of recognition.

In this virtual church, there was not a detailed sense of what avatars are "supposed" to look like. Each person chose how to present themselves from an enormously wide array of possibilities. The pastor and the other members of the congregation recognized them as beloved children of God. Particularity was not lost — rather, it was chosen. Bias and prejudice were, in this instance, thwarted by mad creativity.

Campbell finds recognition to be a strength of online religious communities. Although online anonymity can breed deception, "[s]elf–disclosure online can be easier for some individuals" (Campbell 2005, pp. 124 and 182). Campbell found strong behavior expectations within the communities she studied, stating: "[o]nline community members are to be treated with respect as people made in the image of God" (*ibid.*,

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(4) I give thanks to Lilly Glover, a scholar doing exciting work on technology and theology, for introducing me to metaversal spaces and virtual church.

p. 186). Negative judgments based on physical appearances, clothes, or mannerisms do not happen in online communities the way they do in in–person churches (*ibid.*, pp. 177 and 183).

Of course, it is also possible that Christians turn their cameras off on Zoom or watch live–streamed services without ever communicating their presence. Understanding that recognition is an important function of liturgy might help church leaders address such issues.

3. Regulate

Human beings are socially regulated beings, taking cues from one another about when we are safe and how we should respond to our environments. Elements of liturgy enable communal regulation of our nervous systems, emotions, and sense of well–being.

Humans communicate and get in sync with each other through a lot of different mechanisms, including eye contact, brain waves, heart rhythms—the studies are numerous and overwhelming (Paul 2021, p. 216–239). I will focus on the example: body odor. Sweat contains an enormous amount of information that we pick up on — largely unconsciously — including: gender, age, health, and emotions such as happiness, aggression, disgust, and fear (de Groot, Kirk and Gottfried 2020). One study collected the sweat of people on their first skydive, a tandem jump during which they were very likely afraid. The same people, on a different day, exercised until they got sweaty and that sweat was also collected. Volunteers smelled both types of sweat while being monitored. Although the volunteers could not consciously detect a difference between the exercise sweat and the fear sweat, breathing in the fear sweat resulted in increased activity in the regions of the brain associated with fear (Randerson 2008), as well as heightened awareness of threat (Williams 2009). This suggests that emotional stress is "contagious" (*ibid.*)[5]. We even respond to the intensity of fear communicated in the sweat (de Groot, Kirk and Gottfried 2020). We know that other animals communicate with one another through subtle physical clues, but because we focus so much on intentional, verbal

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(5) This was articulated by Dr. Mujica-Parodi, who performed the study.

communication among humans, it is easy to overlook that we, too, are animals who communicate important information — such as safety and danger — in myriad bodily ways.

Such communication is particularly important for people who have experienced trauma. Bessel Van der Kolk explains that during a traumatic event, the neocortex — the part of the brain responsible for language and time–keeping — is nearly shut down and the limbic brain takes over. Van der Kolk states, "[t]rauma by nature drives us to the edge of comprehension, cutting us off from language based on common experience or an imaginable past" (Van der Kolk 2014, p. 43). Trauma survivors can develop a "cover story" that explains, in some ways, what happened to them and their symptoms (*ibid*.). However, "[n]o matter how much insight and understanding we develop, the rational brain is basically impotent to talk the emotional brain out of its own reality" (*ibid*., p. 47). Van der Kolk names two paths towards healing from trauma: "top down" and "bottom up" (*ibid*., p. 63). Top down approaches work through the neocortex and include talk therapy that aims to help survivors narratively frame their experiences and thoughtfully regulate their responses to the world around them. Bottom up approaches begin with the body, working through the brain stem to address symptoms of trauma. These include practices such as movement, rhythm, and touch in order to regulate the nervous system. Activities that involve people keeping time with one another — such as drumming, singing, chanting, and dancing — are particularly useful for helping survivors respond appropriately to present contexts rather than acting out of trauma–induced hypervigilance (*ibid*., p. 80).

Many of these rhythmic practices take place in religious services. Van der Kolk writes, "[r]eligious rituals universally involve rhythmic movements, from davening at the Wailing Wall in Jerusalem to the sung liturgy and gestures of the Catholic Mass to moving meditation in Buddhist ceremonies and the rhythmic prayer rituals performed five times a day by devout Muslims" (*ibid*., p. 335).

Choosing to participate in communal practices such as rhythm and song can help communally regulate an individual's sense of safety and possibility in ways that are healing. In so far as Christian liturgy can aid individuals and communities in healing from trauma, it

can also help prevent the passing of trauma down from one generation to the next.

This regulation is complicated and limited in digital church. The most commonly used platforms for online church only allow one source of sound at a time, so we cannot truly sing together. Small time lags are such that we cannot keep time together. We cannot look each other in the eye. We cannot smell each other.

The authors of a 2023 study note that the "live and real expressive human face provides primary cues for natural in–person social interactions". They compared neural activity in pairs of people looking at one another through a screen, in a "zoom–like" format, and looking at one another through a pane of glass. The study concluded that "the exchange of social cues is greater for the [i]n–person" interactions (Nan Zhao *et al.* 2023).

Another study compared the "brain–to–brain synchrony" of mother and child pairs in live "face–to–face" interactions and "technologically–assisted remote communication". The digitally–mediated interactions resulted in only one "cross–brain–cross–hemisphere link" between the mother and child, while the face–to–face interactions resulted in nine (Schwartz *et al.* 2022). Such studies indicate that not being in the physical proximity hinders relational and group synchrony (Paul 2021). This inhibits comunal regulation.

4. Remember

Our most treasured knowledge is stored in our bodies through communal ritual.

Diana Taylor delineates two ways in which knowledge is generated, stored, and transferred. One is the archive. This includes everything written down, from books in the library to historical landmark signs by the side of the road. Another is the repertoire. This includes all manner of bodily practices, from gestures to complex dances (Taylor 2003, pp. 19–20). Often the archive and the repertoire sit side by side or operate in tandem. Your grandmother might teach you to bake bread at her side, making sure you know what the dough feels like in your hands

when it has been kneaded enough, and she might write down the recipe for you as well. At other times, repertoire is primary. We teach kids to play baseball by first playing catch, then moving on to batting and pitching. I am sure the rules of baseball are written down, but how to play is knowledge in the repertoire, not the archive.

The archive is elevated in the dominant cultures of the modern West. We value the written, which can be easily transferred and can appear universal. Furthermore, it is easier to control who has access to the archive and who is allowed to contribute to it (*ibid.*,p. 17). In the U.S. it was illegal for enslaved Africans and African–Americans to read or write for decades. Now we refer to certain immigrants as "undocumented"[6]. Publication continues to be a form of gate–keeping for dominant cultures. In contrast, the repertoire is very difficult to control.

Paul Connerton analyzes commemorative events as ways that societies retell a historical narrative in such a way as to include the participants in the narrative it is retelling. To participate in a ceremonial event is both to learn the story that is told and to place oneself within its horizon. Connerton argues that societies entrust their most vital memories and knowledge to communal performances (Connerton 1989, p. 102). This communal repertoire will carry a memory through the years or even generations, even if single individuals forget, libraries burn, or worldviews are questioned.

Christians are very attached to our archive, most specifically the Bible. We ought not let that archival focus make us miss the importance of our repertoire in creating, storing, and transferring precisely those communal memories that we find most important. The splashing of baptismal waters, the sharing of the bread and cup — this is the repertoire of memory in which we participate in Jesus' death and resurrection, become members of the body of Christ.

Evaluating how well such societal remembering can happen in online church is speculative, because we do not have studies of this yet. However, there is some reason to suspect that participating in shared ritual from separate locations might jog deep communal memories more easily than it can create them. My immediate family and I have

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(6) See also D. Conquergood "Performance Studies: Interventions and Radical Research", in H. Bial (ed.), *The Performance Studies Reader* New York, Routledge, 2007.

memories of taking communion on the couch in the living room. Early on I was picky, making sure we had bread and some sort of juice in the house. As the months wore on, my standards slipped. Why couldn't the body and blood of Christ be present in this muffin and coffee I was already having for breakfast? The variation in space, time, movement, and material from one part of the congregation having communion to another was too great to create a deep repertoire of shared communal memory in which we placed ourselves.

We know from other types of research that eating meals together increases cooperation and group performance measurably. In one study, separate groups of MBA students had to negotiate a complex joint venture agreement. Some groups shared a meal while negotiating; others did not. Those who ate together generated more profitable bargains (Paul 2021, p. 227). In other studies, participants who ate the same food, served from communal dishes, demonstrated higher levels of cooperation than those who ate individually plated meals (*ibid.*). We do not yet know all of the ways that taking the bread and cup together influences us, but we know enough to suspect that being together in the same physical space matters.

5. Resist

Congregations serve as social bodies that can resist oppression.

William Cavanaugh understands the church, in part, as a social body that serves the necessary role of resisting oppressive structures by standing between regimes and individuals (Cavanaugh 1998, pp. 2–4, 9 and 15). Under the Pinochet regime, congregations were prevented from fulfilling this function by the state's practice of torture, which inflicted unspeakable harm on individuals who, if they could even begin to find words, feared that talking about their experiences would place those who heard them in danger. The Pinochet regime used torture to fracture social bodies and reduce resistance. Cavanaugh calls on the church to "realize its true nature as a locus of social practices, the true body of Christ capable of resisting the discipline of the state" (*ibid.*, p. 206).

Cavanaugh focuses on the Eucharist. He writes, "torture creates fearful and isolated bodies, bodies docile to the purposes of the regime:

the Eucharist effects the body of Christ, a body marked by resistance to worldly power…Isolation is overcome in the Eucharist by the building of a communal body which resists the state's attempts to disappear it" (*ibid.*).

My context in the U.S. is quite different from the Pinochet regime in Chile, yet Cavanaugh's analysis is compelling. One way white supremacy is maintained in the U.S. is by focusing on individuals as the site of racial prejudice and refusing to acknowledge racism as a system. This prevents social bodies from resisting the ongoing reality of state–sponsored violence against Black bodies.

On 13 March 2020, a 23–year old Black woman named Breonna Taylor was killed in Louisville, KY. At 12:30 am, at least 7 police officers forced their way into Taylor's apartment in a "no–knock" raid, shooting Taylor six times. Taylor was a medical professional who was not accused of a crime; the police officers were investigating her ex–boyfriend (who was not present) and conspired to mislead a judge to get the search warrant (Oppel, Taylor and Bogel–Burroughs 2023).

After the killing of Breonna Taylor, the residents of the city of Louisville resisted. A small plaza in the city, dubbed "Injustice Square", was occupied by a stream of protestors for over a year. The militarized police responded with tear gas, stun grenades, pepper bullets, and a technique called "kettling". This is when police surround protestors in an area, demand that the protesters disperse, and then arrest them when they try to leave.

Churches resisted. They marched, chanted, held vigils. Most notably, the Unitarian Church downtown became a sanctuary for kettled protesters, holding impromptu services so the police would not come into the church to arrest anyone (Hanna, Kallingal and Almasy 2020). In order to get the protesters safely out of the church and the kettled area, a network of local clergy used encrypted chats to create a shuttle service. Clergy members wore clerical collars and escorted protesters safely away.

This was not the Eucharist effecting the Body of Christ. Most of the Christians involved were Christian before Breonna Taylor was killed, and there were many protestors of different religious traditions and no religious traditions. There were bodies broken and blood poured out

— Breonna Taylor was not the only life lost (Loosemore 2020). It was the presence of bodies on the streets that eventually got no–knock raids banned in Louisville and prompted the Department of Justice to intervene (Oppel, Taylor and Bogel–Burroughs 2023). Yet I am keenly aware of the digitally infused truth of the church in that moment, the ways in which our virtual and physical interactions intertwined, overcoming our multiple forms of isolation to connect and empower the Body of Christ.

6. Rejoice

Worship services are often events of praise and joy.

We go to church services to worship God and rejoice in the gift of grace. Rejoicing is, in and of itself, a good thing. The Westminster Shorter Catechism declares that "the chief end of man [sic]" is "to glorify God and enjoy Him [sic] forever"[7]. The importance of rejoicing, however, might be greater than we know. History provides several natural experiments to study how trauma, hunger, and other adverse experiences can change the genetic expression of generations of people. Scholars study the grandchildren of Holocaust survivors, the descendants of Swedes who endured famine, and so forth (Francis 2011, pp. 4, 23 and 89). The chemicals released within the body during such events can influence how genes are expressed in the children and grandchildren of survivors. It is established science that adverse experiences have epigenetic effects for generations.

This raises the possibility that sustained or repeated experiences of positive things might also have epigenetic effects. It is much more difficult to find natural experiments in which large numbers of people experienced sustained or repeated experiences of joy. If it is the case that positive experiences can also have epigenetic effects, then rejoicing in church might not only aid in healing for those traumatized, but might also create epigenetic resilience for coming generations (Craigo–Snell 2020).

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(7) *Westminster Shorter Catechism*, 1647, https://www.westminsterconfession.org/resources/confessional-standards/the-westminster-shorter-catechism/.

Digitally mediated rejoicing is possible, and certainly I was grateful to have that possibility when the pandemic prevented being in the same physical space as the rest of the congregation. At the same time, expressing my joy seemed incomplete without being able to share it physically with others. The social cues we take from other people allow our own emotions to be affirmed and amplified by those that share them with us. Rejoicing is possible, but limited, in digital environments, and we do not yet know the ripple effects that might have.

7. Acting Out and Acting In

Having gone through an eclectic description of six functions of human actions in the church—drawn together only by the unintended then inevitable alliteration of the letter R—let me now draw some broader conclusions. In liturgy, we act out our faith. We sing "Jesus loves me" because we believe it. We also act our faith in. We sing "Jesus loves me" in order to believe it. These are not separated in practice, but a conceptual distinction between acting out and acting in allows us to note some of the strengths and weaknesses of digital and virtual church services.

Online and virtual liturgies are very strong media through which Christians can act out our faith. We can recognize ourselves and one another, as digital media can allow for intimacy and bypass stigmatizing social norms. Sustaining and empowering social bodies capable of resistance is another strength of digital liturgy and technology. These are primarily ways of acting out Christian faith. The means by which Christians act their faith in — rehearsal, regulation, and remembrance — are more difficult in digital and even virtual contexts, as they emphasize bodies in context and proximity. Christianity involves not only the whole person, but a community of people whose bodies respond to one another. Some of the challenges — such as inculcating muscle memory and facilitating synchronized speech and action — might be solvable in a virtual context. Others, such as embedding sacred memories in communal rituals, might not. In regards to still other functions, such as rejoicing, we know enough to appreciate the limits of our knowledge — including what might be gained, lost, or altered by digital mediation.

The six functions I have listed are not exhaustive. Indeed, they serve primarily to illustrate that we do not fully appreciate all the many ways that participating in liturgy affects members of the congregation. Since Augustine, the first rule of theology has been epistemic humility in respect to the mystery of God. Made in the image of God, we, too, are mysterious, not fully comprehensible to ourselves. As we move forward in the digitally infused life of the church, it will be necessary for theologians to consider all that happens in the liturgy, from as many perspectives and disciplines as possible, in order to discern how best to act our faith out and act our faith in.

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SEZIONE 2
A DISCIPLINED INTERDISCIPLINARITY

INTRODUCTION: A DISCIPLINED INTERDISCIPLINARITY

Massimo Leone

Interdisciplinary, transdisciplinary, cross–disciplinary, or even infra–disciplinary, supra–disciplinary, metadisciplinary: each of these terms can be associated with a slightly different articulation with respect to how to imagine, organize, and implement collaboration between different disciplines. Thus, interdisciplinarity consists in finding a space of intersection between different knowledge streams and practices; transdisciplinarity, in developing a pathway that, from this common area, ends up crossing the whole structure of disciplines in reference to a certain theme; cross–disciplinarity, in establishing structural bridges between different approaches to a certain subject; infra–disciplinarity, in examining diagonally the infrastructure of research, across disciplinary boundaries; supra–disciplinarity, in addressing issues that touch on different approaches to knowledge; and metadisciplinarity, in subsuming the particularities of disciplines within a common abstract epistemological field.

Beyond these appropriate distinctions, however, two points remain firm. First, there can be no form of disciplinary crossover if there is no discipline to begin with. Umberto Eco often reminded deconstructionists that there can be no metaphor without positing a literal meaning. From indiscipline, nothing is born, and certainly not the mutual fertilization of knowledge, which must be precise and in–depth before being mutually enriching and enriched. The second point is equally important: the best way for various forms of interdisciplinary collaboration to flourish is around a precise subject, known and delved

into with an expert's eye, plumbed in all its facets. The "Transversality and Frontier Research" curriculum of the DREST, the Italian National Doctoral Programme in Religious Studies seeks to set this standard. The four studies proposed to the journal "Annali di studi religiosi" by as many doctoral students are collected here. Following this, their content is briefly described, and then an overview, which is itself transversal, is proposed.

The four articles in the section compose a distich, of philosophical and historical atmosphere in the first two, and of anthropological and visual radiance in the second two. The article by Marco Barbieri explores the concept of the Axial Age and its ambiguous nature, tracing its history from Karl Jaspers to contemporary interpretations by historians and sociologists. Barbieri argues that the Axial Age, as presented by Jaspers, combines empirical evidence with a quasi–religious inspiration, enabling both descriptive and normative accounts. The notion of transdisciplinarity is proposed to better understand the Axial Age, emphasizing its potential to reassess theoretical boundaries and highlight the interplay between historiography (*historisch*) and ontology (*geschichtlich*).

Barbieri further discusses the philosophical implications of the Axial Age, utilizing Martin Heidegger's distinction between *historisch* and *geschichtlich* to demonstrate how the Axial Age concept coordinates the ontic and ontological layers of history. The article suggests that the Axial Age, with its mix of empirical and faith–based elements, encourages interdisciplinary collaboration and reflection. This dual nature allows for a unique exploration of humanity's historical and existential dimensions, making the Axial Age a valuable tool for understanding both past and present human conditions.

The article by Nicolò Germano examines the trajectory of modern ethics from Kant to Nietzsche, highlighting the complex and multifaceted nature of modern ethical thought in relation to nihilism and religion. Germano argues that nihilism is both a condition and a habitat of modernity, influencing its ethical and religious dimensions. By comparing Kant and Nietzsche, the paper underscores the transformative impact of nihilism on modern ethics, emphasizing the agonic and dynamic character of ethical discourse during this period. The analysis

reveals how modernity grapples with the loss of foundational structures and the search for new ethical frameworks in the face of existential voids.

Germano explores the philosophical implications of this ethical evolution, drawing on Heidegger's concepts to illustrate the tension between ontic and ontological perspectives in modern ethics. The article suggests that the nihilistic backdrop of modernity prompts a re–evaluation of ethical and religious thought, leading to an ongoing quest for meaning and value in a world perceived as fundamentally devoid of intrinsic purpose. This discourse is marked by an oscillation between despair and the possibility of creating new ethical paradigms, reflecting the broader existential challenges faced by humanity in the modern era.

The article by Antonio Pio Di Cosmo explores the cognitive methodologies in visual culture, particularly focusing on sacred images in North Apulia. The study delves into the representation of the Mother of God through the iconographic type "*lectulum Salomonis*," which has been widely accepted in the Capitanata and Terra di Bari regions during the Late Medieval period. This methodology examines visual production for public worship, emphasizing the role of material and immaterial codes that help in persuading the faithful.

Di Cosmo highlights the regional popularity of the Odighìtria type and its variations, which are significant in the religious landscape. The research shows the adaptation and optimization of this visual formula to meet the needs of the clergy and the faithful, resulting in a series of local productions that reflect a persistent "Byzantinism." The article provides an innovative heuristic approach, incorporating visual anthropology to decode the construction criteria of these sacred images, ultimately revealing how these images influence and sustain regional devotional practices over time.

The article by Rebecca Sabatini examines the Capuchin Catacombs of Palermo as a religious heritage site through a transdisciplinary approach. Sabatini highlights how this method, which integrates various disciplines like anthropology, history, and religious studies, provides a comprehensive understanding of the catacombs. The catacombs, which contain almost two thousand mummified bodies displayed along the walls of five corridors, serve as a case study to illustrate the dynamic

interplay between material and immaterial cultural heritage, religious practices, and socio–political factors that shape such heritage sites.

The article argues that the transdisciplinary approach is crucial for appreciating the catacombs' historical and cultural significance, transcending the limitations of single–discipline studies. Sabatini discusses how the tourist valorization of the catacombs involves a semantic stratification that maintains their historical dimension. This approach reveals the complex relationship between religious practices and cultural heritage, demonstrating how the catacombs function as a site of ongoing social and cultural negotiation. By linking historical, anthropological, and biological studies, Sabatini shows how the Capuchin Catacombs can be understood as a living part of Palermo's cultural and religious identity, continuously reshaped by contemporary and historical forces.

The four articles collectively emphasize the importance of interdisciplinary and transdisciplinary approaches in the study of complex cultural, historical, and philosophical phenomena. Marco Barbieri's exploration of the Axial Age, Nicolò Germano's analysis of modern ethics from Kant to Nietzsche, Antonio Pio Di Cosmo's examination of sacred images in North Apulia, and Rebecca Sabatini's study of the Capuchin Catacombs in Palermo all advocate for a synthesis of diverse academic disciplines to gain a more comprehensive understanding of their subjects. This methodological stance is seen as necessary to address the intricate and multifaceted nature of the topics they explore, whether it be the spiritual and philosophical transformations of the Axial Age, the ethical and nihilistic currents in modern philosophy, the iconographic significance of religious images, or the cultural and religious heritage encapsulated in the Capuchin Catacombs.

A common conceptual development among these articles is their focus on the dynamic interplay between historical context and contemporary relevance. Barbieri and Germano both highlight the enduring influence of philosophical and ethical ideas from historical periods on modern thought and identity, demonstrating how past intellectual frameworks continue to shape current understandings of existence and morality. Similarly, Di Cosmo and Sabatini explore how historical religious practices and cultural artifacts remain significant in present–day cultural and religious contexts. Di Cosmo illustrates this through the

sustained relevance of medieval sacred images, while Sabatini shows it in the ongoing social and cultural significance of the Capuchin Catacombs. Together, these articles underscore the importance of historical continuity and the ongoing evolution of cultural and intellectual traditions, emphasizing that understanding the present requires a deep engagement with the past.

The four intellectual paths exemplified in the articles by Barbieri, Germano, Di Cosmo, and Sabatini are characteristic outcomes of the theoretical, methodological, and empirical climate fostered by DREST, the Italian National PhD Programme in Religious Studies, specifically within the curriculum of "Trasversality and Frontier Research". This program encourages an interdisciplinary and transdisciplinary approach, integrating various academic disciplines to tackle complex and multifaceted subjects. The emphasis on crossing traditional academic boundaries and engaging with diverse methodologies is evident in the authors' work, which synthesizes insights from history, anthropology, philosophy, religious studies, and cultural heritage. Their research reflects DREST's commitment to innovative and comprehensive scholarly inquiry, aiming to address contemporary issues through a deep understanding of historical and cultural contexts.

Moreover, the four articles operate at the frontiers of their respective fields by pushing the boundaries of traditional academic disciplines and exploring new conceptual and methodological territories. Barbieri's work on the Axial Age challenges conventional historiography by integrating ontological and empirical dimensions, while Germano's analysis of modern ethics and nihilism bridges philosophical thought from Kant to Nietzsche, highlighting the enduring relevance of historical and philosophical debates in contemporary discourse. Di Cosmo's study of sacred images in North Apulia employs visual anthropology to reinterpret medieval religious art, while Sabatini's investigation of the Capuchin Catacombs uses a transdisciplinary lens to understand the complex interplay between cultural heritage and religious practices. Together, these articles exemplify frontier research by addressing unresolved questions, proposing novel frameworks, and fostering a deeper understanding of cultural and intellectual phenomena through interdisciplinary collaboration.

LEARNING HISTORY AND LEARNING FROM HISTORY
THE CASE OF THE AXIAL AGE

Marco Barbieri

Abstract: The paper deals with the concept of the Axial Age and its extremely ambiguous nature. A general overview of its history, from Karl Jaspers to present times, shows that it has been extensively discussed and employed by not only philosophers but also (and mostly) historians and sociologists. This is due to the structure of the notion itself, which in Jaspers' version relies on both an empirical thesis and an article of faith, allowing for both descriptive and normative accounts. We therefore argue that the notion of transdisciplinarity contributes to a better understanding of the Axial Age, by highlighting its reassessment of theoretical boundaries. The final part of the article explores the philosophical implications of this result. Drawing on Martin Heidegger's distinction between *historisch* (historiographical) and *geschichtlich* (historical), we contend that the notion of the Axial Age offers the opportunity to coordinate the ontic (*historisch*) together with the ontological (*geschichtlich*) layer of history.

L'articolo si occupa del concetto di età assiale e della sua natura estremamente ambigua. Da Karl Jaspers sino ai contributi più recenti, una panoramica storica mostra che la nozione è stata ampiamente discussa e utilizzata non solo da filosofi, ma anche e soprattutto da storici e sociologi. Ciò è dovuto alla struttura stessa dell'idea, che nella versione di Jaspers si fonda tanto su una tesi di carattere empirico quanto su una ispirazione fideistica, dando luogo a riletture sia descrittive che normative. Si sostiene allora che la nozione di transdisciplinarietà può contribuire a una migliore comprensione dell'idea di età assiale e della sua capacità di rimettere in discussione i confini tra discipline. L'ultima parte dell'articolo discute le implicazioni filosofiche di questo risultato. Attraverso la distinzione di Martin Heidegger tra *historisch* (storiografico) e *geschichtlich* (storico), si afferma che il concetto di età assiale offre una opportunità di articolare il livello ontico (*historisch*) della storia con quello ontologico (*geschichtlich*).

Keywords: Axial Age, Karl Jaspers, Historiography, Transdisciplinarity, Martin Heidegger

Parole chiave: Età assiale, Karl Jaspers, Storiografia, Transdisciplinarietà, Martin Heidegger

1. Axial Age and axiality: an overview

Recently, the concept of Axial Age has received an impressive amount of attention within the field of human sciences. It has not only sparked in–depth discussions among a selected group of scholars but also been employed with more divulgatory intents (Peet 2019, Stephens 2020); sometimes one can find a reference to it even in general magazines and newspapers. Limited to academic circles, what surprises is the number of contributions in which the concept of Axial Age is not merely presented or even discussed in itself but is rather actively employed as a tool from both an epistemic and a normative standpoint (this will be further explored in the following pages). And yet the concept is far from new. A minimal reconstruction of its history would require a detailed article if not a book and has been already accomplished (Joas 2014; Assmann 2018; Arrigo 2023; Boy and Torpey 2013; Deodati, Miano and Wagner 2015); however, it is still possible to provide some limited hints, necessary for an adequate understanding of its philosophical implications.

Karl Jaspers, who is widely considered the first to discuss and thematize it extensively (although he did not invent the term or its meaning from scratch[1]) placed it in a central position in his book on philosophy of history called *The Origin and Goal of History*, originally published in 1949 (Jaspers 2014)[2]. It is true, though, that this is hardly one of his most famous and frequently cited works. The author remained much more famous for his previous existentialist philosophy (Jaspers 1932); and later gained attention — and sometimes polemics (Clark 2002) — for his explicitly political reflections (Jaspers 1946, 1958). It is therefore not so puzzling that aside from a few exceptions — Jurgen Habermas being the most illustrious one (Habermas 2019; Allen and Mendieta 2019) — the notion of the Axial Age has been largely overlooked by continental philosophy, if not by philosophy in general.

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(1) Jaspers himself explicitly acknowledges the contribution of XIX century historians and scholars on the subject: the names of Ernst von Lasaulx and Viktor von Strauss are made, together with that of Alfred Weber.

(2) Direct quotes will be taken from the most recent English edition. A hint on the same notion was already present in Jaspers' speech at the *Recontres internationales* held in Geneva in 1946 (Aa.Vv. 1947), and even before in 1942 (now Jaspers 2019).

From where, then, comes the current interest? Historians and sociologists have been the most active researchers concerning the notion of the Axial Age. The definition written by Jaspers himself helps us understand both the concept and the reason for such an in–depth curiosity:

> It would seem that this axis of history is to be found in the period around 500 B.C., in the spiritual process that occurred between 800 and 200 B.C. It is there that we meet with the most deepcut dividing line in history. Man, as we know him today, came into being. For short we may style this the "Axial Period".
>
> The most extraordinary events are concentrated in this period. Confucius and Lao–tse were living in China, all the schools of Chinese philosophy came into being, including those of Mo–ti, Chuang–tse, Lieh–tsu and a host of others; India produced the Upanishads and Buddha and, like China, ran the whole gamut of philosophical possibilities down to scepticism, to materialism, sophism and nihilism; in Iran Zarathustra taught a challenging view of the world as a struggle between good and evil; in Palestine the prophets made their appearance, from Elijah, by way of Isaiah and Jeremiah to Deutero–Isaiah; Greece witnessed the appearance of Homer, of the philosophers — Parmenides, Heraclitus and Plato — of the tragedians, Thucydides and Archimedes. Everything implied by these names developed during these few centuries almost simultaneously in China, India, and the West, without anyone of these regions knowing of the others.
>
> What is new about this age, in all three areas of the world, is that man becomes conscious of Being as a whole, of himself and his limitations. He experiences the terror of the world and his own powerlessness. He asks radical questions. Face to face with the void he strives for liberation and redemption. By consciously recognising his limits he sets himself the highest goals. He experiences absoluteness in the depths of selfhood and in the lucidity of transcendence (Jaspers 2014, pp. 1–2).

As Paolo Costa (2015) argues, there is a lot to unpack here[3]. The Axial Age is presented as an empirical event (or, better, as a sum of events collapsed in one significant development) that took place in five distinct regions in the world (roughly equivalent to China, India, Middle East, Palestine, and Greece) and bear witness to a decisive leap

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(3) See also Costa 2014a and Costa 2014b.

in human evolution. Its essential feature is man's discovery of Being and the consequent realization of his own problematic and finite existence in the world. The two elements are connected, and this fruitful tension generates for the first time a clear distinction between the mundane and the divine. This breakthrough has far–reaching effects, transforming not only existential but also social, cultural, and political scenarios; axial civilizations set themselves apart from previous institutions — and in doing so they pave the way for further developments. The whole process can be read in two different ways. The Axial Age can be viewed as the "age of transcendence" (Joas 2014, Schwartz 1975) or as the "age of criticism" (Momigliano 1975), depending on whether the emphasis is placed on the spiritual or cognitive aspects of the shift. These two options are not mutually exclusive, and their traces are equally present in the passage mentioned above from Jaspers' *oeuvre*.

From this, we can already assess a crucial point concerning our question. It is exactly its empirical feature that makes Axial Age something more powerful than an abstract idea, however inspiring or insightful: rather than relying solely on speculation, a very "factual" foundation is here proposed. As debatable as it may result, the concept of the Axial Age is first understood by Jaspers as an empirical description of a certain period of history. And it is its thickness of consistency, if such expression could be adopted for a concept, that makes the Axial Age more appealing to historians and sociologists than philosophers. Moreover, the lack of precision that could be easily imputed to Jaspers' thesis — as well as to many of his most famous outputs[4] — might be negatively judged from a historical perspective but has the significant advantage of being open to endless uses and reinterpretations. Even if one deems this thesis as completely inadequate, its very nature encourages original directions of research.

Jaspers did not live long enough to see the revival of his concept, but from the late Seventies and the following decade to the very present an impressive amount of contributions, with varied quality, results, and ambitions, has been published (Halton 2014; Armstrong

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(4) Ironically, the indistinct character of definitions and arguments is a very distinctive feature of Jaspers' philosophy, as it is evident with the concept of *Grenzsituation* (Boundary situation): originally devoted to the four cases of guilt, death, struggle, and suffering, it has been employed for a countless number of applications. See for example Alessiato and Quante 2022.

2006; Arnason, Eisenstadt and Wittrock 2005; Bellah and Joas 2012; Kozlarek, Rüsen and Wolff 2012). The decisive input was given by sociologist Shmuel Eisenstadt — although Talcott Parsons (1966) had also strongly contributed before — with his focus on the institutional and social order of so–called Axial civilizations. In 1983, with a congress in Bad Homburg, he brought together a diverse group of scholars, each with their own specific research focus, but also all exploring this important concept; this event marked an important milestone in the study of Axial civilizations (Eisenstadt 1986, 2003). Among the other most famous contemporary authors (some of them still very active), at least the names of Robert N. Bellah (2011), Hans Joas, Jan Assman, Johann Pall Arnason (2003), Charles Taylor (2007) and Björn Wittrock (2005) must be mentioned. Although it is not possible to synthesize here the efforts of each of them (and many other deserving scholars), it is important to acknowledge that this diverse group of authors is concerned with interests and problems that are not extremely different but also may not have intersected if not for a point of mediation — that is, the concept of Axial Age.

The notion being discussed here opens up several research perspectives that can be categorized into a few groups. However, it is firstly important to note that there are two levels — not always adequately distinguished — to consider: a descriptive intent (especially pointed to a historiographical purpose), and one that is involved in normative judgments (with the debating of a second Axial Age while the ancient one is posed as the model to imitate, as Roetz 2012 shows). With that in mind, a broad and merely preliminary categorization could look like the following:

– Discussions on the concept of the Axial Age and its historical validity as it is described by Jaspers in its characters and chronological range. Themes here discussed include: the simultaneity of Axial Age civilizations; contacts (or absence of communication) between these civilizations; causes and effects of Axial Age (with a look at the timeline and the historical events between pre–Axial and post–Axial empires and societies); transcendence and/or criticism as the main features of this period: significance of this period in the broader cognitive evolution of humanity.

– Global and comparative history, with a focus not only on (and between) Axial Age civilizations but also bringing into consideration other societies, to highlight similarities and differences, common factors and specificities. A typical move is here that of applying or evaluating the notion of axiality or axialization (Assmann 2012)[5] to later (Roman and Islam empires) previous (ancient Egypt, Mesopotamia) or — generally considered — non–Axial civilizations (Japan, African and pre–Columbian American societies).

– Studies on the relation between axiality and modernity, with a strong accent on the normative or paradigmatic potentiality of the former for shaping current times. Themes here discussed include: Axial Age as a heritage and the origin of contemporary socio–cultural orders and structures; axiality and cultural memory; axiality as a model for intercultural and interreligious dialogue axiality and secularization (or post–secularization); axiality as a future goal or as a false and problematic myth. In many of these subgenres, the reference to axiality is not devoid of political implications.

These short hints only offer a pale idea of the thriving variety here at disposal. Nonetheless, they should be enough to highlight the potential implied in the concept and the multiple employments it can serve, even with potential risks (Provan 2013): it can work as an epistemic tool for the most diverse historiographical studies, but it can also tell us something regarding the state of the societies we live in, its conflicts and crisis — and therefore inspire political and moral reflections about changes that are needed to improve them.

In conclusion, it appears that the notion of Axial Age has to do with many different subjects, themes, and scopes. But how does that happen precisely? The only element that instantly appears is that different disciplines are here in action, and they are somehow "held together" by one singular idea. Likewise, a sense of "complexity" is implicitly present, but perhaps not fully grasped. To clarify our problem, a further step must be taken, and a new concept must be introduced.

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(5) "Instead of an Axial *Age*, we should speak of axiality and axialization in the sense we speak of globalism and globalization, as a tendency that appears under different conditions in different *ages* of human history".

2. Axial Age and transdisciplinarity, part one. An intrinsic connection?

However popular in recent years has become, the concept of transdisciplinarity is still not a clear one. A definitive definition of it is not available; it is much easier to find direct applications in the most diverse fields and areas of research — be that of comparative literature or quantum physics, digital humanities or engineering mechanics. It has been admittedly affirmed that the whole related debate is "open and not yet ready for closure"; what we, therefore, have here is a concept "in flux" (Pohl 2010; Frodemann 2017; Cockell, Billotte, Darbellay and Waldvogel 2011). Now, it is important to note, as a preliminary assessment, that we do not aim to offer any contribution to such a complicated discussion; we only bring it up because we have a sense that its employment might be fruitful for a better understanding of Axial Age and axiality, its problematics, and its philosophical implications[6]. A quick look at the matter is therefore needed if we want to assess whether the Axial Age can be read as a transdisciplinary notion and — perhaps much more important — what we might learn from the subject even if the question receives a negative answer.

If we consider transdisciplinarity as what "grasps the complexity of the issue", "takes the diverse perspectives on the issue into account" "links abstract and case–specific knowledge" and "develops knowledge and practices that promote what is perceived to be the common good" (Pohl 2010, p. 69), a lot from this definition sounds pertinent — albeit still loosely — to the present discussion. Although there are various approaches to the notion of transdisciplinarity, it is important to note that the concept has been usually associated with the key terms of "transcending", "transgressing", and "transforming" (Thompson Klein 2017, p. 22). Transdisciplinarity is therefore not only a matter of "juxtaposing", "sequencing", and "coordinating" disciplines (as a multidisciplinary perspective would imply), nor only one of "interaction", "integration" and "blending" between them (that would characterize an

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(6) We leave aside the only slightly less challenging notions of multi and interdisciplinarity, that would lead us too far and not contribute to the main point. Among the many contributions on the topic, see Karanika–Murray and Wiesemes 2009.

interdisciplinary gaze). A transdisciplinary approach is somehow more ambitious in its aim to surpass traditional boundaries and, in doing so, embrace a mode of knowledge production characterized by complexity, non–linearity, and heterogeneity. This approach has the potential to make significant contributions to problem–solving efforts (Thompson Klein 2017, pp. 29–30).

Again, a lot of this sounds familiar. By ways of embracing complexity and considering diverse perspectives, the Axial Age surely links its specificity and particularity to general epistemic problems, at least in the fields of historiography, sociology, and philosophy. Equally importantly, by ways of reflecting upon the past and the origins of humanity, it forces scholars to face "practical" problems related to the current condition of our societies and the future of humanity: as noted, much literature about the Axial Age draws to this exact direction. But there is something more — and perhaps more crucial — to it. Upon realizing that the essence of the Axial Age is not readily apparent, we get the sense that boundaries are indeed broken: beginning as a factual and temporally specific narrative, the concepts of the Axial Age and axiality transform into something else entirely. They tell us a story that is not only — and perhaps not mainly — that of our past, but rather a depiction of how humanity can possibly become.

However, the process and consequences of this phenomenon are not yet fully understood. From this brief sketch, it is only possible to draw an initial conclusion: transdisciplinarity, as it is often defined, offers valuable insights into the concepts of Axial Age and axiality. More precisely, it achieves this by highlighting their inherent ambiguity: they cannot be reduced to one single discipline (be that of history or philosophy), not to their combination alone. There is much more to it: it is precisely because axiality is both a philosophical and historiographical intuition — from the very start of its formulation and in the subsequent discussion — that transdisciplinarity is especially pertinent here: a serious theoretical re–evaluation of discipline boundaries is much needed. We therefore must delve deeper into this unique feature of the Axial Age.

3. Axiality and transdisciplinarity, part two. Back to Jaspers

Perhaps we have left Jaspers behind too soon. Let us go back to his depiction of the Axial Age. In *The Origin and Goal of History*, he declares that "an axis of world history, if such a thing exists, would have to be discovered empirically, as a fact capable of being accepted as such by all men, Christians included" (Jaspers 2014, p. 1)[7]. As already noted, empiricism is here the essential feature. Yet, the entire discourse displays from the beginning an uncertain status. From this perspective, a specific sentence in the *Introduction* should be read as a warning: "My outline is based on an article of faith: that mankind has one single origin and one goal" (Jaspers 2014, p. 1). While Axial Age is not here directly mentioned, it is particularly significant that right before criticizing the Western vision of history — at least partly because it remains Christianly–oriented (even when not intentionally so[8]) and therefore not universally valid — Jaspers admits that a "fideistic" element is present and inspires his vision of history.

It could be argued that the absence of this seemingly insignificant point would render the entire structure ineffective. The empirical "skeleton" that remains would not only be flawed and debatable but also, more problematically, lacking any positive meaning: Axial Age would

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(7) More extensively: "In the Western World the philosophy of history was founded in the Christian faith. In a grandiose sequence of works ranging from St. Augustine to Hegel this faith visualised the movement of God through history. [...] But the Christian faith is only one faith, not the faith of mankind. This view of universal history therefore suffers from the defect that it can only be valid for believing Christians. But even in the West, Christians have not tied their empirical conceptions of history to their faith. An article of faith is not an article of empirical insight into the real course of history. For Christians sacred history was separated from profane history, as being different in its meaning". Therefore, according to Jaspers the Christian theology of history is flawed *in a double way*: because it fails to express a universal dynamic of humanity and because it is not empirically grounded, but rather relies on an article of faith.

(8) A classical reference on the topic would be Löwith (1949). The fact that Löwith and Jaspers' reflections on history, albeit opposed in their contents, came out in the same year is perhaps more than a curious coincidence; moreover, in the very same year, other two works that shared the same problem were published (Niebuhr 1949, Butterfield 1949). Löwith's skeptical position — the thesis that history has no intrinsic *telos* or meaning — became the dominant one, and understandably so after two world wars and the death of millions of people. After all, it was Jaspers' idea — that a *weltgeschichtlich* image was still possible — the one that looked against common sense. Löwith never showed any specific interest in Jaspers' Axial Age, but it is to be remembered that his previous remarks on *Philosophie* were particularly critical (Löwith 1984a, 1984b).

become a perhaps fascinating but solely historical (if not straightfor-wardly mythical, as argued by Assmann 2012 and Bellah 2005) peri-od that has no link with modernity and can offer no insight to contem-porary man. The continuity of history that Jaspers is here arguing for would be broken. Employing one of the author's most known expres-sions (here in an exclusively negative sense), we would find ourselves in an intellectual and human "shipwreck" (*Scheitern*), one that leads to nothing but nihilism and despair[9]. No *telos* is available from an exclu-sively intellectual operation and a further kind of inspiration is needed; a certain faith — more in the possible existence (*mögliche Existenz*) of mankind and its historical path, rather than the kind typical of exclu-sivist religions — must be in action[10].

As a result, the idea of the Axial Age as a key period for the entire history of humanity is both a matter of faith and historiographical evi-dence. We believe that this is also a direct reason for the noted presence of both a descriptive and a normative layer. Matters pertaining solely to the historical realm are descriptive and do not imply any normative ide-as; the latter must therefore be associated with a different kind of mo-tivation — such as that of faith. These two features, however opposed and tensive, not only coexist but also enhance each other. Although some might be disappointed by the lack of a clear and definitive ac-count — namely, that of a purely historical or theological perspective — it is precisely thanks to the ambiguity surrounding the concept of the Axial Age that fruitful collaboration and reflections among histo-rians, sociologists, and philosophers (to only name a few disciplines) are possible. The notion intrinsically encompasses and articulates vari-ous complex issues that might otherwise remain separate. Even though it would be probably far–fetched to affirm that Jaspers' original idea of the Axial Age implicitly has a transdisciplinary nature, we at least argue

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(9) *Scheitern* is in Jaspers' philosophy an ambiguous term: it expresses the unescapable lim-its of human condition, in its finiteness, insufficiency and culpability, and yet shows a some-how "positive" outcome, as in an authentic shipwreck the existence becomes aware of itself and its link to transcendence. While there is no definitive definition of it, the notion of ship-wreck is especially frequent in the second volume of *Philosophy*, titled *Existential Elucidation* (*Existenzerhellung*). For a recent study on this subject see Gerte 2021.

(10) It is no casual chance, in our opinion, that in the same years Jaspers was present-ing his enigmatic concept of "philosophical faith" (*Philosophische Glaube*): see Jaspers 1948, Ehrlich 1975.

that the way Jaspers assembled the pieces of his theory shares many similarities with the characters generally attributed to transdisciplinarity. The usage of the expression is somehow "transdisciplinary" from the start and continues to be so in subsequent authors and studies.

A final definition of transdisciplinarity throws an extremely insightful light on what we have just discussed. Let us try to look at it as "an exploration of ontology rather than a distinctive epistemological method" (Gibbs 2022). We have seen that the notion of the Axial Age transcends the traditional boundaries of each discipline involved by connecting abstract and case–specific knowledge, but it does so in a specific way. It does not diminish or undermine them in any way, as both the sociologist and the historian who study the Axial Age will continue to ask their customary questions. In the process of transcending the usual boundaries, the reflection on the Axial Age promotes the grounding of other boundaries at a deeper level: as neither the historical evidence nor the article of faith is enough to grasp the concept of the Axial Age in its complexity, it only seems appropriate to evoke an even more original layer. In this sense, we see here "an exploration of ontology" at work. It remains to be understood how this can happen at a specifically philosophical level of discourse.

4. *Historisch* and *geschichtlich*

It would be prudent to first refer to the specific field of study that pertains to our current inquiry — namely, philosophy of history. The fundamental issues that arise within this discipline are naturally different from those encountered in other areas of philosophy, such as semiotics or aesthetics.

In our case, it could be argued that the essential purpose of every philosophical speculation on history is to find (or attribute) a sense and direction to it, a task that no empirical evidence can fulfill. On the contrary, philosophy of history must always navigate the tension between irreconcilable extremes, whether it be the opposition between man's individual freedom and the necessity of world history events (the individual and the universal, think of Kierkegaard *contra* Hegel) or the

dichotomy between man's active role in shaping history and the notion of a supernatural force (like divine Providence) that influences events at its whim. A philosopher who has a lot to say about (and against) history, the aforementioned Karl Löwith, puts it eloquently:

> The problem of history as a whole is unanswerable within its own perspective. Historical processes as such do not bear the least evidence of a comprehensive and ultimate meaning. History as such has no outcome. There never has been and never will be an immanent solution of the problem of history, for man's historical experience is one of steady failure (Löwith 1949, p. 191).

While it is not necessary to agree with Löwith to a full extent, it is important to acknowledge that the challenges here are particularly serious and do not lend themselves to conclusive solutions. History appears to be subjected to a fundamental ambiguity between the observable and the concealed, the totality of historical events that can be documented and the subtle undercurrents that disrupt the expected outcomes and result in a heterogony of ends. This duality is somehow inherent to any Western (and therefore Christian) perspective on history, dating back to Augustine and his *De Civitate Dei*. It is a challenge that every philosophy of history is bound to confront.

The case of Axial Age and axiality, with their combination of historical facts and matters of faith that does not lead to a confessional view, suggests that there is no need to pose the problem at a theological level and that another and more neutral — see, strictly philosophical — way to discuss it might be available. The notions we are thinking of are those of *historisch* and *geschichtlich*. Heidegger is in this regard an essential author, as Chapter 5 of *Being and Time* is especially dedicated to the problem of *Temporality and Historicity*. As it is not possible to revisit here Heidegger's entire discussion on the topic (which would also require further references to related themes, both within and outside *Being and Time*), it is vital to clarify the limits and scope of this reference. Our only purpose here is to find a few useful ideas for a more in–depth discussion of Axial Age; when viewed in isolation as a presentation of Heidegger's argument, the few hints that will follow would be largely insufficient, if not misleading.

With all that in mind, what we take into consideration is that the philosopher of Meßkirch makes a distinction between a "vulgar" concept of history (*Historie*) and the authentic historicity (*geschichtlichkeit*) of Dasein (Heidegger 1996, pp. 341–369). This difference will be of utmost importance while evaluating the true character of the Axial Age. What is not needed is the explicit evaluation that lies under the distinction; it is not necessary, and perhaps it is harmful, for our discussion to affirm that one level — the *historisch* and visible one — is less authentic than the other. The natural outcome of this position would be to consider *Historie* as the layer to be overcome as soon as possible to get to the true core of beings, to their inner and grounding *geschichtlichkeit*. Compared to the experience of real *Geschichte*, *Historie* risks being reduced to a sort of distraction, albeit inevitable to the human condition. It would remain valid for an epistemic purpose but would not offer any insight into the profound historicity that distinguishes Dasein from the other beings.

With the help of the Axial Age, we can overcome this dualistic perspective. From this perspective it is easier to see the decisive advantage that the Axial Age can offer to a philosophy of history: it is both *historisch* and *geschichtlich*. We could perhaps describe it as an image that makes the invisible visible, a device that lets the *geschichtlich* reach the surface of the *historisch*. And again, this has a lot to do with the duality of its nature. As it is both empirically grounded and embedded in faith, it is also possible for the Axial Age to be both a concept that belongs to a detectably *historisch* scheme of things and one that is profoundly *geschichtlich* (and therefore indiscernible). A direct connection between *historisch* and *geschichtlich* emerges as the former is grounded on the latter, but the latter needs the former to express itself, though always partially and inconclusively. It is not untrue, as Heidegger would say, that *Historie* and everything that is *historisch* is so because it is originally *geschichtlich*, temporal (Heidegger 1996, p. 345)[11]; but what is not sufficiently highlighted is that the *geschichtlich* shows a tendency to make itself visible — which is why it is also suitable for historiographical studies. Unlike Heidegger, who affirms that "the vulgar interpretation of the history of

(11) "The analysis of the historicity of Dasein attempted to show that this being is not "temporal" because it "is in history" but because, on the contrary, it exists and can exist historically only because it is temporal in the ground of its being".

Dasein" covers the authentic temporality (Heidegger 1996, p. 244), we now seem to be able to break the spell and suggest the opposite path: the Axial Age is the *historisch* event that uncovers the first level — that of *Historie* — making it possible to see its hidden and intrinsic *geschichtlichkeit*[12]. This act of uncovering, which goes against the ordinary tendency to cover, can "happen" and "take place" because it is neither exclusively historical nor confined to an ontological and unintelligible historicity. On the contrary, with the Axial Age a fertile communication between the ontological and the ontic is promoted; we finally have a privileged place to show the problem of historicity because both levels are displayed in full action and the alterity that surrounds each of them is manifested. The use of the notion articulates the inner ontological historicity that historical events alone cannot display with the historical manifestations that a purely ontological account of temporality is not able to provide for.

These conclusions are somehow similar to other Heidegger's remarks when the author of *Being and Time* affirms that "the historiographical disclosure of history is in itself rooted in the historicity of Dasein in accordance with its ontological structure" (Heidegger 1996, p. 358). The Axial Age could be very well interpreted as one "historiographical disclosure of history" among the others, as it could be argued for Renaissance or Enlightenment. As we have seen, many studies have already pointed that out. But the Jaspersian view is (at least potentially) much more ambitious: far from merely characterizing a certain philosophy of history, it leads us to reinterpret the notion as the very act of historical temporalization. The Axial Age is the openness of history because it is the only *historisch* and *geschichtlich* event of world history. Consequently, it is not only the chronological beginning of "man, as we know him today" (Jaspers 2014, p. 1), but also an active *origin*[13] that continues to influence the present and the future of

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(12) From this assumption it would be fascinating and perhaps very fruitful — as a proposal for future studies — to employ in this context another Heideggerian expression, that of *Ereignis* (event), which becomes significant after the *Kehre*; see in particular Heidegger 1989.

(13) Again, we believe that the notion of Axial Age could vastly benefit from the Heideggerian use of *Anfang, Beginn, Ursprung*, to better distinguish the multiple historical levels pertinent to the analysis; and perhaps Heidegger's argument, which admits a conscious disinterest in actual historical deeds (to favor *Seinsgeschichte*, the history of Being) could find an unexpected reinforcement thanks to a confrontation with the idea of Axial Age. On these topics see Schürmann 1982 and Zarader 1986.

humanity — be that in the way of a precise model to be followed, or perhaps as the feeling of an absence, of something that we are currently missing, and that we need to regain[14]. In this regard, the fascinating outcome is that we do not need the Axial Age to be a historically rigorous model in order for this potential to remain valid; we only need it to maintain its internal empirical feature. In a Jaspersian perspective, the condition is fulfilled.

5. Concluding remarks

Starting from Jaspers' reconstruction and proceeding to contemporary assessments, the notion of Axial Age shows an intricate and multi–layered character. It may serve exclusively epistemic functions, as it happens in much recent research, but its descriptive account often covers a hidden (or not so hidden) valuative core. The Axial Age is the time of man's discovery of himself, his problematic condition, and the encounter with Being. It is a breakthrough of both cognitive and spiritual capacities and for this reason, however difficult and painful, is always preferable to a stagnant state of "un–problematicity" and unchallenged comfort. It therefore often becomes a normative parameter through which it is possible to judge present times and propose new directions of thought or even practical solutions (especially in the fields of interreligious and intercultural dialogue). Its duplicity can and must be displayed on multiple levels: Axial Age is both an empirical description and a fideistic (or mythical) feature. We would not venture to state that the concept is transdisciplinary, despite calling upon historians, sociologists, philosophers, and other scholars from human sciences and promoting further reflections on the related theoretical boundaries; nonetheless, transdisciplinarity seems to capture many of its essential features.

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(14) It is especially significant that Jaspers did not believe that in present times a second Axial Age was happening. The many technological novelties, however radical and important, could not alone assure renewal of the human spirit; for that reason, interestingly, contemporary times could be compared to the first and only other "Promethean Age", the one that happened in prehistory when man discovered fire, became able to manage tools and the first elements of language were generated (Jaspers 2014, pp. 96–125). Even in a "best–case scenario" the next Axial Age is set in an unspecified future.

We have then shown that this duplicity has a specific philosophical significance. From a Jaspersian perspective, the Axial Age is presented as both a historical — however debatable — event and an ontological claim that makes historical events possible; it includes both Heidegger's poles (*historisch* and *geschichtlich*) and it does not only hold them together but also shows a way to articulate their "ontological difference". In a sentence: the Axial Age might be the opening of history as we know it today, but it is more important to note that axiality can be read as the openness of history itself, its original historicity. For this reason, it is a model — not necessarily the best or only, but still a highly effective one — to display the multiple levels related to what we summon under the word "history": its virtuality, its possibilities, its necessities. It could be even suggested that Axial Age functions as a sort of "ecstasy", a unit of temporality, as it narrates about a distant past (first layer) which sets a goal for the future (second layer) and still lingers in the present, as a "presence of the absent" (third layer) and for that reason can fully portray the historicity of human being, its constant tendency to go "outside of itself" (Heidegger 1996, pp. 297–306). Perhaps here lies the enigmatic and fascinating character of the idea of the Axial Age, one that continues to inspire new reflections.

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TRAIETTORIE DEL NICHILISMO
APPUNTI SULL'ETICA MODERNA

Nicolò Germano

ABSTRACT: This paper aims to outline some aspects of modern ethics as it has declined from Kant to Nietzsche. A direct comparison with these authors makes it possible to grasp the agonic and multifaceted character of modern ethics, with particular regard to its relationship with religion. In particular, it is the problem of nihilism that is briefly outlined here, as the proper habitat and condition of modernity, and thus of its ethics and religion.

Il presente saggio si propone di tracciare, all'interno del complesso panorama dell'etica moderna, alcuni tragitti attraverso i quali delineare una possibile storia del pensiero etico e religioso nella modernità. Un confronto diretto con autori quali Kant e Nietzsche abilita l'interprete a meglio comprendere il carattere stratificato, sfaccettato e agonistico della modernità e delle sue teorizzazioni, sorte, l'una come le altre, all'interno della dialettica storica e destinale del nichilismo.

KEYWORDS: Ethics, Philosophy of Religions, History of Ethical and Religious Thought, History of Philosophy, Modern Philosophy

PAROLE CHIAVE: Etica, Filosofia delle religioni, Storia del pensiero etico e religioso, Storia delle Filosofia, Filosofia moderna

> The void awaits surely all them that weave the wind
> J. JOYCE, *Ulysses*

1. Etica e nichilismo: istantanee dal moderno

Nel tempo, nell'epoca — *epoche* che è sospensione, rottura, crisi — del nichilismo, l'etica, e con essa la morale, la religione, certamente le arti

165

e la letteratura in quanto modi propri dell'umano, sono come sospese sull'abisso, su di quel vuoto originario dal quale pure, ora, esse sembrano prendere forma. Di abisso in abisso, l'uomo moderno necessita di un più profondo inveramento dell'*habitus* etico suo proprio, col quale rivestirsi per essere protetto — senza perciò esserne mai garantito — dagli attacchi e dai morsi dell'insensato che intride la sua esistenza, come il veleno mortale del mito permeava la tunica di Nesso. Tuttavia, manca al moderno, come mancava all'Ercole narrato da Diodoro, l'antidoto: la morale e la religione sono anch'esse *mises en abîme*, le loro risposte, vegliate dall'alleanza scolastica, di matrice tomista, tra naturalismo e metafisica ontologistica, cadono dinnanzi al variopinto e caotico spettacolo della modernità. Tali certezze si trasformano in inquietanti domande, rinvengono addirittura il proprio statuto veritativo — di una *verità* che è un *farsi verità* — nell'incessante domandare, più sommesso murmure disseminato nell'arte, nella letteratura, nella scienza. La filosofia, e la filosofia morale in particolar modo, ritorna così alla sua prima figura, troppo spesso, nel corso e nei ricorsi della sua storia, dimenticata e trasfigurata: è domanda la parola originaria, variamente esplicitata (o non esplicitata) "in *invocazione*, in *interrogazione filosofica*, in *meditazione poetica*, in *anelito mistico*, in *volontà operativa*", sempre "volta comunque all'instaurazione dell'assoluto"[1].

A ben vedere, il moderno si struttura proprio a partire da una mancanza di struttura, dalla perdita del fondamento primo e inconcusso, in virtù di "un pensare senza fondamenti, che apre il discorso filosofico della modernità"[2]. È la sgomentante domanda, formulata inizialmente da Leibniz nei *Principes de la Nature et de la Grâce* (1714), che si chiede "perché sia qualcosa piuttosto (*plutôt*) che il niente", ad aprire, approfondendola, la ferita narcisistica di un'umanità che si voleva al centro del cosmo, e che si ritrova invece sola tra soli, orfana della propria essenza tolemaica; se la cosmologia è ancora possibile — c'è di che dubitarne[3] — essa non potrà che essere "cosmologia del nulla"[4], consa-

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(1) Caracciolo (2010), pp. 83–93, qui p. 88.

(2) Mora (1991), p. 99; cfr. anche Id. (2019), specialmente pp. 19–26.

(3) Cfr. almeno Piovani (1966), pp. 105–124, in *concordia discors* col testo caracciolia-no (*La religione come struttura e come modo autonomo della coscienza*) col quale, qui, Piovani si confronta.

(4) Sini (1981), p. 67.

pevole accettazione del nichilismo che fonda, sfondandola, la modernità. Epoca, allora, tutta sotto il segno del più inquietante degli ospiti, che cerca *eticamente* di muoversi sull'incerto tracciato della riflessione ad essa sempre idealmente contemporanea, con la quale tentare di dare sistemazione teoretica — e pratica — a quel disorientante, poco familiare perché volutamente poco praticato (*das Un-heimliche*) *plutôt* che alligna nel suo corpo, che ossigena la circolazione sanguigna del moderno. *Fragen* che si configurano storicamente, ma senza in esse risolversi, nelle *Grundfragen* scandagliate dalla tradizione filosofica moderna, quasi una corda tesa tra Leibniz e Heidegger, che forsenna e impazzisce il pensiero moderno, da Kant a Nietzsche, da Kierkegaard a Jaspers[5]: la domanda fondamentale — il cui spirito vive sempre al di là della lettera, la cui formulazione è tanto diversa, *différante*, da non potersi mai esaurire in una data espressione, alla quale pur deve essere, nella sua oggettivazione, ricondotta[6] — diviene pertanto *cifra* della condizione umana nella modernità, del mistero che ammanta il Nulla[7] dal quale sorgiamo, verso il quale torniamo, al quale agonicamente, sulla nera terra, tra resistenza e resa, tendiamo.

Con Weber possiamo veramente dire che "è infine una verità di tutti i giorni che qualcosa può essere vero sebbene e in quanto non sia bello, né sacro, né buono"[8], una verità nella quale alita certo, in timore e tremore, il soffio del nichilismo. *Nichilismo* che tuttavia non si ha (perché non lo si può) da interpretare esclusivamente nella sua *facies* negativa, ne*c*ativa: un più alto Nulla vive e traspare da codesto -ismo, un Nulla che è lo spazio, storico e trascendentale, inabitato dalla modernità, "uno spazio che nientifica il cosmo"[9], in cui tutto, nel suo fondo senza fondo, si iscrive, dalla domanda metafisica all'invocazione, dalla

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(5) Ci permettiamo di rinviare, a tal proposito, a Germano (2022), specialmente pp. 67–81 (*La "domanda fondamentale" e le sue formulazioni*).

(6) Riteniamo si debba intendere in questo modo quanto, "im Schatten des Nihilismus", scrive Caracciolo (2010), pp. 103–115 (*Esistenza e trascendenza in K. Jaspers*), specialmente pp. 103 e sgg. (il saggio si può ora leggere anche in Id., 2006, pp. 177–187), dove il filosofo genovese enuclea i due poli esperienziali strutturali dell'uomo, coinvolti pertanto nella formulazione della *Grundfrage*, paradigmaticamente rinvenendoli nella sapienza greca: "La vita come male: il non essere meglio dell'essere. La vita come dono, anzi il massimo dei doni" (ivi, p. 104).

(7) Cfr. Welte (1983), specialmente pp. 32–37.

(8) Weber (1948), p. 31.

(9) Caracciolo (2000), p. 163 (ma cfr. l'intero capitolo *La filosofia come metafisica*, pp. 57–169).

creazione poetica alla rivolta disperata e infine umanamente disperante contro le radici ontologiche del male. Il Nulla, sempre dialetticamente in rapporto col niente, col "No" bestemmiato dinnanzi all'imperativo dell'Eterno, dischiude la possibilità di ogni umano fare nell'orizzonte della modernità, apre alla possibilità di una nuova religiosità (anche e soprattutto dopo la religione), instrada l'uomo contemporaneo alla ricerca di una nuova etica, certo rigorosa e difficile, ma pure l'unica etica nella quale egli possa rinvenire e far rivivere la scintilla che giace nel *Grund der Seele*, sempre in procinto di spegnersi, di tingere di un colore ancora più cupo l'incerto avvenire. Resta ora da seguire un poco più dappresso il dispiegarsi storico del nichilismo, il suo dipanarsi quale filo sul rocchetto della filosofia moderna, con i suoi necessari rivolgimenti nella storia della cultura (religiosa, artistica, letteraria, poetica e scientifica), momenti distinti ma mai separati né separabili dalla filosofia. Resta il sospetto che la natura straordinariamente proteiforme della modernità, come Odradek nel racconto kafkiano, rimanga infine celata — "non si fa prendere"[10] —: è ancora la constatazione della sua inafferrabilità a ingiungerci di continuare, di non dismettere l'interrogazione, di presentarci ancora sull'orlo insondabile dell'abisso, quando calano le tenebre e tutto sembra perduto, per chiedere alla sentinella quanto ne resti della notte.

2. Traiettorie del nichilismo

Giano bifronte, il nichilismo è un fenomeno carsico che accompagna lo scorrere della storia e del pensiero: che l'attestazione del lemma si imponga in epoca moderna, all'incirca nei dipressi della Rivoluzione francese, è un dato che dà da pensare. Ma *cosa* pensare del nichilismo? Si può pensare come termine corrispettivo del nulla e della sua storia, intendendolo pertanto come immediatamente collegato all'ontologia, seppur *sub specie negationis*, quale me-ontologia? Certo, il nichilismo, teoreticamente, non può essere scisso dal negativo dal quale è incistata la riflessione umana (occidentale come orientale) fin dai suoi primordi, ma tuttavia, proprio in virtù della sua specificità moderna, occorre qui

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(10) Kafka (1991), p. 170; cfr. Crescenzi (2023), pp. 126–127

ripercorrerne alcuni *Kerne* tangenti e intersecanti la modernità filoso-
fica, per saggiarne circospettamente i punti di consistenza, di coagula-
zione e di dissolvenza. In altre parole, per tentare di cartografare alcune
sue traiettorie nella modernità. L'istantanea fotografata potrà far cadere
l'aura mitica che sovrasta il moderno, "dove ci appare una catena di
eventi, egli vede una sola catastrofe, che accumula senza tregua rovine
su rovine e le rovescia ai suoi piedi"[11], ma non per questo dovrà fuggi-
re, come l'Angelo benjaminiano, dinnanzi al paesaggio che ha ritratto,
"poiché nelle cose morali non vi è posto per la neutralità"[12]: con il
suo obbiettivo essa deve inquadrare e catturare una nuova aura, senza
soccombere (né trionfalmente accettare) allo choc, tentando così una
nuova ri-mitologizzazione del mondo, del moderno.

Conviene pertanto incominciare da Kant, con la cui fortuna pur si
apre, in filosofia come in letteratura (con Kleist, sul quale ritornere-
mo), la ricezione moderna del nichilismo, del nichilismo come risulta-
to della modernità. L'escatologia trascendentale tratteggiata ne *La fine
di tutte le cose* (1794), per potersi concettualmente pensare, non può
prescindere dagli accenni escatologici[13], *novissimi*, di già presenti nelle
Critiche, e specialmente — per l'influenza che essa avrà nella *Kehre* ide-
alistica — nella *Critica della ragion pura* (1781; 1787²). Nei suoi esiti
apertamente scettici, è la Ragione (*Vernunft*), nel superamento dell'in-
telletto (*Verstand*), a inabissarsi, ammutolendo di fronte all'intrico in-
dissolubile delle antinomie. Le idee di anima, mondo e Dio reclamano
un'universalità che sia, sinteticamente, anche totalità[14], ma mai nessu-

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(11) Benjamin (1962), p. 80.

(12) Kant (2006), p. 44. Se abbiamo ben cercato la prima traduzione italiana del testo kan-
tiano, condotta da C. Angelino e M. Bandini, è stata pubblicata in Angelino (1979), pp. 118–
136, significativamente accompagnato da riproduzioni di opere di P. Klee.

(13) Si rimanda a tal proposito a Cunico (1992), pp. 217–245. Si tenga anche presente
il bel libro di Desideri (1991), specialmente pp. 127–188, nonché il saggio di Tagliapietra in
Kant (2006), *Kant e l'Apocalisse*, ivi alle pp. 51–122.

(14) Kant (2005), pp. 251–252: "Questa quantità intera dell'estensione in relazione a una
tale condizione si dice l'universalità (*universalitas*). Ad essa corrisponde, nella sintesi delle intu-
izioni, la totalità (*universitas*) delle condizioni. Dunque, il concetto trascendentale della ragione
non è altro che il concetto della totalità delle condizioni per un dato condizionato. Ora, poiché
soltanto l'incondizionato rende possibile la totalità delle condizioni, e viceversa la totalità del-
le condizioni è sempre a sua volta incondizionata, un concetto razionale puro in generale può
definirsi come il concetto dell'incondizionato, in quanto contiene un principio della sintesi del
condizionato". Cfr., per quanto stiamo dicendo, il pensoso saggio di Venturelli, *L'idea kantia-
na dell'uomo*, in Id. (1989), pp. 9–53.

na intuizione sarà loro adeguata[15] in quanto nessun oggetto, adeguato ai sensi, può corrispondere alle richieste — allora veramente, perché criticamente, metafisiche — delle idee della ragione pura[16]. Esse, infatti, si involvono in antinomie per le quali il principio di contraddizione aristotelico (chiave di volta dell'edificio scolastico fino a Wolff, fino al Kant pre-critico)[17] non può più valere, e ciò perché lo spazio in cui esse sono accampate, l'*Ort* nel quale si librano è, criticamente, quello del trascendentale, del vuoto che ne permette la duplice articolazione e che non toglie, teoreticamente, validità a nessuno dei due corni, che pure dovranno essere praticamente vagliati alla luce di quel Sommo Bene che consentirà o dissentirà, *in interiore homine*, alla libera scelta per uno dei due. Codesti trascendentali, seppur appaiano alla filosofia critica come ultimamente inconoscibili, pur di necessità si impongono all'interrogare dell'uomo: impossibilitato a farne *Wissenschaft*, egli tuttavia non si appaga[18] — non lo può — della conoscenza che solo può provenire dal finito. Gettato nella finitezza, le idee trascendentali accennano a una ulteriorità della struttura umana che coinvolge fin nelle sue ultime fibre il *Fragen* che l'uomo leva, e che chiede "Che cosa posso sapere? Che cosa devo fare? Che cosa ho diritto di sperare?"[19].

Sono, queste domande, diverse declinazioni della *Grundfrage*, che si lega così alla destinazione etica e religiosa, metafisica e ontologica, dell'uomo e del genere umano; domande che, pur non potendo teoreticamente portare a una risposta sillogisticamente definitiva, squarciano nella loro relatività una possibilità di assolutezza (o, meglio, di incondizionatezza) che da esse stesse traluce, nella loro avventurosa posizione di confine che non consente di "varcare mai quei limiti, di là dai quali *per noi* non c'è

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(15) Kant (2005), p. 254.

(16) Diverso è il caso delle stesse idee considerate sotto l'aspetto pratico, "ond'è che l'idea pratica è sempre altamente feconda e, rispetto alle azioni reali, impreteribilmente necessaria" (*ibid.*, p. 255); cfr. in parallelo Kant, (1997), pp. 235–241 (*Dialettica della ragion pura pratica. I. Di una dialettica della ragion pura pratica in generale*).

(17) Cfr. Kant (2005), p. 82, dove il principio di contraddizione è detto mera condizione negativa di ogni verità logica, e pp. 143–144, per cui "la sua portata e adoperabilità non vanno più in là di un criterio sufficiente della verità".

(18) Si veda Venturelli (1999), pp. 101–126 (*Libertà, totalità, destinazione in riferimento costante a Kant*).

(19) Kant (2005), p. 495, dove è l'ultimo quesito, la possibilità o meno che qualcosa, ancora, si possa sperare, a compendiare e inverare le precedenti domande.

più se non lo spazio vuoto"[20]. Pure è questo spazio, infinito e "spauran-
te" come nella lirica leopardiana, la possibilità dei trascendentali; il vuoto
nel quale e dal quale sono organizzate e destrutturate le esigenze, teoreti-
che *e* pratiche, è il trascendentale, perché "per quanto vuoto, quello spa-
zio resta operante e a esso salgono, e da esso discendono, le *richieste ultime*
dell'uomo"[21]. Veramente assistiamo, con Kant, a una rivoluzione coper-
nicana che, se in prima battuta si configura come scientifica e gnoseolo-
gica, in ultima istanza non può che essere interpretata quale una rivolu-
zione nel campo dell'etica e della religione[22], una torsione dello sguardo
dall'oggettivazione cosmologica alla de-oggettivazione coscienziale (che
può anche portare, come ha portato, a una lettura soggettivistica, solipsi-
stica del pensiero kantiano), per cui il polo veritativo della legge morale,
delle sue massime, vive sempre *in novitate et libertate spiritus*, nella libera
accettazione accordata alla richiesta, comunque eccedente, della coscien-
za morale: "Nell'agire morale si dischiude il *Glaube*, il *Vernunftglaube*"[23],
fede che, rispetto all'agire, nasconde e assieme rivela la propria origina-
rietà ontologica, attraverso la quale risuona il duro avvertimento kantia-
no, sempre moralmente impegnante, mai rinunciatario: "non presumete
di intravedere il *senso* dell'esistere, di attingere *fede* in una redenzione
ultima e totale, di aprirvi alla *speranza* senza *impegnarvi* moralmente. Se
l'*azione* umana è cieca senza la *fede*, la *fede* non è prima e fuori dall'*azio-
ne*"[24]. Il carattere co-esistenziale, comunitario ed ecclesiale dello spazio
trascendentale kantiano — verrebbe da osservare: del *trascendentale rela-
zionale* —, di quel Nulla che è possibilità del tutto (ed è per questo ra-
dicalmente lontano, ma non senza rapporto, dal niente e dalla sua piena
stupidità) e della sua salvezza, lungi dallo sbarrare il cammino etico, mo-
rale e religioso della modernità apre invece nuovi sentieri, nuove e inau-
dite rotte per le quali ancora si devono scoprire i portolani.

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(20) *Ibidem*, p. 439.

(21) Celada Ballanti, *«In spirito e verità». La religione nel pensiero di Kant*, in Kant (2014),
pp. 5–43, qui cit. p. 11.

(22) Quasi superfluo è il richiamo a Kant (1995), pp. 45–52 (*Risposta alla domanda: cos'è
illuminismo?*), cit. p. 50.

(23) Caracciolo (1976), pp. 7–35 (*Kant e il nichilismo*), qui p. 27.

(24) *Ibid.*. Particolarmente importanti sono altresì gli studi caraccioliani raccolti da D.
Venturelli in Caracciolo (1995), soprattutto, in appendice, un appunto inedito del 1987,
Summum bonum e imperativo dell'eterno in Kant, ivi pp. 249–255 (nel volume è anche presen-
te il già citato saggio *Kant e il nichilismo*, alle pp. 209–227).

"Abbiamo lasciato la terra e ci siamo imbarcati sulla nave! … Guai se ti coglie la nostalgia della terra, come se là ci fosse stata più *libertà* — e non esiste più "terra" alcuna!"[25], scrive, nelle incandescenti vicinanze dell'uomo folle, Nietzsche, aprendosi così all'orizzonte dell'infinito, gaiamente danzando sulla bordatura del precipizio. L'oceano sul quale naviga è ora calmo come seta, nel tremolante chiarore dell'ora serotina, ma sempre giunge il momento (*Stunde*) "in cui saprai che è infinito e che non c'è niente di più spaventevole dell'infinito"[26]; nell'ora sesta o nell'ora nona, nel grande meriggio che prelude, *in nube et aenigmate*, al tragico sgretolamento della tradizione metafisica occidentale, il filosofo in quanto *Freigeist* si sente come "illuminato dai raggi di una nuova aurora"[27] e "il mare, il *nostro* mare, ci sta ancora aperto dinanzi, forse non vi è ancora stato un mare così 'aperto'"[28]. La vastità dell'orizzonte, di un orizzonte che Nietzsche riconosce non essere sereno — "Tu tremblerais bien davantage, si tu savais où je te mène", recita l'epigrafe del quinto libro —, immette il filosofo in una nuova, inquieta e inquietante, dimensione; quella dimensione, se non ci sbagliamo del tutto, che Kant, copernicamente, aveva tracciato, disegnandone la mappa, abbozzandone il romanzo che potesse fungere da *Leitfaden* nel dedaleo pluri-verso suggellato dal criticismo[29]. L'assunzione nietzscheana del trascendentalismo kantiano, pur sempre carica di un prorompente e non mai trascurabile afflato profetico[30], si fa eticamente e religiosamente compartecipe di quella "capacità di cambiare l'organizzazione dei nostri pensieri che ci permette salti in avanti"[31], o, se non di saltare, perlomeno ci consente di accettare il nuovo

(25) Nietzsche (1977), p. 162 (*Nell'orizzonte dell'infinito*, af. 124).

(26) *Ibid*.

(27) Ivi, p. 252 (cfr. anche, sempre ivi, pp. 251–252, af. 343, *Quel che significa la nostra serenità*).

(28) *Ibid*. Cfr. anche Nietzsche (1976), pp. 269–272, § 5, p. 271: "Se io sono amico del mare e di tutto quanto è di specie marina, e soprattutto amico, quando mi oppone la sua collera:/ Se in me è quella voglia di cercare, che spinge la vela verso terre non ancora scoperte, se nel mio piacere è un piacere di navigante:/ Se mai gridai giubilante: 'la costa scomparve — ecco anche la mia ultima catena è caduta — il senza-fine mugghia intorno a me, laggiù splende per me lo spazio e il tempo, orsù! coraggio! vecchio cuore', — […]".

(29) Sul "romanzo" filosofico kantiano scrive meditate pagine Derrida (2003), pp. 31 e sgg.

(30) Lo notava già R. Calasso, in risposta all'intervento di P. Lacoue-Labarthe (*La dissimulation. Nietzsche, la question de l'art et la «littérature»*): "Je crains qu'en ramenant tout à l'écriture on escamote un thème aussi essentiel que la prophétie", in Gandillac e Pautrat, éd., (2011), p. 57.

(31) Rovelli (2023), p. 59. Sul rapporto di Nietzsche con la scienza, cfr. Moiso (2020).

assetto, plurale, stratificato e prospettico, che caratterizza la modernità, senza per questo rimpiangere il presunto ordine metafisico dell'età scolastica. Il "piano inclinato", sul quale l'uomo rotola come una "x" in seguito alle rivoluzioni copernicane e kantiane, mentre non permette punti di appiglio saldi e duraturi, al contempo indica una nuova posizione dell'umano: navigatore *e* naufrago, il mare aperto lo sospinge verso un orizzonte che pure è preludio di *altro*, presagio confuso ma inconfondibile di una *superiore destinazione* che attende al di là del pericoloso viaggio. "*Sono arrivato fin qui per poter soltanto sentire il profumo sacro delle cose che vivono per poi essere trascinato via?*"[32] è una domanda che, sulla zattera alla deriva degli "ultimi uomini" come dei "futuri", non lascia spazio ad amarezze retrospettive; l'infaticabile (e in ciò veramente moderna) ricerca di Nietzsche si protende verso un attimo, un *Augenblick*, nel quale poter assaporare, nell'istante, il compimento dell'eternità, il saldarsi, il coagularsi — su di un vuoto — del metallo dell'anello, nella verità che lì vi insiede — e che è ricurva.

La porta dell'attimo, come insegna l'apologo dello *Zarathustra*, è stretta; passa per questa cruna solo chi abbia già udito, in timore e tremore, il mesto incedere dei becchini, il fragoroso calare della bara di Dio. Se Dio è morto, e resta morto, e noi lo abbiamo ucciso, ecco allora compiersi — è la storia dei prossimi secoli[33] — e inverarsi lo spostamento di baricentro dal Dio della tradizione scolastica e metafisica alla trascendentalizzazione dell'istanza religiosa, dell'imperativo dell'Eterno che rinviene il suo polo trascendentale nella coscienza del singolo, dell'individuo. E che pure immediatamente deve prolungarsi, come un'ombra che rechi in sé un messaggio, sul concreto contesto inter-personale, inter-relazionale nel quale solo tale imperativo può completamente dispiegarsi, anche *contra* Nietzsche, per onorarne, in spirito di *pietas*, la destinazione e il compito.

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(32) Crane (1897), p. 218.

(33) Nietzsche (2018), p. 3: "Ciò che narro è la storia dei prossimi due secoli. Io descrivo ciò che viene, ciò che non può più venire in altro modo: *l'insorgere* del *nichilismo*" (ma cfr. ivi pp. 3–79). Si ricordi quanto afferma l'uomo folle dell'aforisma 125: "'Vengo troppo presto' — proseguì — 'non è ancora il mio tempo. Questo enorme evento è ancora per strada e sta facendo il suo cammino — non è ancora arrivato fino alle orecchie degli uomini'", in Nietzsche (1977), pp. 162–164 (*L'uomo folle*), qui pp. 163–164.

Dov'è che ci muoviamo noi? Via da tutti i soli? Non è il nostro un eterno precipitare? E all'indietro, di fianco, in avanti, da tutti i lati? Esiste ancora un alto e un basso? Non stiamo forse navigando come attraverso un infinito nulla? Non alita su di noi lo spazio vuoto?[34]

"Unendliches Nichts" e "leerer Raum" sono gli agghiaccianti attributi della condizione moderna, spaventevoli sotto ogni riguardo, ma non per ciò meno reali, meno effettivamente operanti sulla storia della modernità quale storia del nichilismo, annunciata da Nietzsche, ma in cammino ben prima di lui. In questo senso, pertanto, la diagnosi nietzscheana conferma e convalida la rivoluzione kantiana, facendosi, il filosofo di Röcken, fine interprete e immaginoso cantore del trascendentalismo criticista, non rifuggendo dagli esiti anche sconvolgenti di quella proposta. La morte di Dio buca e trivella ogni fissità presenziale, tutte quelle ipostatizzazioni dogmatiche che hanno finito per fagocitare e infine ridurre a niente[35] la luminosa umbratilità, la presente assenza del Dio che veramente è *Deus absconditus*, Dio dell'infinito svuotamento kenotico, "in una sorta di risalimento-inabissamento alle Madri, goethianamente, per ritrovare nelle scaturigini la Scaturigine"[36]. Voragine che include in sé ogni possibile Pasqua, ogni epifania che preluda alla pienezza di senso; tuttavia non è Pasqua senza Croce, e la Croce può essere anche senza resurrezione, senza gloria, "il punto di incontro dell'*estremo della tenebra* e dell'*estremo della luce*"[37]. Se Nietzsche poteva dubitare, come dubitava nella notte senza fine della follia, di essere stato ben compreso, è nell'opposizione di Dioniso al Crocifisso il *signum contradictionis*, irrisolto perché ultimamente irrisolvibile, del nichilismo nietzscheano, vortice che rinserra in sé Dioniso *come* Gesù (forse più del Cristo), che può pensare essere, «Im

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(34) Ivi, p. 163.

(35) Con pensosa lucidità notava Piovani (2010), pp. 949–1054, qui p. 1009: "I pericoli del 'naturalismo' tomistico sono tanti da autorizzare il sospetto che tutto il Tomismo sia un tipico errore di lettura dell'*Esodo*. È il sospetto che Maestro Eckhart insinua con tanto sottile acume da regalare per secoli all'intelligenza cattolica più sensibile il dubbio che tutta la teologia positiva della Scolastica, per dimostrare troppo, nonostante le sue fortune ecclesiali (o grazie a esse) sia uscita fuori dell'orbita del cristianesimo. Per Eckhart *esse est Deus* significa che l'essere è soltanto di Dio, il solo che possa possederlo in proprio".

(36) Celada Ballanti (2020), p. 160.

(37) Caracciolo (1983), pp. 83–96 (*Cristologia e pensiero contemporaneo*), cit. p. 96: "la Croce in cui si consuma *l'estremo dell'iniquità umana* e si rivelano *gli abissi di negatività inclusi nelle strutture ontologiche dell'uomo e del mondo, strutture non modificabili per buona volontà d'uomo*" (*ibidem*).

Anfang», l'*Unsinn*, e non ὁ λόγος. È la tentazione, la tragica forza — anche la miseria — del carattere moderno dell'etica[38], finanche della sua stessa possibilità dopo lo *hiatus* scoperto tra Essere e Valore, quello catturato sismograficamente da Nietzsche. Il senso non risiede più in un al di là che è da sempre e al quale dobbiamo ritornare, bensì il senso si fa, se lo si può fare, solo a partire dal non-senso che ci precede e nel quale ci troviamo invischiati. L'eternità, sembra accennare *religiosamente* Nietzsche, è racchiusa sola nell'attimo, nell'istante che pur esperiamo in *questa* vita, non mai in un'altra — e allora veramente filtra quel flebile fiotto di luce pasquale anche nell'angoscioso abbandono del Venerdì santo, di un calice che è bevuto fino all'ultima goccia, perché non è stato possibile allontanare il fiele dal Figlio dell'Uomo. Debole prospettiva (anche e necessariamente, con Nietzsche, *contra* Nietzsche) di un'etica *umana* e *religiosa*, per come sono l'uomo *e* il religioso dopo la morte di Dio, nel tempo del nichilismo.

Di un genuino rinvenimento del carattere etico e morale che la rivoluzione criticista kantiana portava con sé, della virile accettazione, mai irenica né letificante, del pluri-prospettivismo veicolato dalla rivoluzione religiosa del moderno (nell'indisgiungibile legame tra storia e pensiero), di un marcato accento sull'individuo e sull'autonomia della coscienza, Nietzsche — di tutto questo — è stato profetico indagatore e attento interprete, non sempre compartecipe testimone. Il rischio del *solipsismo* (e non, mai, della *solitudine*) è, infatti, uno degli esiti più rischiosi, certo meno felici, dell'etica moderna. Solipsismo che vive in stretta relazione con quel *relativismo* incapace di accettare, del relativo, la relatività, perciò nuovamente assolutizzando, rendendolo incondizionato, il relativo (che pure per essere tale deve rimanere in relazione, e in relazione condizionata). Detto altrimenti, nel discorso kantiano (o nella sua interpretazione?) già alligna anche l'aspetto negativamente nichilistico della riflessione moderna, che proprio in reazione al martellamento criticista si trova costretto a rifugiarsi in un vitreo castello scientifico-sistematico, in una teodicea della storia e dell'individuo *als Begriff*, scordando che addirittura l'architettonica della Ragione, in Kant, veniva percorsa e scossa da un'interna, mai sopita, tensione,

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[38] Non inutile a tal proposito un analitico confronto con l'etica weberiana, come già sopra si accennava. Cfr. per ciò Pellicani (2016) e Campa (2016).

capace di portarla dinnanzi al vuoto sul quale pende, dalla mancanza da cui sorge, nel limite che inabita[39].

Si insinua, nella lettura esistentivamente compartecipe dell'opera kantiana, quel germe di *dubbio*, di *ignoranza* del demone socratico — *figura* costitutiva del filosofare — che ha effettivamente *hanté* molti interpreti di Kant, "quegli spiriti più attivi e più nobili"[40] per i quali il dubbio non solo non poteva stare nel principiare della meraviglia filosofica, ma soprattutto doveva essere pervicacemente allontanato dallo svolgimento del discorso teoretico e morale. "Sono quello scoraggiamento e quel disperare di tutta la verità come li visse, per esempio, Heinrich von Kleist"[41], per il quale, come egli stesso scrisse in una lettera da Berlino alla fidanzata Wilhelmine von Zenge il 22 marzo del 1801, dopo la lettura della prima *Kritik* del filosofo di Königsberg "il mio unico, il mio più alto scopo è crollato e non ne ho più alcuno"[42]:

> Poco tempo fa venni a conoscere la recente filosofia kantiana, e a te devo comunicare una delle sue tesi, poiché non temo che abbia a scuoterti così profondamente e così dolorosamente come è accaduto a me. … Se gli uomini avessero davanti agli occhi due vetri verdi, dovrebbero concludere che gli oggetti osservati attraverso questi vetri sono verdi, e non potrebbero mai stabilire se l'occhio mostri loro le cose così come realmente sono o non attribuisca ad esse qualche proprietà che appartiene non alle cose, bensì agli occhi. Lo stesso accade per l'intelletto. … vale a dire che non è possibile conquistare verità alcuna[43].

Kleist accenna pertanto a una scoperta sconvolgente, la rivoluzione kantiana, tale da cambiare non solo il corso dei suoi studi ma più

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(39) Kant (2005), pp. 518–519: "Si può dunque esser sicuri, per quanto facciano gli aspri e i severi quelli che non sanno giudicare una scienza secondo la sua natura, ma soltanto dai suoi effetti accidentali, che si ritornerà sempre a lei, come a un'amante che si sia rotta con noi; poiché la ragione, trattandosi qui dei suoi fini essenziali, deve lavorare senza posa a un solido sapere, o alla distruzione delle buone conoscenze precedenti".

(40) Nietzsche (1972), p. 379.

(41) *Ibid.* Su Nietzsche lettore di Kleist e, anche attraverso il filtro kleistiano, di Kant, cfr. Lachance (2015), pp. 135–162.

(42) Kleist (1985), p. 112.

(43) *Ibid.* Come ha sottolineato C. Cases, la *Kant-Krise* è stata la condizione essenziale per la scoperta della vocazione letteraria kleistiana, nonché il fondale dal quale le sue opere — di "un ossesso che rappresenta ossessi" — prendono forma: cfr. rispettivamente Cases (1981), pp. 79–91, specialmente pp. 79 e sgg e Mittner (2002²), pp. 866–904, cit. p. 868.

propriamente la sua stessa esistenza, la sua *destinazione*: "Mi sono aggirato indolente per la mia stanza"[44], e "un'intima inquietudine mi ha spinto a frequentare piccoli e grandi caffè, teatri e concerti per distrarmi"[45], pennellando quella *flânerie* che diverrà, da lì a poco, uno dei tratti più riconoscibili e distintivi della modernità[46] (quale epifenomeno del nichilismo, nel duplice intreccio, negativo e positivo, storico e ideale, tra modernità e nichilismo), dell'oggettificazione reificante operata dal mancato riconoscimento tra soggetti e al pervertimento feticistico del soggetto in oggetto tra oggetti, *facies* inquietante dello strapotere del niente nelle strutture economicistiche del mondo moderno, di quel nichilismo negativo che assedia e soffoca la *personalità* e il suo libero sviluppo, troppo spesso blandendola con allettanti stordimenti, innocui divertimenti che del tutto di-vertono l'individuo dalla sua concreta situatività etica e morale. L'etica moderna, accanto all'aspetto autonomo e agonico, include in sé, almeno per quanto la costellazione di autori sui quali ci stiamo brevemente soffermando lascia intuire, un'altra etica, costituita, pascalianamente, su di un "sistema di divertimenti"[47] nel quale veramente l'individuo soccombe e si annulla; ordine, quest'ultimo, tanto poco interessato all'individuo, al singolo — e alla sua portata immediatamente ecclesiale — da annegarlo o nel mito del collettivismo o in quello del solipsismo individualista, che ultimamente *omnino convertuntur*.

Certamente Kleist, nella crisi kantiana vissuta a Parigi, paventava, dietro la maschera della verità e della sua inattingibilità, anche queste conseguenze, solipsistiche, vitalistiche, negativamente nichilistiche, quali erano già state percepite dallo stesso Kant in relazione agli sviluppi fichtiani (o fichtisti) della filosofia della soggettività[48], e che trove-

(44) Kleist (1985), p. 112.

(45) *Ibid.*

(46) Tra i molti possibili autori (pensiamo in particolare a Simmel), si veda almeno per quanto stiamo dicendo Benjamin (1986), pp. 543–590 (*Il* flâneur); cfr. anche le riflessioni sulla *flânerie* in rapporto al nichilismo, e alla storia del nulla, condotte da Givone (1995), pp. 104–112 (*L'esteta, il* dandy, *il* flâneur, con un significativo accenno a Kierkegaard).

(47) Capograssi (1976²), p. 175. Il riferimento va naturalmente a Pascal, in particolar modo alla VII *série* delle *Pensées*, *Divertissement* (éd. Lafuma fr. 132–139).

(48) Cfr., tra gli altri luoghi, almeno Kant (1990), pp. 397–400 (*Dichiarazione relativa alla dottrina della scienza di Fichte*, del 7 agosto 1799), dove la *Wissenschaftslehre* viene espressamente giudicata "totalmente insostenibile", opera di "mera *logica*", per cui "ricavare da essa un oggetto reale è un'impresa vana", poiché "il discorso non verte su un oggetto giudicato, ma

ranno piena espressione, nel contesto della filosofia classica tedesca, nella lettera di Jacobi a Fichte del marzo del 1799, momento fondamentale anche per l'introduzione e, per così dire, la ratifica, nel lessico filosofico della modernità[49], del termine "nichilismo". Esso, com'è noto, è utilizzato da Jacobi per indicare il criticismo trascendentale kantiano e la sua logica trasfigurazione nel soggettivismo di Fichte, alla quale apertamente Jacobi muove l'accusa di nichilismo, opponendole il "chimerismo" che Fichte aveva rimproverato alla riflessione di Jacobi[50]. Viene pertanto così scoperto il nodo, complesso e ormai non più districabile, che congiunge, *via* Kant, trascendentalismo *e* nichilismo, etica *e* religione, che dalla rivoluzione kantiana conduce fino alla vuotezza dello spazio trascendentale del religioso apertosi e annunciato nella "dura parola" "Dio è morto".

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sul soggetto giudicante" (ivi, p. 398). Conclude l'*Erklärung* il proverbio italiano: "Dagli amici mi guardi Iddio, che dai nemici mi guardo io", sollecitando l'altrettanto categorico schiarimento fichtiano del 28 settembre 1799, pubblicato sull'*Intelligenzblatt*. Si veda su questo plesso di problemi il fine saggio di Venturelli (1999), pp. 129–135 (*Solipsismo e intersoggettività. Nota su Fichte*), specialmente pp. 129–131.

(49) Sull'origine del termine rimandiamo almeno a Volpi (2004), pp. 8–29, ed è da prestare particolare attenzione sulla sua possibile derivazione dall'area francese e rivoluzionaria, "dove è probabile che già Jacobi, avendo soggiornato più volte a Parigi, avesse avuto occasione di recepirla" (ivi, p. 25). Resta sempre valido, e non solo quando ci si occupa di storia semantica o di storia delle idee, quanto scriveva Spitzer (1967), p. 6, citato a tal proposito da F. Tessitore nei suoi accertamenti introduttivi sulle origini dello storicismo: "quel che più conta non è il fatto che in una data civiltà un certo concetto sia di fondamentale importanza, ma il modo in cui esso si è presentato in epoche diverse: il modo in cui si fece sentire il suo influsso nei particolari".

(50) Cfr. ora la traduzione condotta sull'edizione critica del testo, curata da A. Acerbi e introdotta da M. Ivaldo: Jacobi (2017). Una nuova visione del "senso religioso" in Fichte "emerge all'interno di un processo di chiarificazione sullo statuto della filosofia trascendentale nel suo rapporto con la 'vita', nel quale avrebbe certamente interagito anche la *Lettera a Fichte* di Jacobi del marzo 1799", nota M. Ivaldo (2007), pp. 97–112, qui p. 106, giacché le critiche avanzate da Jacobi riguardavano anche, se non soprattutto, il problema della religione, sul quale il filosofo di Rammenau si affaticherà nelle opere successive, dalla *Bestimmung des Menschen* (1800) alla *Anweisung zum seeligen Leben* (1806).

3. Ancora qualche interrogativo

> Siamo su un confine tremendo,/ tra un nulla e l'altro
> nulla, e non possiamo abbracciare/ il sacro cuore e i traf-
> ficanti di fede
>
> M. De Angelis, *Libertà vigilata*

Indisgiungibile dal moderno, storicamente e filosoficamente interpre-
tato, il nichilismo diventa parte integrante dell'esperienza etica e reli-
giosa, ne diviene perfino, come abbiamo tentato di dire, la condizione
trascendentale. Se l'*Ort* proprio dell'uomo contemporaneo *è*, come lo è,
quello spazio lasciato vuoto dal Dio della tradizione metafisica e scola-
stica, non più "alcuna stabilità immobile di un essere monotonamente
uguale a se stesso"[51] potrà inabitare trascendentalmente la coscienza
dell'individuo, nella sua dimensione irriducibilmente singolare, nella
sua immediata realtà ecclesiale e co-esistenziale. Non che per questo
nuove figure totalistiche non possano lì accamparsi; ma, a ben vedere,
la chiarificazione aperta dal moderno non può, di tale pretesa, ricono-
scere l'assoluta validità, accertandone, tutt'al più, la legittimità, la giu-
stificazione esistentiva che dalla garanzia e dalla certezza (con Jaspers:
dall'*Orthodoxie*) naturalmente provengono. La *Liberalität*, al contrario,
per esplicarsi necessita del naufragio (*Scheitern*), dell'inabissamento di
ogni certezza che si ponga quale *Absolutheit* irrelata, o meramente rela-
zionata nella sua struttura logica: "non nel godimento della perfezione
compiuta, ma lungo la via della sofferenza, con lo sguardo fisso sul volto
inesorabile dell'esserci del mondo"[52] è l'incerta condizione dell'*homo
viator*, dell'uomo quale precipitato — perché ne è essenzialmente il
precipitatore — della modernità.

Quali allora lo statuto, la posizione e il rapporto, nel moderno, tra
religione ed eticità, prese come sono sotto il segno ambiguo del nichi-
lismo? Forse che la religione si risolva nell'etica, nella concreta pras-
si morale? E che la religione si identifichi con ciò nella filosofia? Certo,

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[51] Jaspers (1972), p. 357.

[52] Ivi, p. 369. Sulla *Liberalität* si veda Jaspers e Bultmann (2018²), specialmente pp.
100–120, per le quali si rimanda, oltre alla densa *Introduzione* del curatore al volume (ivi, pp.
5–52), anche al fine saggio di Celada Ballanti, *Per un nuovo umanesimo*, in Id. (2012), pp. 188–
200, specialmente pp. 192–196.

"l'etica non cessa tuttora di apparire come la forza purificatrice e autenticatrice del religioso"[53], ma è l'etica, e solo essa, ad inverare la destinazione religiosa del filosofare?

> La religione conosce la dimensione morale non come l'unica, ma certo come una delle sue fondamentali vie al trascendimento. La morale riconosce la religione come uno dei modi del suo concreto essere. Non è certo un caso se la filosofia (la quale, se è momento avente una sua autonoma dignità e ragion d'essere, è nondimeno, nell'economia generale della vita autentica, anche propedeutica a un più alto più limpido più consapevole vivere etico e religioso) reca in sé, indisgiungibilmente congiunte, come sistole e diastole, due fondamentali domande: *quid agendum — ad quid istud agere et agi*, in cui consiste la realtà[54].

Non risposte definitive, ma pensosi e inaggirabili interrogativi continua a suscitare lo spazio religioso del moderno.

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(53) Caracciolo (1999), p. 17.
(54) Ivi, p. 38.

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LA PRESENZA DELLA SOLUZIONE GRAFICA
DETTA ODIGHÌTRIA NEL PANORAMA RELIGIOSO PUGLIESE
PROBLEMATICHE FORMALI E COMUNICATIVE
RELATIVE A UN PRODOTTO VISUALE DESTINATO AL CULTO

Antonio Pio Di Cosmo

Abstract: This contribution analyzes a cognitive methodology for the visual culture produced by the local Church and focuses on the development of sacred images in the North of Apulia and in particular, considers a peculiar type of icon, the *lectulum Salomonis*, which represents the Mother of God. The method recognizes basic aspects of visual production that concern the public cult in the *Capitanata* and *Terra di Bari* during the Late medieval period, as material and immaterial codes because these are useful to persuade the faithful, as users of visual documents. This research uses visual knowledge related to the epistemic categories of vision, which brings together the work of artists, who meet the needs of the clergy.

Il presente contributo propone una metodologia cognitiva per approcciare la cultura visuale prodotta dalla Chiesa locale e si focalizza sullo sviluppo delle immagini sacre nel nord della Puglia. In particolare, considera una singolare tipologia di icona, il cosidetto *lectulum Salomonis*, che rappresenta la Madre di Dio. Il metodo perorato considera gli aspetti base della produzione visuale che si spiegano nel culto pubblico della *Capitanata* e della *Terra di Bari* durante il periodo tardo medievale — investendone così le implicazioni materiali ed immateriali —, poiché tali prodotti sono percepiti come i più utili per persuadere i fedeli, in quanto fruitori dei documenti visuali. La ricerca si giova così delle conoscenze in materia visuale relative alle categorie epistemiche della visione, allorché orientano il lavoro delle maestranze che viene incontro alle necessità del clero.

Keywords: Visual Culture, Icons, Virgin Mary, Odighìtria, *lectulum Salomonis*

Parole chiave: Cultura visuale, Icone, Vergine Maria, Odighìtria, *lectulum Salomonis*

Il presente lavoro prende in considerazione una tipologia rappresen-
tativa mariana, che ha riscosso un grande successo nella Daunia e nel-
la Terra di Bari fra i secc. XI–XIII. Siamo di fronte ad un peculiare
typus dell'Odighìtria, la cui formula visuale viene declinata in forme
che definiremo sponsali o, come si vuole dimostrare di seguito, pre-
senta una particolare soluzione grafica denominabile quale *lectulum
Salomonis*. Raffrontiamo un motivo davvero fortunato e ragionevol-
mente ascrivibile al prototipo che può riscontrarsi in due icone assai
venerate dal popolo, come la cosiddetta Vergine di Siponto, collocata
nella cattedrale della città ai piedi del Gargano[1] e quella denominata di
Pulsano, custodita nella Casa Madre dell'Ordine dei monaci pulsanesi
(una congregazione che segue la regola benedettina) situata sul succita-
to promontorio[2].

Per meglio valutare l'effettiva incidenza della particolare formula
grafica entro il panorama devozionale dell'area di riferimento e la con-
creta capacità del modello di colonizzare l'inconscio dei fedeli, bisogna
considerare come ci siano giunti ben 8 esemplari che lo riproducono
sul totale dei 19 ascrivibili alla produzione locale basso medievale e so-
pravvissuti fino a noi (Aa.Vv., *Schede* 3–12, in Belli D'Elia 1988a, pp.
105–112). A questi si aggiunge un tardo esemplare della bottega del
Berlinghieri in area toscana (Garrison 1957–1958, pp. 261–267).

L'indagine viene condotta in modo innovativo con l'applicazione di
una metodologia euristica, che tiene conto delle acquisizioni dell'an-
tropologia visuale per decodificare, in ragione delle "*ways of seeing*",
i criteri di costruzione di questa tipologia di documento[3]. La com-
prensione di una strategia che coinvolge l'occhio — approntata nella
composizione del modello — risulta davvero utile per intendere le mo-
dalità con cui gli artisti tentano di ottimizzare la trasmissione di preci-
si messaggi, predeterminati in modo unilaterale e volti a persuadere il
fedele con i valori della religione. In assenza dell'applicazione di que-
sta nuova metodologia cognitiva, che tiene conto delle implicazioni e

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(1) Circa la storia dell'icona sipontina, cfr. Di Sabato (1935); Serricchio (1986, pp. 69–
100); Serricchio (1976); Mastrobuoni (1941, pp. 26–29).

(2) Per le vicende pulsanesi, cfr. Mattei Cerasoli (1939); Panarelli (1999, pp. 127–146;
1990, pp. 5–105 e 1997); Angelillis (1953, pp. 421–466); Cavallini (2002).

(3) Cfr. Berger (2015). Per meglio comprendere le ragioni di un nuovo approccio al docu-
mento visuale, cfr. Belting (2022); Canevacci (2001 e 2017).

delle potenzialità del *visus* nel processo di concezione e produzione del documento visuale, si rischia di non comprendere affondo il ruolo primario svolto dalla rappresentazione sacra, la quale costituisce un elemento fondamentale del sistema tassonomico, che sorregge la più vasta fenomenologia concernente la venerazione delle immagini e ne spiega la funzionalità entro le prassi del culto.

La metodologia approntata induce alla realizzazione di un grafico che permette la visualizzazione *per tabulas* della persistenza sul piano sincronico e diacronico di una serie di elementi o stilemi. Questi ultimi possono — di volta in volta — essere inseriti o espunti da uno schema descrittivo ritenuto quale modello "illustre", nonché commisti ad altre formule o elementi della stessa, aprendo così a nuove soluzioni o, almeno, a varianti di quelle già conosciute.

Si ricostruiscono, infine, con la metodologia tipizzata dalle tecniche di *networking* i possibili *clusters,* che strutturano la rete di interrelazioni, le quali permettono la diffusione di un simile modello sul territorio preso in considerazione e ciò anche a dispetto di altri altrettanto illustri.

1. Appunti per un metodo euristico di visualizzazione *per tabulas* relativo alla diffusione di una formula grafica di rappresentazione della Vergine

Al fine di ottimizzare i risultati della ricerca si sceglie di adoperare un metodo euristico che può essere utilizzato con successo su una grande varietà di media visuali e che nel caso specifico viene volutamente applicato ad una serie di esemplari di icone destinate al culto pubblico.

Nella presente sede si contempla una metodologia d'approccio ispirata alle categorie cognitive dell'antropologia visuale, che valorizza le tecniche di costruzione di una soluzione appositamente pensata per essere funzionale alla prassi cerimoniale. Occorre perciò partire da un assioma che traduce attraverso un codice convenzionale il "prototipo"[4] e lo mette in connessione con un universo di simboli, che il ritratto attrae

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(4) Per la *definictio* "prototipo", si evoca l'uso fattone da Giovanni Damasceno nel delineare con una difesa puntuale anche una teologia dell'icona, cfr. Giovanni Damasceno, *Terzo trattato in difesa delle icone*, 3, PG 94, coll. 1337 ab.

su di sé in ragione di una selezione operata "a monte" dai redattori del *dossier* agiografico a lui pertinente; simboli che si addensano e condensano attorno a lui in forma che potremmo definire "metastorica" (Faeta 2003, p. 118). Raffrontiamo un processo che è reso più evidente dall'anamnesi delle formule rappresentative in voga tra i secoli VI e XIII, laddove i segni si infittiscono intorno al corpo del rappresentato e controbilanciano lo svuotamento dello sfondo (*ibidem*). Siamo di fronte ad un sottile espediente come quello dell'accogliere l'oro nel prodotto visuale, quale colore sfavillante, capace di favorire la meditazione e di attualizzare innanzi a chi è assuefatto ad un determinato linguaggio la presenza effettiva di Dio nell'esperienza di santità del rappresentato, ottimizzando così l'efficienza "indicale" del documento visuale (*ivi,* p. 94). Il colore costituisce difatti un lemma dell'idioma simbolico della santità ed è il frutto di una selezione operata su un "sistema di segni" ritenuti "reverenziali" e non certo attribuiti dall'arbitrio. Questi sono riconducibili ad una consolidata tradizione e come tali sono agevolmente riconoscibili in quanto tipizzati (*ivi*, p. 102). Lo stesso accade alla prossemica inscenata, che tanto quanto i segni può essere ascritta ad un linguaggio semiotico altamente significante. Come tale anche la postura rientra fra i cosiddetti "segni di codificazione" fatti propri dallo *status* del prototipo rappresentato. A questi elementi grafici è affidato il compito di potenziare l'efficacia comunicativa di un'immagine, che punta ad assurgere a "espressione ierofanica" e a modulo ideale per la traduzione grafica nella sua datità fenomenica.

Ne deduciamo che il prodotto visuale costituisce una rappresentazione capace di catalizzare il "senso euristico" e di risolvere le problematiche implicite nel processo di "incontro" e "scontro", di "transazione" e "scambio", nonché di "negoziazione" fra forme e significati, che la sua concezione noumenica e la produzione materiale sempre presuppongono (*ivi*, pp. 109–110; vedi anche Merleau-Ponty 1979, p. 235). Dal punto di vista dell'occhio poi, la soluzione proposta al pubblico deve metabolizzare il complesso processo dialettico in cui si contemperano i "tratti subliminali", quelli "rimossi" e, persino, quelli "oscuri" presupposti al rapporto d'osservazione (Faeta 2003, pp. 109–110). Per tale ragione è possibile sostenere che il prodotto visuale, come la foto, costituisca una descrizione "densa" in cui possono coagularsi le

determinazioni consce ed inconsce, sia dell'autore, sia del committente e quelle tipizzate dall'interazione presupposta alle pratiche di rappresentazione e finanche di devozione (*ivi*, p. 102; Merleau-Ponty 1979, p. 176).

Occorre puntualizzare che l'applicazione di un metodo concepito per documenti prodotti da una cultura visuale diversa e realizzati con una tecnologia assai differente rispetto alle produzioni pittoriche prese in considerazione in tale sede, appare assai ragionevole, specie se si esaminano le molte analogie riscontrate[5]. E se si ravvisa qualche forzatura, ogni adeguamento o correzione viene apportato per favorire l'interazione sinergica con i criteri mutuati dall'archeologia e dall'esegesi storica, migliorando così la comprensione delle scelte formali e della *ratio*, che sorregge la selezione dei contenuti sul versante diacronico. Il metodo — così strutturato — permette di individuare dei punti che possono essere ritenuti fondamentali nella composizione della formula posta alla base delle due differenti tipologie di documento visuale. La prassi metodologica comune mira a decodificare quegli elementi posti all'attenzione dell'occhio, che somministrano al fruitore un messaggio predeterminato affidato al documento visuale. Permette poi di evidenziare il cosiddetto *focus* della composizione e le relative direttive che strutturano la soluzione grafica, su cui l'artista vuole dirigere — attraverso la captazione dello sguardo — l'attenzione del fruitore. Se ne evince che a medio delle posture e delle prossemiche dei rappresentati o addirittura attraverso le pieghe del panneggio delle vesti sia possibile delineare dei veri e propri vettori. Questi conducono l'occhio verso quelli che possiamo considerare i diversi "fuochi" della composizione, ovvero i punti dove si vuole che il fruitore rivolga nell'immediato il *visus*.

Di seguito si procede con l'analisi formale di una formula descrittiva o *typus* previamente isolata: l'Odighìtria/*lectulum Salomonis*, che costituisce il modello–base, il quale viene riprodotto nel lungo periodo nell'area di riferimento. Ciò avviene non senza qualche adattamento, che non solo concede progressivamente spazio alla sensibilità ed all'autorialità dell'iconografo, ma rispecchia anche le esigenze fatte proprie da chi commissiona l'opera e le eventuali necessità sentite da chi ne usufruisce.

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(5) Per i lineamenti di metodologia, si veda: Faeta (2006); Fragapane (2012); Grasseni (2008); Marano (2007); Pennacini (2005); Resta (2011).

Deve poi considerarsi che la diffusione di un *typus* su uno spazio più o meno ampio non implica necessariamente una disconnessione delle evidenze pervenuteci. Anzi, partendo dai dati in nostro possesso sulle differenti riproduzioni, si tenta di decodificare la rete di relazioni che ha permesso la diffusione di precisi modelli o schemi descrittivi su un'ampia area, perché provenienti da una "remota tradizione" o perché "illustri", quindi venerati. Questi vengono apprezzati dai committenti (specie di rango ecclesiastico), perché il loro culto è ritenuto oramai consolidato ed, al contempo, risultano accolti di buon grado dai fedeli, che pensano di poter ottenere giovamento dal loro potere taumaturgico.

Il metodo approntato risulta così utile ad ordinare questo variegato insieme di documenti visuali *per tabulas* e, nel caso di specie, ottimizza lo studio di una serie di produzioni visuali che, seppur vengono realizzate in Occidente e i loro produttori operano in un "clima fondamentalmente *occidentale*", tendono a radicarsi in consuetudini formali ascrivibili ad un "tenace bizantinismo" (Belli D'Elia 1988a, p. 24). Tale tradizione grafica, bollata quale "*maniera greca*", perdura nel più lungo periodo, nonostante i "disinvolti ammodernamenti" apportati da alcuni degli esponenti delle maestranze esecutrici, che si aprono agli influssi della *koinè* mediterranea e soprattutto della scuola toscana (Weitzmann 1979, pp. 71–77 e 1984, pp. 143–170; Belli D'Elia 1988a, p. 29). Siamo di fronte ad una complessa rete di contatti fra istituzioni e singoli personaggi, che permette la circolazione e lo scambio di *know–out* e *know–how* anche fra le odierne Puglia e Toscana. Tale possibilità è agevolata non solo dal documentatissimo flusso di pellegrini, che seguendo la cosiddetta via Francigena giungono al santuario di San Michele Arcangelo sul Gargano[6], ma anche dalla presenza di mercanti dell'alto Tirreno nei porti pugliesi[7]. Si pensa poi al proficuo spostamento di risorse umane provenienti dagli ambienti monastici, come testimonia

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(6)   La letteratura concernente il santuario garganico dedicato a San Michele è sterminata, pertanto, fra i molti, si cita il volume che traduce una *summa* della leggenda: Lagioia (2017). Si vedano anche: Otranto (1981, pp. 423–442 e 2000, pp. 10–18). Circa il pellegrinaggio al Gargano, cfr. Otranto e Vauchez (2007); Otranto e Carletti (1990).

(7)   Circa lo stato degli studi sui commerci nell'area di interesse, cfr. Abulafia (1991); Barile (2013, pp. 175–188); Rivera Magos (2008, pp. 63–99 e 2018, pp. 91–133); Ognissanti (1984–1985, pp. 9–51); Di Cosmo (2020a, pp. 195–220).

la diffusione dell'ordine pulsanese in Toscana e l'insediamento dei canonici lateranensi di Lucca nell'abbazia di Santa Maria di Tremiti nel 1412 (Panarelli 1997). Quel che accade negli ambienti monastici, parallelamente alla circolazione delle persone, favorisce la diffusione di modelli formali provenienti da entrambe le regioni e non esclude il sorgere di analogie grafiche nella produzione visuale o persino "filiazioni reciproche" o "parallele" (Milella Lovecchio 1988a, pp. 108–109).

Allo scopo di risolvere almeno parte delle questioni formali aperte, si delinea un approccio che permette di redigere uno schema grafico atto a definire sul piano bidimensionale le coordinate in cui possono collocarsi i differenti documenti visuali inequivocabilmente dipendenti dal punto di vista grafico. La traduzione *per tabulas* permette di considerare, attraverso quozienti numerici, l'effettiva aderenza del singolo prodotto a quello che è considerato il modello–base. Ciò rende più intelligibile il processo di diffusione e radicamento della soluzione grafica nell'area geografica e culturale di riferimento. In tal modo si può anche stigmatizzare l'attitudine alla perpetuazione di una precisa formula, che può essere agevolata non solo dal prestigio del modello originario — il quale solitamente vanta una generica provenienza da Oriente —, ma anche dalla sua capacità taumaturgica (presunta o ritenuta tale).

Per valutare l'indice di persistenza del modello base, si individuano allora due criteri fondamentali: l'aspettativa sociale del fedele a ritrovare l'immagine non solo venerata, ma anche dotata di poteri taumaturgici e l'aderenza alla consuetudine grafica cristallizzata entro uno specifico modello o *typus* "illustre".

Sulla direttiva dell'aspettativa sociale si osserva come il committente dell'opera (di solito un ecclesiastico) di buon grado fa proprio un modello venerato per venire incontro ai fedeli. In ragione del successo della soluzione grafica, sia chi commissiona, sia chi produce il documento visuale ha davvero poco interesse a proporre modifiche della formula. Violando la pedissequa aderenza all'effige–base, non solo si tradisce l'aspettativa del potenziale pubblico, ma si può pregiudicare la fortuna del prodotto, poiché la diversa formula non può essere ritenuta in grado di garantire un'eguale potenza profilattica. Pertanto, in questa parte del grafico le variazioni sono quasi inesistenti o, comunque, le possibilità di accogliere innovazioni sono ridotte al minimo. La ripetizione,

al di là della sincera fede o della superstizione dei singoli, è giustificata dalla conclamata efficienza del modello, in quanto atto a trasmettere messaggi predeterminati e sempre conformi all'*utilitas Ecclesiae*. Se il committente è invece identificato con un laico, si ravvisa una — pur teorica — possibilità di introdurre varianti allo schema base. Tuttavia, quest'ultimo solitamente fa pedissequamente proprio il modello venerato, perché ritenuto una *forma corporis* "privilegiata" del patrono particolare del singolo o del lignaggio a cui questi appartiene.

Di contro, si osserva come il fruitore, assuefatto alla convenzione rappresentativa e persuaso dal suo potere profilattico, non gradisca innovazioni che possono sminuire la notoria potenza dell'effige. Quest'ultimo — comprensibilmente — ha davvero poco interesse a mettere in crisi le sue certezze.

Sulla direttiva riservata alla consuetudine formale paradossalmente si riscontra un'alta possibilità di mobilità. Qui opera il maestro, il quale — in base alle sue capacità tecniche — traduce la formula, cosa che può introdurre una certa libertà interpretativa. Tale possibilità pone non poche problematiche, che concernono la decodificazione del vero modello–base. Questo perché il prototipo non è sempre identificabile nel meglio riuscito degli esemplari, come accade nel caso di specie. Accogliendo la tesi di Pina Belli D'Elia, si cerca di dimostrare come la particolare variante di Odighìtria analizzata vada ascritta ad immagini assai venerate (Belli D'Elia 1988a, pp. 20–21).

Il maestro nel riprodurre il modello–base si limita ad esercitare le proprie competenze pittoriche e nel disegno, cosa che lascia degli "spazi franchi", tali da permettere una rimodulazione della formula nella sua traduzione concreta. Ne deduciamo che il prodotto visuale non può mai apparire come una copia fedele. Ogni riproduzione costituisce allora un tentativo di pattuizione fra chi "scrive" l'icona ed i fedeli/fruitori, che concerne l'insieme di segni ed espressioni formali, i quali costituiscono la formula grafica prescelta. A corollario poi, si osserva la possibilità di un'erosione di alcuni degli stilemi e degli elementi simbolici, che ne caratterizzano il modello–base. E se da un lato la nuova traduzione può accogliere variazioni, bisogna considerare una costante, ovvero quel novero di segni "minimi" fatti propri dalla tradizione e divenuti indispensabili per identificare il *typus* in quanto tale.

Notiamo come i molteplici documenti visuali — diffusi su un determinato territorio — che imitano in modo più o meno pedissequo uno specifico modello–base, debbano necessariamente collocarsi verso il punto zero e ciò in ragione dell'alto quoziente di fedeltà del nuovo prodotto visuale. Diversamente, le variazioni apportate alla formula permettono alla singola soluzione di collocarsi sempre più verso l'estremo della direttiva riservata alla morfologia, dimostrando in linea teorica una possibilità di interazione altissima. La capacità della mano del singolo artista e le differenti tecniche di produzione da lui adoperate possono altrettanto evocare una qualche libertà transattiva. Di conseguenza, il grafico risulta in grado di "fotografare" un venir meno della forza coercitiva dei modelli, tale da rendere possibile un cambiamento–aggiornamento delle formule. Quest'operazione, che può realizzarsi in un periodo piuttosto breve o molto lungo, funge da indicatore di un qualche mutamento della percezione sociale, che permette la tacita accettazione della variazione, tale da ritenere comunque valida la rappresentazione.

La modifica funge da indicatore di una crisi concernente la funzionalità cultuale della soluzione, che deve essere interpretata entro l'economia del ciclo vitale del modello–base. Diversamente, la rottura più o meno netta con la soluzione grafica tradizionale segna l'inizio delle successive fasi vitali della formula. Ne discende che i modelli vengono sottoposti ad un processo di razionalizzazione di forme e contenuti, che ne rafforza l'indice di riconoscibilità nell'immediato.

Per converso, all'aumentare delle possibilità di transazione si riscontrano maggiori eventualità di alterazione della resa grafica ed il documento può essere collocato verso l'estremo della direttiva che misura l'aspettativa. Di conseguenza, al diminuire dell'aspettativa relativa ad un modello "illustre" — quale indicatore dell'indebolimento di un sistema di credenze —, si permettono innovazioni sempre più rilevanti, mentre il nuovo documento si alloca al limite estremo della direttiva della morfologia.

La collocazione nel grafico non solo permette di rilevare l'adesione al modello, ma fa luce sulla rete di relazioni sociali che permettono la diffusione e la fortuna di determinate formule grafiche. Offre pure la possibilità di visualizzare *per tabulas* la qualità e la quantità delle transazioni

intercorse fra fedeli/fruitori (che accettano l'immagine come venerabile) e il clero/laici committenti (i quali propongono la rappresentazione). Nondimeno, agevola la comprensione dei processi che portano alla rinegoziazione delle formule grafiche e dei significanti loro connessi. Ne deduciamo che l'analisi della distribuzione dei prodotti sul grafico evidenzia la capacità transattiva in capo al committente, che può scegliere di sperimentare nuove morfologie o decidere di ripetere pedissequamente il modello venerato. In capo a questi si paventa il "costo" sociale della propria scelta, quale possibilità di successo e/o insuccesso della soluzione e con essa del messaggio che si vuole veicolare a tramite della riproduzione pedissequa o dell'innovazione di un modello–base. Il grafico, attraverso un principio scalare, rende pure visualizzabile l'incidenza degli elementi innovativi e delle varianti sulle formule descrittive consuete. Nei punti estremi del grafico si ravvisa, oltre ad un'ampia possibilità di contrattazione, anche l'eventualità — seppur teorica — di tradire l'aspettativa attraverso la trasgressione della consuetudine visuale. Diviene così possibile evidenziare gli elementi grafici e contenutistici afferibili al modello venerato, che rimangono stabili nel lungo periodo e, al contrario, stigmatizzare i fattori variabili, i quali rispondono al contesto di produzione ed influenzano la resa del documento visuale.

Ne deduciamo che il potenziale di successo della variante grafica sta tutto nell'accoglimento della rappresentazione da parte dei fedeli/fruitori, i quali attraverso gli atti di devozione rivolti alla nuova soluzione recitano un ruolo tutt'altro che passivo, tale da aprire spazi per la sua diffusione.

Osserviamo poi che i dati sistematizzati nel grafico vengono ordinati a tramite di un diagramma. Questo permette di realizzare un'anamnesi delle affinità formali e di isolare i singoli *steps* d'evoluzione di una formula. La quale, dopo essere mutata, viene a volte ripensata e, persino, rifunzionalizzata rispetto alla soluzione originaria, al fine di ottimizzare le esigenze del committente e le necessità *in nuce* alla domanda sociale. Siamo così di fronte ad una questione che investe non solo le formule e la loro resa stilistica, ma elementi sostanziali come la fisionomia dei soggetti raffigurati, il panneggio degli abiti, la foggia e i colori delle vesti, nonché tutti i restanti attributi indispensabili ad identificare il rappresentato.

Più in generale, si segnala che l'eventuale intrusione di elementi estranei al modello–base, può provenire pure dal "basso". Ovverosia tramite delle infiltrazioni che soddisfano non solo le esigenze, ma anche il sentire estetico e lo spirito locale. Le possibili intrusioni costituiscono i punti più alti del diagramma e segnano con le forzature — più o meno esplicite — anche il momento di rottura con la tradizione formale, evidenziando così le tappe fondamentali del percorso artistico locale. Se ne evince che la visualizzazione *per tabulas* permette di ottimizzare la valutazione dei processi di continuità o di frattura, di sopravvivenza o di morte inaspettata dei modelli più illustri o più venerati in uno spazio in progressiva espansione.

1.1. *La produzione visuale pugliese fra i secc. XI–XIII: recenti acquisizioni, questioni di stile e formule di ispirazione romano orientale*

Occorre precisare che *a latere* del tentativo di ridefinizione della relativa cronologia del gruppo di dipinti su tavola da prendere in considerazione, si apre la questione concernente la più ampia produzione visuale pugliese. La nota espressione di Mario Salmi "la Puglia non è terra di pittori", fondata su una presunta datazione dei prodotti visuali non anteriore al Duecento, corrisponde oramai ad una posizione superata dalle acquisizioni della letteratura scientifica (Salmi 1919, p. 149). Già Belli D'Elia nel lontano 1988, dopo aver riassunto le diverse posizioni sulla questione — al cui saggio intitolato: *Fra tradizione e rinnovamento. Le icone dall'XI al XIV secolo* direttamente si rimanda — aveva postulato l'implausibilità di tale situazione, poiché è improbabile che ad una fioritura della plastica non si sia affiancata una produzione pittorica altrettanto efficace. La storica dell'arte stigmatizza la lacunosità delle informazioni in nostro possesso dovuta all'"oggettiva mancanza di materiali. Pure veniva da chiedersi [...] — se — in quelle chiese dal raffinato, prezioso parato di pietra calcarea, ricche di sculture e suppellettili marmoree ma quasi prive di segni sacri, fosse affidato il compito di suscitare la devozione dei fedeli, di indirizzarne la preghiera. Probabilmente, e lo si ipotizzò sin da allora, a dipinti mobili, cioè a icone su tavola. La deperibilità del materiale non ha permesso ad alcuna di quelle immagini di arrivare sino a noi. Ma indizi della loro esistenza

non mancano" (Belli D'Elia 1988a, p. 21). Un'esistenza avvallata anche dalle fonti locali, come la *Vita di San Nicola Pellegrino,* il quale arrivato a Trani sulla fine del sec. XI si imbatte in una processione in cui è trasportata una "*Virginis gloriosae imagine*" (*De vita S. Nicolai in Graecia ex relatu Bartholomaei*, *AA. SS. Giu.* II, pp. 231–238).

Maria Stella Calò Mariani, ben più di recente, testimonia quanto la realtà della produzione visuale nell'area da cui procede la ricerca, la Capitanata, fosse ben diversa per "densità e vitalità di esperienze nella sostanza paragonabili a quanto attestano l'architettura e la scultura coeve" (Calò Mariani 2009, p. 43). Sottolinea poi come i modelli provenienti dalla cultura visuale romano orientale nutrano una produzione che fiorisce ben prima del fatidico sec. XIII, come suffragato dai codici miniati "per esplicite parentele — con — icone e dipinti murali". Nonché grazie a centri ecclesiastici come le abbazie di Tremiti e Pulsano, la cattedrale di Troia, ma anche alle altre istituzioni legate alla Chiesa presenti a Foggia o San Lorenzo *in Carminiano*, laddove operano artefici dalla mano valente e prendono vita interessanti manufatti.

Sappiamo che l'arcidiacono Ascarus, tra il 1145 e il 1165, realizza presso l'*atelier* di San Lorenzo *in Carminiano* un Commentario Paolino (cod. VI B 3), ora custodito alla Biblioteca Nazionale di Napoli (Orofino 1991 e 1998). Negli ultimi decenni del sec. XII il *magister Sipontinus*, sotto il priore Giovanni, illustra il Martirologio del monastero di San Matteo di Sculgola di Dragonara (ms. Vat. Lat. 5949). Le sue rappresentazioni devono essere davvero in grado di colpire il fruitore del tempo, se si considera che il suo *scriptor*, Eustasio, lo definisce "*potens in sculpturis*". Ciò ha lasciato pensare — oltre alla forza plastica delle immagini da lui miniate — all'esercizio da parte sua della doppia arte di pittore e scultore (Pace e Condello 1993; Cavallini 2018, pp. 53–58).

Né si deve sottovalutare il ruolo degli Ordini religiosi cavallereschi, i quali permettono l'arrivo nell'area di reliquie, icone e manoscritti provenienti dall'Oriente, che arricchiscono la cultura visuale locale e fomentano il conseguente immeticciamento di formule e soluzioni grafiche, preparando così il *background* della più ampia produzione affermatasi dal sec. XIII in poi.

Non meno interessante risulta lo stato delle produzioni su tavola, come attestato dagli inventari dei beni ecclesiastici, visite vescovili e più

in generale dalle cronache, le quali ci riferiscono dell'esistenza di pregevoli effigi mariane. La più antica di queste a parere di Calò Mariani è la cosiddetta *Iconavetere* di Foggia databile al sec. XI, che si inserisce nel più ampio panorama sovraregionale della produzione di grandi tavole dedicate alla Vergine (Calò Mariani 2009, p. 45; Belli D'Elia 1988–1989). Ad epoca più tarda si riconduce diversamente il "raffinato bizantinismo" della Croce dipinta presente presso l'Abbazia di Tremiti, datata tra la fine del sec. XII e l'inizio del sec. XIII, la quale per Carlo Bertelli esprime il prodotto maturo del linguaggio visuale proprio dell'*Exultet* 3 di Troia e più in generale "corona" la produzione ispirata ai prodotti romano orientali presenti nell'area (Bertelli 1973, p. 233).

Si ricordano poi alcune immagini mariane andate perdute come la "*divotissima Imagine Beatissimae Virginis, ubi adest magnus Populi concursus cum devotione*" presso la chiesa di Sant'Egidio del Prato di Pantano, che dal 1086 è avamposto dei benedettini della casa di Cava dei Tirreni sulla via dell'Angelo, la cui produzione deve ragionevolmente collocarsi nei primi decenni del sec. XII. Nondimeno, si fa menzione di una Madonna "*pulchritudinis singularis*" venerata nel santuario di Santa Maria presso il Casale di Giuncarico, altra dipendenza dell'Abbazia di Cava dei Tirreni, donata da Roberto del Torpo nel 1081 ed occupata dal 1085 (Calò Mariani 2009, nota 5). Dunque, anche in questo caso l'immagine deve risalire ad una data non anteriore all'inizio del sec. XII. Diversamente, più lacunose appaiono le testimonianze degli affreschi anteriori al sec. XIII (Calò Mariani 2009, pp. 46–47).

È pure necessario osservare con Valentino Pace quanto la pittura pugliese, come più in generale la produzione figurativa d'origine italo–meridionale, solitamente qualificata come "bizantina" o "bizantineggiante", dimostri — invero — solo "generiche assonanze iconografiche, compositive o di *gusto*" e non certo "acclaranti confronti stilistici"[8]. Al contempo, ritroviamo formule che aprono a molteplici questioni concernenti la loro origine e, comunque, permettono proficui confronti con le produzioni visuali della Terra Santa. Colpiscono allora dettagli come la traduzione degli occhi "tondeggianti e sgranati", che rimandano ai "*rolling eyeballs*" delle icone del Sinai e si uniscono ad una "miscela

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(8) Si vedano i seguenti studi sulla pittura pugliese: Pace (1982, p. 181 e 1980, pp. 317–400). Vedi anche D'Elia (1975, pp. 151–168).

di Oriente e Occidente" per proporre al fruitore delle espressioni davvero composite (Weitzmann 1966, pp. 179–203). Raffrontiamo una realtà di fatto, che relega l'elemento della tradizione visuale romano orientale a mero schema formale, le cui *silhouettes* si colorano — di volta in volta — di accenti afferibili ad una *koinè* visiva diffusa su una più ampia geografia, squisitamente connotata da un sentire mediterraneo, capace di stemperare le idiosincrasie dei diversi apporti alloctoni.

1.2. *Il* lectulum Salomonis *e le strategie visuali: spunti di riflessione per una nuova metodologia d'approccio*

La ricerca concentra l'attenzione su una particolare variante di Odighìtria, che si inserisce in un nutrito novero di icone prodotte fra il sec. XI ed il sec. XIII. La formula visuale, le cui origini sono dibattute, si diffonde comunque nella Capitanata e nel nord della Terra di Bari. Gli stilemi che la connotano si richiamano poi, se non ad una tecnica pittorica di "*maniera greca*" come l'ha definita Kurt Weitzmann (1979 e 1984), per lo meno a quella "lingua franca" identificata da Hans Belting[9], la quale si dimostra composita e trasversale. A questo gruppo già isolato da Belli D'Elia vengono ricondotte l'icona di Siponto, quella di Pulsano, Canosa (Madonna della Fonte), Trani (Madonna della Fonte), Andria, Ciurcitano e le due di Corsignano (Madonna dell'Acqua)[10].

La peculiare variante, che risulta meglio leggibile con tutte le cautele del caso — nell'icona della Vergine di Pulsano, contempla una prossemica insolita e rimanda ad espressioni formali riscontrabili su una più ampia geografia. Osserviamo come la Maria ritratta non segua la gestualità ritenuta consueta per il *typus* dell'Odighìtria. Difatti, non addita il Figlio con la mano destra, né gli offre il gesto della petizione, ma lo sostiene piuttosto, mentre la mano sinistra gli cinge il petto. Notiamo come l'arto sinistro della Vergine sembri quasi uscire dall'ampia manica del candido *kitòn* indossato dal Cristo. La singolare formula è stata

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(9) Circa la "lingua franca" in pittura, cfr. Belting (1978, pp. 21–257 e 1982, pp. 2–5). Vedi anche: Pace (1993, pp. 71–89).

(10) Belli D'Elia (1988a, p. 20); Aa.Vv., *Schede 3–12*, in Belli D'Elia (1988a, pp. 105–112). Per la più generale funzionalità dell'icona della Madre di Dio nei rapporti sociali e di potere, si rimanda a Pentcheva (2006).

letta come espressione allegorica e ricondotta ad una tipologia identificata quale "sponsale", in ragione del dettaglio rappresentante la condivisione della veste. Eppure, tale definizione non sembra soddisfare la finalità affabulatoria della soluzione grafica. Bisogna allora concentrare l'attenzione sul braccio destro che sorregge il divino Infante, il quale non appare seduto come da consuetudine sull'evocativo "trono" costituito dalle braccia materne, ma pare piuttosto sdraiarsi, assumendo una posa alquanto rilassata e riconducibile alla formula grafica solitamente adoperata per descrivere un soggetto in stato di riposo o dormiente. Pertanto, la soluzione risulta alquanto singolare, se si considera che si afferisce ad un'immagine da offrire al pubblico culto e quindi non destinata alla devozione privata.

Dal punto di vista formale la *silhouette* del Cristo può essere ricondotta a modelli assai vetusti, che affondano nel *background* della produzione plastica ellenistica concernente il *locus* del sonno di Endimione, che giunge alla cultura visuale cristiana attraverso la mediazione dell'arte sepolcrale, la quale accoglie la formula per descrivere il profeta Giona in riposo sotto il pergolo (*Giona*, 4, 5)[11]. L'ambiguo modello, sia per la languida rappresentazione delle anatomie, che per il rovesciamento dei significanti che traducono in un "sonno beato", quello che deve essere un riposo "amaro" — stando a quanto sperimentato dal profeta per il pentimento di Ninive —, perde progressivamente ogni connessione con l'episodio biblico. Si deve però considerare come la cultura visuale del primo cristianesimo preferisca privilegiare i significanti relativi ad un "riposo felice", che — in quanto tali — hanno ottenuto ovvio successo nella produzione visuale connessa all'archeologia della morte. Ciò non deve stupire. La formula e la relativa postura devono apparire adeguati agli iconografi del Basso Medioevo a rappresentare anche l'altrettanto "felice" riposo del Cristo tra le braccia materne (Mathews 1995, p. 24). La letteratura patristica ha indugiato sul tema

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(11) Come asserito da Alfred Stuiber, la formula romano–ellenistica funge da *locus* formale largamente diffuso nelle rappresentazioni del mondo agro–pastorale che, con qualche accorgimento e non senza modifiche, come dimostrato da Pierre Prigent, viene tradotto per descrivere il sonno di Giona presso il pergolo. La soluzione costituisce a sua volta il prototipo formale che dalle produzioni visuali paleocristiane transita nella tradizione visuale romano orientale, che lo eredita. Cfr. Stuiber (1957, pp. 137–151); Prigent (1997, p. 172); Mathews (1995, p. 24); Bonansea (2013); Ravasi (2018, pp. 13–28).

della concezione verginale e la riflessione si è concentrata sulle potenzialità edificanti del grembo di Maria. Ciò sin dal tempo in cui Proclo di Costantinopoli ha introdotto l'epiteto di *Theotòkos* nella sua *Omelia sulla Madre di Dio*, poiché in Lei "avvenne l'inestimabile scambio: diede lo Spirito, prese la carne"[12]. Questi allora ricorre ad un'efficace metafora per esaltare la funzione soteriologica della Vergine, allorché afferma: "O seno che fosti talamo dell'argilla e del plasmatore" (Proclo di Costantinopoli, cit. in Di Nola, Gharib, Gambero e Toniolo 1991, 1, p. 565. Vedi Maggioni 1996, p. 99). Cirillo di Gerusalemme poi riferisce: "conveniva al Purissimo, al Precettore della purezza, d'aver origine da un talamo puro" (Cirillo di Gerusalemme, *Catechesi XII*, 24, PG 33, 757). La soluzione ritorna ancora in un'omelia attribuita a Teodoro di Ancira, laddove si sostiene, "la divina Vergine Madre fu interamente unta dalla santità dello Spirito Santo […] e così poté accogliere il vivente Dio Verbo entro il suo talamo verginale e profumato" (Teodoro di Ancira, *Homilia*, PG 77, 1397. Vedi anche Toniolo 2011, pp. 15–16). Osserviamo allora come la cultura visuale accolga il tema del riposo del Figlio di Dio e sviluppi una precisa metafora che fa del grembo della Madre il "talamo" ideale ad accoglierlo.

Al contempo, non è possibile negare che la prossemica del Cristo bambino inscritta nell'effige pulsanese paia pure evocare una scena del *Cantico dei Cantici*, la quale descrive la suggestiva e grandiosa epifania di Salomone, che appare al popolo di Israele sdraiato su una lettiga aurea e si reca alle sue nozze (*Cantico dei Cantici* 3, 7. Vedi anche Ravasi 2022, cap. 6). La posa delle gambe del Bambino, che contempla l'arto destro allungato, mentre il sinistro è leggermente flesso ed il piede indietreggia, può essere accostata alla miniatura rappresentante il Cristo/Salomone a corredo dell'*Omelia della Vergine del monaco Ἰακώβος τοῦ Κοκκινοβάφου*, datata al 1150 e conservata alla Bibliothèque Nationale di Parigi, poiché in effetti appare assimilabile negli atteggiamenti posturali. Bisogna specificare che qui non compare la Madre di Dio, la quale viene però evocata dalla metafora della lettiga (*Matteo* 12, 42), che trasporta su di sé ed in sé il Figlio di Dio, definito per l'appunto "*plus*

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(12) Proclo di Costantinopoli, *Laudatio sanctae Dei genitricis Mariae*, PG 65, 679–692. Proclo di Cizico, poi vescovo di Costantinopoli, tiene questa predica nel 428, attestando il consolidarsi della festa della *Theotòkos* (forse il 26 dicembre) all'interno del ciclo del Natale.

quam Salomon". Orbene, occorre puntualizzare che il passo dal talamo alla lettiga si dimostra essere breve, tanto che nei *Canoni in onore della Vergine*, opera dell'erudito patriarca Fozio, Maria viene acclamata come "divina lettiga di Salomone" (Photius, *Canon in Deipara* I, 7, 183. Vedi anche D'Aiuto 2004, pp. 257–300). L'epiteto compare pure in un'omelia di Atanasio di Alessandria in cui viene lodata come "lettiga dorata" (Atanasio di Alessandria, *Homilia In occursum Domini*, PG 28, col. 993 C). Osserviamo allora come la produzione letteraria, che riflette sul mistero dell'incarnazione, si concentri su alcune rappresentazioni in cui "il tipo e l'antitipo, il simbolo e la realtà sono congiunti ed immedesimati in un'unica rappresentanza, come nella scala di Giacobbe, nel rovo ardente, nel letto di Salomone, nelle quali la figura del Redentore comparisce insieme colle immagini allegoriche, che lo simboleggiavano" (Stornaiolo 1910, p. 7). Con buona probabilità gli iconografi — da identificarsi forse con le maestranze dell'*atelier* di Tremiti — ideano dunque una formula grafica capace più delle altre (e della cosiddetta Odighìtria in particolare) di far visualizzare il prodotto di tali elaborazioni, che rifunzionalizzano l'antico modulo descrittivo del riposo, rendendolo all'altezza di rappresentare significanti assai complessi e fatti propri dalle acquisizioni relative alle riflessioni mariane.

Per converso sul piano della produzione visuale, Belli D'Elia spiega come la formula alquanto insolita possa rimandare ad un'eventuale modello–base, costante in un'icona andata perduta, che è stata ripetuta in una miniatura di un salterio dipinto con buona probabilità nel sec. XI ed ad un affresco bulgaro dello stesso secolo sito nell'ossario del monastero di Bačkovo[13]. Ma non mancano esemplari in Occidente, come l'icona denominata "Imperlata" di Palermo, che viene datata al 1270 a dimostrazione degli intensi rapporti tra il territorio pugliese e l'antica capitale del Regno[14]. A quanto innanzi, si aggiunge l'icona rappresentante la Vergine ascritta alla bottega di Berlinghieri ed ora al *North Carolina Museum of Art*, che Edward Garrison ha forzatamente voluto

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(13) Belli D'Elia (1988a, p. 24); Boyadjiev (1981, pp. 61–72). Per i rapporti con la pittura romano orientale, si veda il saggio fondamentale di Lazarev (1967). Per la relazione tra la cultura visuale romano orientale e la produzione visuale dell'Occidente si veda un altrettanto fondamentale testo: Demus (2008).

(14) Belli D'Elia (1988a, p. 24). Per i rapporti con la pittura siciliana, si veda Travagliato (2007, p. 45); Travagliato e Sebastianelli (2019).

individuare con il modello–base da cui discendono tutti gli esemplari pugliesi (Garrison 1957–1958, pp. 261–267). Questi ha proposto una tesi che non convince troppo, sia per la cronologia relativa troppo tarda, sia perché non si è in grado di dimostrare l'effettiva influenza dell'immagine toscana su un'ampia area come quella presa in considerazione.

Urge osservare come la particolare prossemica delle gambe del divino Infante iscritta nel gruppo di icone di nostro interesse possa rimandare direttamente ad una postura che ritroviamo pure nella formula cosiddetta del Cristo *Anapesson* (occhio che veglia), la quale origina nell'ambiente monastico del Monte Athos fra il sec. XIV ed il sec. XVI. La soluzione grafica contempla il Cristo disteso su un'alcova, che riposa con gli occhi aperti, mentre sostiene il suo capo con il braccio destro, secondo una posa convenzionale utilizzata nella produzione visuale per indicare i dormienti. La peculiare *silhouette*, che si spiega alla luce di *Genesi* 48, 9, indica il Signore che è sempre intento a vegliare il suo popolo[15]. Non stupisce allora che il *typus* del *Anapesson* nel proporre al fruitore una situazione di riposo in cui versa il rappresentato, si limiti a ricorrere ad uno schema grafico convenzionale che, come tale, risulta assimilabile a quello delle icone pugliesi prese in considerazione. Entrambe, difatti, ripetono un modello di matrice imperiale, che mostra al fedele il piede per la venerazione, secondo il costume del "bacio alle sacre piante" introdotto da Giustiniano e assai criticato da Procopio di Cesarea (*Historia Arcana* 30, 21–26). Se ne deduce che pure la tarda formula grafica del *Anapesson* viene concepita ossequiando uno stereotipo visuale divenuto ormai imprescindibile per il fruitore, nonché realizzata interpretando moduli descrittivi tipizzati. Il ricorso a simili soluzioni rende il prodotto visuale sempre riconoscibile, perché si afferisce ad un immaginario oramai interiorizzato dai fruitori a causa delle reiterate ripetizioni. La posa delle gambe difatti rimanda ad un modello definitivamente fissato fra i secc. X e XI dalla tradizione e largamente diffuso nelle scene, che nella produzione visuale romano orientale contemplano un soggetto in stato di riposo. Ciò è dimostrato — a maggior ragione nell'area geografica di nostro riferimento — dal fatto che

(15) Il *typus* prevede una rappresentazione del Gesù infante, solitamente reclinato sul fianco destro, che si pone nella posa del dormiente, ma ha gli occhi aperti. Sovente compaiono gli angeli recanti gli strumenti della passione. La scena si ispira alla *Genesi* ed ai bestiari medioevali, laddove si racconta che il leone dorme con gli occhi aperti.

un'unica soluzione grafica, seppur con varianti minime, venga adoperata per tradurre una scena di riposo in ben cinque tra le formelle a decoro della porta di oricalco donata nel 1076 da Pantaleone dei Mauroni di Amalfi al santuario garganico di San Michele. Il manufatto accoglie due rappresentazioni del sogno di Giuseppe ed altre tre raffigurazioni delle visioni oniriche dell'Arcangelo dirette ad un anonimo vescovo sipontino, da poco identificato con Lorenzo Maiorano (Bertelli 2009 e 2022; Belli D'Elia 1999, pp. 3–9). Il paragone con l'ulteriore formula rappresentativa si giustifica allora entro una straordinaria continuità formale, che risponde e perpetra su una vasta area un modello conosciuto e facilmente riconoscibile, tanto da non ammettere equivoci di sorta.

Al contempo, consideriamo come la Vergine rappresentata nel novero di icone oggetto di indagine non si limiti ad incarnare una *figura Ecclesiae* e quindi la sposa, "adorna per il suo sposo" (*Ap* 21, 2), che quale regina veste in "ori di Ofir" (*Salmo* 45/44, 10), come indica la preziosa lacinia posta consuetudinariamente a decoro della veste della Madonna. Essa, in ragione della peculiare prossemica del Figlio, a parere di chi scrive, deve evocare piuttosto la "lettiga di Salomone". Pertanto, si propone l'innovativa definizione di *lectulum Salomonis* per identificare quella formula grafica. Raffrontiamo, allora, una tipologia di icona che si lega "a doppio filo" con il *Cantico dei Cantici*. La formula mette in scena innanzi al fedele/fruitore i sacri sponsali fra il Cristo e la sua Chiesa, impersonata dalla Vergine, attualizzando nei termini dell'*utilitas Ecclesiae* il tema centrale del *Cantico*. *Ad abundantiam*, si osserva come la rappresentazione venga pensata per parlare a chi possiede un livello di comprensione dei sacri testi davvero profondo, poiché la sua complessa *imaginerie* teologica pare rivolgersi a quelli molto colti. Tant'è che gran parte del suo contenuto può essere effettivamente percepito solo da coloro che sono tra i più avvezzi ad un raffinato linguaggio simbolico di matrice patristica. Se ne evince, di conseguenza, che la fin troppo ingombrante presenza di dettagli preziosi, come la profusione della porpora, il dispendio di oro della lacinia ed il moltiplicarsi delle stelle sul *maphorion* verginale (al posto del consolidato numero di tre), pare rimandare in modo davvero sottile ai preziosi ricami a decoro della lettiga[16]. Alla luce di questi dettagli che arricchiscono la

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(16) Come noto, il motivo delle stelle viene ripreso dalla cultura materiale della regalità

formula grafica con espressioni assai significative di un idioma simbolico condiviso ed utilizzato per animare le rappresentazioni del periodo — le quali vengono puntualmente decodificate —, diviene possibile aggiungere degli ulteriori indicatori ad effettivo sostegno dell'identificazione dell'immagine con un "sottoprodotto" delle suggestioni del cantico biblico. La formula grafica, difatti, pare metabolizzarle e presentare al fedele/fruitore una raffigurazione mnestica dei contenuti della prefata opera veterotestamentaria.

Colpisce poi un ulteriore dettaglio, che costituisce una costante capace di connotare la particolare traduzione del volto della Vergine nelle diverse icone. Questo si presenta "pesante" e "tornito" con le sue guance rosse, più o meno marcate nelle diverse riproduzioni, a dispetto dell'incarnato relativamente biancastro (Belli D'Elia 1988a, p. 24). Il naso è sottile e caratterizzato da una linea affilata, mentre gli occhi grandi e tondeggianti configurano una cifra di stile, che rimanda anche alle tipologie romane come quella dell'icona di Aracoeli, ad esemplari sinaitici e alla Vergine della lunetta del Monastero di Hosios Lukas in Focide[17]. Ne deduciamo così dati sufficienti ad anticipare ragionevolmente l'esecuzione del modello–base al sec. XI. Tale affinità formale ha permesso di estendere il gruppo a due altri esemplari di icone databili attorno al sec. XII–XIII, di cui ci è giunto il solo volto, come la Madonna di Banzi (Belli D'Elia 1988a, pp. 109–110) ed il frammento mariano bitontino ora al locale museo diocesano (Milella Lovecchio

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siriana, poiché utilizzato a decoro degli accessori delle principesse nubili. Esso, fissato nel numero di tre, deve indicare nel caso della *Theotòkos* la verginità detenuta prima, durante e dopo il parto. Il velo diviene allora un simbolo del cielo, che fa di Maria la tenda in cui dimora la divinità, meglio definita come "Tenda del convegno" (*Es 26*). Inoltre, il simbolismo del velo rimanda alla possibilità offerta al fedele di entrare nel Regno di Dio, "attraverso il velo, cioè la carne di Cristo" (Paul., *Eb.* 10, 20), ovvero a medio di sua Madre, in cui il Verbo si è fatto carne. Se ne deduce che la moltiplicazione delle stelle, oltre al riferimento ad *Apocalisse* 12, 1–2, rimanda sul piano della cultura materiale ai decori consueti nella produzione serica diffusa nell'ambito del vicino oriente e che si ritrova, come gli orbicoli, trascritti soli o nel gruppo di tre, tradizionalmente a decoro dei ricchi tessuti rappresentati nella produzione visuale romano orientale. Per l'iconografia mariana, cfr. Tea (1953); Bargellini (1954); Vloberg (1952, pp. 403–448); Cassiano da Langasco (1954, p. 666); Kirchbaum (1957, pp. 433–455). Circa la produzione tessile ed in particolare quella serica dei secc. XI–XIII, cfr. Maguire (1990, pp. 215–224); Muthesius (1992; 1997 e 2004); Netherton e Owen-Crocker (2007); Carile (1998, pp. 243–269); Carroll (1988, pp. 54–55); Thomas (2012, pp. 160–161).

(17) Per lo stato degli studi sulla pittura romana, cfr. Andaloro (2000a, pp. 147–151; 2000b; 2000c, pp. 43–45; 2002a; 2002b).

1988b, pp. 111–112), che non offrono garanzie sufficienti per poter essere inglobate con sicurezza nel gruppo rappresentante quella che si denomina del *typus* del *lectulum Salomonis*. E sebbene la posa del capo leggermente declinata e la resa fisiognomica lascino pensare ad ulteriori ripetizioni della soluzione grafica di nostro interesse, queste possono comunque essere ricondotte alla mera formula dell'Odighìtria, che presenta caratteri assimilabili nella postura e trova un riscontro precipuo nella Vergine di Sovereto, ora venerata nella Cattedrale di Terlizzi (Schirone 1988, p. 109). L'immagine è completata da due angeli nella posa della preghiera collocati ai lati del nimbo della Vergine.

Per quel che riguarda il piano visuale, si deve considerare come la formula grafica elabori per il *typus* una peculiare strategia per attirare l'occhio, che si differenzia da quella impiegata per una normale Odighìtria. E se il tipo "consueto", che nel caso di specie identifichiamo con la formula adoperata per realizzare la Madonna della Madia — veneratissima patrona di Monopoli —, si organizza attorno ad una serie di vettori, che sono indicati dalla postura della Vergine e dal panneggio delle sue vesti, per il gruppo di nostro interesse la tecnica adottata nella realizzazione della soluzione si dimostra davvero più complessa.

La Vergine della Madia, difatti, sfrutta come vettore principale per lo sguardo la prossemica tipizzata dal *typus* dell'Odighìtria, ovvero la mano distesa che addita al fedele/fruitore il Cristo–vera via e ripete il gesto codificato della petizione. Un'altra direttiva si individua poi nella profilatura che disegna il *maphorion* con cui si incornicia il viso materno rivolto verso il divino Infante. Anche la foggia della capigliatura del Bambino, resa alquanto compatta, pare indicare un possibile vettore, la cui funzionalità è rafforzata dalle sottili pennellate, che fornendo volume alla fronte, ne delineano il punto luce. Il quarto vettore si identifica, infine, nella mano sinistra, la quale regge il Bambino ed aiuta ad isolare quella che possiamo definire l'area di interesse per lo sguardo. Ai citati vettori, se ne somma un ulteriore, che viene individuato nella figura del piccolo orante in vesti color carminio aggiunto in seguito, come dimostrato dal restauro. La sua postura, difatti, aiuta a meglio isolare lo spazio di focalizzazione del *visus* predisposto dal maestro esecutore. Siamo di fronte ad una zona delimitata dal disegno dei due volti dei rappresentati, che è ulteriormente delineata dal gesto del braccio del Bambino.

Si permette così di fissare inequivocamente il fuoco compositivo nello spazio aureo tra i due capi. Ciò non deve meravigliare, poiché tale scelta è fornita di un alto senso teologico. La luce diffusa dal fondo d'oro rappresenta nell'immediato al fedele/fruitore una teofania e traduce attraverso i bagliori lo splendore della gloria divina, quale risultato della *sequela Christi*, che viene favoreggiata dalla Vergine. Raffrontiamo un fuoco che è maggiormente evidenziato anche dai piccoli angeli posti agli apici, i quali con la loro prossemica suggeriscono ulteriori vettori atti a evidenziare l'area di interesse del *visus*.

Diversamente nel gruppo di nostro interesse vediamo una diversa ponderazione delle spazialità all'interno della tavola, come dimostra l'esemplare ritenuto relativamente più antico di cui abbiamo conoscenza: l'icona della perduta Vergine di Pulsano. Tuttavia, sappiamo che l'effige è stata ridefinita nelle sue dimensioni da un taglio nella parte sinistra della tavola e ciò ha provocato un netto sbilanciamento della soluzione grafica verso il Cristo. Nondimeno, il paragone con le produzioni che ne ripetono il presunto modello, permette comunque di identificare l'area di interesse per lo sguardo nello spazio occupato dal divino Infante. La Madonna di Pulsano sembra addirittura costruita attorno allo schema della sezione aurea, che pare suggerito all'occhio nella parte inferiore della tavola dal movimento centripeto delle pieghe del *kitòn* e dell'*himàtion* del Bambino. Si segnala così un vettore dello sguardo connotato da un movimento ascensionale. L'area superiore viene invece dominata dalla curva delineata dal capo della Vergine. Questa chinandosi verso il Figlio mostra allo sguardo una direttiva visuale posta in soluzione di continuità, che scende seguendo i lunghi ricci dell'acconciatura infantile e prosegue idealmente nel disegno dell'ampia manica del vestito del Cristo. Da qui si congiunge alla direttiva ascendente già identificata. Consideriamo come la formula si organizzi attorno a questo movimento che coinvolge il *visus* col suo andare vorticoso e indirizza lo sguardo del fedele/fruitore verso la mano benedicente del Dio bambino, la quale si colloca proprio in mezzo all'area delineata dal movimento curvilineo. Raffrontiamo allora una scelta sagace e dall'alto senso teologico, che caratterizza la peculiarità della formula, poiché offre un rimando diretto a San Paolo, il quale riferisce come Dio abbia dato a Gesù "il nome sopra ogni altro nome" ed in forza del medesimo

nome si debba piegare "ogni ginocchio, in cielo in terra e sottoterra" (*Fil. 9–11*). Ne deduciamo che la formula offre ai fedeli/fruitori una potente teofania, che si concentra attorno alla prossemica della benedizione, tradotta nella tipologia "alla greca", rappresentante proprio il nome di Cristo. Per consuetudine le formule visuali ricorrono alla *loquela digitorum*, che non limita il suo senso all'*adlocutio*, ma è dotata di un alto valore simbolico–liturgico. Si rappresenta così un gesto complesso, che deve evocare all'occhio il monogramma di Gesù Cristo: "IC XC" o abbreviazione greca di tale nome. L'indice disteso sta per la I, mentre il medio ricurvo per il C, ovvero il sigma lunato. Il pollice e l'anulare incrociati indicano la X ed il mignolo ricurvo vuol significare l'ulteriore C, che chiude l'evocazione onomastica[18]. Ne deduciamo che la formula si organizza tutta attorno ad un movimento vorticoso, il quale — a differenza del tipo consueto — pone entro il limite segnato dal movimento tutti gli elementi essenziali alla comprensione della formula e procede verso il fuoco compositivo, concedendoli in un unico colpo d'occhio ai fedeli/fruitori.

2. Il *lectulum Salomonis*: una formula visuale di successo. Diffusione e fortuna di una soluzione grafica in terra di Puglia

Al fine di decodificare il fenomeno di diffusione del *typus* del *lectulum Salomonis* e di identificare quale sia l'effettivo modello–base da cui procede la fortunata irradiazione sul territorio di Capitanata e della Terra di Bari della relativa formula grafica, chi scrive crede sia opportuno procedere con l'analisi dell'icona della Vergine di Pulsano.

2.1. *Maria SS. di Pulsano*

La soluzione può essere considerata uno degli esemplari più antichi pervenutici e perciò annoverata con la Madonna di Siponto, quale capostipite del gruppo di icone che riproducono la peculiare tipologia

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(18) Se ne conosce un'ulteriore variante, che semplifica il movimento e si limita all'unione dei polpastrelli del pollice e dell'anulare. Circa la gestualità della mano, cfr. Dalli Regoli (2000); Morris (2020).

rappresentativa presa in considerazione. Ciò anche a dispetto della meglio riuscita icona della Vergine di Andria, che in ragione della sua squisita fattura è stata forse fin troppo frettolosamente identificata da una certa dottrina con il vero capogruppo della categoria tipologica indagata (Milella Lovecchio 1988c, p. 105).

Occorre premettere che la tavola è scomparsa nel 1966 a causa di un furto ed appare oggi ricostruibile solo in ragione di una fotografia degli anni sessanta, di una serie di descrizioni contemporanee, come quella di Ciro Angelillis (1953, pp. 459–460), o di epoca moderna, quale quella di Serafino Montorio (1715, pp. 688–690), che l'annovera tra le immagini oggetto di maggiore devozione esistenti nel regno napoletano. A queste si affiancano le riproduzioni novecentesche a scopo devozionale, pubbliche come il quadro conservato nella chiesa della SS. Trinità (o delle monache) di Monte Sant'Angelo o in possesso di privati.

Possiamo ritenere che un indicatore adeguato a giustificarne l'ampia diffusione possa identificarsi nell'autorevolezza del modello, che è dimostrata dalla tradizione, la quale le afferisce origini antichissime. Luigi Pascale la fa — forse fin troppo fantasiosamente — risalire al sec. VI, allorquando il duce di Siponto, Emilio Tulliano, usufruendo delle rendite di Silvia Anicia e di Giordano Frangipane, i genitori di Gregorio Magno, edifica un proto–monastero benedettino, che secondo la tradizione verrà anche abitato dallo stesso Gregorio, il quale qui sperimenta la vita eremitica[19]. L'immagine viene così considerata una delle sette effigi mariane di proprietà della famiglia del futuro papa. Altra tradizione pervenuta in Montorio, la vuole banalmente importata da Costantinopoli (Montorio 1715, pp. 688–690). Più interessante appare l'opinione di Armando Petrucci, il quale la mette in relazione con l'"*ycona superaurata ubi sculpta est ymago Sanctae Dei genitricis Mariae baliente XXX solidos*", che il vescovo Gerardo di Siponto commissiona nel 1068 all'abate Adamo di Tremiti e paga cedendo la terza parte della "*salina majora*" di proprietà della sua Mensa[20].

Se si considera poi l'aspra solennità del volto della Madonna, con gli

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(19) Circa le vicende del cenobio pulsanese, cfr. Sarnelli (1680, p. 75); Angelillis (1953, p. 422).

(20) Per l'attività del vescovo Gerardo e la commissione di immagini di culto, cfr. Petrucci (1960a, doc. n. 76, p. 227); Petrucci (1960b, nn. 75, 76, 78); Vedi anche: Belli D'Elia (1988a, p. 21); Ognissanti (1981, pp. 35–39).

occhi sproporzionati e profondi e la linea netta ed affilata del naso, insieme alle superfici ampie e luminose dell'incarnato, nulla osta ad avvicinarla ai tratti fisiognomici emersi dal restauro del 2011 che ha coinvolto la Madonna di Siponto, la quale è stata recentemente datata al sec. XI[21]. Raffrontiamo allora, nei limiti di quanto ci restituisce l'unica foto pervenuta e le riproduzioni più o meno fedeli destinate alla devozione, la possibilità di poter ragionevolmente sostenere una datazione assai precoce, tale da avvicinarla all'anno 1068, in cui il *notarius Candelarus* ha redatto il documento e non al sec. XIII, quale data proposta da una certa dottrina. Sono difatti gli stilemi ritenuti condivisi nella resa fisiognomica a rafforzare la credenza in un'origine comune ed a identificarli con gli effettivi prodotti dell'*atelier* monastico delle Tremiti. Meno chiaro, se si dà per buona tale identificazione, è il percorso che ha permesso la collocazione nel monastero di quell'icona commissionata dal vescovo sipontino.

Alla tradizione sull'origine dell'immagine, si affianca il culto della Vergine portato in auge da San Giovanni di Matera, che secondo la leggenda sarebbe stato invitato a fondare un monastero (poi Casa Madre) in quel luogo, dopo una visione sperimentata durante una visita al santuario dell'Arcangelo Michele (Cavallini 2001; Morelli 1930). L'evento fondante della congregazione viene rappresentato in una miniatura a corollario del f. 6 del Martirologio pulsanese, Ms VIII c.13, unico esemplare sopravvissuto di manoscritto prodotto dal locale *scriptorium*, che vede una Vergine dal *maphorion* aureo mostrarsi al fondatore e dialogare con lui[22]. Non mancano poi episodi taumaturgici a rafforzare la devozione dei locali, come quello che coinvolge un Giovanni ormai anziano e malato, guarito dalla Madonna *ex contactu*, allorché gli stringe il polso. Un evento che, secondo un'oscura e poco attendibile etimologia, potrebbe aver dato il nome al sito, facendolo derivare proprio dall'espressione latina "*pulsus sanus*" (Angelillis 1953, p. 427).

(21) Per la ridefinizione della cronologia relativa alla Vergine sipontina, cfr. Calò Mariani (2003, pp. 18-20 e 1998, p. 191).

(22) Circa il Martirologio pulsanese deve dirsi che si è erroneamente attribuito all'uso del monastero femminile foggiano di S. Cecilia, recenti acquisizioni ci permettono di additarlo ad un prodotto in uso presso la Casa madre. In epoca imprecisata il manoscritto viene diviso, parte finisce alla Biblioteca nazionale di Napoli, parte in Vaticano, grazie ad un sacerdote beneventano. Cfr. De Troia (1988); Villani (1993, pp. 9–84). Per la restante parte del manoscritto alla vaticana, cfr. Cavallini (2005).

Dal punto di vista formale si osserva come la soluzione sia connotata da una serie di motivi grafici destinati al successo, i quali si ritrovano inalterati nelle sue riproduzioni. Consideriamo allora il grande capo della Vergine, appena reclinato, che è coperto da un ampio *maphorion,* il quale declina le tonalità scure del porpora e viene caratterizzato da una decorazione con motivo a rosette perlinate. La chiusura della lacinia, incorniciante il capo, cosiddetta a "collarino", costituisce poi uno degli elementi distintivi della formula, la quale viene riproposta quasi pedissequamente nei documenti che da essa paiono derivare. Questo dettaglio, insieme alla peculiare posa di riposo delle gambe del divino Bambino, può essere annoverato fra gli indicatori più utili a dimostrare la diretta derivazione dal modello–base di una certa produzione visuale diffusa sul territorio pugliese.

L'effige è oggetto di grande venerazione da parte dei monaci della congregazione, i quali contano su case sparse non solo in Capitanata, ma anche in Toscana come San Michele degli Scalzi di Pisa, San Michele di Guamo a Lucca e S. Maria Intemerata di Fabroro a Firenze, citando solo alcuni cenobi maschili (Angelillis 1953, p. 432). Ciò permette di dimostrare, se non la diretta origine pugliese della Madonna afferita al modello del *lectulum Salomonis* di scuola dei Berlinghieri, almeno la possibilità che la formula oggetto di culto presso la Casa Madre, diffusa sulla scia della presenza dei monaci, sia riuscita ad attecchire *in loco* influenzando così la produzione visuale dell'area. Devono poi considerarsi i pellegrini, che dopo la sosta al santuario dell'Arcangelo Michele si recano a visitare il monastero ed a venerare la Vergine. Non si può allora negare che l'esemplare possa costituire un modello davvero "illustre". Questo appare così dotato di un'inequivoca attitudine ad essere riprodotto, anche sulla scorta della diffusione che ne fanno i monaci della congregazione, sia nei territori dove aprono case, sia nei limitrofi. E se l'azione dei monaci non pare sufficiente, anche se da sola potrebbe bastare, è proprio la grande devozione che la circonda a rendere davvero credibile l'identificazione di questa con uno dei modelli–base da cui derivano le altre icone del gruppo di riferimento.

Dal punto di vista della visualizzazione *per tabulas* dobbiamo considerare che, una volta identificata la formula grafica adoperata per la Madonna di Pulsano con il modello–base, questa deve necessariamente

fissarsi al punto zero di entrambe le direttive del grafico. In quanto "capofila" non solo rispetta l'aspettativa sociale, ma è essa stessa a crearla, mentre la morfologia della formula viene a fissarsi a seguito della sua diffusione fino a diventare cifra tipologica.

2.2. *Maria SS. di Siponto*

La seconda icona presa in considerazione è quella della Madonna di Siponto, una tempera su tavola ad oggi alta 129 cm e larga 81 cm, che è stata accorciata nei suoi lati più brevi, tanto da far venire meno la "cuspide" che la coronava[23]. L'effige mariana può essere considerata ancor più dell'icona previamente analizzata un'immagine assai venerata, non solo perché proclamata patrona dell'odierna Manfredonia, ma in ragione della continuità del culto piuttosto, dimostrata dall'ampio novero di leggende (per lo più orali) consolidatesi progressivamente sia riguardo la sua origine, sia circa gli episodi taumaturgici che le si attribuiscono. Pompeo Sarnelli, redattore della *Cronologia de' vescovi ed arcivescovi sipontini* e collaboratore dell'arcivescovo Matteo Orsini (futuro Benedetto XIII), riferisce dell'origine dell'icona: "collocauui la miracolosa immagine della Beata Genitrice di lui, che per antica tradizione credesi opera del pennello di S. Luca [...]" (Sarnelli 1680, pp. 18–20). Si cristallizza così una tradizione che vede l'inizio del culto mariano in Siponto nel 57 d.C., mentre è ancora vivente la Vergine[24]. La sua immagine è poi collocata in un sacello — posto nel luogo dove sorgerà la cattedrale cittadina — dedicato da Giustino, primo e leggendario vescovo che la tradizione vuole consacrato direttamente da San Pietro. La credenza viene recepita pure da Marcello Cavalieri, il quale riporta: "è pur verisimile che fin da que' tempi fusse in detta Basilica collocata la miracolosa e divotissima Immagine di Nostra Signora, che pur anche vi si venera, creduta, per costante tradizione, opera del pennello di S. Luca..." (Cavaglieri 1680, p. 453). Ritroviamo così un primo elemento che permette di identificarla con un modello "illustre" e capace di giustificarne la diffusione su un'ampia area. Di conseguenza, ne deduciamo che l'icona di nostro interesse, come molte immagini sacre

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(23) Per la vicenda dei restauri, cfr. Di Sabato (1994, pp. 95–96).
(24) Circa la cattedrale paleocristiana, cfr. Fabbri (1990).

presenti sul territorio, suscita l'attenzione degli ecclesiastici. Costoro fra Cinquecento e Seicento ripensano la storia della devozione locale e pongono mano ad una omogeneizzazione delle leggende circolanti sulle immagini più venerate, riformulandole in maniera organica in modo da dimostrare antichità e prestigio dei documenti visuali singolarmente posseduti. Tra questi rientra il ricorso al *locus*, forse banale, dell'attribuzione a S. Luca o della traslazione da Costantinopoli. La credenza, a prescindere dalla credulità diffusa, pare convincere persino gli alti prelati, come dimostra un aneddoto riferito da Serafino Montorio. Questi ricorda come all'inizio del *Secolo dei lumi*, l'arcivescovo Tiberio Muscettola ha impedito qualsivoglia ritocco all'immagine, sebbene essa fosse bisognosa di restauro (Montorio 1715, pp. 679–685).

Eppure, nel caso di Siponto gli eruditi moderni si limitano solo a sistematizzare una serie di tradizioni più antiche. Ivi, si riscontra una pratica di venerazione assai radicata, che permette all'effige sacra di tenere in vita l'antica cattedrale, la quale anche grazie alla presenza dell'immagine dopo la *traslatio* della sede arcivescovile in Manfredonia il 30 ottobre 1327, riesce a sopravvivere come luogo di devozione, seppur collocato entro una città in parte diruta ed in continuo spopolamento. Sarnelli ci informa che nel 1508 l'arcivescovo Antonio Maria del Monte "diede cominciamento al nuovo tempio dell'antica e rovinata Siponto, dopo che le bande di Guglielmo il Malo e i terremoti del 1223 e del 1225 l'avevano devastata per trasferirvi il miracoloso ritratto di Maria" (Sarnelli 1680, pp. 318–319; vedi anche Belli D'Elia 1990, p. 292). Ne evinciamo che, quale immagine assai venerata, la Vergine di Siponto può costituire inequivocabilmente un modello "illustre" sin da epoca precoce, tale da essere esportato e proposto alla devozione dei fedeli, specie nel territorio limitrofo.

Solo molto tardi ed a inizio Novecento, Pascale recepisce una serie di leggende orali circolanti, che introducono variazioni circa l'origine dell'immagine (Pascale 1912, pp. 99–100). Si rinvia così alla tradizione attecchita nel *dossier* concernente un'altra icona venerata, l'*Iconavetere* di Foggia, anche nota come Madonna dei Sette veli, la quale si richiama per ottenere vetustà e prestigio a Siponto[25]. Nella più recente

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(25) Calavese (1694, ff. 112 r e 112v), laddove si confonde la cronologia dell'episcopato di Lorenzo Maiorano realizzatosi nel VI secolo con la crisi iconoclasta e il regno di Leone III di

versione l'effige mariana viene portata a Siponto da Costantinopoli dal più famoso dei suoi vescovi, il prefato Lorenzo Maiorano[26], colui che ha ricevuto la visione dell'Arcangelo Michele, insieme a due icone, una da destinare ad Arpi e l'altra da inviare ad Amiterno dei Vestini (Pascale 1912, pp. 99–100).

La venerazione pare giustificata anche dalla sua capacità taumaturgica, che si specializza come ci riferisce Montorio nel "dare secondo il bisogno abbondanti le piogge del Cielo, le quali sono molto rare in

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un secolo più tardi. Cfr. Infante (2014, p. 149).

(26) Lorenzo, un costantinopolitano probabilmente imparentato con l'imperatore Zenone, viene eletto dall'augusto vescovo di Siponto (nomina atipica per il sec. VI, ma consueta per il sec. X in cui viene redatta la prima biografia del santo), nella cui cattedrale riceve la visione onirica dell'Arcangelo Michele, cfr. *Vita* II, 1, 3, *AA. SS. Febr.* II, 60. Il *Liber de apparitione Sancti Michaelis in monte Gargano*, testo filo–longobardo del sec. VIII, che si ispira ad uno del sec. VI andato perduto, raccontando la visione dell'arcangelo al vescovo sipontino omette di farne il nome. Si limita solo a fornire tre date attorno a cui ruotano gli eventi: il 490, 492, 493, cfr. Waitz (1878, pp. 541–543). La mancata citazione del nome di questo vescovo costituisce un dato che non può essere trascurato nella ricostruzione della presunta storicità della figura di Lorenzo, poiché appare davvero strano che all'autore dell'*Apparitio* non fosse noto il nome del vescovo in cattedra in quel momento. Deve concludersi per una meditata espunzione del suo nominativo, quale trucco del narratore, che non può non suscitare perplessità. Questa assenza fa piuttosto pensare ad una scelta politicamente orientata il cui senso è ben inteso da Otranto, in quanto "costituisce *damnatio memoriae* […], determinata da motivazioni di ordine religioso e politico: l'*Apparitio* lascia nell'anonimato il vescovo cui appare più volte l'Arcangelo, perché il suo autore vuole evitare di fare riferimento a Lorenzo che, venuto dall'Oriente, riconnetteva le origini del culto micaelico sul Gargano con la tradizione bizantina". Cfr. Otranto (1990, pp. 131–132). Il presunto tentativo di espunzione incide la formazione della memoria ed asserve il racconto di fondazione del santuario micaelico alle velleità del committente dell'opera agiografica. Sicché contrappone alla figura di Lorenzo un anonimo vescovo, fors'anche perché non si ha nulla di più efficace da opporvi, se non il silenzio e la censura di qualsivoglia nome. Una strategia forse non troppo efficace rispetto alla radicata memoria della bizantinocrazia locale, ma sufficiente a far sorgere il dubbio circa l'autenticità storica di Lorenzo. Di talché Jean-Marie Martin lo ha potuto definire quale "*saint de synthèse*", cfr. Martin (1990, p. 83). Tuttavia, sembra che non molto più tardi, allorché queste cautele verso un vescovo venuto dall'Oriente non hanno più ragione di esistere, la tradizione manoscritta dell'*Apparitio*, almeno in ambito italiano, ha ad accogliere in un gruppo di codici: il *Vaticanus Latinus* 6074 redatto fra la fine del sec. XI e gli inizi del sec. XII, l'*Ambrosianus B 55 superior* del sec. XII, il *Vaticanus Latinus* 6453 del sec. XII ed il *Vaticanus Latinus 6075* della fine del sec. XVI, un passo interpolato ad *incipit* del racconto che menziona Lorenzo, dapprima rimasto nell'anonimato. Anche Ada Campione appare ottimista circa l'esistenza di un Lorenzo storico, di cui ritiene innegabile l'esistenza. La tradizione che lo riguarda sembra però fissarsi per iscritto molto tardi e solo nell'XI secolo. Un ritardo forse giustificato dal complesso ciclo vitale della diocesi sipontina, che incorporata durante l'Alto Medioevo in quella di Benevento, solo nel XI sec. ritorna autonoma ed è innalzata ad arcidiocesi. Allora si sente il bisogno di reinterpretare la propria storia, sempre tenendo conto del contesto politico in cui la si redige. Cfr. Campione (2004, pp. 61–82).

quelle campagne" (Montorio 1715, p. 685). L'informazione è confermata anche da Sarnelli. Entrambi gli ecclesiastici concordano sul ruolo di protettrice degli animali da pascolo, tanto che l'olio della sua lampada viene adoperato per segnare gli armenti. Alla luce di tali dati, seppur riferiti ad una cronologia molto tarda, non si riscontrano altri elementi tali da escludere sul piano diacronico la diffusione della venerazione di questa tipologia di immagine.

Nondimeno, non si deve dimenticare il ruolo dei pellegrini nella diffusione dell'effige. Sappiamo difatti del buon numero che fa posta all'antica cattedrale prima di salire sul Gargano, tanto che costituisce una tappa fissa nel viaggio. La memoria del vescovo Lorenzo, che ha dato inizio al culto dell'Arcangelo, e dobbiamo dedurre anche il venerato quadro, devono fungere da attrattori di notevole portata. Con buona probabilità sono i pellegrini, che fanno visita alla chiesa e di seguito si dirigono in Terra di Bari, a diffondere l'immagine sipontina, come confermato da un aneddoto concernente l'*inventio* delle reliquie del succitato Lorenzo. Queste vengono ritrovate nei pressi del duomo il 30 ottobre del 1099, durante lo scavo delle fondamenta di una cappella da dedicare a San Nicola, commissionata dal vescovo Buonomo per esortare buona parte dei pellegrini, che si recano a Bari a venerare la tomba del santo, a fare una sosta a Siponto[27].

Occorre considerare un'ulteriore problematica costituita dalla singolare formula grafica, che è frutto delle plurime ridipinture a cui l'immagine è stata sottoposta, documentate puntualmente dal restauro del 2011 in ben 8 strati. Esse sono tali da stravolgerne l'aspetto originario, reinventandolo completamente e traducendolo in una forma atipica. Difatti, le radiografie hanno evidenziato che le uniche sezioni di pittura originale si riscontrano nei volti dei rappresentati ed in un frammento della mano della Vergine, che sono scampati al devastante incendio del 1872. La recente pulitura poi ha individuato la presenza di un angelo, cosa che rafforza l'identificazione col *typus* del *lectulum Salomonis*

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(27) Sarnelli (1680, p. 148). Sappiamo che l'arcivescovo noto come Buonomo (1087–1099 d.C.), consacrato da Vittore III (1027–1087 d.C.) nel 1087 d.C. e la cui presenza è attestata sia nel Concilio di Troia del 1089 d.C., sia in quello di Melfi del 1090 d.C., sia nel Sinodo di Bari del 1098 d.C., pone mano ad una ridefinizione degli spazi prossimi alla cattedrale. Questi decide di fornire Siponto di un altro attrattore che si affianca al luogo della visione onirica micaelica.

secondo lo schema declinato nell'icona di Pulsano. A questi si somma-
no i santi collocati sulle cornici laterali, riscoperti nel restauro del 1964,
i quali — oltre a costituire frammenti originali dell'opera — appaiono
indispensabili per correggerne la datazione.

E se i saggi di pulitura hanno permesso di evidenziare al di sotto
del *maphorion* blu, un manto di colore carminio, difficilmente databi-
le (ritenuto ottocentesco dai restauratori in ragione della delicata stella
che compare sulla spalla), i dati evinti sono sufficienti a indurre quella
scuola, che afferisce l'immagine al sec. XIV, a rivedere la relativa crono-
logia (Milella Lovecchio 1988d, pp. 105–106). Né al di sotto delle ri-
dipinture è emersa una formula sostanzialmente aderente a quella visi-
bile tutt'oggi, la quale nella grafica non ha nulla a che fare con i modelli
propri delle icone. Le radiografie rivelano poi una realtà tutta diversa,
poiché la *silhouette* che si intravede appare assai più simile a quella della
Vergine di Pulsano. Ciò è confermato dalla linea del disegno, che con-
nota la spalla e la gamba ritratta del Bambino, nonché dalla presenza ap-
pena percettibile del piede mostrato alla devozione del fedele/fruitore. La
radiografia pare dunque confermare l'ipotesi di partenza, che la ricon-
duce al *typus* del *lectulum Salomonis* e rende l'icona un modello davve-
ro "illustre" e tale da poter essere imitato e diffuso. I dati evinti, se uniti
a quanto dedotto dalla riconsiderazione dei volti dei prefati santi collo-
cati sul bordo dell'icona operata da Calò Mariani, ci permettono di an-
ticipare la sua datazione ad un'epoca davvero precoce. Partendo dalla
tecnica con cui sono realizzati i santi laterali, i quali sappiamo non esse-
re mai stati ritoccati, quest'ultima ancora "l'esecuzione a opere bizanti-
ne dell'XI secolo: suggestivi confronti si possono istituire con l'*Exultet*
1 di Bari, cercando tra i Santi entro clipei legati dal nastro a losanghe,
che corre prezioso lungo i margini della pergamena"[28].

La nuova datazione fornisce maggiore attendibilità alla tesi di
Petrucci, che addita la commissione dell'immagine al vescovo Gerardo,
il quale nel 1063 richiede al prefato abate Adamo ed all'*atelier* di
Tremiti una "*scaramagna bona et una ycona pro utilitate predicte ec-
clesie*" (Petrucci 1969a, doc. n. 76, p. 227). Se diamo per buona tale

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(28) Calò Mariani (2003, pp. 18–20; 1998, p. 191). In letteratura si sono riscontrate ana-
logie con le pitture della chiesa dello "Spedale" a Scalea: si veda di Dario (1992, fig. 19). Per le
miniature, cfr. Cavallo (1973).

informazione, in combinazione con i dati evincibili dai frammenti di pittura originaria sopravvissuti, possiamo credere — a ragione — che il vero e proprio prototipo del *lectulum Salomonis* nell'area di riferimento vada ad identificarsi con l'effige di Siponto. Tuttavia, è possibile avvicinarla alla formula grafica di Pulsano, che ne costituisce la diretta concorrente sul piano devozionale. A causa della presunta origine comune presso l'*atelier* del monastero di Tremiti, quest'ultima deve essere considerata quale sorta di "gemella" postuma. Pertanto, per quel che riguarda la visualizzazione *per tabulas* è possibile collocare il documento visuale nel punto zero di entrambe le direttive, sovrapponendolo — insomma — all'esemplare di Pulsano. La diffusa venerazione e la produzione, che si presume essere precoce — almeno rispetto all'immagine pulsanese —, permette di considerare l'effige sipontina quale vero "capofila", poiché allo stato attuale degli studi non è chiaro se ad influenzare maggiormente la diffusione del modello sia stata la Madonna di Siponto o quella di Pulsano.

2.3. *Maria SS. della Fonte di Canosa*

Di seguito consideriamo un'altra icona molto venerata, la Madonna della Fonte, patrona di Canosa, che si dimostra direttamente dipendente dal punto di vista morfologico dalla formula del *lectulum Salomonis*, così come viene rappresentata nell'icona di Pulsano. Poco si può dire circa una somiglianza con l'esemplare di Siponto, dato che i pochi frammenti originali lasciano solo dedurre la mutuazione di elementi del disegno dei due probabili prodotti dell'*atelier* tremitense costanti nel naso sottile e negli occhi grandi e sbarrati. L'effige in questione è realizzata su una tavola di cedro del Libano, alta 140 cm e larga 81 cm, connotata da uno spessore ridottissimo che varia da 0, 9 a 1, 2 cm[29].

Osserviamo come la *silhouette* ripeta pedissequamente la formula grafica tipizzata, con la testa sproporzionata e tondeggiante propria dell'esemplare pulsanese, in uno alla lacinia con caratteristica chiusura a "collarino", posta ad incorniciare il volto della Vergine. Il *maphorion* viene

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(29) La cornice è rilevata e bordata in rosso. I lati lunghi sono occupati da dodici figure di santi, sei per lato e molto rovinate. Cfr. Milella Lovecchio (1988a, pp. 108–109). Vedi anche Dufrenne (1968, p. 21).

poi declinato nelle tonalità scure del porpora, decorate con piccole stelle fatte da praline ed una passamaneria dorata, che orna il panneggio ricadente sulla spalla. E se si riscontra una totale assimilabilità della scelta cromatica e della stilizzazione del panneggio rispetto al *typus* di nostro interesse, la cattiva conservazione della pellicola pittorica non ci permette di fare ulteriori paragoni. Tuttavia, possiamo considerare un altro dettaglio: l'articolato lembo del manto del divino Infante caratterizzato dai bagliori dell'oro, che copre la gamba distesa, secondo la peculiare prossemica tipizzata dalla soluzione grafica. Eppure, l'effige accoglie una vistosa variante rispetto al modello pulsanese, poiché ai due apici sono collocati dei clipei con degli angeli, che si chinano verso la Vergine e presentano le mani velate. Non è chiaro se la formula adoperata per gli angeli possa essere accostata a quella proposta nella Madonna di Siponto, poiché il frammento pittorico rinvenuto durante il restauro del 2011 nell'apice destro della tavola non ci permette null'altro che proporre sommesse ipotesi, ma non certo peregrine. Queste sono giustificate dai continui contatti tra le due diocesi, i cui confini — tra le altre cose — hanno a coincidere nei primi secoli del cristianesimo. Sappiamo pure che nel sec. VI il vescovo di Siponto Felice II viene nominato *visitator* della diocesi di Canosa da Gregorio Magno in un momento di crisi dell'istituzione[30]. Ma i contatti non si limitano a questo. Per quel che riguarda la circolazione di prodotti ed idee fra le due diocesi nel Basso Medioevo basta considerare l'influenza della *Vita di Sabino*, redatta nel secolo IX, sulle due *Vitae* di Lorenzo, le quali si appropriano di molti *loci* della vita del vescovo canosino (*Vita Sancti Sabini*, BHL 7443; *AA.SS. Febr. II,* 324–329. Vedi anche Martin 1987, pp. 399–405; Campione 1988, pp. 618–619). Consideriamo nello specifico il *locus* della sua partecipazione all'inaugurazione del santuario garganico[31], a cui corrisponde la più tarda e presunta interpolazio-

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(30) Gregorio Magno nomina *visitator* della diocesi di Canosa Felice II e intrattiene continui rapporti con questo vescovo, come si evince dalle numerose epistole inviate, cfr. Gregorius Magnus, *Regestum epistolae* 1, 51; 3, 40; 3, 41; 3, 42; 4, 17. Vedi anche Campione (1992, nota 67); Campione e Nuzzo (1999, p. 104); Pietri e Pietri (1999–2000, pp. 803–804). Sul ruolo preminente di Siponto, rispetto al declino di Canosa, cfr. Coniglio (1974, pp. 42–43); Gasparri (1991, pp. 88–89).

(31) La *Vita metrica* di Lorenzo Maiorano (*AA.SS. Febr*. II, 62) attesta che papa Gelasio, insieme a Lorenzo di Siponto ed ai vescovi Sabino di Canosa, Palladio di Salpi, Eutichio di Trani, Giovanni di Ruvo ed Asterio di Venosa, consacra la chiesa di San Michele sul Gargano. Questi vescovi, salvo Lorenzo, vengono menzionati in un *locus* probabilmente interpolato della

ne riguardante l'episodio della consacrazione della chiesa di S. Andrea in Barletta. Pertanto, stanti i continui contatti e le infinite possibilità di trasmissione di *know–out*, non deve suscitare meraviglia che la Madonna della Fonte possa essere additata quale mutuazione in terra canosina della formula grafica della Vergine sipontina. Allo stato attuale delle nostre conoscenze, bisogna limitarsi a considerare quanto le evidenze ci restituiscono, avvicinandola piuttosto alla traduzione dell'esemplare pulsanese.

Dobbiamo poi constatare come sia particolarmente interessante ai fini del nostro lavoro il trattamento riservato all'epidermide della Vergine da parte dell'iconografo, che con rapide pennellate chiare e raffinate lumeggiature si preoccupa di donare una particolare tridimensionalità all'incarnato, esaltato dalla tornitura realizzata con un'ombreggiatura verde oliva. Il rossore della guancia, creato con vorticosi colpi di pennello color cinabro, che non pare trovare un riscontro tanto efficace nei due esemplari "capofila", rimanda piuttosto all'esperienza della pittura romana. Evoca dunque le diverse formule dell'*Advocata*, in particolare la Madonna dell'Aracoeli ed il suo prototipo consistente nell'icona mariana di San Sisto, col loro viso connotato da forti effetti coloristici (Andaloro 2002a e 2002b). Diverso è il trattamento del volto del Bambino, il quale non mostra la medesima cura per l'effetto cromatico che connota la Madre, né viene realizzato con quelle modalità capaci di esaltarne la tridimensionalità, ma tutto si affida a lumeggiature sottili. L'attenzione al colore e la linea elegante delle pennellate contraddicono nettamente quanto sostenuto da Marisa Milella Lovecchio, la quale liquida la resa del viso materno con un'espressione di "sereno spirito popolare", ma lascia evincere piuttosto la conoscenza della pittura su tavola prodotta fuori dalla regione (Milella Lovecchio 1988a, pp. 108–109).

E se la letteratura scientifica suole datare l'effige al secolo XIII attraverso una serie di paragoni con documenti visuali dell'area balcanica, che per Belli D'Elia possono "suggerire situazioni parallele, più che ipotesi di dirette importazioni", la tradizione seicentesca la collega a San Sabino, il quale l'avrebbe portata da Costantinopoli a seguito dei suoi viaggi come delegato papale, collocandola poi nella chiesa da lui fondata e dedicata alla Vergine (Belli D'Elia 1988b).

Vita Sabini concernente la consacrazione della chiesa di S. Andrea a Barletta. Cfr. Campione (2001, pp. 29–32); Lanzoni (1927, pp. 291–293).

Circa la sua allocazione nel grafico, possiamo riferire che la pedissequa ripetizione della formula cristallizzata nell'esemplare pulsanese, salvo l'inserimento degli angeli tradotti con una diversa prossemica, spinge a collocare l'icona canosina sul punto uno della direttiva dell'aspettativa, in quanto copia alquanto fedele. Per quel che concerne la direttiva della morfologia, il peculiare trattamento pittorico dell'incarnato della Vergine lascia ampio spazio non solo all'autorialità, ma soprattutto alle competenze artistiche dell'iconografo. Il loro utilizzo però lo allontana dalle tecniche degli esemplari considerati i "capofila" ed apre ad influenze della pittura romana, fissando così l'evidenza a metà tra il punto uno e il punto due. In tal modo si valorizzano le tecniche pittoriche adoperate, che interpretano la formula e introducono con l'aiuto del colore variazioni degne di nota, da registrare tramite il grafico.

2.4. *Maria SS. della Fonte di Trani*

Ancor più dipendente dall'esemplare pulsanese, sicuramente grazie alla mediazione dell'icona della viciniore Canosa, di cui riprende il medesimo titolo, appare l'effige della Madonna della Fonte di Trani. Questa è realizzata su una tavola dal bordo rilevato, alta 146 cm e larga 90 cm, conservata presso la locale chiesa del Carmine, qui portata dalla chiesa appartenuta dal sec. XIV all'Ordine Gerosolimitano di S. Giovanni della Penna (Milella Lo Vecchio 1988a, p. 109).

Allo stato attuale il documento visivo pare riproporre pedissequamente la *silhouette* del *typus* del *lectulum Salomonis*, in ragione del grande capo della Vergine, della chiusura a collarino del suo *maphorion* e della postura del Bambino. Tuttavia, ne reinterpreta in modo fantasioso il panneggio, specie quello della veste del divino Infante con uno stile nervoso, fatto di pennellate vorticose e di cromatismi posti a contrasto fra tonalità assai chiare e scure della stessa *nuance*. All'invasivo intervento di ridipintura, paiono essere scampati solo i volti dei due rappresentati, mentre il fondo d'oro inciso con un motivo a racemi di gusto barocco e i colori pastello della veste del Cristo, specie il manto dal tono rosato, confliggono fortemente con la tradizione visiva che l'ha generata. Il pesante intervento di rifacimento deve collocarsi *ante quem* al 1715, anno di pubblicazione dello *Zodiaco di Maria*, poiché prima

di quella data viene vista da Montorio e descritta nelle attuali forme (Montorio 1715, pp. 554–557).

Particolare interesse desta il viso materno con la sottile linea del naso e la pesante curva delle sopracciglia, che sovrastano gli occhi profondi, tale da rimandare direttamente ai presunti prodotti dell'*atelier* tremitese. L'ovale della Vergine viene caratterizzato da una tornitura realizzata con pennellate leggere, ma sovrapposte, di verde oliva al fine di dargli maggiore tridimensionalità. Notiamo come la tecnica adoperata per enfatizzare la profondità del viso rimandi direttamente all'incarnato dell'icona di Pulsano. Siamo di fronte a quello che Pace definisce "irrobustimento cromatico e lineare e dovuto all'intervento del modello", mentre il color carminio che ne segna la guancia si riferisce all'espediente utilizzato per il crocefisso conservato all'Abbazia delle Tremiti (Pace 1980, p. 356). Raffrontiamo allora un'affinità formale che colloca la produzione nella seconda metà del 1200. Tuttavia, considerando tale espediente per la datazione, si omette di tenere conto del trattamento totale dell'incarnato, che è molto differente, poiché vede la preponderanza dell'ocra rispetto alla tinta bianca, che nel caso del crocefisso riduce l'incarnato ad una tonalità davvero pallida. Eppure, la tradizione ne anticipa almeno di un quarto di secolo la datazione, poiché la leggenda la vuole arrivata a Trani il Sabato Santo dell'anno 1234, dentro una fonte in pietra, portata da un delfino, allorché suonano le campane. L'informazione ci giunge attraverso una recente iscrizione, collocata al fianco dell'altare, che sostituisce quella ritrovata nel 1722 dietro il sacello dedicato alla Madonna, la quale viene riportata da V. Manfredi e riferisce: "Nell'ANNO 1234 e VENUTA in TRANI / UNA MADONNA deNtro UNA foNte di pietra portata / da UN grosso pesce di SABBATO saNTo Nel MeNtre / soNaVano le caMpaNe. Fra GIOVaNNi di / GioVaNNI in TraNi. 1234" (Ronchi 1986, p. 14). Salva la fantasiosa leggenda, è difficile dire se la formula venga trasposta a Trani per mera imitazione della pratica di devozione dei canosini, dato che la città nasce come *vicus* di Canosa. La realtà dei fatti implica, in verità, una certa dipendenza psicologica, che può aver portato a fare proprio il culto di quella specifica Vergine.

Deve considerarsi poi una qualche plausibile influenza, riconducibile alla relativa prossimità a Siponto. Basti pensare che Giovanni II assume il titolo di arcivescovo di Trani e Siponto (in quanto suo

amministratore apostolico fino al 1059). Se ne deduce che nel lungo periodo fra le due città (e la sua 'erede' Manfredonia) sono intercorse molteplici occasioni di contatto, nonché di eventuale scambio e trasmissione di *know–out*, le quali possono permettere l'introduzione in Trani del culto di una Madonna tradotta in una forma assimilabile a quella di Siponto. Il suo arrivo in città può essere — a maggior ragione — favorito dai pellegrini, i quali transitano per Siponto, venerano la sacra immagine e giungono a Trani (fungendo così da 'spoletta' fra i due nuclei urbani), da dove si imbarcano per la Terrasanta.

Non si può nemmeno sottovalutare il ruolo dei mercanti, specie fiorentini, i quali hanno la licenza regia di prendere grano nei fondachi di entrambi i porti. Costoro con la loro attività possono aver aumentato con la circolazione di *know–out* le possibilità di diffusione di questa formula. Se poi consideriamo che la chiesa in cui era custodita l'immagine è proprietà dell'ordine di San Giovanni di Gerusalemme, non si può sottovalutare il ruolo degli stessi cavalieri. Sappiamo che questi intrattengono nel porto di Manfredonia importanti affari, come dimostra *ex multis* un documento del 22 gennaio 1274 ed uno del 15 maggio 1299, che ci informano dell'attività dei Bardi, i quali fanno partire da quel porto un bastimento templare carico di grano da inviare sia ai Templari, sia agli Ospitalieri di Cipro. Eppure, la tarda presa di possesso della chiesa rende più problematico un loro intervento nella diffusione del modello–base in città (Vitale 1979, nota 42).

E se la pedissequa aderenza della *silhouette* al *lectulum Salomonis* spinge a collocare il documento per quel che riguarda la direttiva dell'aspettativa nel punto zero del grafico, i correttivi introdotti dall'invasivo rifacimento lasciano propendere piuttosto per una collocazione sul punto uno. Questo perché ai pesanti interventi di reinterpretazione (ma incapaci di alterare sostanzialmente il modello noto) può essere afferito poco peso e, dunque, un impatto relativo — nello spazio e nel tempo — sui fedeli/fruitori. Eppure, davvero diversa è la realtà che concerne la direttiva della morfologia. La nervosa interpretazione del panneggio tipizzato nella formula e l'introduzione del fogliame a decoro del fondo dorato, che sostituisce il nimbo, costituiscono un'innovazione davvero rilevante ed obbligano a collocarla nel punto quattro del grafico.

2.5. *Madonna di Ciurcitano*

La formula grafica può ottenere riproduzioni pedisseque ed a volte persino ingenue come accade nel caso dell'icona datata al sec. XIII e rappresentante la Madonna detta di Ciurcitano, una tempera su tavola alta 87 cm e larga 64 cm (Milella Lovecchio 1988f, pp. 107–108). La ripetizione quasi stereotipata, che immette davvero poco dell'autorialità del singolo, ha indotto Garrison a identificarla con un prodotto della stessa mano dell'iconografo che ha 'scritto' l'icona di Pulsano (Garrison 1951, p. 300). La cosa pare poco probabile — almeno a parere di chi scrive — non solo per lo scarso *appeal* che la traduzione barese presenta rispetto al più convincente esemplare garganico, ma anche per la cronologia relativa, essendo l'immagine di Ciurcitano molto più tarda, almeno rispetto alla data accolta per l'effige pulsanese.

Lo stato attuale della raffigurazione è assai compromesso, a causa dell'umidità e di interventi di pulitura invasivi, tanto che per ricostruirla bisogna afferirsi ad una foto del 1948 proveniente dall'archivio fotografico della Soprintendenza di Bari (nn. 2286–2287 B). Dall'analisi autoptica può comunque evincersi che l'esemplare ciurcitano aderisce completamente al *typus*, restituendone una versione semplificata e edulcorata rispetto ai documenti visuali finora presi in considerazione. Consta notare come questa, sebbene conservi il dettaglio del "collarino", possa introdurre una qualche novità nel panneggio, come la chiusura incrociata, dovuta alla lunga piega che insiste sul petto, quale vezzo dell'iconografo. Tuttavia, questi non si avvede — ancor più ingenuamente — della plausibile incompatibilità delle pieghe con la formula scelta.

Osserviamo come dalla pesante attività di ripulitura sia emerso con chiara nitidezza l'insieme delle pieghe del drappeggio, che si muove nervoso e si costruisce sui contrasti cromatici delle tonalità di azzurro. Quanto evincibile difficilmente può corrispondere al risultato raggiunto dall'iconografo, poiché si limita a lasciare traccia dei soli strati preparatori. Per quel che riguarda i volti restano invece i fondi dati col verde oliva e scarse tracce delle aperture dell'incarnato. Tuttavia, sopravvive in maniera alquanto nitida la linea del disegno, che ci permette di apprezzare la fedeltà nella riproduzione tipologica, seppur tradotta da una mano mediocre, ma capace di evocare in Belli D'Elia (anche se in maniera poco

convincente) una purezza "ellenistica" dei lineamenti, "privi delle durezze di segno tipiche delle icone sicuramente locali" (Belli D'Elia 1971, pp. 621–623). Poche tracce restano dei due clipei con angeli siti agli apici, che rimandano all'esemplare di Canosa e dimostrano la circolazione di elementi accessori, i quali possono essere aggiunti o espunti, concorrendo tra loro, senza influenzare troppo la formula–base. Si ritiene poi ostico ricostruire l'*iter* che ha permesso alla formula di arrivare in questo lontano casale dell'agro barese. Si può così postulare la circolazione di una serie di icone venerate che riproducono i "capofila", di cui questa è una dei pochi esemplari sopravvissuti. È possibile persino ipotizzare un collegamento con gli Ospitalieri, che — come si è visto — hanno buoni interessi nel porto di Manfredonia, quindi possono fungere da vettori ed agevolare la diffusione del modello, ma davvero poco può aggiungersi in più. È però plausibile sostenere che il modello di Siponto–Pulsano, come oggetto di venerazione, possa essersi diffuso — ancora una volta — sulla scia dei pellegrini, i quali discendendo in Terra di Bari utilizzano pure vie interne e non seguono solo la direttrice della costa per visitare la tomba di S. Nicola in Bari, laddove si imbarcano (spesso adoperando porti limitrofi) verso la Terrasanta. Questi ultimi hanno sicuramente aumentato le possibilità di attecchimento del *typus in loco.*

Circa l'origine dell'immagine sappiamo poco. Viene custodita nella chiesa del casale di Ciurcitano, nell'agro di Terlizzi (Bari), che è citato in una bolla del 1137 come proprietà dell'Ordine degli Ospitalieri Gerosolimitani da papa Anacleto II. Questa è trasferita nel santuario di Sovereto, ospizio dei cavalieri teutonici, a seguito della visita del 8 luglio 1725 del vescovo di Bisceglie Antonio Pacecco, il quale accedendo alla "*Ecclesia antiqua Sancti Spiritus seu S. Mariae de Circitano*" ne decreta l'inagibilità. Qui sostituisce l'immagine che fra il 1561 e il 1581 è spostata nella Cattedrale di Terlizzi (Paglia 1700, pp. 77–78; Pappagallo 1964, p. 23). Il santuario viene poi alienato fra il 1812 ed il 1813 al cav. Michele Lamparelli, il cui successore Giuseppe nel 1859 vende l'icona per 5 mila lire all'Ing. Gennaro De Gemmis (De Giacò 1872, pp. 39–40; Marinnelli Giovene 1881, p. 159. Si veda anche Ricci 2018). Quest'ultimo, dopo averla promessa in dono alla diocesi locale, la cede infine all'Amministrazione provinciale di Bari (Valente 1973, pp. 222–224).

Per quel che riguarda la collocazione nel grafico, dobbiamo notare come l'esemplare esaminato rispetti pienamente l'aspettativa sociale. Eppure, il dettaglio del panneggio funge da indicatore che qualcosa sta cambiando e ciò ci permette di collocarlo sul punto uno del relativo asse. Circa la direttiva della morfologia possiamo dire che, la possibilità di apprezzare il dipinto nello stato definito "larvale", limitato alle fasi preparatorie ed alle campiture di colore delle vesti, dimostra come questo appaia sostanzialmente aderente ad uno schema–base. Tanto che possiamo fissare l'esemplare sul punto uno della medesima.

2.6. *La Madonna delle benedettine di Andria*

Consideriamo ora l'immagine mariana proveniente dal monastero delle Benedettine di Andria, una tavola giuntaci mutila ed a oggi ridotta a 72 cm di lunghezza e 52 cm di larghezza, la quale è più nota per la sua straordinaria resa pittorica, che per il culto offertole. L'eccezionale qualità di questo documento visuale, rispetto alle mani troppo spesso modeste che hanno tradotto il *typus* a cui appartiene, ha aperto una vera e propria *querelle* tra gli storici dell'arte, tanto da indurre una certa scuola a pensare ad un suo ruolo di modello–base (Milella Lovecchio 1988c, p. 105). Eppure, esiste tutta una serie di ragioni che rendono assai arduo sostenere una derivazione diretta di tutti gli altri esemplari. Dobbiamo innanzitutto valutare alcuni stilemi adoperati e certi dettagli nella resa tecnica, che ci permettono di additarla ad una cronologia piuttosto tarda, fissandone la produzione non prima della seconda metà del secolo XIII. La cosa rende davvero difficile sostenere, se non pare tale da sconfessare, un suo ruolo preponderante nella diffusione della soluzione formale. Altrimenti, si dovrebbe perorare una gemmazione fulminea delle imitazioni (circa dieci anni), che avviene quasi in contemporanea nel territorio in analisi. Raffrontiamo allora una realtà che è assai ardua da dimostrare puntualmente. Diversamente, la mancanza di indizi concernenti un suo particolare culto, ci aiuta a suffragare l'implausibilità di ogni ipotesi relativa ad un suo possibile riconoscimento come "capofila" degli esemplari riconducibili al *typus* pervenutici. Il ragionamento proposto in dottrina si dimostra difatti viziato da una proiezione delle nostre categorie mentali. L'eccezionale resa estetica o l'ottima riuscita

dell'opera, almeno per la percezione dell'uomo medievale, non sono sufficienti a costituire un motivo valido ed adeguato a spiegarne la larga diffusione, come già intuito da Belli D'Elia (1988a, pp. 20–21). Ciò non significa che l'uomo 'medio' del Medioevo non fosse sensibile agli stimoli estetici, ma deve piuttosto considerarsi come questo — ed a maggior ragione gli ecclesiastici committenti — siano soliti ragionare secondo un criterio di *utilitas*. I primi rivolgono la loro devozione verso l'immagine che costituisce un modello "illustre", perché venerato, ovvero ritenuto portatore di poteri profilattici e — come tale — capace di sovvenire alle necessità dell'orante. I committenti optano per modelli che sono capaci di favorire la comune devozione e quindi condurre più fedeli possibili a frequentare la chiesa, in cui si colloca la peculiare tipologia di Vergine e se vi riescono, cercano di ottenere pure il numero di donazioni più lauto possibile.

Alla luce delle informazioni in nostro possesso, integrate in parte dai dati dedotti dal restauro dell'icona sipontina, diviene assai difficile continuare a perorare la primazia dell'effige andriese. Questa deve essere piuttosto considerata il migliore "sottoprodotto" del *typus* affermatosi tra Siponto e Pulsano, il quale nella resa stilistica ne migliora tutte le istanze formali, sublimandole in ragione dell'opera di uno dei migliori artisti disponibili *in loco*, forse attirato in città dalla disponibilità di risorse dei conti, signori di Andria, che hanno preteso ed ottenuto nel 1163 per la loro sede la diocesi (Fonseca 2005, p. 335; Cuozzo 1995, pp. 175–193; Di Cosmo 2020b, p. 184).

Dal punto di vista della formula grafica il frammento pervenutoci permette di osservare una traduzione quasi pedissequa del modello–base. Ritroviamo difatti alcune caratteristiche del *typus*, come il capo della Vergine che si inclina verso il Bambino, il quale — a sua volta — allunga il braccio e benedice il fedele/fruitore secondo la consuetudine greca. Accoglie però alcune novità e nello specifico varia quello che possiamo considerare il 'marchio tipologico' dell'effige, ovvero la chiusura a "collarino" del *maphorion*. Il manto viene poi tradotto con una variante della porpora, tanto che si avvicina con il suo fondo scuro tendente al violetto e le lumeggiature blu cobalto ad esemplari piuttosto tardi, spostandone fin troppo in avanti la cronologia relativa. Sul piano dei significanti, la *nuance* adoperata non sembra dir molto, poiché nel

Medioevo non si conosce una lessematica assai specializzata per distinguere i colori. Tanto che nel lemma porpora possono ricadere diverse sfumature cromatiche, le quali vanno dal rosso intenso al blu oltremare. È forse l'utilizzo della stessa tinta scura (a dispetto del cinabro) a tardarne la data di esecuzione, ponendola diversamente alla fine di un lungo percorso di selezione di stilemi e di elementi del corredo simbolico. L'esemplare dimostra così una certa libertà da parte del maestro, specie sul piano della colorazione, che ha metabolizzato esperienze e linguaggi assai divergenti da quelli riscontrabili negli altri prodotti. Tale dettaglio ne esclude ogni probabile funzione di archetipo formale, dato che nessuna altra traduzione pare aver assorbito la lezione data attraverso l'effige andriese. Le varianti cromatiche hanno un peso assai preponderante, poiché oppongono una spinta libertaria avverso le convenzioni romano orientali e rimandano alle recenti esperienze toscane, dacché ne spostano molto in avanti la cronologia.

Deve poi puntualizzarsi che l'estrema qualità pittorica, costante in una raffinata lumeggiatura del volto materno, che privilegia il cinabro per esaltarne la carnagione dorata a dispetto dell'ombreggiatura tradizionale, relegata nella parte inferiore dell'ovale, costituisce 'quasi' una novità nel panorama tipologico. Questa difatti si oppone ad una tradizione cromatica che forse abusa nel dosaggio del verde oliva e nel ricorso a velature di questo colore a contorno dell'incarnato, per far emergere con maggiore potenza le tinte più chiare. L'esemplare andriese risulta, dunque, frutto di un'esperienza tecnica che ha pochi paragoni nel locale e — almeno a parere di chi scrive — non ha influenzato (o non è riuscita a farlo), qualora la si credesse un "capofila", gli altri prodotti visuali a noi pervenuti.

Il documento alla luce di quanto finora dedotto deve collocarsi sulla direttiva dell'aspettativa tra il punto uno ed il punto due, poiché salvo piccoli dettagli, ma comunque imprescindibili e degni di nota, propone un prodotto sostanzialmente conforme all'aspettativa sociale. Diversamente per quel che riguarda la linea della morfologia, nonostante la ripetizione pedissequa dello schema, la variante che abolisce la chiusura cosiddetta a "collarino", unita alle libertà nella resa dei panneggi ed al trattamento cromatico degli incarnati, porta con sé davvero molte implicazioni. Tali dettagli differenziano l'effige dai prodotti dell'esperienza

locale e danno prova della metabolizzazione di linguaggi che potremo definire decisamente alloctoni. Si è così indotti a collocare il prodotto tra il punto cinque ed il sei della prefata direttiva allo scopo di stigmatizzare l'estrema novità nella traduzione, che innova fortemente la formula.

2.7. *Maria SS. di Corsignano*

Infine, analizziamo l'icona della Madonna di Corsignano o Madonna dell'Acqua, della quale ci sono pervenute due versioni. La prima è costituita da una tavola alta 47 cm e larga 40 cm, datata al secolo XIII, su cui appaiono leggibili i soli volti dei personaggi sacri ed un cenno della perlinatura del nimbo. Colpisce il peculiare trattamento dell'incarnato, che è reso con un insieme di delicate velature ocra, le quali si dipanano su un fondo verde oliva e culminano in sottili lumeggiature di bianco puro. La tridimensionalità è conferita poi dal ricorso al cinabro, cosa che lascia immaginare un trattamento cromatico per l'ovale assimilabile alla tecnica usata per la Madonna di Pulsano e forse pure per quella di Ciurcitano, stando a quanto le due foto di metà Novecento pervenuteci lasciano intendere. L'effige è assai venerata, tanto che nel 1388 viene proclamata patrona di Giovinazzo. Dal 1677 è conservata nella cattedrale cittadina, ivi trasportata dall'omonimo casale per ordine del vescovo Agnello Alfieri. Considerando lo stato attuale di conservazione della tavola e la generale compromissione, poco si può dire circa la sua aderenza al *typus* in discussione. Tuttavia, la formula viene ricostruita tramite l'esemplare ora esposto alla Pinacoteca di Bari, che dovrebbe riprodurla fedelmente, perché considerato dalla critica il suo sostituto nella prassi cultuale (Lorusso Romito 1988, pp. 100–111).

La letteratura scientifica ha discusso sulla sua produzione. E se per Saverio Daconto può essere ascritta fra le opere di ambito toscano del sec. XIII (Daconto 1926, pp. 40–42), Garrison la inquadra entro la produzione pugliese della seconda metà del sec. XIII (Garrison 1949, p. 57), mentre Belli D'Elia crede che possa rimandare piuttosto all'ambiente adriatico, poiché assimilabile ad alcuni prodotti visuali croati (Belli D'Elia 1988b).

Tuttavia, per la tradizione locale ha matrice orientale. Parrebbe, difatti, sottratta dalla cattedrale di Edessa e traslata nel 1187 presso

l'ospedale del casale di Corsignano da un capitano francese, Gereteo Alesbojsne. Tale aneddoto, non troppo singolare rispetto alla letteratura edificante che concerne l'origine delle icone mariane pugliesi, viene tramandato dal frate francescano Enrico da Noia ed è estrapolato da un'epistola del 1587 di pugno di fra Ludovico da Giovinazzo[32].

Consideriamo, dunque, l'effige che secondo l'ipotesi più accreditata ha sostituito l'icona di Corsignano — con tutta probabilità — dal momento della sua elezione a patrona, allorché viene periodicamente spostata nella chiesa episcopale. In essa può pure essere identificata — altrettanto verosimilmente — la copia della Vergine di Corsignano, che Luigi Marziani e Ettore Bernich vedono collocata sull'"altare de lo Protontino" eretto nella cattedrale dopo la proclamazione, quando l'originale è ancora sito nella chiesa del casale (Marziani 1878; Bernich 1901).

È noto che la tavola viene ritrovata negli anni Sessanta, coperta da una tela e murata entro una nicchia della cripta della cattedrale. Consideriamo allora come termine *post quem* il 1677, quando l'icona proveniente dal casale trova definitivo alloggio nella cattedrale. Tuttavia, abbiamo ragionevoli indizi per presumere che l'effige in questione debba pure identificarsi con l'immagine a cui fa riferimento un documento del 1734 presso l'Archivio della Cattedrale di Giovinazzo. Questo parla di una "*tabula picta cum imagine Sanctae Mariae*", che è consegnata dal vescovo Antonio Ruffo al canonico Michele Sagarriga, rettore del beneficio di S. Maria di Corsignano, da collocare sull'altare presso la chiesa del casale (De Nino 1887, pp. 46–46, vedi anche De Nino 1888).

Dal punto di vista della formula grafica, osserviamo come essa paia ripetere in modo quasi pedissequo la soluzione approntata a Pulsano. La traduzione dimostra però un certo spirito interpretativo. È difficile dire se questa sia frutto di una licenza artistica o di una variazione già presente nell'icona del sec. XIII, che il pittore si limita ad imitare forse fin troppo grossolanamente. Spicca allora un elemento che la differenzia fortemente dal modello–base, come quello della prossemica del

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(32) Germinano (1927). La tradizione popolare accoglie una cronologia precoce. L'effige sarebbe giunta a Corsignano nel 1184, per essere rubata nel 1188 dai Templari di Sovereto, viene restituita poi a seguito di un terremoto. Di essa si appropriano il barone di Balsignano e gli ecclesiastici bitontini, per poi tornare in sede. Resta nel casale di Corsignano fino all'abbandono nel 1528. Cfr. Marinnelli Giovene (1881, pp. 122–138).

Cristo, il quale non regge il rotolo della scrittura, ma stringe delicatamente il pollice della mano con cui la Madre sostiene il suo petto. Se poi pensiamo al nostro esemplare come ad un'immagine prodotta per sostituire un'altra famosa e venerata, deve concludersi che la tenera gestualità deve essere senza dubbio frutto di una mera riproposizione di quanto già visibile nell'originale. Tuttavia, l'introduzione di un gesto, che imita il vezzo di un bambino, ha davvero poco di teologico, confliggendo con il *background* tipico di un'icona e ciò suscita non poche perplessità. Al contempo, si intravede un ulteriore 'cortocircuito' patito dai processi di trasmissione della formula, poiché l'icona in questione — come quella di Ciurcitano — reinterpreta il motivo a "collarino", che cinge il viso della Vergine. E se nell'esemplare di Ciurcitano è difficile leggere un tale dettaglio, tanto che esso appare chiuso, nonostante le pieghe del panneggio siano palesemente incompatibili con quella foggia, il maestro del sec. XVI, il quale probabilmente non ha contegno della problematica connessa alla puntuale traduzione e perpetuazione del modello–base, interpreta le pieghe del manto come meglio può e salva il "collarino". Questo non risulta però tratto come il tutt'uno delineato nell'originale, ma è caratterizzato da una sovrapposizione dei lembi, che ne imitano la chiusura. Difficile dire se questa innovazione debba essere additata ad una cattiva trasposizione nelle imitazioni presenti in Terra di Bari di un dettaglio ritenuto indispensabile (perlomeno) dalla critica per l'identificazione del prototipo, anche perché la variazione implica una ridefinizione complessiva delle pieghe del manto. Né si può riferire con certezza se si tratti del frutto di un tentativo di ammodernamento concernente un dettaglio di un capo di vestiario ritenuto poco confacente al gusto condiviso al tempo, tant'è che il *maquillage* deve derivare — in qualche modo — dalla foggia del *maphorion* della Vergine andriese.

Come per il caso di Ciurcitano, poco può dirsi sull'*iter* di attecchimento della formula *in loco* e possono farsi solo ipotesi assimilabili. Nel caso di specie bisogna dare un qualche rilievo al ruolo degli Ospitalieri, proprietari del casale, i quali possono fungere da vettori per la trasmissione della formula nell'entroterra barese ed avere un'influenza sicuramente maggiore rispetto a quella ravvisabile per il caso di Trani e nel radicamento della morfologia iscritta nella locale Madonna della Fonte.

Circa la possibilità di visualizzare *per tabulas* il documento, deve dir-
si che l'icona della Madonna di Corsignano non può che collocarsi nel
punto uno di entrambe le direttive. La resa dei volti non presenta al-
cuna novità di rilievo che sia in grado di allontanarla troppo dal pun-
to zero, salvo la traduzione del *visus* del Bambino e della sua chioma,
capaci di introdurre un sentire leggermente estraneo al modello–base.
Pertanto, si è costretti a spostare la collocazione dell'effige su entrambe
le direttive di poco innanzi e, dunque, sul punto 1. Diversa è la situa-
zione dell'icona conservata alla Pinacoteca di Bari. Essa ripete in modo
stereotipato la formula base, poiché con buona probabilità viene com-
missionata per risultare una riproduzione fedele dell'esemplare vene-
rato. Tuttavia, le due novità introdotte, come l'inaspettato gesto del
Bambino e il panneggio del *maphorion*, costituiscono variazioni assai
degne di nota, che devono essere registrate puntualmente. E se per quel
che riguarda l'aspettativa sociale, vengono investiti dettagli minori, che
suscitano solo l'attenzione degli osservatori più attenti, tanto da spin-
gere a porre il documento sul punto due della direttiva, ben diversa ap-
pare la realtà concernente il vettore della morfologia. Qui le variazioni
hanno un peso preponderante e come tali vanno stigmatizzate, poiché
costituiscono novità davvero importanti. Il panneggio atipico si limita
— forse — ad investire la mera resa formale, ma il vezzo del Bambino
ha grande impatto dal punto di vista contenutistico e porta con sé mol-
te implicazioni, tanto che è capace di pregiudicare il sofisticato messag-
gio teologico da trasmettere. Deve perciò concludersi con la necessaria
collocazione sul punto sei dell'asse relativo.

3. Conclusioni

Le sacre rappresentazioni considerate, esprimono una significativa por-
zione del patrimonio materiale e immateriale della Capitanata e per lo
meno afferente al Nord della Terra di Bari, poiché ascrivibili non solo
ad un indice di repertorio della cultura visuale prodotta tra i secoli XI e
XIII, ma piuttosto ad un florilegio del culto mariano *in loco*.

Si è dimostrato come i committenti si siano orientati verso un mo-
tivo di successo quale quello del *lectulum Salomonis*, che è legato a due

importanti sedi locali di culto della Vergine, le cui immagini poi sono ri-
tenute portatrici di un'incontestabile potenza taumaturgica. Con buona
probabilità, il modello che le riproduce, in ragione di una tale attitudi-
ne, viene ben accolto dai fedeli a cui è proposto, ai quali è giunto almeno
un lontano eco delle storie meravigliose pertinenti. La tradizione popola-
re del posto poi fa il resto, aggiungendovi episodi più o meno fantasiosi
che coinvolgono l'esemplare *in situ*, dando così cittadinanza alla rappre-
sentazione nell'immaginario dei locali e implementandone la devozione,
a causa della potenza espressa dal singolo esemplare. Ne deduciamo che
ognuna di queste rappresentazioni locali, la quale in diverso modo per-
petua il modello "illustre" e venerato, una volta radicatasi vede necessa-
riamente reinterpretato il suo *background* per venire incontro 'all'intero
mondo' che l'ha mutuata, rispondendo così alle esigenze capaci di sti-
molare una tale operazione di importazione. Possiamo, infine, sostene-
re che il processo di appropriazione di una formula grafica nel locale non
si limita ad arricchire la produzione visuale connessa alla fenomenologia
del culto, ma diviene comprensibile nelle sue ragioni solo internamen-
te alla peculiare cultura civica che l'ha generata ed alla relativa coscien-
za simbolica.

Il metodo euristico delineato ci permette poi di valutare attraverso
quozienti numerici trasposti in un grafico l'effettiva fortuna della solu-
zione, permettendo di monitorarne così *per tabulas* la parabola di vita e
gli eventuali adattamenti subiti nel processo di diffusione e radicamen-
to nell'area di interesse. Se ne deduce, dunque, la vitalità di un modello
che è riuscito a 'colonizzare' il culto di una vasta area, suscitando una de-
vozione capace di perdurare nel lungo periodo, tanto che molte di esse
— ad oggi — sono considerate le patrone civiche. Un tale successo ha
permesso alle effigi di essere conservate, costituendone il numero più in-
gente di esemplari sopravvissuti, a dispetto di altre soluzioni grafiche.
Raffrontiamo una popolarità fondata su un'ampia rete di interrelazioni,
che fanno capo alle due sedi in cui sono conservati i cosiddetti "capofi-
la" (la cattedrale dell'arcidiocesi di Siponto/Manfredonia e la Casa madre
di una nutrita congregazione benedettina). La diffusione è poi agevo-
lata dall'ampio flusso di pellegrini, che visitando il santuario garganico
dell'Arcangelo Michele, fanno una tappa 'obbligata' nei luoghi dedicati
alla Vergine e diventano inconsapevoli vettori di una peculiare devozione.
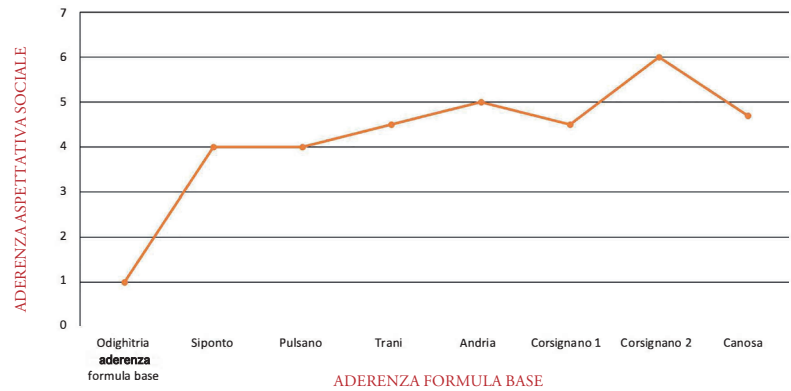
Tav. 1. Grafico valutazione persistenza modello base.

Tav. 2. "*Ways of seeing*" e formule rappresentative.

Tav. 3. Il *network* dell'Odighìtria declinata nella formula di Siponto-Pulsano.

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LE CATACOMBE DEI CAPPUCCINI DI PALERMO
NOTE SULLO STUDIO TRANSDISCIPLINARE
DEL PATRIMONIO CULTURALE D'INTERESSE RELIGIOSO

Rebecca Sabatini

ABSTRACT: In the last few decades, transdisciplinary approach has been one of the most challenging and yet significant outcomes for the research sector. Religious Studies and Heritage Studies are two very interesting fields for the application of this method due to their subject matter complexity. When the two fields intersect with each other, such as in the case of religious-cultural heritage, a transdisciplinary method can be seen as be the best approach. The Capuchin Catacombs of Palermo, a religious heritage site that exposes Modern Age mummies, can be studied applying this method, and the following paper pays particular attention to how the intersections among disciplines can been used to reach a coherent and complete conclusion to the case study.

La ricerca transdisciplinare è stata una delle più grandi conquiste e contemporaneamente una delle più grandi sfide degli ultimi decenni. Gli Studi Religiosi e lo studio del patrimonio culturale sono due campi di applicazione estremamente fertili, ancor di più quando si intersecano tra loro in relazione a ciò che viene definito "patrimonio culturale di interesse religioso". In quest'ultimo ambito, il metodo transdisciplinare risulta ormai quasi ineludibile e il seguente articolo si occuperà di mettere in evidenza come le intersezioni tra le discipline possano essere usate per raggiungere una conclusione rigorosa e completa rispetto al caso oggetto di studio. A sostegno di quanto affermato, infatti, si dimostrerà come le Catacombe dei Cappuccini di Palermo, che espongono mummie di epoca moderna e sono considerate luogo turistico oltre che luogo religioso, possano essere più efficacemente studiate grazie a un'analisi di matrice transdisciplinare.

KEYWORDS: Mummies, Catacombs of Palermo, Heritage-making, Dark tourism, Transdisciplinarity

PAROLE CHIAVE: Mummie, Catacombe di Palermo, Patrimonializzazione, Dark tourism, Transdisciplinarità

245

1. Posture

La postura transdisciplinare, cioè l'interdipendenza degli ambiti di studio e non la loro semplice mescolanza, è una delle più grandi conquiste e contemporaneamente una delle più grandi sfide degli ultimi decenni (cfr. Ramadier 2004; Hirsch Hadorn, Hoffmann-Riem, Biber-Klemm, Grossenbacher-Mansuy, Joye, Pohl, Wiesmann e Zemp 2008; Pohl 2010; Osborn 2015; Miller 2016; Elixhauser, Boni, Gregorič Bon, Kanjir, Mayer, Muttenzer, Pampus e Sokolíčková 2024). Nell'ambito degli Studi Religiosi, intesi come campo composto da discipline diverse che utilizzano un metodo scientifico riflessivo (Filoramo 2019), lo è ancor di più, dal momento che ad essere interrogato è un oggetto di indagine (una *categoria*) incredibilmente scivoloso, la religione appunto.

Anche lo studio del patrimonio culturale è stato recentemente sottoposto a un cambiamento di prospettiva. Ci si è spostati verso un'osservazione sistematica del *processo* di nascita e configurazione dei beni patrimonializzati, inevitabilmente sottoposti alle forze che costituiscono, numerosissime, l'apparato performativo e narrativo che li ha prodotti (cfr. Smith 2006; Palumbo 2003). Parlare di *patrimonio* oggi vuol dire, infatti, parlare di un insieme di beni materiali e immateriali, culturalmente, e quindi anche socialmente e politicamente, determinato, tramite negoziazioni più o meno esplicite. E studiare questo insieme partendo dalla consapevolezza che esso sia l'esito, tra le altre cose, di pratiche sociali e strategie politiche e discorsive (Dei 2002) è ormai considerato uno dei metodi più fertili ed efficaci. È posta quindi enfasi sul meccanismo di costruzione, ossia sul campo relazionale all'interno del quale i piani culturali, sociali, politici ed economici, appunto, si intrecciano, consapevoli ormai che tali beni non sono costrutti immobili e immutabili, ma significanti complessi e dinamici, sul cui sfondo si realizzano giustapposizioni e i conflitti (Palumbo 2013).

I più recenti approcci allo studio del patrimonio chiamano, inoltre, spesso in causa le altrettanto nuove prospettive applicative del concetto di *agency* e il suo ripensamento alla luce dell'abbattimento del canonico dualismo natura/cultura, ormai messo in discussione[1]. Il patrimo-

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(1) Il riferimento è qui ovviamente a Descola (2005) e Latour (2007), ma per un focus più specifico su patrimonio culturale e archeologia si veda per esempio Witmore (2007) e Harrison (2020), autore di una disamina complessiva di queste prospettive.

nio, insieme alle sue forme di legittimazione — che Vito Lattanzi ha definito vividamente come rinnovate applicazioni dell'antico rito romano della *vindicatio*[2] —, secondo questa prospettiva possono essere studiati come il risultato di un'agentività che non è più considerata solo come un atto di volontà individuale, ma anche come un'azione distribuita su collettività di umani e non umani, egualmente degne di considerazione e interrogazione. Una nozione di patrimonio, dunque, che lo interpreta come un "assemblaggio" (*agecement*) socio-materiale, ossia un unico raggruppamento di persone umane, enti e discorsi da essi prodotti, e di attori non umani, ormai non più considerati come appartenenti ad una sfera distinta (cfr. De Landa (2006), oltre che, ovviamente, Deleuze e Guattari (1975), e per lo specifico ambito religioso-patrimoniale Fabietti (2014) e Jelinek-Menke e Jelinek-Menke (2022).

Religione e patrimonio culturale sono legati da un fitto intreccio di dinamiche vicendevolmente alimentanti. Di Giovine e Garcia-Fuentes (2016) pongono l'attenzione su come i luoghi sacri e i luoghi patrimonializzati abbiano una natura simile, se non proprio identica, in quanto nati da uno stesso tipo di meccanismo di attribuzione di surplus di significato, tale da modificarne lo status, aumentandone qualitativamente il valore. Li definiscono, infatti, come luoghi "iper-significativi" (*hyper-meaningful*), ideologicamente connotati e determinanti per le retoriche e le narrazioni, pacifiche o conflittuali, sulle identità (*ivi*). Cyril Isnart e Nathalie Cerezales (2020) propongono parallelamente di studiare i beni culturali di interesse religioso a partire dal presupposto che esista un *continuum* tra quello che è stato definito "l'habitus di conservazione del passato nel contesto delle tradizioni religiose" e la *policy* alla base dei processi di *heritage-making* (*ibidem*, traduzione mia),

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(2) Il rito della *vindicatio* era basato sulla *legis actio sacramento in rem*, la principale legge di tutela della proprietà. Scrive Lattanzi: "Le moderne procedure di tutela dei beni culturali possono essere comprese meglio se riferite a questa tradizione romana. Benché ogni prodotto dell'attività umana abbia una sua valenza culturale, da un punto di vista giuridico di per sé non esiste una tipologia di res che possa con sicurezza essere definita "culturale" in forza di una sua specifica struttura intrinseca. Perché una res acquisti valore, venga cioè individuata e rivelata come "bene culturale", occorre una dichiarazione valutativa da parte di un esperto di patrimoni organico all'Amministrazione Pubblica: un "operatore rituale" che in funzione dello Stato, in nome dunque di un pubblico interesse, avvii un procedimento di vincolo tramite una notifica (una specie di *vindicatio*)" (Lattanzi, 1999, p. 9).

risolvendo l'*impasse* che, nel contesto degli studi sul patrimonio, si ve-
rifica quando ci si trova di fronte all'intersezione tra la dimensione reli-
giosa e quella dei beni culturali appunto. Si tratta infatti, secondo Isnart
e Cerezales, di uno strumento teorico funzionale a comprendere e stu-
diare la coesistenza dei due diversi livelli di valore attribuiti alla specifi-
ca categoria di beni in questione, siano essi materiali o immateriali. La
sua utilità sta difatti nel permettere di superare la separazione troppo
netta tra "sacralità religiosa" e "aura artistica" (*ibidem*), ormai conside-
rata forzata e a tratti posticcia, ma per lungo tempo utilizzata come un
criterio inevitabile. Decostruiscono quindi gli apparenti attriti tra pa-
trimonializzazione secolarizzante e perpetuazione religiosa e propongo-
no dunque il *religious heritage complex* — così scelgono di definirlo —
come presupposto di partenza e mezzo teorico tramite cui ripensare il
rapporto tra religione e patrimonio, così come più in generale i proces-
si di patrimonializzazione che li legano.

Il comune denominatore che costituisce il quadro nel quale si realiz-
zano i recenti studi sul patrimonio culturale, al di là delle più specifiche
scuole di pensiero, sta, dunque, nell'ineludibile necessità di muoversi a
partire dal presupposto della natura dinamica e partecipata del concetto
di patrimonio stesso. Tale dinamicità è "oggetto", ma è anche elemento
cardine del criterio di comprensione. In questa prospettiva, un metodo
transdisciplinare, che integri i paradigmi delle varie discipline, superan-
done la distanza in virtù di un obiettivo comune di ricerca, applicato
allo studio del patrimonio, soprattutto se questo è di interesse religioso
(Mazzoni 2022), può essere in grado di coniugare le esigenze di inqua-
dramento scientifico con la natura fluida dell'oggetto di studio stesso.

Si propone di riflettere, dunque, sull'approccio metodologico ap-
pena delineato (sebbene senza pretese di completezza) in relazione allo
studio di alcuni luoghi siciliani patrimonializzati e da poco rifunziona-
lizzati. Tali luoghi (tali *beni*), per via della loro natura composita, sul
piano del significato e del "funzionamento", sono stati studiati a parti-
re da prospettive disciplinari molteplici: lo studio biologico, antropo-
logico, storico-religioso e sociologico, ma ancor di più le loro tangenze,
intersezioni ed esiti posturali ibridi, hanno fornito strumenti adeguati a
osservare le dinamiche e le specificità delle Catacombe dei Cappuccini
di Palermo e delle altre cripte siciliane contenenti mummie.

Nelle pagine che seguono si illustrerà il caso delle Catacombe palermitane, mettendo in luce come mobilitando e collegando tra loro più discipline, e dunque tramite uno sguardo, nei fatti, transdisciplinare, sia stato possibile indagare ciascun elemento che caratterizza la loro storia e loro attività con efficacia e coerenza.

2. Le Catacombe dei Cappuccini di Palermo

2.1. *Storie e significati di resti umani esposti*

Le Catacombe dei Cappuccini di Palermo contengono quasi duemila corpi mummificati, esposti volutamente alla vista in posizione verticale, lungo le pareti di cinque corridoi al di sotto della chiesa di Santa Maria della Pace, annessa al Convento. Iniziarono la loro attività nel 1599, in maniera quasi casuale. La pratica canonica di lasciare riposare i frati defunti in una fossa comune, dopo qualche tempo, aveva portato alla necessità di un suo ingrandimento e nel traslare i corpi da un vano sotterraneo a un altro, fu scoperto come i primi frati interrati si fossero conservati perfettamente e le loro fattezze fossero rimaste intatte. Fu quindi riconosciuta loro un'aura di santità, dimostrata dal dono dell'incorruttibilità della carne, e si innescò il meccanismo del culto della reliquia. I frati, virtuosi in vita, intatti e profumati in morte, furono, secondo la tradizione, sistemati in nicchie in posizione verticale, in un ambiente dedicato, poi chiuso e per un certo tempo dimenticato, fin quando ulteriori lavori di ampliamento furono necessari e tale stanza con i primi quaranta frati fu ritrovata (da Castellammare 1922; da Castellammare 1938; Farella 1982). La prassi cristiano-cattolica prevede che il corpo dei defunti sia collocato lontano dalla vista e generalmente in posizione orizzontale, ma tra le eccezioni esistenti ci sono quelle che concernono, per esempio, proprio i corpi dei santi, venerati nelle loro spoglie mortali.

Essendo, sin dalla prima epoca cristiana, molto comune aspirare ad essere sepolti accanto a corpi santi, al fine di beneficiare proprio della loro santità e di godere di una intercessione positiva nell'aldilà, le richieste di sepoltura presso i Cappuccini aumentarono copiosamente,

anche al di fuori dell'ambito ecclesiastico. I frati misero a punto una tanatoprassi ben studiata, che poco aveva di miracoloso, e cominciarono a praticarla su richiesta e dietro compenso. E proprio questa è la caratteristica principale delle Catacombe palermitane: i corpi esposti non sono solamente corpi di santi o di frati che si erano distinti per un'ineccepibile condotta religiosa, ma sono, quasi nello stesso numero, corpi di persone laiche.

Il trattamento dei cadaveri perfezionato dai Cappuccini consisteva in una tecnica di mummificazione naturale che si basava su un processo di disidratazione (Piombino-Mascali e Carr 2021). Essa prevedeva che i corpi venissero collocati all'interno di specifiche stanze esclusivamente adibite a quest'uso, chiamate *colatoi* o *scolatoi*, senza intromissioni, per un periodo variabile, oscillante tra i sei mesi e un anno (Piombino-Mascali 2018; Piombino-Mascali, Maixner, Zink, Marvelli, Panzer e Aufderheide 2012). I colatoi consistevano in ambienti di modeste dimensioni, arieggiati tramite piccole finestre e dotati di postazioni con grate metalliche o lignee, su cui venivano adagiati i corpi in posizione orizzontale (Fornaciari, Giuffra e Pezzini 2007). Si lasciava la sola forza di gravità a operare la propria azione sull'eliminazione dei liquami cadaverici, mentre le condizioni ambientali dalla stanza, secca e ventilata (Nerlich e Bianucci 2021), favorivano l'essiccazione dei tessuti molli. I corpi, al termine di questo periodo, erano poi sottoposti ad una delicata operazione di lavaggio con una soluzione a base di cloruro di calce, necessaria a disidratare i resti ed eliminare gli odori. Seguiva, poi, se necessario, una fase in cui i corpi stessi erano imbottiti con paglia, o lana, ed erbe aromatiche per ristabilire la forma del corpo, e venire successivamente vestiti. A questo punto le mummie[3], così trattate e agghindate, venivano collocate nelle nicchie, indicando su una targhetta in legno il nome e la data di morte, in alcuni casi tutt'ora visibile. Ogni individuo conservato nelle Catacombe indossava un abito adeguato al proprio status sociale, spesso sostituito in occasione dei giorni di festa con uno più elegante, e quest'ultimo elemento, l'impegno nella ricostruzione della somiglianza tra l'identità estetica dell'individuo in vita con quella

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(3) Dal momento che i tessuti molli, sebbene essiccati, vengono conservati e non si assiste quindi ad un processo di scheletrizzazione, si procede ad utilizzare il termine, scientificamente corretto, di mummie (cfr. Nerlich e Bianucci 2021).

dell'individuo defunto, è fondamentale nell'interpretazione della pratica funeraria cappuccina (Spineto 2020). Sebbene infatti il declino fisico dei corpi non possa che ispirare una riflessione sulla vanità della vita, come la prospettiva teologica cristiana suggerisce, uno sforzo "estetico" di questo genere fa percepire un attrito nel momento in cui si prova a interpretare quest'uso solo come una possibile declinazione di *memento mori.* È necessario, infatti, come suggerito da Natale Spineto (*ibidem*), incrociare questa prospettiva con un'altra di più ampio respiro.

Osservando la struttura e la disposizione dei defunti nelle Catacombe di Palermo appare evidente come esse rispecchiassero in maniera fedele le gerarchie della società palermitana, nel tentativo di riaffermarle anche oltre i confini della vita terrena. Essere esposti all'interno delle Catacombe voleva dire perpetuare uno status e conservare un privilegio, ma non un privilegio necessariamente di natura economica, dal momento che era concesso spazio anche a donne, bambini e individui che non occupavano posizioni socio-economicamente apicali. Si trattava di un microcosmo a sé stante, con proprie regole e proprie caratteristiche, che riproduceva con precisione le dinamiche che animavano le vite sociali e politiche dei palermitani: il prestigio di cui si godeva in vita o il valore personale dimostrato venivano corrisposti in morte dall'opportunità di una collocazione finale di altrettanto prestigio, tale per la vicinanza con altri santi e notabili e per la possibilità di far proseguire la propria vita sociale oltre la morte, grazie alla continuità della propria presenza fisica, tangibile, nell'esistenza dei viventi[4].

Le Catacombe erano un luogo di incontro, dove si alimentavano relazioni e si oleavano i meccanismi della socialità: i defunti venivano visitati assiduamente e i corridoi delle Catacombe erano più di uno spazio

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(4) Paradigmatica è anche la presenza di personaggi pubblici ed esponenti della vita politica risorgimentale (ad es.. il corpo di Francesco Crispi fu inizialmente mummificato e conservato nelle Catacombe prima di essere spostato nella chiesa di San Domenico). Essi erano protagonisti di una forma di religione secolare, intendendo con questa etichetta il fenomeno con cui si conferisce lo stesso prestigio e la stessa sacralità, che normalmente viene accordata a ciò che è sacro, a oggetti — o individui in questo caso — che non appartengono alla sfera del religioso (cfr. Spineto 2020). Si tratta di corpi mummificati in epoca più recente, e non dai frati, secondo il "metodo Salafia": un'unica iniezione intravascolare di formalina, glicerina, sali di zinco, alcool e acido salicilico, operata senza la rimozione degli organi interni, a cui si aggiungeva un trattamento di paraffina disciolta, che permette di conservare perfettamente l'aspetto dei defunti, compresa ad esempio la forma rotondeggiante del volto (cfr. Piombino-Mascali, Maixner, Zink, Marvelli, Panzer, Aufderheide 2011).

dove pregare e riflettere sulla caducità della vita, erano luoghi dove risolvere il conflitto tra l'inesorabilità della morte individuale e il perpetuarsi della vita sociale (cfr. Remotti 2006).

Antonio Fornaciari, Valentina Giuffra e Francesco Pezzini (2007), antropologi fisici e paleopatologi che si sono interessati allo studio delle mummie palermitane, hanno suggerito di riflettere sulla tanatoprassi dei Cappuccini alla luce dell'analisi sulla concezione della morte elaborate da Robert Hertz, a seguito della sua esperienza etnografica tra le popolazioni del Borneo. Trascendendo il caso specifico, hanno suggerito un parallelismo tra il principio dietro alla doppia sepoltura dei Dayak e la pratica cappuccina.

Secondo quanto rielaborato da Hertz (1907) a partire da ciò che aveva osservato tra i Dayak, infatti, la morte è per la coscienza collettiva una temporanea esclusione di un individuo dalla società umana, un'esclusione che riguarda il passaggio dalla sua appartenenza alla società visibile dei vivi a quella invisibile dei morti, e dunque un fenomeno sociale che implica un processo di disgregazione e successive sintesi mentali, che si realizza nei rituali funebri e nel lutto. Solamente alla fine di questo processo, la frattura nella società causata dalla perdita di un proprio membro può dirsi sanata. Tra i Dayak ciò avveniva tramite una prassi funeraria che prevedeva delle doppie esequie: il corpo del defunto veniva collocato nella propria sepoltura finale solo a seguito di un periodo di durata variabile, fino ad un anno, in cui riposava in una sede provvisoria. Durante questa fase, in cui si realizzavano le trasformazioni fisiche principali, l'individuo non poteva più dirsi in vita ma non ancora dirsi morto. La durata di questo arco di tempo era determinata da quella della decomposizione dei tessuti molli che avveniva mentre il corpo rimaneva chiuso ermeticamente in una cassa, protetto dalla possibilità di attacco degli spiriti maligni. Nel momento in cui le ossa erano totalmente visibili si poteva procedere allo spostamento nella sepoltura finale, in quanto il passaggio dell'anima dall'aldiquà all'aldilà poteva dirsi concluso. Durante il periodo intermedio i parenti del defunto seguivano una serie di interdizioni che condizionavano in maniera significativa la loro vita e tramite questo intero processo rielaboravano e metabolizzavano la perdita. È individuabile lo schema tripartito del rito di passaggio, che vede avvicendarsi a una fase iniziale una liminale e una

Figura 1. Le Catacombe dei Cappuccini di Palermo all'inizio del '900 (immagine del fotografo Giuseppe Incorpora).

finale, tramite le quali sia i vivi che i morti possono rendersi protagonisti, più o meno consapevoli, di un passaggio di stato.

Le dinamiche e le riflessioni delineate fin qui molto sinteticamente, e nello specifico l'aspetto legato a quella che gli autori poc'anzi citati definiscono la "procrastinazione della sepoltura definitiva", sono secondo gli stessi, anche a partire da una nota scritta a proposito dallo stesso Hertz[5], in stretta correlazione con l'idea di Purgatorio e quindi applicabili agli usi funerari dell'Italia meridionale[6].

Le somiglianze con la specifica pratica cappuccina sono evidenti, sebbene concettualmente le differenze siano altrettanto solide. Come fatto

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[5] "La notion de Purgatoire n'est en effet qu'une transposition en langage moral de la notion d'un stage précédant la délivrance finale. Les souffrances de l'âme pendant la période intermédiaire apparaissent d'abord comme une conséquence de l'état transitoire où elle se trouve. A un moment ultérieur de l'évolution religieuse, les peines de l'âme sont conçues comme la suite et l'expiation nécessaire des péchés qu'elle a commis pendant son existence terrestre. Cette transformation, d'ailleurs tout à fait normale, s'est produite dans la croyance hindoue relative au preta", Hertz (1907), p. 130.

[6] Indagano nello specifico gli usi di doppia sepoltura nell'esperienza popolare napoletana, a proposito dei quali si rimanda inoltre a Niola (2003).

Figura 2. Dettaglio dei corpi esposti nelle Catacombe dei Cappuccini di Palermo (immagine del fotografo Giuseppe Incorpora).

notare da Spineto (2020), elementi come lo sforzo di far somigliare i defunti ai vivi, l'importanza dell'esposizione del corpo e del rapporto con le salme inalterate dei santi (punto importantissimo per la teologia cattolica) sono elementi da non sottovalutare, che fanno sì che sia necessario un tentativo di interpretazione ulteriore. Mi spingo quindi un po' oltre e propongo di guardare ai Cappuccini, specialisti della tanatoprassi, come, sì, operatori di un rito passaggio verso una nuova fase, ma di una fase che ripensa a livello simbolico la vita, e non la morte.

I Cappuccini mediano una trasformazione attraverso l'applicazione di tecniche specifiche, veicolano il processo anti-poietico della trasformazione corporea (cfr. Favole 2003), ma tornano realmente in scena nel momento in cui è necessario offrire all'individuo defunto un nuovo "essere sociale", tramite un altrettanto nuovo processo pseudo-antropopoietico[7] che si costruisce intorno alla possibilità di esserci socialmente, "imprimendo sul corpo i segni della propria umanità" (Remotti 2000, p. 138), anche dopo la morte e parallelamente alla cattolica vita eterna.

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(7) Sul concetto di *antropopoiesi* cfr. Remotti (2000).

In casi come questi, in cui la tanato-morfòsi, ossia l'insieme di tutti i processi di ordine naturale legati alla morte che modificano il corpo, si somma agli interventi culturali che gli esseri umani compiono sui corpi stessi, è più corretto parlare di tanato-metamòrfosi, termine che pone enfasi sull'idea di intenzionalità e progettualità dell'atto trasformativo (Favole 2003; Remotti 2006). Si supera così ciò che Morin (1980) ha definito "l'orrore della morte", ossia "l'emozione, il sentimento e la coscienza della perdita dell'individualità. Emozione-shock di dolore, di terrore o di orrore. Percezione di una rottura, di una sventura, di un disastro, cioè trauma". Il caso dei Cappuccini rientra infatti nell'ultima delle cinque categorie proposte da Favole nel tentativo di raggruppare le modalità principali tramite cui le culture affrontano la dissoluzione dei corpi: evitando, accelerando, dissimulando, rallentando o bloccando. Le tecniche di mummificazione fanno parte di quest'ultima classe, ossia di quell'insieme di pratiche che rifiutano la putrefazione e vogliono eluderla tramite processi culturali conservativi: la evitano, cioè, conservando (Favole 2003). La prassi palermitana non sancisce dunque una separazione netta tra vivi e defunti. Il passaggio di stato non veicola esclusivamente una rassegnazione inesorabile all'assenza dell'individuo, ma l'adeguamento ad un suo nuovo status, che socialmente è anche una nuova vita, e dunque un mantenimento delle costruzioni antropo-poietiche. La società ri-ingloba i corpi, i resti, ed essi non terminano con la morte la propria vita sociale, ma anzi — prendo in prestito le parole di Adriano Favole — "divengono nuovamente oggetti (o soggetti?) culturali di cui la società si riappropria, rimettendo in scena la funzione del modellamento" (Favole 2003, p. 37) e alimentando la dialettica tra il "disfare e il (ri)fare umanità" (Remotti 2006, p. 14).

2.2. *Sguardi*

Oggi il significato e la funzione delle Catacombe dei Cappuccini hanno caratteri sostanzialmente diversi rispetto a quanto appena descritto. Sebbene infatti mantengano integralmente la loro essenza di cimitero e continuino a essere considerate un luogo sacro, la loro fruizione è ormai indissolubilmente legata a una forma di rifunzionalizzazione turistica.

L'interesse turistico, però, non è da considerarsi legato esclusivamente all'epoca contemporanea, dal momento che fin dalla loro nascita le Catacombe sono state una delle tappe obbligate delle visite a Palermo, tanto da poterle definire un'attrazione turistica *ante litteram.* La letteratura odeporica, italiana e straniera, soprattutto quella legata ai Grand Tour, è ricca di racconti che le riguardano e che spesso indugiano nel registrare lo scarto tra la percezione e le reazioni degli autoctoni e quelle dei viaggiatori, per ovvie ragioni, raramente allineate (Sabatini 2019; Spineto 2020). Le Catacombe sono, oggi, ancora molto frequentate da turisti e viaggiatori e pur essendo la loro visita raramente l'obiettivo principale del viaggio, scegliendo di realizzarla viene mobilitata una complicata categoria di turismo, ossia quella nota con il nome di *dark tourism* (Stone 2009; White e Frew 2013; Stone, Hartman, Seaton, Sharpley e White 2018).

Furono Malcolm Foley e John Lennon, nel 1996, a usarla per la prima volta per descrivere il crescente interesse turistico rivolto a Dallas a partire dal 1963, anno dell'assassinio del Presidente Kennedy. Proposero di applicarla per identificare una nuova categoria di turismo che si sommava a quelle precedentemente teorizzate (ad es. turismo culturale, sportivo, sessuale) e che doveva essere utile a descrivere viaggi verso luoghi legati a morte, sofferenza e macabro. Da allora i confini della categoria sono stati più volte messi alla prova, così come le possibilità della sua applicazione. L'interesse iniziale riguardava la possibilità di identificare *chi* fosse interessato a questo tipo di viaggi e *perché* lo fosse, ma ben presto tale direzione di lavoro si rivelò inefficace e, vent'anni dopo, la risposta a questa domanda è *tutti e nessuno* (Seaton 2018, p. 9). Il tentativo di individuare una categoria specifica di turisti, ben distinta dalle altre, che scelgano di viaggiare con lo scopo specifico di raggiungere *luoghi di morte*, simbolica o reale, può, infatti, dirsi fallito (*ibidem*). Questo per due ragioni. La prima riguarda la difficoltà di stabilire quando e se un certo luogo possa essere definito *dark*; la seconda invece la reticenza con cui gli effettivi componenti di questo supposto gruppo sui generis di viaggiatori accettano l'etichetta di *dark tourists,* ritenuta eticamente problematica, dal momento che sembra implicare un interesse ludico verso la *commodification* della morte e l'intrattenimento a essa legato.

Una delle soluzioni proposte fu allora quella di optare per l'utilizzo di una categoria il cui nome fosse epurato dall'accezione implicitamente negativa dell'etichetta precedente e quindi di preferire l'uso dell'espressione *tanatoturismo*. Ma, come sempre, si trattava di una questione ben più ampia del semplice uso linguistico. Tony Seaton (2018) ha, quindi, proposto di ripensare la categoria concentrandosi su un aspetto di certo non sottovalutabile, e cioè che l'incontro con la morte alla base di questo tipo di turismo non è un reale incontro con la Morte, ma con una rappresentazione simbolica della stessa e quindi con il suo ricordo (*remembrance*), architettato e orchestrato da viventi (*Engeneered and Orchestrated Remembrance*, in breve *EOR*). Seaton propone, dunque, di considerare il *dark tourism*/tanatoturismo come basato sugli incontri con tale *rappresentazione* della morte (che distingue in *mortality* e *fatality*: rispettivamente per cause naturali o circostanze straordinarie), ossia come una nuova forma di quel fenomeno, nato nel Medioevo e rafforzatosi durante il Romanticismo, che è la contemplazione della morte (Seaton 1996).

Come è stato fatto notare parlando della camera mortuaria di Parigi (Edmondson 2018), che fino all'inizio del XIX secolo era aperta al pubblico e costituiva una delle normali tappe degli itinerari turistici al pari di Notre Dame, va però, inoltre, sottolineato che luoghi con queste caratteristiche di rado erano — e forse sono — per i visitatori, ancora una volta, esclusivamente una forma di *memento mori*. Costituivano infatti anche il mezzo tramite cui soddisfare una inconfessata curiosità nel privilegio di guardare un proprio simile senza che questo potesse restituire lo sguardo, un incontro con l'Altro che si poteva realizzare al di fuori delle convenzioni. Privilegiare lo studio della *natura* degli incontri con tali *orchestrazioni simboliche* risulta, quindi, la direzione più fertile per lo studio del fenomeno.

In questa prospettiva va, poi, rapidamente, presa in considerazione un'ulteriore intersezione, quella tra tanatoturismo e turismo religioso (cfr. Stausberg 2011), i quali finiscono per sfumare i propri confini fino a sovrapporsi (Olsen e Korstanje 2020). È stato sottolineato, infatti, come sebbene non tutti i luoghi tanatoturistici siano religiosi, una buona parte di quelli religiosi, stando alla definizione precedentemente suggerita, possano essere considerati tanatoturistici (Bideci 2020). Il

caso delle Catacombe e delle cripte siciliane rientra a diritto in questa area di sovrapposizione.

Spesso i luoghi tanatoturistici, d'altro canto, sono visitati per ragioni accidentali: si trovano vicini alla meta cardine del viaggio, sono menzionati dalla guida turistica o fungono da cappello ad una vacanza di natura totalmente diversa, come accade spesso proprio nel caso delle Catacombe di Palermo. Nella classificazione tipologica di Philip Stone (2006) esse sono descritte, infatti, come una *dark exhibition* composta da "three-dimensional cadaver piece[s] of art". Tale scelta classificatoria va però problematizzata. Le Catacombe sono, infatti, accomunate, così facendo, alla *Body World Exhibition*, la mostra anatomica che permette a un numero sempre crescente di visitatori nel mondo di osservare l'interno di veri corpi umani, conservati grazie alla tecnica della plastinazione, e non ad altri *dark resting places*[8] (altri cimiteri), come sarebbe stato più corretto fare secondo quanto discusso finora. Uno sguardo transdisciplinare sarebbe, forse, stato anche in questo caso, utile a sottrarsi a tali, e sempre possibili, fraintendimenti[9], mettendo in luce come la valorizzazione turistica del luogo implichi una sua stratificazione semantica e non necessariamente un appiattimento della sua dimensione storica.

La valorizzazione turistica delle Catacombe si inserisce, infatti, anche all'interno di un orizzonte di significato legato al discorso sui processi di patrimonializzazione dei beni culturali, materiali e immateriali, e al dibattito ad esso legato. Le Catacombe di Palermo assumono oggi un significato che concerne proprio la loro assunzione all'interno del patrimonio culturale, oltre che religioso, e tale processo non influisce solo sulla loro storia e sulla traiettoria della loro fruizione, ma anche su quella dei siti simili che costellano il territorio siciliano (ad es. Savoca, Gangi, Burgio, Santa Lucia del Mela). Tali cripte, più piccole e meno note, sono dotate di caratteristiche analoghe alle Catacombe palermitane e non possono che orbitare intorno al loro esempio, passato e presente. A partire dal loro riconoscimento come elemento di una eredità storico-culturale da tutelare e valorizzare (Bonato e Viazzo 2013;

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(8) Stone identifica sette tipi di mete tanatoturistiche: *dark fun factories*, *dark exhibitions*, *dark doungeons*, *dark resting places*, *dark shrines*, *dark conflict zones*, *dark camps of genocide*.

(9) Nell'ambito dei *dark studies* un suggerimento simile è stato dato da Stone (2011).

Palumbo 2013b; Padiglione e Broccolini 2017, partecipano a importanti dinamiche politiche ed economiche, oltre che culturali e sociali, che contribuiscono alla costituzione di una visione patrimoniale orientata a essere fruibile dentro e fuori il contesto locale (Sabatini 2023).

3. Attraversamenti

Il caso delle Catacombe dei Cappuccini di Palermo, bene culturale di interesse religioso assunto qui ad esempio, vorrebbe suggerire come senza le tangenze e le intersezioni di posture e punti di osservazione diversi, che si lambiscono e che si contaminano reciprocamente, non sarebbe stato possibile ottenere una comprensione completa né una restituzione efficace delle riflessioni compiute a riguardo. Un lavoro transdisciplinare può, quindi, essere, anche nei casi legati allo studio del patrimonio e della religione, un approccio fertile.

Studiare il patrimonio di interesse religioso a partire da uno "sguardo turistico" (Urry e Larsen 2011) è utile a comprendere antropologicamente e sociologicamente la sua co-costruzione, ossia il contributo e l'impatto — volontario e involontario — dei fruitori del luogo ("consumatori" e autori di processi di significazione e risignificazione) e dei loro interlocutori, coloro che si offrono, cioè, al loro sguardo. Tali processi non possono essere osservati e descritti senza una contestualizzazione storica (sul piano religioso, ma anche storiografico e letterario) che ne indichi e metta in luce gli elementi di continuità e innovazione, a propria volta inserita in un quadro di interpretazione che ne sciolga i nodi e ne espliciti il sostrato culturale. La comprensione delle pratiche e delle azioni, messe in luce diacronicamente e sincronicamente, nel caso in questione si è poi sviluppata, — dato da non sottovalutare — a partire da studi antropologico-fisici e paleopatologici, che hanno sentito la necessità di superare i propri confini e, come si è dato modo di osservare, di assumere uno sguardo "culturale" che contestualizzasse non solo il sapere, ma anche l'azione di ricerca[10].

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(10) Si è fatto più esplicito riferimento agli studi di Fornaciari, Giuffra e Pezzini, ma le stesse riflessioni valgono per gli importanti lavori di ricerca del più volte citato Dario Piombino-Mascali, a sua volta antropologo e paleopatologo.

Concatenando categorie medico-biologiche, sociologiche, antropologiche, storiche (e si potrebbe continuare ad aggiungerne), e, negoziando un approccio olistico che poi trascenda tali categorie (Miller 2016), è possibile ottenere un risultato che valorizzi la dinamicità di oggetti di indagine fluidi come patrimonio e religione, e attraversare i confini disciplinari, rimanendo incolumi e coerenti.

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INTRODUCTION

Debora Tonelli

This section of the "Annali di studi religiosi" offers a dialogue between theology and philosophy on fundamental questions of ethical, social and political action, but also on the criteria for understanding these questions. It does so by dealing with some issues that are only apparently circumscribed to the theological sphere while, in fact, they have profoundly to do with lived life and the criteria adopted to take a position on them. This is possible for two basic reasons: the first is that Christian theology remains a fundamental root of Western culture. Denying it, or belittling it because one does not adhere to its belief system or showing indifference will eventually make us only less aware and less able to use that tradition as a resource, but no more emancipated. The second, as the collected contributions show, consists in the fact that over the centuries theology has been able to question human beings about the criteria of their choices and purposes, their values, urging them to continuously reflect on their own horizons of meaning and the ultimate meaning of their lives. Theology, even before constituting a doctrinal apparatus that underpins the system of religious practices and beliefs enacted in the community of believers, is first and foremost questioning, urging us to think about and understand the relationship of human beings with God, understood as the primary source of existence.

Philosophical rationality is essential to the human capacity to interrogate, argue and articulate complex issues, preventing the gap between reason and faith from descending into ideological dogmatism. Theological reflection, however, does not necessarily coincide with

adherence to faith, just as in writing about poetics one is not necessarily (also) a poet. In its questioning, theology feeds on doubt, on the gap between what is rationally comprehensible and the immeasurability of mystery, without ever abandoning the challenge. In this it always inhabits the threshold. The essays that make up this section sustain this gap from different angles, inviting the reader to question rather than guiding him or her toward definitive, doctrinal answers. In the background, they presuppose a fundamental distinction between theology as a discourse on the relationship between man and God, a discourse that questions rather than answers; religion as a system of communal practices and beliefs that derive from theology; and, finally, faith as the personal and intimate experience of the relationship between the believer and God. These three dimensions do not necessarily coincide in a person or a community: one can be a theologian without participating in community practices or adhering to the belief system and also without cultivating a personal relationship with God. One can participate in community practices and adhere to the religious belief system without being a theologian and without cultivating a personal relationship with God. One can cultivate a personal relationship with God without being a theologian and without adhering to community religious practices and beliefs. However, theology cannot but question its influence on the emic dimension and must necessarily feed on it.

In the opening essay *The Veiled Treshold* Salvatore Rindone analyzes the relationship between ethical and emic dimensions through the analysis of the biblical image of the Veil of the Temple. After Adam's sin, in the First Revelation (Old Testament) man must remain on the threshold and cannot look beyond the veil of the Temple. In Second Revelation (New Testament) God shows Himself to man through the Son, that is, by becoming incarnate. At his death, the Veil of the Temple "was torn in two from top to bottom" and God revealed himself beyond the threshold. From this reversal of the threshold, every man is now called to cross every threshold in order to be saved: righteous/sinner (Luke 5:32), servant/friend (John 15:15), Jew/Greek (Galatians 3:28), stranger/family member of God (Ephesians 2:19). This new awareness about one's way of being in the world requires human beings to question who they are, about relationships, about how to embody

their values, about the fact that it is not always enough to act according to the norm in order to be consistent with one's faith.

In the second essay *The Threshold between Human Rational Research* Vincenzo Serpe analyzes the relationship between rational thought and listening to Revelation that characterizes the thought of Thomas Aquinas. Drawing on non-Christian thinkers (Averroes, Avicenna, Maimonides, Boethius, and Aristotle) Thomas constructs his theological reflection using both rational thought and the ability to listen to God's presence, demonstrating that these are two ways of understanding that are not in opposition to each other and both require an active role of the investigator.

At the center of the section, Pierangelo Bianco's essay *Ecumenical Theology from the Emic* mediates between theoretical reflection and the rediscovery of the emic role of the biblical text. Indeed, the author analyzes the development of the idea of an ecumenical theology based on an intratextual and emic understanding of religious truth in the postliberal theology of Hans Frei and George Lindbeck. The main idea of this approach seems to be the emancipation of theology from historiography and philosophy and, above all, the establishment of a methodological connection between the work of the theologian and that of the anthropologist. Hence, the need to rediscover the realistic narrative of the biblical text as the story of a community of faith that was born around Jesus of Nazareth.

The last two essays further develop the role of the biblical text and its interpretation in concrete contexts through the analysis of the concept of "consensus" and the role of "nonviolence" in postcolonial theological thought. In *The Biblical Imaginary in the Political Thought*, Debora Tonelli takes the relationship between theology and philosophy a step further: the space of imagination becomes the place where, thanks to a new worldview, thought can be transformed into action. The experience of "consensus" narrated in Exodus 19:1-8, in dialogue with the Spinozian interpretation, is analyzed as an expression of a praxis that has become a paradigm: from the biblical Exodus to the Afro revolution in the United States, from emancipation from apartheid to decolonial theology, numerous peoples have been inspired by the biblical narrative to regain the dignity they had been denied. Imagination

amounts to crossing the threshold where "discard" becomes emic experience of return.

In *Towards a Postcolonial Theology of Nonviolence*, Stefan Silber discusses the role of nonviolence as an expression of epistemic emancipation from the colonial experience. If Christian theology in the past colluded with the colonial experience and succumbed to both physical and epistemic violence, today nonviolence allows theology to reclaim the prophetic vision. By overcoming the opposition created by the logic of violence, based on oppression and power relations, nonviolence becomes, in the theological sphere, an instrument of self-criticism and an expression, in fact, of a third way, the one that is original and essential to theological thought itself.

In all the essays, the experience of faith poses radical theological questions that have profoundly to do with acting in the world not only in terms of the coherence between faith, religious adherence, doctrinal apparatus on the one hand and practical action on the other, but also and especially in the creation of that horizon of meaning that makes the world intelligible in the light of the relationship between God and human beings, even and especially in the gap of the incommensurability of mystery. The first three essays offer theoretical reflections on the issue and three different angles: the inversion of the threshold through the changing role of the Veil of the Temple in First and Second Revelation, the relationship between rational knowledge and listening to Revelation in Thomas, and an ecumenical theology based on the intratextual and emic understanding of religious truth. The fourth essay crosses the threshold by appealing to the biblical imagery that has exerted its influence in Western social and political history. The fifth essay, through the meaning of nonviolence in postcolonial theology, places theology in dialogue with itself, radicalizing the question about its socio-political role and the coherence between thought and the emic dimension. In its being a search and a question about God, theological thought is a narrative of man's openness to the mystery of God and his ability to position himself within a horizon of meaning in which what remains inscrutable is not a limit but a resource of meaning.

THE VEILED THRESHOLD
A NARRATIVE INTERPRETATION OF THE TEMPLE IN THE CHRISTIAN REVELATION

Salvatore Rindone

Abstract: The aim of our ethical analysis is to show the biblical meaning of the veil of the Jerusalem Temple and to try to look through this sacred wall as a door to be opened from within. In the First Revelation (Old Testament), the believer must "stand on this threshold": after Adam's sin, he cannot see God's face and "will not die" (Moses). The veil of the Holy of Holies in the Jerusalem Temple represents this insurmountable threshold in the books of Exodus and Ezekiel. In the Second Revelation (New Testament), God the Father shows Himself forever in the face of His Son (Incarnation). When Jesus Christ died on the cross, the Veil of the temple was "torn in two from top to bottom" and God revealed Himself beyond the threshold. Every person is now called to cross all thresholds to be saved: righteous/sinner, servant/friend, Jew/Greek, stranger/family member of God.

Lo scopo delle nostre analisi etiche è quello di mostrare il significato biblico del velo del tempio di Gerusalemme e cercare di guardare attraverso questo sacro muro come attraverso una porta che si apre dall'interno. Nella Prima Rivelazione (Antico Testamento), il credente deve "stare in questa soglia": dopo il peccato di Adamo, non può vedere il volto di Dio e "non morirà" (Mosé). Il velo del Santissimo nel Tempio di Gerusalemme rappresenta la soglia insormontabile nei libri dell'Esodo e di Ezechiele. Nella Seconda Rivelazione (Nuovo Testamento), Dio il Padre si mostra per sempre attraverso Suo Figlio (Incarnazione). Quando Gesù Cristo muore sulla Croce, il Velo del Tempio "diviso in due dall'alto verso il basso" e Dio rivelò Sé stesso oltre la soglia, Ogni persona adesso è chiamata ad attraversare tutte le soglie per essere salvata: retti/peccatori; servi/amici; ebrei/greci, estranei/familiari membri di Dio.

Keywords: Threshold, Jerusalem Temple, Veil, Bible, Revelation

Parole chiave: Soglia, Tempio di Gerusalemme, Velo, Bibbia, Rivelazione

1. Introduction: threshold and limit in theology

What is a threshold? What is the difference between threshold and boundary?

We usually know the threshold is considered the entrance line to go from one space to another one, while the boundary is the border beyond which it's not possible to go. Keeping this concept in mind, we're going to transfer the meaning of these two words to an analogy between philosophy and theology. In philosophy, as in Immanuel Kant's definition of the "science of the limit", we have a clear picture of the difference between reason and intellect (see Priest 2002, pp. 71–101; Firestone 2009; Jauernig 2021). The intellect puts limits to reason. In order to explain this concept, Kant mentions the difference between the *phenomenon* and *noumenon. Phenomenon* is what we can know as a whole, while *noumenon* is what we are only allowed to think, but not to know.

Between 17th and 18th centuries both philosophy and science focus their theories on the limit between the demonstrable and the impossible. On the other hand, according to theories developed by Galileo and Newton, knowing reality means being able to quantify and objectively to measure any phenomena, in order to guarantee the scientific method. So that both modern philosophy and science clearly put a boundary to the entire body of knowledge. For this reason, we can certainly define theology as the science of the threshold (see Salmann 1986; 2000; De Candia and Nouzille 2018) and of liminality (Carson *et al.* 2021). Why is it?

Knowledge coming out of the thesis of theology, unlike the scientific method, goes beyond the limit of the intellect. As a result of this, we can say theology enlarges the scope of research of what can be known by the studying biblical revelation.

There are two main words for "threshold" in Hebrew: *kaph* and *miphtan*. The first one relates to an ordinary entrance. The second one describes a doorway that is essentially both holy and unsurpassable. In our texts we usually find the second meaning (*mipthan*) which marks the distance from God.

Our research aims to show how we can experience the threshold in theology starting from the people of Israel described in the Bible. In

fact, in Exodus the people of Israel receives a gift: the Law. In this case, the theological limit can be considered as a threshold because the people of Israel is not allowed to cross since God's glory (*kābôd* in Hebrew) cannot be seen.

From here on we will follow a theological-narrative method by analysing Exodus and Ezekiel to explain this dynamic of theophany, which can be summarised in the following three steps:

– standing on this side of the threshold (God's revelation to Moses and the building of the temple in Ezekiel),
– standing on the threshold (the mediation of the cherubim and the role of the Tent of Meeting in the Temple of Jerusalem),
– crossing the threshold (the revelation of the Father's face in Jesus Christ, the "true Tent").

2. On this side of the threshold: marking the distance from the face of God

In Genesis 3, the Fall obscures God's face forever. Adam and Eve are driven out from the Garden of Eden and as a result they are not able to see God's face. They cannot see God's glory, in Hebrew *kābôd*, but they can only hear His voice. This is the reason why, as reported in Exodus, God's Law has been interpreted as a gift of his own voice.

Then, hearing his voice is an opportunity to see his *kābôd,* while the only way to remain alive is to cover our face in front of God (as mentioned in Deuteronomy 5:24). In order to remain alive, the condition for Israel is to stay on this side of the threshold. This condition is firstly revealed when God meets Moses in the Sinai Mount and secondly in the description of the Temple Veil in Ezekiel book.

2.1. *Exodus: the revelation of God's name to Moses*

The theophany at Sinai is one of the most important texts of the Old Testament. We all know the story. Moses was tending the flock and came to Horeb, as mentioned in Exodus 3:2: "The angel of Yahweh

appeared to him in a flame blazing from the middle of a bush, Moses looked; there was the bush blazing, but the bush was not being burnt up".

Moses tries to get closer to see the bush blazing, but "when Yahweh saw him going over to look, God called to him from the middle of the bush: 'Moses, Moses! [...] Take off your sandals, for the place where you stand is holy ground. I am the God of your ancestors, the God of Abraham, the God of Isaac and the God of Jacob" (Ex 3:5-6a). So Moses covered his face because "he was afraid to look at God" (Ex 3:6b).

Why does Moses cover his face and the same time he's afraid to see the face of God?

Moses' gesture is better explained in Exodus 33. Precisely when Moses is in the Tent of Meeting, which, as we all know, is located far away from the camp. Now let's read together Exodus 33:18-23:

> He then said, 'Please show me your glory'. The Lord said, 'I shall make all my goodness pass before you, and before you I shall pronounce the name 'the Lord'; for I am gracious to those to whom I am gracious and I take pity on those on whom I take pity'. He said, 'My face you cannot see, for no human being can see me and survive'. Then the Lord said, 'Here is a place near me. You will and when my glory passes by, I shall put you in a cleft of the rock, the rock and shield you with my hand until I have gone past. Then I shall take my hand away and you will see my back; but my face will not be seen'.

Although Moses can speak to God, he cannot see His face, but only his *kābôd* ("the glory of God"). Between Moses and God there is clearly a boundary which cannot be crossed. Therefore, there is the same one we find in Genesis 3:24: "He banished the man, and in front of the garden of Eden he posted the great winged creatures and the fiery flashing sword, to guard the way to the tree of life".

So as we know this happening was preceded by the Adam's Fall mentioned in Gen 3:17. It is important to keep in mind that after Adam's Fall God puts a cherubim as guardian of the Eden Garden's threshold. Another example which can be taken as a sign of marking the distance

from God is in Exodus 19. Moses is with his people in the desert just in front of the Mt Sinai. The Lord God calls Moses to the mountain, and He gives him two instructions: first to wash the people's clothes and second to mark a threshold as a limit that they are not allowed to cross. Why? Do not forget that "anyone who touches the mountain will be put to death" as mentioned in Exodus 19:12.

This experience of the people of Israel is a repetition of Moses', which he had in Exodus 3, but here it is a spreading to all the priests of Israel. The image of the marked mountain indicates a demarcation line between the visible and the invisible, between man and the inscrutable mystery of God (Blenkinsopp 1992, p. 185).

Moreover, in Exodus 19, according to exegetes, we find a clear reference to the building of the Jerusalem Temple written in Exodus 26:33-34 and in Ezekiel 25-26 and 40-45.

As you can see the plan of the Jerusalem Temple is a clear explanation of what is mention in Exodus 26:33-34 and in Ezekiel 41:3-4.

In both books we find the same explanation about the location of the "curtain" or, as it is called, the Temple Veil[1], in Hebrew *parokhet*: "so that inside behind the curtain, you can place the ark of the Testimony, and the curtain will mark the division for you between the Holy Place and the Holy of Holies" (Ex 26:33-34).

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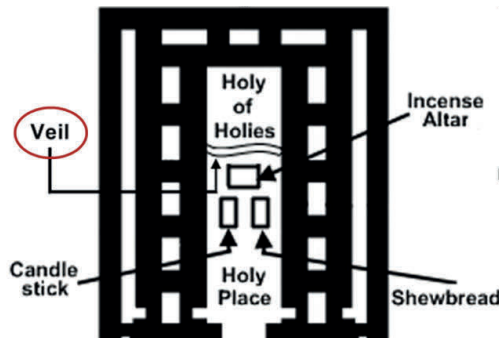
(1) For the meaning of the Veil in the Old Testament see Gurtner (2007, pp. 29–46).

2.2. *Ezekiel: the Temple threshold*

Making reference to the already mentioned (Exodus 19-24) and to the instructions about the building of the Temple (Exodus 25-40), we can find an etiological writing which is to describe the Temple construction and its rituals. All these descriptions, Exodus 19-20 and in Ezekiel 9:3, 10:4 and 10:18, belong to the post-exilic period, namely the 6th and 5th centuries before Christ (Blenkinsopp 1992, p. 10; see Ska 2006, p. 160). We know Ezekiel was a prophet exiled in Babylon. Ezekiel introduces the believer to the theophany of the "glory of God" which is also called "the threshold of the Temple" (Ska 2006, p. 186) as in chapters 8-11 and 40-42. Let's go through same extract from this book:

> Ez 9:3: The glory of the God of Israel rose from above the winged creature where it had been, towards *the threshold of the Temple*. He called to the man dressed in linen with a scribe's ink-horn in his belt.
> Ez 10:4: The glory of Yahweh rose from above the winged creatures, towards *the threshold of the Temple*; the Temple was filled by the cloud and the court was full of the brightness of the glory of Yahweh.
> Ez 10:18: The glory of Yahweh then came out over *the Temple threshold* and paused over the winged creatures.

A few chapters later, Ezekiel is given further cultic tasks in the Theophany (ch. 46) and he describes the river flowing eastwards from under the Temple threshold (ch. 47), referring to the Temple in Jerusalem:

> Ez 46:2: the prince must go in through the porch of the outer gate and take his position by the doorposts of the gate. The priests must then offer his burnt offerings and his communion sacrifice. *He must prostrate himself on the threshold of the gate and go out*, and the gate must not be shut again until the evening.
> Ez 47:1: He brought me back to the entrance of the Temple, where a stream flowed eastwards from under *the Temple threshold*, for the Temple faced east. The water flowed from under the right side of the Temple, south of the altar.

In Ezekiel, the Hebrew term "threshold" is frequently repeated to indicate the unsurpassable Temple's boundary. This is a clear metaphor

which refers to the gate in Genesis 3 after the Fall[2] and to the Moses' experience as mentioned in Exodus 33.

In Ezekiel, the Temple threshold limits the outside from the inside and therefore it cannot be crossed. In chapter 8, Ezekiel describes the sin of Jerusalem, then, in chapter 9, the prophet announces the destruction of the city (9:2) and finally, in chapter 10, namely 10:18-22, Ezekiel describes the Lord's glory leaving the Temple: "The glory of the Yahweh then came out over the Temple threshold and paused over the winged creatures (cherubim)" (10:18). In Ezekiel 10:18-22, the glory of the Lord is now represented by the risen cherubim which come out from the ground of the Temple. So they reveal God's departure from the Temple (10:18-22 and 11:22-25).

What are these cherubim? The cherubim are an expression of God's theophany whose purpose is either to reveal and to conceal the glory of God. In this revelation it is important to mention that angels are considered in all religions to be God's presence guardians and this is clear reference to the building of the Ark in Exodus (Ex 25-26; 36-37).

3. Standing on the threshold: the mediation of the cherubim

As ambassadors of God's glory (of his *kabod,* Gen 3, Ex 25-26, Ezk 10), cherubim take care of the divine inscrutable mystery. They are half beast, half man winged beings and among all the other angels, cherubim are the only ones allowed to stand at the threshold of the Temple. The cherubim preserve the absolute divine otherness and transcendence, thus allowing the believer not to die, and also by allowing God to manifest Himself and keep hidden His mystery.

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(2) Blenkinsopp says: "This idea of the exile of the *kābôd* and its eventual return from exile provided the priest-prophet Ezekiel with a way of speaking of divine presence and absence at the time of the deportations (Ezek 9:3; 10:4, 18-19; 11:22-23; 43:1-5). For the P narrator of the wilderness journey it was a way of solving the problem of combining divine transcendence with presence. Moses, therefore, was allowed to see not the face of God but the mysterious divine effulgence (Ex 33:18-23). It filled the mobile tent-sanctuary, and its presence could be either salvific (e.g., Ex 29:43) or ominous (e.g., Ex 16:7, 10-12; Numbers 16), depending on the situation. It expresses the conviction that there can be no guidance for the conduct of life apart from the divine presence in the sanctuary" (Blenkinsopp 1992, p. 169).

3.1. *Exodus: the cherubim in the Ark*

In Genesis 3:24, the cherubim are placed by God on the threshold of the Eden's Gate to guard the Tree of Life by "the fiery flashing sword". In Exodus 25:18 they are at the two ends of the Ark of Testimony with their wings facing each other (Ex 25:18-22).

The cherubim are entrusted with the task to protect the "Ark of the Testimony" by their wings and they receive this clear command: "I shall come to meet you; from above the mercy-seat, from between the two winged creatures which are in the ark of Testimony, I shall give you all my orders for the Israelites" (Ex 25:22).

According to Joseph Blenkinsopp, the British 21st Century exegete, the cherubim are messengers accompanying God or his angels (*mal'ak* in Hebrew) who led Israel out of Egypt (Judges 2:1-5) and guarded Israel on the way (Ex 23:20-33): "The *mal'ak* is therefore not a human agent, but a manifestation or hypostasis of the Godhead. It is closely related to the divine presence (*pānîm*, literally "face") that accompanies Israel on its journey (Ex 33:14; Deut 4:37; *mal'akpānîm*, "the angel of his presence")"[3]. We also find in Exodus (Ex 26:1; 26:31; 36:8; 36:35) precise instructions on how to draw the "cherubim figures" either on the "purple and scarlet veil" and on the Ark of Testimony. We can read in Ex 37:7-9:

> Ex 37:7 [He] modelled two great *winged creatures* of beaten gold, putting them at the two ends of the mercy-seat [propitiatory]
> Ex 37:8 at one end and the other *winged creature* at the other end, making the *winged creatures* of a piece with the mercy-seat [propitiatory] at either end.
> Ex 37:9 The *winged creatures* had their wings spread upwards, protecting the ark with their wings and facing each other, their faces being towards the mercy-seat [propitiatory].

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(3) Blenkinsopp (1992, pp. 169–170) (trad. it. p. 199): "In brief, what we are witnessing in these affirmations about the *kābôd*, the *mal'ak*, and the *pānîm* is the transformation of old mythic representations-the appearance of the deity in the storm cloud, visitation by divine emissaries-into theological symbols of divine presence and assistance".

The two great winged creatures, mentioned in Exodus, are not only part of that decoration (both on the Ark of the Testimony and on two pictures drawn on the Tent), but also a revealed metaphor of God's glory (*kabod*). Only cherubim can stand on the threshold. Therefore, according to Blenkinsopp, "the relationship between sacred time and sacred place is also evident in the care taken to give an exact date for the setting up of the wilderness sanctuary and its cult, the details of which were revealed to Moses in a vision analogous to that of Ezekiel (Ex 24:15a-18b; 40:1-2, 17)" (Blenkinsopp 1992, p. 50; see also Ska 2006, p. 27).

3.2. *Ezekiel: winged creatures in the Temple*

In Ezekiel, the image of the cherubim is frequently mentioned. The prophet does not look at the face of God (as like as Moses does), but he can see the presence of the cherubim. First Ezekiel sees the throne of God above them (10:1), then the wheels of the chariot carrying the ark above the cherubim (10:2) and the cherubim "were on the right of the Temple" (10:3) and finally "the noise of the winged creatures' wings could be heard even in the outer court, like the voice of God" (10:5).

The cherubim, with the beating of their wings, amidst the smoke caused by the incense, reveal the voice of God and show, under their wings, "like a human hand" (Ez 10:8). Again, the cherubim move the wheels of the ark (Ez 10:16), until "the glory of Yahweh then came out over the Temple threshold and paused over the winged creatures" (10:18). Here we have the ultimate theophany of God. The cherubim spread their wings, lifted themselves off the ground and allowed the glory of God to leave the temple (10:19-22).

The image of the cherubim returns almost at the end of the book, in chapters 40-48. In chapter 41 Ezekiel has a new theophany. This time it is about the rebuilding of the new temple after the exile. The narrative refers to Israel's return to Jerusalem and the promise of the building of a new temple, and again there are cherubim "on the wall from the floor to above the entrance" (41:20) and on the doors (41:25) to separate the outer wooden gate from the inner vestibule.

On the other hand, the German theologian Walther Eichrodt says "in communicating these instructions, the angelic guide of chapters

40-42 [Ezekiel's book] evidently takes a new role which did not originally belong to him, that of serving as an intermediary for laws applying to the temple area" (Eichrodt 1970, p. 560). This is the same role that Moses had been given for the building of the Ark in Exodus and now it is repeated in Yahweh's speech described in Ezekiel 43:11. Once again, the Lord speaks to his prophet through this "divinely sent interpreter of his command", and in this way, "his transcendence is perceptibly heightened" (*ibid.*).

No one is allowed to cross the threshold of the Temple, just as Adam and Eve were not allowed to return to the Garden of Eden after being expelled. The experience of the threshold between God and human is radical, since it shows the experience of the Sacred, of the Mysterious and of the Insurmountable. The prophet Zephaniah, another important prophet of the 7th Century, so before Ezekiel, spoke the following, revealing that crossing the threshold is reserved to God alone:

Zp 1:8-9: On the day of the Lord's sacrifice,
I shall punish the courtiers, the royal princes
and all who dress in outlandish clothes.
On that day I shall punish all who go up the Step [miphtan],
and fill the Temple of their lords,
with violence and deceit.

4. Beyond the threshold: in Jesus Christ's revelation

Christian revelation has developed a paradigm shift to explain God's face and the meaning of his *kābôd* by a different vision. Indeed, in the Gospels we witness a true revolution in the name of Jesus Christ while he reveals himself to humanity both as the "Son of God" and the "Son of Man".

Hebrews 6:19-20 mentions that Jesus Christ was able to go beyond the Veil of the sanctuary and that he was the only one to cross the threshold of the Temple. The whole of Jesus' life, as it is described in the Gospels, is a constant misunderstanding about his divine nature. Jesus frequently names God as "Father" because he is his "Son". This is the reason why Christ says "anyone who has seen me has seen the

Father" (mentioned in John 14:9). So, God's face is finally revealed via Jesus Christ once.

The subject would be too vast, and so we will pause to analyse how the threshold between the divine and the human is crossed in the Gospels through the symbolic event of the tearing in two of the Veil of the temple. This is the evidence of the new threshold that from now on replaces the role of the Temple and calls every man to cross, this time without fear of his death as per Moses, the threshold between the human and the divine[4].

4.1. *The Gospels: "the Veil of the Sanctuary was torn in two from top to bottom"*

The Temple Veil (in Hebrew *parokhet*) was not an ordinary curtain. In the Jerusalem Temple there were two veils: one was located just in front of the altar of incense and could be entered by the priests every day because it limited the entrance to the temple itself. The second veil separated the area where the Holy of Holies was positioned and could be accessed only by the High Priest just once a year. For this we can make reference to Exodus 26:30.

This exceptional yearly event happened on the Day of Atonement (*Yom Kippur* in Hebrew, according to Leviticus 23:27-28). *Yom Kippur* is till today considered the most solemn of all Jewish festivals and celebrations.

The Gospels (Matt 27:51; Mark 15:38; Luke 23:45), already mention the second Veil as the curtain which was torn when Jesus died on the cross. The second Veil is described as an enormous cloth, almost sixty-five feet high and four inches thick. The historian Flavius Josephus says that not even the strength of two horses, one on each

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(4) "The year 70 CE is generally considered to mark the end of the Temple. For the early rabbis and other Jews, the Temple now becomes a memory and the target for substitutions such as prayer, charity, and the study of Torah. Yet while most of the NT authors are writing after its destruction they nevertheless cling to the Temple almost as if it were still standing. At the very least they consider it to be a most vivid symbol. It is the model for prayer, closeness to God, and, above all, for following Jesus! If the Temple has not ceased to be a key symbol of these authors and their readers, it certainly continues to occupy the minds of Jews with a sounder Jewish identity. Finally, the narratives, imagery, and ideas of the NT authors attest to the richness of the Temple as an institution and as an inspiring symbol", Regev (2019, p. 316).

side, could have torn it (Vanhoye 2010, p. 171). In fact, it would have taken dozens of men to pull it down, roll it up and take it to be washed. Even today, the *parokhet* veil is used in synagogues in order to cover the front of the aron *ha-kodesh*, where the Torah scrolls are kept.

At the time of Christ's death, the tearing of the Temple Veil caused simultaneously anxiety and excitement. News of this extraordinary happening spread throughout Jerusalem while the Jews were celebrating the Passover[5]. Imagine the strong impact this happening left to the people.

The evangelist Matthew adds other details to the description of Christ's death. He mentions, for example, an earthquake (Matt 27:51)[6] and as well the darkening of the sun (Matt 27:45; Mark 15:33). On the other hand, the evangelist Luke writes about an eclipse (Luke 23:45)[7]. We need to emphasize that all the evangelists mention that the Veil was torn "from top to bottom". Let's investigate together why the torn of the Veil can be considered as a supernatural event. From the descriptions we have, it is clear to all that the Veil was torn from top to bottom. We learn from Matthew that there was an earthquake. We all know that earthquakes have the power to break rigid objects whereas a cloth is soft and flexible. In the event of the earthquake the curtain would have remained intact, but it was not like that, since it was completely torn "from top to bottom".

Therefore, the tearing of the Veil came from the top, so it could neither have been caused by a human hand or by an earthquake. he reason why we can define this event as really unique. By analyzing the tearing of the Veil, which happened starting "from top to bottom", we can deduce two important facts. First, despite the Veil's being torn, it didn't fall down, but it remained standing; secondly, no human being could have cut the Veil because as already said only High Priest had access to the Holy of Holies area.

The Fathers of the Church and the ancient exegetes saw in this event the reopening of Heaven[8], symbolised by the Blessed Sacrament and

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(5) As Paul Lamarche has shown, the high priest reacts by tearing his clothes, an act which is not unrelated to the tearing of the Temple Veil. See Lamarche (1962) ; Regev (2019, p. 123).

(6) See *ibid.*, pp. 149–150.

(7) See *ibid.*, p. 172.

(8) See, for example, the ancient homily for Holy Saturday: *The Lord's descent into hell*.

closed as a result of Adam's sin, for all humanity through the sacrifice of Christ. With the death of the Son of God, the threshold between heaven and earth was crossed by God himself, the door of the temple has opened. This is why Jesus had said: "Anyone who has seen me has seen the Father" (John 14:9), and so he revealed his divine origin ("The Father and I are one", John 10:30), and finally he showed the face that Moses could not see. Since the death of Jesus, there are no more obstacles between man and God, except those that man himself puts up (Regev 2019, pp. 201–211).

4.2. *The Christian chance: the "true Tent" in the Letter to the Hebrews*

The Letter to the Hebrews gives an important and final interpretation to this of Christ's mediation, since the author mentions three times the "Veil of the temple". First of all, in Heb 6:19-20, the author lets us understand that God's promise to Abraham is revealed in two moments: when Moses was given God's Law in Exodus, and the second revelation, when God gives clear instructions on how to build the Temple to preserve the Ark as in Exodus and Ezekiel. Both moments can be considered as signs of "the hope" held out to believers. From Jesus' revelation onwards, the believer receives an extraordinary hope since Jesus "has entered as a forerunner on our behalf having become a high Priest forever" (Heb 6:19).

The second mentioning of the Veil of the Temple is reported in Hebrews 8:2-5. The Letter's writer describes Christ in terms of the new priesthood and the new sanctuary.

Therefore, Christ is called "the minister of the sanctuary and of the true Tent". It is important to underline that by comparing the true Tent as the Revelation of Christ to Exodus's Tent built by Moses, we can definitely assume that only the new Tent allows the believer to have a "complete confidence in entering the sanctuary through the blood of Jesus" (Heb 10:19). The preacher of the Letter to the Hebrews proclaims Christ's sacrifice as a new liturgy, and for this reason Jesus is considered the new Tent since no man was able to set it up earlier (Heb 8:1-2).

This description is in contrast to the ancient rituals, that normally happened in a Tent made by human being, since the new liturgy shows

Christ as "mediator". This concept is mentioned four times in Chapter 9 of the Letter (9, 11, 14, 24, 28). By going into the details, as described in Hebrew 9:1-21 Jesus is the new Tent, the true Tent, "not made by human hands, that is, not of this created order", but "the greater, the more perfect tent" (Heb 9:11) (see Vanhoye 2018, pp. 131–146).

According to exegete, Albert Vanhoye, in the just quoted Chapter 9 there is a remarkable detail which can be identified as an omission, therefore God's name is never mentioned. This omission is an implicit challenge to the value of the Old Testament cultural organisation. Moreover, throughout the Letter to the Hebrews, even the cherubim figure disappeared as in the quote that "he did not put the world to come, of which we are speaking, under angels". This to clarify that since Christ became the only one and true mediator of the New Covenant, the cherubim presence is not any longer needed, since God has already revealed His Glory.

On the other hand, in the Old Testament, both Exodus and Ezekiel frequently describe the Lord by mentioning Him as present and by giving Him a location, where He "sits on the cherubim".

Finally, the "Veil of the temple" is recalled in Hebrews 10:19-23 for the third time, exactly when, as in Heb 10:20, the entrance of Jesus to the sanctuary is described: "through the blood of Jesus, by a new way which he has opened for us, a living opening through (διά) the curtain, that is to say, his flesh". It is clear that the Veil of the Temple is now identified with the flesh, which we all know, is Jesus, God's Son. This is the reason why we can symbolically interpret Jesus' body as the entrance to the new Temple and Jesus' flesh as the new Veil. American theologian Harold W. Attridge says of this Bible verse:

> The "veil", an element derived from the symbolism of the heavenly tabernacle, suggests the point through which one gains access to the divine presence, the realm of truth and "perfection". Our author ultimately suggests, however, that Christ entered that realm and made it possible for others to do so, not by a heavenly journey through a supernal veil, but by means of his obedient bodily response to God's will. There may then be a shift in the use of the preposition διά, from the local sense that operates in the image of Christ's passage through the veil, to the instrumental sense that operates in the referent of that image. What the image of "flesh" refers to is certainly Christ's sacrificial death (Attirdge 1989, p. 287).

From now onwards, no longer is any sacrifice needed for people to be redeemed, but faithful are asked to be "sincere in heart and filled with faith, our hearts sprinkled clean from bad conscience, and our bodies washed with pure water" (Heb 9:22).

Thanks to faith and to Christian baptism, humanity has access to Jesus the new threshold, moreover Jesus is the symbol of the new sacrificial lamb since he is as the same time the new high priest and the new sacrificial altar itself (Heb 9:11-12). In Hebrews 10:19-23 the author uses the image of the *Yom Kippur*'s liturgy in order to describe the new Christian ritual and it is compared to the useless old sacrifices as mentioned in Exodus and in Ezekiel[9]. Christ is described as "a living opening through the curtain [Veil]" (Heb 10:20). This new opening is represented by the baptism. In this regard Albert Vanhoye notes:

> the author actually uses in this oracle the expression 'a pure water', which is very rare in the Old Testament, in this oracle; there it is combined with the verb 'to sprinkle', when God says: 'I will sprinkle pure water on you, and you will be cleansed from all your uncleanness' (Ez 36:25 LXX). This suggests that baptism is the sacrament that brings one into the new covenant (Vanhoye 2010, p. 236).

At the end of the Letter in Heb 12:18-24 we find again the same interpretation about crossing the threshold as represented by the Temple Veil. The author recalls Moses' given order to Israel during the Exodus to stay on *this* side of the threshold of Mount Sion (Ex 33:20). Furthermore, these lines revoke the new Mount Sion and the new Temple in Jerusalem which, as we know, clearly represent Jesus.

This is the reason why Christ is called as "the mediator of a new covenant and to purifying blood which pleads more insistently than Abel's" (Heb 12:24). What does it mean that the blood of Jesus "pleads more insistently than Abel's"?

If Gregory the Great answers that the blood of Jesus does not cry out for vengeance like the blood of Abel, but obtains mercy, Vanhoye observes that "the adverb *kreitton* does not express the idea of goodness,

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(9) The cherubim's figure is not mentioned until Hebrews 9:5 since the Ark and the mercy seat are described.

but that of strength (*kratos*) or courage. The latter expression thus prepares the return to the warning exhortation (vv. 25-29). The author is always attentive to the twofold aspect of the spiritual situation of Christians and draws his listeners' attention to this twofold aspect: the extraordinary grace of God, but also the greater responsibility (cf. 1 Pt 1:17-19)" (*ibid.*, p. 291).

The superior character of Christ's Revelation call for a greater responsibility and, therefore, a severe punishment in case of disobedience.

In Hebrews 12:24-25, the writer describes a universal upheaval by following an eschatological perspective and by using, for this purpose, an oracle which was already reported by the prophet Haggai. In fact, in Haggai 2:6-21, the Lord announces the upheaval of the earth and of the heavens[10]. Vanhoye says:

> The Christians' religious situation is likened to that of the Israelites when they have arrived at the threshold of the Land. It is no longer a matter of an unending journey, but of taking the final few steps. The moment has come to pass from the wilderness into the kingdom of God. As for lengthy wanderings, far from being an example for the faithful, they constitute the punishment of the faithless, those who refuse the divine invitation to enter. Such people are sent back into the wilderness to roam there indefinitely, until they die (Num 14.33-35). Their fate does not represent Christian life, but damnation [...] It follows that it did not occur to him, in his exhortation, to liken Christian existence to wilderness wandering, but rather to entry into the Promised Land. Certainly, this entry has its difficulties, and Christians must hold firm 'to the end' (3.14; 6.11). However, they should not think of themselves as lost in a vast wilderness. Rather,

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(10) Vanhoye (2010) notes: "The interpretation of this passage of the sermon presents more than one difficulty. The preceding context is only consistent if the voice the author contrasts with that of Moses is that of the risen Christ. Seated at the right hand of God "in heaven" (8:1), he now speaks "from heaven". But in v.26 it seems to be the voice of God. In thanksgiving, the author invites us to unite in worshipping God "deep respect" and even "fear", imitating Jesus who prayed with "deep respect" (5:7). God's extreme goodness towards us - he gives us a "kingdom that cannot be shaken" - must not make us forget his greatness and holiness. To forget them would be to lose contact with him. The author ensures the authenticity of this contact by quoting a burning phrase from Deuteronomy: "The Lord your God is a consuming fire" (Deut 4:24; 9:3); he adapts this phrase to his audience by saying: "our God...". This quotation also has the effect of harmonising the end of the passage with the warnings that characterise it", pp. 291–293.

they must awaken to the realisation that the kingdom of God is there, truly accessible, and that they are even now entering into it by faith (Vanhoye 2018, p. 247–255).

5. Conclusion: the threshold's inversion

Thus, the final question is: what is the meaning of the phrase in the Book of Revelation that our panel is named after ("I am standing at the door, knocking!", Rev 3:20)?

In the Revelation Book, Jesus knocks at the door and speaks to someone. He asks to be heard and to have the door opened. So that a person enters, with the aim finally to dine in the reciprocity of a family.

> Rev 3:20: I am standing at the door, knocking. If one of you hears me calling and opens the door, I will come in to share a meal at that person's side.

In this chapter of Revelation, Jesus feels a deep love for everyone. So, as in Exodus Moses, and as in Ezekiel, neither character, by staying on the threshold, could enter because, as already explained, Cherubim did not allow them to look at God's face. But now, in Rev 3:20, we witness the inversion of the threshold's meaning, since God, as the human person of Jesus finds a boundary, namely as a closed door. Jesus says "I am standing at the door", literally "I knock on the door", but he waits and this waiting is a clear sign Jesus wants to pass over the threshold. Jesus' voice breaks the continuity of the image not by the sound of knocking, but by his living voice. He wants himself to be heard, in order to have an interpersonal relationship that is obviously immersed in a context of love.

According to the Italian exegete Ugo Vanni, the same quotes that "it is not specified what the voice expresses, but it remains a secret and does not force itself" (vanni 2018, p. 187).

Making reference to exegete Ugo Vanni's studies, we find two different inspirational models for the interpretation of this quote: first, Christ's eschatological return (see Lk 12:37; Jm 5:9); second, Song of

Songs (especially Sg 5:2). While the first model raises some difficulties, the second one seems to be more appropriate to the context:

> Sg 5:2: I sleep, but my heart is awake. I hear my love knocking. Open to me, my sister, my beloved, my dove, my perfect one, for my head is wet with dew, my hair with the drops of night.

From the imperative tone of verse 4:19 ("so repent in earnest") we move to a conditional and delicate style of verse 5:2 ("I hear my love knocking"). From extreme severity we move to surprising tenderness. This time the discourse is addressed to the individual. In the Song of Songs 5:2, the extract where the bride says: "I hear my love knocking", is followed by a second phase that it is described by a crescendo of images: opening, entrance, banquet, "Christ promises to each overcome the privilege of sitting with him on his throne" (Mounce 1998).

Here there are no thresholds to be crossed any longer, but just the opportunity to open the door as soon as Jesus' voice is heard. Opening the door metaphorically means going in the depths of the heart. One more time Jesus takes the initiative. Rev 3:20 quotes: "I will come in to share a meal with that person and that person with me".

The new threshold that seems to have been placed between God and man is no longer the one willed by God in Exodus; from now on, it becomes the believer's free response, to Jesus' voice, which is an invitation to step forward in a love relationship (Vanni 2018, p. 188). The believer's freedom allows him or her to be reached by God's grace in the Baptism and in the Eucharistic mysterium (see Swetnam 1989, pp. 74–94; Just 2005, pp. 75–95) as Granados says: "The Letter to the Hebrews is designed to be read in a liturgical celebration"[11]. As a consequence, in this case, the threshold is crossed by the revelation of God's glory through the face of Christ (Granados 2021, p. 4)[12].

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(11) Theologian Harold Attridge says instead that "Eucharistic interpretations of the imagery of blood and flesh are also unconvincing. Hebrews refers not to any sacramental reenactment of the events of the passion, but to the act itself by which the new and living way was opened" (Attridge 1989, p. 287).

(12) The theologian Robert Mounce says about this quote of Revelation Book: "The invitation is addressed to each individual in the congregation: 'if anyone hears [...] and opens'. The response of Christ to the opened door is that he enters and joins in table fellowship. In Oriental lands the sharing of a common meal indicated a strong bond of affection and companionship.

This inversion of the threshold consists in a continuous oscillation that we find again and again in the New Testament. Knowing oneself to be a sinner and rediscovering oneself to be righteous because saved by mercy, as Luke reports in Lk 5:32. In addition, thanks to the inversion of the threshold, human beings are no longer called "servants" but "friends". This is revealed by Jesus in the Gospel of John (Jn 15:15). In Paul's theology, we can link another consideration to the inversion of the threshold, in that it allows the overcoming of the difference between Jews and Greeks (Ga 3:28). This is why from the inversion of the threshold onwards human beings are no longer foreigners but all are God's family members (Ep 2:19).

St Paul says: "now in Christ Jesus, you who were far off have been brought close, by the blood of Christ" (Ep 2:13). As a conclusion, the work of God is to let humanity cross every threshold, thanks to the baptism and by love of each other. That is why he says, "love is the fulfillment of the Law" (Rom 13:10).

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As such it became a common symbol of the intimacy to be enjoyed in the coming messianic kingdom" (Mounce 1998).

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THE THRESHOLD BETWEEN HUMAN RATIONAL RESEARCH AND REVELATION IN THOMAS AQUINAS' *SUMMA CONTRA GENTILES*

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Abstract: Thomas Aquinas represents the figure of the tireless researcher, undoubtedly with great care to the revealed data, but constantly listening to the philosophical contribution, which also becomes fundamental in his theological perspective. It is possible to perceive in him a "thinker on the threshold", who thus becomes a classic author of theological thought. The *Summa Contra Gentiles* is a privileged place to grasp the relationship between rational thought and listening to Revelation. This is particularly evident in the second book, in which the two methods of research are specifically compared: this "threshold" can be emblematically captured in the discussion about the eternity of the world or its creation. In this context, the contribution of non–Christian philosophy acquires special importance: Thomas freely uses sources such as Averroes, Avicenna, Maimonides, Boethius as well as clearly Aristotle. Standing on the threshold, for Aquinas, becomes a fundamental modality that characterizes him as an indefatigable researcher up to the last years of his life.

Tommaso d'Aquino rappresenta la figura dell'instancabile ricercatore, senza dubbio con grande attenzione al dato rivelato, ma in costante ascolto del contributo filosofico, che diventa anch'esso fondamentale nella sua prospettiva teologica. È possibile percepire in lui un "pensatore sulla soglia", che diventa quindi un autore classico del pensiero teologico. La *Summa contra gentiles* è un luogo privilegiato per cogliere la relazione tra il pensiero razionale e l'ascolto della Rivelazione. Ciò è particolarmente evidente nel secondo libro, in cui i due metodi di ricerca vengono confrontati in modo specifico: questa "soglia" può essere compresa emblematicamente nella discussione sull'eternità del mondo o la sua creazione. In questo contesto il contributo della filosofia non–cristiana acquista particolare importanza: Tommaso utilizza liberamente fonti quali Averroè, Avicenna, Maimonide, Boezio oltre ovviamente ad Aristotele. Restare sulla soglia per Tommaso d'Aquino diventa una modalità fondamentale che lo caratterizza come un ricercatore infaticabile fino agli ultimi anni della sua vita.

Keywords: Threshold, Philosophy and Theology, Creation, Time, Eternity

Parole chiave: Soglia, Filosofia e Teologia, Creazione, Tempo, Eternità

1. Introduction

The *Summa contra Gentiles* assumes a role of great importance in the theme of the "threshold" thanks to the approach that Aquinas claims to have in composing the work. At the beginning of the text it reads:

> Multitudinis usus, quem in rebus nominandis sequendum philosophus censet, communiter obtinuit ut sapientes dicantur qui res directe ordinant et eas bene gubernant. Unde inter alia quae homines de sapiente concipiunt, a philosopho ponitur quod "sapientis est ordinare". Omnium autem ordinatorum ad finem, gubernationis et ordinis regulam ex fine sumi necesse est […]. Finis autem ultimus uniuscuiusque rei est qui intenditur a primo auctore vel motore ipsius. Primus autem auctor et motor universi est intellectus, ut infra ostendetur. Oportet igitur ultimum finem universi esse bonum intellectus. Hoc autem est veritas (Thomas de Aquino, 1918–1930, I, c.1).

In studying and analysing the progression of Aquinas thought, it can be seen that he often finds himself on the "threshold" between philosophy and theology, making an indisputable contribution to both disciplines. It is well known that he had a certain passion for the study of Aristotelian texts, but also how he freely and without prejudice used texts by Christian and non–Christian authors such as Avicenna, and Averroes. The intent of the research is to find the truth, without "Christianising" these authors, so as to avoid bending their thinking to his own ends (Thomas de Aquino (1886), I, Lc. 22, n. 228). In the field of Aristotelian commentaries this process is particularly evident: "In short, Thomas conducted a particularly scrupulous and meticulous work to learn everything that Aristotle had written, a work that testifies to an impressive scientific seriousness" (Porro 2012, p. 373 — my translation).

The "threshold argument" of the alternative between eternity or creation of the world emerges with particular determination in the text of the *Summa contra gentiles*. This work as a whole assumes a dynamic value between *etic* and *emic*, right from its title. The original title, most likely, was *Liber de veritate catholicae fidei contra errores infidelium*, as

attested by the *incipit* of the manuscripts (cf. Porro 2012, p. 153; Centi 2000, pp. 6–7). This would support the idea that the writing is not a polemic against the Averroists and does not have the intent to refute the theses of the Muslims of Spain[1], but its main purpose is to give foundation, through the use of reason, to the Catholic truth. The text shows a formally theological character (cf. Centi 2020, p. 8), with an important reflection on the philosophical level: in it we find central passages that use a purely philosophical method in addressing issues that have a theological implication. In the period of the elaboration of the *Summa contra gentiles*, in fact, Thomas shows a greater affinity to Aristotle, thus further deepening his philosophical studies to obtain greater theological knowledge (cf. Porro 2012, p. 188).

> Est autem in his quae de Deo confitemur duplex veritatis modus. Quaedam namque vera sunt de Deo quae omnem facultatem humanae rationis excedunt, ut Deum esse trinum et unum. Quaedam vero sunt ad quae etiam ratio naturalis pertingere potest, sicut est Deum esse, Deum esse unum, et alia huiusmodi; quae etiam philosophi demonstrative de Deo probaverunt, ducti naturalis lumine rationis (Thomas de Aquino 1918–1930, I, c. 3).

Among the arguments that go beyond pure rational argumentation is that of the alternative between creation and the eternity of the world. In this case, in line with what is proposed in the *Summa theologiae*, the light of human reason turns out to be the guide which places man in the right direction towards the truth, though, for Thomas, Revelation is an even more certain guide to those truths that can be naturally attained by reason (*ibid.*, c.4). In medieval disputes, this theme assumes the value of the threshold between *emic* and *etic*: the Franciscan masters were convinced supporters of the possible rational demonstration of the creation of the world, while the masters of the arts, the so–called

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[1] These two hints come from the attestation found in the *Cronaca del re d'Aragona Giacomo I* by Fra' Pietro Marsilio, which would indicate that the text was composed at the request of Raymond of Peñafort. Raymond could have at his disposal a manual that helped to oppose Muslims on a doctrinal level, but this hypothesis, especially in reference to the apologetic intent towards Muslims who would use Averroes as an anti–Christian reference, is somewhat unlikely (cf. Porro 2012, pp. 153–154; Centi 2000, pp. 7–8; Gauthier 1993, p. 165).

radical Aristotelians or Latin Averroists, underlined how it was more rational the affirmation of the eternity of the world in line with the Aristotelian dictum (cf. Porro 2012, p. 439). This discussion fits into the framework of the disputes between "theologians" and "masters of art" in which the *etic–emic* dialectic can be read. For the believer it was impossible to think something different from the creation of the world: this assumes the *emic* point of view in the Aquinas' context. But he wants to take also an *etic* point of view too, with the argumentation of the eternity of the world: thanks to his insatiable thirst for knowledge, he takes a different approach to offer the contribution of a pure researcher or observer[2].

It is interesting that the way of proceeding in researching by Aquinas can be read in this *emic–etic* dynamic. In this sense we find different levels of discussion in which Thomas put himself on the threshold between emic and etic point of views: the first can be found in the relationship between Theology and Philosophy; the second in the discussion about creation or eternity of the world; the third in the freely use of the non–Christians sources. These three topics emerge with evidence in the pages of the *Summa contra gentiles* that we are quickly analysing here.

2. The relationship between Theology and Philosophy

The relationship between philosophy and theology is transposed into history as that between reason and faith which had extensive discussion and a long tradition, especially in Christian and Catholic reflection[3]. In Aquinas' thought this relationship is particularly harmonious: philosophy and theology, as disciplines, are not in conflict with each other, but pursue the achievement of the one Truth, while respecting their own epistemological statutes. Regarding the division of the different spheres of knowledge, the *Commentary on the de Trinitate of Boethius*

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(2) To see the meaning of the *emic–etic* binomial in an anthropological context it is possible refer to Harris (1976) and Jorion (1983).

(3) In the context of the reflection on the Philosophy of Religion are particulary relevent the pages written by Aguti on the theme (Aguti 2013, pp. 156–172). On the theme is particularly relevant the text of Oleksowicz (2015, pp. 139–162).

(cf. Thomas de Aquino 1992, q.5, a.1, co.) is particularly relevant, in which speculative and respective sciences are related: physics, mathematics and primary philosophy or metaphysics. Each of them bears its own dignity, but above all philosophy allows us to approach the question of being which becomes central in the theological understanding of God. Clearly the *Sacra Doctrina*, which is based on Scripture, has faith as a distinctive element, which it allows an intelligence of divine realities according to human capacity. The theologian Thomas should have hit his research specially on the truth of revelation, but we can find an "etic" point of view in his modality to be a theologian itself. He investigates in Philosophy principally for two reasons: the taste of research itself; give greater strength to theological thought.

Using an etic point of view he finds a particular harmony between these two disciplines, that can be grasped first of all by considering the freedom with which Tommaso uses a plurality of sources in his research and in the exposition of his theses. The theme of time and the instant, central to the analysis here, truly constitutes an emblematic example of this harmony. In the exposition of the theme, Aquinas, in addition to having accepted the Aristotelian proposal on the discussion about time, a fact that was not to be taken for granted in his time, also makes use of the Arab commentator who also brought with him a considerable legacy of polemics or of prejudices[4]. A look at the general economy of the discussion carried out by Thomas shows how he freely relates to both sources and how he also makes the more specifically Neoplatonic contribution on the topic his own. This freedom thus offers a breadth to the discussion on time, which, although remaining particularly problematic, acquires a particular importance thanks to the specific contribution that Thomas offered to philosophical thought. The connection that he almost spontaneously makes between the various disciplinary fields, even if also present in other authors contemporary to him[5], is grafted onto what is the specific character of the philosophy of the Angelic doctor. Thus, starting from scientific analysis of

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(4) About the reception of Arab philosophers in the scholastic time of XIII century see Esposito and Porro (2009, pp. 273–291); D'Onofrio (2011, pp. 348–383). About the theme of time see Ghisalberti (1967); Trifogli (2000; 2001).

(5) Among his contemporaries the necessary reference is to the treatment of time offered by Albertus Magnus and Alexander of Hales.

the theme of time in relation to movement and number, thanks to the ontological position that the *nunc* acquires, we can grasp how observation and investigation into reality allows a typically Aristotelian process to reach from Physics to Metaphysics. Thanks to a special harmony between these two disciplines, Thomas position avoid an ideologization of one specific perspective. As Fernando Fiorentino states in a recent study on the relevance of St. Thomas, this methodology seems to be more urgent than ever for today's philosophical discussion:

> Never before, after the failure felt and denounced by many of modern philosophy, which placed its principle in the *cogito* and which made the rational region its highest instrument, does one feel the need to return to the interrupted path of metaphysics; not, however, of that metaphysics told in its own way by modern philosophy, in the way in which it exists in the minds of those who criticize it, but of the original Aristotelian one, which started from the restlessness of the act of being, which every individuality existing here and now and which anyone who opens their eyes can directly experience (Fiorentino 2017, p. 13 – my translation).

In this sense, the theologian Thomas shows a radical epistemology, which is not satisfied with passively receiving revealed data only for a re–proposal. Throughout the course of his life, he engages with philosophical texts which have contributed not only to making "great" his theological contribution, but his philosophical work has offered ideas that are still fundamental today for the discussion around the reality that surrounds us. In this sense, the Aristotelian comments reside in this insatiable curiosity and continuous desire to search for the truth that animated him throughout his life.

> Perhaps the knowledge of lightning and earthquakes was not immediately usable in his theological writings, but Thomas remained convinced [...] that a good theologian had to be, first and foremost, a man of science in general, and retained the duty not to never shy away from the comparison with the profane sciences, if not even to delve deeper into each of them in an analytical way (Porro 2012, p. 403 – my translation).

The importance of the theme taken into consideration here lies precisely in this specific perspective that emerges from Thomas' pages: the immediate context of natural analysis opens up to the perspective of the metaphysical relevance that time has for human existence, cutting across all the disciplines that reason can investigate, up to the gates of theological discussion through the theme of creation in its relationship to temporality. The method used by Thomas on this theme holds together the "physical" and the "metaphysical" but also the "philosopher" and the "theologian", without ever betraying the specific epistemological status that is used from time to time. The harmony between philosophy and theology of Aquinas' works therefore has a privileged place in the theme of time and the instant: "the history and the world acquire a great positivity; a familiarity is established between the eternal and time; man's commitment to the world takes on a clearly fruitful and positive character" (Salvati 2020, p. 72 – my translation).

Philosophical analysis remains in its intrinsic value as a search for truth to offer man, and not only the believer, a meaningful answer on his own existence, on the restlessness deriving from the act of being (cf. Fiorentino 2017, p. 13), but it also opens man to the possibility of welcoming an Other truth which on the one hand surpasses him, but on the other always pushes him to new research.

> From this new style of approach to the "truths of faith", received by believers thanks to revelation and deepened over the centuries, especially in the great councils and in the reflection of the great Masters of Christian thought, arise: the courage of research, the audacity of intelligence, the rigor in identifying the answers to the questions, simple or complex, that man inevitably asks himself, after the encounter with reality and with God has aroused in him that amazement which is the beginning of philosophy and theology (Salvati 2020, p. 180 – my translation).

The case of the creation or eternity of the world represent a theme in which this harmony is necessary and evident. With the exclusive use of reason, this question is an indiscernible problem, because can be demonstrate both creation and eternity of reality. In these texts Thomas show how is possibly understand an idea of creation but an idea of eternity of

the world with the same philosophical radicality. The theological position, in dependence from the Biblical text, is naturally that of the creation *ex nihilo* of the world. The philosophical contribution can be supporting this theological data, not only with an elaboration of a specific language, but also giving a rational plausibility to the revelated data.

3. Creation or eternity of the world

The buttle ground on which the confrontation of the two opposing parties takes place is the doctrinal node of the *creatio ex nihilo*, carrying important implication on the doctrine on time and on the instant. Aquinas employs a substantial portion of Book II of the *Summa contra gentiles*[6] in the exposition of these thesis, with a particular *focus* on chapters 31 to 38. The premise to the exposition on the problematic of creation is found in the decisive affirmation that this cannot be considered as a change or a motion (cf. Thomas de Aquino 1918–1930, II, c. 17), because these two processes imply a certain continuity with respect to any instant preceding the change. The concept of creation requires that there be no such continuity. Thomas, with great freedom, reports and analyses all the theories in favour of eternity on the one hand and in favour of the creation of the world on the other, showing particular philosophical acumen in this case as well.

The development of the analysis starts from the concept of necessity: to appreciate correctly what is necessary, it must be understood as what

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(6) The text was presumably written in Italy between 1261 and 1264, although it is possible to hypothesize that the entire work was subject to small corrections even in subsequent years. The chronology of the Summa contra Gentiles is somewhat thorny. A first reason for the difficulty can be given by the silence regarding the year immediately following Thomas' participation in the general chapter of the Order of Preachers held in Valenciennes in June 1259 (cf. Porro 2012, p. 152). The date *ad quem* can probably be estimated between 1264 or at most 1265, while the publication within 1267, as Gauthier states (cf. Gauthier 1961, p. 59). The latest studies on the chronology of Thomas' works agree with the aforementioned Gauthier in placing the beginning of the elaboration in Paris, concluding the first 53 chapters of the first book by 1259, as attested by paleographic reasons regarding some manuscripts, and that he continued writing the work in the following years. The second book, in particular, cannot have been written before 1261, the year in which a translation by Moerbeke of Aristotle's works was published and is quoted there (cf. Weisheipl 1988, p. 50). For more details about the chronology see Gauthier (1993); Torrell (2019, pp. 171–176; 501–502).

has no potential for non–being (*ibid.*, c. 31)[7]. Necessity therefore expresses the impossibility of the apodictic demonstration of both the *creatio ex aeternitate* and the *creatio ex nihilo*. Only God is necessary in *absolutum*, while this category cannot be applied to creatures since their necessity must always be considered as dependent on the "*primum principium quod per se necesse est*" (Thomas de Aquino 1918–1930, II, c. 17).

The following chapters bring to light the validity of the motivations of those authors who assume true the idea of the eternity of the world starting from various respective principles: from God; from creatures; from the production of things. Here we find the *etic* way of proceeding in a typical *emic* context. The first argument moves from the assumption that a creation in time by God would imply a passive potentiality in God (*ibid.*, c. 32,1) or a change of the divine will (*ibid.*, c. 32,5), although it is not possible to prove these assumptions in an apodictic way. The second argument, derived from what in created, is centred on the continuity of time: if we conceive something which precedes time, we will inevitably fall into contradiction, because this "preceding" would come before the actual commencement of things (*ibid.*, c. 33). This argument clearly recalls a problem already present in Augustine, who resolves the question in a theological way, denying the effective reality of time externally with respect to the soul. For the third argument, deriving from the production of things, the *ex aeternitate* persistence of this things is required, because every production or causation is thinkable only because of the continuity of an already existing subject (*ibid.*, c. 34). The conclusion of this first section is particularly interesting from an argumentative point of view: "Haec igitur rationes sunt quibus aliqui tanquam demonstrationibus inhaerentes, dicunt necessarium res creates semper fuisse" (*ibid.*, c. 34). Thomas limits himself here to describing the rational arguments of a theory directly contrasting with faith but does not use Revelation to contradict it, as this would create confusion between two different levels of reflection. Although the arguments turn out to be valid, he points out that they are not able to demonstrate their full validity with sufficient apodicticity.

The second section is a sort of *respondeo* to the previous chapters; Aquinas shows how the argumentation derived from God, from creatures and from the production of things, can be not only criticized, but reduced

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(7) For further details on the topic of necessity see Serpe (2022, pp. 58–80).

to contradiction. This second part can be called the *emic* way, due to the approach that remark the typical position of a Theologian of the XIII century. In this section Thomas shows himself like a "native" thinker in Theology, but thanks to the previous argument he can give more systematicity to his proposal. The first argument shows how the possibility of *creatio ex nihilo* does not necessarily imply a passive potentiality in God or a change in his will, since divine action can be disposed from eternity to have its effects in time: "Deus autem simul in esse produxit et creaturam et tempus" (*ibid.*, c. 35,5). In this sense there is an even deeper question that Aquinas deliberately leaves unanswered precisely because it concerns a theological aspect: "Non est igitur ratio quare nunc et non prius in hoc consideranda: sed solum quare non semper" (Thomas de Aquino 1918–1930, II, c. 35,5). The second argument, referring to the metaphysical approach already expressed in early texts, underlines that necessity follows substance: being forever (as in the case of separate substances or of the heavens) does not imply having always been (*ibid.*, c. 36,1). Even the contradiction that emerges from the idea of the beginning of time can be overcome through the concept of an instant (*nunc*) which is the beginning of the future and not the end of the past, like a point from which a straight line originates (*ibid.*, c. 36,5). Finally, the argumentations that commences from the production of things do not apodictically demonstrate the eternity of the world, because they are binding only in the case of the production of things in the existing worldly reality, which always imply a passive potentiality that must be transformed into act. This had already been denied previously so as to avoid the "forbidden concept" of actual infinity (*ibid.*, c. 37), as Aristotle already claimed.

Chapter 38 is of great interest for the topic under consideration here: in it Thomas exposes the contradictions to which even the supporters of the rational demonstrability of the *creatio ex nihilo* lend their side. The arguments are basically three:

1. instantaneous action, proper to God, does not require a "temporal precedence" with respect to existence of creatures;
2. the problem of actual infinity does not arise, because it would not be simultaneously in act but in progression; and this would also be valid for the infinity of human souls;

3. the position regarding the impossibility of the existence in act of an infinite number of souls does not find sufficient confirmation in the philosophers of tradition; they do not even agree on the immortality of the rational soul.

Finally, Aquinas shows an attentive knowledge of ancient philosophy in his summary of the positions of the Naturalists.

4. The use of sources

An interesting aspect is Aquinas' research methodology that emerges from these pages. He analyses the question on a strictly rational level, putting aside the theological point of view depending on faith. This procedure is aimed at countering the theses that wanted to assert the rational demonstrability of the *creatio ex nihilo*, rather than at showing the inconsistency of the demonstration of the *creatio ex aeternitate*.

In his rational proceeding, he made his own and harmonized the lessons of Averroes, Avicenna, Maimonides, as well as clearly those of Aristotle and Boethius on the question of time (cf. Porro 2012, p. 448; Bukowski 1991, p. 114). This issue too is possible to be seen like a meeting between *etic* and *emic* point of view. In his time, it was typical to use Arab or Hebrew sources, like Greek Philosophers too, but Thomas had the great capacity to take them like authority only because of the profound use of logical and rational instrument.

We find some hints of this proceeding in these examples.

To begin with, Thomas accepts the premise of the unprovability of the creation of the world: "We must note that Thomas has, in the passage from the Sentences and Contra Gentiles just as in Summa 1.46.2, followed Maimonides' theme: one lays faith open to ridicule if one attempts to demonstrate truths of faith that cannot be demonstrated" (Bukowski 1991, p. 117).

Summarizing, the themes that emerge are: the relationship between necessity and contingency; the theme of time in relation to eternity and the instant; the mode of action proper to the First Cause.

Regarding the question of the relationship between necessity and contingency, there is a strong presence of Arab authors, especially their comments on Aristotelian texts. The description of the needs of realities implicitly recalls what Avicenna had expounded, namely: "that what is necessary can have a cause of its own necessity, and that "necessary" is therefore by no means synonymous with uncaused; that there is not a single necessary entity, but that several entities necessary *ab alio* can be brought back to one entity necessary *per se*" (Porro 2012, p. 409).

The definition of the necessary as that which has no potential towards non–being is more influenced by Averroes' commentary on Aristotle's Metaphysics (*ibid.*, p. 416). This reference appears to be functional in avoiding a strongly deterministic position as emerges from the pages of Avicenna (*ibid.*).

As far as the second aspect is concerned, Thomas is known to accept the Aristotelian definition of time as a "measure of movement according to the before and after" (Aristoteles 1982, IV, 11) and linked to it, that of the instant (*nunc*) as a necessary and indivisible element that is found in the reality of time[8]. This argument turns out to be particularly important in relation to the theme of eternity or creation in time because the importance given by Thomas to the *nunc* becomes the distinction for which the demonstration of the *creatio ex aeternitate* cannot be cogent. He always implicitly recalls Boethius' expression of eternity as "*interminabilis vitae tota simul et perfecta possessio*" (Anicius Manlius Severinus Boethius 1847, V, 6, 6, p. 483) to which that of the instant is linked, meaning the eternity of God as a unique and indivisible *nunc*. The broadening of the Aristotelian perspective on the theme of the *nunc* is in turn the result of the study of the entire Peripatetic and Neoplatonic tradition. In this way it is possible to think of the *nunc* not only as a limit between past and future, but also as the beginning of a future without a past.

Finally, the mention of the very modality with which the First Cause can act, both in time remaining in eternity and in eternity itself, depends in turn on the Arab idea of causality. Reference is made to Avicenna's position regarding the need for the Causal Agent to be extrinsic to its effects,

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(8) Cf. Thomas de Aquino (1884), VI, Lc. 3, n. 793. "Necesse est in tempore esse aliquid indivisibile, quod dicitur 'nunc'".

which otherwise would be reduced to matter or form (cf. Porro 2012, p. 411; Avicenna Latinus 1980, VI, c. 1, p. 294, l. 69–73).

The relevance that these sources acquire in the present topic offers the possibility to reflect on the "border line" position that the topic acquires. Thomas, with great intellectual acumen, offers both possible rational solutions and for this reason Christian and non–Christian authors are used with the same degree of authority.

5. The role of the threshold for greater understanding both philosophical and theological

The well–known conclusion of the question is that it remains fundamentally of a theological nature, so it is not possible to demonstrate the *creatio ex nihilo* within the limits of natural reason (cf. Thomas de Aquino 1918–1930, II, c. 38). This way of proceeding can also be dangerous, since the arguments are not in themselves apodictic, they risk obtaining the opposite effect, convincing the "opponents" of the validity of their theories.

However, the limit of creation acquires a strongly positive meaning because the exercise of rationality in this theme demonstrates all its potential even if chance proves indiscernible. In this sense, human reason stands exactly on the threshold between philosophy and theology, providing a contribution to both disciplines. The effect of this contribution can be seen in the definition of God's eternity. Aquinas, referring implicitly to the argument of the ontological perfection of God's being, affirms that His eternity is to be considered totally simple, for that there can be no effective comparison between the eternity of God and time (*ibid.*, c. 35,5):

> Non est igitur comparare inchoationem totius creaturae ad aliqua diversa signata in aliqua praeexistente mensura, ad quae initium creaturarum similiter vel dissimiliter se possit habere, ut oporteat rationem esse apud agentem quare in hoc signato illius durationis creaturam in esse produxerit, et non in alio praecedenti vel sequenti. Quae quidem ratio requireretur si aliqua duratio in partes divisibilis esset praeter totam creaturam productam: sicut accidit in particularibus agentibus, a quibus producitur effectus in tempore, non autem ipsum tempus.

Deus autem simul in esse produxit et creaturam et tempus. Non est igitur ratio quare nunc et non prius in hoc consideranda: sed solum quare non semper […]. Et similiter in productione totius creaturae, extra quam non est tempus, et cum qua simul tempus producitur, non est attendenda ratio quare nunc et non prius, ut per hoc ducamur ad concedendam temporis infinitatem: sed solum quare non semper, vel quare post non esse, vel cum aliquo principio (*ibid.*)

The ontological conception of the act underlies the present idea of time, as already reported in the *Super Sententiarum*: the act in the reality of created world always has a potential dimension within itself.

The theme of the principle is used here in an eminently metaphysical key (*ibid.*, c. 37,1), although it is rooted, both for the conception it supposes and for the examples given, in physical reality. Understood as a beginning, the instant is considered in its substantial value for the reality of time, following the rational procedure used in the Five Ways.

He speaks well of the impossibility of infinite regression and of the need to arrive at a First, without which the whole series of causal sequences that make up the life of the world would rest on a void […]. The problem of radical origins, as some thinkers say, is a problem of the transcendent, not a problem of duration. It establishes the relation of the derivative with the Prime, of the finite being with the infinite Being, of the contingent with the Necessary, of the insufficient with the Sufficient, of the void with the Eternal and not only the perpetual. We must not confuse these things (Sertillanges 1945, pp. 41–42)[9].

The metaphysical approach supports the ontological and substantial conception of the instant, which becomes the link between eternal and temporal reality, as it constitutes the point of application of the substance of things (*ibid.*, p. 91). Thomas had already reported the theme in the conception of the presence of God's Eternity in

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(9) "Il parle bien de l'impossibilité d'une régression à l'infini et de la nécessité d'aboutir à un Premier sans lequel toute al série des enchainements de causalité qui composent al vie du monde reposerait sur le vide […]. Le problème des origines radicales, comme disent certains penseurs, est un problème du transcendant, non un problème de durée. Il établit la relation du dérivé avec el Premier, de l'être fini avec l'Être infini, du contingent avec el Nécessaire, de l'insuffisant avec le Suffisant, du caduc avec l'Eternel et non pas seulement le perpetuel. Il ne faut pas embrouiller ces choses".

time, for which everything is in the present. He uses the analogy of the centre of the circle with respect to the circumference (cf. Thomas de Aquino 1918–1930, I, c. 66): the centre is at the same distance with respect to every point of the circumference; through this analogy he offers a possible explanation of God's presence at time through the ontological and non–temporal perspective (Bordoni 1965, p. 76).

The link that Thomas shows with the reality of eternity finally comes to constitute the essential ontological foundation of the instant and consequently of time, although he reiterates that eternity always exceeds the reality of time (cf. Thomas de Aquino 1918–1930, I, c. 102).

In the *contra gentiles*, through an even wider use of philosophical categories, we note the attempt to find the question of time with a more direct link to natural philosophy. Therefore, Aquinas does not neglect the fundamental relationship with the metaphysical category of act, which is measured by time and founded in the instant.

The instant becomes exactly that threshold from which it is possible to glimpse, even if not to demonstrate, the rational plausibility of the creatio ex nihilo. The threshold between emic and etic that it has tried to show in this contribution, can give some reflexes for anthropological considerations: an unconventional way of proceeding bears a different mode of conceiving the instant. In this way it can be grasped the existential link of the temporality with the eternity for human life.

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ECUMENICAL THEOLOGY FROM THE EMIC
BIBLICAL LANGUAGE AS A THRESHOLD BETWEEN TRUTH AND COMMUNAL BELIEF IN THE POSTLIBERAL THEOLOGY OF H. FREI AND G. LINDBECK

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Abstract: In this article I would like to investigate the development, in the post-liberal theology of Hans Frei and George Lindbeck, of an idea of ecumenical theology based on a narrative and emic understanding of religious truth. It will be an itinerary into the Bible and its relationship with the community of Christian believers, namely the Church. In this sense, Hans Frei rediscovers, through the thoughts of Erich Auerbach and Ludwig Wittgenstein, the potentialities of a figural interpretation of the Bible, able to maintain the unity of the canon without breaking the realism of the narrative. According to Frei's point of view it is because of the loss, or the eclipse, of such realistic narrative of the biblical text that Christianity lies nowadays more and more in a state of split and crisis. To overcome such a situation, it is mandatory to return to a conception of Christianity as "a religious community called after its founder whose name is Jesus of Nazareth" and Christian theology as "the grammar of the religion, understood as a faith and as an ordered community of life" (Frei 1992, p. 20). That is precisely the starting point for the development of George Lindbeck's work, based on the comparison between the religious and the linguistic system. Considering the Bible as the place where the grammar of Christianity is to be found, Lindbeck aims thus to interpret the Sacred Scripture as an "habitable text" which must be "followable", and even "construable", by the community of believers.

In questo articolo vorrei indagare lo sviluppo, nella teologia postliberale di Hans Frei e George Lindbeck, di un'idea di teologia ecumenica basata su una comprensione narrativa ed emica della verità religiosa. Sarà un itinerario nella Bibbia e la sua relazione con la comunità di credenti cristiani, vale a dire la Chiesa. In questo senso Hans Frei scopre, attraverso i pensieri di Erich Auerbach e Ludwig Wittgenstein, le potenzialità di una interpretazione figurativa della Bibbia, capace di mantenere l'unità del canone senza spezzare il realismo della narrazione. Secondo il punto di vista di Frei è a causa della perdita, o dell'eclissi, di una

narrazione realistica del testo biblico che la cristianità versa oggi sempre più in uno stato di rottura e crisi. Per superare questa situazione, è necessario un ritorno alla concezione del Cristianesimo come "comunità cristiana secondo il suo fondatore il cui nome è Gesù di Nazaret" e alla teologia cristiana come "la grammatica della religione, intesa come fede e come un ordinata comunità di vita" (Frei 1992, p. 20). Questo è esattamente il punto di partenza per lo sviluppo del lavoro di George Lindbeck, basato sul confronto tra il sistema religioso e quello linguistico. Considerando la Bibbia come il posto in cui trovare la grammatica della cristianità, Lindbeck ha come obiettivo quello di interpretare le Sacre Scritture come un "testo abitabile" che deve essere "perseguibile" e perfino "costruibile", dalla comunità dei credenti.

1. Introduction

In a famous preaching addressed to the church of Leutwil on February 1917, on the relationship between the Church and the Bible, Karl Barth started asking to the community: "What is there within the Bible? What sort of house is it to which the Bible is the door?" (Barth 1925, p. 28).

In this essay I would like to understand, following the suggestion of Barth, what does it mean to pass through the doors of the Word of God and what kind of space we'll find there beyond, at the other side of the threshold. Firstly however, I must convene with Barth that it "is a dangerous question", and so, probably a dangerous movement, because from the one side, "the Bible gives to every man and to every era such answers to their questions as they deserve" (*ibid.*, p. 32), but from the other side, "within the Bible there is a strange, new world, the world of God" (*ibid.*, p. 33).

In a more recent speech, addressed to a session of ecumenical studies held in the castle of Bossey in January 1947, Barth talks again about the quite peculiar nature of the Word of God:

Toutes les propositions valables (c'est-à-dire toutes celles qui s'appliquent vraiment, et non seulement en apparence, à leur objet) sur

l'autorité et la signification de la Bible décrivent un fait sur l'existence duquel il ne peut y avoir aucune discussion, parce qu'il a sa motivation en lui-même et qu'il parle de lui-même de sorte que les explications qu'on peut en donner ne son que des répétitions et des confirmations (Barth 1964, p. 207)[1].

Barth concludes that this fact consists in the authority and the meaning of the Bible for the Church of Jesus Christ. The fundamental relationship between the Bible and the Church is indeed, according to the Swiss theologian, an "analytical proposition" that describes something as it is, without aiming to justify it. Here Barth does not present the image of a "new world", but specifies that the subject of the link between the Church and the Bible finally constitutes a "circle of truth" that cannot be open "ni del'intérieur ni de l'extérieur"[2]. Therefore, theology itself "est théologie (et non pseudo–théologie!) dans la mesure où elle est capable de rendre compte à l'Église et au monde de l'autorité de la Bible"[3]. Concluding the intervention held at the castle of Bossey, Barth finally specifies the ecumenical aim of his speech on the Bible and the Church, considering that: "l'unité œcuménique […] peut être vrai ou illusoire"[4]. If the ecumenical discourse wants to be illusory, it can without problems avoid the question of the communal authority of the Bible. However, on the other hand: "si au contraire l'unité œcuménique entre nous est véritable, alors je ne vois qu"une possibilité: nous devons confesser ensemble la même foi chrétienne en ce qui concerne l'autorité de la Bible"[5].

Finally, entering the 'strange new world", or the "circle of truth" traced by these Barth's speeches, we are now bound by three consequential claims on the authority of the Bible

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(1) "All valid propositions about the authority and meaning of the Bible: "describe a fact about the existence of which there can be no discussion, because it has its own motivation and speaks of itself even so that the explanations that can be given only repetitions and confirmations" (eng. trans. by the author).

(2) *Ibid.*, p. 210: "not from within, nor from without"

(3) *Ibid.*, p. 227: "is theology (and not pseudo-theology) to the extent that it's able to present the authority of the Bible to the Church and the world", (eng. trans. by the author).

(4) *Ibid.*, p. 227: "the ecumenical unity – considers Barth – can be true or illusory", (eng. trans. by the author).

(5) *Ibid.*, p. 228-229: "If the ecumenical unity between us is true, then I see only one possibility: we have to confess together the same Christian faith on the behalf of Biblical authority" (eng. trans. by the author).

- The authority of the Bible is essential to the Church.
- True theology has the duty to affirm the authority of the Bible.
- There can be no ecumenism without affirmation of Bible's authority to the Church.

However, what does it mean to pursue an ecumenism based on the relationship between biblical authority and the community of believers? According to what we can understand from Barth's work, the solution seems to lie in searching for the reasons of a common dialogue from within, in a deepening of common Christian sources, or from without, multiplying the occasions of reciprocal meeting. Referring to a definition of contemporary social studies, started from the work of the linguist Kenneth Pike (Pike 1967), what are here confronted seems to be, in anthropological terms, an emic and an etic form of ecumenism. In other words, as reported by the Cambridge English Dictionary, the etic perspective is "a way of studying or describing a language or culture from the point of view of people who do not use the language or who live outside the culture"[6]. On the contrary, an emic perspective, is the one which takes the internal, deeper point of view "the people who use the language or live in the culture"[7]. In this sense Barth seems, from what we read, to prefer an emic point of view on the unity of the Church, a point of view rooted in the afore mentioned relationship between the Church and the Bible that represents for him a matter of fact without necessity of external motivations. In the following essay, I would like to consider how such a possibility of an "ecumenical theology from the emic" can be developed linking together the theological works of Hans Frei and George Lindbeck.

2. The authority of the Bible is essential to the Church

The issue of the loss of a communal biblical authority, takes a crucial place also in the development of the work of the Lutheran American theologian George Lindbeck, as it comes out very clearly in his essay

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(6) https://dictionary.cambridge.org/dictionary/english/etic.
(7) https://dictionary.cambridge.org/fr/dictionnaire/anglais/emic.

of 1989 *Scripture, Consensus and Community*. The main theme that Lindbeck presents here is indeed the relationship between truth and community building: could a truth, rational or religious, exist without a community that bears witness to it? In the case of religion, the problem becomes even more evident: in the Jewish-Christian tradition as well as in most other major religious traditions, the fundamental truths, the dogmas or finally the doctrines, are witnessed by the texts, on the one hand, and the community of believers on the other. Without this union between Sacred Scripture and community, no religious dimension could subsist. However, a tendency that arose in philosophy and then in theology and that today more than ever is pursued in religious studies, seems to claim exactly the opposite. I'm referring to the political-economical and finally even religious liberalism, focused, on the exaltation of the individual and his complicated relationship with the society of belonging and the consequent individualization and subjectification of the truth. Thus, as a result of this liberal shift, even the interpretation of sacred scriptures ended up becoming the task of critical and historiographical analysis of what Lindbeck calls "a separate guild" of expert exegetes, with the result of becoming a message no longer shared, understood and significant for the wider community of believers:

> Modern scholarship can tell us much about what texts did not mean in the past and, with rather less certainty, reconstruct what they did mean; but, insofar as it remains critically historical, it provides no guidance for what they should mean in our present very different situations. It tells us at best what God said, not what God says now. There seems to be no exegetical bridge between past and present. This gap, much more than questions about inerrancy or inspiration, is the heart o the current crisis of scriptural authority (Lindbeck 2002, p. 211).

However, Lindbeck concludes seeing a spark of hope for the future:

> There are, in second place, some developments which suggests that it can be made to work. Biblical scholars are increasingly interested in the literary features, social and communal functioning and canonical

functioning and canonical unity of the scriptural test … I shall simply mention the names of Karl Barth and Hans Urs von Balthasar (*ibid.*, p. 219).

Therefore, a postliberal approach to theology, should follow the route of Barth and Von Balthasar, becoming "capable de rendre compte à l'Église et au monde de l'autorité de la Bible" (Barth 1964, p. 227)[8]. However, the work of Lindbeck goes even further: "New directions are needed. […] Clarity grows and honesty increases when each religion considers its relation to others in terms of its emic categories, its native tongue, instead of contorting and distorting its heritage to fit the constraints of a purpotedly universalizable etic idiom of salvation" (Lindbeck 2002, pp. 228–229).

The final challenge that Lindbeck addresses to theology and the Church is to redescribe the world in which we live through the language of the Bible, rather than use contemporary language to redescribe the biblical narrative in a supposedly new universal tongue. However, how is to concretely possible to realize such purpose in a deeply secularized world? And what role does the Christian community assume in a similar process?

In order to answer these questions, it is better at first to consider another author that functions as *trait d'union* between Barthian thought and that of George Lindbeck.

The roots of a postliberal approach to theology are indeed to be found in the work of the German–American Episcopal theologian Hans Frei, colleague of Lindbeck at Yale Divinity school from the period shortly after the Second World War. Frei began his doctoral research on Karl Barth's doctrine of revelation during that period, while Lindbeck was working on Duns Scotus' theology. Together with the Barthian studies, during the years at Yale Hans Frei had been fascinated and influenced also by the ideas of literal critics such as Erich Auerbach and Frank Kermode on the concept of realism in Western literature. Auerbach's special merit has been to rediscover the classical and medieval concept of *Figura* and figural interpretation, with a quite different

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(8) "[…] able to present the authority of the Bible to the Church and the world" (eng. trans. by the author).

sense respect to what we intend in contemporary times to be an allegorical or metaphorical form of writing. Such a difference consists basically on the fact that, in Auerbach's own terms: "figural interpretation establishes a connection between two events or persons, the first of which signifies not only itself but also the second, while the second encompasses or fulfills the first. The two poles of the figure are separate in time but both, being real events, or figures, are within time, within the stream of historical life" (Auerbach 1959, p. 53).

That's the starting point of a quite new understanding of realism in narrative, according to which a narrated event and its meaning owns the same grade of realism, not being on different levels, but in the same narrative level. In this way, considers Hans Frei, paraphrasing Auerbach: "Meaning and narrative shape bear significantly on each other. Even if one was convinced that the history–like or realistic character of the narratives finally bespoke an illusion, so that their true sense explained as allegory or myth, the realistic character was still there" (Frei 1974, p. 11).

Now, if Auerbach uses such idea for the interpretation of the whole Western literature from the Odyssey to James Joyce, for Frei, on the other hand, that becomes a starting point to develop its anthropological idea of theology and exegesis made from an emic point of view. What he denounces indeed, in the work already quoted, is the "eclipse of the biblical narrative", namely the historical process through which the classic figural interpretation of biblical text from itself, from an internal point of view, have been eclipsed by the modern and liberal tendency of understand the sacred scripture using an external, mostly historical or ideal reference.

One of the most important consequences of this kind of figural interpretation, strongly highlighted by Frei, was to maintain the unity of the canon and especially to link together the old and the New Testament, the Jews book of the *Thorah* with the Gospel of Jesus Christ. It's evident indeed that the Bible is a recollection of quite different books and so of different stories, contexts, narrative styles and so on and so forth. However, according to Frei, the original figural–realistic interpretation has the capacity to maintain the biblical text internally united. The basic reason for that lies finally in the fact that, as we read from Auerbach,

in a realistic narrative, any event or character can at the same time represent something in itself and in relation to another event or character. Such a twofold possibility of meaning is the tool which permits to figural narrative to maintain the unity of the canon without breaking the realism of the narrative. In this way indeed, every single event can be true and meanwhile represents the real meaning of something else. The most essential field of application of such theory is that of the relationship between the history of Moses and that of Jesus Christ, that resumes, in a wider sense, the whole relationship between Christianity and the People of Israel. Thus, the story of the Jewish people and that of Jesus Christ do not lose any realistic force and meaning in being linked together. They just maintain their own meaning and truth, holding at the same time a meaning and truth in their connection. Therefore, that of the unity and continuity of the biblical canon is the first main loss, according to Frei, due to the "eclipse of the biblical narrative". Moreover, there is a second kind of loss, concerning no more the interpretation of the text from inside, but the possibility that the text becomes a source of interpretation of the world outside from an internal point of view. As Frei considers about the biblical hermeneutic of John Calvin indeed: "it was in the first place a proper (literal or figurative) rather than allegorical depiction of the world or reality it narrated. But in the second place it rendered that reality itself to the reader, making the reality accessible to him through its narrative web" (*ibid.*, p. 24).

In other words, the Scriptures were, in the past of Christianity as well as in Reformers" time, not only something that founded its own sense, but that gave also to the believer, and mostly to the community of believers, a key of interpretation of everyday life in the external world: "Finally, realistic narrative, if it is really seriously undertaken and not merely a pleasurable or hortatory exercise, is a sort in which in style as well as content in the setting forth of didactic materials, and in the depiction of characters and action, the sublime or at least serious effect mingles inextricably with the quality of what is casual, random, ordinary, and everyday" (*ibid.*, p. 14).

Therefore, according to the diagnosis of Hans Frei and George Lindbeck after him, it is because of the loss, or the eclipse, of such authority of the biblical text for the Church that Christianity lies nowadays

more and more in a state of split and crisis. On the other hand, it is then through the rediscovering of that realistic narrative that will be possible a new and ecumenical flourishing within the Christian world.

3. True theology has the duty to affirm the authority of the Bible

Hans Frei died prematurely in 1988, letting such a great project of Christian foundation from an internal, realistic and narrative point of view only at its preliminaries. In a recollection of his later writings, edited posthumous by G. Lindbeck, G. Hunsinger and others of his colleagues under the title of *Types of Christian Theology* emerges the line of such a new hermeneutical and theological setting. The idea seems to be that of an emancipation of theology from historiography and philosophy and, in the main time, the establishment of a methodologic connection between the work of the theologian and that of the anthropologist. For what concerns the emancipation from historical science, most has been already said. The main point lies, according to Frei's work, on the threshold between the history and the story, as stated again in *The Eclipse of the Biblical Narrative*: "A realistic story is not necessarily history; but the difference between the two is reference or lack of reference, and that of a different kind of account being appropriate in each case. On the contrary, in respect of descriptive or depictive form, history and realistic story are identical" (*ibid.*, p. 27).

In this sense, the American theologian presents the relationship between history and story as a "family resemblance, which permits a kind of extension of literal into figural interpretation"(*ibid.*). To clarify the meaning of such kind of relationship, it must be noted that the main point of reference here is no more Erich Auerbach, but the philosophy of Ludwig Wittgenstein. The Austrian philosopher indeed, introduces the concept of family resemblances in his work *Philosophical Investigations*, trying to develop the concept of description:

> 24. […] Remember how many different kinds of thing are called "description": description of a body's position by means of its coordinates; description of a facial expression; description of a sensation of touch; of a

mood. Of course it is possible to substitute for the usual form of a question the form of statement or description: "I want to know whether […]" or "I am in doubt whether […]" – but this does not brings the different language–games any closer together (Wittgenstein, 2009, pp. 15e-16e).

Here Wittgenstein points the attention on the multiplicity and variety of the forms of language, and the difficulty to reduce them to a common ground of logical reference:

23. But how many kinds of sentence are there? —Say assertion, question and command? — There are *countless* kinds; countless different kinds of use of what we call '*symbols*", "word", " sentences". And this diversity is not something fixed, given once for all; but new types of language, new language games, as we may say, come into existence and others become obsolete and get forgotten. […] The word "language game" is used here to emphasize the fact that the *speaking* of a language is part of an activity, or of a form of life (*ibid.*, p. 14e).

The multiplicity of what the philosopher calls language games or forms of life, or even descriptions represents the variety of meanings that an expression could assume depending on social, environmental or other kind of contextual factors. How is it possible then, to find an order and a logic into a similar mess? That's what he finally gains with the notion of "family resemblances":

66. Consider, for example, the activities that we call "games". I mean board-games, card-games, ball games, athletic games, and so on. What is in common to them all? …– For if you look at them you won't see something that is common to *all*, but similarities, affinities and a whole series of them at that […] we see a complicated network of similarities overlapping and criss–crossing: similarities in the large and in the small.

67. I can think of no better expression to characterize this similarities then "family resemblances"; for the various resemblances between members of a family - build, features, color of eyes, gait, temperament and so on and so forth - overlap and criss-cross in the same way. — And I shall say: "games" form a family (ibid., p. 36e).

According to Norman Malcolm, Wittgenstein is here presenting "a radical change in our conception of what philosophy should be doing". If philosophy indeed, had always been centered on explanation of reality, now its task is to describe concepts starting from their use in the language, and, concludes Malcom "the description of the use of a word is called by Wittgenstein describing the "language-game" with that word" (Malcolm 1993, p. 74). The basic difference is that an explanation, in the traditional sense, is always the search for external justifications and reasons. On the other hand, description reports the thing as it is, as it shows itself, as we may derive from the sentence 126 of the *Philosophical Investigation*: "126. Philosophy just puts everything before us, and neither explain nor deduces anything — Since everything lies open to view there is nothing to explain" (Wittgenstein 2009, p. 55e).

According to Peter Winch, what is basically possible to learn from that thoughts is that human beings have different way on their disposal to understand reality and: "There is just as much point in saying that science, art, religion and philosophy are all concerned with making things intelligible as there is in saying that football, chess, patience and skipping are all games"(Winch 2008, p. 18). Therefore, at one side, the fundamental role of description in philosophy should be an epistemological one, i.e. that of wondering on the intelligibility of reality. However, the fact is that, such as there are different language games, so there are different kind of intelligibility of things on the base of the nature of the thing itself and the context in which it is set. Therefore, concludes Winch: "the whole substance of Wittgenstein's argument is that it is not those practices considered on their own which justify the application of categories like language and meaning, but the social context in which those practices are performed" (*ibid.*, p. 33). In this sense, philosophy itself should tend to be a kind of social science that considers the intelligibility of a thing trying to be as adherent as she can to the thing itself in its specific context.

Now, theology, according to Frei's last writings, should tend to a similar form of socio-anthropological description, or even more radically: "theology becomes an aspect of the self–description of Christianity as a religion" (Frei 1992, p. 20). However a tension becomes thus evident, between a philosophy and theology, on the one hand, intended

as a transcendental science that grasps what all other sciences have in common:

> On this view, theology and philosophy are bound to be closely if perhaps oddly related. Philosophy may be an informative science, which tells you, for example, what being is, and how to get into a position to know it. […] In the lights of its foundational status, philosophy arbitrates what may at any time and anywhere count as meaningful language, genuine thought, and real knowledge. And theology, given its long but also dubious standing in the academy, is a prime candidate for philosophical scrutiny (ibid.).

and a philosophical–theological thought, on the other hand, intended mostly as a social discipline, where the focus is on the understanding of reality starting from its socio-cultural and linguistic dimension:

> On the other hand, Christianity is a specific religion among many others, a religious community called after its founder whose name is Jesus of Nazareth. […] In this context, theology is a very different matter […] now theology becomes an aspect of the self–description of Christianity as a religion, rather than an instance in a general class. It is an inquiry on the internal logic of the Christian community of language […]. Theology, in other words, is the grammar of the religion, understood as a faith and as an ordered community of life (ibid., pp. 19–20).

This final paragraph well presents the basis of Hans Frei's attempt to build up Christian Theology, from an emic point of view. In this sense, the duty of the work of the theologian must be at first to affirm the authority of the Bible, and that's from where his colleague George Lindbeck will start, inserting the ecumenical problem into this emic perspective.

4. Ecumenical from the emic

George Lindbeck develops his theological thought precisely starting from the idea of theology as "the grammar of faith". In this sense, he

will follow the path of his colleague Frei, focusing his work on the relationship between the narrative of the biblical text and the building of the community of faith and particularly the whole Christian *oikumene*. Once established a new hermeneutical perspective according to which the Bible contains its own grammar and speaks its own language, remains indeed the necessity to focus on the community in which such a language is spoken. A similar problem becomes even more clear in the mind of Lindbeck at the end of the Second Vatican Council where he took part as an observer for the Lutheran World Federation. As he considered already in an essay of 1963 indeed: "Agreement between exegetes [...] does little by itself to create a dogmatic consensus. [...] It is no longer possible to find a systematic theology in the Bible, and consequently an element of what might be called free choice enters in whatever we attempt to state *the* biblical (not the Pauline or the Joahnnine) doctrine on this or that point" (Lindbeck 1963, p. 251).

The focus is again on the authority of the Bible. The problem considered by Lindbeck in this passage, concerning the distance between the work of the exegetes and the consensus of the wider churchly community, will represent the focus of his whole subsequent work. According to him indeed, the establishing of a communal biblical authority for the Church is not sufficient if it involves only the experts in theology and exegesis. An ecumenical dialogue, instead, becomes effective only if it involves three elements bounded together: scripture, consensus and community.

The issue of a true biblical authority for the ecumenical church can thus be solved through the interconnection of these three elements presented in the title of the already quoted essay of 1989. In the first place lies, of course, always the Scripture, which must become an "habitable text", interpreted in such a way as to be "followable", and "construable", by the community of the faithful: "What is needed are texts projecting imaginatively and practically habitable worlds. A habitable text need not to have a primarily narrative structure [...] but it must in some fashion be construable as a guide to thought and action in the encounter with changing circumstances. It must supply followable direction for coherent patterns of life in new situations" (Lindbeck 2002, p. 219).

Sacred texts must thus be "followable" in the sense of being under-stood and followed by the members of the community of the faithful and consequently become "construable", that is, a source of construc-tion and elaboration of the common experience. The religious experi-ence thus becomes necessarily intersubjective for Lindbeck in the sense that it takes shape only in the communitarian dimension and in its re-lationship with the descriptive and non–prescriptive narrative of the sa-cred text. Furthermore, if the work of Frei was more centered on the way in which the text was interpreted within the community, the work of Lindbeck, on the other side, becomes more focused on how the com-munity can interpret the world through the text. In his main work *The Nature of the Doctrine*, Lindbeck resumes such an hermeneutical ap-proach with the crucial concept of "intratextuality", with a twofold meaning: "This makes it possible for theology to be intratextual, not simply by explicating religion from within but in the stronger sense of describing everything as inside, as interpreted by the religion, and do-ing this by means of religiously shaped second–order concepts"(Lind-beck 1984, p. 114).

So finally, the task for theology, is not only, as was for Barth, to pres-ent the authority of the Bible to the church of the world, but to use such authority in a creative way to shape the world and perhaps make a new world, the "strange new world within the Bible". This Barthian expression, however, assumes now quite a different meaning. If indeed in Barth's own terms the strange new world was to be found into the Bible, passing through the door of the word of God, now, on the other hand, the strange new world of the Bible is the one that the communi-ty can build up creatively putting the word of God into practice. "The Bible" indeed, concludes Lindbeck, "exists for the sake of the church. […] The purpose of the Old and new Testaments is the formation of peoples who live in accordance with God's commands and promises and embody his will for the world" (Lindbeck 1996, p. 227).

All this discourse should finally be linked to the idea about the fu-ture of Christianity that Lindbeck presented already in a public inter-vention in 1968 on *Ecumenism and the future of Belief*.

In the first part of the text, starting from Karl Rahner's statement on the possibility of a *diaspora* in the future of the Christian Church,

together with the statistics on world religiosity, is analyzed the very likely condition of minority that awaits Christianity in the future. This situation will lead to a strengthening of the beliefs and habits of the faithful who will gather in small communities thus probably tending to sectarianism. At this point, in a society destined to a radical change in the role that still have today religions in general, and Christianity in particular, the Christian community will be faced with the twofold possibility of compromising accommodation to secularized society, on the one hand, or of a strong claim to its own identity and role on the other.

Subsequently, Lindbeck clearly suggests to the Church to pursue the choice of a strengthening of herself within society, so as to become a "creative minority". In this way, despite a socially peripheral role, it can constitute a decisive force against the totalitarian drift in which, as the twentieth century taught, every secularized society risks falling. The prospect of a banishing of religion, in fact, Lindbeck argues, would inevitably lead to the loss of forms of ethical legitimacy that have always been supported by the pursuit of a supreme good. Contemporary society has, moreover, been able to demonstrate a great ability in the field of pragmatic-rational manipulation of the means, but not in the field of respect for and defense of ultimate values and ends.

In this very field, Lindbeck concludes, Christianity of the future could and indeed should play its role, constituting itself as an ecumenical as well as sectarian reality. Here emerges a critique of contemporary ecumenism as the result of an ecclesiastical bureaucracy oriented towards increasing the accommodation to the pluralism of secularized society: "The contemporary ecumenical movement is largely the product of an accommodation to secularization […] the official ecumenism of the ecclesiastical bureaucracies is in part the product of pressure similar to which produce price-fixing, mergers and monopolies in the business world" (Lindbeck 2002, p. 100).

In this sense, the adjective "sectarian" assumes, in Lindbeck's own terms, a positive connotation. The ecumenical sectarianism proposed by the American theologian should indeed, be built around a renewed consensus on a narrative, intratextual interpretation of the Bible. In this way, the Church of the future could rediscover the message of Christ, both

in the sense of service to humanity, especially the poorest and the weakest, also through suffering and sacrifice. On the basis of this Christian worldview, Lindbeck concludes the text with the proposal to establish a "Christian *Internationale*", an international of Christianity that gathers all believers in Christ and makes them passionate and committed servants of humanity, reunited around the common faith in God: "The faith of the sectarian Christian such as we have described is centered on God, not on the Church's success or failure, or even its faithfulness or un faithfulness […] the human usefulness of religion must be rooted in the conviction, nourished by active participation in the community of faith, that God is God and his will is to be done no matter what the outcome" (*ibid.*, p. 105).

5. Conclusions

This final Lindbeck's statement, can be considered also the last provisory destination of that path in the search for ecumenical theology from an emic point of view. I hope to have shown how such a perspective can be found on the postliberal approach to theology offered by Lindbeck and Frei. Following the spirit of Barth's ecclesiology indeed, they both try to build a stronger bond between the Church and the Bible, overcoming the modern liberal tendency to privatize the religious dimension and recovering the importance of Christian doctrinal tradition from a Protestant point of view. That becomes particularly evident in Lindbeck's work, focused on the relationship between Scripture, the community of believers and the consensus that must link them both. However, this would not have been possible without Frei's concentration on Biblical narrative as a sort of "language game" whose truth and meaning must be grasped from an internal, rather than an external point of view.

In this way, the potentially dangerous itinerary within the strange new world of the Bible from which we began, ends up with the opening of the possibility of an ecumenical Christian community that brings the witness of the Bible to the world. Finally, in such a witness, the emic and etic dimensions can be reconciled into a common language,

the language of faith that as we read in the Letter to Romans, grows up in the intimate hearing of the Word of God, and then ends to be spread all around world:

> So then faith cometh by hearing, and hearing by the word of God.
> But I say, Have the they not heard? Yes, verily,
> Their sound went into all the earth and their
> words unto the ends of the world[9].

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THE BIBLICAL IMAGINARY IN POLITICAL THOUGHT
THE EXAMPLE OF THE CONSENSUS

Debora Tonelli

ABSTRACT: Consensus is a central element in all kinds of relationships, whether social, political or personal. From the biblical Exodus to the Afro revolution in the US, from apartheid emancipation to decolonial theology, numerous peoples have struggled for social and political life to take their consent, or lack thereof, into account. History is dotted with social and political revolutions that, in different ways and forms, were inspired by the biblical text to change the status quo and win recognition of their dignity.

Through the analysis of Exodus 19:1–8, the article discusses the theme of political and social consensus, in dialogue with the Spinozian interpretation, demonstrating the centrality of biblical influence not only in the religious but also in the social and political spheres.

Il consenso è un elemento centrale in ogni tipo di relazione, sia essa sociale, politica o personale. Dall'Esodo biblico, alla rivoluzione afro in US, dall'emancipazione dall'apartheid alla teologia decoloniale, numerosi popoli hanno lottato affinché la vita sociale e politica tenesse conto del loro consenso, o della sua assenza. La storia è costellata di rivoluzioni sociali e politiche che, in modi e forme diverse, si sono ispirate al testo biblico per modificare lo status quo e conquistare il riconoscimento della propria dignità.

Attraverso l'analisi di Esodo 19, 1-8 l'articolo discute il tema del consenso politico e sociale, in dialogo con l'interpretazione Spinoziana, dimostrando la centralità dell'influenza biblica non solo nell'ambito religioso, ma anche sociale e politico.

KEYWORDS: Consent, Democracy, Revolution, Faith, *Berît,* Covenant

PAROLE CHIAVE: Consenso, Democrazia, Rivoluzione, Fede, *Berît,* Patto

1. Introduction

"The social and parliamentary covenants of the 16th and 17th centuries have their origins in the Exodus literature; for it is there that the idea that duties and allegiance are rooted in the consent of each individual is first affirmed, nor could it be otherwise" (Walzer 1985, p. 59). In reality, the situation is somewhat more complex, as Elazar explains:

> The convenant of the Bible are the founding covenants of Western civilization. […] The covenant idea has within it the seeds of modern constitutionalism in that it emphasizes the mutually accepted limitations on the power of all parties to it, a limitation not inherent in nature but involving willed concessions. This idea of limiting power is of first importance in the biblical worldview and for humanity as a whole since it helps explain why an omnipotent God does not exercise His omnipotence in the affairs of humans, God at least partially withdraws from controlling their lives (Elazar 1995, p. 1).

While Walzer and Elazar are right in pointing out the importance of the biblical Exodus as an inspirational narrative for both modern contractualism and so many social and political revolutions, even when it is not directly recalled, one must also take into account some important differences between the *berît* and the social contract, on which I will elaborate later.

One element, however, seems interesting to me, namely, that the biblical text has been a source of inspiration for political and social struggles for long centuries, as Martin Luther King's struggles to overcome racism against African Americans have shown in more recent times (King 1958; 1986)[1], Desmond Tutu's to rebuild South African society after the apartheid experience (Tutu 2000, p. 203; Hill 2007), liberation theology (Gutiérrez 1988) and decolonial theology for the social, political and cultural emancipation of subjugated populations (Mignolo 2012; Dussel 2013; Mendoza-Álvarez-Courau 2020), just to mention a few. In these experiences biblical narratives show their

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[1] On the instrumentalization of the sacred text to legitimize racism against African descendants cf. Lefebur and Tonelli 2018.

efficacy in their ability to inspire, create new imagery, motivate, give hope, but most of all in moving crowds and changing status quo by rooting this change in deep motivation and animated by a new awareness: "Those of us who call on the name of Jesus Christ find something at the heart of our faith that reminds us eternally that God is from the particle truth and justice." (King 2007, p. 325). Acting consistently to one's faith in Jesus means having a social and political impact: there is no true faith without witness. There is, therefore, a public dimension of faith, which is action in the public space. An action performed not in a rush, but by consciously adhering to faith and becoming responsible for the consequences. Not only that, this impact is geared toward inclusion and justice and, thus, turning the "last ones" into a valuable resource for society.

These struggles have matured at a time when, in the Western world, compared to the past, the role of the biblical text in socio-political action is no longer so taken for granted, this despite the fact that many areas of law and culture are still deeply rooted, at least in part, in the biblical tradition. Staying focused on the topic of this study, think, for example, of the role of consent in private law, contracts, and intersubjective relationships (Calasso 1954; Grossi 1995; Orestano 1987). This departure from the text was caused by several factors that I can only summarily recall here. One is religious literacy, that is, the resources invested in reading the sacred text and possibly also in religious education. The religious wars that bloodied Europe in the 17th century greatly challenged the goodness of religions, which nevertheless continued to be part of the education of humanists. The school reform implemented by Napoleon adapted the curricula to the new sensibility of the time, namely historicism and nationalism: the study of Greek and Latin were separated from that of Hebrew, making the language of the Bible an exclusive heritage of *homo religious* (Burckert 1999). At the same time, a new view of the past has matured and the already ongoing separation of knowledge has contributed to dividing areas of expertise. The process of secularization and the political events of the 20th century have profoundly affected the vision of science and culture, to the point of depriving humanistic education of the theological tradition, scientific education of humanism. It was certainly a complex path, an expression of

a new sensibility and full of novelties and transformations, in which the gradual process of distancing between the Bible and social and political action is only one of many aspects. The feeling, however, is that along with so many changes, something good has also been lost.

The purposes of this article are several: one is to rethink the issue of consent from its biblical root. It is neither alternative nor contrary to the Greek one, but, in a sense, proposes a more radical view of it, since in the biblical narrative not even God shirks the demand for consent (Ex 19:8). In an era of crisis of democracies in the face of the advance of new forms of imperialism and dictatorships, the ability to give or withhold one's consent is central and cannot be treated as a procedural element[2]. On the contrary, it is necessary to be aware that it expresses a recognition of equal dignity to those who are called upon to express themselves through it: every form of government is based on a conception of the human being. It is symptomatic that dictators today feel the need to show that their government is an expression of consensus, even if it is the result of rigged elections or the prior elimination of credible opponents (Baunov 2023).

A second goal is to return to the biblical text as a resource for political reflection and not as an (exclusively) religious text. Regardless of

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(2) There is no shortage of critics of democracy or those who propose alternative models, cf. Brennan 2017, in which the author analyzes the importance of the competence and awareness as a guarantee of the democratic process and proposes an "epistocratic" democracy based on competences that distributes political power in proportion to knowledge and competence (Bell 2015). The topic of consent would merit separate consideration. In the twentieth century it underwent further development in the medical and technological fields, becoming "informed consent". The expression was first used in 1957 but it was not until the 1970s that it became the focus of debate. It was a symptom of the change in the relationship between doctor and patient, that is, the shift from a paternalistic view to the principle of autonomy of choice. This shift occurred as a result of legal initiatives and not for ethical reasons, (cf. Faden and Beauchamp 1986). Currently, the use of new technologies and social media also relies on informed consent, and the privacy watchdog requires companies that operate them to inform users about the use of their data, https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-data-protection-supervisor-edps_en. However, very often it are the users themselves who do not read the terms of use that are provided and give their consent for the acquisition and use of their sensitive data in order to use an app or service. This attitude raises questions about the scale of values used by the user, the strength of an invisible manager-associated with the app used and not with the group of people who built it-that, therefore, seems not to exist, and much more. In the political sphere, as well as in the medical and technological spheres, transparency of procedures and purposes should empower the user to give or not to give consent, but no one — other than one's own conscience — can make the user aware of the importance of his or her consent.

whether or not it belongs to a religious tradition, the Bible has contributed significantly to the Western legal, political, and moral tradition and, despite changing sensibilities in some parts of the world, it continues to be an inexhaustible source of reflection. This is even more important at a time when the advance of dictatorships — accompanied by an excessive relaxation of democracies — seeks its consensus in the religious tradition (and this is the third goal): knowing the conceptual resources within a tradition can help de–power these instrumentalizations.

The aims are modest in themselves; in fact they can be summarized as an attempt to overcome, on the one hand, certain prejudices against the biblical text, such as the one that relegates it to reading for believers only, and, on the other hand, to reintroduce it within the debate on a topic that is crucial today.

2. The desert

1. In the third month, when the children of Israel were gone forth out of the land of Egypt, the same day came they into the wilderness of Sinai. 2. For they were departed from Rephidim, and were come to the desert of Sinai, and had pitched in the wilderness; and there Israel camped before the mount. 3. And Moses went up unto God, and the Lord called unto him out of the mountain, saying, Thus shalt thou say to the house of Jacob, and tell the children of Israel; 4. Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself. 5. Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine: 6. And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel. 7. And Moses came and called for the elders of the people, and laid before their faces all these words which the Lord commanded him. 8. And all the people answered together, and said, All that the Lord hath spoken we will do. And Moses returned the words of the people unto the Lord (King James Version).

As Auerbach (2003) has aptly pointed out, biblical narratives do not revert to rhetorical devices to embellish the stories. Only the essentials are narrated in them. The slaves camp in the Sinai desert, facing the mountain, the quintessential site of theophanies. Desert and mountain are theological and cosmogonic places even before they are geographical places. It means that the narrative moves on two planes: the political one, determined by the liberation from slavery, and the theological one, which shapes the narrative and provides the political story with its deeper meaning.

Some textual elements deserve special attention because the translation hides their role within the text or because they are distant from our narrative habit. For example, time indication, generally rare in biblical texts, emphasizes the importance of the event being narrated and is never a cronaca element. In the case of Ex 19:1 the time is indicated both in relation to the exit from Egypt and with the punctual expression "the same day," which retains an ambivalent meaning: on the narrative level it refers to the day that falls in the third month of the exit from Egypt, on the historical level it coincides with the day on which the reader will read this text. Through this narrative device, consent is reaffirmed each time and the covenant is again made each time the text is read/recited (McCarthy 1978, pp. 243–244).

The spatial indication is equally important: coming out of the land of slavery, the Israelites landed in the desert, that is, in a 'free zone' because, due to its inhospitality, no ruler had any interest in appropriating it. It was traversed by the caravans of the nomadic peoples, it was used to banish the plague-ridden and all those who were not welcome within the community, and, because it was impossible to survive there, it was considered one of the gates of the *sheol*, that is, the kingdom of the dead (Peri 2003, pp. 62–64; Scandone Matthiae 1987, p. 43–44).

The deceased become, therefore, citizens of this world of chaos, which continually threatens creation and is ever-expanding: "The points, — Peri again explains — where Yahweh's control is most problematic and the power of the enemy is strongest are those areas that represent the boundaries of the cosmos, namely [...] the sea and the desert" (Peri 2003, pp. 63-64). The task of the national deity "is to ensure the stability of its territory (i.e., the universe: the two concepts, as will be seen, are to some extent identified)". In continuity with the national

deity, even the actions of the ruler have cosmic value, for they help to arginate the destructive chaos that would prevail with the prevalence of enemies and the forces of nature. The *sheol* realm is, therefore, not a "geographical" place but a dynamic concept related to the daily struggle between the order of creation and chaos. In Hebrew, the root of the verb generally translated as "to create" is *br'*, which means first and foremost "to separate": to create is first and foremost to demarcate what was previously confused and indistinct.

The location of the scene in the desert acquires a different light: if, from the earthly point of view, the desert is a "lawless" place, which is opposed to Pharaoh's law (or, more correctly, to his so vain will) and which, initially, may seem an inhospitable but actually saving place because it is far from Egypt, from the cosmic point of view it is, in fact, a borderland, where the powers that reigned before creation confront each other and the balance of the cosmos is in the balance. In this non-place, survival is only possible if the creator deity is able to prevail over chaos. The slaves who escaped from Egypt decide to camp right here: far from the land of slavery and the promised land, this non–place is the only one in which they can make autonomous decisions.

3. The Covenant's Proposal

When Moses ascends towards God (Ex 19, 3), he has already established judges who help him in judging what happens among the members of the people (Es 18, 13–26). In the reenactment of events, the freed slaves rose up to God. There is no mention of the excited flight, the parting of the waters, the Egyptian army pursuing a jumble of runaway slaves (Ex 14–15). Instead, it speaks of rising, of ascending to God (Ex 19, 4). This remembrance grounds the present: the adverb 'now' (Ex 19, 5) points to the moment of passage and turning point, not only at the moment when God pronounces this discourse, but each time the reader will read it and repeat in his or her own life this experience of liberation and foundation of new order. The remembrance of the covenant makes sense if the memorial serves to refund it each time it is recited (Hiller 1969, pp. 76–77).

It is only at this point that God proposes the covenant in a tone that sounds almost like a plea: "if ye will obey my voice indeed, and keep my covenant (berît), then ye shall be a peculiar treasure unto me […] a kingdom of priests [and no longer slaves], and a holy [separate] nation." "Obey", as a translation of "listen carefully" and "keeping" indicate the acceptance and observance of the covenant. If these runaway slaves accept God's proposed covenant, they will become his "treasure": the term used here is *segûllā*, in continuity with the Akkadian *sigiltu*, which means "property obtained by contract" and which appears in the texts of the covenants made by the Babylonians with the vassals. The meaning of this membership, however, is very different from that deducible from Babylonian treaties, as is evident from what follows. After the cosmogonic annotation "for all the earth is mine" God refers to Israel as a kingdom of priests and a holy nation. The terms used by the editors of this text are *'am* and *goîm*. The former, *'am*, indicates a familial bond between blood relatives, so the whole expression could be translated as "you will be my servant relatives." To slavery imposed by force, God opposes the choice of a saving covenant (Walzer 1985, p. 53), but He does so at a time when Israel is already free: it is, therefore, a proposal, not an alternative to liberation, nor to a condition for freedom:

> But it is really possible to say no to an omnipotent God? — Walzer asks —. A more skeptical and ironic rabbinic story suggests the difficulty. Now God is said to have lifted up the mountain, held it over the heads of the assembled Israelites, and told them: "If you accept the Torah, it is well; otherwise you will find your grave under this mountain". One of the rabbis, a good consent theorist, says of telling of this story that it is "a great protest against the Torah". Indeed, it makes the Torah into non-bonding law, grounded of force alone, not on commitment. The book of Exodus has nothing to say about these theoretical issues. But it does insist in the consent of the people and so provides a platform, as it were, for later speculation (Walzer 2012, p. 5; Walzer *et al.* 2000, pp. 28-29).

Freedom is the factor that makes consensus binding and Israel responsible. After all, the biblical texts are not treatises on philosophy, nor do they argue one thesis by contrasting it with others: they testify, they enact the faith experience of the people of Israel through stories

and poems with the intent to engage the reader in this experience, not to engage in a philosophical disquisition with him/her.

> As with other historical nations, kinship and covenant, descent and consent, are simultaneously at work. What is striking in the Bible is the intense awareness of both: this covenant, which requires our consent before it becomes obligatory, is also the "covenant of our fathers", to which we have already consented and which is already obligatory (Walzer 2012, pp. 10-11).

The escape from Egypt allows not only the exit from slavery but the beginning of a new role and the construction of a new identity for the Israelites (Auzou 1961): by accepting the covenant with the liberating God, they will become a kingdom of priests, i.e., protagonists of the liturgical service and a nation separate from all others.

The term *goîm* in the Bible is used to refer to the peoples and nations that do not know J-H, i.e., the pagans. The political connotation coincides with the religious one. Thus in God's speech we find the coordinates of the new people: a kingdom of servant kinsmen and a separate nation. The adjective *qādōš* 'separate' insists on Israel's independence because it belongs to God alone (Ex 3:5; Lev 18:1–5). This belonging is not analogous to Egyptian slavery: on the contrary, it emphasizes the freedom and independence won by the people after the liberation from Egypt and already acted upon both through the institution of judges and through the consent freely given to the proposed alliance with God. In v 8 all the people accept the covenant "All that the Lord hath spoken we will do." The covenant is not between God and Moses, but between God and the people: the people are called upon to give their consent. Unlike of the common practice of the ancient Near Eastern peoples that only the ruler, having a priestly function, was in contact with the deity, is here greatly scaled down. Moses performs the function of mediator but cannot replace the people. The people themselves are born, so to speak, through the making of the covenant: from a hodgepodge of runaway slaves, they are transformed into a collectivity capable of freely deciding their own future and giving themselves an identity (Brueggemann 2012).

On the historical political level, some scholars have pointed out the similarity between this covenant and those imposed by the Neo-Assyrian Empire on its vassals. These, however, contained a series of threats should the vassal refuse to accept (Walzer 2012, p. 6; Hillers 1969; Elazar 1995). Moreover, while those treaties were aimed at expanding the international hegemony of the great empire, the covenant between God and Israel is an internal affair. The fact that everyone, that is, each member of the people gives their consent to the covenant, is not only a political act but also an expression of the faith of each of them.

The desert is almost a mythical condition, for in this non–place, the people experience a kind of original condition: they pause precisely where the forces of primordial chaos press upon the ordered cosmos. The creation of a new order begins from this potentially chaotic non-place and takes place not through epic battles between God and the forces of chance, nor through a handing over of powers by God to an absolute ruler, but through the stipulation of a *berît* with all members of the people. It is not a condition for receiving freedom, but the result of the latter (Ska 1996).

> The Covenant at Sinai, following upon the liberation from Egyptian bondage, was the most important of Israel's covenants, and the biblical writers seem to have had no doubt that it depended on consent, not blood. The laws were binding only because they had been accepted by the people. Rabbinic writers are especially clear on this point […] The crucial conditions of what is today called consent theory are here recognized. Before consent is effective, there must be full knowledge and the possibility of refusal (Walzer 2012, pp. 4–5).

The history of biblical Israel begins with that of the patriarchs leading the tribes and then growing and transforming into a people. The lineage of Abraham, Isaac and Jacob owes its continuity to both genetic preservation and faith in their God. Even when this numerous lineage is enslaved, they do not renounce their God and it is because of Him that they will be able to escape Egypt and become "people". The tribal context is transformed into a politically autonomous and independent "people", while the God of the patriarchs becomes a "national" God:

consent prevents their mutual membership from turning Israel into a "possession" and makes it accountable.

4. The Desert as a "State of Nature": Insights from Spinoza's perspective

> Having therefore found themselves in this natural condition, they, on the advice of Moses [...] decided not to transfer this right of theirs except to God and without hesitation, all together, with one voice, they promised to obey without any reservation every command of God [...] This promise, that is, this transfer of natural law to God, took place in an identical way to what we conceived in the previous pages as taking place in a common society, when men decide to renounce their natural right (Spinoza 1972, p. 668; Calma 1996).

For the Dutch philosopher of Jewish origin Baruch Spinoza the method of interpreting Scripture is the same as that of nature: reason (Spinoza 1972, pp. 509–510). Anticipating the birth of modern exegesis by two centuries (Ska 2000, pp. 118–144), Spinoza believes that Scripture can be understood in its historicity and interpreted these verses as the return to the "state of nature". According to Zac's interpretation, the "state of nature" is not yet a historical situation, that is, it does not make a history of peoples possible, because it lacks that specific continuity of national identities that characterizes national states, in which the natural tendency towards common life is organized in political forms (Zac 1978). Modern contractualism has elaborated different types of covenant. Both in the case of modern contractualism and the biblical account, the intention is not to offer a historical recollection, but a historiographical interpretation of events, a kind of etiological account explaining why in the present things are a certain way and not another. Underlying this original narrative is the idea of offering a representation of meaning and not recounting a historical fact. The fact that this "representation", mythic tale, or "staging" does not make such a tale any less true, nor does it weaken its force centuries later.

The transfer of natural law to God is based, according to Spinoza, on the belief that in the future He will save his people as he did in the past. The alternative is therefore not between the covenant and who knows what threat of a ruinous intervention by God against the people, but between the covenant — understood as a source of certain prosperity - and the impossibility of surviving without the liberating God: "So — he explains the philosopher — nothing else could have been promised to Jewish society as a reward for constant observance of the law other than security of life and the advantages connected to it." (Spinoza 1972, p. 443).

Fidelity to God through observance of the law is both a religious and political issue. Politics because God fights against the enemies of Israel, but also because the alliance is stipulated by each one in front of and together with all the others and in doing so each one assumes the responsibility of faithfulness to the covenant in front of the rest of the people:

> It follows that all, according to the terms of this covenant, remained in a condition of complete equality; that everyone had the same right to consult God and to receive and interpret his laws and that, in general, everyone was entrusted at the same level with the task of providing for the entire administration of the State (ibid., p. 670).

From the pact derives the equality between the members of the people and the relationship of each of its members with God.

Furthermore, faith has nothing to do with internal experience: it is made up of shared practices and the observance of certain behaviors. There is no distinction between internal experience and external practices, between the "private" and public dimensions, but continuity. This is one reason why we cannot ascribe to the covenant only a religious role, that is, separate from politics. In fact, the invitation to remember the covenant and–therefore–renew their consent has a strategic political role for the tribes at a time when they are again dispersed:

> And if it seem evil unto you to serve the Lord, choose you this day whom ye will serve; whether the gods which your fathers served that were on the other side of the [river], or the gods of the Amorites, in whose land ye dwell: but as for me and my house, we will serve the Lord (Jos 24, 25).

Again, for political reasons, consensus is the central element because without conscious choice there is no obligation. In this case, consent seems to play an additional role to the two basic criteria for membership in Israel, that is, mater–linear consanguinity and observance of the Law. The religious dimension that prevails in the rite, then, allows the identification of each generation with those that preceded it and with those that follow (Walzer 2012, p. 8). The ritual scanning of time inserts historical time and the political context into a theological dimension of salvific planning.

5. Final Remarks

Consensus is a central element in any relationship, whether institutional or personal. In this paper it has been treated on an exclusively theoretical level: Israel's consent to the making of the covenant is a narrative fiction, just as Spinoza's reflections are mere theoretical speculations drawn from reading the Bible. Nonetheless, both were able to engage their readers to the point of prompting them to reconsider established views. Historically real were the revolutions recalled by Walzer, the struggles of African Americans led by Martin Luther King, the reconciliatory actions of Desmond Tutu, and the forms of emancipation enacted by liberation and colonial theology. All have needed a leader, that is, a prophetic voice capable of understanding suffering and transforming it into hope (Brueggemann 2018, pp. 45–46). Behind these actions is first and foremost the demand for the recognition of the value of one's own consent and not to be treated as "things": the consent indispensable to bring about a peace process, instead of imposing an unripened pacification, the consent indispensable to make choices that contribute to the creation of a conscious identity. The value of consent, therefore, is not limited to the giving of it, but to the chain of consequences it generates and in its transformative action of the identities involved: recognizing the value of others' consent is (also) a form of self–limitation of one's own power and the indispensable prerequisite for building a relationship between autonomous entities. The imaginative power of the biblical narrative provokes real thoughts and

actions: the covenant, in fact, must give rise to a political reality and not mere forms of associationism, that is, it must become a regulative element of common life and the realization of the Kingdom of God. It is therefore not secondary to consider the "person" who by virtue of the contract will hold power. In the case of berît it is placed in God, so any human ruler will be subject to his law. Before God, human beings all remain equal (Ex 20, 8-11; Dt 5, 12-15). The *berît* is "stipulated by" and "arranged for" the people and places its members on an equal footing with each other. Finally, an element of interest is the "community" that is the protagonist of the covenant: the biblical Exodus describes a small community of kinsmen who share important traditions and are veterans of the experience of slavery. This is a situation that we might call pre–political.

Faith in the liberating God allows the slaves to be guided by Moses through a series of changes: from the tribal context to migrating to Egypt because of famine, then becoming slaves and eventually escaping. Moses is from the beginning an instrument and not a substitute for God or the people. It is in the desert that Israel becomes the protagonist of its own history. As we have seen, this location was for the time exactly the opposite of a place of salvation. Yet precisely in it we detect an incontrovertible fact: Israel comes into being as an autonomous political entity through faith in the liberating God. The desert itself, an inhospitable place, becomes a place of foundation, but not of a city or a nation, but of a people. Israel's identity has to do not with a geographic place — God's is the land and all it contains (Ex 19:5; Ps 23:1) - but with the experience of a faith that is handed down from generation to generation, through consent to an original covenant with God that permeates the historical-political event with theological significance (Elazar 1991).

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TOWARDS A POSTCOLONIAL THEOLOGY OF NONVIOLENCE
AN INTERRELIGIOUS PATH OF RESISTANCE AGAINST COLONIALITY

Stefan Silber

Abstract: In this contribution, I intend to describe nonviolence as a genuine postcolonial response to violence. I shall part from a different position, namely postcolonial criticism of nonviolence as an intent to deter decolonization and liberation. A profound study of postcolonial literature, especially religious literature, will reveal, however, that the nonviolent resistance to violence already can be understood as a step in decolonial liberation. In a dialogue with postcolonial religious thinkers and practitioners, I shall try to outline a postcolonial theology of nonviolence that can help us to liberate Christian theology from the bonds of alienating violence.

In questo contributo desidero descrivere la non violenza come una risposta postcoloniale sincera alla violenza. Partirei da una posizione differente, cioè il criticismo postcoloniale della nonviolenza come un intento per scoraggiare la colonizzazione e la liberazione. Uno studio profondo della letteratura postcoloniale, in particolare quella religiosa, rivelerà tuttavia che la resistenza nonviolenta contro la violenza può essere vista come un passo verso la liberazione decoloniale. In un dialogo con i pensatori e praticanti religiosi postcoloniali, cercherò di sottolineare una teologia postcoloniale della nonviolenza che può aiutarci a liberare la teologia cristiana dai legami della violenza alienante.

Keywords: Colonialism, Nonviolence, Mohandas Gandhi, Jawdat Said, Postcolonial Theology

Parole chiave: Colonialismo, Nonviolenza, Mahatma Gandhi, Jawdat Said, Teologia postcoloniale

Violence and nonviolence have been under dispute since the beginning of Russia's war against Ukraine in February 2022. While Pope Francis

has insisted, from the very first day of this war, in his commitment towards peaceful and nonviolent solutions, the Russian Orthodox Patriarch Cyril has supported the aggression, and many church leaders in Europe, including the German catholic Bishop's Conference, have pleaded for intensifying military responses and supporting the Ukrainian military with arms supply.

This is the backdrop against which I have been seeking to further elaborate on theological arguments in favor of nonviolence, on the one hand, and to deepen my understanding of a postcolonial conversion in theology, on the other. It is a first attempt to engage the two important threads of my theological research in a thorough and critical conversation. In this contribution, I intend to describe nonviolence as a genuine postcolonial response to violence. I shall part from a different position, namely postcolonial criticism of nonviolence as an intent to deter decolonization and liberation. A profound study of postcolonial literature, especially religious literature, will reveal, however, that the nonviolent resistance to violence and colonialism already can be understood as a step in decolonial liberation. In a dialogue with postcolonial religious thinkers and practitioners, I shall try to outline a postcolonial theology of nonviolence that can help us to liberate Christian theology from the bonds of alienating violence.

My use of postcolonial theory and theology needs one more preliminary remark: As a White, European, Christian theologian, I confess to the dangers of representation and appropriation described in many postcolonial discussions. Although I am aware of that problem, I cannot but notice the need of European theology to answer to the criticism that postcolonial studies have brought and are bringing forward. Europe is a postcolonial continent, because it was from here that most colonial endeavors in the past have parted. It is our obligation to listen to postcolonial criticism, learn from it, and answer to it. This is precisely what I pretend to do in this paper, conscious of the fact, that as a European scholar trying to speak in the name of postcolonialism, I will expose myself to the risk of resuming colonial exploitation and expropriation (cf. Silber 2021, pp. 138–144; 193–198).

1. Postcolonial critique of nonviolence

Nonviolence has been widely absent from postcolonial studies. Indian historian Vinay Lal (2010) calls it "a gaping hole in postcolonial thought". Lal links this absence to postcolonial dependence on Western thought. He writes: "The point cannot be reinforced enough: nonviolence has never had any salience in Western thought, and postcolonial thought has in this respect scarcely deviated from the intellectual traditions of the West" (*ibid.*). So, in his criterion, postcolonial studies still depend, in this aspect, from colonial cultural domination and repeat a typically Western disdain for nonviolent practices. He writes: "It is characteristic of most social thought in the West that it has been riveted on violence — here, postcolonial thought barely diverged from orthodox social science […] Nonviolence is barely present in intellectual discussions" (*ibid.*).

On the contrary, anticolonial figures like Frantz Fanon (1963, p. 61), have denounced the call to nonviolence as a trick of the local colonialist bourgeoisie to stop movements of decolonial liberation. In Fanon's interpretation, the idea of nonviolence appears only "at the decisive moment", and is introduced by "the intellectual and economic elite of the colonized country" trying to defend their interests which they view as identical to the interests of the colonizers. To Fanon, "Non–violence is an attempt to settle the colonial problem around a green baize table, before any regrettable act has been performed or irreparable gesture made, before any blood has been shed" (*ibid.*).

Edward Said (2015) coincides with this interpretation insofar as he adverts against the often–practiced unilateralism of calls to nonviolence. In the case of Palestine, to call only Palestinians to nonviolence and not Israeli forces at the same time, is considered by Said as implausible as well as inefficient. Also, it tacitly presumes that only Palestinians are being violent, depicting finally — and also inadvertently — Palestinians as inherently violent, while Israeli forces supposedly only do their duty in defending their citizens and their country.

Fanon and Said point to a very delicate aspect of postcolonial nonviolence that can rightly be criticized: the idea of nonviolence may be abused by the colonizers (or the imperialists or the dominators etc.) to

stabilize their rule and to reject all forms of resistance to it. The call to nonviolence may be misread by colonizers and colonized as well as an imperative to passivity and submission. This experience may be one of the reasons why nonviolence has not been present in many of the works of postcolonial studies.

Edward Said regrets the absence of profound reflections on nonviolence in postcolonial theories. Referring to the fight against apartheid in South Africa, Said writes: "We have not understood at all the policy of non–violence" (2015, p. 237). To establish coexistence between Palestine and Israel, or between Palestinian and Israeli citizens, it is absolute necessary, as Said continues, to talk to each other, as the African National Congress talked to white South Africans. Only by nonviolent means and continued talks can "the exclusivists, the racists, and the fundamentalists" (*ibid.*) of both sides be isolated.

This is not easy, because of the long record of violent fight against colonial rule. As the Mexican researcher Carlos Fernando López de la Torre (2015, p. 54) writes, in a Latin American context:

> The arrival on the scene of the Cuban Revolution strongly marked the belief that only revolutionary violence would inevitably transform the prevailing political system in Latin American countries, accused of subordinating national interests to those of US imperialism.

This trust in the liberating power of violence, according to López de la Torre, was an idea that spread to anticolonial liberation movements in the whole world, especially with the support of the Cuban government. So, if we are to believe that only revolutionary violence can liberate and decolonize *the wretched of the earth*, it is understandable that nonviolence has had a difficult stance in most of postcolonial thought.

2. Nonviolence as a postcolonial response to (post)colonial violence

The belief in violence is something that anticolonial movements have learned precisely from the dominating colonial system. Colonialism is an inherently violent social structure and complex of practices and

attitudes. It is precisely Frantz Fanon who gives a pretty accurate account of the mimetic character of anticolonial violence. This liberating violence is a neat copy of dominating violence. Fanon (1963, p. 83–84) writes:

> The […] combat between native and settler […] takes the form of an armed and open struggle… the people are decided to trust to violent methods only. He of whom they have never stopped saying that the only language he understands is that of force, decides to give utterance by force. In fact, as always, the settler has shown him the way he should take if he is to become free. The argument the native chooses has been furnished by the settler, and by an ironic turning of the tables it is the native who now affirms that the colonialist understands nothing but force.

Fanon extends this idea to other forms of violence that are not openly military or colonial: "Between the violence of the colonies and that peaceful violence that the world is steeped in, there is a kind of complicit agreement, a sort of homogeneity" (1963, p. 81). While we have to understand his concept of the «world» as the world of 1961, when his book about *The Wretched of the Earth* was published in French, the idea of "peaceful violence", in my opinion, needs to be interpreted in an ironic way for what today we would call structural and epistemic violence.

So, for Fanon, anticolonial violence is what the colonized people have learned from the colonizers and their own use of different forms of violence[1]. Albeit, Fanon does not use this analysis to reject violence as a means of liberation. In his judgment, "for the colonized people this violence […] invests their characters with positive and creative qualities" (1963, p. 72). Fanon believes that the shared use of violence by the colonized will have a unifying force that helps to build a strong and independent national state. More than sixty years later, however, it may be said that this expectation of the colonized people was deceptive: the mimetic power of anti–colonial violence causes revolutionary

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[1]   Cf., for the mimetic and contagious use of violence in Girard and Gandhi: Palaver 2021, p. 988.

or liberating violence to be almost or just as destructive as the colonial violence experienced before.

What comes to mind here is the idea of "the Myth of Redemptive Violence" (Wink 1999, pp. 42–62) identified and analyzed by the US–American theologian Walter Wink. This conviction, the belief in violence as a solution, as the only or best solution to a great number of problems, is deeply rooted in our Western culture without anyone having to actively propagate it: violence saves, only violence can stop violence, only violence can bring justice to bear. The way in which Frantz Fanon subscribes to the use of violence in order to end colonialism and bring forward a new, independent, free, and autonomous rule, reminds of this myth that Walter Wink criticizes.

As Wink says, the only way out of the circle or the "spiral of violence" (1999, p. 82) is to practice nonviolence, is to refuse to take part in violence and to be a part of it. Nonviolence, therefore, has been experienced not only as a way of resisting to and of breaking colonial rule, but also of leaving the chain of colonial mimicry: Instead of copying the colonizer's praxis, instead of obeying to the colonizer's framing that violence is the only language the colonized understand, nonviolent anticolonial resistance proves an independent self–awareness that steps out of the epistemological framework of colonial rule and refuses to debate colonialism on its own terms.

This is what Mohandas Gandhi, Abdul Ghaffar Khan and many others experienced in their nonviolent campaigns against colonial rule: the British soldiers were very versed in the repression of violent uprisings, but they could not deal with nonviolent resistance. They were used to many forms of violence, and they used it freely; violence was their epistemological framework. But they were unable to react to the denial of violent resistance. Abdul Ghaffar Khan famously wrote in his autobiography: "The British used to say, a nonviolent Pathan is more dangerous than a violent Pathan" (1969, p. 145).

The same experience has been made by many other nonviolent resisters in colonial and postcolonial situations. US–American political scholars Maria Stephan and Erica Chenoweth (2011) have shown in an extensive study, that nonviolent resistance not only prevents conflicts and ends them more efficiently than violence, but also leads more

probably to stable and democratic societies. The reason is that practical nonviolence already promotes peaceful and just relationships in the process of conflict resolution, which is also a long–term goal. The same result has been documented by the Catholic Nonviolence Initiative, that presents a great number of different nonviolent conflict solutions in many parts of the contemporary world (cf. Berger *et al.* 2020).

Nonviolence is an anticolonial force and resists not only to the open military, political, and economic violence of colonialism, but also to its epistemic and spiritual aspects. It is an instrument that can transform the power and the significance of violence in coloniality. A "victory attained by violence is tantamount to a defeat, for it is momentary", as Mohandas Gandhi (1919) wrote. It is a defeat to the spirit of colonialism and to the myth of redemptive violence that is alive in it. Nonviolent resistance, therefore, is a means to express one's detachment from colonial rule, it is a form of disobedience and decolonial insubordination. Nonviolence also expresses the identification and the praxis of a different spirituality; it is, as we shall now have the opportunity to see, a religious means of resistance.

3. Nonviolence as a religious means of resistance

Nonviolence as a means of resistance has been elaborated, conceptualized, and practiced by many religious figures. Pope Francis, in his message for the World Day of Peace in 2017, explicitly mentioned the Hindu Mohandas Gandhi, the Muslim Abdul Ghaffar Khan, and the Christian Martin Luther King as models of a "decisive and consistent practice of nonviolence". "Women in particular — he continues — are often leaders of nonviolence, as, for example, was Leymah Gbowee and the thousands of Liberian women, who organized pray–ins and nonviolent protest" (Francis 2017). Very strong and long–standing nonviolent traditions can also be observed in Buddhism, Judaism, and in many other religions of many parts of the world. It cannot be denied that religions have had their share of inciting to violence and of legitimizing different kinds of war. It must be emphasized, however, that the practice of nonviolence is not an exception in any of the religions

worldwide. On the contrary, influential religious leaders in all religions have brought forward spiritual and theological arguments based on their own traditions in favor of nonviolent political action.

In the field of postcolonial discourse, however, religions often do not play a major, positive role. While Christianity — and sometimes also Islam — are dismissed as being the religions of the conquerors, postcolonial theorists very often ignore or despise local religions as being conservative and unable to reform. The importance of religious practice in decolonization, especially nonviolent religious praxis, therefore has not been, so far, the focus of major postcolonial attention.

The most influential religious figure that represents a lifelong commitment to and spirituality of nonviolence is arguably Mohandas Gandhi. Of him, the Indian Jesuit George Pattery (2021), in an extensive study dedicated to *Gandhi the Believer*, expresses his conviction, that the life and public work of Gandhi cannot be understood without reading it in the light of his religious beliefs and seeing him first and foremost as a believer committed to harmonize his life and his spirituality.

Pattery identifies *satyagraha* as the nucleus of Gandhi's spirituality: a firmness in Truth that comprehends Truth as a universal reality including the truth of every other person, of every other being. Gandhi's faithfulness to this truth of every being means an unyielding yet nonviolent commitment to it and a steadfast resistance to everything and anyone opposed to this truth (cf. Rynne 2008). *Satyagraha* is, for Gandhi, a profound consequence of his own Hindu upbringing. At the same time, he is utterly convinced, that it follows exactly in the same natural way out of a deep and honest understanding of Christianity and of Islam, the two religions with which he dialogued most.

Among the Muslims who could be named to support Gandhi's convictions is Jawdat Said, a lesser known theologian and activist from Syria. Said parts paradigmatically from the Qur'anic version of the history of Cain and Abel. In the course of his rereading of the Qur'anic text (Q 5:26–28) Said (2010) comments:

Cain, who failed in his quest, resorted to killing instead of reviewing his own mistake. "I will surely kill you," he said to his brother, while

his brother, who became conscious of his own humanity and aware of the blessing of human intellect, refused to resort to violence. He responded, "If you do stretch your hand to kill me, I (surely) will not stretch my hand to kill you: for I fear God" [Q 5:28]. Abel was determined and willing to face the consequences of his stance, and refused to respond. He realized his ability to utilize the power of human reason. This stance of non–violence, as shown above, inaugurates a new era of humans' evolutionary consciousness.

By choosing the example of the two sons of Adam, Said (1996) points towards the fact that the question of violence and nonviolence is "not just a problem of Muslims, but a human problem, from their first existence on earth, to the present, and for some time in the future". At the same time, the resort to nonviolence is possible for everyone, according to Said, because of human reason. To *Be like Adam's Upright Son* — as the title of another one of Said's books (1996) reads — is the choice any reasonable human can make. It is at the same time the option all Muslims and other believers *should* take, and it is — in the analysis of Said — this resort to nonviolence that distinguishes a reasonable decision from the Western way of life. Without any open reference to postcolonialism, Said demonstrates here, that the nonviolent solution of conflicts is the only reasonable one, it is indicated by religious revelation, and at the same time it distinguishes from the violent military conflict strategies inflicted by Western imperialism. So, as Austrian Orientalist Rüdiger Lohlker (2022, p. 160) comments, "*not* engaging in violence is the final proof of intellectual freedom".

We could name quite a number of other important figures from many religions, like Martin Buber, Thích Nhất Hạnh, the Dalai Lama, Abdul Ghaffar Khan, Dorothy Day, Dorothee Sölle and many others, including Pope Francis, who all coincide in the idea that nonviolence is in fact the means of conflict solution typical of religious traditions. Many religions are convinced that humanity is one, that every human being is related to everybody and everything else, and that fraternity is the one chosen path indicated by all religions and for humankind. This is the reason, why Pope Francis and Ahmad Al–Tayyeb, the Grand Imam of Al–Azhar in Egypt, have published together a joint declaration *on human fraternity, for world peace and living together* in 2019. In this document, the two important religious leaders "resolutely declare that religions must never

incite war, hateful attitudes, hostility and extremism, nor must they incite violence or the shedding of blood" (Francis and Al–Tayyeb 2019). This decision against violence and for nonviolence is an act of disobedience and an affirmation of autonomy against colonial and postcolonial dependence. If Christianity is to take part in this reasonable decision, it is necessary for us to confess and amend our former adherence to colonial violence. Christianity needs to return and convert again to our own roots in the gospel and develop connections of fraternity to all religions, and to all humankind, especially all those who have been objects and victims of colonialism and violence.

4. Towards a postcolonial theology of nonviolence

Postcolonial theologies have enhanced enormously our theological perception in the past two decades (cf. Silber 2021). Building on Liberation Theologies, intercultural, and indigenous theologies, on the one hand, and learning from the broad theoretical frameworks of postcolonial and decolonial studies, they have brought forward ample criticism of European theological methods and epistemological approaches. In dialogue with postcolonial theological perspectives, I will now outline a postcolonial theology of nonviolence. As I am a Christian theologian, this will be a Christian, and specifically a catholic proposal. At the same time, however, I hope that this proposal will prove to be open to dialogue with other religious and cultural traditions. As an outline, it is in no way intended to be a finished or completed "postcolonial theology of nonviolence". On the contrary, it still needs to be discussed, criticized, re–elaborated, corrected, and improved. In these few paragraphs, I can only sketch its relationships to Liberation Theology, eco–thology, feminist theology, among others. I present these considerations as a point of departure for these ulterior endeavors.

4.1. *Rejection of all forms of violence*

A first element of a postcolonial theology of nonviolence constitutes the need to reject all forms of violence at once, not only military and

immediately physical violence. Postcolonial studies have alerted us to the many hidden forms of violence, in sexist and racist power relations, in processes of othering and alienation, in economic and ecological exploitation, and fundamentally in the many forms of epistemic violence. Frantz Fanon's argument that the idea of nonviolence is only a pretext to suppress liberating uprising sounds very convincing if we do not tackle all the other forms of violence that violate the lives and the cultures of the vast majority of human beings worldwide.

Fanon's critique of nonviolence as an instrument of colonialist elites to strengthen the status quo can thus be accepted and transformed into the critique of all other forms of violence, colonial or not, such as epistemic, structural, patriarchal, economic, and ecological violence, among others. If we criticize, reject, and resist all these different forms of violence, whether open and concealed, nonviolence can no longer be used as a tool of manipulation in the hands of the colonized elites.

Among these many forms of structural violence, we must address the religious and cultural centralism of world Christianity. Precisely in its catholic shape, but also in many protestant churches, Christianity is still predominantly a European institution, with structures and laws that have been designed in European history, and based on economic wealth accumulated in the era of colonialism. No postcolonial theology of nonviolence can be developed without a self–critical awareness of our churches' entanglement with colonialism and worldwide exploitation and domination.

The same is true for the structure and identity of academic science, not only in theology, but — from our point of view as theologians — theology is the location in academia that we should be concerned about most. Postcolonial nonviolence will mean that we must address the structures of our ecclesiastical and theological institutions, their dependence on colonialism, on patriarchy, on racism, and on many other forms of structural and epistemic violence. And we need to design nonviolent ways to structure our global institutions in the Church and in theology.

4.2. *Respecting autonomy*

A second important element for theology of nonviolence in and from Europe is to place ourselves in the perspective of the subaltern. Latin

American Liberation Theology has reminded us since the 1970s of the necessity of the Option for the Poor as a prerequisite to be able to do theology. This is still very necessary. Latin American theology has elaborated, in the last decades, on the extension and deepening of the Option for the Poor: it is necessary to adopt the perspectives of women and LGBTQ+ persons, people of indigenous and of African ancestry, persons in migratory or environmental distress, and many others. One way of practicing this Option for the Poor is to create structures and communities, where these poor people themselves can speak and are able to do theology on their own.

Postcolonial studies have discussed widely the self–determination of poor people as a problem, since Gayatri Spivak provocatively raised the issue that the subaltern cannot speak (cf. 1994, pp. 66–111). With this affirmation, she showed the complexity of the power of colonial remains in our culture, in our ways of thinking and speaking, in our epistemology. It is not easy to deal with the destruction colonialism has brought to the world, and it is not only a question of good will: a considerable amount of self–criticism is necessary, as well as well–designed critical methods of analyzing and transforming our praxis in theology and in the Church.

This means that we need to respect the autonomy and the self–expression of formerly colonized churches and people, even if we do not like how they chose to express themselves. When Pope Francis (2023) called "Hands off Africa!" and "Stop choking Africa" in his visit to the Democratic Republic of Congo in January 2023, he was of course referring to the economic and ecological exploitation of the continent, a very timely and necessary prophetical admonition. But "Hands off Africa!" must also be a theological and ecclesiastical call to transform our ways of being global churches and of doing theology.

4.3. *Attending to the wounds*

A third element of a postcolonial theology of nonviolence is the need to attend to the wounds of colonialism. Again, it is Pope Francis who asks us, in his Encyclical *Fratelli Tutti*, to "touch the wounded flesh of the victims" (2020, No. 261). The Pope continues calling to mind different

groups of victims of war, and then appeals: "Let us hear the true stories of these victims of violence, look at reality through their eyes, and listen with an open heart to the stories they tell" (*ibid.*).

To attend to the wounds and to listen to the stories of the victims are important acts of nonviolence. In the Italian original of the encyclical, the Pope even calls to listen to «the truth of these victims». Listening to these truths as one expression of nonviolence places the experiences of the victims into the center of attention and attendance. The poor, the subaltern, the victims of war and violence, are always the ones who suffer from new forms of violence. Their stories, their truths, their wounds can tell us that.

In a theological language, it is the cross that needs to be placed once more into the center of attention. Christianity is a religion of the cross, and our faith in the resurrection is the belief, that God has risen a victim of violence and torture, of political persecution and of racial discrimination from the dead. The message of the cross — which is a scandalous foolishness, in the words of the Apostle Paul (1 Cor 1:23) — needs to be read as a call to conversion of believers to the wounds of all the tortured, violated, crippled and murdered people of today, and also to all the other violated and manipulated beings of God's creation.

The victims of colonialism are used to be objects of violence. If their wounds are not attended, if the disastrous crimes of colonialism are not addressed and reparations are not even discussed, we must not be surprised, if they sometimes believe, that the structures of epistemic, economic and neoliberal violence can only be overcome by means of military violence or terrorism. This is why we need to pay attention to their wounds, their stories, their experiences of faith.

5. Conclusion

Many other elements of a postcolonial theology of nonviolence could be added here: the need of an open dialogue on theological and epistemological alternatives, the opportunities of a sincere intercultural and interreligious dialogue, the necessity to relate nonviolent conflict strategies to economic and ecological justice, the defeat of patriarchy and

racism, and other necessary steps towards a postcolonial theology of nonviolence.

The first and most important step is, in my opinion, the acknowledgment of the postcolonial condition of the world we are living in, its scope and its consequences, and the complexities of the violence it exerts in many cultural areas. For theologians, this means that we need to recognize the coloniality of theology, the intricate entanglement of theology into the violence of coloniality and of its consequences in contemporary conflicts and wars.

For this acknowledgment, it is necessary to center our attention towards the victims of violence and of coloniality. This attendance will transform our theology in many aspects. In my criterion, this transformation will deepen our commitment to nonviolence, and will help us to convert Christianity towards a profoundly nonviolent religion, in the memory and in fidelity to the first generations of Christians and to the crucified victim of violence whose resurrection nourishes our faith throughout the centuries.

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SEZIONE 4
MINORITIES AND AUTONOMIES: DIALOGUES ON RIGHTS

INTRODUCTION: RELIGIOUS MINORITIES

Silvio Ferrari

Abstract: This contribution examines the meaning and content of the notion of autonomy in relation to religious minorities. It considers these minorities with the aim of identifying the characteristics that differentiate them from other minorities (national, linguistic, ethnic and so on) and the impact that their religious nature has on the way autonomy from the state is understood, its content and extent. The contribution emphasises the need to develop the investigation with reference to individual religious minorities and to take into consideration the specific features of each of them that lead to a different consideration of the notion of autonomy.

Questo contributo esamina il significato e contenuto della nozione di autonomia in relazione alle minoranze religiose. Esso considera queste minoranze con l'intento di identificare i tratti che le differenziano da altre minoranze (nazionali, linguistiche, etniche e via dicendo) e l'impatto che la loro natura religiosa ha sul modo di intendere l'autonomia dallo Stato, sul suo contenuto e sulla sua estensione. Il contributo sottolinea la necessità di sviluppare l'indagine in riferimento alle singole minoranze religiose e di prendere in considerazione i tratti specifici a ciascuna di esse che determinano una diversa considerazione della nozione di autonomia.

In Italy there is no research center specifically devoted to the study and analysis of religious minority rights and no stable meeting point where these rights can be discussed. The "FBK dialogues on religious minorities" aim at becoming such a place, where each year a different topic connected to religious minorities is freely and informally debated

and I would like to thank the director of the FBK–Centre for Religious Studies, Massimo Leone, for hosting the first of these dialogues and Ilaria Valenzi, Research Fellow at the Center, for taking the lead of this initiative. At this table are now sitting the representatives of EURAC, ECMI and the University of Trento and I hope to find them here again next year to continue this dialogue.

Why do we need a place where to discuss religious minority rights? I shall not dwell on what we all already know, that is the new importance gained by religion in the public space. Rather I would like to ask whether the international system of protection and promotion of minority rights pays enough attention to the particular features of religious minorities. At international level we have nothing specifically devoted to them: no conventions, no treaties, even no UN or Council of Europe declarations. In the domestic law of the EU countries, we have very few constitutional references to religious minorities[1] and no specific law devoted to their rights[2]. It is as if the provisions enacted for national, ethnic, linguistic and other minorities could automatically be applied to religious minorities, without the need for any change or integration. I wonder whether it is so or something is missing in the system of minority rights protection and promotion.

To answer this question, we need to make one step back and answer another question: is there something that is specific to religious minorities and makes them different from other minorities?

This question explains the choice of today's workshop topic. The workshop focuses on autonomy, an issue of interest to all minorities, and aims at understanding whether different minorities conceive autonomy differently and gives it a difference meaning and importance.

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(1) Religious or belief minorities are ignored in most of the constitutional charters of the EU countries. Only the constitution of Sweden (Instrument of Government, Art. 2.5) declares itself in favor of the possibility for religious (as well as ethnic and linguistic) minorities to "preserve and develop a cultural and social life of their own" while that of Belgium presents a specific norm in favor of belief minorities (Art. 11). The constitutional texts of two other countries — Romania (Art. 6.1) and Poland (Art. 35.2) — do not explicitly mention religious minorities but contain a reference to religious identity in the norms for the protection of ethnic and national minorities.

(2) On the contrary, a few EU States have enacted laws on national, ethnic or linguistic minorities. See for example Croatia, *Constitutional law on the rights of national minorities*, 13 Dec. 2001; Hungary, *Act CLXXIX of 2011 on the Rights of Nationalities*; Czech Republic, *Act on the rights of members of national minorities*, 10 July 2001; Poland, *Act of 6 January 2005 on National and Ethnic Minorities and Regional Languages*.

If, at the end of our discussion, we conclude that this is the case, we are on the way to identify the differences that separate religious from other minorities.

Autonomy is Ilaria Valenzi's topic and I shall limit myself to underline that there are different forms of autonomy. There is the institutional autonomy, guaranteed for example by Article 7 of the Italian Constitution to the Catholic Church; there is an autonomy of a territorial nature, such as that recognized to Muslim citizens living in Thrace (but not in other parts of Greece) (Tsitselikis 2011); there is the organizational autonomy mentioned in Article 41 of the Portuguese Constitution, which ensures that Churches and religious communities are free to set up their own organization; there is the jurisdictional autonomy, such as that recognized in Spain, Croatia and other countries to the courts of the Catholic Church in some marriage matters[3]. We also know that there are different types of minorities. Just to mention the traditionally recognized ones, Article 27 of the International Covenant on Civil and Political Rights — the *grundnorm* when it comes to minority rights — mentions ethnic, religious, and linguistic minorities, and the 1992 United Nations Declaration also considers national minorities, which are the specific subject of the 1995 Council of Europe Framework Convention.

The list of forms of autonomy and the list of types of minorities could go on and on, but what has been said is enough to make it clear that we are faced with a landscape that is not only multifaceted but also intricate, as the forms of autonomy tend to intermingle and the types of minorities to overlap. This intricate picture prompts a first question: what is the connection between types of minorities and forms of autonomy? Do ethnic, religious, linguistic and national minorities attach equal importance to institutional, organizational, territorial and jurisdictional autonomy, or do the specific characteristics of each type of minority make a specific form of autonomy more important than the others?

This question brings us back to the other question I formulated a few minutes ago about the characters that make it possible to speak of

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[3] See the chapters devoted to these countries in G. Robbers (ed.), *State and Church in the European Union,* Baden-Baden, Nomos, 2019.

religious minorities as a specific type of minority. Now I shall try to address this question by pointing out some features that characterize religious minorities and their legal regulation.

The unifying element for members of a religious minority is a *Weltanschauung*, a conception of life and the world, encompassing the private and public spheres, the *forum internum* and *externum*, the earthly and eternal life. This *Weltanschauung* is not regarded by the believers as a human construct but as the outcome of a divine revelation or a cosmic order that precedes human beings (this is the main difference with the philosophical or political conceptions of life and world). National, ethnic and linguistic minorities may also have they roots in *Weltanschauungen* but, on the one hand these are understood by their followers as a human construction and on the other they are generally directed toward the achievement of a specific goal, thus less all-embracing than the religious ones. Moreover, the *Weltanschauung* of religious minorities is normative, that is, it produces norms, rules, and guiding principles that govern the behavior of minority members. Other minorities, as social groups, also produce law but the legal systems of religious organizations differ from that of the others onthe fundamental point that has already been mentioned: they reflect a law that precedes human beings and to which they must adhere even when it conflicts with the law of the state (Ferrari 2019). The existence of such a law is evident in the case of religions based on revelation, such as Judaism, Christianity and Islam, where the expression "divine law" is current to denote a law revealed by God to human beings; but even in Hinduism and Buddhism, where the notion of revelation has less prominence or is missing, the idea of an order preceding human being and pervading everything is present In both cases, moreover, this law or order is the yardstick for measuring whether or not human behavior is appropriate and therefore whether the state law prescribing a different behavior should be obeyed or disregarded.

The reference to a "higher law" brings the religious legal systems close to legal theories based on natural law. But unlike the latter, the laws of religions do not find their foundation in human reason or conscience. Instead, they refer, in different ways, to "something (the 'sacred') or someone (superhuman beings, gods, God), which transcends

the human dimension and at the same time positions itself its foundation" (Filoramo 2004, p. 76). Herein lies the peculiar element that characterizes the laws of religions with respect to secular–based natural law conceptions. The ultimate foundation of the law lies neither in human reason nor in human conscience but in a reality external to human beings: sometimes — maybe even most of the time — there will be no contrast between what is dictated by human reason and conscience on the one hand and what is commanded by this transcendent reality on the other, but the latter is never integrally reducible to the former two.

This last possibility makes states uneasy as questions state supremacy. This uneasiness has become evident with the immigration in Europe of a large Muslim community. Behind the conflicts around ritual slaughtering of animals, fasting during Ramadan, the muezzin calls to prayer or the wearing of religious symbols looms the presence of large groups of people who feel themselves bound to apply a religious law which is not conform to the law of the country. This is not something unheard of. History shows us examples of national, linguistic and ethnic minorities refusing to apply the law of the state of which they are part, but this does not happen on the same scale and with the same frequency.

The second specificity of religious minorities can be grasped by comparing the rules that regulate nationality, language, ethnicity and religion: changing religion is easier than changing one of the other three identity markers that I have just mentioned.

This statement needs to be qualified and circumscribed. First, for many religions apostasy is a crime that must be punished (Ferrari 2010). However, this element is not relevant for the purpose of my intervention, which does not concern the regulation of religious minorities in the legal systems of religions. Second, there are states that prohibit and punish change of religion[4]. However, in most cases, this relates only to apostasy from the majority religion: even in these states, followers of a minority religion are free to abandon their religion and adopt another, whether majority or minority.

Having cleared the field of these two objections, we can examine how international law addresses the controversial issue of change of religion.

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(4) See Law Library of Congress, *Laws Criminalizing Apostasy in Selected Jurisdictions*, Washington, Law Library of Congress, 2014

The picture is not clear cut. Article 18 of the International Covenant on Civil and Political Rights (ICCPR), unlike the corresponding article in the Universal Declaration of Human Rights, affirms the right to adopt and not the right to change religion, and this distinction, however subtle, is not accidental because it came at the end of a debate with the very states that do not recognize this right (van Schaik 2023). However, many other conventions, starting with the European (Art. 9) and ending with the American Convention on Human Rights (Art. 12), and the General Comment of the UN Human Rights Committee on art. 18 CCPR[5] explicitly state that religious freedom includes the right to change one's religion. It is therefore correct to say that state provisions prohibiting the abandonment of a particular religion are of less than full compliance with human rights, so that states that apply them are regarded with some suspicion.

It is true that under international law and the law of many states, it is not impossible to change nationality, language or ethnicity. However the right to choose one's religion is considered a human right that the state cannot limit, while the right to choose one's nationality, ethnicity or language does not exist among human rights (see Ruiz Vietez 2021). Moreover, the legal systems of most states allow their citizens who are members of a minority religion to change their religion without encountering the obstacles they would encounter if they wanted to change their nationality, language or ethnicity. While changing religion is a right (albeit with the limitations now mentioned), changing nationality, language or ethnicity is not.

In conclusion, religious minorities are considered and regulated as a "community of assent": a person can be born Christian in a Muslim country or Muslim in a Christian–majority country and change his or her religion without finding any obstacle in state or international law. In contrast, linguistic, national and ethnic minorities are regulated as "communities of descent", whose membership is not a matter, or at least not exclusively a matter, of individual choice (Morris 1966, pp. 238–245). This distinction should not be emphasized too much because also

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(5) See CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), available at https://www.refworld.org/legal/general/hrc/1993/en/13375, accessed on 14 March 2024.

religion is frequently an inherited identity marker. However, conversion, apostacy, change of religion, syncretism have become significant features of the contemporary religious landscape, particularly in Western societies where religious communities can increasingly be described as belief groups rather than ethno–religious groups (Little 2002, p. 34). This characteristic makes a difference with national, linguistic and ethnic minorities up to the point that some scholars wonder whether religious minorities are more militant than other ethnic minorities (Fox 2003).

These two characteristics connote all religious groups and thus also minority groups. The specificity lies in the fact that their members share a choice of conscience that results in adhering to a particular *Weltanschauung*, which in turn refers to a supernatural law or order. Though this specificity affects only one part of the religious group (the *belief community*) and concerns only partially another part (the *ethno–religious community*), whose membership in the religious group is more a matter of tradition than of personal choice, this is sufficient to differentiate religious minorities from other minority groups.

The two characteristics that have been outlined make some elements that are central to other minorities less important for religious minorities and have an impact on the issue of autonomy. This is the case of territory. National, and frequently also linguistic, minorities are closely linked to a territory, either that in which the minority language is spoken or that of which a national minority claims self–government or independence. This territorial element is much less important in the case of religious minorities. Many religions are transnational and transcend national and also linguistic borders (Ferrari 2007). Since the common element is a conception of life and the world, an Italian Muslim can share his or her religious identity with an Egyptian or Indonesian Muslim, that is, with a person who is member of another nation, belongs to another ethnic group and speaks a completely different language. Religions have a place of birth but are not tied to the territory where they have been born. If this analysis is correct, territorial autonomy is less important for religious minorities than for other minorities. Again, generalizations should be avoided. There are religious minorities linked to a specific territory and there are national minorities without a territory: but, in both cases, these are exceptions.

If we now look at linguistic minorities, another difference emerges. As already said, religions are systems for the regulation of human behavior: each provides norms and precepts that prescribe what their faithful can do or are forbidden to do. Religious minorities reflect this characteristic. Language is primarily a tool of communication (Ruiz Vieytez 2021). Certainly, it is not only that, but the regulatory component of the entire human life is less strong in language minorities than in religious minorities and this regulatory component entails the existence of lawmakers, tribunals and a bureaucratic machine that may require some kind of organizational autonomy.

The list of differences could be much longer, but it is time to abandon this somewhat too general level of investigation and proceed to a more analytical and also more challenging examination. Within the category "religious minorities" there are in fact multiple minorities and each of them presents characters that have a different impact on the notion of autonomy. In the Catholic tradition, the independence and autonomy of the Church from the state is a fundamental element that, rightly or wrongly, is traced back to the evangelical distinction between God and Caesar; in the Orthodox Christian tradition, history and theology joined to shape the guiding principle in this area, the symphony between political and religious power, which leads to a significant lowering of the "wall of separation" between church and state; and in the Muslim tradition, the word "umma" indicates the community of believers which is a religious and a political community at the same time. These differences emerge clearly when institutional autonomy is considered: it is difficult to find in the constitutions of the countries with a Christian Orthodox majority provisions equivalent to Article 7 of the Italian Constitution which declares the independence of the Church from the state, and it is impossible to find it in the constitutions of Muslim–majority countries. On the contrary, Orthodox Christian Churches and Islam seem to attach more significance than the Catholic Church to the territorial element. Within the theological and legal tradition of the former the notion of "canonical territory" has developed, with significant consequences on the freedom of proselytism of the non–Orthodox Christian Churches, while Islamic law draws a territorial dividing line between *Dar–al–islam*, the house of Islam,

and *Dār–al–ḥarb*, the house of war, attaching to this distinction a set of different rights and obligations for Muslims living in one or the other territory. Again, the examples could go on but those already given indicate that specific religious minorities may present characters closer to or farther away from those of national or linguistic minorities, drawing a complex and varied landscape that is sometime difficult to interpret.

What to do, then? Confronted with this complexity, are we going to throw up our hands and conclude that it is impossible to identify the impact of the religious nature of these minorities on the issue of autonomy? I do not think this is the right answer to the challenge of complexity. Instead, I believe that we need to roll up our sleeves and take the necessary steps to meet this challenge at the level at which it arises. Without disavowing what has been written above about the specificity of religious minorities as opposed to national, ethnic and linguistic minorities, it should be recognized that the different history of each has had an important impact on the way the notion of autonomy has been elaborated. This means, in other words, that the general analysis of the characteristics of religious minorities must be accompanied by a particular analysis of the characteristics that each of them presents. Only in this way will it be possible to give an exhaustive answer to the question posed at the beginning of this contribution.

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THE LEGAL CONCEPT OF AUTONOMY
IN ITS APPLICATION TO AND WITHIN RELIGIOUS MINORITIES
UNITY OF DIFFERENTIATION?

Ilaria Valenzi

Abstract: This paper focuses on an introductory analysis of the relationship between the concepts of autonomy and minority, with the aim of identifying the points of differentiation and unity assigned by the law. Focusing on religious minorities, it aims to reflect on how and to what extent autonomy is an instrument for their protection. Through the paradigm of religious diversity, autonomy paves the way for legal pluralism without abandoning the unity of fundamental rights.

Questo paper si concentra su un'analisi introduttiva della relazione tra i concetti di autonomia e minoranza, con l'obiettivo di identificare gli elementi di differenza e di contatto attribuiti dalla legge. Concentrandosi sulle minoranze religiose, ha l'obiettivo di riflettere su come e fino a che punto l'autonomia è uno strumento per la loro protezione. Attraverso il paradigma di diversità religiosa, l'autonomia traccia la via il pluralismo legale senza abbandonare l'unità dei diritti fondamentali.

Keywords: Religious minorities, Autonomy, Religious diversity, Legal pluralism, Legal theory

Parole chiave: Minoranze religiose, Autonomia, Diversità religiosa, Pluralismo legale, Teoria legale

In the twofold dialogue between the concepts of minorities and autonomy that this section of the Annali di Studi Religiosi wishes to conduct, the present paper intends to draw some purely introductory lines around the concept of autonomy, with a particular focus on its juridical meaning and, within this, on the specific sphere of public law.

The aim of bringing minorities and autonomy into dialogue, as intended by the initiators of the first "Dialogue on minorities" held at the Bruno Kessler Foundation–Isr, is to analyse whether and to what extent the elements that qualify a minority, such as nationality, language or religion, influence the nature and content of the autonomy that this minority claims in relation to a State in which the majority is of a different nationality, speaks a different language or belongs to a different religion.

In this sense, we have the task to analysing whether the concept of autonomy applies equally to all minorities, or whether it has a different meaning depending on the minority in question. It must be acknowledged that the definition of minority is not an autonomous one. Rather, the religious attribute of religiosity that characterises this specific type of minority is derived from a broader definition and consideration that international law provides and protects (Henrard 2013). In fact, the generally accepted definition of minorities includes an explicit reference to the religious characteristics of the group as one of the possible identity factors of diversity in relation to the majority of the population of the State (Capotorti 1979, p. 96)[1].

It is necessary at this point to provide a brief overview of the existing framework of international law and how it relates to the protection of religious minorities. The current legal framework provides for the protection of religious minorities through two different lines of action: the recognition and protection of religious freedom, as enshrined in conventional norms of international law[2], and the prohibition of discrimination based on religion or belief[3], as set out in parallel norms. In this context, it is essential to recognise that minority issues enjoy international protection in the context of human rights (Temperman 2010, Witte and Green 2013). This protection primarily concerns individuals belonging to minorities, rather than minorities as entities *per se*

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[1]   According to Capotorti, minority is "a group numerically inferior to the rest of the population of a State, in a non–dominant position, whose members — being nationals of the State — possess ethnic, religious or linguistic characteristics differing from those of the rest of population and show, if only implicity, a sense of solidarity, directed towards preserving their culture, traditions, religion or language".

[2]   Such as Article 9 ECHR and Article 18 CCPR.

[3]   As set in Article 4 UN General Assembly resolution 36/55. See also Article 14 ECHR.

(Henrard 2011; Scolnicov 2010). This distinction has important implications when considering the concept of autonomy in relation to minorities. It is clear from the outset that autonomy is a quality attributed to groups on the basis of their distinctive characteristics. It would therefore be a mistake not to take into account the collective dimension of these groups. At the same time, the legal protection of groups on the basis of their recognised autonomy cannot be limited to addressing the individual needs and rights of its members. Rather, it requires a shift in focus towards understanding the ways in which protection can be extended collectively to such groups, taking into account their specific circumstances. From this perspective, the concept of minority autonomy is more easily understood when viewed through the lens of identity factors such as language (De Varennes 2021) and ethnicity (May, Modood and Squires 2004). However, it is more nuanced (Ferrari 2019). In order to gain further insight into the sources of international and domestic law most concerned with the direct or implicit recognition of minorities, it is necessary to refer to other writings in this section. It can be seen that there is a general lack of explicit recognition of religious minorities as the object of specific international protection. It is therefore necessary to look for other ways in which they can be protected.

From this perspective, the notion of autonomy offers a crucial lens through wich to view the issue and serves as an important tool for protecting the rights of religious minorities. This assertion, however, requires a preliminary examination of the potential legal implications of the concept of autonomy, which we will analyse, albeit briefly.

1. The concept of autonomy between the plurality of meanings and the necessity for composition.

The notion of autonomy in modern legal theory has a variety of understandings, that leads to consider it among the polysemic legal categories or, as has been argued, among the set of principles with semantic plurality (Heintze 1998, pp. 7–32). Given the fact that autonomy is inherently multifaceted, it is necessary to identify a set of meanings that are relevant

to this discussion, while acknowledging the existence of other disciplines that assign quite different meanings to the term. This is exemplified by the area of private autonomy, which is inherent to civil law considerations and addresses the need for the legal system to recognise an area in which individuals can independently regulate their interests (Möllers 2018). Thus, private autonomy is essentially individual autonomy in the context of the negotiation relationship. It can be argued that autonomy also encompasses the concept of normative autonomy, which refers to the power of the legal system to recognise a subject's capacity to make and implement its own rules. This concept is linked to the sphere of individual rights, which includes the right to make free and informed choices about aspects of one's life and to make decisions without undue external influence. However, the concept of self-determination also has a collective dimension and is linked to the autonomist aspirations of peoples and minorities (Castellino 2014). In this sense, the self-determination of peoples falls within the scope of the new international human rights law, which recognises a distinct subjectivity in peoples themselves, separate from that of States (Capotorti 1991).

The UNESCO Report and Recommendations on the Concept of the Rights of Peoples defines a people as a group of human beings who share one or more of the following characteristics: a common historical tradition; a racial or ethnic identity; a cultural homogeneity; a linguistic identity; religious or ideological affinities; territorial ties; a common economic life[4]. In this context, the sense of a people as a unified entity and the desire to act collectively in their own interests are crucial. While the terms ""people" and "minority" appear to have a similar definition, autochthonous communities differ from minorities in important ways. This distinction can be seen in the preservation of a collective cultural heritage and the pursuit of a unified political future, whereas minorities tend to prioritise the preservation of their distinctiveness within the national cultural context of their origin. If the self-determination of peoples is understood to include the external modification of territories, then the autonomy of minorities necessarily requires the recognition of their identity specificities within those territories. The recognition of spaces of autonomy thus does not entail the extension of social, political and legal

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(4) Doc. SHS-89/CONF. 602/7, Paris, 22.02.1990.

fragmentation. On the contrary, it serves to consolidate the principles of freedom, equality and solidarity, which serve to integrate the various elements of society. It is therefore a means of avoiding the risk of assimilation of minority realities, while promoting internal pluralism.

A further profile of research is concerned with the meaning of collective autonomy as it relates to private law (Dagan 2019). This implies the ability and the right to self–organise, as well as its purpose: assert and defend one's rights. It can therefore be said that the sphere of collective private autonomy has points of contact with that of autonomy proper to the public sphere (Habermas 1994; Cooke 2020). The potential to develop a unified understanding of the nature of autonomy is another benefit of exploring the different connotations associated with the term. This in turn could help to reduce the tendency to fragment the concept along ideological or interest lines.

Indeed, the concept of autonomy can be seen as a fundamental concept underpinning all forms of coexistence that imply the recognition of the pluralism of ideas, groups and the identities associated with them.

On closer examination, this unified endeavour demonstrates its usefulness when considered in conjunction with an examination of the relationship between minority and autonomy. According to Capotorti's definition, the essence of a minority lies in its sense of solidarity aimed at preserving cultures, traditions, religions or languages. As a collective, minority groups exercise a function of collective autonomy that includes both the assertion and defence of their distinctive identity. Even in the case of social groups that can be identified as minorities on the basis of international law, it is therefore possible to speak of forms of collective autonomy as self–organised action in defence of their group interests.

2. Autonomy and relationship, organisation and jurisdiction. Institutional theory and the legal orders of religious minorities

In this analysis of the structural unity of a legal concept that varies in its application across different fields, the general theory of law identifies an underlying commonality that seems essential for understanding

the internal pluralisms of constitutional systems, as well as the external pluralities that emerge in contemporary societies. This underlying commonality can be conceptualised as an idea of autonomy as a relational concept (Romano 1946, 1987). To illustrate this concept of autonomy in constitutional law, we can turn to Article 5 of the Italian Constitution. This article outlines a principle of autonomy that is based on the interdependence between individuals. In other words, the idea of autonomy is founded on a relational dimension that allowed individuals to coexist and participate in the formation of the wider social order. The relational dimension is more than the simple organisational dimension of autonomy, understood as the space for self–organisation of one's own interests. Therefore, organisational autonomy is not possible without considering the relationship between two or more subjectivities and is thus inherently relational (Ronchetti 2018). This is what Article 5 of the Italian Constitution refers to when regulating the autonomy principle. In fact, the same principle is embodied in the recognition and promotion by the Republic, one and indivisible, of local autonomies. Although in this case there is also a normative form of autonomy, the defining feature of this relationship is political–administrative autonomy. This means that local autonomies derive their political–administrative direction not from the State but from their own electoral body. The fact that this type of autonomy is enshrined in Article 5 of the Constitution makes it a constitutional principle of all legislation in the Republic.

When examining the issue of religious minorities, it is evident that some EU Member States have enshrined the rights of religious communities to organise themselves in accordance with their own beliefs and traditions within their respective constitutional frameworks (Canas 2019). Conversely, other Member States, such as Belgium, have extended a more specific recognition of the rights and freedoms of ideological and philosophical minorities (Torks and Vrielink 2019). This, it can be argued, facilitates the autonomous organisation of such minorities. In any case, the concept of autonomy is part of national and international legislation whenever the right to freedom of religion is referred to.

In any case, the concept of autonomy appears in national and international legislation whenever the right to freedom of religion is

mentioned, in an individual sphere consisting of the right to have, change or not have religious convictions, and in a collective sphere consisting of the right of religious organizations to have their own structure and rules.

In other words, it is the institutional independence of religious communities from the State (Cardia 2009, p. 3).

The tension with the right to self-determination of the individual member of the religious community lies in this recognition of the autonomy of organisations. It has been pointed out how, on this point, the balancing act between the sphere of confessional autonomy and "the individual's freedom of religion" of the individual constitutes an issue in the interpretation of Article 9 of the ECHR by the Strasbourg Court (Ventura 2001, p. 83).

While it is true, as will be seen below, that the right to religious freedom is a tool to protect denominational autonomy, in some areas this autonomy is limited by the impact of national legislation.

This is the case, for example, when the State intervenes in the funding of religious denominations, as is done in most European countries.

The different models of public funding seem to define different spaces of freedom and to resolve, respectively intensify, this relationship between individual freedom and collective freedom (Cardia 2009, pp.17–23).

The relationship between confessional autonomy and libertarian instances, if not defending against discriminatory practices, in the complex matter of labour relations is even different.

In this respect, the model proposed by the Strasbourg Court is less and less inclined to recognise absolute spheres of competence, while the American model, supported by the Supreme Court's pronouncements, recognises a special value for confessional autonomy (Madera 2014).

The autonomy of religious communities, especially minority ones, from the state, is most evident when the state does not legislate where it should, or when it legislates in a jurisdictional way. The case of the Islamic communities in Italy, and in particular the issue of places of worship, illustrates this (Stefanì 2019, pp. 312–317).

In some other cases, the recognition of autonomous spaces for religious denominations is contingent upon recognition of jurisdictional

autonomy in certain matters pertaining to marriage (Bano 2007). However, given the multicultural and plural nature of contemporary European societies, it is no longer possible to consider confessional jurisdiction in isolation. As a result, the scope of reflection on Catholic ecclesiastical jurisdiction, which is prevalent in countries where relations with the Catholic Church are governed by concordat regimes, needs to be broadened to include other religious denominations. The issue of jurisdictional autonomy or confessional jurisdiction concerns, for example, the recognition of the relevance of private Shariah law, with particular attention to issues concerning broader family law (Bano 2007). This phenomenon can take place along the lines of the recognition of Islamic arbitration courts in European contexts, such as the Shari'a Courts or Shari'a Councils in the United Kingdom (Bano 2012). In such a case, the autonomy granted to individual private Muslim believers to request the intervention of such bodies for the resolution of family law issues *de facto* results in the production of religious pronouncements that are accorded a certain value even for State private law.

In other legal contexts, such as those of the Italian courts, the issue of recognising the civil consequences of acts that are governed by Shari'a law has presented challenges in reconciling these acts with constitutional and civil principles of equality and equal treatment between men and women (Benigni 2019). One example is the issue of repudiation, where acts are recorded in civil registry records of the Italian State. Beyond the questions that more closely concern the technical elements underlying the recognition in otherwise of the lawfulness of such acts and their effects, the issue raises questions of public order precisely because of the lack of conformity of such acts with the principles proper to the order of the State. This issue therefore raises fundamental questions concerning the relationship between the components of society and the legal framework within such relationships are established and maintained. In particular, questions arise about the compatibility of religious minorities autonomy recognised by the State with the legal systems that recognise such autonomy. In light of the aforementioned considerations, it is imperative to examine into the nature of the relationship between the different legal systems that interact each other.

Organisational structure and jurisdictional authority appear to be insufficient for fully addressing the autonomy granted to religious minorities. Furthermore, they do not provide a comprehensive explanation. On closer examination, the concept of relationship can be identified as an underlying principle of ordinal autonomy. This concept is part of the well-known institutional theory of orders, most famously interpreted by Santi Romano. The institutionalist theory is most notable for its contribution to the understanding of the legal system by challenging the exclusive role of the State as the sole actor in legal matters. This has led to the recognition of the plurality of legal orders (Romano 1917, 2018). In this context, autonomy is best understood as a relationship between subjects or between legal orders. The latter is particularly important in understanding the autonomy and independence of legal orders in relation to each other and to the order of the State. The State is therefore the standard to evaluate whether an order, for example that of a religious minority, can be considered autonomous and independent, thus defined as original (*originario*), or alternatively as deriving its status and rights from the State, thus not being an autonomous entity in its own right. The State may have granted certain rights to the religious group, or may have recognised it as a separate entity. In the specific field of public law pertaining to the relationship between State and religions, autonomy of religious minorities is undoubtedly a pivotal issue.

Article 8, paragraph two of the Italian Constitution recognises the autonomy of non-Catholic religious communities to organise themselves according to their own statutes. This right is essentially based on historical reasons and is therefore applicable to religious minorities identified within the national context in question (Ferrari and Ferrari 2010). The internal autonomy of minority religious denominations is therefore explicitly recognised by the Constitution, which allows them to participate in the legal production of domestic law. In this regard, the principle of autonomy is employed in order to attribute to religious minorities an instrument of recognition and protection in the face of the lack of a specific normative provision expressly dedicated to the concept of minority. The autonomy of the system thus constitutes the key to the indirect recognition of what the constitutional system seems to overlook directly.

From another perspective, the concept of autonomy seems to be used to recognize the specific categorization of religious minorities. This is achieved by invoking the concept of sovereignty, which is enshrined in Article 7 of the Constitution with regard to the Catholic Church, the predominant religious entity (Mazzola 2019). If sovereignty is perceived to be inherently limitless and thus inherent to an original order, autonomy appears to be in a reciprocal relationship with minorities whose orders possess this attribute. This is significant when a discrepancy in perceptions emerges between the legal subjects involved in the relationships of originality and derivation.

Consequently, the minority acting as an original order will establish its relationship with the State order not only in terms of autonomy but also of independence, which will affect State–religion relations in a distinctly separatist way. This separation implies, on the one hand, the impermeability of the internal order to State interference and, on the other, the recognition of autonomous institutions of the religious minority.

This last aspect represents a different interpretation of the relationship between State and religious minorities, when the latter claim their rights based on internal laws, such as subjective statutes, marriage bonds, or rights of descent. On the other hand, the minority that recognizes the role of the State as a derivative order will recognize the State's greater capacity to intervene in its sphere of action, as well as its greater obligation to guarantee the effectiveness of the autonomy it recognizes. Originality and derivation, autonomy and independence, in other words, illustrate the diversity of models that exist in the relationship between the State and religious minorities (Ferrari 1995). These models range from the complete absence of the State's involvement in the recognition of the rights of religious minorities to a demand for the State's maximum promotion of these rights, which may involve direct State intervention or the recognition of the autonomy of minority orders to act independently in their own spheres.

3. Territory, nation and minority autonomy. A model not necessarily for everyone

The principle of autonomy, thus oriented, is the result of combining the principles of freedom, equality and solidarity in order to facilitate the pluralism of individuals and groups. In this context, it is essential to determine which groups are intended to be included when the principle of autonomy is applied. As noted above, minorities, including those defined as "autochthonous", "historical", or even "national", are the main focus.

In this context, the emerging cultural diversity in Europe since the end of the Second World War has challenged the traditional concept of the Nation–state, where a unified concept of the people was assumed to prevail. Instead, this diversity has led to the recognition of different rights for historical minorities, or groups that can be identified by their national and linguistic characteristics or by the coexistence of these characteristics. These are, in particular, the situations of groups that have historically resided in an original territory, but which have subsequently had to deal themselves with changed State borders. Consequently, they experience a minority situation in relation to their initial situation. The history of international law and of Europe, in particular, is replete with examples of "minority issues". In the year 1993, the UN World Conference on Human Rights, convening in Vienna, explicitly recognised the importance of the protection of national minorities for maintaining democratic stability and security in Europe[5].

In the same years, the Council of Europe adopted the European Charter for Regional or Minority Languages (1992)[6] and the Framework Convention for the Protection of National Minorities (1995)[7]. In 1993, the Organisation for Security and Cooperation in Europe (OSCE) also established its own specific policy on national minorities. Finally, in 1997 and 1998, both supranational institutions drafted their own standards on national minorities[8]. It is widely ac-

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[5] World Conference on Human Rights, Vienna, 14–25 June 1993.

[6] Council of Europe, European Charter for Regional or Minority Languages, Strasbourg, 2.X.1992.

[7] Framework Convention for the Protection of National Minorities, 1 February 1995.

[8] National minority standards of the Council of Europe, available at https://www.coe.int/en/web/minorities/council-of-europe-national-minority-standards; Natital minority

knowledged that the standards serve as an invaluable tool to verify the capacity of individual Council of Europe member States to comply to and uphold the minimum standards of protection established at the international or supranational level.

In this context, the term "minorities" and its associated concept of "autonomy" are employed to refer to groups whose cultural, linguistic, ethnic, or national origins distinguish them from the majority community in the territory of settlement. In this context, the concept of autonomy and the notion of autonomy itself interact with the presence of historical or autochthonous minorities, thereby serving to recognise and protect their rights.

In this discourse, it is essential to consider that in the context of minority protection, the principle of autonomy must be closely linked to the collective dimension of the minority. Autonomy confers special rights upon a collective of individuals, which are realised through the concession of partial forms of self–government, as is evident in the cultural, educational and linguistic spheres. The need to guarantee specific forms of protection for linguistic minorities in Trentino–Alto Adige represents the main reason for the establishment of the Trentino–Alto Adige Region's distinctive form of autonomy. The imperative to safeguard linguistic minorities, particularly those that are numerically significant, was also a pivotal factor in the evolution of the Region's autonomy, contributing to its regulatory, institutional, and organisational autonomy. From this perspective, autonomy can be defined as a territorial entity's capacity to self–govern and manage its economic resources and competencies independently. Autonomy is therefore distinct from decentralisation, which merely involves the peripheral application of centrally–defined rules, and instead recognises broader spaces of action for minorities.

From this perspective, it can be argued that the recognition of a minority by a State entails the recognition of its rights, which in particular contexts implies the attribution or recognition of its autonomy. This, in turn, conditions the status of an entire territory. In such cases, we are dealing with an autonomy of a territorial nature. However, in other cases, the ownership of autonomy is not attributed to territorial

standards of the OSCE and the High Commissioner on National Minorities, available at https://www.coe.int/en/web/minorities/osce-national-minority-standards.

entities, but to organisations representing groups or minority groups, regardless of the residence of their members. In this instance, we are referring to personal or cultural autonomy.

Given this differentiation, territorial autonomy is undoubtedly granted form of autonomy in cases where minority groups are concentrated in specific areas. Indeed, it can be argued that territorial autonomy represents the most optimal solution to disputes caused by the presence of minorities within a social order (Roach 2004). This is particularly the case where the social order in question adheres to a philosophy of pluralism and diversity.

This form of autonomy necessarily implies the existence of precise constitutional guarantees and precise forms of guaranteed participation in State-sponsored activities.

It has been argued that the establishment of territorial autonomy can serve as a means of preventing minority secession, particularly when these minority groups perceive the existing State system to be oppressive and therefore seek alternative ways for recognition and self-determination. (Wright 1999; Mancini 2008).

However, it is crucial to acknowledge that the State is no longer the sole authority in determining minority rights. Indeed, respect and protection of minorities are the criteria for the accession of new member States to the European Union (Sasse 2013). Moreover, the Lisbon Treaty of 2009 established the rights of individuals belonging to minority groups as a value that underpins the Union[9] (Barten 2015). In this context, it could be argued that personal autonomy is becoming increasingly significant in the application of the "right to difference" that is characteristic of minorities. In light of this, it becomes evident that formal equality is not sufficient to manage the existence of culturally diverse and minority groups within a state designed by the majority. Indeed, minority groups risk being discriminated against. Consequently, the explicit recognition of their differences becomes crucial in overcoming disadvantage through the allocation of specific legal provisions that balance the situations of minorities against those of majorities. This right to difference is to be established by international and supranational law according to minimum standards. Contemporary legal systems, thus, face the challenge of

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(9) Article 2 TEU.

developing instruments that are able to combine equality with difference. As the multicultural and plural society becomes increasingly diverse, the number of historically defined minorities will decrease, whereas the number of groups demanding recognition of their right to diversity will increase (Kymlicka 2011).

In this context, it is questionable whether the recognition of autonomy as a means of safeguarding the rights of newly constituted minority groups is an adequate solution when the concept is based on the "basic" principle of territorial autonomy, given the difficulties in achieving a requirement of territorial compactness when considering the potentially endless replication of minority groups on the basis of the right to difference. One may inquire whether a school system can be established to preserve the diversity of languages derived from immigration through the recognition of the right to autonomy in terms of linguistically distinctive educational institutions. This examination must consider the broader implications, including whether such autonomy is beneficial for the social, political, and legal integration of society as a whole, whether it fosters the integration of marginalized communities, what is the right balance between equality and difference (Guliyeva 2013). It also becomes necessary to consider whether reasonable accommodation can constitute a supplementary or alternative route to that of autonomy (Caron 2014). At the same time, it is important to recognize that personal autonomy is linked to a person's identity. This identity, however, is increasingly fluid, allowing an individual to identify with more than one group at the same time or to prioritise to one group to another depending on different circumstances. Intersectional studies provide a valuable framework offering insights into the ways individuals simultaneously experience multiple differences in their personal lives (Krenshaw 1994; Angeletti, 2021).

4. Religious minorities. Autonomy or difference?

A similar argument can be posed with regards to religious minorities. In this respect, Prof. Toniatti notes that the prevailing principle espoused by the nation–state, which stipulates that subjects should be governed according to their religious beliefs, and which effectively brought an end

to religious persecution and ushered in the era of religious toleration, has gradually given rise to a status of full citizenship for religious minorities (Toniatti 2022). Nevertheless, it is important to note that historical religious minorities (i.e., those historically present in Europe) have developed a distinctive identity that sets them apart from other types of minorities. Instead of being subject to constitutional regulation, alongside other factors such as language and nationality, these minorities have been afforded broader protection under the freedom of religion. It can be argued that religious minorities are not protected as minorities, but rather as individuals who are protected by the constitutional affirmation of the right to religious freedom. This affirmation applies to everyone, including groups that profess a religion different from that of the majority of the population, where such a majority exists.

This raises the question of whether and to what extent it is possible to apply the same concept of autonomy to the concept of religious minorities as well, and what kind of relationship exists between the two.

The question arises as to whether the religious element constitutes one of the factors contributing to the identity of a cultural minority, along with language, nationality and geographical proximity. In such cases, autonomy may be recognised as a form of protection, for example through the ratification of an international treaty, statute or convention (Gilbert 2002). In contrast, it is important to acknowledge that in the contemporary era, the re–emergence of the religious factor as an element in the identification of minority groups has brought the issue of religious minorities back to the forefront of the international political agenda. This is evident from the numerous cases of persecution of religious minorities. One of the most notable examples is the situation of the Uyghur minority, which is part of the same Uyghur minority in China, which differs from it in terms of religion (Rudelson 1997; Lemon, Jardine and Hall 2023). This discrimination is further compounded by a religious element that serves to distinguish the group in question. One case in point is the Rohingya Muslim minority in Myanmar, where the issue of territorial, national or ethnic autonomy has been insufficient in guaranteeing protection from persecution[10].

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[10] See *Situation of Human Rights of Rohingya Muslims and Other Minorities in Myanmar*, UN Doc. A/HRC/39/L.22 September 2018.

Consequently, as no protection can be afforded to these minorities by means of the aforementioned traditional instruments of international law, given the breakdown of the religious element within the context of other defining characteristics, international law has sought to adopt the personalist principle as a means of safeguarding human rights, with the autonomy in question being that of the individual belonging to a religious minority, whether by birth or by profession of faith.

The right of religious believers to self–determination also includes the freedom of conscience, which allows them the autonomy to choose whether to convert to another religion, to remain part of a minority group, or to cease to believe altogether. This right is internationally recognised as a fundamental aspect of personal autonomy. However, the scope of this right is not limited to these specific examples; it extends to all aspects of an individual's life, including the possibility of choose between religious and common law. One may cite the 2018 European Court of Human Rights judgment in the case Molla Sali vs. Greece[11]. This judgement concerns the internal law of succession of the Muslim community of Thrace. This is a Greek territory with a system of autonomy recognised for a specific religious minority and which allows the application of religious jurisdiction by virtue of the Peace Treaties of Sèvres and Lausanne. This pronouncement allows the existence of special religious based legal systems within Member States. These systems are parallel to those already legally recognised in consideration of the principles of territorial autonomy granted to that particular religious minority. Therefore, the recognition of individual rights, raises the question of the compatibility of the autonomies recognised to religious minorities with public order and the European Convention on Human Rights (Fokas 2021; Tsevas 2023).

In other cases, cultural (and no longer exclusively territorial) autonomy is based on the principal of freedom of association and freedom of belief. As an illustrative case, one might cite an organisation that is capable of managing and representing a collective of individuals who share a common religious affiliation. In this case, it may be appropriate to refer to the internal autonomy of the religious community. This

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(11) ECHR, Grand Chamber, Case of Molla Sali v. Greece, (ric. n. 20452/14), 19 December 2018.

would entail the community being afforded the freedom to establish its own rules of operation and discipline, and, in more complex cases, even its own legislation. In these cases, the concept of institutional autonomy previously outlined proves to be invaluable; the order of a religious community, even a minority one, is autonomous and independent in relation to that of the State, that is, it represents an original order that does not derive from the State itself. This can be exemplified by a variety of confessional realities, which provide for their own "law". For example, an examination of the Italian legislation on relations between the State and religious denominations shows that the first agreement signed between the Italian Republic and the Waldensian Church, represented by a religious minority, recognise the autonomy and independence of the order. Article 1 of the agreement[12] provides for the acknowledgment of the existence of the order as an autonomous entity that does not derive its legitimacy from the State. The internal body of rules of the Church are also recognised.

Furthermore, the case of this historical Italian religious minority serves as an illustrative example when viewed through the lens of the concept of autonomy. The historical minority in question is territorially connoted only for a part of its history, namely the unification of Italy. Prior to that, the minority had only its own language, French and the Occitan language, and its own territory, namely some Alpine valleys in Piedmont. Subsequently, the minority spread throughout Italy and opted for the official use of the Italian language and the construction of a national church. The minority in question could have opted for territorial autonomy or at least linguistic autonomy. Instead, it made a different choice and currently falls within the categories of personal and cultural autonomy, rather than territorial autonomy. However, despite this, it undoubtedly remains a historical and autochthonous minority (Peyrot 1990). Therefore, a simplistic history of territorial context is insufficient to explain the complexity of the background of this religious minority.

This serves to illustrate how the interpretive norms of territorial autonomy fail to take into account the specific characteristics of religious minorities.

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(12) L. 449/1984.

The picture becomes more complex in light of the advance of religious and cultural pluralism. This raises the question of what kind of autonomy should be granted to religious minorities in a context where old and new religious and cultural traditions are present. It is a paradigm shift, no longer and only based on coexistence, but on the promotion of differences in the same State context. The question is therefore whether autonomy is a form of promoting these differences.

In certain contexts, the recognition of the autonomy of a religious minority requires the establishment of an autonomous discipline for family law. This is to ensure that traditions are maintained, and that matters pertaining to courts, education, etc., are addressed in an appropriate manner. As previously outlined, we have identified certain aspects of this autonomy, with a focus on jurisdictional autonomy and the wider implications for the broader recognition of minorities. In many cases, the recognition of autonomy with regard to such matters, such as marriage and family law, is contingent upon the compatibility of religious models with the State model, which applies to all, regardless of religious affiliation.

A case in point is the constitutional changes that have occurred in some Maghreb countries following the Arab Spring. Despite constitutional affirmation of certain principles related to women's equality of women in the public and private spheres, traditional law continues to call for differences between subjects on the basis of the autonomy of religious law (Alvi 2015). The application of the principle of autonomy to religious choices entails both a personal option and the risk of personal discrimination, rather than on the basis of religious differentiation. This risk arises not from differences in religious belief *per se* but rather from the State's recognition of religious autonomy in regulating common aspects of life, including those that are not specifically religious in nature.

5. Conclusions. Religious diversity as a new paradigm

The issue of autonomy must be considered within the context of a new paradigm, in which the question of religious minorities is less about the relationship between majority and minority, and more about the regulation of religious diversity (Ferrari, Wonisch and Medda–Windischer 2021).

In this sense, the category of autonomy seems to align more closely with the paradigm of legal pluralism: multiple legal regimes are the rule rather than the exception (Toniatti 2024). In this dimension, different groups, including minorities and religious minorities, live within and interact with multiple legal regimes. At the territorial level there are multiple legal frameworks which are further divided by denominational lines. These lines are observed within the borders of States' autonomous spaces and also extend into the realm of international and transnational legal frameworks, where they prevail. On the one hand, the fundamental principles of human rights are those of a personalistic nature; on the other, the specific legal regimes pertaining to transnational communities make discourses of legal pluralism global in scope (Berman 2012). Such discourses are devoid of territorial considerations and concentrate solely on the object of legal protection. The aforementioned aspect seems to illustrate aspects of openness that are beneficial for the regulation of the right to differences, as it broadens the range of subjects it addressed and considers them on the basis of their specificity.

In this context, global legal pluralism may be defined as a law in a state of constant evolution which responds to need that individual States, with their borders and their application of territorial autonomy, cannot satisfy. It remains to be seen whether this paradigm can also be useful in solving the relationship between legal systems, with particular reference to State legal systems and the legal systems of religious minorities in their relationship of autonomy and independence. This could be the subject of possible future investigation. However, it is possible to identify a number of potential limitations associated with the use of the paradigm of legal pluralism, irrespective of the specific interpretation. Silvio Ferrari has observed that the strength of the State is not solely a means of maintaining equilibrium between different social groups; rather, it serves to guarantee a robust foundation of rights that must be upheld by all individuals, regardless of whether they reside within or beyond the boundaries of a particular community. This ensures that, even in a system of legal pluralism, "regulatory universes" cannot violate a core of fundamental rights that must be respected at all times and in all places (Ferrari 2016). We must therefore acknowledge

the existence of problems concerning individual and collective autonomy within any legal system, irrespective of whether it adheres to the principles of monism or pluralism. In conclusion, it can be posited that autonomy is a fundamental principle within any legal system that adheres to the principles of legal pluralism. In such a system, the State retains the responsibility to implement differentiated treatment, in order to safeguard the rights of minorities, without jeopardising the fundamental unity of the application of rights.

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MINORITY CULTURAL GOVERNANCE THROUGH AUTONOMY ARRANGEMENTS AS A MEANS OF EXERCISING AGENCY

Kyriaki Topidi

Abstract: Cultural autonomy as a means to respond to minority groups' claims differs from classical anti-discrimination or affirmative action measures and strategies. It is rooted in the liberal argument that modern states should be active contributors to pluralistic public spaces and defenders of cultural differences. Connected to non-territorial autonomy, it proposes arrangements for the cultural preservation of minority groups tied by common ethnocultural descent. To explore the features and implications of such arrangements, the discussion in this contribution will unfold in three parts: first, it will consider the basis and features of cultural autonomy when conceptualized for the benefit of ethno–cultural minority groups. The second part will attempt to respond to the question as to whether cultural autonomy could represent the post-territorial toolkit *par excellence* for minority groups embracing multiple identities today, without challenging the territorial integrity of the state. To do so, it will focus on religion and language as identity markers that could form the basis for such types of minority group autonomy. The third part will briefly assess the dynamic of existing cultural autonomy arrangements and propose a way forward towards networked forms of diversity governance.

L'autonomia culturale come mezzo per rispondere alle richieste dei gruppi minoritari si differenzia dalle classiche misure e strategie antidiscriminatorie o azioni affermative. È radicata nelle argomentazioni liberali secondo il quale gli stati moderni dovrebbero contribuire in modo attivo agli spazi pubblici pluralisti e difendere le differenze culturali. Collegata alle autonomie non–territoriali, essa propone disposizioni per la preservazione dei gruppi minoritari legati da una comune discendenza etnoculturale. Per esplorare gli aspetti e le implicazioni di queste disposizioni, la discussione in questo contributo si svilupperà in tre parti: primo, prenderà in considerazione le basi e gli aspetti dell'autonomia culturale quando concettualizzate a beneficio a beneficio dei gruppi minoritari etno–culturali. La seconda parte cercherà di rispondere alla questione se l'autonomia culturale possa rappresentare lo strumento

post–territoriale per eccellenza per i gruppi minoritari includendo oggi identità multiple, senza sfidare l'integrità territoriale dello stato. Per fare ciò, si concentrerà sulla religione e il linguaggio come segnali che potrebbero formare le basi per questo tipo di autonomia dei gruppi minoritari. La terza parte valuterà brevemente la dinamica delle disposizioni dell'autonomia culturale esistente e propone un passo avanti in direzione delle forme collegate di governance della diversità.

> Culture is politics by another name.
> Mitchell 2000, p. 294

1. Introduction

Contemporary cultural governance relies on contextual and comparative dimensions of culture including those linked to the idea of culture as difference (Appadurai 1996, p. 13). It can be defined as "[…] how political authority must increasingly operate through capacities of self- and co-governance and therefore needs to act upon, reform and utilize individual and collective conduct so that it might be amenable to its rule" (Bang 2004, p. 159). Ethno-cultural minority groups, in particular, have traditionally turned to a variety of such regulatory solutions in cooperation with states to defend and promote their cultural difference. Within attempts to reach solutions through diversity governance, the reconciliation between individualized and collective normative entitlements for minority groups remains nevertheless largely unresolved. Adding to it, is the continuing search for sustainable solutions for minority groups with a distinct ethno-cultural identity to manage their cultural identity in autonomous ways.

Since the 1990s, in particular within the context of the study of the British context, the regulation of culture has been linked to multi–culturalism and cultural globalization, focusing inter alia on aspects of representation, identity and regulation (Schmitt 2011, pp. 37–39; Ashcroft and Bevir 2018; Mathieu 2018; Vertovec 2006; Parekh 2000). The relationship of minority cultures to the "mainstream" and national cultural traditions forms an integral part of cultural governance, where

forms of autonomy are considered. Any search for such sustainable solutions allows (and even requires) the consideration of actor– centred perspectives to show how minority groups enter into conscious negotiation processes with states in order to claim rights and recognition (Schmitt 2011, pp. 22–23).

Cultural autonomy has been defined as the "devolution of political powers to nationalities formed on a non–territorial basis and through voluntary individual affiliation" (Bauböck 2001, p. 1; Coakley 2016; Malloy 2015; Nimni 2015). At the core of cultural autonomy arrangements within any given polity lies the political project of an ethno–cultural group to a common future on the basis of common descent, without necessarily a territorial dimension structured around a geographical unit subsequently transposed to a political one. It includes considerations on actors and their practices, institutions as well as discourses (Schmitt 2011, p. 44).

Developed by Karl Renner and Otto Bauer in the context of the Habsburg Empire, *non–territorial autonomy* has been historically conceived as an option to respond to the cultural needs of national minority groups. It was devised to promote the disassociation between territory and cultural rights. The personality principle within non–territorial autonomy and cultural autonomy makes the frame appropriate for the organization and regulation of aspects related to a group's culture, language, religion or education. Viewed from a diversity governance viewpoint, cultural autonomy through the lens of non–territorial autonomy is relevant from a politics of difference and recognition perspective, as it supports the underlying claim that minority rights are needed in addition to human rights. It presupposes that we can agree that the cultural self–preservation of groups is of value to super–diverse societies. The aim of autonomy is pursued in the absence of threats to the territorial integrity of states and as such is perceived as less divisive for states[1]. But to what extend are cultural autonomy arrangements suitable at present for minority groups? Do they provide viable alternatives for minority groups and their members as individuals? As importantly,

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[1] See for example the OSCE Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999) where under Articles 15-18, non–territorial arrangements regulating matters in education, culture, religion and minority language are included.

what happens if the group is not active or interested in preserving its cultural autonomy?

At its core, cultural autonomy as a means to respond to minority groups' claims differs from classical anti–discrimination or affirmative action measures and strategies. It is rooted in the liberal argument that modern states should be active contributors to pluralistic public spaces and defenders of cultural differences (Bauböck 2001, p. 3). To explore the features and implications of such arrangements, the discussion will unfold in three parts: first, it will consider the basis and features of cultural autonomy when conceptualized for the benefit of ethno–cultural minority groups. The second part will attempt to respond to the question as to whether cultural autonomy could represent the post–territorial toolkit *par excellence* for minority groups embracing multiple identities today, without challenging the territorial integrity of the state. To do so, it will focus on religion and language as identity markers that could form the basis for such types of minority group autonomy. The third part will briefly assess the dynamic of existing cultural autonomy arrangements and propose a way forward towards networked forms of diversity governance.

2. The basis and features of cultural autonomy

Within a European context, minority group based cultural autonomy has typically consisted of the combination of freedom of association with (evolving) cultural practices, on the basis of the state's support and recognition. The aims of cultural autonomy combine attempts to guarantee collective rights to minority groups but also to secure a degree of normative autonomy with the most extreme option being to allow the minority group to determine its own "internally" applicable law. The main approaches to serve the broader aim of cultural autonomy either allow the ethnic group to manage its internal, cultural or linguistic affairs and/or include arrangements that allow the creation of ethnicity–based institutions that manage public competences autonomously in the area of culture (Prina *et al.* 2019).

An important preliminary dimension, however, in considering minority cultural identity through autonomous arrangements is centred

around the question of which minorities can claim such autonomy. Within this question, one can find the recurring issue within minority studies of who is entitled to autonomy. Distinguishing between national and ethnic minority groups provides only part of the answer. Socio–legal realities suggest, in addition, that it is minority groups that either pose threats to the survival of the state or those who are relevant for the state in ideological or political terms that are granted various forms of autonomous arrangements to avoid conflict(s) (Poirier 2008, p. 41).

Conceptually, participation of minority groups in public life includes the important component of self–governance[2]. Self–governance for cultural purposes (though not exclusively) has been connected with autonomy (Dinstein 1981, p. 291). Cultural forms of autonomy can overlap with personal ones, whereby competence to govern oneself is, in certain pre–designated matters, transferred to a minority group body (Henrard, 2005, p. 141). While the underlying concern with such arrangements is to respond to the need and concerns of minorities, existing European standards have already spelt out the "internal" requirements that institutions of self–governance should adopt, including the respect for democratic principles and human rights, covering also those of the "minority within a minority"[3]. As substantially, autonomy arrangements carry the potential for empowerment of those groups that enjoy them (Poirier 2008, p. 37). Through the prism of such empowerment, cultural autonomy places equal emphasis on *rights* as normative entitlements but also on the *power* to claim space to exercise rights and shape one's cultural destiny (Poirier 2008, p. 39).

Normatively, one can already identify at least two major difficulties when implementing such arrangements: the first concerns the decision of who should be considered a member of the minority group enjoying cultural autonomy. There is, prima facie, a tension here between the right to association and that of self–determination. The latter

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(2) See for example the OSCE's Lund Recommendations on the Effective Participation of National Minorities in Public Life and Exploratory Note, Foundation on Inter-Ethnic Relations, Hague, 1999, at 6.

(3) See OSCE Lund Recommendations and Explanatory Note at paras. 16 and 21. See also paragraph 17 of the Lund Recommendations stipulating that "non-territorial forms of governance are useful for the maintenance and development of the identity and culture of national minorities."

is informed more often than not by superimposed and shifting identities that minority groups and their members adopt, making belonging a non–linear process for both individuals and groups. The second challenge lies in reaching agreement within the group on the collective dimensions of the group's quest for cultural survival and development. Within this process, the reliance on the state to take on positive obligations to support it is crucial though very contested by states but also unstable. Very commonly, these obligations entail the mobilization of economic resources but also of political means to allow the groups to survive and/or grow in cultural terms.

Equally problematic is the need to address potential instances of discrimination arising out of cultural autonomy arrangements. But while minorities, including in their cultural aspects, are recurringly considered through a security lens (Carla 2023; Roe 2004), the present contribution instead proposes to approach them as an element of normalised domestic politics (Divald 2020). Translated into the contemporary needs of ethno–cultural groups, autonomy arrangements are empirically implemented to serve the needs of national minority groups. More than that, they can serve the purposes of minority cultural reproduction (and survival) in times where cultural identity becomes highly individualized and population movements are intense and continuous.

With the aim of cultural survival and reproduction in mind, the non–territorial components of such arrangements tend to focus on aspects of education, media, cultural symbols, language and even personal or family law[4]. Political autonomy, within such a frame, has been commonly organized around *national councils*, formed by minority groups with consultative functions for the most. In theory, the status and powers of an entity that forms the core of a cultural autonomy body and serving a linguistic, cultural or religious autonomy goal corresponds to that of a public law entity. It must be distinguished from that of a non–governmental organisation or associations. This is because minority cultural councils are introduced through constitutional

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(4) See only indicatively the 1993 Estonian Act on Cultural Autonomy for Ethnic Minorities and the Estonian Language Act 1995 that adopt the principle aims of organizing education in minorities' mother tongue, establish and manage educational facilities, a fund for the promotion of culture and education and the formation of an institution for the promotion of culture (Article 5 of the Act on Cultural Minorities).

or statutory instruments (De Villiers 2012, p. 173). In practice, when responding to the need for practical solutions for dispersed minorities, particularly within Central and Eastern Europe, cultural autonomy has not been, however, always completely detached from territorial autonomy arrangements.

Modern illustrations of cultural autonomy include frameworks based on minority cultural councils found for instance in Hungary, Slovenia or Estonia; or the separate councils for Dutch, French and German speakers in Belgium since the 1970s. The measure of their scope of autonomy is nevertheless a matter of open and ongoing debate. Perceiving autonomy as a *process* (Ghai 2000) may perhaps leave some room for optimism: the accommodation of ethno–cultural diversity through cultural autonomy can have a positive effect on the role of the state in the longer term. By recognizing non–territorial means of redistribution of resources and cultural forms of pluralism, states can mobilize their powers to serve their own interests (i.e. the diffusion of conflicts) but also those of others (i.e. cultural survival of minority groups). Cultural autonomy admittedly has served often de–escalating purposes for conflicts around identity and borders, as already mentioned. But could it be also relevant for minority groups within post–modern polities even when they are not territorially concentrated? In addition, could cultural autonomy present the post–territorial toolkit for the multiple identities that minority groups embrace today, without challenging the territorial integrity of the state?

3. Cultural Autonomy and Religion

Religious affiliation or traditions constitute one of the essential elements of minority cultural identity. The nexus between religion, minorities and identity remains the locus and focus of cultural autonomy arrangements insofar as groups claim the right to believe and manifest their faith. With regard to religion, minority cultural autonomy can take two forms: some countries provide for certain laws related to religion that apply to members of religious minorities regardless of where the person may be located. These kinds of arrangements are qualified as *personal law*. Issues of

personal law usually cover aspects of family law (e.g. marriage, divorce, inheritance). Disputes are solved by different jurisdictions specific to religious communities. A typical example in this case is India. A second option is for the state to assign intermediaries to organise religious–identity related activities. For example, the German Islam Conferences operate as an example of state–stakeholder partnership: the German state negotiates with various Muslim organization aspects of cultural and everyday life in Germany. Alternatively, states support bottom–up governance initiatives that aim at the production of specific public goods (e.g. minority religious schools/"faith schools" in the UK). It should be emphasized that these forms of diversity governance can function as pluri–centric networks where state and minority–led actors form alliances towards culturally related public purposes. They do not always presuppose or even rely on a legislative agreement recognizing the institutionalization or other autonomy aiming formalization of the relationship between the state and the minority group(s).

Commonly, the accommodation of claims towards autonomy within family or personal law status involves, however, state monitoring in terms of basic norms to be respected or the modalities of procedural guarantees to be followed (e.g. in the appointment of religious adjudicators) (Gaudreault–Des Biens 2010). At the other end of the spectrum of cultural autonomy arrangements, the privatization of religious diversity presupposes a fully–fledged contract–based regime between the state and a religious minority towards the provision of religious arbitration or adjudicatory services to the communities concerned (Shachar 2008; Manea 2016).

Within religiously diverse societies, these kinds of arrangements demonstrate the shortcomings of unitary or strongly integrationist regimes. While religious autonomy is not without significant risks (Gaudreault–Des Biens 2010, p. 161)[5] it offers remedial leverage for minority groups against pressure by majority groups. It may also contribute towards the remedy of historically rooted disadvantage and oppression against some minority communities. As such, this type of

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(5) Gaudreault–Des Biens argues that these arrangements are not always successful in preventing the further minoritization and disempowerment of some communities when their members are systematically defined and treated as "minorities".

arrangements corresponds comparatively well to groups that in historical terms are "non–territorialized" minorities without state recognition or to "new" religious minorities that are of immigrant background and with to avoid assimilation (Gaudreault–Des Biens 2010, p. 167).

Minority status of a religious and ethnic group especially in diaspora tends often to reinforce religious identification and by extension the need/claim for minority groups to manage autonomously their cultural existence. Breaking the limits of territoriality while creating new types of transnational religious communities, diasporic religion has the tendency to strengthen the link between religion and ethnicity. This dynamic movement is inevitably reflected in different patterns within public education (e.g. Islamic faith schools in the UK, Denmark or Austria). Minority groups constituted from immigrant populations in Europe are not, however, immediately and unambiguously designated as beneficiaries of cultural autonomy. States may decide to award degrees of cultural autonomy, however, either because they perceive such groups to pose a threat to the cohesion of the state in general or because the state considers the vitality of such groups as relevant for political, ideological or even historical factors.

Claim–making in circumstances of autonomy in religious minority matters describes a process where religious minority groups move beyond equality and non–discrimination claims to more political ones. For the latter, the minority group must embrace a distinct politically bound community status, often coinciding with a shift from individual to more collective rights claims. States, particularly in the Western context, have traditionally resisted such claims due to the challenges that the public recognition of such communities with self–governing powers raise for citizenship in a liberal context[6]. In broader terms, for these claims, however, to have a possibility to flourish and evolve in positive terms, they must acquire "juridical relevance" (Santi Romano 1975, p. 106): in clear terms, religious minority groups as entities need to demonstrate their relevance for the State and its legal order in order to survive.

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(6) For an inspiring opposite view see Charles Taylor, "Shared and Divergent Values", in R. Watts and D. Brown (eds.), *Options for a New Canada*, Toronto: University of Toronto Press, 1991, at p. 53 discussing the concept of *deep diversity* as describing a larger polity membership that is conditional upon belonging to another small community.

Particularly for minorities whose interests may not be well protected and/or understood by the mainstream, religious minority groups develop institutions that undertake in response to marginalization and cultural needs a social and economic role. Through their activities, they contribute towards the creation of culture, of public morality and of economic activity through the provision of jobs. In some instances, these bodies are even able to build an entire (alternative) social environment that includes schools but also banks, hospitals and other services to cater for the needs of their believers. The cultural dimensions of such institutionalization efforts are not however without risks as they may lead to the creation of ethnic enclaves and social segregation of groups.

The increasingly complex constellations of interactions between the state, the market and non–state, including religious, minority actors along with the questioning of secularism (i.e. the separation of the state and religion) as the dominant trajectory are precisely in the process of shifting the distribution of "public goods" from states. This happens because, although there is a decline of individualized religion's significance and role in society, religion and religious actors remain still heavily involved in providing health care, education and other social services and at the same time, activism continues to be grounded on religious identities. As importantly, due to population movements, minority religious identities are more and more hybrid and policy (as well as legal) interventions are called upon to take account of the growing spread of such multiple, *hyphenated* identities.

With the increase of religious diversity and the proliferation of super–diverse contexts, the future of religious governance, including through the consideration of cultural autonomy arrangements, has embraced scenarios of raising complexity. Borrowing from theoretical constructions such as those built around *inter–faith governance* (IFG), forms of cultural and religious autonomy could acquire enhanced impetus. Following developing IFG constellations, states are increasingly prepared to test forms of state–stakeholder partnerships to support the production of public goods akin to non–territorial arrangements in the more classic sense[7]. Similar alternative arrangements extend to *mul-*

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(7) See for example the case of the German Islam Conferences focusing on questions of legal constitution, financing and everyday life issues.

tilevel pluricentric networks, conceived as alliances of interdependent agents for a public purpose (Martikainen, 2013). Within such formations, religious institutions, trans–governmental alliances and to a lesser extent states govern through negotiation. By virtue of this arrangement, the need for the state to maintain a direct link to all (including minority) faith communities is strengthened[8]. Ultimately, these modes of governance are expected to lead to self–regulation which is a basic characteristic of autonomy arrangements (Koch 2010, p. 536).

4. Cultural Autonomy and Language

Linguistic cultural autonomy arrangements are premised on the complex relationship between languages, societies and political institutions. In simpler terms, linguistic diversity affects the design of autonomy arrangements and vice versa (Arraiza 2015, p. 8). At the basis of these arrangements are identity claims aiming mostly for state recognition and/or state support in minority culture preservation.

Language, as one of the salient identity markers of a group, has been historically present in several self–determination struggles in Europe and has been furthermore closely associated with European nationalism during the 19th century. The recognition of the rights of minority cultures, in connection to language policy, is usually based on the choice between regimes based on *territoriality* (where linguistic rights are afforded to inhabitants of a defined geographical area) and those based on *personality* (where linguistic rights are given to persons belonging to certain groups independently of territory).The second category presupposes self–identification of the members of the groups and a certain capacity of the group to govern itself. It also requires linguistic diversity as "both a condition and an argument for political mobilisation." (Arraiza 2015, p. 12). In reality, minority language regimes are more complex, combining territorial and personal elements (Burckhardt *et al.* 2021, p. 123).

The preservation of a minority language represents an important element for the cultural survival of a group. It is tightly connected to claims

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(8) See for example the case of the Swedish Interfaith Council where state funding for interfaith work operates as an incentive to collaborate.

for minority–language education, including in the case of non–territorialized minority groups. Minority languages encapsulate "the record and synthesis of the main historical experiences that reflect the lifestyle of a community." (Ruiz– Vieytez 2016, p. 16). Their minority/minoritized[9] legal status is often the outcome of personal and/or collective trauma, connected to broader social conflicts and upheavals. But as minority groups opt to define themselves in relation to language, it becomes the task of the multicultural state to protect minority languages as an objective aspect of cultural manifestation. This does not mean that there are no controversies or instances of state reluctance to admit the existence of certain minority languages (e.g. the case of Serbo–Croat or Moldavian and Romanian and even Ruthenian and Ukrainian) or the restrictive use and application of names in those languages[10]. In an opposite direction, the example of minority language school boards in Canada provides a more successful application of linguistic autonomy arrangements. Section 23 of the Canadian Charter has been interpreted by courts to grant constitutional rights to linguistic minorities in the management of their schools as well as the right to establish policies for the hiring, retention and promotion of the personnel of their choice[11].

Still, the available experiences of linguistic cultural autonomy in Europe are not, however, encouraging: the influence of the groups on cultural policy making is limited, state resources are unsteady and politicized and the use of minority languages within self–administering communities appears to be in decline[12]. The territorial concentration of minority groups seems, on the other hand, to increase leverage and funding opportunities for minority groups wishing to safeguard and promote their language.

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(9) The concept of 'minoritization' is approached in this context as "structures and processes that make some person, group, concept a minority". It implies a shift of focus from categories like a "minority" to processes and constructions that turn individuals into minorities, including through "othering" through language and other forms of social practice. See in this respect, Stausberg *et al.* (2023).

(10) Ruiz-Vieytez (2016) at p. 18 adds to the scenarios of minority linguistic complexity the role of the use of different alphabets even within the same language as a result of differing religious affiliations of the groups in question,

(11) See *Hak v. Procureur General du Quebec*, 2021, QCCS 1446; Mahe vs Alberta, 1990, 1 SCR 342 at 375-6.

(12) Prina *et al.* (2019) discussing the relevant examples in Hungary, Serbia and Russia.

State responses to minority linguistic claims vary: some states adopt a "preservationist" approach aiming at the survival of recognized minority languages as cultural forms (regardless of patterns of use). Other states are more "protectionist", conceding mutually acceptable forms of accommodation to their use (e.g. bilingualism). A third option sees states making no concession to minority linguistic demands (i.e. the state is defined as unilingual), while in a fourth and more "permissive" approach, the state leaves room for linguistic communities as non–state actors to organize themselves while offering some support to them to realize their goals (Burckhardt *et al.* 2021, p. 126).

Cultural forms of autonomy have found expression within granted collective constitutional rights, dissociated from territorial rule in post–1970s Belgium or in several Central and Eastern European states after the fall of communism (Coakley 2016a, pp. 13–17). Based on a recognition of the states of ethno–cultural minorities as collective entities, such arrangements carry the potential to give control to the groups over their cultural, including linguistic, affairs. Coakley argues, however, that the comparative analysis of such regimes leads one to think that "there may be less — perhaps, much less — to non–territorial autonomy than meets the eye" (Coakley 2016b, p. 178). Still, cultural autonomy may correspond better to situations where there is need to strike a balance between equality (understood as equity) and efficiency, while creating space for minority groups to act as agents alongside the state in shaping their cultural destiny. It may also correspond better to scenarios of ethnolinguistic polarisation (Burckhardt *et al.* 2021, p. 132)[13], especially when territoriality is challenged in policy making by factors such as the strengthened role of non–state actors, new migration flows and intensified digital communications (Burckhardt *et al.* 2021, p. 136).

5. Assessing cultural autonomy arrangements

Normatively, cultural autonomy arrangements rest on minority rights and self–determination. They challenge unified and narrow

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(13) See also the example of Switzerland contrasting the top–down linguistic territoriality principle with the bottom–up self–determination of linguistic groups within the cantons.

ethno–cultural views of statehood as well as consolidated views of a dominant group within a given space. As a long–term strategy, cultural autonomy can be assessed on the basis of its impact on the processes of integration (understood as inclusion) versus the fostering of models of separate coexistence, responding to the specific historical and national context each time.

In matters of minority cultural practices, the core question concerns cultural diversity and its limits. In other words, it asks which cultural practices and beliefs a state must accommodate, permit and support. The aim of such question is to achieve a balance of rights and interests that permit cultural minorities the practice and development of their cultures within the state structure. In liberal multiculturalist contexts, this type of "project" additionally entails the provision of the space for members of minority culture to live autonomous lives. To do so, the state must allocate resources for these groups to develop and/or maintain their cultures (Lambrecht 2023).

To assess the nature of cultural autonomy arrangements, several elements need therefore to be taken into account: the institutional design of the bodies responsible, their powers, the issue of membership within those bodies and the mechanisms for the participation of members are some of the most relevant aspects (Suksi 2015, p. 84). The issue whether private entities in the form of cultural minority organizations taking on the task of providing (cultural) public services should be included within cultural autonomy arrangements in the absence of statutory measures of division of competences and special jurisdictions under the self–management of the group(s) remains contested (*ibid.*; Osipov 2013).

Still, the pressing questions subsist: how sustainable are cultural autonomy arrangements if they fail to promote the socio–economic participation of minorities? And do they de facto function as excluding mechanisms from mainstream processes (e.g. in employment, equal political participation, education, etc.)? The available instances of cultural autonomy show a limited vesting of powers both de jure but also de facto (Suksi 2015, p. 103). Existing cultural autonomy arrangements do not give entitlements to groups to exercise legislative powers nor include exemptions from general national legislation. Ultimately, in their

current forms, they become distinguishable by virtue of the possibility afforded to the groups to exercise varying degrees of public authority over the members of each group within pre–designated matters. Given the highly situational background prevailing in each national context, cultural autonomies predictably entail varying degrees of freedoms. The main criticisms vis–à–vis such arrangements remain their limited decisional powers, the unclear legal status afforded to minority groups endowed with vague competencies and more practically, their unstable state funding (Yupsanis 2019, p. 86; Nimni 2005; Dobos 2023). It is hardly surprising, therefore, that cultural autonomy–based agency of minority groups can be limited and limiting in those terms.

6. Autonomous Minority Culture(s) as a Public Good and the role of Minority Cultural Groups as Institutional Brokers

The governance of cultural autonomy for the benefit of minority groups is a horizontal task that extends both to legal standards (human and minority rights) as well as to policy measures. The shared process of shaping a group's cultural identity is therefore linked to the enjoyment of rights through relevant policy measures (Vieytez 2016, p. 7).

But are cultural autonomy arrangements able to release ethno–cultural minority groups from the prevailing territorialized constraints of autonomy? The answer to the fundamental dilemma between the right to equality as opposed to that of the protection of difference provides the starting point for the assessment as to whether and how minority groups may benefit from arrangements that are closely tailored to their needs. International standards and national legal requirements have only cautiously begun to consider the plausibility and sustainability of ad hoc instruments that adopt diversity as a value to be protected beyond equality[14].At the level of states, however, there is still resistance to move away from notions of territorialized cultural belonging, despite

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(14) See for example the case of the European Union, which characteristically considers minority protection standards outside its remit of competences but who at the same time through the Charter of Fundamental Rights (legal enforceable through the Lisbon Treaty) contains Articles 21 and 22 on the prohibition of discrimination and on the respect of cultural, religious and linguistic diversities respectively). See additionally Palermo (2007).

multiple challenges posed today to state perceptions of cultural homogeneity (Quer and Memo 2012, p. 162).

The understanding of territory as a source of conflict is certainly not a novel one: Renner's attempt to de–securitize minority claims dates back to the mid–1920s (Renner 1924). His proposition to consider communities as entities defined around cultural and personal membership was aiming at deconstructing the myth of ethnically homogenous regions as a solution. Instead, through the combination of territorialized and non–territorialized tools, he devised a system where cultural needs are addressed through minority designated institutions to maximize the opportunities to protect their distinct cultural heritage beyond territorial concerns.

Transposing an analogous vision to contemporary realities demands a fundamental paradigm shift: states should abandon the exclusive role of guarantor of minority protection and assume that of coordinator of diversity within policy implementation (Quer and Memo 2012, p. 173). Culture and cultural difference, therefore, should not be excluded from state governance but rather negotiated within the confines of key constitutional principles such as equality, citizenship or the separating of the public and private spheres. Within a hyper–diverse world, the desire for identity preservation cannot be detached from emphasis on linguistic, cultural, historical and social practices but can only be governed (and understood) through means that are responsive to those needs.

Governance networks are useful to resolve impasses created by institutional arrangements that do not correspond to the needs of various stakeholders involved. Public–private partnerships as a model to address cultural diversity are not, however, a new phenomenon in governance[15]. These networks combine the rule–making power and capacities of states with non–state actors such as civil society institutions enjoying legitimacy on the ground joined often also by private entities (e.g. businesses) that drive the financial needs of the constellations (Huppe *et al.* 2012, p. 2). Assuming that minority cultural protection and promotion is considered as a public good, governance networks describe:

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(15) See for example a view from the US by Guo (2022).

(…) initiatives deliberately undertaken by governments to accomplish public goals (…). The ultimate goal of these efforts is to produce the maximum possible public value, greater than the sum of what each lone player could accomplish without collaboration. (Goldsmith and Eggers 2004, p. 8)

Moving beyond federal arrangements, reflexive governance strategies that move outside traditional government are characterized by "more or less stable patterns of social relations between mutually dependent actors, which cluster around policy problems, a policy programme, and/or a set of resources" (Klijn and Koppenjan 2015, p. 11). These collaborative governance networks of actors are constituted by a plurality of participants that do not steer policy from a single point but rather through the interaction of state and non–state actors. They additionally presume that local actors are better positioned to devise solutions and implement frameworks as governance that arises from the bottom–up (van Duijn and Yberma 2022, pp. 661–662).

Minority cultures, as a recognized public good, could be perceived as forms of institutional entrepreneurship that aim to expand (and protect) cultural diversity. Institutionalization projects of this kind are well under way in Western Europe, for instance in the field of education (Topidi 2023). Stakeholders within such networks include the state but allow local cultural organizations to partake in efforts to implement specific policy projects through constellations of "interdependent, but operationally autonomous agencies" (Sorensen and Torfing 2007, p. 9). Given how existing examples of minority cultural autonomy have been criticized for excessively centralized governance approaches, networked cultural autonomy could provide the space for minority cultural groups to self–organize within such initiatives and develop their agency through bottom–up processes in co–production with states.

For national minority actors and institutions, a network governance approach to cultural autonomy could constitute an alternative approach to enhance the public value of minority cultures and reinforce cultural vitality processes while responding to financial sustainability through an expanded stakeholder regime. Although network governance is not without challenges of coordination, it may suggest collaborative schemes

that allow both integration and differentiation at the same time, making them particularly relevant for cultural autonomy arrangements of minority groups. Within this type of arrangements, the state (as central governing unit) retains its power but leaves more room for the development of agency of minority culture actors. Based on decentralization efforts, network governance can offer opportunities for self–organization, without eliminating nevertheless the possibility of conflicts emerging between the different parties (van Duijn *et al.* 2022, p. 666). At the same time, as networks are not static, "reified" structures, they can adjust to the minority groups' policy needs as long as they are able to produce outcomes that reflect the intention and interests of the partners.

Built around social innovation, minority cultural governance can become more responsive to the needs of those cultural groups whose needs are not served due to state–centric approaches to diversity governance. They also offer the promise of more sustainable solutions for minority groups insofar as actors involved develop visions of policy that make sense to all, while stimulating the involvement of local minority communities that current territorial and non–territorial models of minority cultural arrangements fail to fully acknowledge.

7. Concluding Remarks

The contemporary practice of non–territorial autonomy suggests that Bauer and Renner's 19th century concept of *national cultural autonomy* may still be relevant today, subject to some actualization. With the exception of the field of education, where international law has established the right of minority groups to set their own private schools[16], most other aspects of cultural autonomy do not provide direct legal entitlements to the minority groups to self–regulate. Ideal forms of cultural autonomy, according to Yupsanis, thus presuppose an accumulation of features that emphasize self–identification of members as belonging to the group, minority group registers, cultural councils and

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(16) Minority Schools in Albania, Advisory Opinion, PCIJ (ser. A/B) no.64, at paragraph 79. For a more recent bilateral example see all the case of German language private schools in Southern Denmark operating on the basis of the 1955 Copenhagen Declaration and the Act on Free Schools (Bekendtgorelse af lov om friskoler og private grundskoler m.v. 2011).

self–governing bodies, state recognition of these bodies in public law terms, accompanied by collective rights awards, tax–raising capabilities and legislative powers in their fields and lastly continuous and steady state funding (Yupsanis 2019, p. 88).

More than that, the terms of existing minority–relevant cultural autonomy arrangements overemphasize the role and responsibility of minority groups in claiming agency while recalibrating the role of states as mere recipients of claims that concern financial support destined to sustain the cultural subsistence of the groups concerned (Garibova 2012, p. 106). Through complicated and often obscure legislative frameworks to that effect, the state has sustained a minimalist role in the protection and promotion of the cultural identity of minority groups. This role may require re–routing to more dialogical forms of cooperation between the state and cultural minority groups in order to enhance the possibilities for the latter to shape their cultural destinies.

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RATIONALES, CATEGORIES, SOLUTIONS, AND CONSTRAINTS IN THE MANAGEMENT OF LINGUISTIC DIVERSITY FROM LANGUAGE TO RELIGION … AND BACK?

Mattia Zeba

ABSTRACT: This paper offers a comprehensive examination of issues related to linguistic justice, minority language arrangements. It explores the underlying reasons for extending linguistic protections, encompassing both instrumental needs and identity–based arguments. It compares territorial and non–territorial approaches related to the implementation of minority language rights. It focuses on the evolving definitions of linguistic minorities, underlining emerging perspectives on self–identification, multilingual belongings and hybrid identities.

Against this conceptual background, the paper aims to draw parallels between linguistic and religious diversity, exploring similarities and differences in accommodating these domains and discussing the limits in the implementation of minority rights in both linguistic and religious contexts. For instance, as hybrid and multiple identities become increasingly prevalent with globalization and migration, accommodating these fluid identities poses ongoing challenges for autonomy regimes. Nevertheless, the integration of religious and linguistic studies offers an innovative framework for understanding these dynamics.

Ultimately, the paper underscores the need for nuanced, inclusive policies that accommodate linguistic and religious diversity while embracing sociocultural complexities. Achieving true equality in these domains may require rejecting rigid classifications in favor of adaptable solutions tailored to local contexts. The constant reevaluation of policies and the broadening notions of belonging offer a path towards inclusive societies that can effectively respect fundamental human rights and cultural freedoms.

Il presente articolo offre un esame approfondito delle questioni relative alla giustizia linguistica e alla tutela delle minoranze linguistiche, esplorando le motivazioni strumentali e identitarie alla base dell'estensione dei diritti linguistici, confrontando i concetti di territorialità e non–territorialità nella loro implementazione, e riflettendo sull'evoluzione della definizione di minoranza linguistica sullo sfondo di prospettive emergenti in termini di identificazione, appartenenza e identità.

Su questa base concettuale, l'articolo traccia quindi una serie di parallelismi tra diversità linguistica e religiosa, esplorando similitudini, differenze, limiti e sinergie nell'implementazione dei diritti delle minoranze sia in contesti linguistici sia religiosi. Ad esempio, se dinamiche migratorie e globalizzanti aumentano la presenza e rilevanza di identità ibride e multiple, accogliere queste fluidità di appartenenza pone sfide continue alla definizione e attuazione di regimi di autonomia. In questo contesto, l'integrazione degli studi religiosi e linguistici può offrire un quadro innovativo per la comprensione di queste dinamiche.

In definitiva, l'articolo evidenzia la necessità di politiche flessibili ed inclusive che accolgano la diversità linguistica e religiosa, abbracciando le relative complessità socioculturali. Il raggiungimento di una vera uguaglianza in questi ambiti può richiedere il superamento di classificazioni rigide a favore di soluzioni adattabili ai contesti locali. La costante rivalutazione delle misure messe in campo e l'ampliamento dei concetti e delle categorie usate nella loro implementazione possono offrire un percorso verso società più inclusive, capaci di rispettare efficacemente i diritti fondamentali e le libertà culturali.

Keywords: Language Rights, Minority Rights, Autonomy, Multilingualism, Hybridity.

Parole chiave: Diritti linguistici, Diritti delle minoranze, Autonomia, Multilinguismo, Ibridità.

Language lies at the heart of human culture, identity, and social interaction. However, this diversity has also long been a source of social friction, hierarchies, and marginalization when certain languages and their speaker communities have been privileged over others. In this socio–cultural and political context, the topic of linguistic justice – how societies can equitably recognize and accommodate multiple languages within their borders, and the debate about inclusive linguistic recognition through autonomy arrangements have gained extensive scholarly attention. They represent a crucial challenge for policymakers aiming to build inclusive societies that respect fundamental human rights and cultural freedoms.

This paper provides a comprehensive exploration of the key issues surrounding linguistic justice, linguistic minority arrangements and language rights. It first examines the underlying rationales that have been put forth for extending linguistic protections, encompassing both instrumental reasons focused on communication access as well as

identity–based arguments centered on human rights, dignity, and cultural belonging (why?). The paper then delves into the complex question of how linguistic justice can be operationalized through different policies and legal mechanisms. It compares the principles of territoriality (granting linguistic rules to defined geographic areas) and personality (allowing individual linguistic freedoms across locations), while recognizing these as idealized concepts that often intersect in real–world policies implemented at multiple scales of governance (how?). A central focus is how the very definitions of "minorities" and their associated linguistic rights continue to evolve with societal changes (who?). The paper explores emerging perspectives on principles like self–identification, hybrid identities, and inclusive approaches aimed at reconciling the claims of traditional minorities and immigrant communities, while also examining the political process of language standardization (what?).

The final aim of the paper is trying to draw parallels between the debates around linguistic diversity and those concerning the accommodation of religious diversity through the identification of similar and different rationales and mechanisms in how these domains have been addressed. By synthesizing the latest interdisciplinary academic discourse on these issues, this paper provides an overview and analysis of the complex considerations involved in recognizing and fostering linguistic and religious diversity in the modern, pluralistic societies shaped by globalized migration and evolving identities.

1. Why?

In a linguistically diverse environment, individuals must often select a language for interaction, a decision that tends to be asymmetrical, favoring one language over others. When this process becomes systematic, it can be likened to situations where members of a particular caste or gender consistently need to defer when encountering individuals from another group (Van Parijs 2011, p. 119). Hence, from a multicultural standpoint, linguistic justice entails safeguarding the linguistic rights of minority groups, ensuring their ability to use their language(s) in

the public sphere to counteract the injustice and inequality that would arise if they were compelled to adopt another language (Alcalde 2018, p. 70). But, why?

A preliminary question to the debate on linguistic justice is that pertaining the value of languages. Essentially, all scholars agree that languages hold significance to people due to their instrumental communicative value, facilitating access to democratic deliberation, mobility within or beyond a state, and enhanced socioeconomic opportunities (Barry 2001; Pogge 2003; Weinstock 2003). In addition, some authors have argued that languages also entail an identity–related value mainly associated with individual autonomy to cultural belonging and parity of esteem or dignity (Kymlicka 2001; Van Parijs 2011; De Schutter 2023)[1]. These two dimensions have been referred to, respectively, as instrumentalism and constitutivism (De Schutter 2007), or cost–benefit approach and rights–based approach (Reáume and Pinto 2012).

However, authors like De Schutter (2007) and Riera Gil (2016, p. 30), among others, have suggested a second dichotomy between monist approaches, "which reinforce the normative ideal of the convergence on a single common language within states (or sub–states)", and pluralist approaches, "based on the equal treatment (or recognition) of individuals as members of different language groups coexisting in a polity".

In fact, both instrumental and identity–related dimensions have been utilized within a monist approach to endorse monolingual policies and regimes. This includes favoring the exclusive use of the majority language (Barry 2011) or advocating for the division of the territory into monolingual autonomous units. For instance, Van Parijs (2011, p. 147) advocates a territorially differentiated coercive regime that would make it possible "for each local language to be and legitimately remain a *queen*, or at least a *princess*, within the linguistic borders assigned to it by the regime"[2]. In order to justify this preference

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(1) However, it is important to differentiate the identity–related value from the intrinsic value, which asserts that cultures or languages are *per se* morally valuable, despite and beyond the value(s) that members of specific cultural groups or speakers of specific languages may attach to them. Notwithstanding this further category, it has been noted that "the vast majority of existing political philosophies of linguistic justice do not rest on the idea of intrinsic value" (De Schutter and Robichaud 2015, p. 93; Musschenga 1998).

(2) Van Parijs prefers the term "princess" since he also advocates the use of English as a global *lingua franca*.

he describes a "kindness–driven agony" of weaker languages: if individuals have gained some degree of bilingualism, that is, "if they master the language they are addressed in, even if this language is dominant and a threat to their vernacular language, and even if they have *the right* to an interaction in their vernacular language, they will act nicely and switch to their second language" (De Schutter and Robichaud 2015, p. 102), even though this means reducing the need of learning and using the minority language. In other words, Van Parijs dismisses pluralist approaches since they will either be too demanding (if requiring widespread bilingualism) or inadequate to prevent the "kindness–driven agony" of local languages in private everyday interactions. Furthermore, Van Parijs rejects the idea of non–territorial autonomy (NTA)[3] because, in his opinion, linguistic communities would end up living "side by side in an apartheid–like set up, with separate schools, associations, and media" (Van Parijs 2011, p. 148). NTA would also hamper the development of a fair and cohesive society, since "each of the cohabiting political communities will have great difficulty articulating a coherent political vision of its future as countless space–related interdependencies will constantly force them to negotiate with each other" (Van Parijs 2011, p. 148). Finally, Van Parijs addresses language claims only of national/local minorities and ignores issues related to immigrant languages. Indeed, since the envisaged territorial differentiated coercive regime would have a global dimension, linguistic justice would be guaranteed by territorial reciprocity: "those who expect immigrants to adjust to their own language must simply accept that, if they were ever to settle in a territory, big or small, rich or poor, in which the immigrants' language operates as the official language, they will similarly adjust" (Van Parijs 2011, p. 149).

Monist views, such as that of Van Parijs, have been challenged by pluralist approaches supporting that "recognition of languages on the grounds of identity [...] should be egalitarian, so different languages merit recognition on both at the substate and state level". Pluralist views therefore advocate for institutional bi–/multilingualism at both state and substate level as a tool to address issues related to linguistic

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(3) See below a more detailed discussion on the differences between territorial autonomy (TA) and NTA.

mixture, that is, situations where "different language groups live intermingled, mainly because long–settled national minorities have survived the linguistic assimilation processes, but also because migrants have adopted the languages of host countries without abandoning their languages of origin" (Riera Gil 2016, p. 54). These instances "may imply significant levels of individual bilingualism in a *demos*, as well as the coexistence of individuals with different linguistic abilities and different patterns of linguistic identity" (Riera Gil 2016, p. 54).

Indeed, plurilingual individuals possess a unique linguistic configuration where multiple systems coexist and interact (Grojean 1989; García and Wei 2014). In this context, monolingual perspectives may lead bilingual individuals to underestimate their language abilities, potentially contributing to language loss (Winsler *et al.* 2014). Accordingly, the divide between monism and pluralism reflects another long–established dichotomy, that is that between *transparent* or *discrete* language ideologies and a *hybrid* language ideology (De Schutter 2007). Discreteness embraces the concept of well–defined linguistic structures and identities, characterized by monolingualism and distinct linguistic boundaries. Hybridity challenges this by recognizing the prevalence of bi– and multilingualism in our linguistic world, advocating for vague boundaries and linguistic pluralism. The normative conclusion drawn from this perspective leans toward language policies that respect hybrid linguistic identities, promoting plurilingual rights and shared public spaces.

The final goal of such policies is that of enabling minority language speakers not only to freely use their language, but also to preserve it. In this sense, the effective implementation of minority language policies through the recognition of language right helps the process of "language maintenance", understood as "the continuing use of a language in the face of competition from a regionally and socially powerful or numerically stronger language" (Mesthrie 1999, p. 42). Recognition and promotion of minority languages can thus prevent "language shift", that is, "the gradual replacement of one's main language or languages, often labelled L1, by another language, usually referred to as L2, in all spheres of usage" (Pauwels 2016, p. 18). While language shift typically unfolds gradually over a couple of generations, it has been demonstrated that "the shifting away from the L1 does not occur simultaneously

across all its uses or functions; rather, it gradually recedes across an increasing number of uses, functions and settings" (Pauwels 2016, p. 19), a process labelled as "language attrition" (Schmid 2011). The outcome of "language shift" is the definitive loss of a language, so that it is no longer spoken anywhere in the entire world — different terms are used such as "language death", "language loss" or "linguistic extinction". Instead, "linguicide" identifies those instances in which the death of a language is the result mostly of active breaches of fundamental human rights, although it can be caused also by a passive behaviour by public authorities (Skutnabb–Kangas and Phillipson 1996). Related to these processes, the term "linguicism" identifies a set of "ideologies, structures and practices which are used to legitimate, effectuate and reproduce an unequal division of power and resources (material and immaterial) between groups which are defined on the basis of language" (Philipson 1992, p. 47). Therefore, language shift is an intergenerational process that can conduct to language loss if not reversed with policies of language maintenance.

2. How and where?

Language rights have traditionally been implemented based on either the principle of personality or the principle of territoriality. In general terms, the former asserts that citizens should have the same set of (official) language rights regardless of their location within the country, while the latter suggests that language rights should vary from one region to another based on local conditions. However, different disciplines have adopted different approaches to this distinction.

According to the "stricter" approach commonly found in political philosophy, territoriality in language policy involves recognizing only one language within a specific region, while personality principle allows for the recognition of multiple languages within the same area, promoting institutional bilingualism or multilingualism. Conversely, according to the broader approach prevalent in comparative law and autonomy studies, territoriality denotes a set of language rules specific to a defined geographic area (either monolingual or multilingual)

determined by the governing authority of that territory. Meanwhile, implementing the personality principle means that language rights are tied to individuals, permitting them to exercise their linguistic choices regardless of their location within a jurisdiction. Essentially, both territoriality and personality concepts serve to measure the extent of individual linguistic freedoms within linguistic policies, irrespective of territorial organization, and to delineate various institutional models of linguistic governance in decentralized states (De Schutter 2008, Arraiza 2016). For this reason, it has been argued that the two idealized concepts of territoriality and personality are rarely encountered in their purest forms. This is because, in practice, monolingual and plurilingual regimes often intersect and intertwine in various ways (Riera Gil 2016).

Notwithstanding these conceptual issues, granting rights according to personality or territoriality often involves devolving powers or competences to a specific group or region, leading to a fundamental distinction between so–called "non–territorial" (NTA) and "territorial" autonomies (TA). Particularly in the realm of language, there exists a complex and mutually reinforcing relationship between autonomy regimes and linguistic groups. This is evident in the devolution of powers concerning language and education, including official language recognition, language standardization, the language of instruction, as well as the development of curriculum and syllabi, which become tools to shape identities within linguistic groups (Arraiza 2015).

Concerning the specific implementation of autonomy arrangements, TA, linked with the delegation of powers over language policy, undoubtedly provides a clear framework applicable to all residents of a specific sub–state entity. However, as previously mentioned, a strict implementation of the territoriality principle, especially in relation with minority languages, fails to account for instances of linguistic pluralism or hybridity such as when two or more ethnic groups lay claims to the same territory; multiple language groups coexist in a manner where delineating clear boundaries around monolingual communities is impractical; people with plurilingual repertoires and multicultural backgrounds do not identify exclusively with one group or another, etc. (Alcalde 2018). Additionally, NTA has been considered a tool to de–emphasize the identity claims of sub–state national groups, given its

perceived ability to accommodate ethnocultural diversity while reject-ing any endorsements of territorialized nationalist demands.

For a couple of decades, there has been therefore a resurgence of in-terest in NTA arrangements, precisely because they are seen as offering a diverse array of solutions that could transcend a purely geographical ap-proach to language rights. However, NTAs have also encountered some criticism. For instance, it has been claimed that the concept of non–terri-torial autonomy is, at best, a "bunch of ideas" (Osipov 2018, p. 624) com-pared between themselves as a tribute to a century–old "romantic vision of ethnicity and nationality" (Osipov 2018, p. 626), which is unaware of the real–life political apathy of most minority members[4]. Although it is not clear whether such disillusion stems from a deliberate underdevel-opment of NTAs' competences by the state or whether NTAs in gener-al are bound to be met with disenchantment by minority groups because of their structural limits, it seems however that the absence of a territori-al dimension ends up hampering the full development of an active and strong civil society. In fact, there have been doubts on the pragmatic va-lidity of the core feature of non–territorial arrangements, that is the al-leged overcoming of the territorial principle. It seems that the difference between territorial and non–territorial arrangements lies in what they tar-get, namely territories or groups, and not in how they are ultimately im-plemented. In other words, although minorities may be highly dispersed spatially, territory continues to matter. Firstly, non–territorial autonomy is at least confined into the territory of a state, thus having and implic-it territorial jurisdiction. Secondly, a given group may relate to the state simultaneously "as a territorial minority (in respect of the zone in which it is numerically dominant) and as a non–territorial one (in respect of its members who are dispersed elsewhere outside the core zone)" (Coakley 2016, pp. 180–181), with different claims and needs[5]. Thirdly, non–ter-

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(4)　For instance, in the case of the Sámi self–government in the Nordic countries, less than one third of the people eligible for voting actually registered as voters (Semb 2005; Stępień *et al.* 2015). Indeed, it seems that participation in the Sámi institutions was even declining in the last decade, since "it fell in Norway from 77,8% in 1989 to 66,9% in 2013, and in Sweden from 71,1% in 1993 to 54,4% in 2013", while "in Finland, the turnout was only 49,6% in the last elections in 2011" (Falch *et al.* 2016, p. 141).

(5)　As explained by Coakey (2016, pp. 180–181), "in such cases as Francophone Canada, for instance, the formula that suits those resident in Québec (territorial) is not likely to be op-timal for those resident in dispersed conditions outside Québec (non–territorial)".

ritorial government may be territorially restricted inside a specific territorial unit of a state, like the Brussels region in Belgium or the Sami areas in Norway. It seems therefore that "de–territorialisation" works more at a conceptual level, understating and hiding the always constant weight of territoriality, so that "NTA arrangements implicitly depend upon the recognition of territorial attachments of minorities, but once again subordinate them to *peace–and–stability* arguments that benefit the majority nation" (Nootens 2015, p. 50). In other words, non–territorial arrangements offer limited empowerment to minorities, resembling subsidiarity rather than full self–rule. This suggests that while non–territorial approaches may work in specific areas of interest, they cannot fully replace territorial autonomy. Additionally, in some cases, non–territorial governance may be designed to marginalize minority groups.

Instead, the management and recognition of linguistic diversity and plurilingual practices may point towards a process of rescaling of territoriality, meant as a "diversification and relocation of functions to different levels (sub–state, state, transnational, and supranational) and thus the reconstruction of territory at multiple scales" (Kössler 2015, p. 269). For instance, Grin has proposed a system of territorial multilingualism that grants rights to "old" and "new'"groups alike on the basis of their territorial presence in different layers of government. Essentially, given three languages (A — majority, B — "new" minority, C — "old" minority) and three tiers of government (national, provincial and local), Grin's system allows for a wide set of combinations: for instance, the basic version of territorial multilingualism will be characterised by the set of official languages {A, B (local); A, C (provincial); A, B, C (national)} (Grin 1995; Grin 2001). Similarly, Castaño Muñoz has proposed a system of territorial multilingualism based on the case of Catalonia: accordingly, "the inhabitants of a territory should know the minority language of that territory (e.g., Catalan) the "local" *lingua franca* (also understood as the majoritarian language, i.e., Spanish) and the global lingua franca as a third language, i.e., English" (Alcalde 2018, pp. 94–95). Furthermore, and with a supranational focus, Laitin has devised a system of territorial multilingualism for Europe drawn from the Indian model where everybody needs to learn English as a global *lingua franca*, together with the official language of the country of residence and the local language if one

lives inside a minority language regime: this will constitute "a new cultural form, not of a single language or single state but of a language repertoire which everybody shares and everybody understands" (Laitin 2013, p. 162). Although immigrant languages are not included in such a '2+/−1 language system, one may argue that the Indian 3+/−1 model (English, Hindi, state language, minority language) can be pursued also in Europe, thus recognising educational language rights (and possibly public use) also to new minorities.

In the end, it does not seem useful to defend a clear distinction between TAs and NTAs and the related principles of territoriality and personality. Since the territorial element is always present so that it is quite difficult to talk about a real process of "de–territorialisation", and since different arrangements are possible at different levels of government creating a differentiated sociolinguistic landscape, territorial and non–territorial solutions can be considered as two sides of the same coin. In this sense, rescaling territorial autonomy to a grassroots level may help eradicate the widespread view that territorial arrangements can set in motion "a slippery slope towards secession" (Palermo 2009, p. 659). Indeed, when TAs are implemented at sub–regional, if not at municipal level, such small units of government have less incentives to secede (if not none), while their competences are adjusted to their actual needs, thus avoiding over–concentration of power at a single level of government. In other words, "territorial division of power is in fact first and foremost an instrument of good governance […] actually created for this purpose and this function becomes even more relevant the more complex the society and thus more complex the administration" (Palermo 2009, pp. 660–661).

3. Who and when?

Generally considering the concept of "minority", the seminal definition of Capotorti still serves as a conceptual basis for the implementation of forms of minority language protection. In his view, "minority" is "a group numerically inferior to the rest of the population of a State, in a non–dominant position, whose members — being nationals of the State — possess ethnic, religious or linguistic characteristics differing

from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language" (Capotorti 1979, para 568). Notwithstanding the relevance of this definition, there have been attempts to adopt a broader approach. For instance, Toniatti has argued that "minorities as such do not exist" (Toniatti 1994, p. 283), rather there are bigger and smaller social groups with different identities. These groups may become "minorities" when they relate themselves with another group, which constitutes a "majority" on the basis of mainly (but not only) quantitative features.

In any case, it is well established that minorities can be identified by a set of objective criteria, among which language is often a prominent characteristic, distinguishing them from a dominant (in numerical and/or socio–political terms) "majority group". However, the mere existence of objective criteria is not enough to identify a group as a minority. Indeed, the recognition of minority status cannot be decided externally and solely by the state but should also be based both on a groups' "sense of solidarity, directed towards preserving their culture, traditions, religion or language" (Capotorti 1979, para 568), and on their members' sense of belonging to a different identity. Indeed, a minority can also be defined as "a group of people who freely associate for an established purpose where their shared desire differs from that expressed by majority rule" (Packer 1996, p. 123). This subjective criterion, called principle of self–identification, implies that individuals may or may not identify themselves as members of a minority and that the external imposition of the minority status must be avoided.

It has been argued that the principle of self–identification give rise to a right of self–identity (Craig 2016). Indeed, para 32 of the 1990 Document of the Copenhagen Meeting of the Conference on the Human Rights Dimension of the CSCS (OSCE) states that "to belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice". Similarly, art. 3(1) of the FCNM establishes that "every person belonging to a national minority shall have the right to freely choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice".

However, since the right of self–identity "does not imply a right for an individual to choose arbitrarily to belong to any national minority, the individual's subjective choice is inseparably linked to objective criteria relevant to the person's identity" (Council of Europe 1995, para 35). Although the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC 2016, para 10) pointed out that "a person's free self–identification may only be questioned in rare cases, such as when it is not based on good faith"[6], the State practically still retains a significant margin of appreciation in disputing or denying minority affiliation, and thus in recognising minority status. Indeed, as stated by the European Court of Human Rights in *Ciubotaru v. Moldova* (ECtHR 2010, para 57), "it should be open to the authorities to refuse a claim to be officially recorded as belonging to a particular ethnicity where such a claim is based on purely subjective and unsubstantiated grounds"[7]. Against this margin, the ACFC has stressed that objective criteria "must not be defined or construed in such a way as to limit arbitrarily the possibility of such recognition, and that the views of persons belonging to the group concerned should be taken into account by the authorities when conducting their own analysis as to the fulfilment of objective criteria" (ACFC 2014b, para 28).

Furthermore, the recognition of principle of self–identification and the right of self–identity also implies that individuals may show a sense of belonging to multiple identities: indeed, cultures can be seen as objects of choice including "the additional options of multiple

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(6) Abuses of the right of self–identity arise especially when a specific ethnic affiliation implies electoral or other advantages. For instance, in its Third Opinion of Bosnia and Herzegovina, the ACFC (2014a, para 151) reported that "some political parties have taken advantage of two factors in particular — first, that candidates of national minorities require fewer signatures for their candidacy to be validated than do others, and second, that nothing prevents an individual from changing their declared ethnic affiliation from one election to the next — in order to include candidates on their lists who claim to belong to a national minority (and may thus be elected to seats reserved for national minorities) but are not recognised as such by national minorities themselves".

(7) However, in his concurring opinion, Judge Mijović stated that "while the majority concentrated on the requirements of Moldovan law that made it impossible for the applicant to adduce any evidence in support of his claim, in my personal opinion a violation should have been based on the authorities' refusal to uphold the applicant's request to change the records in such a way as to reflect his own perception of his ethnic identity", since "I consider self–identification primarily as a matter of personal perception rather than a matter based on objective grounds" (ECtHR 2010, pp. 17–18).

membership and toleration of syncretic and hybrid practices that mix elements from different cultures" (Bauböck 1996, p. 209) in either a successive, cumulative or continuous relation[8]. With regard in particular to language, Extra and Gorter(2007, p. 19) argued that post–modern phenomena "have led to the development of concepts such as a transnational citizenship and transnational multiple identities", something that "not only occurs among the traditional inhabitants of European nation–states but also among newcomers and IM [immigrant] groups in Europe"[9].

This cosmopolitan approach has been endorsed by the ACFC (2012, para 18) with regard in particular to language: indeed, "a person may also identify himself or herself in different ways for different purposes, depending on the relevance of identification for him or for her in a particular situation"; in addition, "a person may claim linguistic rights with regard to several minority languages, as long as the relevant conditions, such as demand and/or traditional residence, contained in the respective articles of the Framework Convention are fulfilled". Similarly, although with an even more fluid approach, the Ljubljana Guidelines on Integration of Diverse Societies state that "individual identities can be and in fact increasingly are *multiple* (a sense of having several horizontal identities; for instance, belonging to more than one ethnicity), *multi–layered* (various identities coexist and overlap in the same person, such as ethnic, religious, linguistic, gender, professional and the like), *contextual* (the context might determine which identity is more prominent at a given moment) and *dynamic* (the content of each identity and the attachment of individuals to it is changing over time)" (OSCE HCNM 2012, p. 14). In fact, as stated by the ACFC (2012, para 13)

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(8) Waldron (1992, pp. 781–782) refers to such a multiplicity as the "cosmopolitan alternative'" which questions "first, the assumption that the social world divides up neatly into particular distinct cultures, one to every community, and, secondly, the assumption that what everyone needs is just one of these entities–a single, coherent culture–to give shape and meaning to his life".

(9) This process of "multiplication of identities" has been also recognised in other disciplines, as for instance in language studies: in fact, "with increasing international mobility, the sharp distinction between immigrant and other languages is becoming more difficult to maintain, and research is slowly shifting from the study of the value of "immigrant language skills" or "foreign language skills" to the study of the value of "multilingual skills" (Grin 2017, p. 116).

"language, like identity, is not static but evolves throughout a person's life"; for this reason, "the full and effective guarantee of the right to use one's (minority) language(s) implies that authorities allow free identification of persons through language, and abstain from constraining personal identities into rigid language categories". This means that "inclusive language policies should cater for the needs of everybody, including persons belonging to national minorities living outside their traditional areas of settlement, immigrants and non–citizens" (ACFC 2012, para 33).

Nevertheless, it has been argued that there is often still a perceived hierarchy between historical "old" minorities and immigrant "new" minorities, in particular with regard to cultural and linguistic autonomy. Kymlicka (1995) suggests that if migration is voluntary, it affects the claims immigrants can make in the receiving society. Specifically, they may only be entitled to polyethnic rights, protecting specific cultural and religious practices, but not necessarily language rights. In a similar vein, Patten (2006) argues that insisting on immigrants relinquishing claims to official status for their languages may be necessary to safeguard democratic governance and language maintenance. He suggests that officially recognizing every immigrant language, along with those of established groups, could undermine democratic self–government. For this reason, "established members of a community (members of "national groups") have priority over immigrants in claiming official language rights precisely because they are *established*" (Patten 2006, p. 113). This distinction is very present both at local and at supranational level: for instance, with regard to the EU, "whereas the national languages of the EU with English increasingly on top are celebrated most at the EU level, RM [regional or minority] languages are celebrated less and IM [immigrant] languages least" (Extra 2017, p. 332).

However, it has also been claimed that "to the extent that immigrants are worse off than (most) others in their destination society, this is likely to be unfair, even assuming that they are fully responsible for the decision to migrate" (Holtug 2017, p. 134). Furthermore, public authorities are not bound to recognise as official every minority, historical, national or immigrant language, but they can apply "the widely accepted principle in international law of *where numbers warrant*" (May

2017, p. 41)[10], thus granting language rights depending on how many members of a given language group are present in a given administrative unit (country, area, region, municipality, etc.). Finally, with regard to the priority given to established groups, Heim (2016, p. 219) has argued that "history and territory describe best how certain groups have achieved their status, but they are not decisive for the question as to which group *should* enjoy how many rights". Indeed, while subjective criteria are an unchallenged requirement in the recognition of "old" and "new" minorities alike, history and territory as objective criteria are being deemed insufficient to respond to the challenges of a more and more diverse society. This does not by any means mean that they are not useful criteria. However, they can be combined with other factors to achieve a fairer account of group rights. For instance, Heim uses the case of Chinese speakers in Canada to claim that immigrants "should be granted more rights if they a) *deserve* it based on their substantial contributions to a public good, e.g. serving national armed forces; b) have *participated* in democratic or social processes of the host society, e.g. by fostering trade relations with the homeland; or c) share characteristics of *need*, e.g. socio–economic disadvantage and marginalisation" (Heim 2016, p. 225).

Although these approaches have still to be followed by a wider and possibly interdisciplinary debate, they show a more inclusive understanding of language rights based on a definite set of criteria, which still leaves to public authorities a residual margin of appreciation. The definition of minority has never been univocal and universal, so much so that scholars like Medda–Windischer (2015, p. 25) called for "an inclusive approach based on a common and broad definition of minorities". This would "reconcile the claims of historical minorities and of new groups originating from migration", thus assuming, as underlined before, that "policies that accommodate traditional minorities and migrants are allies in the pursuit of a pluralist and tolerant society" (Medda–Windischer 2017, p. 26). Although it would be unfeasible to grant protection to each and every language spoken in a given country,

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(10) For instance, "The *European Charter*, and the *Framework Convention* use formulations such as *in substantial numbers* or *pupils who so wish in a number considered sufficient*' or *if the number of users of a regional or minority language justifies it*" (Stutnabb–Kangas 2007, p. 378).

states have to take this evolution of the "minority" category into account, allowing for the inclusion of "new languages", for multiple affiliation, and for a general process of un–labelling that will shift the concern from definitions to the actual implementation of a more inclusive language policy. As stated by the Venice Commission, "bearing in mind the failed attempts so far to come up with a common definition of the term "minority" capable of mustering wide State support both at European and international levels, [...] attention should be shifted from the definition issue to the need for an unimpeded exercise of minority rights in practice" (Venice Commission 2007, p. 38). In line with this inclusive evolution, de Varennes has provided a new clear working definition of the concept of minority: "an ethnic, religious or linguistic minority is any group of persons that constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status" (UNHRC 2020, para 70).

4. What?

Language is characterized by the presence of variations, which can be either social or geographical in nature. Social groups, regardless of their size, tend to develop distinct speech patterns that differentiate them from other social entities (Hallen and Linn 1984). Additionally, nearly every language exhibits geographic variations or dialects. However, the concept of languages as distinct and separate systems with well–defined boundaries is closely tied to the nation–building processes, particularly evident in Europe. As illustrated by Wright (2015), during the early modern period, the majority of Europeans communicated using languages that fell within dialect continua such as Romance, Germanic, and Slavic. Accordingly, the linguistic landscape of that time "is best described as overlapping isoglosses with no clear linguistic demarcation lines on the continuum" (Wright 2015, p. 115). Eventually, linguistic demarcation lines began to emerge with the process of *Ausbau*, as

described by Kloss (1967), that is the codification and standardization of national languages, aiming for both maximum linguistic convergence within the national group and maximum differentiation from neighboring national groups (Milroy and Milroy 1985).

Hence, while the distinction between "language" and "dialect" is inherently relative (Bloomfield 1933; Haugen 1966), while the reclassification of "dialects" as "languages" and the consequent process of standardization can be primarily viewed as a political decision. As famously said, "a language is a dialect with an army and a navy" (Weinreich 1945; Maxwell 2018). Additionally, standardisation is often driven by instrumental economic reasons: "just as the proliferation of varying coinages or weights and measures is dysfunctional, so a proliferation of different forms of the language would be highly undesirable in a society that requires widespread communications" (Milroy 2006, p. 134).

In socio–linguistic terms, standardization is described as "the process of one variety of a language becoming widely accepted throughout the speech community as a supradialect norm — the "best" form of the language — rated above regional and social dialects, although these may be felt to be appropriate in some domains" (Ferguson 1996, p. 189). Consequently, standardized languages, though criticized as "unnatural" and "pathological in their lack of diversity" (Hudson 1980, p. 34), are considered "superordinate language varieties representing in one way or another correct or prestigious linguistic usage" (Van Wyk 1992, p. 25). Milroy and Milroy (1985) outline seven stages of standardization, which are not necessarily sequential: selection, acceptance, diffusion, maintenance, elaboration of function, codification, and prescription. Each stage may involve different actors in society, influencing the outcome of the process in different ways. For example, the involvement of external actors or experts may hinder acceptance by native speakers as the end–product may feel like a "foreign invention" (Jones 1995). Finally, standardization impacts various language features at different stages, including grammar, spelling, word choice, pronunciation, and script.

However, it would be inaccurate to view "standards" as a languages' final state. Instead, standardization is an ongoing process where linguistic uniformity is never fully achieved: indeed, "the standard variety will contain its own variations, both synchronically and diachronically"

(Pillière and Lewis 2018, para 24) while "it seems appropriate to speak more abstractly of standardization as an ideology, and a standard language as an idea in the mind rather than a reality — a set of abstract norms to which actual usage may conform to a greater or lesser extent" (Milroy and Milroy 1985, p. 19). Furthermore, standard languages are primarily written languages (Slaughter 1982), underscoring their association with the nation–building process. There appears to be an inseparable connection between written language and nationalism, as illustrated by Anderson's contentious theory of print capitalism (Anderson 1983).

The standardization process may offer significant advantages to a language community. Instrumentally, it provides a common set of linguistic norms that streamline communication among a wider range of users. For example, a "standard language" is more suitable for mainstream education as it reduces the costs associated with training teaching staff and developing educational materials by broadening the target audience. Additionally, standardization may serve identity–related purposes as it may serve to reflect and symbolize various forms of identity (regional, social, ethnic, or religious), as well as to confer prestige upon speakers, differentiating those who use it from those who do not — namely "dialect speakers" (Wardhaugh 2006).

For these reasons, standardization becomes crucial in the process of recognition, protection and promotion of minority languages (Jones 1995). Indeed, Costa *et al.* (2017, p. 11) note that "a prescriptive standard, frequently in conjunction with some degree of legal recognition, is often the weapon of choice in struggles to resist minority status and marginalisation". The recognition of minority language rights may involve measures like minority language education, increased use of the minority language in public administration, and the establishment of minority language media. Consequently, language policies implemented in these realms facilitate language standardization by consolidating a larger user base. Conversely, Wright suggests that "where we find acceptance of linguistic variation among the component parts of a group perceived as a minority, we will mostly find that speakers have minimal language rights" (Wright 2018, p. 648). In essence, the implementation of minority language rights may both require and facilitate the

process of language standardization. More contentiously, Jones speculates that broader nation–building processes may incite smaller acts of minority resistance through standardization: "engulfed by the language of another country, the variety spoken by the minority speech community has a better chance of surviving if it can be perceived by its speakers as being on a par with that of the larger speech community in terms of its functional domains" (Jones 1995, p. 424).

5. From language to religion …

After having analyzed the different stages involved in recognizing and promoting linguistic diversity, along with the specific constraints related to its categorization and the implementation of autonomy measures, it is now feasible to identify common issues and significant differences in the parallel and complementary efforts towards recognizing and promoting religious diversity. The aim of this comparison is to briefly identify potential synergies and overlooked limits in current pluralist approaches, while indicating fault lines from which to initiate a path of inclusion.

With regard to the debate about linguistic justice and its relationship with cultural justice (including religion and religious denominations), most authors build their comparison on a common postulate, namely that "religious secularization" is possible while "linguistic secularization" is not, since language cannot be separated by the state.

It seems indeed impossible to avoid choosing one or more languages as official languages in a given territory, this due to the need of ensuring the effective functioning of all public socio–political institutions — from parliaments to public schools, from courts to public media. Actually, the recognition of linguistic diversity through the establishment of official languages is by itself a means to restore linguistic imbalances, promote minority languages and thus contribute to the process of language maintenance. Especially where linguistic minorities are territorialized, the recognition of minority languages as co–official languages in specific territories has in some instances significantly helped language revitalization (Gorter *et al.* 2012) — although potential successes

seem to depend on the actual implementation of solid and effective language policies rather than strictly and solely on the process of formal recognition (Zeba 2022).

However, this process of linguistic recognition and inclusion is limited by both ideological and functional/technical issues related to the management of linguistic diversity, thus actually resulting in a situation of *oligolingualism* (Blommaert 1996) — that is, the reduction of "the number of (societally, and thus economically, valuable) languages in use" (Blommaert *et al.* 2012, p. 6) in a specific territory. On the one hand, political institutions at all levels often adhere to a *monoglossic* and/or *transparent* language ideologies according to which different languages are separate entities in the individual's linguistic repertoire and they should also be used separately (Nanz 2007; De Schutter 2007), thus contributing to "clusters of monolingual–dominant, monolingual–minoritized publics" (Strani 2020, p. 25) with exclusionary effects. On the other hand, although it has been argued that "elites, media, and multilingual citizens can do the job of translating political opinions voiced in other languages when only a few languages are recognized" (Boucher 2023, p. 634), nevertheless, the management of multilingual communication through translation and interpretation with or without the use of automated language tools encounters functional and technological limits due to factors like the use of pivot languages, the lack of corpora in specific languages, underdeveloped algorithms, and the increasing use of English as a *lingua franca* (Bragg *et al.* 2019; Leal 2022; Zou *et al.* 2022; De Camillis *et al.* 2023).

On the contrary, it has been argued that state neutrality in respect of religion is much more achievable, at least in terms of official public recognition. In fact, full "religious neutrality" is less practical than it appears. Firstly, as pointed out by Brubaker (2015, p. 8; Alba 2005), "one can easily identify pervasive traces of Christianity in the public life of western liberal democracies: the reckoning of dates according to the Christian calendar, the organisation of holidays or the privileging of Sunday as a day of rest". Secondly, as argued by Boucher (2023, p. 632), courts "can hardly avoid operating with an official legal conception of what religion is in order to adjudicate claims for religious accommodation (or for establishment/disestablishment)", a situation that

can easily create imbalances by giving states "some leeway to circumvent well–institutionalised norms of free exercise and non–discrimination" (Brubaker 2015, p. 9). Indeed, any society is embedded into sociocultural dynamics that have been diachronically influenced by different religious traditions. This can lead to structural forms of indirect discrimination when, for instance, certain religious activities are hindered by the weekly, monthly or yearly predetermined schedules according to common practices resulted from historical religious prescriptions.

With regard to the reasons underlying the implementation of systems of linguistic and religious protection, it is clear that both religion and language hold an identity–related value, since they can both be used as cultural markers. Instead, it seems that only language entails a clear instrumental dimension related to its role as communicative means. However, it is important to stress that some authors have — contentiously — argued also in favor of an instrumental value of religions, which can serve, first, "as the sources of moral understanding without which any majoritarian system can deteriorate into simple tyranny, and, second, they can mediate between the citizen and the apparatus of government, providing an independent moral voice" (Carter 1993, pp. 36–37; Sapir 1999; Malik 2011). Notwithstanding these views, the main difference between religion and language emerges if the identity–related dimension is approached beyond monist perspectives with a hybrid language ideology. Indeed, while individuals can identify themselves with a language and with multiple different languages at the same time and/or in combination, this is less so in regard to religion, at least in present times. Linguistic identities are becoming more and more hybrid, fluid, multiple, contextual, multilayered and dynamic, and this process is fostered by migratory flows contributing to contexts of "linguistic superdiversity" in which language contact between different groups is a daily event, while practices of code–switching and translanguaging are quite common (Wei and Wu 2009; Creese and Blackledge 2010; García and Wei 2014; Albirini and Chakrani 2017; Chini 2018; Lantto 2018). On the contrary, multiple religious belonging and religious hybridity (Cornille 2021; Jones 2022) are still quite contentious concepts even beyond the "hard–line" view of total commitment to just one religion (Cornille 2002), although this is lees

the case outside Europe (Engler 2009). Specifically, authors like Diller (2016) and Bruce (2017) have pointed out that multiple religious belonging may encompass in reality several different practices:

– Proper multiple religious belonging, identifying the rare situation in which an individual is an "observant" member of more than one religion;
– Universalistic re–interpretation of multiple religions, by ignoring incompatible differences among the professed religions;
– Multiple religious association, especially common in inter–faith marriages;
– Multiple religious interest in more than one religion;
– Ancillary religious respect in another religion;
– Secular respect for all religions, meant as the secular practice of trying to treat different religions with equal respect.

Nevertheless, the "modern" development of both linguistic and religious hybridity, or better its re–discovery and multiplication, is strictly connected with the need of implementing positive measures — e.g. through autonomy arrangements — to ensure equality between different language and religious communities. As argued by Brubaker (2015, p. 8; Gal 1989; Wimmer 2013), "large–scale political, economic and cultural processes have transformed *latent* into *manifest* heterogeneity", since the issue of "difference and inequality — of inequality linked to forms of cultural difference — comes into being only when different languages and different religions are brought into regular and intensive relations with one another under the same political roof, and when the tightly integrated nation–state emerges as the dominant model of political organisation".

Accordingly, it has long been discussed how to accommodate linguistic and religious diversity through different systems of TA and NTA (Malloy and Palermo 2015; Coakley 2017). Ruiz Vieytez (2021, p. 6) offers a clear summary of the discussion around which form of autonomy is most used for either religious or linguistic communities: "territorial self–government and recognition of official status are much more closely linked to linguistic diversity than to religious diversity,

whereas consociationalism and power–sharing instruments operate in the reverse way", although "there are some examples of territorial self–government of religious differentiation and of the official status of religions or churches, just like some isolated examples can be found of personal autonomies or consociational arrangements with a predominantly linguistic basis".

Beyond this well–established debate, there are at least a couple of issues that may be interesting to discuss in the comparison between the recognition of linguistic and religious forms of autonomy: namely, criteria of entitlement and the accommodation of potentially increasing forms of hybridity.

Before entering these considerations, it is however important to circumscribe the scope of this discussion. Considering the contentious nature of religious autonomy and partially also of some forms of linguistic autonomy, especially if understood as coercive systems, it may be safer to focus on so–called weak or moderate establishments. Recent debates in political philosophy have indeed draw a distinction between illiberal and liberal forms of religious establishment (Ahdar and Leigh 2005; Modood 2010; Bonotti 2012; Laborde 2013; Seglow 2017), among which weak or moderate establishments may give "special rights or benefits to the adherents of the established religion, including, for instance, providing financial support to the established religion, allowing religious instruction in public schools, or granting political or legal powers to religious authorities" (Bardon 2022, p. 256).

With regard to criteria of entitlement to forms of autonomy, it seems that both religious and linguistic autonomies exhibit an overreliance on historicity and citizenship — often coupled with territoriality in the case of linguistic claims (Sloboda 2016). Indeed, many states have adopted temporal criteria to restrict minority rights to national "traditional" autochthonous groups. For instance, Hungary and Poland use a very debated time requirement of 100 years, something that prevents some groups such as the Polish Greek diaspora to gain recognition as a minority. In this regard the Venice Commission (2022, p. 9) stated that "the criterion of three generations has been found to be more suitable than the very restrictive criterion of 100 years". Other states still rely in temporal criteria though with a much fuzzier approach. For

example, according to Danish authorities, "the distinctive mark of a national minority is that it is a minority population group which above all has historical, long–term and lasting links to the country in question — in contrast to refugee and immigrant groups in general" (ACFC 2019, p. 4). Given this definition, Denmark refuses to recognise Roma as national minorities because they "have no historical or long–term and unbroken association with Denmark, but consist partly of immigrants and partly of refugees" (ACFC 2004, p. 10). Actually, it has been argued that this inaccessibility is less strong for religious establishments: "established regimes of equal linguistic treatment are not "joinable" by new, immigration–generated languages, while established regimes of religious parity are joinable — albeit not easily or automatically so — by immigrant religions" (Brubaker 2015, p. 11; Brubaker 2013). However, there are cases in which also weaker forms of religious establishment have been denied to immigrant groups, especially in the case of Muslims (Alicino 2022). Therefore, it needs to be further evaluated how the protection of linguistic and religious diversity can be effectively disentangled from excessively restrictive criteria such as historicity and citizenship. This would provide a fertile ground for the development of a more inclusive approach to cultural diversity that would benefit both domains.

With regard to increasing forms of linguistic and potentially religious hybridity resulting specifically from international migratory phenomena, it needs to be discussed how linguistic and religious claims coming from these instances can be effectively addressed by autonomy systems that too often rely on a precise identification of what constitutes a specific language or religion. However, the fields of linguistics and education have paved the way for inclusivity. Through theoretical and empirical studies, scholars have emphasized the beneficial effects of incorporating non–standard dialects, along with minority languages, in educational settings (Siegel 1999; Papapavlou and Pavlou 2007; Tegegne 2015; Leonardi 2016). There exists a longstanding tradition in certain countries where sociolinguists and dialectologists work to provide teachers with contrastive analyses of various dialects. This effort is often driven by the belief that such analyses can help educators differentiate genuine errors from instances of language transfer, while

also teaching students about the systematic differences between dialects and the standard language (Cheshire 2007). Moreover, integrating dialects into institutional contexts can validate linguistic diversity, countering the homogenizing tendencies of standardization. This approach places speakers at the forefront of language policies. In fact, understanding standardization processes and linguistic variation doesn't merely involve formalizing a specific variant; rather, it involves legitimizing diversity and hybridity. As argued by Wright, "we should understand language not as a fixed and stable structure (de Saussure's *langue*), but rather focus on communication as a messy human behaviour that adapts and flexes with new pressures, reflecting identity and helping create it (de Saussure's *parole*)" (Wright 2018, pp. 651–652). Instead, due in part to the fact that religious hybridity in its stronger form is still an rare event at least in Europe, it remains to be seen how religious establishments can approach such variation in a meaningful and effective way beyond pure tolerance.

6. … and back: concluding remarks

The question of how to best recognize and accommodate linguistic diversity remains a complex and multifaceted issue. This paper has explored several key dimensions of the debate around linguistic justice – the underlying rationales, the mechanisms and scales of implementation, the evolving definitions of minorities and their linguistic rights, the processes of standardization, and the parallels with religious diversity. While religious diversity allows for greater state neutrality in theory, in practice both linguistic and religious policies must navigate deeply rooted sociocultural realities. Criteria like historicity and territoriality that constrain minority rights affect both domains. As hybrid and multiple linguistic/religious identities proliferate with increased migration, accommodating these fluid identities will likely prove an ongoing challenge for autonomy regimes.

In this regard, combining religious and linguistic studies may offer innovative framework of understanding that may help grasp ongoing dynamics. Specifically, as the debate about linguistic justice has

been extended to religion in a comparative perspective, similarly the discourse on Multiple Religious Belonging (MRB) may contribute to a more effective comprehension of post–modern linguistic environments and the resulting multilayered hybrid repertoires. For instance, resorting to MRB concepts may offer a categorising framework for all those different combinations of multilingual identities encompassing plurilingual repertoires ranging from local dialects to global *lingue franche.*

Ultimately, this analysis highlights the need for nuanced, inclusive policies aimed at accommodating both linguistic and religious diversity by providing substantive rights while embracing sociocultural complexities Given the fundamental yet evolving nature of identities, achieving true equality in the linguistic and religious domain may require rejecting rigid classifications in favor of adaptable solutions attentive to local contexts. While clear answers remain elusive, a willingness to continually reevaluate policies and broaden notions of belonging offers a path forward.

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AUTONOMY AND PROMOTION OF RELIGIOUS MINORITIES' RIGHTS
A HISTORICAL-LEGAL PERSPECTIVE

Rossella Bottoni

Abstract: This paper focuses on the relationship between autonomy and promotion of religious minorities' rights, by examining the main models of autonomy developed in the past and in the present in the European space and on the southern shore of the Mediterranean Sea and the extent to which they have promoted the rights of religious minorities. It also aims to highlight the differences among such models *vis–à–vis* the preferences and needs manifested by some religious minorities.

Questo contributo si concentra sul rapporto tra autonomia e promozione dei diritti delle minoranze religiose, esaminando i principali modelli di autonomia sviluppati nel passato e nell'età contemporanea nello spazio europeo e sulla sponda sud del Mediterraneo, e la misura in cui essi hanno promosso tali diritti. Inoltre mette in luce le differenze tra tali modelli rispetto alle preferenze e bisogni manifestati dalle minoranze religiose esaminate in questo studio.

Keywords: Religious minorities, Autonomy, Promotion of rights, Ottoman Empire, Contemporary Europe, Southern shore of the Mediterranean Sea

Parole chiave: Minoranze religiose, Autonomia, Promozione dei diritti, Impero ottomano, Europa contemporanea, Sponda sud del Mediterraneo

1. Scope and definitional issues

This essay aims at addressing the following issues: what forms of autonomy were recognized in the past and are recognized today to religious minorities (RMs)? Do these forms meet RMs' needs and actually

459

promote their rights? From the RMs' point of view, are some forms of autonomy more important than others? Does the diversity among RMs influence the type of autonomy they claim? These issues will be addressed by examining the Ottoman Empire, as an historical example, and the space of the Council of Europe and some countries on the southern shore of the Mediterranean Sea, as contemporary experiences.

There is a lot of debate on the notion of "minority" (see inter alia Ferrari 2020). For present purposes, this essay will use the definition elaborated by the *Atlas of Religious or Belief Minority Rights,* according to which a religious (or belief) minority "is a group of people gathered in common membership who represent less than half of the population of a State and who are bound together by the intent to preserve and advance their religion or belief"[1]. This definition relies on the indications offered by UN bodies and experts on this matter. A report of 2019 stated that the Special Rapporteur on minority issues would use and promote the following concept of a minority, both within the United Nations and in carrying out his activities:

> An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status (Special Rapporteur on minority issues 2019, para. 53).

The notion of religious minority has been addressed inter alia by the Recommendations of the Forum on Minority Issues at its sixth session held on 26 and 27 November 2013:

> The term "religious minorities" as used in the present document therefore encompasses a broad range of religious or belief communities, traditional and non–traditional, whether recognized by the State or not, including more recently established faith or belief groups, and large and small communities, that seek protection of their rights under

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(1) See https://atlasminorityrights.eu/about/Methodology.php#.

minority rights standards. Non–believers, atheists or agnostics may also face challenges and discrimination and require protection of their rights. Attention should likewise be given to the situation of religious minorities where they form the minority in a particular region or locality, but not in the country as a whole (Forum on Minority Issues 2013, para. 8).

2. A historical model of autonomy: the Ottoman millet system

In the Ottoman Empire — as it happened in the past in Europe (Ruffini 1974, pp. 33–63; Bottoni and Cianitto 2022) — individuals belonging to a RM did not have the same rights as the members of the majority religion. However, as collective entities, RMs enjoyed a great autonomy under a legal regime, which has become known in history as the *millet* system[2].

Its origins date back to 1453, when Mehmed II, the Conqueror of Constantinople, granted wide civil and religious powers to the Ecumenical Patriarch Gennadios II. This decision was probably grounded on a number of reasons: the respect for Islamic rules[3]; political considerations on the objective difficulty to rule directly populations with very different languages, usages and customs; the opportunity to continue the policy implemented in the provinces previously conquered; the need to repopulate the sieged city (Ubicini and Pavet de Courteille 1876, p. 186; van den Steen de Jehay 1906, pp. 21–22; İnalcık 1998,

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(2) *Millet* is the Turkish form of the Arabic word *milla,* originally meaning "religion", "religious community" and "nation". In literature, it is generally used to indicate non–Muslim communities within the Ottoman Empire. However, at least until the beginning of the 19th century, it also meant "religious community" in the broadest sense, and indicated Christian communities outside the Ottoman Empire as well as the Ottoman Muslim community. For a more detailed treatment, see *The Encyclopaedia of Islam* 2002, under *millet; İslâm Ansiklopedisi* 1940–1988, under *millet,* p. 317; Zekiyan 2007; Quer 2010.

(3) As known, in Islam there is a distinction between believers and non–believers, and the latter are further distinguished between the "People of the Book" and the others. In the Islamic perspective, the Jews, the Christians and, in some traditions, the Zoroastrians are not equal before the law but, unlike the other non–believers, they can obtain the status of "protected" (*dhimmi* in Arabic, *zimmi* in Turkish), because they have received the divine revelation through a holy book. This revelation is regarded as having been corrupted, but nevertheless as coming from God. The status of *dhimmi/zimmi* implies the guarantee of the right to stay in the Muslim territory and to security of life under the payment of a personal tax (*jizya* in Arabic, *cizye* in Turkish). See Miccichè 2024, pp. 18–33; Al– Qattan 1999; Grignaschi 1984.

pp. 197 and 204; Papadopoulos 1924, pp. 80–82). The community governed by the Ecumenical Patriarch was called *Rum Milleti*[4], and it was composed by all Orthodox Christians: not only Greeks, but also Serbs, Bulgarians, Bosnians, Romanians and Albanians, without any distinction as to languages or ethnic groups (Ubicini 1855, p. IX). Gregorian Armenians — members of one of the six Oriental Orthodox Churches accepting only the first three ecumenical councils and rejecting the Christological doctrine approved by the fourth ecumenical council, held in 451 in Chalcedon[5] — did not recognize the Ecumenical Patriarch's authority and obtained the establishment of their own separate community (*Ermeni Milleti*) in 1461, under the rule of the Armenian Patriarch. This was an interesting development, justified by the need to address the problem of "minorities within a minority", which was recurrent in Ottoman history and is a topical problem, too, as we shall see. The *Ermeni Milleti* came to include all non–Eastern Orthodox Christians, such as Nestorians, Chaldeans and Armenian Catholics (Ubicini and Pavet de Courteille 1876, p. 187; van den Steen de Jehay 1906, p. 92). About twenty years later, the Jewish community (*Yahudi Milleti*) was established, as well (Ubicini 1853–1854, pp. 367 and 375; Ubicini and Pavet de Courteille 1876, p. 205).

Each *millet* was governed — under Ottoman supervision — by a patriarch or a rabbi, entitled with both civil and religious powers, and — unlike their counterparts in European countries — regarded as public officials. They were elected or appointed by the *millet* itself and

(4) *Rum* is the Ottoman form of ΡΩΜΑΙΟΙ, that is, Romans. As known, Constantinople built its own myth as the "new Rome", not only because of the fall of the Western Roman Empire in 476, but also for being the capital of a Christian Empire, and therefore superior to the ancient Rome, associated to polytheism and untrue religions. The synonymy between "Christian" and "Roman" explains why, in the Ottoman age, the Church was not renamed either Greek or Byzantine, ma continued to be called Roman.

(5) They are the Armenian Apostolic Church, the Coptic Orthodox Church (Copt comes from the Greek Αἴγυπτος, meaning "Egypt"), the Ethiopian Orthodox Tewahedo Church, the Eritrean Orthodox Church, the Syrian Orthodox Church and the Malankara Orthodox Syrian Church. They have rejected the Chalcedonian Christological doctrine, according to which Christ is one person in two natures, and have adopted that of "the one incarnate nature of the Word of God". They are in communion with one another, but each one is fully independent and possesses many distinctive traditions. For example, the Ethiopian Orthodox Tewahedo Church and the Eritrean Orthodox Church still follow practices inherited by Judaism and soon abandoned by early Christian communities, such as male circumcision, the prohibition to eat pork and the respect for the Shabbat (day of rest) on Saturday.

confirmed by the Ottoman Emperor by way of a document called *berat,* which listed or confirmed the jurisdictional privileges granted to each *millet,* such as the management of all matters concerning faith and worship, the regulation of family and succession law according to their own religious rules, the administration of justice and education. It should be noted that each *millet* enjoyed different spheres of autonomy. For example, as regards inheritance, the *Rum Milleti* applied Byzantine law, whereas the *Yahudi Milleti* could regulate only successions concerning movable property according to Jewish law, being the others regulated by Islamic law. Successions within the *Ermeni Milleti* were entirely regulated by Islamic law (Bertola 1927, pp. 35–38 and 53–54; *İslâm Ansiklopedisi* 1988–2002, pp. 472–573). Despite such differences, this legal system allowed RMs in the Ottoman Empire to enjoy a degree of freedom unknown to those residing in European countries, and to become almost like "States within the Ottoman State".

The traditional *millet* system experienced dramatic changes in the context of the Oriental Question, conventionally dated from 1774 to 1923 (see inter alia Anderson 1966). This expression refers to the military, political, and economic weakness and to the territorial dismemberment of the Ottoman Empire (the "sick man of Europe"[6]), which stimulated the European Powers' competition and interference in the Ottoman internal affairs (Djuvara 1914; Süslü 1983). Some dynamics of the relationships between the European Powers and the Ottoman Empire were similar to those taking place in other areas of the world threatened by the aggressive European imperialism (Ward 1970). However, unlike for example China or Japan, the Ottoman Empire had one characteristic that gave a specific ideological orientation to this confrontation: the religion professed by the majority of the Ottoman population was Islam. European Christian countries' economic success and military power — compared with the decline of the last great Islamic empire — seemed to confirm Christianity's spiritual superiority and to strengthen the idea that Islam was the main, if not the only,

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(6) This expression is believed to have been coined in 1853 by Czar Nicholas I, who reportedly said to British Ambassador Hamilton Seymour: "Nous avons sur le bras [...] un homme très malade; ce serait, je vous le dis franchement, un grand malheur si, un de ces jours, il venait à nous échapper, surtout avant que toutes les dispositions nécessaires fussent prises" (quoted by Mantran 1989, p. 501).

cause of the Ottoman Empire's disgrace[7]. The European Powers justified their interferences in the Ottoman internal affairs on an alleged right–duty to protect RMs from Islamic oppression, while conveniently overlooking that the members of Ottoman RMs were treated comparatively better than those in Europe. France established a religious protectorate over Catholics[8] (except those in Bosnia–Herzegovina, who fell under Austrian jurisdiction and protection). Likewise, Russia claimed to protect Christian Orthodox.

In that context, RMs' autonomy became a key issue in the reply to the question that tormented generations of Ottoman reformers: *Bu Devlet Nasıl Kurtarılabilir*? (How can this State be saved?). It was very clear to them that the European Powers could consolidate their influence only by exaggerating the differences between Muslim rulers and RMs, and by pushing towards the recognition of a greater and greater autonomy, which in the end should result in the independence of each Christian *millet* as a newly founded nation–State. In fact, the solution that the European Powers envisaged to the problem of the alleged Muslim oppression was the quasi–extinction of the Ottoman Empire. This explains why Ottoman reformers promoted a series of reforms to emancipate non–Muslims and to recognize them the same rights as Muslims[9]. In their view (and hope), this was the only effective way to undermine the foundations of the European Powers' self–proclaimed right to protect RMs and, as a consequence, to deprive them of any justification to interfere in the Ottoman internal affairs. At this point,

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(7) A remarkable, and disturbing, example is offered by Lord Stratford Canning, British ambassador to Constantinople (1825–1827 and 1842–1858), who maintained that the Ottoman Empire could be saved only through a collective apostasy of Islam and a subsequent Christianization. In his opinion, "The master mischief in this country is dominant religion.... That is the real Leviathan which "floating many a rood", overlays the prostrate energies of Turkey. Though altogether effect as a principle of national strength and reviving power, the spirit of Islamism, thus perverted, lives in the supremacy of the conquering race and in the prejudices engendered by a long tyrannical domination. It may not be too much to say that the progress of the empire towards a firm re–establishment of its prosperity and independence is to be measured by the degree of its emancipation from that source of injustice and weakness" (quoted by Cunningham 1968, p. 263).

(8) Interestingly, French governments did not renounce it even after the approval of the Law of Separation of Churches and State in 1905. See Frazee 1983, pp. 229–230.

(9) A detailed treatment of the Ottoman reforms goes beyond present purposes. For more information, see inter alia Bottoni 2012.

it is interesting to examine the different impact that the two opposite European–led centrifugal and Ottoman–led centripetal forces had on RMs and their notion of autonomy.

As mentioned, the European Powers encouraged the development of distinct "national" identities, which resulted in the first place in the phenomenon of "*millet* proliferation" (especially visible in the 19th century). In fact, external pressures influenced the relationships not only between the *millet* and the Ottoman authorities, but also among and within RMs themselves. This aspect is an important one, because it highlights that the issue of a RM's autonomy arises not only vis–à–vis State authorities, but also within a group of communities linked to the same religion but in fact belonging to different denominations. In the 1820s the Congregation *de Propaganda Fide*'s proselytizing efforts succeeded in converting to Catholicism a number of Gregorian Armenians who — under France's aegis — started demanding the establishment of their own separate community. In fact, Catholic Armenians had been governed by their own religious authority since 1740, but they were still dependent on the Armenian Patriarchate in matters concerning civil affairs. In 1828, they obtained to be represented by a Muslim delegate in civil matters, and by an archbishop appointed by the Holy See in religious ones. Two years later, they were authorized to elect a head exercising both religious and civil powers. In 1844, the Chaldeans and Syriac Catholics, until then governed by the Armenian Patriarchate, were placed under the jurisdiction of the head of the Catholic Armenian community[10]. Latin–rite and Melkite Greek Catholics obtained the establishment of their own distinct community respectively in 1840 and 1847[11].

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(10) Van den Steen de Jehay 1906, pp. 247–248 and 271; Ubicini 1855, p. X; Ubicini and Pavet de Courteille 1876, pp. 187–188, 212 and 216. It should be noted that the date of the establishment of the Armenian Catholic *millet* varies according to the scholars concerned. The year was 1831 for Bertola (1927, p. 155), Fedalto (1994, p. 201), Siniscalco (2005, p. 269), Noradounghian (1978, pp. 203–204). Other studies have indicated the year 1834 (Hajjar 1962, p. 265) or 1835 (*Blackwell Dictionary of Eastern Christianity* 1999, under *Armenian Christianity*, p. 58). According to yet others, the community was established in 1829 under the religious authority of the archbishop of Constantinople who, in 1846, was also vested with civil powers (Farrugia 2000, p. 70).

(11) Ubicini and Pavet de Courteille 1876, pp. 188 and 218. Sources diverge concerning the date of the establishment of the Melkite Greek Catholic community, too. Some indicate the 1830s (*Blackwell Dictionary of Eastern Christianity* 1999, under *Melkite Catholics*, p. 312),

Other examples highlight that the *millet* proliferation was a product less of internal developments within the community concerned, than of Christian Powers' disruptive action on inter– and intra–communal relationships. In 1834, the Ottoman government adopted a decree to prohibit apostasy: although it was supported by Islamic authorities, this measure had been vehemently invoked by the Ecumenical Patriarch, who aimed to stop Catholic proselytism, and it was favored by the Armenian Patriarch, who was concerned about conversions to Protestantism (Augustinos 1992, pp. 65 and 114–122). The decree was later revoked, and the conversion of about 15,000 Armenians (Mantran, p. 498), as the result of the proselytizing activities carried out by British and American missionaries, justified the establishment of the Protestant *millet* in 1850 (Noradounghian 1978, pp. 392–394). This finally provided the United Kingdom with a legal basis to exercise a religious protectorate, on an equal footing as France, Austria and Russia (Berkes 1982, p. 150). Next was the establishment of the Bulgarian Catholic community in 1861 (the Congregation *de Propaganda Fide* had succeeded in converting a number of Bulgarians, who formally adhered to the Catholic Church on 24 December 1860), and of the Bulgarian Orthodox community in 1870 (where an important role was played by Russia, which encouraged and exploited the Bulgarians' displeasure at Greek dominance within the *Rum Milleti*) (Engelhardt 1882, pp. 179–180 and 184–185; Frazee 1983, pp. 245–246; Ubicini and Pavet de Courteille 1876, pp. 219–220 and 228–230; van den Steen de Jehay 1906, p. 147 and 286). At the end of the 19th century, the number of non–Muslim communities had therefore significantly increased, although there were differences in the degree of autonomy that they were recognized. The *Rum, Ermeni, Yahudi,* Armenian Catholic, Melkite Greek Catholic and Bulgarian Orthodox communities enjoyed larger administrative and jurisdictional autonomy than smaller ones (the Latine–rite Catholics, Bulgarian Catholics and Protestants), which only had the right to be represented by their own delegate in the relationships with the Ottoman government (Ubicini and Pavet de Courteille 1876, pp. 189 and 225).

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whereas for others the year was 1837 (Fedalto 1994, p. 195) or 1848 (Bertola 1927, p. 154; Farrugia 2000, pp. 484–485 and 495; Hajjar 1962, pp. 266–267).

As regards the Ottoman measures to counteract centrifugal tendencies and to promote a common feeling of loyalty to the Empire, a process of emancipation was started, in order to recognize the equality of all subjects (Muslims and non–Muslims alike) before the law. In the reformers' view, the enactment of the principle of equality before the law required the application of the same law to all Ottoman subjects, and the recognition not only of the same rights but also of the same duties. Derogating from the Islamic principle that non–Muslims are forbidden to bear arms, the Ottoman Empire repeatedly tried to extend compulsory military service to non–Muslims, but all such attempts invariably failed. Failure was not determined only by Muslims' refusal to allow non–Muslims to bear arms, but also by non–Muslims' tenacious resistance to the imposed duty to serve in the army of their oppressors. In particular, the Ecumenical Patriarch is reported to have declared that the Christian Orthodox would emigrate *en masse* from the Ottoman Empire if the government insisted in imposing compulsory military service (Engelhardt 1882, pp. 126–127. See also Lamouche 1934, pp. 38–39). The Ottoman reformers also tried to replace the various religious laws applying to the different religious communities with a secular law[12]. The *Rum Milleti* was especially active in its opposition to those reforms, which aimed to abrogate temporal prerogatives and privileges while safeguarding the spiritual powers of the RMs' leaders.

> In 1879, a law was promulgated in order to extend state jurisdiction over the various religious minorities' ecclesiastical courts, and to fix a uniform procedure regardless of religious customs. In a token of protest, two Greek Orthodox patriarchs resigned and, in 1890, the

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(12) Secularization of law is not a synonym of secularization of society. The latter implies a decline in religion or religiosity, but in law it must be understood as the process of State's assumption of jurisdiction in domains, such as education and administration of justice, which before had lain outside its competence and had been instead a monopoly of the religious institutions. Typical products of the secularization of law are civil marriage (as opposed to religious marriage) and civil courts (as opposed to religious courts). This process does not necessarily result in a decline of the importance of religion in the legal system of the state concerned. One telling example is the secularization of penal law. In Western Europe, the secularization of penal law was not originally characterized by the enactment of non–religious norms. Blasphemy and contempt of religion were originally crimes only in the Church's legal system but, over the course of time, when the official religion was regarded as a state institution and protected as such, they were punished also by legal provisions enacted by the secular lawmaker.

Patriarchate's Synod went as far as closing all churches and suspending all offices for three months. Facing such opposition, the Ottoman government had to yield (Bottoni 2007, p. 180).

Although there were differences in the RMs' reactions to Ottoman reforms, including a varied degree of resistance, their autonomy–related expectations proved in the end to be adverse to the survival of the Ottoman State.

The difficult relationships between RMs' and the State authorities explain why, in the aftermath of World War I, Turkish nationalists — after declaring the dissolution of the Ottoman Empire on 30 October 1922 — made the abolition of the *millet* system a priority. Under Art. 42 of the Treaty of Lausanne — signed on 24 July 1923 and marking conventionally both the end of the Oriental Question and the birth of "new Turkey" — non–Muslim communities only retained the right to "settle questions concerning their family law or personal status in accordance with their customs". All other jurisdictional and administrative prerogatives were abolished. However, even the surviving ones were preserved only until the Republic of Türkiye's adoption of the Swiss civil code (17 February 1926), which subjected all Turkish nationals — regardless of their religion — to the same legal rules in matters of civil law. As early as October 1925, first Jewish and then Gregorian Armenian authorities notified their decision to renounce their prerogatives under Art. 42 of the Treaty of Lausanne to the Turkish government. The Greek Orthodox community followed their steps in January 1926, after an intense internal debate and continuous demands on the part of Turkish authorities (Toynbee 1925, pp. 71–72). The Armenian Catholic community waited for the entry into force of the code before formally adhering to the decision, which the other RMs had already taken (Morrison 1935, p. 455). On 1 March, the Italian penal code was adopted. These and other reforms have aligned the Republic of Türkiye with the other European countries: unlike other regions in the world, civil and penal law are entirely regulated by territorial legal rules, that is, they equally apply to all citizens and residents (thus, including RM members), being their religion irrelevant. As we shall see, religion–based personal law systems inherited from the Ottoman Empire

continue to exist (for example in Lebanon and Israel), but this is not the preferred solution in countries of Western legal tradition.

3. Contemporary models of autonomy: the European space

All Member States of the Council of Europe share some common principles concerning the legal regulation of the religious factor, in its individual and institutional dimensions, despite some differences in their application. One of them is doctrinal and organizational autonomy, which is recognized to all religious and belief organizations (RBOs) and not specifically to RMs. This principle "basically means absence of state intervention in the doctrine and internal organisation of religious communities" (Ferrari 2010, pp. 480–481), which in the past affected both the majority religion and RMs. Numerous legal provisions of European countries (in constitutions[13], general laws on religious freedom, concordats and bilateral agreements) as well as the case law of the European Court of Human Rights (ECtHR) recognize RBOs' right to freely define their own doctrine and to organize themselves consistently with their own principles.

One of the factors defining the respective boundaries has been the specific idea of autonomy that the RBO concerned had. For example, Italy's two historical minorities — the Waldensians and the Jews — elaborated quite distinct notions. The former benefitted of emancipation and liberalism–oriented separatist trends to organize themselves independently from the State. In the case of Judaism, the related dynamics were more complex, because they were characterized by the interaction of three, and not two, actors: the State, the Jewish community and the individuals. Unlike with the Waldensians, the State played a role also as an arbiter in the pursuit of a balance between the needs of the community

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(13) See the constitutions of Albania (Art. 10.4), Croatia (Art. 41.2), Germany (Art. 137.3 WRV), Hungary (Art. VII.3), Ireland (Art. 44.2.5), Italy (Art. 7.1 and Art. 8.2), Lithuania (Art. 43.3 and Art. 43.4), North Macedonia (Art. 19.4), Malta (Art. 2.2), Moldova (Art. 31.4), Montenegro (Art. 14.2), Poland (Art. 25.3), Portugal (Art. 41.4), Romania (Art. 29.3 and Art. 29.5), Serbia (Art. 44.2), Slovakia (Art. 24.3) and Slovenia (Art. 7.2). See also the Austrian Fundamental Law Concerning the General Rights of Citizens, designated as constitutional law (Art. 15) and the Czech Republic's Charter of Fundamental Rights and Freedoms, declared a part of the State's constitutional order (Art. 16.2).

— regarded as an institution necessary to provide every single Jew with the fundamental collective form to fully live one's Jewishness and to observe all religious rules prescribed for associated living — and the individual demands for freedom of Jews — who belonged by birth to the community. Before emancipation, cohesion and internal homogeneity had been the natural reaction to oppression and isolation, but after it — due to measures favoring the integration, if not the assimilation, of Jews as well as to conversions to Catholicism and mixed marriages — communitarian bonds were weakened. Despite differences among the Jewish communities in the territories that came to constitute the Kingdom of Italy, the prevailing trend favored jurisdictionalist policies, which ultimately led to the Royal Decree no. 1731 of 30 October 1930 containing rules on the Jewish Communities and the Union of the Communities themselves. This is known as Falco Law because of the role played by Jewish scholar Mario Falco, who drafted the text to present to the government based on the Jewish leading groups' *desiderata:* institution of the Union of the Italian Jewish Communities and homogenization of the once different internal organizations of the communities that came to be recognized as public entities, to which Jews belonged by birth and paid a tax. This legal arrangement reflected Jewish leaders' notion of administrative and fiscal autonomy (Dazzetti 2024, pp. 1–12), which was quite different from the one of the Waldensians, who — as mentioned — supported instead the separatist principles of State indifference and non–interference, implying inter alia no intervention or participation in the definition of the internal organization of religious entities and associations (Valenzi 2024, p. 298).

With the entry into force of the constitution of the Italian Republic in 1948, the Waldensians' form of autonomy fit well the new democratic order, whereas the Union of the Italian Jewish Communities had to adjust its own. Under Art. 8.2 of the constitution, "denominations other than Catholicism have the right to self–organization according to their own statutes, provided that these do not conflict with Italian law" (for a detailed treatment, see Pasquali Cerioli 2006; Floris 1992). In 1979 a doubt of constitutional legitimacy of the Royal Decree no. 1731/1930 and, in particular of Arts. 4 and 5, was raised. Art. 4 stipulated that all Jews residing in the territory of the Community belonged to it by law, that is, for the mere reason of being a Jew and without a manifestation

of consent being necessary. This belonging implied rights (performance of religious rites and burial in the Jewish cemetery) as well as duties (the payment of the tax due by all members to their Community). Under Art. 5, anybody who converts to another religion or declares the will to be no longer regarded as a Jew under the Decree ceases to be a member of the Community. The declaration must be made to the president of the Community or the Chief Rabbi, in person or through a notarial act. Those who cease to be members of the Community lose the right to make use of the Jewish institutions of any Community, and in particular the right to the performance of religious rites and burial in the Jewish cemetery[14]. In the judgment no. 239 of 30 July 1984, the Constitutional Court declared the illegitimacy of Art. 4 of the Royal Decree for its inconsistency with Art. 3 of the constitution (equality of all citizens before the law regardless inter alia of their race and religion), as well as with Arts. 2 and 18 of the constitution (protection of the inviolable right to enter and leave not only associations but also social formations, which include religious denominations). The judges did not give relevance to the fact that Art. 5 of the Royal Decree recognized the right to leave the Community, because this could be exercised only in case of conversion to another religion or a declaration of the will to be no longer regarded as a Jew: in both cases, a public profession of faith was necessary[15]. This judgment prompted a change in the relationship between Jews and the Community's institutions, marking the passage from a "belonging by law" to the "right of belonging". The new statute of the Union of the Italian Jewish Communities made membership to the Community (with the rights and duties that this implied) voluntary, but — consistently with Jewish law, history and tradition — continued to rely on *halachah* to define who is a Jew, as well as to identify the composition of each Community through the territorial criterion of residence (Dazzetti 2024, pp. 14–15).

In the European space, some constitutions — like the Italian one — recognize RBOs' right to autonomy within the limits of the law: this is the case of Croatia (Art. 41.2), Germany (Art. 137.3 WRV), Romania (Art. 29.3) and Serbia (Art. 44.2). Others do not specify any limitation clause,

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(14) Published in "Official Gazette of the Kingdom of Italy» no. 11 of 15 January 1931.
(15) The text of the judgment is available at https://giurcost.org/decisioni/1984/0239s-84.html.

for example Hungary (Art. VII.3), Ireland (Art. 44.2.5), Lithuania (Art. 43.4), Portugal (Art. 41.4) and Slovenia (Art. 7.2). However, no country conceives this right as non–derogable. In democratic States, RBOs are entitled to a number of rights (those that have emerged historically as intrinsic to the notion of fundamental freedoms), but this never means that autonomy can be furthered to the point of breaching in particular criminal law or other constitutional principles. In fact, in the European space, only one form of autonomy can be found that is not consistent with European standards of human rights protection. Mount Athos is a self—governing part of the Greek State, under the direct jurisdiction of the Ecumenical Patriarchate of Constantinople. It consists of 20 monasteries. All persons admitted to a monastery as monks or novices acquire Greek citizenship *ipso jure*. The whole territory of the peninsula is exempted from expropriation. Its legal status has been preserved for 1,600 years, confirmed by Ottoman rulers, international treaties, the Greek constitutions of 1822 and 1927, and protected by Art. 105 of the current constitution. Mount Athos's legal regime is very peculiar: no women are allowed to enter its territory; men need a special permission to visit it; non–Orthodox Christian persons, Orthodox schismatics or monks who do not belong to any of the twenty monasteries are prohibited from dwelling there; freedom of association is not recognized; only commercial activities that provide monks with the strictly necessary goods are allowed (Cardia 2003, pp. 48–55; Margiotta Broglio 1997, pp. 107–109; Papastathis 2014, pp. 273–292; Papastathis 2010, pp. 361–362). Because Mount Athos's legal regime breached the fundamental freedoms of the European Community, Greece's accession in 1981 required a declaration on this matter.

> Recognizing that the special status granted to Mount Athos, as guaranteed by Article 105 of the Hellenic constitution, is justified exclusively on grounds of a spiritual and religious nature, the Community will ensure that this status is taken into account in the application and subsequent preparation of provisions of Community law, in particular in relation to customs franchise privileges, tax exemptions and the right of establishment[16].

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(16) *Documents concerning the accession of the Hellenic Republic to the European Communities. Final act. Joint declaration concerning Mount Athos*, 28 May 1979, in "Official Gazette" L291 of 19 November 1979.

Although this exception was justified on religious grounds, it should be stressed that Mount Athos consists of a small community of monks with no prospects of demographic expansion, and that no similar form of autonomy could be recognized to a larger religious group or to any RM.

The notion of RBOs' doctrinal and organizational autonomy includes some specific rights, whose recognition is the product of historical struggles. Three, in particular, are relevant for present purposes: the rights to designate religious leaders, to obtain legal personality and to own property.

Over the course of history, the State has claimed the right to designate/appoint (or to participate in the designation/appointment of) religious leaders. This is not an issue relegated to the realm of history, as shown by the signing of the Provisional Agreement between the Holy See and the People's Republic of China on the appointment of bishops on 22 September 2018[17]. This specific right is recognized both by a number of European constitutions[18] as well as by the ECtHR case law, which has addressed the issue of "minorities within a minority":

> it is possible that tension is created in situations where a religious or any other community becomes divided, [but the Court] considers that this is one of the unavoidable consequences of pluralism. The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other[19].

A Member State of the Council of Europe is not required "to take measures to ensure that religious communities remain or are brought under a unified leadership"[20], because pluralism, "which has been

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(17) The text of the communiqué is available at https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2018/09/22/0673/01468.html#IN. See also Spadaro 2018; Valente 2018.

(18) See the constitutions of Belgium (Art. 21.1), Germany (Art. 137.3 WRV), Luxembourg (Art. 22), Slovakia (Art. 24.3) and the Czech Republic's Charter of Fundamental Rights and Freedoms, declared a part of the State's constitutional order (Art. 16.2).

(19) ECtHR, *Serif v. Greece*, application no. 38178/97, 14 December 1999, para. 53.

(20) ECtHR, *Serif v. Greece*, para. 52. In this sense, see also *Hasan and Chaush v. Bulgaria*, application no. 30985/96, 26 October 2000, para. 78 ("State action favouring one leader of a divided religious community or undertaken with the purpose of forcing the

dearly won over the centuries", is "indissociable from a democratic society"[21]. In its case law, the ECtHR has noted that, in some countries, ministers of worship (including those of RMs) may act as public officials or perform acts that can obtain civil effects (such as the celebration of religious weddings or the issuance of a religious court's decision). It has also accepted that

> In such circumstances, it could be argued that it is in the public interest for the State to take special measures to protect from deceit those whose legal relationships can be affected by the acts of religious ministers. However, the Court does not consider it necessary to decide this issue, which does not arise in the applicant's case[22].

The question of the extent to which a State may legitimately intervene in the designation/appointment of RBOs' leaders performing civil functions remains nevertheless topical. An interesting case took place in Alsace–Moselle. The 1905 Law of Separation of Churches and State does not apply to those provinces, which are still regulated according to the Napoleonic system of *cultes reconnus* ("recognized cults"). Under this regime, French authorities have wider powers of intervention than in the rest of France (and in most Europe). Jewish communities are organized into three consistories (Upper Rhine, Lower Rhine and Moselle), which perform administrative functions, such as the organization of worship and the administration of synagogues. The

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community to come together under a single leadership against its own wishes would likewise constitute an interference with freedom of religion"); *Agga v. Greece*, application nos. 50776/99 and 52912/99, 17 October 2002, para. 59 ("the Court does not consider that, in democratic societies, the State needs to take measures to ensure that religious communities remain or are brought under a unified leadership"); *Supreme Holy Council of the Muslim Community v. Bulgaria*, application no. 39023/97, 16 December 2004, para. 96 ("The Court reiterates […] that in democratic societies the State does not need in principle to take measures to ensure that religious communities remain or are brought under a unified leadership. […] State measures favouring a particular leader of a divided religious community or seeking to compel the community, or part of it, to place itself under a single leadership against its will would constitute an infringement of the freedom of religion").

(21) ECtHR, *Serif v. Greece*, para. 49.
(22) ECtHR, *Serif v. Greece*, para. 50. See also *Agga v. Greece*, para. 57.

members of each consistory, democratically elected by the community, are appointed by a decree of the Prime Minister. In 2006, the Jewish Consistory of Lower Rhine excluded the eligibility of Janine Elkouby, as a woman. She applied to the administrative court of Strasbourg. The court heard the case because consistories are regarded as public bodies and, as such, they are subject to the jurisdiction of administrative courts. The judges ordered the registration of Janine Elkouby on the electoral roll for the elections of the consistory, on the grounds of *a)* the principle of equality regardless of sex and the related prohibition to discrimination, and *b)* of the circumstance that the eligibility of a lay member (performing temporal, and not spiritual, functions) had been admitted both by the National Consistory and by the consistories of other departments. In 2007, Janine Elkouby won the first round with 58% of the votes (see Messner 2019, p. 215).

The recognition of the right to obtain legal personality is a very important aspect of RBOs' organizational autonomy. In all times and places (in Western European countries during the liberal age, in Central–Eastern European countries during the communist age, in numerous non–European countries nowadays), RBOs have been deprived of legal personality. Only a few European constitutions expressly recognize this right[23], but all Member States of the Council of Europe have the positive obligation to respect it, consistently with the ECtHR case law. Without legal personality a RBO may not enter into legal relations, conclude contracts, acquire property, hire the necessary ministers of worship and is not entitled to judicial protection of its assets. In some contexts, it cannot operate, its religious leaders cannot take divine service or perform pastoral work for believers in prisons and hospitals, and its members cannot meet to practice their religion[24]. An illegitimate refusal to recognize legal personality amounts to a violation not only of Art. 9 ECHR (right to freedom of thought, conscience and religion) but also of Art. 11 ECHR (right to association):

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(23) See the constitutions of Albania (Art. 10.6), Andorra (Art. 11.3), Germany (Art. 137.4 WRV) and Lithuania (Art. 43.2).

(24) ECtHR, *Metropolitan Church of Bessarabia and Others v. Moldova,* application no. 45701/99, 13 December 2001, para. 105; *Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria*, application no. 40825/98, 31 July 2008, para. 57.

religious communities traditionally and universally exist in the form of organised structures. […]. Where the organisation of the religious community is at issue, Article 9 of the Convention must be interpreted in the light of Article 11, which safeguards associative life against unjustified State interference. Seen in this perspective, the believers' right to freedom of religion encompasses the expectation that the community will be allowed to function peacefully, free from arbitrary State intervention. Indeed, the autonomous existence of religious communities is indispensable for pluralism in a democratic society and is thus an issue at the very heart of the protection which Article 9 affords. It directly concerns not only the organisation of the community as such but also the effective enjoyment of the right to freedom of religion by all its active members. Were the organisational life of the community not protected by Article 9 of the Convention, all other aspects of the individual's freedom of religion would become vulnerable[25].

Under European standards of human rights protection, a State has two obligations. The first one is the provision of a framework under which RBOs, which wish so and which comply with the prescribed legal requirements, can obtain legal personality. Without it, they simply cannot exist before the State and within the State's legal system. According to the country concerned, legal personality can take the form of moral entity, religious society, registered religious community, simple association, cultural association, diocesan association, charity, congregation, corporation with public rights, and so on. All of them need nevertheless to comply with the second requirement, which is the provision of a legal status allowing RBOs to structure themselves internally as prescribed by their doctrinal principles. This means, for example, that a hierarchical Church should not be forced to organize itself as a democratic one, and it may not be compelled to apply a majoritarian principle to decision–making or to the election of its religious leaders.

All Member States of the Council of Europe comply with the abovementioned standards, with the exception of the Republic of Türkiye, which does not recognize any form at all of legal personality to RBOs. In principle this applies to Islam, as well, but its needs are largely satisfied by the Presidency of Religious Affairs (Venice Commission 2010,

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(25) ECtHR, *Hasan and Chaush v. Bulgaria*, para. 62.

para. 34). This lack constitutes the greatest violation of Turkish non–Muslim communities' rights. In fact, RMs — which, as noted, enjoyed great administrative and jurisdictional autonomy in the Ottoman Empire and were almost like "States within the State" — were reduced to a condition of legal non–existence in the passage from a multiethnic confessionist Empire to a national(ist) secular Republic. The weight of history and the role of nationalism in the Republic of Türkiye's official ideology have led to treat non–Muslims as second–class citizens and to suspect them of having a feeling of belonging different from, if not opposite, to national identity and liable to undermine the State's internal stability and unity. It must be stressed that the international community has its own share of responsibility, because it helped to strengthen the misperception according to which non–Muslims were not genuine Turks. The idea that non–Muslims had a different feeling of national belonging found its first, dramatic application in the 1923 Convention for the Compulsory Population Exchange between Greece and Turkey, which was negotiated under the aegis of the League of Nations. However, as noted by Bernard Lewis

> If we take the terms "Greek" and "Turk" in their Western and not in their Middle Eastern connotations, then the famous exchange of population between Greece and Turkey was not a repatriation of Greeks to Greece and of Turks to Turkey but a deportation of Christian Turks from Turkey to Greece and a deportation of Muslim Greeks from Greece to Turkey (Lewis 1993, pp. 142–143).

It must be noted that the compliance with European standards of human rights protection implies neither the recognition of a special legal status to RMs as such, nor the obligation to grant them the same legal status as the majority religion. It only requires the provision of some basic legal instruments to safeguard RMs against arbitrary *interference* and *abuse by public authorities*. It also goes without saying that the Republic of Türkiye (or any other State) is not obliged to recognize legal personality to every single RM asking for it. The Venice Commission has stressed that there may be restrictions on granting legal personality but, in this matter, States have a limited margin of

appreciation. Restrictions are justified only by convincing and compelling reasons, consistently with the limitations prescribed by Arts. 9 and 11 ECHR. This is the case of activities that are harmful to public safety or to the population, or infringe upon the rights and freedoms of the adherents of the RM concerned, or do not respect the principles of a democratic state. However, the Republic of Türkiye denies legal personality to *all* RMs, which — in any case — are small, peaceful and do not threaten public order (Venice Commission 2010, paras. 62–65).

Generally speaking, violations to the right to obtain legal personality may be found when State authorities think that a RM poses a threat to the notion of national identity rather than an actual challenge to laws in force. For example, the community of Jehovah's Witnesses was denied legal personality for decades by Austrian authorities, on the grounds inter alia of the RM's refusal to military service or any form of alternative service for conscientious objectors, to participation in local community life and elections and to certain types of medical treatment such as blood transfusions[26].

The recognition of legal personality has been historically linked to the right to own property. Over the course of history, RBOs have been deprived of legal personality, so that the State could confiscate and become the legal owner of their properties. Very few European constitutions expressly recognize this right[27] but — consistently with the ECtHR case law on this matter[28] — all Member States of the Council of Europe are bound to respect it.

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(26) ECtHR, *Religionsgemeinschaft der Zeugen Jehovas and Others v Austria*, para. 26.

(27) See the constitutions of Albania (Art. 10.6), Germany (Art. 138.2 WRV), Ireland (Art. 44.2.5 and Art. 44.2.6), Italy (Art. 20), Poland (Art. 53.2), Romania (Art. 44.4) and the Austrian Fundamental Law Concerning the General Rights of Citizens, designated as constitutional law (Art. 15).

(28) The ECtHR has examined a number of cases on the issue of seized property restitution or compensation, some of which had the Republic of Türkiye as respondent State. See inter alia *Fener Rum Erkek Lisesi Vakfı v. Turkey*, application no. 34478/97, 9 January 2007; *Fener Rum Patrikliği (Ecumenical Patriarchate) v. Turkey*, application no. 14340/05, 8 July 2008; *Yedikule Surp Pırgiç Ermeni Hastanesi Vakfı v. Turkey*, application no. 36165/02, 16 December 2008; *Samatya Surp Kevork Ermeni Kilisesi, Mektebi Ve Mezarligi Vakfı Yönetim Kurulu v. Turkey*, application no. 1480/03, 16 December 2008; *Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfi v. Turkey*, application nos. 37639/03, 37655/03, 26736/04 and 42670/04, 3 March 2009; *Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfi v. Turkey (no. 2)*, application nos. 37646/03, 37665/03, 37992/03, 37993/03, 37996/03, 37998/03, 37999/03 and 38000/03, 6 October 2009.

The contemporary European model of autonomy, described above, applies to all RBOs and not only to RMs, as already noted. In fact, autonomy — as understood in the European space — is related to the respect for RM rights, and not to their promotion. Respect ensures that the rights recognized by State laws or international norms are not violated. In particular, it entails the prohibition of individuals' discrimination on the ground of their belonging to a RM, and it prevents RM members from being deprived of rights that are recognized to the members of the majority religion or to the majority of the population. Promotion requires something more, that is, the putting into place of the conditions that foster the development of RMs' identity as much as their participation in the country's social, cultural and political life. In other words, respect for RM rights consists in the recognition of the "standard package of rights" that everybody is entitled to in contemporary democracies (such as the rights to designate religious leaders, to obtain legal personality and to own property), whereas promotion means additional faculties, which are specifically recognized to RMs and/or their members[29].

Looking at the mechanisms to promote RM rights in the European space, Silvio Ferrari has distinguished between individual– and community–oriented strategies. While the two types of strategies can coexist and combine in different ways within the same national territory, it is often possible to identify the main trend prevailing in a country or in a region (Ferrari 2016, p. 10). Member States of the Council of Europe favor individual–oriented strategies, which

> give the precedence to the rights and freedoms of individuals in a framework dominated by the notions of equality and non–discrimination. […] States […] try to accommodate some specific religious rules within the State legal system, but are far from recognizing an autonomous or semi–autonomous religious legal order. […]. The State legal system does not give them the power to regulate entire areas of human affairs (Ferrari 2016, pp. 10 and 15–16).

Recognition of religious rules takes place through different legal techniques. Some are specific to State–religions relations, such as the enactment of laws on freedom of religion or religious associations, and the

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(29) See https://atlasminorityrights.eu/about/Methodology.php.

signing of bilateral agreements with the representatives of RMs (Ferrari 2016, p. 17). Spain has employed both techniques[30]. In Italy, according to Art. 8(3) of the constitution, the relationships between religious denominations other than the Catholic Church and the State "are regulated by law on the basis of agreements (*intese*) with the respective representatives". This seems a suitable instrument to promote RMs' special rights and to address their specific needs. For example, Law no. 101 of 8 March 1989, which approves the *intesa* between the Italian State and the Union of Italian Jewish Communities, stipulates special rules for the observance of the Shabbat (Art. 4), recognizes Jewish holidays (Art. 5), as well as Jews' right to swear an oath with their head covered, if they wish so, and to slaughter animals in accordance with their own rules and tradition (Art. 6)[31].

However, the Italian system of *intese* (up to now signed with 13 RMs[32]) has never developed into a mechanism to promote RM rights. Bilateral agreements, far from regulating the special needs of the RMs concerned, have merely extended the prerogatives once reserved only to the Catholic Church to a small number of RMs. *Intese* have been criticized for resulting in "photocopy–agreements"[33], which have invariably reproduced almost the same text. In doing so, they have included general rights of religious freedom, which should have been recognized to all religious denominations existing and operating in Italy by virtue of

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(30) Organic Law of Religious Freedom no. 7/1980 of 5 July 1980, in "Boletín Eclesiástico del Estado" no. 117 of 24 July 1980. Under Art. 7.1 of this law, "The State, taking account of the religious beliefs existing in Spanish society, shall establish, as appropriate, Co–operation Agreements or Conventions with the Churches, Faiths or Religious Communities enrolled in the Registry where warranted by their notorious influence in Spanish society, due to their domain or number of followers. Such Agreements shall, in any case, be subject to approval by an Act of Parliament". For a general treatment, see Martínez–Torrón 2018.

(31) Published in "Official Gazette of the Italian Republic" no. 69 of 23 March 1989.

(32) See https://presidenza.governo.it/USRI/confessioni/intese_indice.html#2. They are: – nine Christian denominations (some of which are unions, federations or associations). In chronological order: 1) the Waldensian and Methodist Churches, 2) the Pentecostal Churches, 3) the Seventh–day Adventist Churches, 4) the Baptist Churches, 5) the Evangelical–Lutheran Church, 6) the Orthodox Churches under the jurisdiction of the Ecumenical Patriarch of Constantinople; 7) the Church of Jesus Christ of Latter–day Saints (Mormons); 8) the Apostolic Church, 9) the Church of England; – the Union of Italian Jewish Communities; – two unions representing respectively Hindu and Buddhist associations, schools and centers and, last but not least, a separate Buddhist entity – Soka Gakkai Buddhist Institute.

(33) See inter alia Albisetti 2012, p. 6; Alicino 2013.

a law on religious freedom[34]. Furthermore, by offering a set of opportunities in a sort of pre–established package, bilateral agreements have proved unfit to suit all RMs and to address their specific needs. Suffice it to mention the public financing system, through which the Catholic Church and the RMs having an *intesa* can be allocated (along with the State) a share of the 0,08% of the tax on natural persons' income (see inter alia Durisotto 2009). Access to it was offered to all RMs negotiating a bilateral agreement, including those whose ecclesiological doctrine rejects the very same notion of public funding of religious denominations. The paradigmatic example is the Waldensian Church, which maintains that it must live on the faithful's offerings and be financially independent from the State in order not to be conditioned by it; public money must serve the State's institutional aims, which do not include direct and indirect financing of religious denominations (Long and Di Porto 1998, p. 44). This is the reason why the stipulation on the 0,08% funding system was not included in the agreement signed with *Tavola Valdese* (representing the Waldensian and Methodist Churches) and entered into force in 1984. This position later changed, and in 1993 an amendment to the bilateral agreement was signed, in order to provide *Tavola Valdese* with access to the 0,08% funding system (Long and Di Porto 1998, pp. 52–57). However, that money would not be used to support the clergy (which is one of the uses made by the Catholic Church and other RMs), but it would benefit society at large through social, care, humanitarian and cultural interventions in Italy and abroad[35]. This is the same choice made by the Pentecostal Churches, the Seventh–day Adventist Churches, the Baptist Churches and the Union of Italian Jewish Communities, which do not use their own shares to financially support their own clergy and religious leaders[36].

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(34) However, the Italian legal system lacks such a law. This is called the "mother" of all lacks by Ferrari 2013, p. 96. No attempt has so far succeeded in abrogating the obsolete and severely outdated law and decree on admitted cults, and in substituting it with a new regulation suited to face the new challenges posed by the evolution of time and society. See Tozzi, Macri and Parisi 2010; De Gregorio 2013.

(35) Art. 4 of Law no. 409 of 5 October 1993, integrating the agreement between the Government of the Italian Republic and *Tavola Valdese* in application of Art. 8(3) of the constitution, in "Official Gazette of the Italian Republic" no. 239 of 11 October 1993. See also www.ottopermillevaldese.org.

(36) See https://presidenza.governo.it/USRI/confessioni/ottoxmille.html.

Other techniques of individual–oriented strategies are not specific to State–religions relations but are of general use. This is the case of the tools of international private law. States may give effect to religious rules, which are valid in the legal system of another State, concerning for example a religious marriage validly celebrated abroad, or a divorce or nullity declared abroad, within the limits of public order. Another technique is the exemption from laws of general application (Ferrari 2016, p. 17), such as the derogation from the compulsory requirement of previous stunning in the case of religious slaughter[37] or of wearing a safety helmet while driving a motorcycle or at the workplace[38]. The granting of exemptions is not problem–free. Because they concern RMs' practices, which as such are not socially shared, they tend to be highly debated. The issue is not public discussion, which is always beneficial in a democratic society, but the emergence of disturbing legal arguments based on a "West versus non–West" approach. For example, in a case concerning the denial of an exemption for a *kirpan*–wearing Sikh, the Italian Court of Cassation made the controversial statement that "there is an essential obligation for the immigrant to conform his/her values to those of the Western world, into which he/she freely chooses to fit"[39]. It goes without saying that "immigrant" is not necessarily a person unfamiliar with Western values. Furthermore, it has been ignored that the Western world includes the United Kingdom, where an exemption from the general prohibition to carry the *kirpan* in the public space has been granted to Sikhs[40], as well as the United States of America, where the right to keep and bear arms is even protected by the Bill of Rights[41]. Last

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(37) This concerns in particular Jewish and Muslim communities. See Recital 18 and Art. 4(4) of the Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, in "Official Journal of the European Union" L303 of 18 November 2009.

(38) This concerns in particular turban–wearing Sikhs. In the United Kingdom, an exemption was granted by the Motor–Cycles Crash Helmets (Religious Exemption Act) 1976, Sections 11 and 12 of the Employment Act 1989 (limited to construction sites) and by Section 6 of the Deregulation Act 2015 (extending it to any workplace, including any private dwelling, vehicle, aircraft, installation or moveable structure).

(39) Judgment no. 24084 of 15 May 2017. Text available at https://www.astrid-online.it/static/upload/sent/sentenza-15-maggio-2017-cassazione-integrale.pdf.

(40) Section 47 of the Offensive Weapons Act 2019.

(41) The Second Amendment to the United States constitution reads: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear

and definitely not least, everybody — citizens and foreigners alike — are bound to respect the law, and not "Western values". The reference to the "values of the Western world" is "strongly evocative, but indeed very vague and undefined". At the same time, this expression is very precise in excluding "a typically "Western" value […]: cultural and religious pluralism" (Negri 2017, p. 247). Similar "us–versus–them" arguments were raised in the context of the controversy over male ritual circumcision that inflamed German public and political debate in 2012 (Günzel 2013, p. 207; see also Angelucci 2018). As highlighted by some scholars, the very same conceptualization of a religion–based exemption right can have detrimental effects on RMs.

> It is [a] misunderstanding that the right to religious freedom creates a privilege for individuals or groups of individuals that relieves them of the obligation to obey generally applicable laws. […]. Whosoever denounces "religious privileges" must ask himself what kind of "privileges" he deems legitimate and what role he attributes to fundamental rights if not as a safeguard against governmentally imposed homogeneity (Germann and Wackernagel 2015, pp. 462–464).

This is not to say that promotion of RM rights should be unlimited, but protection may not be limited to traditional practices. If rights were recognized only to individuals or groups behaving in a familiar way or according to a majoritarian consensus, "society would become a homogenous group as an imagined extension of the "self". Founding state, politics, and law on such a concept of homogeneity has an infamous record" (Germann and Wackernagel 2015, p. 468).

Moving on to community–oriented strategies, they

> favor group rights and collective religious freedom, giving a lesser position to individual rights and equal treatment of citizens. […]. Individual rights may be limited as a consequence of group membership, and the emphasis is placed more on the respect of religious diversity than on the protection of citizens' equality, irrespective of their religious convictions (Ferrari 2016, p. 10).

arms, shall not be infringed" (https://www.senate.gov/civics/constitution_item/constitution.htm).

One example is the recognition of minority rights[42], which is the least common strategy in the European space, because it raises the issue of the recognition of heteronomous legal rules, that is, rules whose origin is attributed to an external authority, regarded as superior to human beings, and posing a challenge to the State's monopoly of law (Ferrari 2016, pp. 8–9). Nevertheless, it is not incompatible with European standards of human rights protection, as highlighted by the case of the Greek region of Western Thrace.

Under Art. 45 of the abovementioned Treaty of Lausanne, "The rights conferred by the provisions of the present Section on the non–Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory". They include measures permitting the settlement of questions concerning its family law or personal status, in accordance with its customs (Art. 42.1). This arrangement is in force only in Western Thrace, which is divided into three districts (Komotini, Xanthi and Didymoteiho). Each of them elects a *mufti*, who is formally appointed by the State. The *mufti* is assigned multiple tasks: he represents the respective Muslim community before civil authorities; he interprets Islamic law and is responsible for the administration of mosques and religious properties, the appointment of ministers of worship and the supervision of Islamic schools and teaching of religion; he performs public functions — such as judicial ones — and, because of this, he is regarded as a public official, and his salary is paid by the State. As a judge, he decides certain disputes of family and inheritance law. *Mufti* adjudication has been claimed to be of central importance for the preservation of Muslim minority identity in Western Thrace, but it has also raised serious concerns about the protection of vulnerable subjects, such as women. Problems have been (and still are) not only substantive (in particular, gender inequality in family and succession law), but also procedural: the hearings before the *mufti* do not require representation by lawyers; the Islamic law that he applies is not codified; he is not required to issue a written decision with justification (Cavalcanti 2023, pp. 311–370; Tsavousoglou 2015, pp. 244–258).

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(42) This is linked to the broader issue of legal pluralism. See Romano 1945; Toniatti 2024; Tamanaha 2008.

Until recently, although in principle the parties could choose between the civil court and the *mufti* court, very often the former referred cases filed with it back to the *mufti*, regarded as the exclusively competent jurisdictional organ. In 2014, Ms. Molla Sali applied to the ECtHR alleging a violation of Art. 6.1 ECHR (right to a fair hearing) taken alone and in conjunction with Art. 14 ECHR (prohibition of discrimination) and Art. 1 of Protocol No. 1 (protection of property), complaining that Greek authorities had applied Islamic law rather than the Greek civil code to her husband's will, thus depriving her of three–quarters of her inheritance. The ECtHR decided not to examine the case in the perspective of the right to a fair trial — and this approach has been rightfully criticized by scholars who have noted that, in this way, the judges have avoided entering into the most problematic aspect of the minority right system in force in Western Thrace (Kalampakou 2019, pp. 6–7; Miccichè 2020, p. 20). In the end, they have found unanimously a violation of Art. 14 ECHR read in conjunction with Art. 1 P–1: the State may not

> take on the role of guarantor of the minority identity of a specific population group to the detriment of the right of that group's members to choose not to belong to it or not to follow its practices and rules.

Refusing members of a religious minority the right to voluntarily opt for and benefit from ordinary law amounts not only to discriminatory treatment but also to a breach of a right of cardinal importance in the field of protection of minorities, that is to say the right to free self–identification[43].

This right

> must be respected both by the other members of the minority and by the State itself. That is supported by Article 3 § 1 of the Council of Europe Framework Convention for the Protection of National Minorities which provides as follows: "no disadvantage shall result from this choice or from the exercise of the rights which are connected

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(43) ECtHR, *Molla Sali v. Greece*, application no. 20452/14, 19 December 2018, paras. 156–157. See also Miccichè 2020; Marotta 2021; Berger 2020; Cranmer 2018; Fokas 2021; McGoldrick 2019; Koumoutzis and Papastylianos 2019; Leigh 2019; Tsavousoglou 2019.

to that choice". The right to free self–identification is not a right spe-cific to the Framework Convention. It is the "cornerstone" of inter-national law on the protection of minorities in general. This applies especially to the negative aspect of the right: no bilateral or multilateral treaty or other instrument requires anyone to submit against his or her wishes to a special regime in terms of protection of minorities[44].

Despite the different legal contexts, it may be argued that the argu-ment grounding the ECtHR's judgment was the same as the conclu-sion reached by the Italian Constitutional Court in 1984 concerning Art. 4 of the Royal Decree no. 1731/1930. In Greece, on 15 January 2018 — before the ECtHR's decision but after the filing of the appli-cation — a law was enacted in order to grant the right to each party to seek justice before domestic courts, and in accordance with Greek sub-stantive and procedural law. The jurisdiction of the *mufti* becomes the exception: he may exercise jurisdiction only if both parties file an ap-plication for this cause. Once the case is submitted to the *mufti*, the ju-risdiction of national courts is irrevocably excluded (Koumoutzis 2021, pp. 170–184). Rules regulating a more structured procedure before the *mufti* have yet to be drafted.

4. The southern shore of the Mediterranean Sea and RMs' autonomy

This section does not aim to treat in a detailed way RMs' autonomy in the countries of the southern shore of the Mediterranean Sea, but to highlight some specific aspects of Algeria, Egypt and Lebanon, com-pared with the contemporary models of autonomy discussed above. The findings presented here are largely drawn from the final reports of two one–year projects, linked to the *Atlas of Religious or Belief Minority Rights*[45]. The ReMinEm project on RMs in the Euro–mediterranean

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(44) ECtHR, *Molla Sali v. Greece*, para. 157.

(45) Both projects have been realized with the support of the Unit for Analysis, Policy Planning, Statistics and Historical Documentation – Directorate General for Public and Cultural Diplomacy of the Italian Ministry of Foreign Affairs and International Cooperation, in accordance with Article 23bis of the Decree of the President of the Italian Republic 18/1967. The views expressed in the final reports are solely those of the authors and do not necessarily re-flect the views of the Ministry of Foreign Affairs and International Cooperation.

space has studied inter alia two countries with religion–based personal laws: Egypt as a Muslim–majority country, and Lebanon whose legal system was designed at a time when Christians and Muslims coexisted on a substantially equal footing (ReMinEm Project 2022, pp. 4 and 7)[46]. The MiReDiaDe project on RMs and dialogue for democracy has continued the ReMinEm research, by extending the analysis inter alia to Algeria, a Muslim–majority country, which — unlike Egypt — has adopted a territorial law system (MiReDiaDe Project 2023, p. 4). As a part of both projects, representatives of the RMs concerned were sent a questionnaire or interviewed, so that they could offer an insight into the extent to which their members perceive of being discriminated against.

In Egypt and Lebanon, recognized RMs enjoy a large autonomy in such fields as marriage and family law, and education. Their members can marry according to their respective religious rites and rules. These marriages are regarded as valid by the State, which allows to a certain extent the application of religious law also to the dissolution of marriages and to the regulation of inheritance and dowry. Recognized RMs can also open and manage faith–based private schools[47]. Religious rules do not face the same stigma as in the European space, and this model of autonomy positively promotes the development of recognized RMs' identity. There are nevertheless some faults. At the institutional level, there exists a sharp distinction between recognized RMs (e.g., Copts in Egypt, and Alawites and Syriac Christians in Lebanon) and non–recognized RMs (e.g. Baha'is and Shia Muslims in Egypt, Jehovah's Witnesses in Lebanon, and Ahmadis in both countries). Recognition does not only imply opportunities — such as the possibility to regulate matters related to personal status according to one's own religious rules — but it affects the enjoyment of the most basic rights of religious freedom. Non–recognized RMs have no legal personality and their rights to have places of worship and faith–based private schools, to

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(46) No official census of the country's population has been conducted since 1932. See US Department of State 2023.

(47) These are schools "in which, irrespective of whether it may receive degrees of support (including financial support) from public sources, matters of organization, financing and management are primarily the responsibility of the school itself, or of a non–public sponsoring body" (ODIHR 2007, p. 20, fn. 4).

celebrate rites and to manifest their religious identity are severely limited. Furthermore, unlike the Member States of the Council of Europe, Egypt and Lebanon do not recognize civil forms of celebration and dissolution of marriage, regulation of inheritance, and so on. This leads to another serious fault, concerning the individual level: members of non–recognized RMs may not resort to civil marriage and dissolution and, therefore, are subject to the rules of a different religion. More generally, Egypt and Lebanon do not recognize the right to free self–identification — which, in the European space, has been devised as the balancing principle between a RM's right to autonomy and their members' right to self–determination. This means that Egypt and Lebanon, unlike Western Thrace, do not provide RMs' members with an opt–out mechanism. It is only possible to pass from one religion–based personal law to another, and even this passage is not always possible: conversion may be hampered by public authorities or — in the case of conversion to the religion of a non–recognized RM or adoption of an atheistic or agnosticistic worldview — one remains subject to the same legal regulation. It should be noted that this is a problem for members of both recognized and non–recognized RMs: the former have to accept the rules and perform the rites of the religion they were born into, even when they have ceased professing it; the latter are subject to the law of a religion they have never professed. Last but not least, the lack of a civil regulation of marriage and family law impairs the right to marry somebody belonging to another religion (ReMinEm Project 2022, pp. 26–28): as known, numerous religious traditions prohibit or discourage religiously mixed marriages (see Bottoni and Ferrari 2019, part IV). At this regard, the interviewed representatives of the RMs in Egypt and Lebanon

> underlined the importance of having a state–recognized, uniform personal status law, applied to all and derived from their religious teachings, values and beliefs, to regulate matters related to marriage, divorce, custody, and inheritance equally. This does not constitute an official statement from religious institutions […]; however, it does inform the series of conclusions and recommendations presented [in the report] (ReMinEm Project 2022, p. 12).

In Algeria, as mentioned, there exist no religion–based systems of personal law. Furthermore, only civil marriage is valid. Religious marriages can be celebrated (after the performance of the civil wedding), but they cannot obtain civil effects (MiReDiaDe Project 2023, p. 13). Under international standards of human rights protection, there is no positive obligation to provide RMs with the possibility to perform a religious marriage according to their own rites, having the same legal validity of a civil marriage, if certain conditions established by state law are respected. However, this is an important form of promotion of RM rights[48]. In the European space, only some States (such as Croatia, Denmark, Finland, Italy, Norway, the Republic of Cyprus, Poland, Portugal, Spain, Sweden and the UK) recognize civil effects to religious marriage, whereas others (e.g. Austria, Belgium, Estonia, France, Germany, Hungary, the Netherlands, Romania, Switzerland and Türkiye) only recognize civil marriage. In the latter group of countries, the celebration of a religious wedding is not prohibited, but this may not be recognized civil effects. Besides, some States stipulate that religious wedding (if celebrated) must follow civil marriage (see European Consortium for Church and State Research, 1993). Although in principle Algeria's position is the same as those European States where only civil marriage is valid, there is one important difference that affects RM rights. In Algeria, the regulation of marriage, family and inheritance is deeply influenced by the Islamic legal tradition. As a consequence, members of RMs find themselves subject to the rules of a religion other

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(48) According to the UN Human Rights Committee (1990, para. 4), "the right to freedom of thought, conscience and religion implies that the legislation of each State should provide for the possibility of both religious and civil marriages. In the Committee's view, however, for a State to require that a marriage, which is celebrated in accordance with religious rites, be conducted, affirmed or registered also under civil law is not incompatible with the [International] Covenant [on Civil and Political Rights]". At the European level, Art. 9(1) of the European Convention on Human Rights "does not go so far as to require Contracting States to grant religious marriages equal status and equal legal consequences to civil marriage" (Registry of the European Court of Human Rights 2022c, para. 180). "When it comes to the procedural limitations, States can require marriage to be contracted as a civil marriage, but they are free to recognize religious marriage according to their national laws. […]. An obligation to contract a marriage in accordance with forms prescribed by law rather than a particular religious ritual is not a refusal of the right to marry […]. At the same time, States remain free to exercise discretion to recognise a religious marriage" (Registry of the European Court of Human Rights 2022a, paras. 6–8).

than their own. For example, men belonging to any RM as well as women belonging to a religion other than Christianity or Judaism may not have a Muslim spouse; non–Muslims may not inherit from a deceased Muslim (MiReDiaDe Project 2023, pp. 14–16). As stressed by the RMs' interviewed representatives in Algeria,

> Both Catholics and Evangelical Protestants face problems concerning the recognition of the dissolution of their marriage by the state. Moreover, the Algerian inheritance law clashes with some principles of their Churches. In the context of divorce, Christians can hardly obtain custody of their children. In addition, they cannot adopt children, as Algerian law does not permit adoption (MiReDiaDe Project 2023, p. 14).

It may be argued that even in the European States the majority religion (i.e., Christianity) has had a paramount role in the legal definition of marriage and family, and that this influence has had and still has an impact on the rights of those RMs whose specific notions of marriage and family are different from the majority's ones. In fact, when revolutionary France introduced civil marriage on 20 September 1792, it secularized the institution of marriage as regulated by Canon law and it confirmed the procedural requirements of the Catholic Church, which had been established in the Council of Trent, such as the publication of banns and the presence of witnesses (Dittgen 1997, p. 312). But despite its roots, civil marriage has strengthened the principle of equality before the law as well as the right to religious freedom. By making the spouses' religion or belief irrelevant, it has enabled everybody to marry without having to accept the rites of a religion, which they do not profess (Cardia 2003, p. 191). It has also made it possible for two persons of different religions or beliefs to enter into a legal union. Furthermore, the institution of civil marriage has acquired over time a number of features diverging from or even breaching Canon law. Suffice it to mention divorce and gender–neutral marriage.

Education is less sensitive to the application of religious rules than marriage and family, but in this field, too, there exist notable differences between Algeria and the European States. In the former, RMs may not open or manage faith–based private schools (MiReDiaDe Project

2023, p. 6), which the RMs' interviewed representatives have high-lighted as a significant problem.

> Although representatives of Catholic and Evangelical Churches are keen to incorporate their religious teachings into school curricula, their desire cannot be fulfilled. In Algeria, from elementary to high schools, only Islamic doctrines are taught. Since 1990, Islamic education has become an obligatory subject for obtaining a diploma. Christians cannot open their own private schools where they would be able to teach their tenets. In public schools, Christian students and teachers always face discrimination due to their religious beliefs and symbols. These students do not have the right to opt out of Islamic teachings. Due to these reasons, Catholics and Evangelical protestants expressed dissatisfaction regarding the ways in which religions are taught at the Algerian schools (MiReDiaDe Project 2023, p. 23).

By contrast, in the European space, the right to open faith–based private schools is widely recognized not only to national minorities that have the right to promote their own identity[49], but also to parents who have the right to educate their children according to their own religion or belief[50], to religious denominations that have the right to pursue their mission[51] and, more generally, to all natural and legal per-

(49) See for example Art. 79.1 of the Serbian constitution: "Members of national minorities shall have a right to […] found private educational institutions […], in accordance with the law".

(50) Under Art. 2 P–1 ECHR "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions". This right is guaranteed by a number of European constitutions, too, and most notably by the Irish one: "1. The state acknowledges that the primary and natural educator of the child is the family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children. 2. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the state. 3.1. The state shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the state, or to any particular type of school designated by the state. […]. 4. The state shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and, when the public good requires it, provide other educational facilities or institutions with due regard, however, for the rights of parents, especially in the matter of religious and moral formation" (Art. 42).

(51) See for example Art. 44.2 of the Serbian constitution: "Churches and religious communities shall be equal and free […] to establish and manage religious schools […], in accordance with the law".

sons[52]. However, according to the ECtHR case law, States may not be required to subsidize private schools (Registry of the European Court of Human Rights 2022b, para. 3). As regards the teaching of religion in public schools, the European States enjoy a wide margin of appreciation: they may include both denominational and non–denominational teachings of religion[53] in the curriculum of public schools (or none of them). The only limit that they may not exceed is the prohibition of indoctrination. In fact, they have the positive obligation to provide an adequate scheme of exemption from the attendance of the denominational teaching of religion (that is, the majority religion) in public schools[54], which in particular does not force parents to disclose their religion or belief in order to have their children exempted[55]. Lack of promotion of RM rights is more likely to occur as regards the teaching of minority religions in public schools. This possibility is offered in a very selective way, although some European countries are more inclusive than others[56].

5. Concluding remarks

With the exception of Algeria, all examined models promoted (in the past) and promote (today) RM rights to some extent. Those prevailing in the European space do so in the context of a territorial law system,

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(52) See for example Art. 27.6 of the Spanish constitution: "The right of individuals and legal entities to set up educational centers is recognized. provided they respect constitutional principles".

(53) Denominational teaching is the teaching *of* religions, that is, "the teaching of a particular religion, which is taught by members of that religious tradition and/or under the supervision of institutions representing it". Non–denominational teaching of religion is the teaching *about* religions, that is, "information and knowledge about different religions and beliefs and about the role they play in the historical, cultural and social development of a nation. This teaching is usually provided under the supervision of state authorities and is subject to the rules that apply to other teachings provided in public schools" (ReMinEm Project 2022, p. 16. See also MiReDiaDe Project 2023, p. 17).

(54) See ECtHR, *Folgero and Others v. Norway*, application no. 15472/02, 29 June 2007; *Hasan and Eylem Zengin v. Turkey*, application no. 1448/04, 9 October 2007; *Mansur Yalçın and Others v. Turkey*, application no. 21163/11, 16 September 2014.

(55) See ECtHR, *Papageorgiou and Others v. Greece*, application no. 4762/18 & 6140/18, 31 October 2019.

(56) See https://atlasminorityrights.eu/areas/Rbms-rights-in-public-schools.php.

thus excluding the right to apply one's own religious rules in specific fields of law (typically, family law) and to have the related controversies judged by one's own religious courts. This is not to say that religion–based personal law systems are incompatible with European standards of human rights protection. However, they are the exception, and not the rule, in the Western legal tradition. In fact, only one of such systems can be found in the European space. The ECtHR has found the minority right system in force in Western Thrace consistent with the ECHR insofar as it recognizes the right of the individuals belonging to the Muslim minority to free self–identification. This position mirrors that of the UN Special Rapporteur on minority issues, who included the individual's freedom of choice ("A person can freely belong […]") in the notion of minority. By contrast, the Ottoman experience as well as contemporary Egypt and Lebanon are characterized by the promotion of RM rights within a system of religion–based personal laws, without recognizing the right to free self–identification. This lack is less relevant in the context of the Ottoman Empire, but today it is not consistent with international standards of human rights protection.

One flaw characterizing all examined models of promotion of RM rights is the selective character of the measures adopted. However, with the partial exception of Türkiye, the Member States of the Council of Europe understand autonomy mostly in terms of respect of some basic rights (such as those to designate religious leaders, to obtain legal personality and to own property), which must be recognized to all RMs (indeed, to all RBOs), while selectively conferring a number of privileges, advantages and benefits (for example, public funding). In Lebanon and Egypt there is a greater divide within RMs: those that are recognized enjoy a greater level of promotion than some majority religions in the European space, but non–recognized ones are not even entitled to the basic rights that the ECtHR has identified as the core of the notion of autonomy.

International standards of human rights protection are not the only relevant element to determine whether the examined models of autonomy actually promote RMs rights. RMs' preferences need to be taken into account, too. In order to do so, one must first acknowledge that RMs may have different needs. In fact, they do not only have a different

doctrinal background, which influences the way of conceiving of the relationship with the State and the public authorities (suffice it to think of the Italian example of the Waldensian Church and the Union of the Italian Jewish Communities). RMs also go through different historical experiences, which are very much culture–specific and dependent on a given national context. Political, cultural, social, economic and — not last — legal developments are exogenous factors impacting on the type of autonomy RMs claim. Whereas the diversity among RMs explains why they desire different forms of autonomy, it may not be overlooked that the same RM may changes its preferences over time, as highlighted by the case of *Tavola Valdese*'s position concerning the access to the 0,08% funding system. This leads to a final remark. Interestingly, there are some forms of promotion that do not meet some RMs' needs. As mentioned, the interviewed representatives of the RMs (even the recognized ones) in Egypt and Lebanon call for a uniform personal status law.

The forms of autonomy better promoting RMs rights seem to be those devised in those States, which are aware of the necessity to have a dynamic approach, and which are prepared to adjust and revise instruments of promotion over time when historical–legal conditions change or when RMs develop different preferences. Protection can be practical and effective only when some approaches are avoided, in particular the conferral of privileges in too a selective way, the provision of a homogenizing package of benefits and advantages that does not take the differences among RMs into account, and the denial of the basic rights of autonomy, that is, the possibility for the individual to enter into a civil marriage and to be exempted from the compulsory teaching of religion, and for the community to obtain legal personality.

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RELIGIOUS AND BELIEF IDENTITIES
THE EUROPEAN PARADIGM OF THE SECULAR STATE

ROBERTO TONIATTI

ABSTRACT: The paper deals with the religious phenomenon, which includes within itself "religion" and "non-religion", and focuses in particular on the Western (euro–atlantic) constitutional theory and practice. Such inclusion is the outcome of political and normative development over the centuries, a development which emphasises the progressive advancement of the role of "non-religion" and its contribution to the establishment of the secular paradigm of Western constitutionalism, formalised in national and well as in international and supranational sources of positive law and case law in Europe. The secular paradigm may be read through a plurality of definitions, whose common ground is best indicated with reference to the principles of cultural pluralism and of state's neutrality in both "religion" and "non–religion".

Il contributo tratta del fenomeno religioso, il quale racchiude in sé sia la "religione", sia la "non–religione", e approfondisce in particolare la teoria e la prassi costituzionale dell'area occidentale (euro–atlantica). L'assetto inclusivo sopra indicato rappresenta il portato di un'evoluzione politica e normativa che si è svolta nel corso di secoli. Tale sviluppo ha condotto all'acquisizione da parte del fenomeno "non–religione" di un ruolo essenziale nell'identificazione del paradigma secolare del costituzionalismo euro-occidentale, quale formalizzato nelle fonti europee di diritto positivo nazionale, internazionale e sovranazionale. Il paradigma secolare è suscettibile di più di una lettura, condividendo però i principi del pluralismo culturale e della neutralità dello stato in materia tanto di "religione", quanto di "non–religione".

KEYWORDS: The religious phenomenon, "religion" and "non–religion", The religious phenomenon and the law, Western paradigm of the secular state, Neutrality as safeguard of pluralism

PAROLE CHIAVE: Il fenomeno religioso, "religione" e "non-religione", il fenomeno religioso e il diritto, il paradigma occidentale dello stato secolare, neutralità come garanzia del pluralismo

1. Introduction: the religious phenomenon, between "religion" and "non–religion"

The connection between a state and the religious phenomenon is part of the main qualifications to be given a polity[1].

Further qualifications refer to a state's political and legal framework, entailing its identification (or not) as a constitutional democracy, or to its legal tradition, that makes of it a common law or a civil law (or other) jurisdiction, or to its ideological foundation, that indicates (among alternative solutions) a liberal and social democratic polity, or to its economic orientation, based (or not) on a social market economy. Furthermore, all such qualifications primarily depend on a state being consistent (or not) with the fundamental features of a system belonging to the Western community shaped by euro-atlantic constitutionalism[2]. The classification as "secular" is then but one of the ways that, among others, contribute to characterise a state with regard to its non-identification with any one religion or with any specific religious denomination and, more generally, with reference to its neutrality to the religious phenomenon *per se*.

All the definitions proposed above are quite general and, perhaps, generic, and to some extent more intuitive and part of mainstream narratives than scientifically accurate and adequate. They do require, in fact, further and more detailed explanations. And yet, they provide a useful starting point for a much needed wider articulate analysis that,

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(1) The issue is certainly and primarily relevant in nation-states and may be relevant also in a subnational or in a supranational perspective. In the first case, the specific qualification of a unitary state or of a federal union also applies to all of its territories, although some distinction in regulations is admitted (an example is the specific *régime* in force in Alsace Lorraine, partially different from the rest of France; another example is the mandatory teaching of religion in public schools in Alto Adige/Südtirol, whereas in the rest of Italy it is optional). In the United States, freedom of religion as regulated by the federal Constitution's First Amendment has been incorporated into state law through interpretation by the Supreme Court. Elsewhere, limiting the reference to a well-known example, religious difference and its impact on the respective distinct legal settings proved to be determinant for the post-independence partition between India and Pakistan in 1947. In the second perspective, the European Union's approach to the issue is framed in order to be compatible and reflect the distinct models of regulation of member-states (as will be dealt with at a later stage in the paper).

(2) On the methodological requirement of indicating the specific constitutionalism the research is dealing with see Toniatti (2019).

among other advantages, is meant to focus the proper distinction from other pertinent categories. Therefore, the definition of what a 'secular state' is, of what it is not, and how it is distinct from other qualifications based on factors of the same nature – such as "theological state", or ""confessional state", or "atheist state", and the like - requires a wider and deeper approach[3].

Another indicator of inadequacy of an unspecified definition of the "secular state" is provided for by the requirement of including also the non–religious element within the boundaries of the legal regulation of the religious phenomenon, although the said approach may appear to be contradictory.

It is our understanding, in fact, that the religious phenomenon includes — or, at least, may be regarded as inclusive of — also its opposite, the phenomenon of "non–religion".

Religion and non–religion are a two-sided polysemic concept that is better dealt with scientifically through an interdisciplinary approach, inclusive of the legal perspective. It is this last perspective, in particular, that suggests a unitary consideration of both faces of the same phenomenon inasmuch as the phenomenon, in its integrity, contributes to the definition of the main features of a state that, invariably, is the host polity accommodating both religious and beliefs identities.

In a context of pluralism and freedom, in fact, religion interacts, coexists and conflicts with its own ontological opposite (or denial) and with indifference to itself — the wide and heterogeneous space of anti–religion, non–religion, or a–religion, as represented by atheism, agnosticism, rationalism, scientism, and the like — and such interaction, coexistence

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(3) On the ambiguity of the concept of secularism see Bottoni (2022). The evaluation, as such and in general, is to be largely shared and yet it is our opinion that the category needs not being discarded but, rather, that it requires contextualisation, as, for instance, with regard to the secular state being the appropriate framework for hosting an equal and balanced regulation of religious and belief identities (see the Final Remarks in this paper). A useful reference is the *Dèclaration universelle sur la laïcité au XXI siècle*, which the Author herself recalls and quotes for its being suitable for consideration as "a key element in democratic life (art. 6)", and for being "defined as the harmonisation (art. 4) of three principles: respect for the freedom of conscience and its individual and collective manifestation (art. 1), the State's and public institutions' autonomy from religion or belief (art. 2), prohibition of discrimination against individuals (art. 3)". A critical evaluation has been elaborated also on the concept of "neutrality" ("that faces the 'danger of turning into an *empty*' signifier, or, alternatively, a word too *full* of meanings", in Palomino (2011, p. 656).

and conflict perform a pivotal role in the intellectual, spiritual and political life of any free society. The same relationship may be described also in the reverse order, of course (although, historically, non–religion has become legally relevant *per se* at a later historical stage than religion).

Quite obviously, dealing with "religion" and "non–religion" is — again — an oversimplification for both phenomena: each term, in fact, bears a reference to a very large plurality of "religions" and — so to speak — "non–religions", such plurality witnessing, by itself, the richness of human creativity and the capacity of the human mind to explore the highest and loftiest realms of inner consciousness as well as the most precise construction of rational worldviews.

The mutually interrelated dual framework of analysis is the outcome of the present stage of evolution of a process of secularisation of the normative setting of public institutions, a process that is quite slower and gradual than the parallel process of secularisation of society in the Western euro–atlantic legal tradition and, more in particular in Europe, that is the *focus* of the present paper.

Religion, in fact, has characterised the genetic code of social life and of institutional establishments through centuries of historical evolution and, with rare individual exceptions, has exercised a tight control of European culture for centuries.

The relevance of "non–religion" follows "religion's", historically: logically, in fact, a negative definition — a definition of what one is not — rather than an affirmative one — a definition of what one is — is a symptom of structural weakness, of somehow painful uncertainty, ultimately of a non–identity and it is doubtfully a preferential voluntary choice. Therefore, "non–religion" has started to be conventionally referred to as "beliefs", that is to be semantically regarded as an affirmative identity: "non–religion" thus becomes a "belief", although the noun itself has not achieved the same degree of an easy and immediate understanding as "religion" (and, perhaps, "non religion").

Historically, then, religion has somehow achieved the dominant position in setting basic social standards and has, for a long time, pre–empted competing alternative factors of identity: while, at the present stage of development of secularism, both religious and beliefs identities are to be considered as equally contributing to qualify the

connection between the state and the religious and the non–religious phenomenon.

In the next paragraphs, religious and beliefs identities will be dealt with in the objective or institutional sense, in order to elaborate on the specific qualification of a polity[4].

2. The interaction between law and the religious phenomenon

The law, and constitutional law in particular, cannot avoid being highly sensitive to religion and the religious phenomenon at large for several reasons.

Historically, in Europe, after centuries of brutal repression of religious minorities, heresies and alternative spiritual movements, the original ground for testing the earliest public attitudes of acceptance and tolerance for diversity from official mainstream values and institutional allegiance has been provided by the law on religion, thus marking a sort of hierarchical priority of freedom of religion among other fundamental rights[5]. The constitutional law of the religious phenomenon in the era of modernisation is, therefore, intrinsically inspired by a pluralist approach inasmuch as it is expected to reflect the intrinsic pluralism of the religious phenomenon itself. Recognition and protection of religious freedom paved the way for establishing a wider and deeper pluralist recognition of fundamental rights.

In general, religion is perceived as being able to provide final answers to crucial questions concerning the meaning of personal human life and, indeed, of life *tout court*. For all the people who share their faith in those answers, religion is, therefore, a strong factor of social

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(4) Religious and belief identities in the subjective sense, as referred both to individuals and to communities within the secular state, are not considered in the present paper.

(5) Reference is to the "preferred position doctrine" reserved to 1st Amendments values (inclusive of the two — no establishment and free exercise — religious clauses) of the federal Constitution of the United States and elaborated by the Supreme Court. The historical origins of migration of religiously motivated communities from Europe to the new continent may appear to explain the elaboration of such category and justify a stricter judicial scrutiny. European history (before and after the treaty of Westphalia, at least as far as the *Shoah*) would support the adoption of the same doctrine, although systematically there are no indicators of a hierarchy of constitutional rights and freedoms.

aggregation, unshaken self-identification and firm loyalty, all features that the state — and, generally, public power — basically wants for itself.

Religion is a spiritual source that supports and motivates individual and collective attitudes, choices and decisions. Religion is also a social organisation that has the authority of imposing a set of rules that are not only meant to regulate strictly spiritual experiences and ways of life but also daily and routine activities such as family organisation, food and clothing, communitarian systems of values and general social orientations (Piciocchi 2024).

In the end, religion is a complex, polyhedric social phenomenon, hardly subject to control from the outside — if not by another competing religion, through individual and, sometimes, mass conversions —- and a virtual alternative to the state from the point of view of being a competitive system of sources of law and provider of essential social services. Although virtually not less antagonistic — as represented by the exceptions of totalitarian and authoritarian ideologies, aiming at capturing the inner consciousness of individuals and masses —, beliefs appear to be less amenable to non–state references of loyalty and deference, thus showing to be more manageable by the state.

The law, therefore, has to face the religious phenomenon and to establish itself as the *exclusive* law–making authority and source of shared values of the community and yet it also has to cope with the need of accommodating — to some degree, depending on contingent circumstances — the effectiveness as well as the pervasiveness of the presence and role of religion in society.

In our time, religion and the state, in fact, share the interest in building a policy of mutual accommodation that requires, from both sides, flexibility, capacity of adaptation, perception of people's consent, mutual adjustments and concessions not primarily in setting the general framework of reference, such as the constitution and the highest religious sources, but in the respective interpretation, implementation, and *de facto* evolution.

Generally speaking, in the Western liberal tradition, the process of secularisation has historically achieved for the state the capacity of setting the boundaries of religious law within the free conscience of

individuals under the concept of freedom of religion. The free exercise of religious freedom is thus the general rule, applicable to all individuals and their respective communities, as long as such exercise does not violate state's systemic values.

The same historical secularising dynamic has affected the role of religions: fundamental loyalty to the state has been mediated through the achievement of a role — although to varying degrees limited — in the private sphere of individuals, also making use, mostly when accepted by the state, of the conscientious objection clause as an exemption from the enforcement of state general rules that result incompatible with their spiritual vision. Thus, religious law — instead of state law — may be legitimately observed when allowed by the state law on religion[6].

What the state's law on religion is must be eventually drawn, therefore, not only from constitutional declarations and general rules as interpreted according to changing historical circumstances but also from implementing legislation, case law and, when applicable, explicit bilateral agreements (Piciocchi *et al.* 2021)[7]. Judicial rulings, in particular, are extremely important as courts are able to operate as institutional sensors of the degree of social acceptance and compliance with the current regulation either of state law or religious law. At the same time, constitutional declarations and general rules do not lose their relevance as they are the immediate expression of the political will to regulate the religious phenomenon in the polity.

The interdependence between the law and the religious scenario at a given time represents a delicate balance. And changes within the latter may — or ought to — imply changes of the former as well, either enlarging the scope of religious freedom or — as the case may be — restricting it, when non-compliance with state law becomes more visible and the challenge to its supremacy more serious. Normative changes, therefore, may reinforce the polity, on the one hand, but, at the same

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(6) The rule of exemption based on conscientious objection is applicable also to beliefs, on the foundation of philosophical and ideological (non–religious) ground: see, for instance, the Charter of Fundamental Rights of the European Union, which significantly regulates the right to conscientious objection in the context of the freedom of thought, conscience and religion in art. 10, second paragraph ("The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right").

(7) Agreements between state and religious institutions may be classified as instruments introducing forms of "consensual legal pluralism" (Toniatti 2021, p. 55).

time, may affect the "essential content" (*das Wesensgehalt*) of a new religious presence in society.

The dynamics here indicated have developed and are still developing in many parts of Europe, thus setting a new and different scenario with regard to the features of the religious phenomenon: this different and more plural situation is due, in part, to a practice of religious conversions and, mainly, to notable massive immigration not only of isolated individuals but also of families, a circumstance that raises the issues of maintaining social customs and raising children in observance of their traditional values, often quite distinct from the ones experienced in the new countries of residence. New religions include Islam, in its various schools, and others from (Mediterranean and sub–Saharan) Africa and from the East; and all of them, regardless of their areas of origin — and whether practiced for their strictly spiritual meaning or just for its contribution to the new communities' cultural identity — have a role in making the current European religious scenario more complex and less consistent with the autochthonous historical legacy.

A consequence of such developments that needs being taken in consideration is that the religious component of the religious phenomenon tends to be able to capture an exclusive public interest, to the detriment of its non-religious element, due also to the relevance of "inter-faith dialogue" as an instrument for managing the coexistence of diversities. On the background of such scenario, a proper *focus* on the requirements of the secular state and of preserving its constitutive balanced features requires to be noticed and strengthened.

In the following paragraphs the evolution of the legal setting of the religious phenomenon will be briefly described in order to highlight some of the models to be found in the European (national, international and supranational) constitutional space.

3. Origins and evolution of the European paradigm of the secular state

European history could hardly be conceived without a recurring reference to the religious phenomenon as a structural part not only of the

cultural heritage of the continent but also as a distinguishing feature of its political and institutional setting.

The observation holds true whether applied to the Nordic deities such as Odin, Thor and Freya dominating over the Valhalla; or to the spiritual beings venerated by the Druids in their esoteric ceremonies; or to the ancient Greek or Roman pantheon that has generated world famous mythological figures and inspired so much artistic work that, somehow paradoxically, ensures their living presence in present day culture. Political power and leadership regularly invoked divine support and the religious caste regularly conceded supernatural protection, as needed.

Beyond the historical time of ancient paganism, Christianity managed to emerge as the official religion of the Roman empire, first, and then the winner over competing faiths, with the exception of the early Jewish diaspora in European territories. Both Judaism and Christianity, in spite of their origin from the Eastern Mediterranean region, found a favourable environment for planting a new root, the former, and expanding over the whole continent, the latter.

Later in the Middle Ages, a proliferation of sects and heresies — when not violently suppressed — developed into schisms in northern Europe as well as in the East, eventually broke the unity of (religious and political) Christianity — except for the military confrontation with a rising Islam — and affected the duality of spiritual and secular power, the latter nevertheless continuing for centuries to style itself as the Holy Roman Western empire inherited by the successors of Charlemagne.

Theories about the entitlement to the crown "by grace of God" and the establishment of national churches — headed by the king or queen and founded over the mandatory affiliation of members of the reigning dynasty — have provided further fuel to the characterising presence of the religious phenomenon in European institutional history. In spite of the opposition by both the empire and the Roman Catholic church, the era of the nation state flourished. The political engineering of the post–Westphalian sovereign state included the fundamental unity of the nation (often allegedly based on ethnic or racial ground under the term "national"), of language (thus endangering the survival of less spoken idioms), and also of religion: this was originally achieved through the

principle "*cujus regio ejus et religio*" that assumed and, rather, created religious homogeneity of a polity's citizens. It is to be stressed, nevertheless, that, while by itself undoubtedly a manifestation of tolerance, such arrangement was confined within the boundaries of the Christian faith and was not inclusive of other religious communities, such as — in spite of their own well established European presence — the Jews, who experienced bot only endless persecutions but also heavy legal discriminations until the end of the 18th century, when the Enlightenment started a new phase of emancipation and Jews were gradually granted full citizenship and a previously unexperienced freedom in the practice of their religion as well as in participation to general civic affairs (although antisemitism continued to be expressed socially).

The French revolution gave impulse to the early stage of a process of secularisation. The *Déclaration des Droits de l'Homme et du Citoyen* (1789) did not acknowledge any special status to the religious phenomenon, referred to, and somehow only indirectly, exclusively by its art. 10[8]. Religious freedom was listed among individual fundamental rights. Over time, freedom *of* religion generated also freedom *from* religion in order to accommodate also the worldviews of rationalists, agnostics and atheists, groups that are a substantial part of the European population and cultural legacy[9].

The French emancipation of Jews, promoted by a 1791 statute that put an end to their legalised discrimination was progressively followed by other jurisdictions and a post–revolutionary setting of a limited religious pluralism beyond Christian denominations was inaugurated in Europe. Nevertheless, and with the exception of periods of transition, the historical heritage of the nation–state in Europe shows a prevailing

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(8) See the text: ""Nul ne doit être inquiété pour ses opinions, *même religieuses*, pourvu que leur manifestation ne trouble pas l'ordre public établi par la loi" (italics added).

(9) For a rare provision establishing a regulation for atheism — namely, the freedom to conduct atheistic propaganda — see art. 52 of the 1977 USSR Constitution ("Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited. In the USSR, the church is separated from the state, and the school from the church"). The formula "freedom to conduct [...] *atheistic* propaganda" replaced "freedom of *antireligious* propaganda to be found in the text (art. 124) of the 1936 Constitution (italics added) that had introduced freedom of conscience, that meant freedom to believe or not believe in religion. Freedom of conscience was ensured by separating the church from the state, "and the school from the church".

presence of one religion only at the same time, that is the Christian faith in one of its confessional expressions, showing a distinct degree of presence in the public space, that is quite higher in Eastern Orthodox experiences and in countries having — or having previously had — a national established church[10].

It is not a coincidence that the systematic study of such issues has traditionally been named "state and church relations" — church(es) performing the role of an institutional filter of religion(s) —, rather than "state and religions", as it appears more appropriate and more widely practiced nowadays.

Furthermore, a growing emphasis on the concept of equal citizenship gradually implied the achievement of legal irrelevance of individual religious affiliation in the public area, thus setting a typical feature of Western societies, namely, the separation between religious freedom of individuals and the secular public space: religious pluralism, in

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(10) The change of *status* of a given religion may be fairly difficult to acknowledge, as evidenced by a number of cases decided by the Italian Constitutional Court on the Criminal Code (art. 734) that made it a crime to use language "blaspheme in public, with invectives or offensive language, against the Divinity, Symbols, or Persons venerated in the Religion of the State". When the code was adopted in 1930, the then constitutional text (Article 1 of the Albertine Statute) proclaimed the Roman Catholic religion as "the religion of the State". After the adoption of the republican Constitution (1948), a new Protocol between the state and the Catholic church proclaimed that "the principle that the Catholic religion is the only religion of the Italian State, originally stated by the Lateran Pacts, is considered to no longer have any effect". The new *status*, therefore, could not uphold the said criminal law provision. Nevertheless, the Court found different grounds for not invalidating it, writing that "the Catholic religion was no longer the religion of the State as a political organization, but rather that of the State as society" (judgement no. 79 of 1958); or, later, that "the object of legal protection was no longer Catholicism as the religion of "nearly the entirety" of Italians, but rather 'religious sentiment', a basic element of religious freedom, which the Constitution recognizes as common to all people" (judgement no. 14 of 1973). Eventually, in judgement no. 440 of 1995, the Court concluded that the pre-eminence of the principle of equality to be implemented in a constitutional context of secularism demanded a declaration of unconstitutionality for those parts of the provision that effectively violated the principle. The Court then divided the blasphemy provision into two parts: the first outlawing invectives and offensive language against a generic Divinity, not ascribed to any particular religion, the contents of which could be filled in by the religion of any believer, and the second outlawing invectives and offensive language against the Symbols and Persons venerated in the religion of the State. The Court struck down only the latter part of the provision, limiting its declaration to the words "Symbols, or Persons venerated in the religion of the State", and added that the resulting rule "provides non-discriminatory protection of an interest that is common to all the religions that today characterize our national community, in which a variety of different faiths, cultures, and traditions must coexist".

fact, entailed the non–identification of the state with any one religion or any one religious denomination only. Any investigation on issues of state and religion relationship in individual jurisdictions should always include constitutional provisions on the principle of equality and non-discrimination, with specific regard to religion as a previous recurrent factor of discrimination.

In other words, individual religious freedom in Europe- inclusive of freedom *from* religion as well — incorporates within its normative content also the principle of separation between state and religion, although the understanding of the said principle is not uniformly settled and, consequently, is subject to distinct margins of normative implementation by European nation–states.

Quite distinct the framework of the normative setting established in the United States of America: in fact, since the time of the historical revolution, in some states and since the adoption of the Bill of Rights (1791), the principle of religious freedom was explicitly expressed by the "free exercise clause" of the First Amendment that left very little discretion to the federal law-maker as to setting limits while a larger discretion was acknowledged to (and effectively exercised by) the judiciary[11].

To this extent, a comparison with the European experience is feasible, although, indeed, not really easy. But such a comparison becomes much more complex when one considers that the breakaway from the United Kingdom entailed a separation also from its formula based on an official state religion that required a religious test for all holders of a public office[12], so that the "no establishment clause" — and the con-

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(11) The text of the First Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof […]".

(12) See: "In England, religious tests were used to "establish" the Church of England as an official national church. The Test Acts, in force from the 1660s until the 1820s, required all government officials to take an oath disclaiming the Catholic doctrine of transubstantiation and affirming the Church of England's teachings about receiving the sacrament. These laws effectively excluded Catholics and members of dissenting Protestant sects from exercising political power. Religious tests were needed, William Blackstone explained, to protect the established church and the government "against perils from non-conformists of all denominations, infidels, turks, jews, heretics, papists, and sectaries" (Brownstein, Campbell). In the United Kingdom "when judges are sworn in they take two oaths/affirmations. The first is the oath of allegiance and the second the judicial oath". An oath may be substituted by an affirmation. For both, "Other acceptable forms of the oaths above" are: Hindu (Members of the Hindu faith

sequent prohibition of a religious test — is to be read against such scenario[13].

Because of quite a different position as to the presence of established religions in the European public space, no comparison with the United States system is even attempted here and the following paragraphs will focus on the plurality of arrangements that in Europe have been developed in order to set the basic normative background of religious freedom.

Over time and due to a new era of European states' social policies, secularisation meant also that religiously inspired institutions in the field of health care, social assistance, and education as well as their influence in family life gradually lost their formerly important role in favour of public institutions, of secular private commitment and religiously neutral conceptions. The social state in Europe is also a secular state. The state aims at fulfilling its welfare tasks, not because of a voluntary charitable religiously motivated commitment but out of constitutional or legislative obligations to citizens.

The development of contemporary mainstream European constitutionalism has gradually led to a normative setting centred on a few features related to freedom of religion inspired by the secular state's neutrality to any one religion: freedom of and from religion of individuals and communities, freedom of religious establishments to perform

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will omit the words "I swear by Almighty God" and substitute the words "I swear by Gita"); Jew (Members of the Jewish faith use the oaths above although some may wish to affirm); Muslim (Members of the Muslim faith will omit the words "I swear by Almighty God" and substitute the words "I swear by Allah"; Sikh (Members of the Sikh faith will omit the words "I swear by Almighty God" and substitute the words "I swear by Guru Nanak"), in https://www.judiciary.uk/.

(13) Both First Amendment religious clauses are further reinforced by the "no religious test clause» ("no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States", art. VI of the federal Constitution). It is interesting to notice that "At the time the United States Constitution was adopted, religious qualifications for holding office also were pervasive throughout the states. Delaware's constitution, for example, required government officials to "profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost." North Carolina barred anyone "who shall deny the being of God or the truth of the Protestant religion" from serving in the government. Unlike the rule in England, however, American religious tests did not limit office-holding to members of a particular established church. Every state allowed Protestants of all varieties to serve in government. Still, religious tests were designed to exclude certain people — often Catholics or non–Christians — from holding office based on their faith".

their spiritual mission under a normative condition of compatibility with state law, save limited exceptions provided by state law, separation between state and religion and between state and religious institutions, save a few national cases of state official religion as regulated by state's legislation, differentiation between the private and the public sphere under the principle of state neutrality with regard to all individual denominations.

The historical evolving scenario suggests the relevance of further systemic features shared by European jurisdictions: the religious phenomenon has been present and relevant throughout European history; its presence and relevance has been constantly adapted at different stages; the religious phenomenon shows two faces, the first appearing as closer to political power, willing to accept mediations with the state in order to preserve or to receive some advantages and employed — to varying degrees — as an instrument of government, the second more authentically an expression of a thoroughly spiritual dimension, quite distant from any worldly power, more militant and reluctant to any sort of compromise with the neutral sphere of non–religion and with the very notion of recognition of the supremacy of state law. Hence, because of the variety of religious approaches and attitudes, the need for flexibility and adaptation.

At the present stage of historical development, secularism may thus be interpreted both as a defensive attitude by the state from undue intrusion into its public affairs as well as the assertion of a form of ideal self–determination of a polity[14]: reference to secularism as a sort of "civil religion" is meant to emphasise that the sphere of "non–religion" does have its own (non–metaphysical) high ethical values, among which the equal constitutional recognition and protection of religious and belief identities.

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(14) On the ground, nevertheless, one has also to recall the hypothesis suggesting an interpretation of secularism as a form of aggression by the state against all religions, or against one religious denomination in particular.

4. Normative diversities within the European constitutional paradigm

A short survey of European sources of positive law — international, supranational and national — gives evidence to the main features of the constitutional accommodation of both religious and belief identities within the framework of the secular state.

4.1. *Reading European international and supranational sources of law*

The specific provisions of the European Convention for Human Rights and Fundamental Freedoms (ECHR, 1950)[15] and of the Charter of Fundamental Rights in the European Union (CFREU, 2009)[16] provide a standard of the shared understanding of the constitutional status and regulation of religious freedom by member-states, although national differences are not at all missing non marginal only, and the case–law of the two Courts is quite relevant for making that shared understanding more specific.

In both normative sources, freedom of religion is dealt with in conjunction with freedom of thought and conscience: while thought *per se* seems to recall a rather intellectual side of human life and activities, religion and conscience do appear to share a solid reference to a rather spiritual dimension, inasmuch as the latter covers the area of non–religion and concurs to emancipate the individual from dogmas and ethical standards of behaviour deriving from an external authority above

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(15) See ECHR, art. 9 ("*Freedom of thought, conscience and religion*"): 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others".

(16) See CFREU, art. 10 ("*Freedom of thought, conscience and religion*"): 1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance. 2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right".

individual conscience. Freedom of conscience sharing the normative context with freedom of religion entails the codification of freedom *from* religion. Thus, finding the combination of religion and conscience in the same normative text does suggest that religion is perceived as a thoroughly subjective reality — just as conscience — and that it loses any claim to a higher status of its own over individual conscience. And the inclusion in the same context of thought as well confirms that each one of them — thought, conscience and religion — is equally regarded as an essential component of the human existential condition.

Nevertheless, religion deserves further rules expressly addressed to it: freedom to change religion or belief entails, once again, the supremacy of the individual over his/her religious community or ideological group; freedom to manifest religion or belief, in worship, teaching, practice and observance is rather related to historical practices of individual and collective repression that the processes of modernisation and secularisation have hopefully defeated and, furthermore, refers to subjective choices of the individual.

The collective dimension of religion emerges with regard to the "either alone or in community with others and in public or private" clause: in this case, without undermining the individual right, the emphasis is on the collective exercise of freedom of religion (and conscience and thought). The collective perspective is extremely important and, nevertheless, religious minorities in Europe can only rely on the Framework Convention for the Protection of National Minorities, inasmuch as it deals also with the religious component of the identity of national minorities but without providing *ad hoc* instruments of judicial adjudication[17].

As it happens with all fundamental rights, freedom of religion as well — just as freedom of conscience and thought — may be subject to limitations. The CFREU (art. 52) concentrates in a single provision such limits, that are of a formal nature ("they must be provided for by law") or of a substantive one: "they must respect the essence of those rights and freedoms"; furthermore, limitations are "subject to the principle of proportionality", and "may be made only if they

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[17] All the more relevant is, therefore, the role of those forms of soft control that are performed by the Advisory Committee (Topidi 2021; van der Ven 2008).

are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others".

The ECHR (art. 9) appears to be more selective with regard to the object of limits, as they may be addressed only to "freedom to manifest one's religion or beliefs" and are not meant to target the soul or mind of individuals; furthermore, the provision reserves the limits to the law and introduces substantive limitations as well: they must be "necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others". Quite a sweeping set of potential constraints, that a state party to the Convention may be tempted to employ for targeting one particular religious community as a whole — for instance, for the protection of a constitutional "public order" — without being found in violation of the Convention. Of course, the application of such general clauses is entrusted to their interpretation by the ECtHR. As often and repeatedly indicated by the case law, the ECHR is "a living instrument that must be interpreted in light of present-day conditions".

The Treaty on the Functioning of the European Union (TFEU), introduces also a principle of parallelism in the relational framework of the Union with the spheres of religions and beliefs: in fact, art. 17 has a preliminary general normative statement on the conformity of the EU's relational framework with the same pattern of its member-states[18]; and it further qualifies a parallel attitude of mutually cooperative and consultative nature between the institutions of the EU and those spheres[19].

Both normative sources establish a dual model of definition of the principle of secularism: the ECHR with regard to the safeguard of religious and belief identities against violations by member-states, whereas CFREU adds its protection not only against violations by the

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(18) See art. 17, 1st paragraph: "The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States"; and, 2nd paragraph: "2. The Union equally respects the status under national law of philosophical and nonconfessional organisations".

(19) See art. 17, 3rd paragraph: "Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations".

member-states in the field of application of EU law but also against violations by the institutions of the EU themselves (the Council of Europe not having governmental responsibilities and not being liable of such violations).

Furthermore, the EU is bound to observe a parallel attitude of cooperative attention with regard to both religious and belief identities, thus introducing a further structural element of a European constitutional paradigm of secularism.

4.2. *Reading international law*

The combination of "thought, conscience and religion" within the same provision and under the same regulation was initially introduced in sources of planetary international law adopted within the United Nations system: the main reference is to the Universal Declaration of Human Rights (1948)[20] and to the International Covenant on Civil and Political Rights (ICCPR, 1976)[21].

Religious and belief identities are legally protected also in those areas of fundamental rights that have provided past experiences of discrimination on the ground of religion and belief, such as the field of family law[22] or education of children[23] and, more in general, with

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(20) See art. 18: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance".

(21) See art. 18: "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others".

(22) For example, see art. 16 of the Universal Declaration: "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during and at its dissolution".

(23) For example, see art. 2 of the Universal Declaration: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

regard to the principle of equality and the general prohibition of discrimination[24].

Other relevant sources of planetary international law — sponsored by the United Nations — confirm the normative framework of protection of freedom of religion as one of other related fundamental rights: this is the case of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief[25] and the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities[26].

All such sources of international law show to be inspired by the same dual approach, based on a combined equal protection of religious and belief identities within the same normative framework.

4.3. *Reading European states' constitutions*

A reference to the written constitutional sources of member states of the European Union allows to gain the proper understanding of a full sight of the historical, political and cultural variety of the old continent with regard to the distinct handling of the issue of religious and belief identities during the respective process of individual states' nation-building. In the present circumstance, it is advisable to leave aside, with a few exceptions, the constitutional sources of other European states, in particular of those states that, although members of the Council of

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(24) As established by art. 18.4 of the ICCPR: "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions".

(25) See art. 1: "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice".

(26) See art. 1: "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity" […]; and art. 2: "Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life".

Europe, have only recently started showing to what extent they effectively share features of Western constitutionalism.

A survey of positive law is useful and even fundamental as long as the expected results are intrinsically limited. Exploring and analysing what the law actually is require a deeper and fairly more sophisticated approach. In fact, assessing the effective legal status of religious and belief identities in a given nation-state needs reference also to legislative sources and to case law, to public policies implementing the dual paradigm of equal recognition of religious and belief identities as well as to the degree of (official and unofficial) influence expressed by religious and non-religious authorities on electoral processes and on legislative proceedings[27], to prevailing patterns of social behaviours (starting with religious believers), to the increase of accepted pluralism in society.

Nevertheless, written sources of constitutional law do express a solemn political and normative formal projection of a fundamental vision of collective self-determination and, consequently, may well be regarded as reliable instruments of analysis and systematic construction to the purpose of this research.

In such a perspective, for instance, it is significant to recall how some countries have chosen to refer to the religious contribution to the legitimacy of the state and have consequently introduced into their constitutional text either a so called "*invocatio Dei*", as in the preamble of

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(27) A noteworthy recent case concerns the initiatives taken by the Orthodox Church against the bill introducing same-sex marriage in Greece (enacted in February 2024), the first Orthodox country and the 17th member –state of the EU to do so. The Orthodox Times (Monday March 11, 2024) reports that "In anticipation of the parliamentary debate and vote on the bill regarding the marriage and adoption rights of same-sex couples, the Holy Synod of the Church of Greece has addressed members of the Greek Parliament through a comprehensive seven-page letter. The letter stresses the Synod's appeal to MPs, urging them to consider that the proposed legislation "does not merely address the immediate concerns of specific individuals within the LGBTQ+ community through temporary measures but fundamentally alters the foundational institution of family throughout the country." The Synod emphasizes that the repercussions of this legislation will not be abstract, affecting the rights of future children and the fundamental well-being of Greek society. Among its concerns, the Holy Synod highlights issues of gender neutrality in the parent-child relationship, contending that the bill transforms parents from the traditional roles of father and mother into neutral guardians, prioritizing the rights of homosexual adults over the interests of future children". The text of the letter (in Greek) is available there. Furthermore, MPs who voted in favour of the bill have been excommunicated by the three Dioceses of Corfu, of Pirayus, and of Kythira, as reported by Jurist.org (last accessed March 6, 2024).

the 1937 Irish Constitution[28], of the 1975 Greek Constitution[29], of the 2011 Fundamental Law of Hungary[30] (to which we add the 1999 Constitution of Switzerland as a non-EU member-state)[31].

In other cases, the Constitution makes a more superficial reference to God (*nominatio dei*), as in the preamble of the 1949 *Grundgesetz* of Germany ("Conscious of their responsibility before God and man […] the German people […]") or, in its own way, in the preamble of the Constitution of Slovakia ("[…] mindful of the spiritual heritage of Cyril and Methodius"[…]").

In a different attitude, the preamble of the 1997 Constitution of Poland introduces statements of mediation and mutual accommodation between religious and belief identities: "We, the Polish Nation — all citizens of the Republic, Both those who believe in God as the source of truth, justice, good and beauty, as well as those not sharing such faith but respecting those universal values as arising from other sources, Equal in rights and obligations towards the common good […] our culture rooted in the Christian heritage of the Nation and in universal human values […]. Recognizing our responsibility before God or our own consciences […]"[32].

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(28) See the text: "In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ, Who sustained our fathers through centuries of trial, Gratefully remembering their heroic and unremitting struggle to regain the rightful independence of our Nation, And seeking to promote the common good, with due observance of Prudence, Justice and Charity, so that the dignity and freedom of the individual may be assured, true social order attained, the unity of our country restored, and concord established with other nations"). See also art. 44: "1. The State acknowledges that the homage of public worship is due to Almighty God. It shall hold His Name in reverence, and shall respect and honour religion".

(29) See the text: "In the name of the Holy and Consubstantial and Indivisible Trinity".

(30) The text of the National Avowal: "God bless the Hungarians […] We, the members of the Hungarian Nation […] hereby proclaim the following: We are proud that our king Saint Stephen built the Hungarian State on solid ground and made our country a part of Christian Europe one thousand years ago […] We recognise the role of Christianity in preserving nationhood. We value the various religious traditions of our country. unity of the nation".

(31) The Preamble starts with "In the name of Almighty God!", confirming the opening formula of the previous 1848 constitutional text.

(32) The same accommodating attitude inspires the preamble of the 1991 Constitution of Albania ("and with faith in God and/or other universal values").

In the same perspective, other constitutional documents are to be mentioned that go further into framing a confessional state and provide for the establishment of an official state religion, as, again, in the case of Greece[33], of Malta[34] or of an established church, as in Denmark[35] or of churches, as in Hungary, under a conventional regulation founded on a constitutional provision aiming at establishing forms of cooperation between the state and religious organisations[36].

All such formulas do not prevent the respective constitution from providing for a (rather) full acknowledgement of freedom of religion and belief as well as for a general prohibition of discrimination

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(33) See art. 3 in Section II (*Relations of Church and State*): "1. The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine, observing unwaveringly, as they do, the holy apostolic and synodal canons and sacred traditions. It is autocephalous and is administered by the Holy Synod of serving Bishops and the Permanent Holy Synod originating thereof and assembled as specified by the Statutory Charter of the Church in compliance with the provisions of the Patriarchal Tome of June 29, 1850 and the Synodal Act of September 4, 1928. 2. The ecclesiastical regime existing in certain districts of the State shall not be deemed contrary to the provisions of the preceding paragraph. 3. The text of the Holy Scripture shall be maintained unaltered. Official translation of the text into any other form of language, without prior sanction by the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, is prohibited".

(34) See art. 2. (*Religion*): The religion of Malta is the Roman Catholic Apostolic Religion. 2. The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong. 3. Religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education.

(35) This is the case of the Constitution of Denmark (see Part I. 4: "The Evangelical Lutheran Church shall be the Established Church of Denmark, and) as such, it shall be supported by the State". Consequently, according to Part II: "6. The King shall be a member of the Evangelical Lutheran Church". Furthermore, Part VII, art. 66 states that "The constitution of the Established Church shall be laid down by Statute".

(36) See art. VII: "4. The State and religious communities may cooperate to achieve community goals. At the request of a religious community, the National Assembly shall decide on such cooperation. The religious communities participating in such cooperation shall operate as established churches. The State shall provide specific privileges to established churches with regard to their participation in the fulfilment of tasks that serve to achieve community goals. 5. The common rules relating to religious communities, as well as the conditions of cooperation, the established churches and the detailed rules relating to established churches shall be laid down in a cardinal Act".

on the ground of religion or non-religion, as in Ireland[37], Greece[38], Hungary[39], Malta[40].

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(37) See art. 44. 2: "1. Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen. 2. The State guarantees not to endow any religion. 3. The State shall not impose any disabilities or make any discrimination on the ground of religious profession, belief or status. 4. Legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school. 5. Every religious denomination shall have the right to manage its own affairs, own, acquire and administer property, movable and immovable, and maintain institutions for religious or charitable purposes. 6. The property of any religious denomination or any educational institution shall not be diverted save for necessary works of public utility and on payment of compensation".

(38) As stated in art. 5.2: "All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law". See also art. 13: "1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs. 2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited. 3. The ministers of all known religions shall be subject to the same supervision by the State and to the same obligations towards it as those of the prevailing religion […]. 5. No oath shall be imposed or administered except as specified by law and in the form determined by law".

(39) See art. VII: "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to choose or change one's religion or other belief, and the freedom of everyone to manifest, abstain from manifesting, practise or teach his or her religion or other belief through religious acts, rites or otherwise, either individually or jointly with others, either in public or in private life. 2. People sharing the same principles of faith may, for the practice of their religion, establish religious communities operating in the organisational form specified in a cardinal Act. 3. The State and religious communities shall operate separately. Religious communities shall be autonomous". See also art. XV: "1. Everyone shall be equal before the law. Every human being shall have legal capacity. 2. Hungary shall guarantee the fundamental rights to everyone without discrimination and in particular without discrimination on grounds of race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status".

(40) See art. 40 ("*Protection of freedom of conscience and worship*"): 1. All persons in Malta shall have full freedom of conscience and enjoy the free exercise of their respective mode of religious worship. 2. No person shall be required to receive instruction in religion or to show knowledge or proficiency in religion if, in the case of a person who has not attained the age of sixteen years, objection to such requirement is made by the person who according to law has authority over him and, in any other case, if the person so required objects thereto: Provided that no such requirement shall be held to be inconsistent with or in contravention of this article to the extent that the knowledge of, or the proficiency or instruction in, religion is required for the teaching of such religion, or for admission to the priesthood or to a religious order, or for other religious purposes, and except so far as that requirement is shown not to be reasonably justifiable in a democratic society". See also art. 45 on prohibition of discrimination: "[…]

An investigation into the legislative enforcement or judicial safeguard of such provisions might find some (occasional or recurring) inconsistencies, but in these cases there is an obvious domestic problem of effective respect for the very supremacy of the constitution.

The liberal approach is shared by Denmark in spite of the virtual definition of "confessional state" derived from the Constitution[41]. The same is to be said with regard to the Constitution of Switzerland as well[42].

In other words, even the establishment of official state churches or religions, or the fact of mentioning *the* Divinity (not *any* Divinity, as, more often than not, the reference, although implicit, is to Christianity) in the constitutional preamble — indeed, a very solemn source — does not imply any form of inconsistency with the adoption of a secularly oriented dual approach to the protection of belief identities as of religious ones.

For instance, in Finland, although the Constitution establishes a reservation to parliamentary legislation for regulating the Evangelical Lutheran Church (as well as of the Orthodox Church), freedom of religion and conscience is thoroughly provided for all, irrespective of any religious affiliation[43].

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the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity".

(41) See the Constitution of Denmark, art. 67 ("The citizens shall be entitled to form congregations for the worship of God in a manner consistent with their convictions, provided that nothing at variance with good morals or public order shall be taught or done"), art. 68 ("No one shall be liable to make personal contributions to any denomination other than the one to which he adheres"), art. 69 ("Rules for religious bodies dissenting from the Established Church shall be laid down by Statute"); and art. 70 ("No person shall for reasons of his creed or descent be deprived of access to complete enjoyment of his civic and political rights, nor shall he for such reasons evade compliance with any common civic duty").

(42) The Swiss Constitution establishes that (art 8 "*Equality before the law*") 1. Every person is equal before the law. 2. No person may be discriminated against, in particular on grounds of origin, race, gender, age, language, social position, way of life, religious, ideological, or political convictions, or because of a physical, mental or psychological disability"; and that (art 15, "*Freedom of religion and conscience*") 1. Freedom of religion and conscience is guaranteed. 2. Every person has the right to choose freely their religion or their philosophical convictions, and to profess them alone or in community with others. 3. Every person has the right to join or to belong to a religious community, and to follow religious teachings. 4. No person may be forced to join or belong to a religious community, to participate in a religious act, or to follow religious teachings".

(43) See respectively Chapter 6, section 76 ("The Church Act Provisions on the organisation and administration of the Evangelic Lutheran Church are laid down in the Church Act. The legislative procedure for enactment of the Church Act and the right to submit legislative proposals relating to the Church Act are governed by the specific provisions in that Code") and Chapter 2,

The dual approach — combining the equal recognition and protection of religious and belief identities coupled by and reinforced by the prohibition of discrimination — is expressly adopted in the Constitution of Belgium[44], of The Netherlands[45], of Romania[46].

Some constitutional texts emphasise the separation between state and religion(s) as the proper scenario for safeguarding the equal protection of "freedom of conscience, religious and other beliefs", as in the 1991 Constitution of Slovenia[47] and in the Constitution of Bulgaria[48].

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section 11 ("Everyone has the freedom of religion and conscience. Freedom of religion and conscience entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of a religion".

(44) See to this extent art. 11 ("Enjoyment of the rights and freedoms recognised for Belgians must be provided without discrimination. To this end, laws and federate laws guarantee among others the rights and freedoms of ideological and philosophical minorities").

(45) See art. 6 1 ("Everyone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law. 2. Rules concerning the exercise of this right other than in buildings and enclosed places may be laid down by Act of Parliament for the protection of health, in the interest of traffic and to combat or prevent disorders") and art. 1 ("All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted").

(46) As provided by art. 29 ("1. Freedom of thought and opinion, as well as the freedom of religious belief, may not be restricted in any way. No one can be forced to adopt an opinion or to espouse a religious belief contrary to his/her convictions. 2. Freedom of conscience is guaranteed; it must be expressed in a spirit of tolerance and mutual respect. 3. All religions are free and organized in accordance with their own statutes, under the terms defined by the law. 4. All forms, means, acts, or actions of religious enmity are prohibited in the relationship between the cults. 5. The religious sects are autonomous in relation to the state and enjoy its support, which includes measures facilitating religious assistance in the Army, in hospitals, penitentiaries, asylums, and orphanages. 6. Parents or guardians have the right to ensure, in accordance with their own convictions, the education of minor children for whom they are responsible".

(47) See art. 7 ("The state and religious communities shall be separate. Religious communities shall enjoy equal rights; they shall pursue their activities freely"), art. 14 ("In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance. All are equal before the law"), and art. 41 (under the head of "freedom of conscience", stating that "Religious and other beliefs may be freely professed in private and public life. No one shall be obliged to declare his religious or other beliefs. Parents have the right to provide their children with a religious and moral upbringing in accordance with their beliefs. The religious and moral guidance given to children must be appropriate to their age and maturity, and be consistent with their free conscience and religious and other beliefs or convictions").

(48) See art. 11.4 ("There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power").

The same pattern of protection of freedoms of thought, conscience, religious creed and faith applies to the Constitution of Slovakia[49]. The Constitution of Slovakia is to be mentioned also as it expressly protects the freedom to atheism[50].

A special regulation is provided on some matters related to (non–) religion, as, for example, the priority of civil marriage in Belgium and Slovenia[51]; or the constitutional prohibition of religious political parties, as in Bulgaria[52], or the safeguard of conscientious objection against the performance of military service "if it is against his conscience or religious creed", as established by the Constitution of Slovakia (art. 25).

The Constitution of Greece, nevertheless, expressly denies any field of recognition for conscientious objection, explicitly when founded on religious ground and, supposedly, on non–religious ground as well (art.

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(49) See art. 24: "1. The freedoms of thought, conscience, religious creed and faith are guaranteed. This right also encompasses the possibility to change one's religious creed, or faith. Everyone has the right to be without religious creed. Everyone has the right to publicly express his thoughts religious creed. Everyone has the right to publicly express his thoughts. 2. Everyone has the right to freely express religion, or faith alone or together with others, privately or publicly, by means of religious services, religious acts, by observing religious rites, or to participate in the teachings thereof. 3. Churches and religious communities administer their own affairs, in particular, they constitute their own bodies, appoint their clergymen, organize the teaching of religion, and establish religious orders and other church institutions independently of state bodies. 4. Conditions for exercising of rights under paragraphs 1 to 3 may be limited only by law, if such a measure is necessary in a democratic society to protect public order, health, morals, or the rights and freedoms of others. See also art. 37: "1. The freedom of conscience, the freedom of thought and the choice of religion and of religious or atheistic views shall be inviolable. The State shall assist the maintenance of tolerance and respect among the believers from different denominations, and among believers and non-believers. 2. The freedom of conscience and religion shall not be practised to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others".

(50) This last rule goes beyond what formerly established by the socialist Constitution of Czechoslovakia of 1960 (art. 32: "Freedom of confession shall be guaranteed. Everyone shall have the right to profess any religious faith or to be without religious conviction, and to practise his religious beliefs in so far as this does not contravene the law. (2) Religious faith or conviction shall not constitute grounds for anyone to refuse to fulfil the civic duties laid upon him by law").

(51) See the Constitution of Belgium (art. 21: "A civil wedding should always precede the blessing of the marriage, apart from the exceptions to be established by the law if needed") and of Slovenia (art. 53: "Marriage is based on the equality of spouses. Marriages shall be solemnised before an empowered state authority").

(52) See art. 11.4 ("There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power").

5.4): "No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions".

Education is a substantive area that has traditionally been of very special concern for both religious and beliefs identities, in all jurisdictions: the Constitution of Belgium offers a very articulate regulation in the field, established in order to accommodate many if not all sensitivities and priorities[53].

The principle of "separation" is referred to — as in other constitutional texts — in the 2007 Constitution of Montenegro[54]. The principle of "secularism" ("*laicité*") is expressly mentioned quite seldom: this is indeed the case of the 1958 Constitution of the 5th Republic in France[55]. Other cases not in the EU — expressed through the notion of separatism — are provided by the 2008 Constitution of

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(53) See article 24 § 1. Education is free; any preventive measure is forbidden; the punishment of offences is regulated only by the law or federate law. The community offers free choice to parents. The community organises non-denominational education. This implies in particular the respect of the philosophical, ideological or religious beliefs of parents and pupils. Schools run by the public authorities offer, until the end of compulsory education, the choice between the teaching of one of the recognised religions and nondenominational ethics teaching. § 2. If a community, in its capacity as an organising authority, wishes to delegate powers to one or several autonomous bodies, it can only do so by federate law adopted by a two-thirds majority of the votes cast. § 3. Everyone has the right to education with the respect of fundamental rights and freedoms. Access to education is free until the end of compulsory education. All pupils of school age have the right to moral or religious education at the community's expense. § 4. All pupils or students, parents, teaching staff or institutions are equal before the law or federate law. The law and federate law take into account objective differences, in particular the characteristics of each organising authority that warrant appropriate treatment. § 5. The organisation, the recognition and the subsidising of education by the community are regulated by the law or federate law".

(54) See art. 14 ("*Separation of the religious communities from the State*"): "Religious communities shall be separated from the state. Religious communities shall be equal and free in the exercise of religious rites and religious affairs".

(55) See art. 1 ("France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion"). Previously, reference is to be made to the 1946 Constitution, which for the first time explicitly adopted the term (art. 1: "*La France est une République indivisible, laïque, démocratique et sociale*"). The policy of state secularism was started through the 1905 Law of Separation of Church and State, still in force. Its main consequences were to terminate the 1801 Concordat, to disestablish the Catholic church, and to declare state neutrality in religious matters.

Kosovo[56], of the 2006 Constitution of Serbia[57] as well as of the 1982 Constitution of Turkey[58].

The principles are present — although only indirectly — in the 1948 Constitution of Italy, in which secularism and separation are derived from the respective "independence and sovereignty" of the state and the Catholic Church, "each within its own sphere" (art. 7) as well as from the recognition that "All religious denominations are equally free before the law" and that "Denominations other than Catholicism have the right to self-organisation according to their own statutes, provided these do not conflict with Italian law" (art. 8). Moreover, the same provision establishes a conventional method for regulating their mutual relationship ("Their relations with the State are regulated by law, based on agreements with their respective representatives").

The Constitution of Spain contains the principles of secularism and separation in the form of an express denial of an established state religion (art. 16.3) which states that "No religion shall have a state character"[59].

Nevertheless, the Spanish state self–qualifies itself as not indifferent to the underlying religious reality of society and, consequently, the Constitution mandates that "the public authorities shall take into account the religious beliefs of Spanish society and shall consequently

(56) See art. 8 ("*Secular State*"): "The Republic of Kosovo is a secular state and is neutral in matters of religious beliefs".

(57) See art. 11 ("Secularity of the State"): "The Republic of Serbia is a secular state. Churches and religious communities shall be separated from the state. No religion may be established as state or mandatory religion".

(58) See I. Form of the State, II. Characteristics of the Republic, art. 2: "The Republic of Turkey is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting human rights, loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the preamble".

(59) The same form of denial belongs to art. 10 of the 1991 Constitution of Albania ("Article 10 1. In the Republic of Albania there is no official religion. 2. The state is neutral in questions of belief and conscience, and also, it guarantees the freedom of their expression in public life. 3. The state recognizes the equality of religious communities. 4. The state and the religious communities mutually respect the independence of one another and work together for the good of each of them and for all. 5. Relations between the state and religious communities are regulated on the basis of agreements achieved between their representatives and the Council of Ministers. These agreements are ratified by the Assembly. 6. Religious communities are legal entities. They have independence in the administration of their properties according to their principles, rules and canons, to the extent that interests of third parties are not infringed").

maintain appropriate cooperation relations with the Catholic Church and other confessions"[60].

Both the Italian and Spanish cases are based on the principle of secularism and separation and their explicit mentioning of the Roman Catholic church is not to be regarded as the acknowledgement of its previous *status* as the official state religion but as an even more conscious determination to have that previous official *status* openly and solemnly overcome[61].

Lastly, it is to be recalled that the principle of separation and secularism may not be the object of a constitutional revision in Portugal[62], in Turkey[63], and, as it results from the interpretation of the Constitutional Court, also in Italy[64].

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(60) See also Chapter 2 ("*Rights and Freedoms*"), whereby (art. 14) it is declared that "Spaniards are equal before the law and may not in any way be discriminated against on account of birth, race, sex, religion, opinion or any other personal or social condition or circumstance". Furthermore, the open formalisation of the dual approach, rooted in the principle of equality, is expressed in art. 16: "1. Freedom of ideology, religion and worship of individuals and communities is guaranteed, with no other restriction on their expression than may be necessary to maintain public order as protected by law. 2. No one may be compelled to make statements regarding his or her ideology, religion or beliefs".

(61) The same mode of regulation — rule on separation and yet explicit naming of one specific denomination under the condition of equality with other religions — has been adopted in the 1991 Constitution of North Macedonia (art. 19: "The freedom of religious confession is guaranteed. The right to express one's faith freely and publicly, individually or with others is guaranteed. The Macedonian Orthodox Church and other religious communities and groups are separate from the state and equal before the law. The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law").

(62) See art. 288: "Matters in which revision shall be restricted Constitutional revision laws shall respect: […] the separation between church and state […]".

(63) See "IV. Irrevocable provisions art. 4: The provision of Article 1 regarding the form of the State being a Republic, the characteristics of the Republic in Article 2, and the provisions of Article 3 shall not be amended, nor shall their amendment be proposed".

(64) Although not explicitly stated in the text of the Italian Constitution, the Constitutional Court has qualified the principle of secularism as an "overriding principle of the secularity of the State, which is one of the aspects of the form of State outlined in the Constitution of the Republic"; and has further resolved that "values of religious freedom imposing a dual prohibition: a) that citizens be discriminated against on religious grounds; and b) that religious pluralism limits the negative freedom not to profess any religion". Therefore, being a supreme principle of the constitutional order, the principle of secularity is under the guaranty of the Constitutional Court and — as part of the 'eternity clause' of the Constitution – is further protected against revision of the constitutional text (decision n. 1146, 1988).

5. Final remarks

A cursory examination of positive constitutional law of nation-states in Europe – and, most notably, of member states of the European Union (with some evidence drawn also from other nation-states as members of the Council of Europe) - appears sufficient to confirm the main assumption of our reasoning, aimed at stating that there is a European constitutional paradigm of state secularism and at observing that, in spite of religious references - implicit or explicit, whether to Christianity at large or even to specific denominations – and with only occasional references to undetermined philosophical worldviews, such paradigm entails offering an equal accommodation to both religious and belief identities. The secular state is the proper framework for equally hosting and safeguarding all religious identities in a scenario of increasing pluralism as well as of non-religious philosophical, ethical and ideological sets of values. Both perspectives – religious pluralism and secular beliefs, as shared constitutional principles - are better guaranteed by a neutral institutional environment.

The statement and the observation above are not the result of a mere joint photographic reading of the various texts, as if they would uniformly bear the same words and normative content, but, rather, are the outcome of their comparative interpretation through and in spite of their diversities. The comparative method of interpretation of constitutional law requires — even more in this material field — an approach that must be carefully mindful of the historical origins, of the political developments and of the social and cultural context that underpin the current legal setting of the religious and non–religious phenomenon in the individual countries and in their shared European international and supranational sources of law.

The mutual consistency between the distinct normative orders is extremely relevant, as national systems are bound to respect the European secular paradigm just as the latter is bound to be the outcome of the attitude of "like minded" nation-states (as the preamble of the ECHR acknowledges)[65] and of "the constitutional traditions common to member states"[66].

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(65) The words in the French official version are "*animés d'un même esprit*".

(66) The well-known formula was first expressed by the Court of Justice in its judgment in *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel*, Case 11-70, 1970 and is now included in art. 6, paragraph 3 of the treaty on the European

In fact, the European secular paradigm of equal accomodation of religious and belief identities corresponds to the "European consensus" that the ECtHR so frequenty refers to when interpreting the text of the provisions of the ECHR and that is sufficient to acknowledge that, in a specific circumstance, there is no "national margin of appreciation" that allows more than one interpretation of the same provision without a violation of the conventional rule.

That there is a European secular paradigm suited to judicial enforcement, however, does not imply that the substantive content of 'secular' necessarily has the same meaning in different national contexts and in any specific circumstance.

A well–known and controversial case provides a good example of the reasoning of the ECtHR[67]: the Grand Chamber, while recognising that there is no uniform interpretation of a specific provision[68] and that no European consensus is detectable in the field due to different national normative setting[69] and case law[70], on the ground of the

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Union where the constitutional traditions common to the Member States as well as "the fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms […] shall constitute general principles of the Union's law".

(67) The judgement is in *Lautsi and Others v. Italy* (Application no. 30814/06) decided in 2011.

(68) The provision is in article 2 of Protocol No. 1: "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

(69) In its overview of law and practice in the member states of the Council of Europe with regard to the presence of religious symbols in state schools, the ECtHR remarks how "In the great majority of member States of the Council of Europe the question of the presence of religious symbols in State schools is not governed by any specific regulations (at 26). In fact "the presence of religious symbols in State schools is expressly forbidden only in a small number of member States: the former Yugoslav Republic of Macedonia, France (except in Alsace and the *département* of Moselle) and Georgia. It is only expressly prescribed – in addition to Italy – in a few member States, namely: Austria, certain administrative regions of Germany (*Länder*) and Switzerland (*communes*), and Poland. Nevertheless, such symbols are found in the State schools of some member States where the question is not specifically regulated, such as Spain, Greece, Ireland, Malta, San Marino and Romania" (at 27).

(70) The Court, in fact, also refers to specific case law: "The question has been brought before the supreme courts of a number of member States. In Switzerland the Federal Court has held a communal ordinance prescribing the presence of crucifixes in primary school classrooms to be incompatible with the requirements of confessional neutrality enshrined in the Federal Constitution, but without criticising such a presence in other parts of the school premises (26 September 1990; ATF 116 1a 252). In Germany the Federal Constitutional Court has ruled

'doctrine of the national margin of appreciation', has explained that the normative content of the provision is mainly to rule out religious indoctrination of students[71].

The Court accepts the main argument put forward by the defendant Italian government on the alleged national tradition of identification of its civic values with the crucifix, beyond the strictly religious meaning of the symbol[72].

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that a similar Bavarian ordinance was contrary to the principle of the State's neutrality and difficult to reconcile with the freedom of religion of children who were not Catholics (16 May 1995; BVerfGE 93,1). The Bavarian parliament then issued a new ordinance maintaining the previous measure, but enabling parents to cite their religious or secular convictions in challenging the presence of crucifixes in the classrooms attended by their children and introducing a mechanism whereby, if necessary, a compromise or a personalised solution could be reached. In Poland the Ombudsman referred to the Constitutional Court an ordinance of 14 April 1992 issued by the Minister of Education prescribing in particular the possibility of displaying crucifixes in State-school classrooms. The Constitutional Court ruled thate the measure was compatible with the freedom of conscience and religion and the principle of the separation of Church and State guaranteed by Article 82 of the Constitution, given that it did not make such display compulsory (20 April 1993; no. U 12/32). In Romania the Supreme Court set aside a decision of the National Council for the Prevention of Discrimination of 21 November 2006 recommending to the Ministry of Education that it should regulate the question of the presence of religious symbols in publicly run educational establishments and, in particular, authorise the display of such symbols only during religious studies lessons or in rooms used for religious instruction. The Supreme Court held in particular that the decision to display such symbols in educational establishments should be a matter for the community formed by teachers, pupils and pupils' parents (11 June 2008; no. 2393). In Spain the High Court of Justice of Castile and Leon, ruling in a case brought by an association militating in favour of secular schooling which had unsuccessfully requested the removal of religious symbols from schools, held that the schools concerned should remove them if they received an explicit request from the parents of a pupil (14 December 2009; no. 3250), (at 28).

(71) The aim of the provision is "to safeguard the possibility of pluralism in education, it requires the State, in exercising its functions with regard to education and teaching, to take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner, enabling pupils to develop a critical mind particularly with regard to religion in a calm atmosphere free of any proselytism. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions. That is the limit that the States must not exceed" (at 62).

(72) See: "The Government, for their part, explained that the presence of crucifixes in State-school classrooms, being the result of Italy's historical development, a fact which gave it not only a religious connotation but also an identity-linked one, now corresponded to a tradition which they considered it important to perpetuate. They added that, beyond its religious meaning, the crucifix symbolised the principles and values which formed the foundation of democracy and western civilisation, and that its presence in classrooms was justifiable on that account" (at 67).

Consequently, on the one hand, it is acknowledged that "by prescribing the presence of crucifixes in State-school classrooms — a sign which, whether or not it is accorded in addition a secular symbolic value, undoubtedly refers to Christianity — the regulations confer on the country's majority religion preponderant visibility in the school environment" (at 71); but, on the other hand, "that crucifix on a wall is an essentially passive symbol and this point is of importance in the Court's view, particularly having regard to the principle of neutrality. It cannot be deemed to have an influence on pupils comparable to that of didactic speech or participation in religious activities (at 66). There is no evidence before the Court that the display of a religious symbol on classroom walls may have an influence on pupils and so it cannot reasonably be asserted that it does or does not have an effect on young persons whose convictions are still in the process of being formed" (at 66)".

In this case, a balanced accommodation of both religious and beliefs identities is achieved by allowing the mandatory exhibition of the crucifix on the wall of public schools' classrooms, while acknowledging that the crucifix — being a religiously "passive symbol" — is suitable to be given also a non-religious meaning in conformity with distinct national traditions[73].

The European constitutional paradigm of the "secular state" tends being rather flexible and quite far from having a uniform punctual definition. Indeed, it is completely different from a "theological state", where there is no distinction between state law and religious law; from a "confessional state", characterised by the state being potentially subject to clericalist dominance as to civic policies; or from an "atheist

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(73) See the statements in the concurring opinion of Judge Power: "Neutrality requires a pluralist approach on the part of the State, not a secularist one. It encourages respect for all world views rather than a preference for one [...] The presentation of and engagement with different points of view is an intrinsic part of the educative process. It acts as a stimulus to dialogue. A truly pluralist education involves exposure to a variety of different ideas including those which are different from one's own. Dialogue becomes possible and, perhaps, is at its most meaningful where there is a genuine difference of opinion and an honest exchange of views. When pursued in a spirit of openness, curiosity, tolerance and respect, this encounter may lead towards greater clarity and vision as it fosters the development of critical thinking. Education would be diminished if children were not exposed to different perspectives on life and, in being so exposed, provided with the opportunity to learn the importance of respect for diversity".

state", whose main ideological value is denying the existence of any metaphysical deity.

Neutrality is likely to be the main synonymous feature of "secularism" with regard to religious pluralism and non–religious worldviews (Kis 2012, p. 318), taking into account that — as the Italian Constitutional Court has aptly commented with words suitable to have a more general European meaning - "the principle of secularity […] does not imply the indifference of the State to religions but rather a guarantee of State protection of the freedom of religion, in a regime of confessional and cultural pluralism"[74].

It is important to stress once again, as already suggested, that in the Western legal tradition the European constitutional paradigm of the "secular state" is the present stage of development — only quite recently achieved — of a rich and complex historical and cultural process of modernisation, that is likely to have its origins in the ideological impact of the universal worldview of the French revolution on the structure of the Westphalian nation–state. However, the equal and balanced accommodation of religious and belief identities is to be qualified as a shared constitutive value not only on a theoretical ground but — and, perhaps, mostly — as a pragmatic arrangement inspired by the need of managing otherwise serious conflicts.

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(74) The statement by the Italian Court describes a situation quite close to the regulation in the 1st Amendment to the Constitution of the United States, that combines both the "non-establishment clause" and the "free exercise clause", although it distances itself from "the wall of separation doctrine".

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SETTE DOMANDE SUI DIRITTI DELLE MINORANZE DI RELIGIONE E CONVINZIONE E SULLA LORO MISURAZIONE

Silvio Ferrari, Roberto Toniatti

Abstract: On 11 November 2022, a workshop was held at the Fondazione Bruno Kessler in Trento to discuss a research project in which the Foundation is participating. The project, entitled Atlas of religious or belief minority rights in the European Union countries, aims to 'map' and measure the rights of religious and belief minorities in five policy areas (marriage and family, public schools, spiritual care, religious symbols, legal status of religious minorities). In the course of the interventions and the debate (in which both authors of this paper participated), a number of questions emerged that concern the content and methodology of the research project and also touch on more general issues concerning the reasons that call for special protection of minorities. The following pages are devoted to them.

L'11 novembre 2022 si è svolto a Trento, presso la Fondazione Bruno Kessler, un seminario di studi dedicato all'esame di due progetti a cui la Fondazione partecipa: il primo ("Atlas of religious and belief minority rights in the European Union countries") ha l'obiettivo di "mappare" e misurare i diritti delle minoranze di religione e convinzione, il secondo ("REMINEM. Preventing discrimination and persecution. Models of inclusion of religious minorities in the Euro–mediterranean space") quello di comparare la disciplina di matrimonio, famiglia ed educazione prevista, sempre in relazione alle minoranze, in alcuni paesi medio–orientali ed europei. Nel corso degli interventi e del dibattito sono emersi alcuni interrogativi che riguardano il contenuto e la metodologia dei due progetti di ricerca ma toccano anche nodi tematici di significato più generale. Questi interrogativi sono riportati qui di seguito, insieme alle risposte di Silvio Ferrari e Roberto Toniatti.

Keywords: Minorities, Religion, Law, European Union, Promotion, Special rights

Parole chiave: Minoranze, Religione, Legge, Unione europea, Promozione, Diritti speciali

1. L'Atlas usa l'endiadi "rispetto e promozione" dei diritti delle minoranze. Qual è la distinzione tra queste due nozioni e dove sta il fondamento giuridico dell'obbligo dei poteri pubblici di promuovere questi diritti?

Silvio Ferrari

Rispetto significa osservare le norme che, in base agli standard internazionali[1], garantiscono i diritti delle minoranze; promozione significa intervenire attivamente con misure giuridiche volte a consentire alle minoranze di mantenere, manifestare e sviluppare la propria identità.

Gli standard internazionali in materia di diritti delle minoranze prevedono livelli minimi di tutela dei diritti che tutti gli Stati debbono garantire. Per esempio, tutte le organizzazioni religiose hanno il diritto di ottenere la personalità giuridica nelle forme previste dalle leggi di ciascuno Stato e questo diritto non può essere limitato richiedendo che esse abbiano un numero di fedeli eccessivamente elevato[2]; tutte le organizzazioni religiose hanno il diritto di avere propri luoghi di culto indipendentemente dal numero dei loro membri. L'esiguità numerica di un gruppo di religione o di convinzione — che è una delle due caratteristiche che definiscono una minoranza — non può giustificare la restrizione dei loro diritti.

Talvolta gli ordinamenti giuridici statali includono norme che assicurano alle minoranze diritti maggiori di quelli richiesti dagli standard internazionali. Quando ciò avviene si abbandona il terreno del rispetto dei diritti e si entra in quello della loro promozione. Per esempio, gli standard internazionali non richiedono che i detenuti ricevano cibo conforme alle prescrizioni della propria religione (è sufficiente che venga fornito cibo non proibito dalle regole alimentari di una religione): ma in Austria i detenuti ebrei possono ricevere cibo kosher preparato all'esterno del carcere e l'eventuale aggravio di costi è sostenuto dal

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(1) Gli standard internazionali giocano un ruolo fondamentale nella tutela dei diritti delle minoranze perché costituiscono il *benchmark* per misurarne il rispetto. Questi standard sono riassunti in UN Office of the High Commissioner for Human Rights (OHCHR), *Minority Rights: International Standards and Guidance for Implementation*, HR/PUB/10/3, consultabile all'indirizzo https://www.refworld.org/docid/4db80ca52.html, ultimo accesso 9 aprile 2023.

(2) Cfr. OSCE/ODIHR (2014), *Guidelines on the Legal Personality of Religious or Belief Communities*, (n. 27–28).

carcere stesso (Martínez, Ariño e Zwilling 2020, p. 24). In questo ed in altri casi l'ordinamento giuridico statale stabilisce norme più favorevoli di quelle previste dagli standard internazionali allo scopo di consentire alle minoranze di mantenere, manifestare e sviluppare la propria identità. In tal modo i diritti delle minoranze vengono promossi.

L'obbligo degli Stati di promuovere i diritti delle minoranze è previsto in molteplici convenzioni internazionali. Il preambolo della *Framework Convention for the Protection of National Minorities* stabilisce che "A pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity". Questo auspicio è precisato all'art. 5 dove si scrive che "The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage"[3]. Questo stesso obbligo è sancito nelle carte costituzionali di alcuni paesi: l'art. 2 dell'*Instrument of Government* svedese prevede che: "The opportunities of the Sami people and ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own shall be promoted"[4].

Sulla base dei testi normative ora menzionati è possibile concludere che esiste un obbligo degli Stati non di promuovere l'identità delle minoranze ma di porre in essere le condizioni necessarie perché le minoranze (incluse quelle di religione o convinzione) possano mantenere, manifestare e sviluppare la propria identità.

Roberto Toniatti

La ricostruzione degli obblighi degli Stati di *rispetto* e *promozione* nei confronti delle minoranze religiose delineata da Silvio Ferrari è del tutto condivisibile. Il contenuto dei due termini — "rispetto" e "promozione"

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(3) Il testo della Convenzione può essere letto all'indirizzo https://www.coe.int/en/web/minorities, consultato il 10 marzo 2024.

(4) L'*Instrument of Government* è disponibile all'indirizzo https://www.riksdagen.se, consultato il 10 marzo 2024.

— è suscettibile, tuttavia, di essere approfondito e chiarito al di là dell'immediata percezione del significato letterale delle parole.

1. Rileviamo, ad esempio, che — atteso che con il termine "rispetto" dei diritti delle minoranze si allude in realtà alla loro garanzia —, il risultato di tale precisazione potrebbe suggerire l'opportunità di adattare la terminologia, preferendo l'uso del sostantivo e del concetto di "garanzia" (o "tutela", o anche "protezione") a quello di "rispetto".

In proposito, notiamo che l'impiego del termine "rispetto" non è consolidato nel linguaggio giuridico italiano quale sinonimo (o equivalente funzionale) di "garanzia" e, a nostro giudizio, appare più idoneo a venire impiegato in un contesto pre–giuridico di narrazione descrittiva di portata generale. Di conseguenza, il "rispetto" si propone come qualificazione dell'indirizzo politico delle istituzioni nei confronti del fenomeno minoritario e, di conseguenza, in funzione preliminare in rapporto sia all'orientamento normativo — che può procedere secondo una graduazione crescente che si sviluppa attraverso la tolleranza, il riconoscimento, la tutela e la promozione —, sia all'orientamento amministrativo, nell'esercizio di una puntuale e fedele applicazione delle fonti legislative. È da ritenere, infatti, che la fase esecutiva della legislazione rivesta un carattere cruciale per assicurare un autentico "rispetto" delle minoranze, anche in virtù della sua soggezione al controllo giurisdizionale, e che essa corrisponda anzi ad un essenziale criterio di verifica dell'effettività della tutela. In altre parole, il rispetto sembra configurarsi più come indispensabile premessa della garanzia anziché, direttamente, come garanzia. Sicché si potrebbe opportunamente parlare di "rispetto delle minoranze" attraverso la "garanzia dei loro diritti".

Nei confronti del termine "rispetto" ha autorevolmente espresso qualche perplessità anche la Corte europea dei diritti dell'uomo: nella sua decisione nel caso *Oliari and Others* v. *Italy* del 2015 e con riferimento all'art. 8 della Convenzione ("Everyone has the right to respect for his private and family life, his home and his correspondence"), la Corte osserva che "the notion of "respect" is not clear–cut, especially as far as positive obligations are concerned: having regard to the diversity of the practices followed and the situations obtaining in the Contracting States, the notion's requirements will vary considerably from case to case" (punto 161).

Nondimeno, occorre ammettere che, proprio nella nostra stessa prospettiva tematica, il termine è accolto anche dalla Carta dei diritti fondamentali dell'Unione Europea (ad esempio, l'art. 22 — rubricato "Diversità culturale, religiosa e linguistica" — afferma che "l'Unione rispetta la diversità culturale, religiosa e linguistica"). In proposito, si è osservato che "punto cruciale della disposizione è il verbo con cui si tutela la diversità. Si noti che utilizzando il verbo *rispettare* la Carta non prende posizione apertamente sul punto, nel senso che non si limita a vietare discriminazioni a riguardo (peraltro già vietate dal precedente art. 21), ma neppure si impegna apertamente a comportamenti positivi che tutelino o garantiscano la diversità, come invece sarebbe stato se si fossero utilizzate forme verbali più impegnative (ad esempio, tutela, garantisce, riconosce)" (Celotto 2021, p. 177)[5].

Osserviamo, inoltre, che il riferimento al concetto di "rispetto", di per sé, può essere recessivo e riduttivo: esso, infatti, nel testo della domanda qui commentata, viene identificato con l'obbligo di "osservare le norme che, in base agli standard internazionali, garantiscono i diritti delle minoranze". In proposito, si possono elaborare alcuni rilievi critici.

In primo luogo, per quanto marginale questa nostra osservazione possa apparire, sembra più fondato formulare l'obbligo degli Stati come rivolto a *garantire i diritti* delle minoranze, più che a *rispettare le norme* internazionali in materia. In altre parole, sembra più appropriato collocare il *focus* dell'obbligo degli Stati sulla *garanzia* dei diritti più che sul *rispetto* delle norme che li disciplinano, sul risultato, pertanto, piuttosto che sullo strumento e, dunque, sull'effettività anche sostanziale della tutela, anziché sulla mera osservanza delle norme, che potrebbe risultare circoscritta ad una dimensione solo formale (o formalista) e consentire una valutazione a prima vista positiva — ma sostanzialmente viziata — della condotta di uno Stato in proposito. La mera osservanza delle norme corrisponde ad un livello minimo e formale dell'obbligo degli Stati

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(5) Con riguardo alla versione della disposizione in alcune delle lingue ufficiali, si osserva altresì che "solo in inglese il verbo corrispondente *respect* è retto dalla formula *shall* che lascia emergere un maggior profilo di doverosità nell'azione comunitaria al rispetto della diversità". Sull'accezione di "diversità" cfr. Piciocchi C. (2002), *La Carta tra identità culturali nazionali ed individuali*, in Toniatti R. (a cura di), *Diritto, diritti, giurisdizione. La Carta dei diritti fondamentali dell'Unione Europea*, Cedam, Padova, p.119 ss.

ma è da ritenere che il rispetto dell'identità delle minoranze richieda un orientamento globale, che vada anche oltre la mera osservanza formale delle norme ed includa gli indirizzi generali che anche solo indirettamente possano avere un impatto negativo sulle minoranze.

Ad esempio, una chiara manifestazione normativa di tale accezione del sostantivo "rispetto" — riferito piuttosto all'indirizzo politico (pre–giuridico) generale — può essere individuata negli articoli 5, 2° comma (divieto di assimilazione)[6] e 6 (attitudine di sistema al dialogo e alla tolleranza)[7] della Convenzione quadro per la tutela delle minoranze nazionali (1994) del Consiglio d'Europa[8]. Ad ulteriore esempio, si può menzionare il caso di un insegnamento confessionale della religione nella scuola pubblica che, ancorché non obbligatorio, deve essere collocato in una fascia oraria del calendario giornaliero delle attività didattiche che non penalizzi gli studenti che seguano altre religioni ovvero nessuna religione; e l'eventuale insegnamento alternativo non può essere previsto come obbligatorio; e ad esso non possono essere attribuiti crediti scolastici come agli altri insegnamenti curriculari (in tal senso si è pronunciata la Corte costituzionale italiana nelle sentenze n. 203 del 1989, n. 13 del 1991, n. 290 del 1992). Non si tratta, pertanto, solo di osservare la disciplina normativa e organizzare un insegnamento confessionale facoltativo per chi intenda avvalersene, ma di dimostrare, in concreto, il *rispetto* per le minoranze.

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(6)   Questo il testo, che, in particolare, distingue fra integrazione (nel primo comma, da sostenere) e assimilazione (nel secondo comma, da evitare): "1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage. 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation".

(7)   Questo il testo: "1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co–operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media. 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity".

(8)   Precisiamo che la Convenzione *de qua* è destinata alla protezione dell'identità religiosa delle minoranze nazionali e non delle minoranze religiose in quanto tali. Essa, inoltre, è priva di una propria istanza giurisdizionale: sulle forme esistenti di tutela cfr. Topidi (2021, p. 12).

In sintesi, in base al ragionamento qui sopra svolto, si suggerisce di precisare l'accezione appropriata del sostantivo "rispetto" da considerare alla stregua di un sinonimo di *garanzia sostanziale e generale* dei diritti delle minoranze religiose.

2. Esiste un secondo ordine di osservazioni critiche che potrebbe confermare il dubbio circa l'impiego del termine "rispetto": nell'ambito del diritto (oggettivo) delle minoranze, infatti, occorre distinguere due momenti logicamente e normativamente distinti, quali il riconoscimento e la garanzia (van der Ven 2008, p. 155).

Il primo è essenziale in quanto — esclusa la caratterizzazione quali minoranze *represse*[9] — marca la differenziazione fra minoranze *esistenziali*[10] e minoranze *riconosciute* e, tendenzialmente, *garantite*[11].

La nozione di minoranza esistenziale può agevolmente applicarsi, ad esempio, alle comunità di *Scientology*, il cui *status* nell'ordinamento degli Stati membri del Consiglio d'Europa e destinatari della Convenzione Europea per la tutela dei diritti dell'uomo e delle libertà fondamentali (Convenzione EDU) e della giurisprudenza della sua Corte (Corte EDU) è eterogenea ed assai varia.

Ad ulteriore esempio, conviene riferirsi alla Costituzione spagnola, la quale, dopo aver precisato che "se garantiza la libertad ideológica, religiosa y de culto de los individuos y las comunidades sin más limitación, en sus manifestaciones, que la necesaria para el mantenimiento del orden público protegido por la ley" e che "ninguna confesión tendrá carácter estatal" (art. 16, 3° comma), stabilisce che "los poderes públicos tendrán en cuenta las creencias religiosas de la sociedad española y mantendrán las consiguientes relaciones de cooperación con la Iglesia Católica y las demás confesiones".

La *Ley Orgánica de Libertad Religiosa* del 1980 disciplina i requisiti formali e sostanziali della procedura per la registrazione di "Iglesias, Confesiones y Comunidades religiosas y sus Federaciones" presso il

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(9) Il fenomeno corrisponde al regime normativo proprio del modello dello "Stato nazionalista repressivo", ricostruito in Toniatti (1993, p. 293).

(10) Si tratta dell'assetto conforme al modello dello "Stato nazionale liberale agnostico", descritto in Toniatti (*ibid.*, p. 294).

(11) In tale prospettiva, il modello dell'ordinamento è riferibile — con gli aggiustamenti opportuni per il suo adattamento al contesto delle minoranze religiose e di convinzione — allo "Stato nazionale a vocazione multinazionale e promozionale", sul quale cfr. Toniatti (*ibid.*).

Ministero della Giustizia, alla quale è subordinato il possesso della personalità giuridica[12].

Denominazioni religiose ulteriori, presumibilmente classificabili quali minoranze ma non registrate, sono comunque destinatarie di "rispetto" da parte dello Stato in quanto garantite in senso generale e generico dall'art. 16 della Costituzione ma non andranno oltre la condizione di minoranze esistenziali il cui *status* si esaurisce in una dimensione di fatto. Esse, infatti, non hanno titolo né per concludere un'intesa ("Acuerdos o Convenios de cooperación") con lo Stato per la quale la Legge organica prevede che si pervenga "teniendo en cuenta las creencias religiosas existentes en la sociedad española,"[13]; né per far parte di una "Comisión Asesora de Libertad Religiosa compuesta de forma paritaria y con carácter estable por representantes de la Administración del Estado, de las Iglesias, Confesiones o Comunidades religiosas o Federaciones de las mismas, en las que, en todo caso, estarán

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(12) Si veda il testo dell'art. 5 ("1. Las Iglesias, Confesiones y Comunidades religiosas y sus Federaciones gozarán de personalidad jurídica una vez inscritas en el correspondiente Registro público, que se crea, a tal efecto, en el Ministerio de Justicia. 2. La inscripción se practicará en virtud de solicitud, acompañada de documento fehaciente en el que consten su fundación o establecimiento en España, expresión de sus fines religiosos, denominación y demás datos de identificación, régimen de funcionamiento y órganos representativos, con expresión de sus facultades y de los requisitos para su válida designación. 3. La cancelación de los asientos relativos a una determinada Entidad religiosa sólo podrá llevarse a cabo a petición de sus órganos representativos o en cumplimiento de sentencia judicial firme" e dell'art. 6 ("1. Las Iglesias, Confesiones y Comunidades religiosas inscritas tendrán plena autonomía y podrán establecer sus propias normas de organización, régimen interno y régimen de su personal. En dichas normas, así como en las que regulen las instituciones creadas por aquéllas para la realización de sus fines, podrán incluir cláusulas de salvaguarda de su identidad religiosa y carácter propio, así como del debido respeto a sus creencias, sin perjuicio del respeto de los derechos y libertades reconocidos por la Constitución, y en especial de los de libertad, igualdad y no discriminación. 2. Las Iglesias, Confesiones y Comunidades religiosas podrán crear y fomentar, para la realización de su fines, Asociaciones, Fundaciones e Instituciones con arreglo a las disposiciones del ordenamiento jurídico general".

(13) Si rinvia al testo dell'art. 7 della legge organica: "1. El Estado, teniendo en cuenta las creencias religiosas existentes en la sociedad española, establecerá, en su caso, Acuerdos o Convenios de cooperación con las Iglesias, Confesiones y Comunidades religiosas inscritas en el Registro que por su ámbito y número de creyentes hayan alcanzado notorio arraigo en España. En todo caso, estos Acuerdos se aprobarán por Ley de las Cortes Generales. 2. En los Acuerdos o Convenios, y respetando siempre el principio de igualdad, se podrá extender a dichas Iglesias, Confesiones y Comunidades inscritas en el Registro que por su ámbito y número de creyentes hayan alcanzado notorio arraigo en España los beneficios fiscales previstos en el ordenamiento jurídico general para las Entidades sin fin de lucro y demás de carácter benéfico. En todo caso, estos Acuerdos se aprobarán por Ley de las Cortes Generales".

las que tengan arraigo notorio en España, y por personas de reconocida competencia, cuyo asesoramiento se considere de interés en las materias relacionadas con la presente Ley”[14].

Lo Stato spagnolo, di conseguenza, prende atto dell'esistenza di minoranze religiose e, quanto all'esistenza, le “rispetta” ma non estende loro alcuna forma di garanzia.

3. Di particolare rilievo, nel contesto della ricognizione svolta da *Atlas*, è altresì il richiamo alla promozione dei diritti delle minoranze religiose e di convinzione.

In proposito, occorre precisare che per “promozione” non si fa riferimento a quello schema di intervento noto come “azione positiva” — volto a garantire situazioni di vantaggio a quei gruppi che si trovano in situazioni strutturali e permanenti di svantaggio ed emarginazione, anche a costo di incidere sull'eguaglianza formale di altri gruppi — ma si intende richiamare l'insieme delle obbligazioni positive degli Stati che si collocano accanto ai contenuti delle obbligazioni negative (quale l'obbligo di non interferenza nell'esercizio delle libertà).

Giova rammentare, in argomento, anche l'art. 1 della Convenzione EDU, secondo il quale gli Stati assumono l'obbligo di “secure to everyone within their jurisdiction the rights and freedoms defined in […] this Convention”: le obbligazioni positive sono parte integrante degli obblighi assunti da parte degli Stati che sottoscrivono la Convenzione stessa, la quale, anche grazie alla giurisprudenza della Corte di Strasburgo, ha svolto e svolge, accanto alla giurisprudenza costituzionale degli Stati, un ruolo cruciale nella garanzia dei diritti fondamentali.

Si è utilmente precisato in proposito che “the positive obligations under Article 9 may involve the provision of an effective and accessible means of protecting the rights guaranteed under that provision, including both the provision of a regulatory framework of adjudicatory and enforcement machinery protecting individuals' rights and the implementation, where appropriate, of specific steps”[15].

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(14) Quanto alle funzioni di tale Commissione consultiva, l'art. 8, 2° comma stabilisce che ad essa “corresponderán las funciones de estudio, informe y propuesta de todas las cuestiones relativas a la aplicación de esta Ley, y particularmente, y con carácter preceptivo, en la preparación y dictamen de los Acuerdos o Convenios de cooperación a que se refiere el artículo anterior”.

(15) Così in The Registry, *Guide on Article 9 of the European Convention on Human Rights Freedom of thought, conscience and religion*, Strasbourg, 2022, Punto 53, 21.

Un'ulteriore significativa indicazione generale in proposito ha posto in evidenza la circostanza per la quale

> although the boundary between the State's positive and negative obligations under the Convention is not susceptible to an exact definition, the applicable principles are nonetheless comparable. In both contexts regard must be had to the fair balance to be struck between the competing interests of the individual and of the community as a whole; and in both contexts the State enjoys a certain *margin of appreciation*. Furthermore, even in relation to the positive obligations flowing from the first paragraph of Article 9, the aims mentioned in the second paragraph may be of a certain relevance[16].

2. *Perché i membri delle minoranze di religione e convinzione hanno il diritto di godere, oltre ai diritti riconosciuti a tutti gli individui, specifici diritti ed esenzioni che non sono riconosciuti alle altre persone[17]?*

Silvio Ferrari

La questione riguarda tutte le minoranze, non soltanto quelle di religione o convinzione.

Una minoranza è un gruppo vulnerabile che ha il diritto di essere giuridicamente protetto. La vulnerabilità delle minoranze dipende nella maggior parte dei casi da due elementi strettamente connessi. Il primo è l'esiguità numerica del gruppo minoritario rispetto alla maggioranza; il secondo consiste nella debolezza, in termini di potere politico e sociale, del primo rispetto alla seconda[18]. Questa vulnerabilità sussiste anche all'interno di uno Stato democratico poichè i meccanismi della democrazia implicano che le decisioni politiche siano prese a maggioranza: ciò lascia aperta la possibilità che la maggioranza usi il proprio

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(16) Cfr. *ibid.*

(17) Così si esprime, al punto 1, *The Atlas Manifesto of Religious and Belief Minority (RBM) Rights*. Il testo può essere letto all'indirizzo https://atlasminorityrights.eu/about/Tha-atlas-manifesto.php, consultato il 10 marzo 2024.

(18) In casi abbastanza rari è possibile che un gruppo numericamente inferiore al resto della popolazione di uno Stato si trovi in una posizione politicamente e socialmente dominante. In questi casi l'elemento numerico non è sufficiente a qualificare il primo gruppo come una minoranza (Capotorti 1979).

potere per opprimere la minoranza[19]. Ma anche quando la maggioranza si astenga dal fare questo uso del proprio potere, le sue scelte sono inevitabilmente il prodotto di una storia e di una cultura particolare: anche se lo volesse, la maggioranza non potrebbe liberarsi del proprio retroterra storico e culturale per raggiungere una (chimerica) posizione di imparzialità. Quindi le sue decisioni, anche quando appaiono neutrali, sono sovente determinate da convinzioni (magari inconsce ed implicite) che sono necessariamente di parte[20]. Pertanto l'unica strada realistica per evitare che le minoranze vivano in uno stato di svantaggio permanente è quella di apprestare un sistema di garanzie che le protegga dalle interferenze della maggioranza e consenta loro di sviluppare la propria identità[21]. Quest'ultimo profilo introduce il secondo grande argomento addotto dai sostenitori dei diritti speciali delle minoranze: l'apporto che esse possono dare alla diversità sociale e, nel nostro caso, religiosa. L'esistenza delle minoranze permette di contribuire al bene comune attraverso forme e contenuti differenti da quelli della maggioranza (van der Ven 2008, p. 160) ed in tal modo, rafforza il pluralismo sociale che è una condizione fondamentale per lo sviluppo di uno Stato democratico[22]. Non si tratta quindi soltanto di proteggere le minoranze dalla discriminazione ma anche di promuoverne l'identità. Di conseguenza le garanzie che i diritti umani attribuiscono a tutti gli individui e gruppi debbono essere integrate da garanzie ulteriori previste in diritti particolari per i gruppi di minoranza o, almeno, per gli individui che ne fanno parte[23], diritti che da un lato assicurano la protezione contro

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(19) L'uso del referendum che è stato fatto in Svizzera nel 2009 per proibire la costruzione di minareti ne è una prova. Una misura gravemente restrittiva dei diritti di una minoranza religiosa — il divieto di costruire minareti, ora contenuto nell'art. 72 della Costituzione svizzera — è stata presa attraverso un referendum popolare, vale a dire attraverso uno strumento decisionale che è democratico per definizione (Pacillo 2012; Langer 2010).

(20) Questo è uno dei due argomenti avanzati da W. Kymlica (2001) per sostenere la necessità di riconoscere diritti speciali ai membri delle minoranze (l'altro è l'esigenza delle minoranze di ottenere il riconoscimento della propria identità culturale). Sul "majoritarian bias" si veda Årsheim e Slotte2017, pp. 60–61.

(21) Il diritto di sviluppare la propria identità è uno dei due pilastri che reggono l'intero sistema di protezione dei diritti delle minoranze (l'altro è la non discriminazione) (Henrard 2009, p. 5).

(22) Si veda European Court of Human Rights, *Kokkinakis v. Greece*, 25 maggio 1993 (14307/88), n. 31.

(23) I diritti riconosciuti alle minoranze possono essere attribuiti al gruppo oppure, come accade più di frequente, agli individui che ne fanno parte. Cfr. Hofmann 1997.

ogni forma di discriminazione, anche indiretta, e dall'altro si traducono in obblighi dello Stato di porre in essere azioni positive che assicurino alle minoranze la possibilità di sviluppare la propria identità ed in tal modo contribuire al progresso dell'intera società.

Roberto Toniatti

Il fondamento primario dei diritti dei membri delle minoranze di religione e convinzione è da individuare, a mio giudizio, nell'intrinseca dignità della condizione umana ed è indipendente da ogni prescrizione di diritto positivo. Gli effetti giuridici di quest'ultimo, di conseguenza, sono di natura esclusivamente dichiarativa e non costitutiva e — oltre a predisporre una disciplina normativa del loro esercizio — si limitano ad esprimere un riconoscimento dell'origine pre–giuridica della titolarità dei diritti fondamentali[24].

In tal senso si esprimono alcune fonti internazionali e nazionali che ne dichiarano in modo esplicito la derivazione non immanente l'ordinamento giuridico e la natura non dipendente dalla cittadinanza di uno Stato.

Fra le prime, sono da menzionare la Dichiarazione Universale dei diritti dell'uomo (1948)[25], l'American Declaration of the Rights and Duties of Man (1948)[26], la American Convention on Human Rights

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[24] È significativo che taluni ordinamenti prescrivano che le limitazioni normative dei diritti ne debbano garantire comunque il "contenuto essenziale" (*Wesensgehalt*), che evidentemente esiste prescindendo dalla disposizione positiva: ad esempio, il *Grundgesetz* tedesco (art. 19.2) stabilisce che "In nessun caso un diritto fondamentale può essere leso nel suo *contenuto essenziale*"; la Costituzione spagnola (art. 53.1) prescrive che "Soltanto mediante una legge, che in ogni caso dovrà rispettare il loro *contenuto essenziale*, si potrà regolare l'esercizio di tali diritti e libertà"; la Carta dei diritti fondamentali dell'Unione europea (art. 51.) prevede che "Eventuali limitazioni all'esercizio dei diritti e delle libertà riconosciuti dalla presente Carta devono essere previste dalla legge e rispettare il *contenuto essenziale* di detti diritti e libertà" (il corsivo è aggiunto).

[25] Ne ricordiamo il preambolo ("Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world") e l'art. 1 ("All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

[26] Il testo del cui preambolo dichiara: "The American States have on repeated occasions recognized that the essential rights of man are not derived from the fact that he is a national of a certain state, but are based upon attributes of his human personality".

(1969)[27]. Nel medesimo senso dispongono anche la Convenzione Europea per la tutela dei diritti dell'uomo e delle libertà fondamentali (1950) e la Carta dei diritti fondamentali dell'Unione Europea (2007) che si rivolgono a tutti indistintamente gli individui e non solo ai cittadini degli Stati membri. Fra le seconde, pur con diversità di accenti[28], la Costituzione federale degli Stati Uniti[29], la Costituzione italiana[30], ancora il *Grundgesetz* tedesco[31], o la Costituzione della Slovenia[32].

In base a tale premessa, si suggerisce un'impostazione in virtù della quale i membri delle minoranze di religione e convinzione non hanno il diritto di godere di diritti diversi o ulteriori ovvero di esenzioni speciali rispetto a quanto riconosciuto a tutti gli individui, ossia ai membri della maggioranza. I diritti di cui sono titolari i membri delle minoranze di religione e convinzione corrispondono, infatti, ad una *ratio* di applicazione nei loro confronti del principio di eguaglianza formale e di non discriminazione adattato alle diverse condizioni strutturali che determinano la condizione propria delle minoranze.

Ad esempio, i diritti inerenti la sfera dell'informazione e della comunicazione degli appartenenti ad una minoranza linguistica (un cittadino italiano di lingua tedesca in Alto Adige/*Südtirol* ovvero di lingua slovena in Friuli–Venezia Giulia o di un catalano in Catalogna) che legga un libro, un giornale o segua una trasmissione radiofonica o televisiva o cerchi di comprendere le spiegazioni (il bugiardino) di un medicinale

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(27) Il cui preambolo recita: "Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality".

(28) In controtendenza è da richiamare la formulazione del testo dell'art. 16 (Ambito e significato dei diritti fondamentali) della Costituzione del Portogallo: "I diritti fondamentali consacrati nella Costituzione non escludono qualsiasi altro diritto previsto dalle leggi e dalle norme applicabili del diritto internazionale".

(29) Ne ricordiamo il testo: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people".

(30) Così, infatti, prevede l'art. 2: "La Repubblica *riconosce e garantisce* i diritti inviolabili dell'uomo" (il corsivo è aggiunto).

(31) Si consideri l'art. 1 secondo il quale "La dignità dell'uomo è intangibile. È dovere di ogni potere statale rispettarla e proteggerla".

(32) Come previsto dall'art. III: "La Repubblica di Slovenia assicura la salvaguardia dei diritti dell'uomo e delle libertà fondamentali a tutte le persone che vivono sul territorio della Repubblica, indipendentemente dalla loro appartenenza nazionale, senza alcuna discriminazione, in conformità della Costituzione della Repubblica di Slovenia e dei trattati internazionali vigenti".

nella propria lingua esercita esattamente lo stesso diritto di un italofono o di un ispanofono in quelle stesse parti del territorio ovvero in ogni altra parte del rispettivo territorio nazionale. È proprio la disponibilità di un testo nella lingua minoritaria a garantire l'eguaglianza formale nell'esercizio del diritto in questione.

Ancora — giova ribadire per quanto concerne le minoranze di religione e di convinzione —, l'esenzione dall'obbligo di ricevere un'istruzione religiosa confessionale (negli ordinamenti nei quali essa è obbligatoria)[33], ovvero dall'obbligo di prestare un giuramento di contenuto religioso in sede processuale[34] o ai fini dell'assunzione di un ufficio pubblico[35] non può essere classificata come privilegio o norma speciale di favore, ma è da qualificare come uno dei modi attraverso i quali si garantisce l'esercizio in via generale della libertà di religione e di coscienza.

In altre parole, la titolarità dei diritti è la stessa ed è il contenuto concreto del loro esercizio ad essere mediato e adattato dal principio di eguaglianza formale e del divieto di discriminazione[36].

In base a tale premessa — che sembra opportuno precisare per la sua potenziale efficacia ermeneutica —, è del tutto condivisibile il rilievo espresso da Silvio Ferrari in forza del quale si fa risalire la disciplina di tutela a "due elementi strettamente connessi", ossia alla vulnerabilità strutturale delle minoranze dovuta sia alla "esiguità numerica del gruppo minoritario rispetto alla maggioranza", sia dalla "debolezza, in termini di potere politico e sociale, del primo rispetto alla seconda"[37].

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(33) Cfr. la Costituzione della Svizzera (art. 15): "1. La libertà di credo e di coscienza è garantita […] 4. Nessuno può essere costretto ad aderire a una comunità religiosa o a farne parte, nonché a compiere un atto religioso o a seguire un insegnamento religioso".

(34) Nella sentenza n. 58 del 1960 la Corte costituzionale italiana ha affermato, con riguardo all'obbligo della formula religiosa del giuramento, che "la libertà religiosa, pur costituendo l'aspetto principale della più estesa libertà di coscienza, non esaurisce tutte le manifestazioni della libertà di pensiero: l'ateismo comincia dove finisce la vita religiosa".

(35) Come previsto dall'art. VI, terzo comma della Costituzione federale degli Stati Uniti: "[…] no religious Test shall ever be required as a qualification to any office or public trust under the United States".

(36) Come prescritto, ad esempio, dalla Costituzione della Danimarca (art. 70): "Nessuno può essere privato del godimento dei diritti civili e politici, né essere dispensato dagli obblighi civili, a causa della sua professione di fede o della sua origine".

(37) In tal contesto, la Corte suprema degli Stati Uniti ha a suo tempo elaborato la nozione di "discrete and insular minorities" (nella celebre *Footnote* 4 nella sentenza *United States* v. *Carolene Products Company*, 1938) rispetto alla quale sorge il quesito cui risponde l'esigenza

Non pare fuori luogo, in continuità con quanto osservato da Silvio Ferrari, elevare a terzo elemento (altrettanto) strettamente connesso della condizione di vulnerabilità delle minoranze l'orientamento prevalente della maggioranza che tende a comportarsi come se costituisse il tutto anziché una parte, per quanto maggioritaria. Esistono opzioni culturali non esplicitate di sistema, presentate come neutrali — ad esempio la scelta del giorno di riposo settimanale, ovvero il calendario scolastico — che, come correttamente osservato, "sono sovente determinate da convinzioni (magari inconsce ed implicite) che sono necessariamente di parte".

Inoltre, occorre rilevare con accenti critici sia l'affermazione del principio di maggioranza in relazione ai procedimenti deliberativi in ordine ai diritti delle minoranze, sia la subordinazione della disciplina di questi ultimi a clausole che rinviano l'applicazione delle norme a vaghi presupposti di fatto (si leggono assai spesso formule del tipo "quando è appropriato", "se c'è il consenso", "se c'è il desiderio di comunità interessate", "se è il caso", etc.), secondo quanto a più riprese previsto nel testo della Convenzione quadro, che non distingue all'interno dell'intera tipologia di minoranze protette (Toniatti 2000)[38]. Sotto tutti e tre i profili sopra indicati è di per sé rilevante la "questione femminile", ossia gli interventi contro la discriminazione delle donne, benché esse costituiscano numericamente la maggioranza della popolazione e ciononostante condividano la vulnerabilità tipica delle minoranze.

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di tutela "whether prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry". Si tratta di un concetto aperto e mai definito anche se, in una successiva decisione (*San Antonio Independent School District* v. *Rodriguez*, del 1973), la Corte ha avuto modo di indicare "the traditional indicia of suspectness: [to be] saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process". In altre parole, la legislazione destinata a "discrete and insular minorities" richiede, a causa della loro vulnerabilità, un controllo giurisdizionale antidiscriminatorio più attento ed esigente.

(38) Norme di protezione dall'intervento della maggioranza rispettose della condizione di minoranza — ma riferite ancora una volta solo a tutela delle minoranze linguistiche — si rinvengono nella disciplina degli istituti di democrazia diretta nell'ordinamento della Provincia autonoma di Trento, sia con la predisposizione proporzionalmente differenziata dei requisiti di raccolta di firme, sia con l'esclusione generale, ad esempio di richieste di referendum abrogativo di "leggi provinciali […] di "tutela delle minoranze linguistiche ladine, mochene e cimbre"; si veda Toniatti (2011).

In tale contesto, e nel presupposto dell'insufficienza delle regole ordinarie della competizione elettorale — che non a caso riguarda direttamente proprio le donne[39] — si profila il problema della garanzia (di natura in qualche misura compensativa) della rappresentanza politica delle minoranze (Palermo e Woelk 2021), le cui soluzioni, però, nelle esperienze costituzionali della tradizione giuridica occidentale, possono configurarsi come azioni positive e riguardano le minoranze nazionali e linguistiche ma non quelle religiose o di convinzione[40].

L'obbligo per lo Stato di intervenire per assicurare l'eguaglianza di tutti nel godimento dei diritti — degli *stessi* diritti — si ricava in via interpretativa dalla previsione costituzionale del principio di eguaglianza (formale e sostanziale) e dal correlato divieto di discriminazione (diretta e indiretta) ma può anche essere previsto espressamente dalla Costituzione stessa[41] ovvero da fonti di diritto internazionale[42] o sovrannazionale[43] di natura (almeno indirettamente) costituzionale.

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(39) Ricordiamo che la Costituzione francese è stata sottoposta a revisione al fine di prevedere che "la loi favorise l'égal accès des femmes et des hommes aux mandats électoraux et fonctions électives, ainsi qu'aux responsabilités professionnelles et sociales" (art. 1). Altrettanto la Costituzione italiana (art. 117, 8° comma): "Le leggi regionali rimuovono ogni ostacolo che impedisce la piena parità degli uomini e delle donne nella vita sociale, culturale ed economica e promuovono la parità di accesso tra donne e uomini alle cariche elettive". In entrambi i casi la revisione costituzionale è stata prodotta in reazione alla giurisprudenza costituzionale che aveva dichiarato la norma inserita in una fonte legislativa ordinaria incompatibile con il principio costituzionale di eguaglianza formale. Da richiamare in proposito anche l'art. 23 della Carta dei diritti fondamentali dell'UE, in base alla quale "la parità tra donne e uomini deve essere assicurata in tutti i campi, compreso in materia di occupazione, di lavoro e di retribuzione".

(40) In ipotesi, si potrebbero richiamare a questo proposito il *Good Friday Agreement* e i meccanismi di *power sharing* fra le distinte comunità dell'Irlanda del Nord, nei limiti in cui essi possano essere ricondotti ad un conflitto a base religiosa e non, in prevalenza, di natura etnico–nazionale.

(41) Così, ad esempio, la Costituzione del Belgio (art. 11): "Il godimento dei diritti e delle libertà riconosciuti ai Belgi deve essere assicurato senza discriminazione. A tal fine, le leggi e i decreti garantiscono in particolare i diritti e le libertà delle minoranze ideologiche e filosofiche".

(42) Ricordiamo che il Consiglio d'Europa ha promosso la conclusione del Protocollo n. 12 alla Convenzione europea dei diritti dell'uomo (CEDU) per estendere la tutela giurisdizionale del principio di eguaglianza e del divieto di discriminazione al di là dei diritti tutelati dal testo originario della CEDU.

(43) Così l'art. 21 della Carta dei diritti fondamentali dell'UE: "È vietata qualsiasi forma di discriminazione fondata, in particolare, sul sesso, la razza, il colore della pelle o l'origine etnica o sociale, le caratteristiche genetiche, la lingua, la religione o le convinzioni personali, le opinioni politiche o di qualsiasi altra natura, l'appartenenza ad una minoranza nazionale, il patrimonio, la nascita, la disabilità, l'età o l'orientamento sessuale".

L'intervento pubblico deve essere correlato alle specificità del fenomeno da disciplinare, in conformità con i principi di ragionevolezza e proporzionalità e nel rispetto dei principi di eguaglianza formale e non discriminazione e, in determinati casi, può assumere i connotati dell'azione positiva e andare oltre i limiti posti dai principi qui sopra richiamati. Si tratta, pertanto, di interventi circoscritti e di durata tendenzialmente temporanea — difficilmente configurabile, però, nel caso delle minoranze — rispetto ai quali la tradizione giuridica occidentale mantiene un orientamento di prevalente prudenza[44]. Ne consegue che l'azione positiva non è uno strumento suscettibile di applicazione ordinaria e frequente a tutela delle minoranze religiose e di convinzione.

3. *Le minoranze di convinzione devono godere gli stessi diritti (ed essere soggette agli stessi obblighi) delle minoranze di religione*[45]?

Silvio Ferrari

La definizione e l'individuazione delle organizzazioni di convinzione non è semplice Baldassarre 2023, cap. 1). Con questa espressione si intendono le organizzazioni filosofiche e non confessionali menzionate nell'art. 17 del Trattato sul funzionamento dell'Unione Europea. Queste organizzazioni (ateiste, agnostiche, pacifiste, ecc.) propongono concezioni della vita e del mondo che, pur non essendo fondate su elementi sovrannaturali, hanno più d'un punto di contatto con le organizzazioni religiose: nell'uno e nell'altro caso, infatti, si intende dare risposta alle domande fondamentali relative all'esistenza e al destino degli esseri umani. Per questa ragione la Corte europea dei diritti dell'uomo ha riconosciuto che quando una convinzione "attain a certain level of cogency, seriousness, cohesion and importance", essa ricade nell'ambito di applicazione dell'art. 9 della

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(44) Giova menzionare ancora lo stesso Protocollo n. 12 — già sopra richiamato come estensione della tutela giurisdizionale europea dell'eguaglianza — il quale fa riferimento allo strumento dell'azione positiva solo nel preambolo; e che la Carta dei diritti fondamentali dell'UE ne prevede espressamente l'applicazione solo in rapporto alla tutela della condizione femminile (art. 23: "Il principio della parità non osta al mantenimento o all'adozione di misure che prevedano vantaggi specifici a favore del sesso sottorappresentato").

(45) Nell'*Atlas Manifesto* (cfr. supra, nota 17) sta scritto che "The protection afforded by minority rights to religious minorities also extends to belief minorities (atheists, agnostics, humanists, etc.) as long as they face the same challenges faced by religious minorities".

Convenzione europea indipendentemente dal fatto che abbia contenuto religioso o non religioso[46]. Ciò ha condotto ad assicurare agli individui che professano queste ultime convinzioni una tutela analoga a quelli che professano convinzioni religiose. Non però alle loro organizzazioni: con pochissime eccezioni (la più importante delle quali è rappresentata dal Belgio) gli ordinamenti giuridici statali non riconoscono loro gli stessi diritti che vengono riconosciuti alle organizzazioni religiose. In uno Stato laico, che è incompetente a valutare il contenuto di una convinzione e deve limitarsi a verificare che essa non implichi pratiche contrarie all'ordine pubblico, questa differenza di disciplina giuridica può risultare problematica. Per questa ragione è necessario considerare se — quando si tratta di assistenza spirituale nelle carceri, ospedali e forze armate, di finanziamenti pubblici, di celebrazione del matrimonio e via dicendo — le minoranze di convinzione possano godere di diritti (ed essere sottoposte ad obblighi) analoghi a quelli previsti per le minoranze di religione. Al termine di questo esame può risultare che non sempre ciò è possibile o opportuno: ma, in uno spirito pragmatico e privo di pregiudiziali, è necessario fondare queste conclusioni su una precisa analisi e misurazione dei diritti riconosciuti alle une ed alle altre. A tal fine si è ritenuto opportuno estendere l'esame dell'*Atlas* anche alle minoranze di convinzione.

Roberto Toniatti

È del tutto condivisibile che le minoranze di convinzione debbano godere degli stessi diritti ed essere destinatarie degli stessi obblighi delle minoranze di religione. Ricordiamo, del resto, che sia la giurisprudenza (nazionale e convenzionale), sia, in alcuni casi, il diritto positivo, sia la dottrina convergono nel qualificare come la libertà dalla religione non sia altro che un contenuto imprescindibile della libertà di religione (della quale rappresenta la versione negativa) (Bottoni 2023).

Ancora una volta, giova richiamare, in proposito, il principio fondamentale dell'intrinseca dignità della condizione umana[47] e, in stret-

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(46) Per l'indicazione delle decisioni che si sono pronunciate in tal senso cfr. European Court of Human Rights, *Guide on Article 9 of the Convention – Freedom of thought, conscience and religion*, Strasbourg, Council of Europe, 2022, pp. 8–12.

(47) Per un esame comparato della giurisprudenza costituzionale in tema di dignità come principio e come diritto fondamentale si rinvia a Piciocchi (2013).

ta correlazione, "il riconoscimento della signoria individuale sulla propria coscienza"[48].

Anche la Corte EDU ha avuto modo di valorizzare la necessità di una tutela equivalente fra le due situazioni (libertà *di* e *dalla* religione) e di porre frequentemente in rilievo una dinamica di estensione della tutela originariamente configurata per la dimensione religiosa, in attuazione anche del valore del pluralismo all'interno dell'ordinamento. Ricordiamo le parole stesse della Corte, pronunciate con riferimento all'art. 9 della CEDU: "it is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but *it is also a precious asset for atheists, agnostics, sceptics and the unconcerned*. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it"[49].

Il profilo che sembra accomunare le due situazioni in un contesto unitario può essere identificato nel riferimento alla "coscienza", ossia alla sfera interna ed intima dell'individuo che prelude alle decisioni di autodeterminazione individuale nei confronti della realtà esterna e di se stessi e che può fare soggettivamente affidamento a risorse esterne riconducibili al fenomeno religioso ovvero a dottrine filosofiche ovvero ancora all'etica individuale interiore.

Un'indicazione in tal senso può riscontrarsi nel testo di alcune disposizioni di fonte internazionale[50], sovrannazionale[51] e costituziona-

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(48) L'espressione è mutuata dalla motivazione della decisione n. 43 del 1997 della Corte costituzionale italiana in tema di obiezione di coscienza (giudice estensore Gustavo Zagrebelsky).

(49) Si veda in proposito *Church of Scientology Moscow v. Russia*, 2007 e *Metropolitan Church of Bessarabia and Others v. Moldova*, 2001 (il corsivo è aggiunto).

(50) Si veda il testo dell'art. 9 della CEDU (rubricato Freedom of thought, conscience and religion): "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance".

(51) Così il testo dell'art. 10 della Carta dei diritti fondamentali dell'Unione Europea (rubricato anch'esso come "libertà di pensiero, di coscienza e di religione"): "Ogni individuo ha diritto alla libertà di pensiero, di coscienza e di religione. Tale diritto include la libertà di cambiare religione o convinzione, così come la libertà di manifestare la propria religione o la propria convinzione individualmente o collettivamente, in pubblico o in privato, mediante il culto, l'insegnamento, le pratiche e l'osservanza dei riti". Un contesto unitario di riconoscimento e tutela della libertà religiosa insieme alla cultura e alla lingua si riscontra anche nel testo dell'art. 22 della Carta ("L'Unione rispetta la diversità culturale, religiosa e linguistica").

le[(52)] che esprimono un contesto unitario ed omogeneo di riconosci-
mento e tutela tanto per la dimensione della fede religiosa, quanto per
quella della razionalità ideologica o filosofica.

4. Le minoranze di religione e di convinzione sono diverse dalle altre mino- ranze e richiedono una protezione specifica?

Silvio Ferrari

Si è già fatto cenno all'elemento che caratterizza e collega minoranze
di religione e di convinzione. Questo elemento — la proposta di una
Weltanschauung, sia essa fondata su riferimenti esclusivamente naturali
o sovrannaturali — serve anche a differenziarle dalle minoranze nazio-
nali, linguistiche o etniche al cui centro stanno altre componenti.
È difficile andare oltre questo generico riferimento perché, nella fa-
miglia delle minoranze, le minoranze di religione e convinzione sono
sempre stata la sorella minore che ha ricevuto meno attenzione: per ac-
corgersene basta osservare la produzione normativa dei paesi europei in
tema di minoranze (Ferrari 2021). La modesta attenzione dedicata alle
minoranze di religione e convinzione rispetto alle minoranze nazionali
è stata spiegata in modi diversi. Alcuni hanno sottolineato che, pur se
le minoranze (incluse quelle di religione e convinzione) sono sempre
esistite, la nozione giuridica di minoranza si è imposta soltanto dopo la
prima guerra mondiale, quando nuovi Stati sono sorti dalle ceneri degli
ultimi imperi europei. A quel tempo il problema era la nazione e non
la religione, e ciò aiuta a comprendere perché le minoranze di religione
e convinzione siano state lasciate ai margini (Agkönul 2007). Altri ela-
borano in termini differenti questo stesso nesso tra minoranze e Stati
nazionali, sottolineando che uno Stato nazionale è facilmente indotto

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(52) In tal senso cfr. la Costituzione della Spagna: "Se garantiza la libertad ideológica, re-
ligiosa y de culto de los individuos y las comunidades sin más limitación, en sus manifestacio-
nes, que la necesaria para el mantenimiento del orden público protegido por la ley" (art. 16, 1°
comma). Si veda anche l'art. 6 della Costituzione dei Paesi Bassi ("Everyone shall have the right
to profess freely his religion or belief, either individually or in community with others, without
prejudice to his responsibility under the law") e l'art. 19 della Costituzione del Belgio ("La li-
berté des cultes, celle de leur exercice public, ainsi que la liberté de manifester ses opinions en
toute matière, sont garanties, sauf la répression des délits commis à l'occasion de l'usage de ces
libertés".

a marginalizzare i gruppi che non condividono la narrativa e l'ethos su cui esso è fondato[53]. Lo strumento per tenere sotto controllo le aspirazioni separatiste di questi gruppi è stato appunto il riconoscimento dei diritti delle minoranze, che ha anestetizzato l'effetto potenzialmente destabilizzante della loro presenza sul territorio di uno Stato (Preece 1998, p. 11). Di nuovo, l'accento cade sulle minoranze nazionali piuttosto che su quelle religiose. Le cose ora sono un po' cambiate perchè, dalla fine del secolo scorso, le religioni hanno acquistato visibilità sulla scena pubblica e capacità di intercettare e dare voce a esigenze e rivendicazioni di gruppi sociali emarginati sul terreno politico, economico e culturale. Ciò rende ancora più urgente definire con precisione i caratteri distintivi delle minoranze di religione e di convinzione per evitare di appiattirne la tutela sul modello delle minoranze nazionali. Questi caratteri possono richiedere una protezione specifica, diversa da quella assicurata a minoranze di altro tipo: non perché la religione sia più importante della lingua, della nazionalità o dell'etnia ed esiga un trattamento giuridico preferenziale ma semplicemente perché ciascuna di queste minoranze ha propri tratti particolari che richiedono di essere tenuti in conto.

Roberto Toniatti

La realtà delle diversità umane e sociali è un fenomeno naturale quanto mai vasto ed articolato — ogni individuo è unico ed irripetibile — che emerge anche sul piano del diritto, dove essa viene qualificata sulla base di una pluralità di criteri. Nell'esperienza storica, tali criteri sono stati spesso utilizzati — di certo in passato ma, in numerosi contesti geo–culturali, ancora oggi — quali fattori di discriminazione ai danni di individui e ancora più spesso di interi gruppi, connotati da profili condivisi e caratterizzanti al loro interno e distinti rispetto all'identità di un altro gruppo più consistente. La conseguenza di questa situazione può essere espressa in termini quantitativi che consentono di individuare un gruppo in "maggioranza" e uno o più altri gruppi come suscettibili di venir descritti come di "minoranza".

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(53) Le minoranze nazionali "are by definition anomalies in the nation state system" (Preece 1998, p. 10).

I due concetti — maggioranza e minoranza — sono, ciascuno, relativi e relazionali: ciascun gruppo può essere di minoranza o di maggioranza rispetto ad altri gruppi e in tanto un gruppo si qualifica come maggioranza o minoranza in quanto si rapporti ad uno o più altri gruppi. Anche la "quantificazione" dei gruppi, pertanto, è una dinamica relativa e intrinsecamente relazionale: ciascun gruppo, di per sé, non è altro che se stesso, con la propria identità distintiva e senza prestarsi, di per sé, ad essere soggetto a quantificazione alcuna.

In questi termini, può descriversi lo scenario entro il quale si colloca il fenomeno minoritario, assai vasto ed eterogeneo. Esso diviene giuridicamente rilevante in quanto ad un gruppo — semplificando — sono riservati benefici e privilegi, mentre ad altro o altri gruppi sono destinati gli svantaggi. Un riferimento al testo dell'art. 21 della Carta dei diritti fondamentali dell'Unione Europea consente di prendere atto dell'elenco dei fattori di discriminazione i quali si rivelano costitutivi dei gruppi di minoranza destinatari della tutela antidiscriminatoria: il sesso, la razza, il colore della pelle o l'origine etnica o sociale, le caratteristiche genetiche, la lingua, la religione o le convinzioni personali, le opinioni politiche o di qualsiasi altra natura, l'appartenenza ad una minoranza nazionale, il patrimonio, la nascita, gli handicap, l'età o le tendenze sessuali[54].

Queste brevi considerazioni introduttive intendono porre in evidenza come, a fronte dell'unitarietà di fondo del fenomeno "minoranze", ciascuna minoranza presenti caratteri propri e solleciti pertanto forme di tutela specifiche ed appropriate.

Ciò premesso — e senza aderire necessariamente all'immagine della "sorella minore" ove riferita solo alla quantificazione delle fonti di tutela —, si conviene con Silvio Ferrari sulla circostanza per la quale

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(54) Osserviamo che si tratta dell'elencazione probabilmente più lunga ed aggiornata che sia stata formalizzata in una disposizione normativa e che, nondimeno, in virtù dell'inciso "in particolare" posto all'inizio del testo, si configura come aperta e non esaustiva. Giova richiamare l'attenzione su come anche in questo contesto i fattori "religione" e "convinzioni personali" si presentino come un'endiadi indissolubile, Rileviamo anche che il secondo comma dell'art. 21 ("Nell'ambito d'applicazione del trattato che istituisce la Comunità europea e del trattato sull'Unione europea è vietata qualsiasi discriminazione fondata sulla cittadinanza, fatte salve le disposizioni particolari contenute nei trattati stessi") pone l'accento sul divieto di discriminazione in base alla cittadinanza che, rispetto alle finalità dell'integrazione sovrannazionale, acquisisce un'importanza del tutto peculiare.

esiste la tendenza a separare il quadro di tutela delle minoranze religiose rispetto a quello destinato alle "minoranze nazionali, linguistiche o etniche [...] al cui centro stanno altre componenti [...] rispetto alla proposta di una *Weltanschauung*, sia essa fondata su riferimenti esclusivamente naturali o sovrannaturali". E si conviene senz'altro, altresì, sull'esigenza di introdurre "una protezione specifica, diversa da quella assicurata a minoranze di altro tipo" e di "definire con precisione i caratteri distintivi delle minoranze di religione e di convinzione per evitare di appiattirne la tutela sul modello delle minoranze nazionali".

Rispetto a queste dinamiche si possono ipotizzare alcune spiegazioni ulteriori rispetto a quelle già esposte.

In primo luogo, occorre richiamare come dato di fondo l'orientamento della tradizione giuridica occidentale ad impostare la tutela dei diritti fondamentali quali situazioni giuridiche soggettive riferite e riferibili ad una dimensione individuale, tralasciando invece la distinta sfera collettiva e comunitaria. Si tratta di un'impostazione particolarmente connessa alle origini ideologiche della rivoluzione francese ed alla sua forte propensione a favorire l'emancipazione degli individui rispetto ad un sistema sociale stratificato in figure collettive destinatarie di assetti normativi differenziati[55].

Occorre ricordare il progetto di emancipazione dell'individuo rispetto ad ogni dimensione collettiva proprio della Rivoluzione francese e come la sfera della libertà di auto–determinazione degli individui sia stata soggetta — e ancora sia, benché più limitatamente — a penetranti ed estese forme di controllo sociale, rispetto al quale il diritto è disarmato ed impotente.

Di conseguenza, la tutela della libertà religiosa si configura come diritto eminentemente individuale e il riferimento al suo momento collettivo viene impostato sia come indispensabile effetto indiretto[56], sia e

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(55) Si consideri la portata di alcune disposizioni della *Déclaration des droits de l'homme et du citoyen* del 1789, quali l'art. 1 ("Les hommes naissent et demeurent libres et égaux en droits. Les distinctions sociales ne peuvent être fondées que sur l'utilité commune"); e l'art. 6 ("La loi est l'expression de la volonté générale. [...] Elle doit être la même pour tous, soit qu'elle protège, soit qu'elle punisse. Tous les citoyens, étant égaux à ses yeux, sont également admissibles à toutes dignités, places et emplois publics, selon leur capacité et sans autre distinction que celle de leurs vertus et de leurs talents"). Per una trattazione specifica cfr. Avineri and de–Shalit(eds.) (1992).

(56) Cosi si ricava da quanto espresso dalla Corte EDU in *Church of Scientology Moscow v. Russia* del 2007, secondo la quale "while religious freedom is primarily a matter of individual

soprattutto come dovere di neutralità dello Stato rispetto a singole denominazioni religiose organizzate[57].

Alcune fonti costituzionali, in deroga all'impostazione qui sopra richiamata, introducono però un riferimento normativo anche alla dimensione collettiva, come fanno la Costituzione italiana[58] e la Costituzione spagnola[59] con riguardo alle "formazioni sociali" ma le relative applicazioni hanno come destinatarie organizzazioni religiose strutturate che non corrispondono alla configurazione di una minoranza quale minoranza diffusa (cfr. Rossi 1989).

In sintesi, i diritti della sfera religiosa vengono tutelati in capo agli individui e alle religioni organizzate ma questi due ambiti assorbono in sé ogni forma di ulteriore protezione applicabile alle minoranze non strutturate.

Un secondo ordine di argomentazioni esplicative è connesso con una circostanza che, di certo in una prospettiva storica, presenta una grande importanza: ossia che una confessione religiosa, oltre ad essere un complesso di dogmi di fede e di precetti morali, è anche un ordinamento

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conscience, it also implies, *inter alia*, freedom to manifest [one's] religion" alone and in private or in community with others, in public and within the circle of those whose faith one shares. Since religious communities traditionally exist in the form of organised structures, Article 9 must be interpreted in the light of Article 11 of the Convention, which safeguards associative life against unjustified State interference. Seen in that perspective, the right of believers to freedom of religion, which includes the right to manifest one's religion in community with others, encompasses the expectation that believers will be allowed to associate freely, without arbitrary State intervention. Indeed, the autonomous existence of religious communities is indispensable for pluralism in a democratic society and is thus an issue at the very heart of the protection which Article 9 affords. (71)".

(57) Emblematico in tale prospettiva è il tenore letterale del 1° Emendamento della Costituzione federale degli Stati Uniti ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof").

(58) Cfr. l'art. 2 Cost.: "La Repubblica riconosce e garantisce i diritti inviolabili dell'uomo, sia come singolo sia nelle formazioni sociali ove si svolge la sua personalità […]" e la sua proiezione nell'art. 8 ("Le confessioni religiose diverse dalla cattolica hanno diritto di organizzarsi secondo i propri statuti, in quanto non contrastino con l'ordina¬mento giuridico italiano. I loro rapporti con lo Stato sono regolati per legge sulla base di intese con le relative rappresentanze"); nell'art. 19 ("Tutti hanno diritto di professare liberamente la propria fede religiosa in qualsiasi forma, individuale o associata, di farne propaganda e di esercitarne in privato o in pubblico il culto, purché non si tratti di riti contrari al buon costume"); nell'art. 20 ("Il carattere ecclesiastico e il fine di religione o di culto d'una associazione od istituzione non possono essere causa di speciali limitazioni legislative, né di speciali gravami fiscali per la sua costituzione, capacità giuridica e ogni forma di attività").

(59) Si consideri anche l'art. 9 della Costituzione spagnola ("Corresponde a los poderes públicos promover las condiciones para que la libertad y la igualdad del individuo y de los grupos en que se integra sean reales y efectivas").

giuridico che disciplina aspetti vitali del vivere sociale — *in primis*, il diritto di famiglia, le norme di comportamento sessuale, il calendario delle festività comunitarie, in taluni casi le regole alimentari e dell'abbigliamento (Piciocchi 2024) — che la pongono in competizione con l'ordinamento giuridico dello Stato e la sua pretesa di istituire un regime di rigoroso monismo giuridico.

La sfera della coscienza — a prescindere dalla sua ispirazione, religiosa o filosofica — quale ragione posta a fondamento della disobbedienza alle leggi dello Stato esprime un caso paradigmatico rappresentativo del conflitto fra norma statuale e religiosa e il riconoscimento legislativo e la disciplina del suo esercizio costituiscono una mediazione cui lo Stato è indotto nella consapevolezza che tale riconoscimento costituisce probabilmente l'unico strumento disponibile per gestire il fenomeno. Similmente, il metodo negoziale — che peraltro presuppone un soggetto istituzionale organizzato titolare di una funzione rappresentativa di una confessione religiosa — si pone quale strumento disponibile per il riconoscimento e il controllo di margini di diritto religioso validamente applicabile accanto al diritto dello Stato, con il consenso di quest'ultimo (cfr. Toniatti 2021).

La rivendicazione dell'esclusività del diritto statuale in alternativa a forme di pluralismo giuridico forte e al di fuori del controllo dello Stato costituisce una solida ragione per mantenere la dimensione religiosa al di fuori di una disciplina razionalizzata ed organica delle minoranze religiose.

In terzo luogo — e in forte connessione con quest'ultima spiegazione —, occorre richiamare il recente mutamento della composizione religiosa del tessuto sociale nella maggioranza degli ordinamenti dell'area euro–atlantica. Si tratta di una dinamica che ha ampiamente inciso sul consolidamento degli assetti religiosi tradizionali rispetto ai quali si è venuto formando, nel corso degli ultimi due secoli, il modello normativo in materia. Il rilevante aumento in sé delle varie articolazioni confessionali e l'incremento della loro eterogeneità e carica innovativa renderebbero ancora più complessa la configurazione di forme estese di pluralismo giuridico[60]

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(60) Sulla problematica configurazione dei diritti fondamentali in un contesto multiculturale cfr. Parolari P. (2016). Sulle esperienze di forme di pluralismo giurisdizionale in ordinamenti occidentali cfr. Rinella (2012); Cavalcanti (2023).

Da ultimo, non può negarsi che ogni intervento normativo in materia di disciplina del fenomeno religioso, in questa fase del nostro tempo e nello scenario europeo, non potrebbe non intervenire su di un campo nel quale emergono soprattutto minoranze religiose non tradizionali riconducibili ai fenomeni migratori di massa e la circostanza, che non fa onore alla tradizione giuridica occidentale, è attualmente determinante nell'ostacolare ogni sviluppo nella produzione normativa a tutela delle minoranze religiose[61].

In base a tale scenario, risulta ancora più rilevante — benché, di certo, tutt'altro che agevole — avviarsi a delineare le linee di ispirazione di una ipotesi di adeguata disciplina normativa in tema di minoranze religiose.

5. *La nozione di minoranza ha un'utilità epistemologica e pratica per tutelare i diritti dei gruppi religiosi numericamente meno consistenti e politicamente meno forti al di fuori del mondo europeo in cui essa è nata e si è sviluppata? Oppure la sua estraneità alle tradizioni culturali e giuridiche di altre parti del mondo la rendono inutilizzabile?*

Silvio Ferrari

L'utilità della nozione di minoranza e la sua efficacia per assicurare i diritti dei gruppi socialmente e politicamente più vulnerabili è sovente contestata. Alcuni sociologi si chiedono se è tempo di "abandon the notion of religious minorities", which has become "a straitjacket that is tightened to societies with high socio–religious differentiation, internal to both the historical dominant religions, and to the new religious presences" (Pace 2021). Ad essi fa eco una corrente di antropologi, secondo cui il concetto di minoranza religiosa, con la conseguente attribuzione di diritti speciali, è inestricabilmente legato a quello di Stato nazionale e laico, nato in Europa e poi esportato attraverso la dominazione coloniale

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(61) Nell'ordinamento italiano, rispetto ad altri ordinamenti, anche sotto questo profilo scientifico si avverte l'assenza di una legge generale sulla libertà religiosa, che di recente è da ascrivere soprattutto alla motivazione di cui nel testo. In argomento, si segnala l'elaborazione di una proposta di legge (2017) da parte di Astrid ("Norme in materia di libertà di coscienza e di religione"), sulla quale, anche alla luce delle trasformazioni della "demografia religiosa italiana", cfr. Ferrari 2017).

in altre regioni del mondo senza riuscire a risolvere (anzi esacerbando) il problema del governo della diversità di religione (Mahmood 2015). Infine, gli studiosi di storia delle religioni e dei loro diritti non possono fare a meno di notare che l'espressione "minoranza religiosa" non appartiene al linguaggio tradizionale del diritto canonico, islamico, ebraico e degli altri diritti delle religioni: si tratta di un'espressione che nasce nella cultura laica del XIX e XX secolo e che non ha radici profonde nella tradizione giuridica e teologica delle grandi religioni del Mediterraneo e delle civiltà che attorno ad esse sono nate (ad eccezione di quella europea segnata, a partire dall'epoca moderna, dal processo di secolarizzazione) (Tolan 2017, p. 21).

Queste ed altre critiche non sono prive di fondamento ma vanno valutate alla luce di una considerazione più generale: da circa un secolo la nozione di minoranza è lo strumento adottato da tutte le organizzazioni internazionali per garantire a livello globale i diritti dei gruppi numericamente più esigui e socio–politicamente più deboli. Sul terreno giuridico questa nozione ha avuto uno sviluppo significativo, venendo inclusa in convenzioni internazionali, carte costituzionali, leggi e sentenze di tribunali nazionali e sovranazionali. É opportuno rinunciare *in toto* a questo patrimonio normativo e giurisprudenziale senza avere una precisa alternativa che non sia semplicemente terminologica? Oppure è preferibile avviare un paziente lavoro di contestualizzazione di questa nozione tenendo presente i diversi percorsi storici, culturali, politici e religiosi di ciascuno Stato?

Dai progetti *ReMinEm* e *MiReDiaDe* emerge con tutta evidenza che la storia ha seguito percorsi differenti nei paesi europei ed in quelli medio–orientali e nord–africani[62]. La storia europea, che non ha mai dimenticato le guerre di religione, ha condotto ad affermare che la diversità di religione è irrilevante per il godimento dei diritti civili e politici. Uno Stato laico non può dare spazio alle differenze di religione, neppure nel caso in cui esse riguardino un gruppo di minoranza. Troppo grande, infatti, sarebbe il pericolo di creare "ghetti religiosi", rompendo la coesione sociale ed indebolendo l'identità nazionale. La storia di

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[62] I risultati di questi due progetti possono essere consultati nelle pagine ad essi dedicate *nell'Atlas of religious or belief minority rights* (https://atlasminorityrights.eu/resources_uap/Final-report.php).

molti paesi medio–orientali e nord–africani ha seguito invece un percorso parzialmente diverso in cui le differenze di religione mantengono la loro importanza nell'attribuire ai cittadini diritti civili e politici differenti in materia di statuto personale, diritto di famiglia, successioni e in altri ambiti ancora. Come ha notato Maurits Berger, il primo gruppo di paesi "focuses on equality and hence tends to eradicate differences" mentre il seondo "embraces the differences" (Berger 2020, p. 128).

Trasposta sul terreno della misurazione dei diritti delle minoranze religiose, questa considerazione induce ad evitare una comparazione meccanica tra i paesi europei da un lato e quelli medio–orientali e nord–africani dall'altro ma non esclude la possibilità che una misurazione e comparazione dei diritti delle minoranze nei paesi appartenenti al secondo gruppo sia possibile ed utile. Tradotta in termini più generali, questa conclusione consente di dare il giusto peso al contesto in cui si collocano le minoranze (comunque le si voglia chiamare) senza che sia necessario rinunciare a misurare i loro diritti nei paesi che si collocano all'interno di uno stesso contesto storico e culturale.

Roberto Toniatti

La nozione di "minoranza" — e, in particolare, di "minoranza religiosa" — ha un significato di natura essenzialmente convenzionale e riveste un'importanza descrittiva di una situazione storica presente in un ordinamento statuale, sia considerato di per sé, sia all'interno di un gruppo di Stati tendenzialmente omogenei[63].

Il concetto stesso, pertanto, non è indispensabile in senso assoluto ma la sua eliminazione richiederebbe comunque che si trovi un equivalente funzionale. Più in dettaglio, può originare un senso di disagio — forse più soggettivo che oggettivo — classificare in termini essenzialmente quantitativi e negativi un gruppo di identità le cui radici storiche

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(63) Osserviamo che il preambolo dello Statuto del Consiglio d'Europa richiama la condizione degli Stati membri quali "*like–minded countries of Europe*" ("*les pays européens qu'animent les mêmes sentiments*" nel testo francese; "i paesi europei che sono animati da medesimi sentimenti", secondo la traduzione ufficiale in italiano della Cancelleria federale della Svizzera). E il preambolo della Convenzione europea per la tutela dei diritti dell'uomo e delle libertà fondamentali caratterizza gli Stati contraenti come "like–minded"; ovvero quali "Etats européens animés d'un même esprit"; "Stati europei animati da uno stesso spirito", nella traduzione non ufficiale in italiano).

risalgono a tempi antichi e che nel corso dei secoli è riuscito ad esprimere pagine di alta umanità ed intensa spiritualità. Ma la classificazione deve essere intesa come fondata su spiegazioni meramente scientifiche e del tutto avalutative sul piano del merito.

Occorre, pertanto, essere aperti ad ogni forma di miglioramento nell'individuazione delle categorie attraverso le quali interpretare e sistematizzare la realtà sociale. Una riflessione in proposito potrebbe e dovrebbe riguardare altresì il concetto di maggioranza.

Uno dei motivi di apprezzamento per il concetto di minoranza nella sua evoluzione storica in Europa è che esso ha segnato un percorso che ha seguito un itinerario partito dalla tolleranza e arrivato alla piena protezione in un contesto sociale e culturale di secolarizzazione riflesso anche dalle norme fondamentali di numerosi ordinamenti statuali; così, con riguardo immediato alla libertà religiosa, si è passati dalle guerre di religione al primo (timido e oggi inaccettabile) riconoscimento della legittimità delle diversità religiose nel contesto della cristianità (il principio del *cujus regio ejus et religio*, della pace di Augsburg del 1555), dall'istituzione delle religioni di Stato alla mera ammissione di altri culti[64], sino al consolidamento del principio costituzionale di pluralismo religioso nel contesto di uno Stato neutrale rispetto ad una sola denominazione.

La nozione di minoranza — quale minoranza riconosciuta e garantita nelle fonti attuali di diritto costituzionale ed internazionale — acquisisce la sua ragion d'essere in un contesto di pluralismo religioso quale strumento descrittivo di un sistema nel quale si individuano, da un lato, una denominazione alla quale si attribuisce il maggior numero di aderenti e, dall'altro, un'altra o, più spesso, altre denominazioni con un numero di aderenti inferiore, fra le quali presentano connotati distintivi propri anche la realtà dei "nuovi movimenti religiosi" (Ferrari 1989), oltre ad un altro gruppo — per lo più non strutturato — di razionalisti, agnostici ed atei.

L'assenza di una definizione scientifica di minoranza che sia ampiamente condivisa dimostra una fragilità oggettiva del concetto di

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(64) Ricordiamo l'art. 1 dello Statuto albertino del Regno di Sardegna e poi del Regno d'Italia: "La Religione Cattolica, Apostolica e Romana, è la sola Religione dello Stato. Gli altri culti ora esistenti sono tollerati conformemente alle leggi"; e, in conformità, che "le bibbie, i catechismi, i libri liturgici e di preghiere non potranno essere stampati senza il preventivo permesso del vescovo" (art. 28 cpv).

minoranza[65]. Il dato quantitativo — e la suscettibilità di essere indivi-
duati quali destinatari di politiche discriminatorie — sembra essere il
solo profilo connotativo comune fra gruppi per altri versi assai differen-
ti l'uno dall'altro, quale, ad esempio, una minoranza religiosa ed una
minoranza per orientamento sessuale. D'altra parte, proprio questa (al-
meno apparente) lacuna — che riguarda la sfera della ricerca — con-
sente un approccio tendenzialmente flessibile sia nell'individuazione di
nuovi gruppi definibili quali minoranze, sia nell'adozione di una disci-
plina adeguata da parte della sfera legislativa.

Le considerazioni qui svolte sono palesemente ispirate dalla realtà
storica e contemporanea del diritto dell'area euro–atlantica. In conte-
sti extra–europei, ad esempio, atteso che il fenomeno delle articolazioni
anche religiose della popolazione è un dato strutturale costante, la no-
zione di minoranza non riveste il medesimo rilievo e la stessa termino-
logia si adatta alle peculiarità del contesto[66].

La Costituzione dell'India (1949), ad esempio, formula il princi-
pio di discriminazione con riguardo alle caste[67] e non alle "minoran-
ze"[68], ovvero (art. 15) prevede misure di favore per "socially and ed-
ucationally backward classes of citizens or for the Scheduled Castes or
the Scheduled Tribes" ovvero per "any economically weaker sections of
citizens other than the classes mentioned"; ed ancora, interviene sul fe-
nomeno dei cc.dd. "intoccabili" (la cui esistenza stessa viene ricondotta
ad origini religiose)[69]. In altri contesti, i singoli gruppi religiosi vengo-

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(65) Un'indicazione può provenire dalla diversa qualificazione del medesimo gruppo
da parte di ordinamenti europei. Ad esempio, nella dichiarazione annessa all'atto di rati-
fica della Convenzione–quadro per la protezione delle minoranze nazionali, la Svezia ha
indicato che "the national minorities in Sweden are Sami, Swedish Finns, Tornedalers,
Roma and Jews".

(66) Si è osservato che "every region of the world has its own traditions of ethnic and re-
ligious coexistence, often with its own distinctive vocabularies and concepts which may differ
from Western or international approaches" (Kymlicka e Pföstl 2014, p. 3).

(67) È interessante ricordare che, di recente, la mobilità migratoria ha prodotto l'inseri-
mento della "casta" fra i parametri di garanzia contro la discriminazione delle minoranze anche
nella legislazione della California.

(68) Si veda in tal senso l'art. 15 Cost.: ("The State shall not discriminate against any citi-
zen on grounds only of religion, race, caste, sex, place of birth or any of them").

(69) Così l'art. 17 Cost, prevede che "*Untouchability* is abolished and its practice in any
form is forbidden. The enforcement of any disability arising out of *Untouchability* shall be an
offence punishable in accordance with law".

no espressamente menzionati con la propria denominazione[70], ovvero si fa riferimento a "every religious denomination or any section there-of" (art. 26 Cost.), ovvero ancora a "any particular religion or religious denomination" (art. 27).

Tuttavia, nel contesto dei "Cultural and Educational Rights", l'art. 29 è dedicato alla "protection of interests of minorities" delle quali si delinea anche una definizione: "Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same". In tema di "Right of minorities to establish and administer education-al institutions" si prevede (art. 29 Cost.) anche che "No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them" e che (art. 30) "All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice".

Nel contesto dell'area mediterranea, esiste l'istituto del "millet", di origine dall'Impero ottomano, Né il concetto né il termine di "mino-ranza" hanno una presenza consolidata. È stato osservato che "the term "minority" in the Arab world is simply the modern secular replace-ment for the term "millet", and hence minority rights are assumed to be "neo–millet" claims. To understand resistance to minority rights, therefore, we need to understand the ambivalent views regarding the millet system" (Kymlicka e Pföstl 2014, p. 9).

Anche in Australia, Canada, Nuova Zelanda e Stati Uniti e nello scena-rio africano o latino–americano, tenuto il debito conto della tipicità dello stile di vita, della profonda intima comunione con la natura, della percezio-ne del sovrannaturale e, in generale, della rispettiva visione del mondo, lo *status* delle popolazioni indigene non può essere agevolmente assimilato a quello delle minoranze europee e la relativa trattazione scientifica non potrà certo ignorare i connotati loro tipici (si veda Toniatti 2016).

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(70) In una norma esplicativa in tema di "freedom of conscience and free profession, prac-tice and propagation of religion", ad esempio, la Costituzione (at. 25) precisa che "in sub–clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly". Si precisa altresì che "the wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion".

Si conviene, pertanto, sulle conclusioni presentate da Silvio Ferrari sulla ragion d'essere della categoria epistemologica e sulla conseguente esigenza di adattare il metodo dell'analisi alle peculiarità dei singoli contesti.

6. Come è possibile misurare i diritti delle minoranze di religione e convinzione rispettando criteri di oggettività? In che modo l'Atlas ha affrontato questa sfida?

Silvio Ferrari

La misurazione dei diritti è una tecnica ormai consolidata che mira a rendere possibile l'elaborazione di strategie politiche e giuridiche basate su dati oggettivi: ma è necessario, per evitare equivoci, precisare esattamente l'oggetto della misurazione. Nel caso dell'*Atlas* viene misurato il grado di rispetto e promozione dei diritti delle minoranze assicurato dalle norme contenute nell'ordinamento giuridico di ogni Stato oggetto della ricerca. Un ordinamento giuridico è un organismo complesso in cui interagiscono differenti componenti. La misurazione fornita dall'*Atlas* riguarda una sola di queste componenti, quella normativa e, più precisamente, legislativa. Nella maggior parte dei paesi dell'Unione europea l'ossatura di un ordinamento giuridico è costituita da leggi, che vengono poi interpretate, applicate e variamente rispettate dai loro destinatari. Questo scheletro legislativo costituisce l'oggetto della misurazione, che copre quindi un'area specifica dell'ordinamento giuridico. Ciò presenta alcuni vantaggi e richiede di prendere qualche precauzione. Sotto il primo profilo, la presenza o assenza di una norma nell'ordinamento giuridico di uno Stato è un dato oggettivo: ciò esclude la componente di soggettività che, per quanto possa essere ridotta dall'adozione di metodologie corrette, è sovente insita in misurazioni basate su fonti quali le sentenze di tribunali, i rapporti di organismi nazionali e sovranazionali, i pareri di esperti, le notizie giornalistiche e via dicendo. In secondo luogo l'esistenza di una norma costituisce di per sé un dato significativo: anche se oggi non viene applicata lo potrebbe essere domani mentre se una norma non esiste il discorso sulla sua effettiva operatività all'interno di un gruppo sociale non può neppure essere

iniziato. Venendo ora alle precauzioni, un'indagine limitata all'esistenza delle norme in un ordinamento giuridico può fornire un'immagine distorta della realtà, facendo apparire come rispettosi dei diritti delle minoranze sistemi giuridici che lo sono soltanto sulla carta. Ciò accade se si presume che misurare l'esistenza delle norme equivalga a misurare la loro pratica efficacia. Se invece si accetta che la misurazione delle norme costituisca soltanto un punto di partenza che deve essere integrato dalla misurazione delle altre componenti di un ordinamento giuridico si perviene ad un risultato equilibrato.

Su questa base di partenza è poi possibile costruire ponti che si proiettano in varie direzioni: quella dell'integrazione dei dati giuridici con una ricerca sociologica che valuti il grado di effettiva applicazione delle norme ed il loro impatto sulla condizione delle minoranze è la più ovvia (e l'*Atlas* ha in programma di avviare questa ricerca nei prossimi mesi). Un altro ponte va nella direzione di un'analisi qualitativa dei dati. I numeri sono più poveri delle parole e non hanno la stessa attitudine a rappresentare la complessità e la varietà del reale: i dati numerici devono quindi essere accompagnati da un'analisi che aiuti non solo a decifrarne ed interpretarne il senso, per evitare la possibilità di cadere in equivoci, ma anche a contestualizzarli, per evitare una lettura astorica della realtà.

Roberto Toniatti

La metodologia si colloca al baricentro della ricerca scientifica e si fonda su di una pluralità di componenti, che convergono nella ricostruzione analitica di un fenomeno sociale e nella valutazione critica dei dati che ne risultano. Le varie componenti sono di natura qualitativa — e includono, fra l'altro, intuizione, attenzione, fiducia nell'attendibilità delle fonti (in particolare, quando occorre utilizzare traduzioni linguistiche), esperienza, disponibilità alla verifica rigorosa e all'auto–verifica altrettanto rigorosa — e di natura quantitativa. Per il giurista, il dato quantitativo indispensabile è rappresentato dalle fonti normative, che è uno dei formanti di un ordinamento giuridico, accanto alla giurisprudenza, alla dottrina, alla prassi applicativa, al grado di adesione spontanea all'osservanza della norma, alla graduazione delle sanzioni in caso di inottemperanza, etc. La metodologia della ricerca è, dunque, una

materia complessa ed articolata, destinata a conseguire risultati migliori dalla convergenza di una pluralità di strumenti.

In questo quadro si colloca anche il metodo fondato sulla quantificazione — sulla quantificazione dei diritti, nel caso di *Atlas* — che, evidentemente, è del tutto coerente con i tratti generali della ricerca sopra succintamente richiamati; e, infatti, esso pone a proprio oggetto il dato normativo, definito quale lo "scheletro legislativo" di un ordinamento giuridico. La quantificazione è un metodo di ricerca che, in particolare, valorizza il complesso dei dati normativi di uno solo, o anche, e preferibilmente di due o più ordinamenti giuridici, dei quali verifica — almeno implicitamente — l'omogeneità, la coincidenza della funzionalità, l'eventuale suscettibilità di applicazione differenziata, ed altro.

Non si tratta, pertanto, di una semplificazione bensì, tutt'al contrario, di un percorso che rende ancora più complessa la metodologia della ricerca giuridica, anche come premessa di base per l'impostazione di ulteriori analisi, anche di natura interdisciplinare.

Giova osservare, altresì, che la scelta del metodo non è un'opzione che si giustifica di per sé ma è strettamente funzionale agli obiettivi della ricerca: in taluni casi, il metodo quantitativo è inadeguato, in altri casi è utilmente complementare rispetto al metodo giuridico tradizionale, in altri ancora esso può rivelarsi autosufficiente.

Fra le varie difficoltà di applicazione del metodo può ricordarsi, in particolare, l'esigenza di un affidamento acritico sulle risposte fornite dagli esperti, dal momento che da queste ultime dipende in buona misura la ponderazione del punteggio assegnato. In tal senso, si conferma la prospettiva di un rapporto di complementarietà non solo fra distinti metodi di ricerca — ad esempio, metodo quantitativo e metodo comparato — ma anche fra i ricercatori che collaborano all'interno dello stesso progetto.

Dai primi risultati, sembra che il progetto *Atlas* abbia affrontato con rigore la sfida dell'applicazione del metodo quantitativo. Una valutazione completa dovrà necessariamente attendere la presentazione dell'esito finale della ricerca.

Tali rilievi inducono a convenire sull'utilità e sull'opportunità di impostare e condurre un'indagine secondo questi termini metodologici, con la consapevolezza dei vantaggi e delle precauzioni dei quali occorre

avere lucida cognizione, come ben precisato da Silvio Ferrari. Si potrebbe anzi cogliere l'occasione per rendere sistematica una didattica della metodologia della ricerca giuridica — anche quantitativa, dunque — almeno a livello di scuole di dottorato.

7. Qual è il nesso tra minoranze, pluralismo e democrazia?

Silvio Ferrari

Le minoranze sono il banco di prova della democrazia. Si potrebbe dire che i diritti delle minoranze sono come il canarino che il minatore porta con sé sottoterra per essere tempestivamente avvisato della mancanza di ossigeno: quando i diritti delle minoranze non sono rispettati e promossi è la democrazia ad essere in pericolo.

Rispettare e promuovere i diritti delle minoranze significa porle nella condizione di godere pienamente della cittadinanza, che non è soltanto una questione di status e di diritti ma anche di identità e riconoscimento[71]. Per raggiungere questo obiettivo il rispetto dei diritti delle minoranze non basta perché il loro punto di partenza è più arretrato di quello della maggioranza: la promozione dei loro diritti, se necessario attraverso misure positive dei pubblici poteri, è indispensabile per porre maggioranza e minoranze sulla stessa linea di partenza. Ciò permette alle minoranze di sviluppare quei "normative worlds […] capable of generating new legal values and meanings"[72] evocati da Robert Cover come fondamento del pluralismo sociale e giuridico. A sua volta questo pluralismo è essenziale per lo sviluppo della democrazia: senza pluralismo la democrazia non è possibile (Bottoni 2022, p. 26), come ha ripetutamente affermato

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(71) Christian Joppke (2008, p. 37) ha sottolineato che la cittadinanza include tre dimensioni: "citizenship as status, which denotes formal state membership and the rules of access to it; citizenship as rights, which is about the formal capacities and immunities connected with such a status; and, in addition, citizenship as identity, which refers to the behavioral aspects of individuals acting or conceiving themselves as members of a collectivity"..

(72) Cover sostiene che viviamo in uno spazio abitato da molti mondi normativi, ciascuno dei quali è caratterizzato da un proprio complesso di valori e regole. Questi mondi normative sono costituiti dai gruppi sociali (religiosi, culturali, politici e via dicendo) che generano nuovi significati e valori giuridici attraverso l'impegno personale dei loro membri, volto a trasformare lo stato di cose esistente in base alla loro visione di un futuro alternativo. In tal modo essi creano mondi governati da una nuova legge (Cover 1983).

la Corte europea dei diritti dell'uomo. In tal modo il cerchio si chiude: la promozione dei diritti delle minoranze consente un reale pluralismo che è "indissociable from a democratic society"[73].

Roberto Toniatti

La disciplina giuridica delle minoranze religiose — come di tutte le minoranze — si colloca con tutta evidenza in un contesto di democrazia. Tuttavia, occorre essere consapevoli del fatto che il termine "democrazia" è ampiamente diffuso e quanto mai manipolabile: l'immagine che esso trasmette con immediatezza comunicativa, anche se semplificata — il potere *al* e *del* popolo — esprime una fonte di legittimazione di qualsivoglia regime politico ed ideologico.

Secondo la tradizione giuridica occidentale, la democrazia non può non essere associata ai principi di *rule of law* e di legalità propri della forma di stato di diritto, quali elaborati sulla scorta del fondamento filosofico delle rivoluzioni politiche del costituzionalismo liberale inglese, statunitense e francese. Una successiva fase, sviluppata soprattutto in seguito al secondo conflitto mondiale, ha ricompreso l'adozione di carte costituzionali rigide e garantite da un controllo di legittimità affidato ad una corte costituzionale. Tali precisazioni consentono di configurare una nozione qualificata di "democrazia costituzionale", chiaramente enunciata e prescritta dalla Costituzione italiana (art. 1 cpv: "La sovranità appartiene al popolo, che la esercita nelle forme e nei limiti della Costituzione") (si veda Toniatti 2009 e 2020).

La democrazia costituzionale è necessariamente ed intrinsecamente pluralista e il riconoscimento e la tutela dei diritti delle minoranze — e, in particolare, delle minoranze religiose — ne costituiscono un contenuto essenziale. Giova richiamare in proposito — pur con tutti i limiti delle enunciazioni verbali che richiedono una verifica di natura giurisdizionale — l'art. 2 del trattato sull'Unione Europea che esprime in sintesi la configurazione del regime democratico degli Stati membri che include in forma obbligatoria la sfera dei diritti delle minoranze[74].

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(73) European Court of Human Rights, *Kokkinakis v. Greece* (appl. 14307/88), n. 31.

(74) Il testo prevede che "L'Unione si fonda sui valori del rispetto della dignità umana, della libertà, della democrazia, dell'uguaglianza, dello Stato di diritto e del rispetto dei diritti umani, *compresi i diritti delle persone appartenenti a minoranze.* Questi valori sono comuni agli

Giova anche ricordare la rilevanza del ruolo storico della tutela delle minoranze religiose in Europa, che si pongono all'origine della genesi stessa del costituzionalismo liberale dell'area euro–atlantica.

La tutela delle minoranze religiose, in particolare, corrisponde ad un interesse primario diretto delle minoranze stesse ma giova osservare che questo settore determinante del diritto costituzionale (e del diritto internazionale intergovernativo) rappresenta soprattutto un campo di prova della maggioranza e della sua acquisita metabolizzazione sia della circostanza per la quale la maggioranza è pur sempre una parte, benché numericamente maggioritaria, e non è il tutto, sia del requisito dei limiti costituzionali entro i quali la maggioranza ha titolo per disciplinare lo *status* della o delle minoranze religiose.

La tutela delle minoranze è stata dichiarata un elemento essenziale del concetto di "sicurezza democratica" continentale europea in occasione della prima riunione dei capi di stato e di governo degli stati membri del Consiglio d'Europa[75]: benché formulata con riferimento testuale alle minoranze nazionali, essa è agevolmente riconducibile anche alle minoranze religiose, in tanto in quanto la violazione dei rispettivi diritti venga a costituire una minaccia alla sicurezza democratica.

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Stati membri in una società caratterizzata dal pluralismo, dalla non discriminazione, dalla tolleranza, dalla giustizia, dalla solidarietà e dalla parità tra donne e uomini" (il corsivo è aggiunto).

(75) Questo il testo della Dichiarazione di Vienna (1993): "We express our awareness that the protection of national minorities is an essential element of stability and democratic security in our continent".

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SEZIONE 5
MORTALI. RIFLESSIONI SULL'ARTE DI VIVERE

INTRODUZIONE: MORTALI; VIVERE NONOSTANTE

Lucia Galvagni

1. La malattia e la vita

La malattia è e resta anche un'"esperienza di vita", al di là ed oltre la maniera con la quale la medicina la dipinge, la disegna, la rappresenta. Ciononostante, c'è qualcosa che ciascuna e ciascuno di noi fatica ad accettare, della malattia, che essa ci riguardi personalmente o che riguardi un'altra persona, un altro essere umano. La malattia ci limita, ci porta a ridefinire e a ricontrattare di continuo lo spazio che abitiamo — il nostro corpo — e il tempo che attraversiamo. Induce fatica e riadattamento, non solo sul piano fisico, ma anche a livello esistenziale — quindi sul piano psicologico, morale e sociale, per qualcuno anche a livello spirituale. In questa contrattazione continua e quotidiana ci troviamo a ridefinire anche la nostra libertà, cercando modi per esprimerla ed esprimere comunque la nostra persona al di là di limiti, confini e confinamenti che possiamo incontrare e sperimentare.

La patologia e la mortalità tornano come costanti quando si pensa alla condizione di malattia, in particolare nelle situazioni e nelle realtà più gravi. Quando nella malattia il corpo si modifica, si blocca, si ferma, perde la sua o le sue abilità, si può sperimentare anche una forma di 'confinamento', un essere limitati — e confinati — all'interno del corpo, di quel corpo che diventa — e può essere letto e interpretato — anche come una sorta di stanza, di cella. Il corpo, ci ricorda la fenomenologia, è un "geometrale conoscitivo" (Merleau–Ponty 2003), nel senso

583

che esso rappresenta il tramite del nostro rapporto col mondo e con gli altri, oltreché — e prima di tutto — con noi stessi.

In questa esperienza così pregnante, così totalizzante, talora la persona può sperimentare una forma di estraneazione, di alienazione rispetto al proprio corpo — che anziché rispondere diventa un elemento che fa da ostacolo allo svolgersi più 'ordinario' della vita. In molti casi il corpo deve essere affidato, consegnato nelle mani di chi esercita la cura — che può essere attento, ma anche disattento, rispettoso piuttosto che irrispettoso, capace di realizzare riconoscimento piuttosto che di mettere in atto forme di disconoscimento. Lo stesso sentimento del pudore e la dimensione del rispetto assumono una forma del tutto particolare nelle relazioni che interessano e riguardano una persona malata.

Della malattia, all'inizio, si sperimentano i limiti, i vincoli, la mancanza di libertà, la dipendenza dai farmaci, dai test, dai controlli. A fronte della difficoltà che essa implica, o del possibile avvicinarsi del momento conclusivo della nostra vita, alcuni elementi possono farsi e diventare più intensi: le relazioni e i legami, l'essere e il fare comunità, la solidarietà, l'incontro e la condivisione, così come, al contrario, la solitudine e il silenzio possono rappresentare risorse importanti, per chi vive la malattia, per chi sta per partire, così come per chi resta. Capita così che spesso — anche se non sempre — in queste fasi complesse, in questi momenti complicati e a volte tragici tornino i volti: i volti di chi cura, i volti familiari e i volti amici, talora anche i volti di coloro con i quali il dialogo si è interrotto e che si vorrebbe riprendere, anche solo e semplicemente per dirsi arrivederci, o addio.

Nella malattia, così come di fronte alla perdita di una persona cara, si cerca di ridefinire un ritmo, un equilibrio nuovi che permettano di ritrovarsi, per provare a rinascere e ripartire: spesso si trova un modo nuovo, una nuova geometria di vita — interiore ed esteriore —, ma a volte servono molto tempo e molta cura prima di ritrovarsi e di trovare consolazione (Rieff 2009). Raccontare una perdita, affrontare la rielaborazione del dolore per chi resta può essere complesso, così come può essere difficile ritrovare un significato alla vita, una volta che si è perso il soggetto del proprio amore, della propria attenzione, della propria cura. Nelle situazioni di lutto, a volte il contatto con la natura, con la materia viva delle piante, ma anche con l'arte può risvegliare il senso di una

comunione ancora possibile, quella tra chi vive e chi non c'è più, che non si sa bene se ci sia o dove sia, ma che forse partecipa ancora all'esperienza e al flusso della vita, che continua, nonostante tutto, a seguire un proprio ritmo e il proprio svolgimento.

2. Mortalità e guarigione

Scrive Piergiorgio Cattani, riflettendo sulla vita e sulla mortalità: "Mentre sto scrivendo, la vita mi sfugge. […] un giorno — domani, quest'inverno, tra qualche anno? — dovrò, come del resto accadrà a tutti, lasciare questo mondo. La morte mi ha lambito e ora la sua presenza è costante accanto a me. Accompagna il mio cammino […]. È impossibile però stare troppo a lungo al cospetto della morte: il volto della Medusa terrorizza e impietrisce. Per questo, secondo una delle tante varianti del mito greco di Prometeo, il titano non solo avrebbe donato all'uomo l'invenzione del fuoco, ma pure avrebbe regalato ai mortali la capacità di dimenticare, quasi completamente, la loro finitezza. Da cosa deriva questo? È un riflesso di una scintilla d'eternità che abbiamo dentro di noi o un raggiro evolutivo per farci sopravvivere? Soltanto a tratti l'uomo avverte di dover morire […] Questa consapevolezza atterrisce e sfianca […] così ce ne dimentichiamo. Amiamo, soffriamo, progettiamo, lottiamo quotidianamente, come se credessimo davvero di essere immortali. La nostra mortalità è incurabile. Cerchiamo di cronicizzare un male che non può essere estirpato" (Cattani 2014, p. 145).

A fronte di questa incurabile mortalità, Piergiorgio Cattani avanza una chiave interpretativa, che rimanda alla dimensione della guarigione. Che cos'è la guarigione, come la si può leggere ed interpretare? Piergiorgio Cattani ne parla non solo come del recupero di una condizione di equilibrio, o nei termini di una salute ritrovata, ma piuttosto come di una guarigione interiore, la "guarigione dell'anima", intesa come capacità di conciliarsi con la vita e con le vicende che essa dischiude, impone e forza ad accettare. Perché si può comunque vivere, nonostante: nonostante la malattia, nonostante le fatiche, nonostante i limiti e le difficoltà che nella malattia e nella vita possono essere continui, quotidiani, crescenti.

Questa guarigione, considera Piergiorgio Cattani, è diventata possibile a partire dal riconoscimento di limiti e capacità del proprio corpo, in un percorso e in un processo di comprensione di sé stessi, nel quale si scopre che corporeità ed interiorità non rappresentano due realtà distinte. "Per conoscere la propria corporeità […] ci vuole un altro tipo di *ascolto*: percepire l'eco della propria dimensione più intima, prestando molta attenzione ad essa, è un esercizio che influisce notevolmente sulla salute fisica" (Cattani 2014, p. 148). In questo senso, "Per conoscere sé stessi, per *guarire* almeno un poco dalla paura della morte, occorre umilmente aprirsi all'altro. Sarà una lotta ma alla fine ci guadagneremo tutti" (Cattani 2014, p. 149).

Noi siamo esseri relazionali, dal momento che esistiamo e stiamo al mondo grazie a delle relazioni: entriamo nella vita a partire da una relazione, cresciamo in relazione e apprendiamo i linguaggi mediante la presenza di un'altra, di un altro che ce li trasmettono. Anche la cura, che si configura come una risposta alla malattia, implica un entrare e uno stare in relazione, in maniera puntuale o più estesa, e questa componente relazionale incide sulla persona e sul modo in cui lei si percepisce e vive. Nella malattia e nelle relazioni che essa implica si incontrano, si vivono manifestazioni di prossimità importanti, mediate da gesti ed espressioni molto semplici, come un sorriso, una carezza, uno sguardo riconoscente, l'ascolto, così come la capacità di esserci, magari in silenzio, ma presenti.

Paradossalmente anche per poter capire noi stessi, definire chi siamo ed esprimere così la nostra autonomia abbiamo bisogno di entrare in relazione con altri, che ci permettono di comprendere e definire meglio quale lettura e interpretazione diamo della vita, di noi stessi e del mondo. La nostra autonomia è stata per questo letta in senso reciproco e relazionale (Mackenzie, Stoljar, 2000, Malherbe 2014). Anche raccontarsi — mettendosi in ascolto, entrando in dialogo e in relazione — può rappresentare un modo per esprimere i vissuti di malattia e capire cosa quella situazione comporta ed implica per noi.

3. Speranza e r–esistenza

In questi anni abbiamo sperimentato condizioni nuove, per qualcuno e a tratti anche estreme, condizioni che hanno rimesso in discussione forme e abitudini di vita, che ci hanno portati a cercare altre definizioni e forme di vita diverse, talora più sostenibili. Ci siamo trovati a r–esistere un po' tutti, anche se le differenze non sono mancate e le forme di resistenza identificate e sviluppate sono state molto diverse.

Scriveva Susan Sontag che tutti coloro che nascono "hanno una doppia cittadinanza, nel regno dello star bene e in quello dello star male" (Sontag 1979, p. 3) e anche se tutti vorremmo poter utilizzare il passaporto buono, capita di dover far uso anche dell'altro. Nel conferire una diversa cittadinanza a chi è considerato sano e a chi viene etichettato come malato, la malattia e chi la vive si trovano a rappresentare le condizioni di un mondo, di un regno diverso, ben distinto da quello considerato come più auspicabile e desiderabile, ossia il mondo di chi sta bene, è in salute e può così godere della vita e delle sue molteplici opportunità. La critica di Susan Sontag è diventata nota nel corso degli anni e le sue riflessioni sulla malattia come metafora, sul cancro e l'AIDS come metafore, hanno rappresentato un importante riferimento nel dibattito sulla malattia e la sua rappresentazione sociale: esse sono state riprese anche negli anni più recenti, durante e dopo la pandemia[1]. Non è un caso che Susan Sontag inizi la sua riflessione considerando lo scenario del cancro: negli anni Settanta Sontag riceve una diagnosi di cancro e si trova così catapultata in un universo nel quale la malattia e quello che ad essa viene associato sono molto forti ed estremamente intensi: la possibilità di curare efficacemente il cancro non è scontata, al contrario nell'immaginario comune ad una diagnosi di cancro viene associata dai più l'idea di una morte certa, come succedeva ai tempi della peste, quando le cure erano scarse e i rischi quindi molto alti.

Se oggi guardiamo a molte malattie gravi con uno sguardo differente, grazie al contributo della biomedicina e alle evoluzioni che la ricerca

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(1) L'espressione "regno dei malati", coniata da Sontag, è stata scelta ad esempio come slogan da un gruppo di artisti che ne ha contestato l'uso e per questo ha barrato il termine "regno" (*kingdom*, in inglese): da essa è tratto il titolo di una mostra d'arte "~~Kingdom~~ of the ill" allestita presso il Museion, il museo d'arte contemporanea di Bolzano (1 ottobre 2022–5 marzo 2023), e dedicata ai temi del contagio, della malattia e della cura.

ha consentito di ottenere in termini di terapie e di cure, rimane aperta però la questione della ricerca di significato che spesso è associata ad una condizione di malattia e che la pandemia ha in qualche modo portato alla ribalta per tutti e per ciascuna e ciascuno di noi. C'è una componente che tocca ognuno nel momento in cui affrontiamo la malattia, la sofferenza e la morte, dal momento che la dimensione del significato (della vita) viene spesso rimessa in gioco: le attitudini e le diverse reazioni rispetto a queste situazioni riflettono modi diversi di interpretare, leggere e percepire la condizione di malattia e i vissuti ad essa associati e di rapportarci alla cura, al lasciare andare e al perdere una persona cara, al riprendere il percorso della vita, per chi resta.

In un passaggio del suo libro, Piergiorgio Cattani scrive che talora l'esistenza può divenire una forma di R–Esistenza, che potremmo intendere come una forma di esistenza resiliente. È frequente tra chi resiste e contrasta giorno per giorno una condizione di difficoltà — per ragioni di disagio, malattia, povertà, instabilità politica, sociale, personale, ma anche nelle condizioni di conflitto — la capacità di adattarsi e riadattarsi, di trovare forme di equilibrio nuovo e continuare così il percorso della vita nella sua complessa, sfidante quotidianità. Questa capacità di resilienza, di r–esistenza, è forse un segno della speranza che ciascuna e ciascuno di noi può vivere e sperimentare.

Di fronte a queste situazioni, è possibile, forse doveroso pensare anche a forme di resilienza di tipo comunitario e collettivo. A commento dei fatti vissuti e del dolore percepito nelle fasi più dure della pandemia, molti hanno pensato al bisogno e all'importanza di riti collettivi, da compiere alla fine dell'emergenza, per ricordare chi è venuto a mancare, confortare i vivi e i sopravvissuti, rielaborare i sentimenti che la situazione ha indotto e guardare avanti, riprendere a vivere e a sperare, nonostante tutto. Anche un festival dedicato al tema della mortalità, del vivere nonostante, può rappresentare un luogo e un momento di rielaborazione, personale e comunitaria, delle esperienze che abbiamo attraversato e che ancora e anche oggi stiamo affrontando. Il Festival "Mortali. Vivere nonostante", che si è tenuto a Trento a novembre 2023, attivato da Sonia Lunardelli, Cristiano Modanese ed Elena Camerella e sostenuto da diversi enti e realtà impegnati nella cura, nell'accompagnamento e nella riflessione rispetto a situazioni

e scenari di malattia e di fine vita, ha messo a tema tali questioni con un'attitudine di riflessione e di coinvolgimento[2]. I contributi di due medici, Giada Lonati e Loreta Rocchetti, impegnate rispettivamente nell'hospice *Casa Vidas* di Milano e nella *Casa Hospice Cima Verde* a Trento, così come queste pagine, riportano voci e riflessioni fatte e condivise in alcuni incontri del Festival.

Loreta Rocchetti ripercorre le cinque modalità di reazione all'avvicinarsi della morte identificate da Elisabeth Kübler Ross (1969) e le legge in parallelo ai momenti della vicenda di Ifigenia, narrata da Euripide (400 a.C.). Sono cinque i passaggi e le tappe di questo percorso: la negazione e il rifiuto, la rabbia, il patteggiamento, la depressione e infine l'accettazione. A questi diversi momenti corrispondono cinque quadri, che mettono in dialogo mito e realtà.

Giada Lonati ricostruisce la nascita e la storia delle cure palliative, ripercorrendo la storia di Cecily Saunders e del primo *hospice*, da lei aperto per offrire sollievo dal dolore e dalla sofferenza a coloro che vivono una fase finale di malattia. Tutti noi sperimentiamo l'incontro con la morte nell'incontrare la morte dell'altro: lasciarci toccare da questo evento ci permette di prendere consapevolezza della nostra stessa mortalità e di ricordare la nostra impermanenza, per come essa viene tematizzata nel buddismo.

A partire dalle riflessioni di Giada Lonati e Loreta Rocchetti possiamo tornare a guardare alla vita come a "un viaggio di cui prendersi cura", nel quale l'attenzione, l'empatia, l'amore ci possono portare a tenerci e ad accompagnarci per mano, sino alla fine.

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LA VITA. UN VIAGGIO DI CUI PRENDERSI CURA

Loreta Rocchetti

Abstract: The so–called "palliative care," initially developed as end–of–life care for patients with cancer, is now, also thanks to Law 38/2010, a right for all individuals suffering from diseases without targeted curative therapy. Palliative care aims to address all aspects — physical, psychological, social, and spiritual — of patients and their families. Illness, especially when death is perceived as imminent, is a particularly difficult part of life's journey, anticipated with anxiety and fear. Providing care during this journey aims to make it as manageable and humane as possible. To be effective caregivers, practitioners must be well-versed in the journey, including the emotions and feelings that emerge in the various "stages" of illness for both patients and their families. These stages were described by Elisabeth Kübler–Ross in the 1970s, but it is poignant to realize that as early as 400 BC, the same feelings and emotions were experienced by those who knew they were dying and by those around them. Euripides, in Iphigenia in Aulis provides a poetic description of this. As the classics, of the past, so the scholars of today constantly remind us that we are human, all too human. Tomorrow, what will Digital Death and Thanato–sensitivity tell us about our post-human response to illness and death?

Le cosiddette "cure palliative", nate come cure di fine vita per pazienti con patologia neoplastica ed oggi, anche grazie alla legge 38/2010, diritto di tutti i portatori di patologie orfane di terapia mirata alla guarigione, hanno il compito di prendere in carico tutti gli aspetti — fisici, psicologici, sociali e spirituali — dei malati ed anche dei loro familiari.

Quello della malattia, soprattutto quando la morte è vista come concretamente vicina, è una parte molto difficile del viaggio della vita. È attesa da sempre con ansia e paura. Curare questo viaggio è un modo per renderlo possibilmente meno difficile e sempre umano. Per essere accompagnatori efficaci i curanti devono conoscere molto del percorso, anche quali sentimenti ed emozioni si affacciano nelle varie "fasi" della malattia sia nei malati che nei loro familiari. Li ha descritti negli

anni Settanta Elisabeth Kübler–Ross, ma è toccante scoprire come già nel 400 AC erano gli stessi sentimenti e le stesse emozioni che agitavano chi sapeva di dover morire e chi accanto a loro viveva. Euripide in Ifigenia in Aulide ne dà una poetica descrizione. Ieri i classici, oggi gli studiosi ci descrivono costantemente umani, troppo umani. Domani Digital Death e Thanatosensitivity cosa diranno di noi post-umani di fronte alla malattia e alla morte?

Penso che son fortunato
Non so chi ha creato il mondo
ma so che era innamorato.
Andrea De Filippi (Alfa)

Definire cosa è la vita non è facile: scienziati, filosofi, giuristi, poeti: ognuno ha un modo proprio di vederla. Anche noi, gente comune, che a volte diciamo "ma questa non è vita!" oppure "questa sì che è vita!", abbiamo un'idea concreta e semplice di cosa la "nostra" vita è, anche se preferiamo non pensare di essere un piccolissimo atomo all'interno di uno spazio e di un tempo incommensurabili dove infinite forme di vita convivono.

La vita è un viaggio, ecco una metafora molto usata e che rende l'idea; un viaggio con un inizio e una fine, che si compie inesorabilmente nello spazio e nel tempo: il nostro corpo ed anche la nostra mente, si formano, iniziano, crescono, maturano, invecchiano e muoiono. Viaggio inesorabile se non interrotto! Ma noi umani abbiamo consapevolezza del nostro esserci e possiamo imprimere all'intervallo tra i due "ignoti", quello del prima e quello del dopo, movimento e qualità perché, durante questo intervallo, proviamo emozioni e sentimenti, amore e odio, gioia e tristezza, serenità e sofferenza, pensiamo e dimentichiamo, e con ciò diamo un colore alla "nostra" vita, al nostro viaggio. La meta è quella, unica, ma il come ci arriviamo è frutto del caso, così come della nostra libertà e responsabilità.

1. Un viaggio di cui prendersi cura

Come si può prendersi cura di un viaggio? Preparandolo, rispettandolo, sapendo quali saranno o potranno essere le tappe più belle e quelle difficili, procurandoci un buon equipaggiamento, anche di forza interiore, scegliendo compagni fidati, cogliendo occasioni disponibili, lasciandoci meravigliare, prendendo atto di quello che dicono gli studiosi dell'argomento, e le persone che quel viaggio lo hanno già fatto. Così è anche la vita! Cerchiamo le testimonianze del passato, i racconti divenuti classici o miti, la culla della nostra cultura. Il testimone che ci hanno lasciato è stampato nel nostro DNA, ci è stato tramandato e noi lo tramanderemo.

L'inizio del viaggio, la nascita, è solo una grande opportunità che ci viene data a nostra insaputa. Se siamo fortunati, possiamo ogni giorno essere grati e meravigliarci della straordinaria possibilità donataci. Altri si prendono cura di noi permettendoci di vivere fino a che con l'uso della ragione possiamo dare una impronta personale alla nostra vita.

Le tappe intermedie ci preoccupano ma di solito nella contingenza, pensando sempre, come consolazione, a un futuro eventualmente migliore.

Tra le tappe difficili che incontriamo nel percorso, amore non condiviso, amicizia tradita, ecc. c'è anche la malattia e la più difficile forse è la tappa finale della quale non sappiamo nulla. Ecco che importanti per il viaggio sono il buon equipaggiamento, anche di forza interiore, i compagni fidati e in grado di aiutare, il saper cogliere le occasioni disponibili, conoscere il percorso che altri prima di noi hanno fatto, trovare un senso alla vita (al percorso fatto) nel sogno di immortalità dello spirito, in quello che lasciamo a chi resta o solo nella gioia del contingente.

Quando siamo vicini al traguardo e soprattutto sappiamo di esserlo, abbiamo paura, al punto di cercare, come già Gilgamesh agli albori della civiltà umana, una qualche forma di immortalità. Gli scienziati ci stanno lavorando ma presumo che, come Gilgamesh nel XII secolo a.C., dovremmo accontentarci della ricerca del senso della vita.

2. Il domani non solo immaginato

Oggi si parla di Digital Death (Sisto 2018) e di "Thanatosensitivity" (Massimi e Charise 2009), termini usati per descrivere l'inserimento della mortalità, del morire e della morte all'interno dell'interazione tra l'uomo e il computer: cose straordinarie succedono, cose che *noi umani mai abbiamo visto*. Sembra che i progressi delle neurotecnologie consentiranno di leggere nel pensiero, di condizionarlo più di quanto non si riesca a fare oggi con le tecniche di persuasione, forse anche di togliere la paura. "Sta emergendo una nuova tecnologia che potrebbe cambiare la specie umana": la cosiddetta intelligenza artificiale si appresta a "creare" il post umano (Reveley 2024). Sarà una reale rivoluzione del sentire e forse anche del vivere umano[1].

I postumani forse guarderanno con sufficenza ai nostri sforzi di oggi, ma facciamoli egualmente e viviamo dell'oggi possibile alla luce delle eredità del passato.

3. L'oggi attraverso gli occhi degli studiosi

Quali sono i sentimenti e le emozioni che provano le persone quando l'idea della mortalità non è più astratta, lontana, argomento di speculazione filosofica o di riflessione profonda, ma diventa la "tua mortalità" e il tempo non è più all'infinito ma delimitabile in mesi o giorni?[2] È importante saperlo per chi sta vicino al malato perché possa comprenderlo e comprendere le proprie emozioni, è importante per i curanti per poter aiutare le persone nel loro cammino e metabolizzare certi aspetti duri delle relazioni. Se lo è chiesto negli anni Settanta Elisabeth Kübler–Ross[3]. Dopo aver osservato e interrogato un gran numero di persone a

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(1) Ernesto Balducci, commentando una tesi psicoanalitica riguardo all'aggressività, scrive che essa deriverebbe dall'odio per la morte e in merito alla morte osserva: "L'autenticità dell'uomo sta nella riconciliazione con la morte quale momento intrinseco del vivere" (2014, pag. 97).

(2) Magistrale la descrizione di Tolstoj in *La morte di Ivan Il'ic*: "Caio è un uomo, gli uomini sono mortali, quindi anche Caio è mortale […] giusto, ma solo in relazione a Caio, non a se stesso […] lui non era un uomo in generale, ma un essere particolarissimo […] lui era il piccolo Vanja, con mamma e papà […]" (Tolstoj 2008, p. 61).

(3) Elisabeth Kübler–Ross (Zurigo, 8 luglio 1926 – Scottsdale, 24 agosto 2004) medico, psichiatra e docente di medicina comportamentale svizzera. Viene considerata la fondatrice della psicotanatologia, ed uno dei più noti esponenti dei *death studies*. Dopo gli studi in Svizzera,

cui è stata diagnosticata una malattia grave, prossime alla morte, per capire le dinamiche psicologiche più frequenti, comuni anche ai familiari e alle fasi del lutto, Kübler–Ross ha descritto cinque fasi che le persone attraversano: le sue conclusioni sono diventate un classico.

Riportiamo qui le cinque fasi:

– **Negazione o rifiuto**: si esprime ad esempio con "Ma è sicuro, dottore?" "Non è possibile, si sbaglia!" "Non ci posso credere".
– **Rabbia**: emozioni forti quali rabbia e paura esplodono in ogni direzione, investendo i familiari, il personale ospedaliero, Dio. La frase più frequente è "Perché proprio a me?".
– **Patteggiamento**: inizia una specie di negoziato instaurato sia con le persone che costituiscono la sfera relazione del paziente, sia con le figure religiose: "Se guarisco, farò[…]", "Se succede questo potrò vivere di più" […]
– **Depressione**: reattiva e preparatoria. Il paziente inizia a prendere consapevolezza delle perdite che sta subendo o che sta per subire. Di solito si manifesta quando la malattia progredisce ed il livello di sofferenza aumenta.
– **Accettazione**: il malato tende ad essere silenzioso e a raccogliersi. Sono frequenti momenti di profonda comunicazione con i familiari e con le persone che gli sono accanto. È il momento del "testamento" e della sistemazione di quanto può essere sistemato, sia da un punto di vista materiale che da un punto di vista esistenziale.

Le fasi descritte non sono passi di un protocollo da rispettare, ma emozioni e sentimenti che possono incrociarsi, sovrapporsi, negarsi o consolidarsi quando si vive un lutto o la propria morte, ognuno come sa, come può e come gli è permesso.

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nel 1958 si è trasferita negli USA dove ha lavorato per molti anni in un ospedale di New York. Dalle sue esperienze con i malati terminali ha tratto il libro *La morte e il morire* pubblicato nel 1969, che ha fatto di lei una vera autorità sull'argomento (2022).

4. Il passato: all'alba della nostra cultura

Come hanno affrontato e superato le nostre stesse paure gli antichi ai quali siamo debitori della nostra cultura? Ha senso consultare i classici, compresa la nascita dei miti? Italo Calvino ne era convinto (2023) ed è intuibile perché, egli dice: "portan(do)o su di sé la traccia delle letture che hanno preceduto la nostra e dietro di sé la traccia che hanno lasciato nella cultura o nelle culture che hanno attraversato (o più semplicemente nel linguaggio o nel costume)". Della potenza dei miti è convinto Matteo Sacchi (2023) che scrive: "(i miti) non spiattellano i sentimenti e le emozioni ma [...] ne svelano la tremenda potenza. Che nel tempo non è cambiata, [...] viene solo raccontata in modo diverso."

In una tragedia scritta da Euripide nel 406 AC, che viene per lo più definita come *La tragedia del dolore di Agamennone* o *La tragedia del potere e della ragion di stato*, si trova una giovane fanciulla che, per volere degli dei e gloria dei greci, deve morire: Ifigenia figlia di Agamennone e Clitennestra (Euripide 1980, pp. 1055–1091). È toccante scoprire come i sentimenti e le emozioni della giovane fanciulla che sa di dover morire e quelli di chi le sta vicino, non sono diversi e meno potenti da quanto Elisabeth Kübler–Ross ha osservato e descritto quasi 2400 anni dopo e da quanto tutti coloro che hanno fatto esperienza personale di lutto, abbandono o perdita di una persona cara o ancor più chi si occupa della cura hanno potuto constatare.

Nei quadri molto sintetici che seguono sono riportati stralci del testo, che meriterebbe si essere letto per intero, con accanto una interpretazione attuale.

Primo quadro: la comunicazione di una notizia funesta

È la guerra di Troia. La flotta non riesce a salpare perché non soffia un alito di vento. Agamennone sa che l'unico modo per sbloccare la situazione, per volere divino, è sacrificare alla dea Artemide sua figlia. La sua prima reazione è quella del rifiuto, poi di angoscia e incapacità di gestione dell'idea della morte della persona più cara. *"Ahimè infelice, che dirò? / Da dove incominciare? / Sono caduto in una rete fatale"* [...] Ma cede alla "ragione di stato" e invita la figlia inventando un matrimonio

con Achille. Ifigenia arriva in un clima di festa per le imminenti — presunte — nozze. Fanciulla piena di vita, ingenua e innocente corre fra le braccia del padre. Il loro dialogo è commovente per lo sfasamento dei due piani: lei, felice di rivedere il padre molto amato, lui è tradito dal linguaggio non verbale.

Ieri

Ifigenia	*Voglio correre o padre al tuo petto*
	ed abbracciarlo dopo lungo tempo,
	desidero tanto il tuo volto […]
	Ti vedo con letizia dopo tanto.
Agamennone	*E il padre te: è lo stesso per entrambi.*
Ifigenia	*Salve, tu mi hai chiamata bene, o padre.*
Agamennone	*Non so se dirlo o se non dirlo, questo*
Ifigenia	*Non mostri letizia a vedermi.*
Agamennone	*Molti pensieri ha in capo un condottiero*
Ifigenia	*Volgiti a me e non ai tuoi pensieri.*
Agamennone	*Sono tutto da te, e non altrove.*
Ifigenia	*Distendi dunque l'occhio e il sopracciglio.*
Agamennone	*Guardami: sono lieto di vederti.*
Ifigenia	*Per questo versi lacrime dagli occhi?*
Agamennone	*Incombe a noi una lunga lontananza.*
Ifigenia	*Non so, non capisco che dici, carissimo padre.*
Agamennone	*Le parole assennate che parli mi portano al pianto.*
Ifigenia	*Posso dire anche cose senza senno se questo ti fa lieto.*
Agamennone	*Ahimè, non riesco a tacere; ti ringrazio.*
Ifigenia	*Rimani nella casa, con i tuoi figli!*
Agamennone	*Vorrei: la volontà senza potere m'accora. […][…]*
Ifigenia	*Quanto tempo sei stato lontano nei recessi di Aulide!*
Agamennone	*Anche ora qualcosa mi trattiene: l'esercito non parte. […]*
Ifigenia	*Lunga strada farai padre, lasciandomi!*
Agamennone	*Anche tu la farai figlia mia.*
Ifigenia	*Potessi portarmi con te sulla nave.*
Agamennone	*Anche tu andrai su una nave memore di tuo padre.*
Ifigenia	*Navigherò da sola, o con mia madre?*

Agamennone	*Sola, senza tuo padre e tua madre.*
Ifigenia	*Mi mandi forse in altre case, padre?*
Agamennone	*Non lo devi sapere tu, fanciulla.*
Ifigenia	*Torna presto dai Frigi, vincitore.*
Agamennone	*Debbo fare qui prima un sacrificio.*
Ifigenia	*Sì, bisogna badare ai sacrifici, rispettare gli dei.*
Agamennone	*Vedrai: sarai vicina all'acqua sacra.*
Ifigenia	*Porremmo i cori attorno all'ara, padre?*
Agamennone	*Oh t'invidio perché tu non capisci.*
	Su, va' dentro alla tenda, non bisogna
	che le donne si facciano vedere.
	Ma dammi prima un bacio e la tua mano,
	sarai tanto lontana da tuo padre. […]
	Ma basta coi discorsi:
	una rapida lacrima mi cade
	dagli occhi mentre ti tocco. […]

Oggi

L'idea dell'arrivo definitivo è più difficile del nostro viaggio, la temiamo, ci fa tremare.

La vita è un mistero: da dove veniamo? Ma, con ansia, paura e riluttanza è al momento sacro della fine che guardiamo. Nella loro finitudine tutte le forme di vita tendono là, ma là dove?

Ci vuole molta saldezza per dare un nome e un senso a quel misterioso dove.

È stato difficile per Agamennone, che per il suo ruolo non può nemmeno permettersi di piangere, dire alla figlia la realtà della meta che concluderà il suo viaggio, un viaggio che porta lontano e che deve superare da sola.

È anche oggi difficile e doloroso dare una simile notizia: aggiungere al dolore, dolore; all'ansia, ansia; alla ribellione, ribellione.

Ma il linguaggio non verbale è incontrollabile, trasparente. La persona può sospettare, intuire, temere ed arrivare in solitudine e per traverse vie alla sua verità.

Secondo quadro: incredulità, impotenza e rabbia

Agamennone prova a nascondere l'amara verità alla figlia e alla moglie. Un vecchio servitore svela a Clitennestra e Achille, presunto sposo, la realtà.

Clitennestra, disperata, si prostra davanti ad Achille, implorando il suo aiuto, cosa inaudita e vergognosa per le donne del tempo, ma ora è una madre pronta a tutto, anche ad umiliarsi, pur di salvare la vita della propria figlia. *"Non mi vergognerò d'inginocchiarmi / io, mortale, a te nato da una dea. / Dov'è la mia superbia? / A cosa debbo pensare di più che a mia figlia?"*

Ifigenia sente il dialogo tra Achille e sua madre e apprende così della sua condanna a morte.

Clitennestra affronta Agamennone che tenta ancora di fingere perché non sa che lei sa [...]

Ieri

Clitennestra	[...]
	Uscii dalla tenda a cercare il mio sposo [...]
	Mia figlia, infelice, sta piangendo
	levando molti gemiti a vicenda:
	ha sentito la morte che le vuol dare suo padre.
	Ed ecco mentre parlavo di lui, veniva vicino
	Agamennone, quello che ai suoi figli
	trama empie cose e ne sarà scoperto.
Agamennone	[...]
	Devo dirti, lontano dalla figlia,
	parole che lei che sta per sposarsi
	non deve ascoltare.
Clitennestra	*Che cosa hai da dirmi in questo momento?*
Agamennone	*Conduci mia figlia, qui, nella tenda del padre;*
	pronta è l'acqua lustrale, i chicchi d'orzo
	da gettare nel fuoco che purifica,
	le giovenche che devono cadere
	prima del matrimonio per la dea
	Artemide, fiotti di sangue nero.
Clitennestra	*Bene parli a parole; le tue azioni*

     io non saprei come chiamarle buone.

     O figlia, vieni fuori, tu già sai
     quello che sta per compiere tuo padre,
     e sotto il peplo porta tuo fratello
     il piccolo Oreste. Ecco che viene
     e t'obbedisce. Ma io devo dirti altre cose in suo nome.

Agamennone   *Perché, o figlia, piangi e non mi guardi*
     più con dolcezza, ma tenendo a terra
     gli occhi, ti copri col peplo?

Clitennestra   *Ahimè, quale per primo menzionare*
     dei miei mali? Ognuno di essi potrebbe
     essere primo, ultimo e di mezzo.

Agamennone   *Che c'è? Mi sembrate sconvolte, turbate negli occhi.*
Clitennestra   *Una cosa ti chiedo, sii sincero.*
Agamennone   *Non c'è bisogno che lo dica, chiedi.*
Clitennestra   *Stai per uccidere la mia, la tua figlia?*
Agamennone   *Hai detto cose terribili: sospetti ciò che non devi.*
Clitennestra   *Sta' calmo: rispondi a ciò che ti ho chiesto.*
Agamennone   *Tu, se mi chiedi cose convenienti,*
     avrai da me risposte convenienti.

Clitennestra   *Io non ti chiedo altro: rispondimi a quello.*
Agamennone   *O fato, o sorte, o destino mio!*
Clitennestra   *Ed anche mio e di lei: tre sventurati.*
Agamennone   *Chi t'ha offeso?*
Clitennestra   *A me chiedi questo?*
     Il tuo senno è uscito di mente.

Agamennone   *Sono morto. Il segreto è scoperto.*
Clitennestra   *So tutto quello che ti stai per fare.*
     Tu taci e gemi, e in questo lo confermi;
     non dire parole di più.

Oggi

Una madre sta per perdere la figlia, e prova una sorda rabbia verso chi, per volere di una dea, non riesce ad evitarne la morte. Una persona che

amiamo è malata di una malattia non guaribile. Anche noi, la sua famiglia, a causa di ciò siamo ammalati. E come lei sperimentiamo negazione, incredulità, istinto a negoziare, tristezza, rabbia, a volte tanta rabbia: "non è giusto, non lo merita, proprio adesso, è una buona persona, può ancora vivere [...] qualcuno ha colpa di ciò: chi non è riuscito a proteggerla, chi non riesce a guarirla, chi non ha capito prima, la vita è ingiusta [...]".

Accettazione e guarigione passano sotto le forche caudine del doloroso e lungo lavoro dell'elaborazione del lutto.

Terzo quadro: rabbia e patteggiamento

"Taccio, perché dovrei mentire? / E aggiungere al dolore l'impudenza?". Agamennone capisce che lui stesso non può in alcun modo mitigare l'inevitabile. Davanti a lui si alternano le preghiere disperate di Clitennestra e Ifigenia. Clitennestra esprime la rabbia, rinfacciando al marito tutte le sue colpe. Ifigenia, invece, tenta la mozione degli affetti, tocca corde intime, richiama alla memoria dolci ricordi infantili e soprattutto rappresenta un futuro sereno, sempre vagheggiato, che ora sembra negato [...] spinge il fratello bambino che ancora non parla a intercedere per lei. Non vuole morire!

Ieri

Ifigenia   *Se avessi padre, la voce di Orfeo*
                che incantava le pietre portandole appresso
                e con le parole stregassi chi voglio
                lo farei;
                ma le parole sagge che io dico
                non possono altro che suscitare le lacrime.
                Io piego ai ginocchi tuoi, supplice,
                il mio corpo che un giorno mia madre
                ti partorì; non m'uccidere prima del tempo;
                dolce è vedere la luce, non mi costringere
                a vedere le cose sottoterra.
                Per prima io ti ho chiamato mio padre

e tu figlia, per prima seduta
sui tuoi ginocchi, ho dato e ricevuto
soavi tenerezze; e tu dicevi:
"Ti vedrò, o figlia, felice
nella casa di un uomo degno di noi
vivere un giorno, e fiorire?"
E a mia volta, sospesa al tuo collo
che ora tocco con la mano: "Ed io
t'accoglierò nella mia casa, vecchio,
con dolci abbracci e ti ricambierò
la fatica d'avermi cresciuta".
Io di questo conservo memoria,
tu l'hai perduta e vuoi darmi la morte.
No, in nome […] di mia madre che soffrì dolori
già un tempo per me, e ora di nuovo.
Che c'è tra me e gli amori di Alessandro
e d'Elena? E come queste cose
m'hanno condotto alla rovina, padre?
Guardami dunque e dammi un bacio
perché morendo abbia di te un ricordo
se non vuoi dare retta a ciò che dico.
Fratello, per quanto piccino, soccorri i tuoi cari
e piangi insieme a me, supplica il padre
che tua sorella non muoia. Anche ai bimbi
giunge un sentore dei mali.
Guarda: tacendo ti prega, o padre anche lui,
abbi pietà di me, risparmiami.
In due t'imploriamo, io già grande
lui piccolo; ti siamo entrambi cari.
Tutto il discorso dirò in una sola parola;
la cosa più dolce ai mortali è vedere la luce
la più triste il mondo sottoterra.
È folle chi desidera morire;
è meglio vivere male che avere una fine gloriosa.
[…]

Agamennone   *Io conosco ciò che ispira pietà*

> *e il contrario; io amo i miei figli*
> *non sono pazzo; osare queste cose*
> *è atroce per me;*
> *atroce anche non osarle; devo.*

Oggi

Struggente lungo monologo di chi sa cosa sta per perdere: la vita che ama.

Deve pur venire la fine un giorno, ma non oggi, non ora. È troppo presto. Forse se […] se qualcuno interviene per me, se si commuove pensando a quanto mancherò a chi resta, se arrivo a quella data, a quell'evento, forse se […] se […] se

Cosa c'entro io con rischi non evitati, con percentuali e protocolli? Deve esserci una via di guarigione perché

> "*la cosa più dolce ai mortali*
> *è vedere la luce […]*
> *è folle chi desidera morire*".

Quarto quadro: depressione, tristezza terminale e infine accettazione e attribuzione di un senso alla sua esistenza e alla sua morte

Di fronte al destino inesorabile, è Ifigenia che spiazza tutti. Dapprima sprofonda in una cupa, terminale tristezza. Non c'è più speranza per lei […] E perché proprio a lei è toccata questa sorte? Zeus che manda "vari soffi a vari mortali", perché proprio alle navi in Aulide ha negato i venti favorevoli al viaggio verso Troia?

Poi prende in mano la situazione. Alla vita ha rinunciato, non c'è alternativa, accetta la propria sorte, ha parole di conforto per tutti e gestisce la sua stessa uscita di scena. Le sue ultime parole alla madre distrutta dal dolore ricordano quelle di Cristo alla Madonna del *Pianto* di Jacopone da Todi: "Mamma, perché te lagni? / Voglio che tu remagni, / che serve mei compagni, / ch'al mondo aio aquistato".

Ieri

Monologo di Ifigenia
Ahimè madre. Questo canto
a questo punto fatale conviene ad entrambe,
non c'è più luce per me, non più il raggio del sole.
[…]
Colui che m'ha dato la vita, infelice
o madre, se ne va, mi lascia sola.
Misera me, amara
amara vedo la sventura d'Elena.
Sono morta uccisa da un empio colpo
di un empio padre.
Oh se mai non si fossero accolte qui in Aulide
le prore di bronzo delle navi
per salpare verso Ilio,
se Zeus non avesse spirato sull'Euripo
venti contrari, egli che manda sempre
vari soffi a vari mortali
sì che le vele li allietano,
ad altri manda dolore e destino;
gli uni salpano e tolgono gli ormeggi
altri restano fermi.
[…]
O madre ascolta queste mie parole
invano ti vedo adirata contro il tuo sposo.
Non possiamo ottenere l'impossibile.
[…]
Ascolta quello che mi viene in mente:
io ho deciso di morire. E voglio
farlo con gloria, gettando via la viltà.
Vedi con me o madre, s'è vero quello che dico.
A me tutta guarda la grande Ellade in questo momento
In me sta il passaggio delle navi
la rovina di Troia; […]
e questo tutto farò con la mia morte, e gloria

me ne verrà beata: avrò liberato la Grecia.
Non bisogna che ami la mia vita,
tu m'hai data alla luce per i Greci,
non per te sola.
[…] e se Artemide
ha chiesto proprio il mio corpo […] io sono mortale
come potrei far resistenza alla dea?
È impossibile, e allora il mio corpo
lo dò alla Grecia.
[…] lasciate questo ricordo
di me nel lungo tempo; le mie nozze
i figli, la mia fama è tutta questa.[…]
Madre perché piangi in silenzio?
[…] Smetti non rattristarmi dammi ascolto.
[…] Non tagliare dai tuoi capelli un ricciolo,
non indossare nere vesti[…]
[…] sono salva, avrai gloria per questo.

Oggi

Sorella tristezza, aiuto pietoso alla separazione, maestra di cerimonia degli addii.

Poco a poco psiche e corpo capiscono: preparano l'ora del distacco da cose, persone, emozioni che erano così belle […] prima. L'ultimo tratto di strada esige il viaggiare leggeri. Niente zavorra per il volo! Abbandoniamo poco a poco quello che ci tiene legati. Il vuoto si riempie di serenità e calma. È un po' melanconico ma viene naturale il distacco dagli oggetti, dai boschi, dai prati, da albe e tramonti […] dagli amati, e dai sogni, ma può apparire molto luminoso il senso della vita.

L'accettazione dell'inevitabile *"Non possiamo ottenere l'impossibile / ho deciso di morire con gloria"*, dice Ifigenia alla madre.

È il passo che ci rivela il senso, la libertà dell'ultima tappa che ciascuno vive come sa, come può e come gli è permesso. Il senso che abbiamo costruito curando tutta la durata del viaggio con stupore, gratitudine e gioia. Così liberati possiamo lasciare un segno che vivrà per sempre nella memoria e nel ricordo di chi resta.

5. Le cure palliative

Nate all'interno di una storia d'amore[4] come cure di fine vita per malati con patologia oncologica, sono diventate un diritto dei cittadini, sancito in Italia con la legge 38 del 2010 che ne estende filosofia e pratica a tutte le patologie orfane di terapia volta alla guarigione, qualsiasi sia la prognosi prevista[5]. Una contaminazione virtuosa per la pratica sanitaria!

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(4) Si veda il saggio di Giada Lonati, *Le cure palliative incontrano Ifigenia*, contenuto nel presente volume.

(5) Ecco alcuni stralci della legge: "La presente legge tutela il diritto del cittadino ad accedere alle cure palliative e alla terapia del dolore. […] 3. […] le strutture sanitarie che erogano cure palliative e terapia del dolore assicurano un programma di cura individuale per il malato e per la sua famiglia, nel rispetto dei seguenti principi fondamentali: a) tutela della dignità e dell'autonomia del malato, senza alcuna discriminazione; b) tutela e promozione della qualità della vita fino al suo termine; c) adeguato sostegno sanitario e socio–assistenziale della persona malata e della famiglia. […] 1. Ai fini della presente legge si intende per: a) cure palliative: l'insieme degli interventi terapeutici, diagnostici e assistenziali, rivolti sia alla persona malata, sia al suo nucleo familiare, finalizzati alla cura attiva e totale dei pazienti la cui malattia di base, caratterizzata da un'inarrestabile evoluzione e da una prognosi infausta, non risponde più a trattamenti specifici; […] c) malato: la persona affetta da una patologia ad andamento cronico ed evolutivo, per la quale non esistono terapie o, se esse esistono, sono inadeguate o sono risultate inefficaci ai fini della stabilizzazione della malattia o di un prolungamento significativo della vita, nonché la persona affetta da una patologia dolorosa cronica da moderata a severa […]."

Reveley F. (2024) *Non guardarmi nel cervello*, "Internazionale", 16 febbraio.

Sacchi M. (2023) *Da Medea a Nausicaa. Le donne del mito che parlano al presente,* "il Giornale", 18 agosto.

Sisto D. (2018) *Digital Death. Le trasformazioni digitali della morte e del lutto*, "Lessico di etica pubblica", 1: 49–60.

Tolstoj L. (2008) *La morte di Ivan Il'ic*, Rizzoli, Milano.

LE CURE PALLIATIVE INCONTRANO IFIGENIA

Giada Lonati

Abstract: Palliative care represents a medicine that is both modern and ancient. It finds in the philosophical dimension of care the profound meaning of its action. When life comes to an end, suffering affects the whole human being. Taking it in charge means entering into an authentic relationship with others, through a delicate communicative process for caregivers and cared–fors. The Advance Care Planning law states so, but so does life experience. The difficult dialogue between Agamemnon and Iphigenia testifies to this. We are companions in the journey of fragility and uncertainty, in the contradictory nature of us striving for immortality and recognizing our limit. Palliative care is then also a food for thought for an education to finitude which opens our eyes to hope.

Le cure palliative rappresentano una medicina moderna e al tempo stesso antica, che ritrovano nella dimensione filosofica della cura il senso profondo del proprio agire. Quando la vita volge al termine, la sofferenza riguarda l'essere umano nella sua interezza. Farsene carico significa entrare in una relazione autentica con l'altro, attraverso un processo comunicativo delicato per curanti e curati. Lo dice la legge sul biotestamento, ma lo racconta anche la vita. Il difficile dialogo tra Agamennone e Ifigenia lo testimonia. Siamo compagni nel viaggio della fragilità e dell'incertezza, nella contraddittorietà del nostro tendere all'immortalità e riconoscere il nostro limite. Le cure palliative sono allora anche uno spunto di riflessione per un'educazione alla finitudine che apre lo sguardo alla speranza.

609

1. Le cure palliative nascono all'interno di una storia d'amore

Cicely Saunders, quella che viene riconosciuta come la fondatrice delle moderne cure palliative, è prima crocerossina, poi assistente sociale, poi medico.

Proprio come assistente sociale incontra un giovane uomo, David Tasma, di cui si innamora. David però sta morendo per una forma aggressiva di cancro. È solo. Il ricovero in ospedale è l'unica soluzione per lui, la più sicura. Cicely lo affianca negli ultimi mesi della sua vita e, anche grazie al sentimento che li unisce, accoglie la sua richiesta di realizzare un posto in cui ci si prenda cura delle persone come lui, che stanno concludendo la loro vita. Perché l'ospedale, inutile dirlo, è il posto giusto per gestire l'acuzie, molto meno per accompagnare chi sta morendo.

David lascia a Cicely una piccola cifra e le dice che vorrà essere una finestra nella casa che andrà a realizzare. Il *Saint Cristopher's hospice*, il primo hospice dell'era moderna, la casa che David sognava, viene inaugurato a Londra nel 1967. La finestra di David è lì.

Colpisce che il 1967 sia anche l'anno in cui Christiaan Barnard effettua il primo trapianto di cuore. Nel 1968 la commissione di Harvard definisce i criteri per la morte cerebrale. La cosiddetta morte a cuore battente, una specie di ossimoro giacché fino ad allora a decretare la fine della vita è l'arrestarsi del battito cardiaco.

Pochi anni prima, all'inizio degli anni Cinquanta, un giovane anestesista danese aveva applicato gli strumenti dell'anestesia al di fuori della sala operatoria, per contrastare la paralisi respiratoria indotta nei bambini da una terribile epidemia di poliomielite. Questa rivoluzionaria intuizione non solo inverte il trend di sopravvivenza dei piccoli pazienti, ma sta alla base della moderna rianimazione. Nel termine rianimazione è contenuto tutto il potere salvifico della medicina: con questo un potere nuovo viene affidato al medico. Per la prima volta a un essere umano è data facoltà di invertire il percorso naturale dalla vita alla morte. Per la prima volta è possibile restituire la vita, una dimensione che porta l'uomo medico vicino alla divinità.

Le cure palliative nascono — verrebbe da dire che hanno bisogno di venire alla luce — in questo contesto. In un momento storico in cui sembra esserci il riconoscimento che, accanto a una medicina che

guarisce (dalla malattia ma non dalla morte, anche se questa sembra essere un po' l'illusione), è necessaria una medicina che si prende cura fino alla fine, anche di chi guaribile non è più. Al *sanare vitam,* che ha nella *restitutio ad integrum* il suo obiettivo, si affianca un imperativo rinnovato, quello del *sedare dolorem.*

Cicely Saunders non confonde però la medicina con il pietismo. Introduce innovazioni scientifiche che ancora oggi stanno alla base della medicina palliativa, quale ad esempio l'importanza di somministrare gli analgesici ad orari fissi per prevenire la riacutizzazione del dolore. È sua anche la definizione di dolore alla fine della vita come dolore globale. Una medicina che prova a superare la scissione cartesiana tra anima e corpo, che riconosce che l'essere umano è un tutt'uno (e questo diventa ancora più evidente nei momenti in cui il corpo malato diventa protagonista). Alla fine della vita si parla infatti, più che di dolore, di sofferenza: in essa si sommano aspetti sociali, psicologici, spirituali oltre che, naturalmente, fisici. Fino ad arrivare a riconoscere il dolore nella sua dimensione di sofferenza esistenziale. Serve allora una presa in carico che sia realmente d'équipe, in cui ognuno sappia mettere a disposizione la propria competenza a servizio del riconoscimento del bisogno multidimensionale del paziente e della sua famiglia. Le cure palliative sono paradigma della complessità e la complessità non si cura da soli, come nel proverbio africano: "Se vuoi andare veloce, vai da solo. Se vuoi andare lontano, vai in compagnia". La malattia grave non riguarda mai solo un singolo ma una piccola società, la famiglia *in primis*, ma anche un *entourage* più allargato. Pensiamo alle malattie gravi dei bambini, al loro estendersi oltre la famiglia, alla scuola, all'oratorio, ai centri sportivi. Ecco allora che le cure palliative supportano i sofferenti in senso lato e non concludono il loro compito nemmeno con il decesso del paziente, sostenendo nel lutto chi rimane.

Le cure palliative sono prima di tutto esercizio di compassione. Intesa non come l'attitudine pur pietosa che ci spinge a fare l'elemosina all'angolo della strada, ma nella definizione che ne dà Luigi Epicoco in *Per custodire il fuoco*: "come presa di responsabilità del dolore del mondo" (2023, p. 55). Come spinta "a fare tutto il possibile perché quel dolore sia lenito, preso sul serio, accolto" (2023, p. 55). Il verbo "accogliere" contiene una doppia dimensione, una molto fisica che è

l'aspetto tangibile e concreto di una dimensione più intima e spirituale, che equivale a fare spazio all'altro dentro di sé. Le cure palliative sono una spinta ad accogliere l'altro — gli altri, dal momento che sono rivolte al paziente e alla sua famiglia — nel momento della fragilità estrema, proprio quando una cultura di negazione come quella in cui siamo immersi spingerebbe a guardare da tutt'altra parte.

In questo incontro un tema centrale è svolto della comunicazione, soprattutto se si tratta di comunicare una realtà difficile e definitiva senza togliere la speranza. A maggior ragione perché, mentre ci avviciniamo all'altro nella sua dimensione di massima sofferenza, un insieme di regole non scritte fa sì che ci troviamo in un gioco di non detti, in cui tutti sanno e nessuno parla, come se le cose non dette potessero non esistere. A questo si aggiunge l'abitudine a informare i familiari prima e più che il paziente e la tendenza a posizioni di medicina difensiva che si esprimono ad ogni livello, compreso questo.

Nel 2023 l'Associazione VIDAS di Milano ha condotto con IPSOS un'indagine rivolta a cittadini e medici, volta a indagare conoscenze, esperienze e opinioni sulle cure palliative[1].

Tutti — curanti e curati — sono d'accordo nel riconoscere l'importanza e l'utilità delle cure palliative. Di più: i medici sottolineano l'utilità della pianificazione condivisa delle cure come strumento che favorisce l'alleanza terapeutica, tutela la volontà del paziente rispetto ai suoi ultimi momenti di vita, favorisce il coinvolgimento dei familiari e, non ultimo, riduce lo stress del medico nel prendere decisioni sui pazienti[2]. Molta strada è stata fatta su questi temi, in particolare per quanto riguarda l'attenzione al paziente e ai familiari e il loro coinvolgimento.

Nonostante la consapevolezza e le conoscenze di cui oggi disponiamo, sono molti i medici che esprimono la propria difficoltà a proporre le cure palliative, che affermano di non sentirsi in grado di farlo. Lì dove però il percorso che potrebbe condurre alla guarigione si è concluso, se lo spazio è quello della miglior cura palliativa possibile, è difficile

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(1) Si tratta di un'indagine dal titolo "Conoscenza, percezioni, opinioni sulle cure palliative in Italia" condotta da IPSOS su incarico di VIDAS OdV e Federazione Italiana Cure Palliative e presentata al Congresso Nazionale SICP (Società Italiana Cure Palliative) del 16-18 novembre 2023.

(2) Legge 22 dicembre 2017, n. 219, *Norme in materia di consenso informato e di disposizioni anticipate di trattamento*, art. 5.

immaginare di poterlo condividere se non si riescono ad affrontare questi temi.

Consentire al paziente di scegliere il meglio per sé presuppone un'informazione chiara ed esaustiva.

Perché noi medici facciamo così fatica a parlare di questi argomenti? Secondo i colleghi intervistati da IPSOS in parte perché mancano le informazioni sulle Cure Palliative da parte dei cittadini (ma non è chiaro chi dovrebbe informarli) e in buona parte perché parlare di cure palliative significa affrontare il tema della malattia grave, di una prognosi infausta, della morte.

Si apre a questo punto un altro aspetto delicato delle comunicazioni difficili. A chi sono affidate? Di chi sono compito? Nel solco della legge e dei codici deontologici, spetta al medico occuparsi di questa fase delicata e comprensibilmente faticosa. Medico che non è solo, perché accanto ha altre figure (in primis l'infermiere) che, seppure non abbiano il compito di fornire l'informazione su diagnosi e prognosi, pure svolgono un ruolo prezioso nel sostenere il paziente e la sua famiglia. Eppure non è raro che i familiari ci raccontino di medici che hanno affidato a loro l'onere di spiegare che non ci sono più cure utili alla guarigione, che la prospettiva è cambiata, che è tempo di concentrarsi sulla qualità più che sulla quantità della vita. Non è raro sentirsi dire: "Dottoressa, hanno detto che dovevo essere io a dirlo al papà, alla mamma, a mio marito ecc.". Una delega che non ha fondamento normativo e che sa di fuga di fronte alla paura del dolore dell'altro che assomiglia così tanto al nostro, a quello che non vorremmo sentire.

Eppure, la narrazione dell'esperienza del morire, quasi sempre vissuta come prematura e ingiusta, a maggior ragione se giunge in giovane età, è presente in molti miti che raccontano anche della difficoltà nel trovare parole adatte. Come ben descritto da Loreta Rocchetti (2024), nella sua ricostruzione del possibile parallelismo tra la vicenda di Ifigenia e il percorso del fine vita, la comunicazione è sempre un momento drammatico e delicato.

Lo si legge nell'incontro di Agamennone con Ifigenia (Euripide 1988). Anche Agamennone prova a sfuggire dalla comunicazione. Si è cacciato in un guaio grosso: ha promesso la vita di Ifigenia ad Artemide in cambio della vittoria del suo esercito. Ora deve affrontare lo sguardo

della figlia, che non sa nulla. Ifigenia dice: "Padre mio che gioia! Dopo quanto tempo ti rivedo".

"La tua gioia è anche la mia" risponde lui e poco sotto lei ribatte: "Oh! Sei lieto di vedermi, tu dici, eppure il tuo sguardo non è sereno" e ancora "E queste lacrime perché?" (Euripide 1988).

Non si può non comunicare. La scelta è, casomai, su contenuti e modi.

Il 31 gennaio del 2018 è entrata in vigore la legge 219/2017 *Norme in materia di consenso informato e di disposizioni anticipate di trattamento*. Questa legge, in estrema sintesi, sottolinea l'importanza del consenso informato come premessa di ogni relazione di cura e introduce due elementi fondamentali: la Pianificazione Condivisa delle Cure (PCC) e le Disposizioni Anticipate di Trattamento (DAT). Sono queste due forme di estensione del consenso. La prima all'interno di un percorso noto di malattia è espressione di quel che si vorrebbe o non si vorrebbe, a partire da un confronto tra curante e curato, quest'ultimo impegnato a rispettare la volontà del paziente, anche quando questo non fosse più in grado di esprimerla. Le DAT sono invece lo strumento con cui ciascuno, anche in piena salute, può esprimere in anticipo il proprio consenso o dissenso a manovre, trattamenti, esami che si rendessero necessari quando — per qualsivoglia ragione — non fossimo più nelle condizioni di esprimere la nostra volontà.

Al centro c'è in tutti e tre i casi il rispetto per l'autodeterminazione del paziente.

Il comma 8 dell'articolo 1 di questa legge dice testualmente: "Il tempo della comunicazione è tempo di cura". Comunicare è molto più che usare le parole, è mettere letteralmente in comune: io il mio sapere di medico, tu il tuo sapere di paziente. Sempre la legge, nell'articolo 1, definisce il consenso informato come il luogo "nel quale si incontrano l'autonomia decisionale del paziente e la competenza, l'autonomia professionale e la responsabilità del medico". Perché questo sia possibile, di parole — oltre che di silenzi e di gesti — abbiamo bisogno.

Perché le cose acquistano forma quando le nominiamo, le parole costruiscono il mondo. Nominare è dare un significato alle cose e le cure palliative sono la testimonianza che è possibile dire l'indicibile.

Michela Murgia, la scrittrice morta nel 2023, ha deciso non solo di non tenere nascosta la sua storia di malattia, ma di usare una

terminologia che definirei inclusiva nei confronti del cancro. In un'intervista rilasciata ad Aldo Cazzullo (2023) pochi mesi prima di morire dice tra l'altro: "Il cancro non è una cosa che ho; è una cosa che sono. Me l'ha spiegato bene il medico che mi segue, un genio. Gli organismi monocellulari non hanno neoplasie; ma non scrivono romanzi, non imparano le lingue, non studiano il coreano. Il cancro è un complice della mia complessità, non un nemico da distruggere. Non posso e non voglio fare guerra al mio corpo, a me stessa. Il tumore è uno dei prezzi che puoi pagare per essere speciale. Non lo chiamerei mai il maledetto, o l'alieno".

Dire "sono malata" e non "ho una malattia" è un passaggio non scontato. È prima di tutto riconoscere che la vita offre un pacchetto *all inclusive*, fatto di potenzialità e di bellezza e di limiti, intrinsecamente connessi al nostro essere parte della natura. Allora anche il rapporto con una malattia come il cancro può uscire dallo schema del linguaggio bellico che ben rappresenta la cultura in cui siamo immersi. La Fallaci chiamava il suo cancro l'alieno. La Murgia ha il coraggio di smontare una serie di convenzioni e di farsi amica la malattia.

Posso solo condividere la posizione della scrittrice sarda. Ho visto in quasi trent'anni di cure palliative troppe persone innamorate della vita e dei propri affetti impegnarsi oltre misura per guadagnare ore, giorni, settimane. E non farcela, nonostante l'aderenza alle terapie, nonostante la ricerca di risposte alternative, nonostante l'amore che spesso è il motore più forte che ci tiene legati a questa vita terrena. Non ci sono meriti o colpe nell'ammalarsi, nemmeno quando i nostri stili di vita hanno contribuito alla genesi della malattia. Perché tutti noi facciamo quello che siamo capaci di fare e a propria volta la nostra fragilità trova appigli dove può, anche nel fumo, nell'alcol, in una vita poco sana. Usare il linguaggio del perdono è quello che potrebbe aiutare a vivere meglio l'ultimo tempo della vita, liberare almeno quel tratto da un giudizio aggiuntivo. Non guarisce chi se lo merita.

La malattia — tanto più se grave — produce una disintegrazione, distrugge l'equilibrio preesistente. Qualche volta distrugge ogni possibile equilibrio. Il dolore alla fine della vita travalica la dimensione fisica, anche se il nostro primo dovere è prenderci cura di questa. Perché, come dice Natoli: "quando il dolore è intenso se ne patisce la violenza

ma non se ne ha l'intelligenza: il dolore acuto cosalizza" (2015, p. 58). Se il corpo grida non c'è spazio per alcuna altra dimensione.

Ma proprio il controllo del dolore lascia spazio a una sofferenza diversa, quella dell'essere umano che si misura con la perdita del futuro.

Sempre Natoli ci spinge a considerare questa dimensione, apparentemente poco frequentata dal mondo medico: "quando il dolore è sedato — forse proprio per questo — l'ombra della morte si rende più vicina perché più pensabile". E ancora: "la riduzione del dolore è un bene per sé ed è assurdo fare soffrire, ma non basta a far vivere. Le cure palliative eliminano dolori evitabili, ma non evitano il dramma esistenziale di chi viene incalzato dalla morte" (Natoli 2015, p. 64).

Ecco, assumere la posizione interiore della Murgia è un metodo per provare a non esternalizzare il problema, per farlo entrare nella vita come compagno — sgradito e di cui avremmo fatto volentieri a meno, certo — in un passaggio che rende possibile un tentativo di integrazione.

A me sembra che la Murgia faccia un lavoro fondamentale. Ci dice che esiste un modo per continuare a vivere con la malattia, non nonostante la malattia, non dimenticando la malattia, non negando che esista. Percorrendo quel viaggio che anche Ifigenia percorre: dalla negazione, alla rabbia, alla negoziazione, alla depressione e infine all'accettazione. Questa è la distinzione, volutamente scolastica, che la Kübler–Ross (1976) fa delle fasi che si trova ad affrontare chi riceva una prognosi infausta. Fasi che poi sono state traslate anche nell'ambito del lutto. Chiunque ancor prima che nell'esperienza del morire e del lutto, sa come di fronte a ogni sofferenza, a ogni esperienza di perdita queste dimensioni coesistano, si sommino, si inseguano e si sostituiscano l'una all'altra.

Basta un amore che finisce, la perdita del lavoro, un evento che improvvisamente ci costringa a misurarci con il fatto che stiamo invecchiando.

Questa è esperienza che ci accomuna e che dovrebbe farci compiere un esercizio di riconoscimento tra curanti e curati.

Anche perché le cure palliative scardinano l'idea di unidirezionalità della cura, riportando al centro la relazione, la giusta vicinanza, i punti di contatto tra essere umani collocati davanti al mistero.

Prima di essere una scienza e un sapere la medicina è un incontro, un dialogo che si instaura tra due persone: chi cura e chi è curato.

La vera sfida è l'unicità di questo rapporto perché, come spiega bene Luisella Battaglia, "la medicina richiede una semeiotica, una nosologia: per curare occorre classificare i sintomi, le malattie, generalizzare le osservazioni e le descrizioni; in altri termini universalizzare" (2022). Questa oscillazione continua tra individuale e universale è la sfida delle professioni di cura. Questo riconoscere l'individuo dietro la malattia, la biografia nella biologia, l'unicità di ogni percorso di accompagnamento, anche quando per me è il millesimo paziente che vedo morire, è la vera sfida.

Perché nella radice della parola accompagnamento (e le cure palliative questo fanno: accompagnano paziente e famiglia alla fine della vita) sta *cum panis*, la condivisione del cibo per eccellenza. Questo significa partire da quello che ci rende simili e ci accomuna, più che da quel che ci separa. In qualche misura l'esperienza del dolore diviene esperienza di fratellanza, perché ci riguarda tutti. Questo contiene un seme di consolazione, perché appunto non siamo più soli, il dolore non è contro di noi o solo per noi.

Essere protagonisti della cura riveste poi di una dimensione politica, perché consente di superare un'idea di collettività che sostituisce la responsabilità del singolo. "Un sistema sanitario, ad esempio, è incapace in quanto sistema di farsi prossimo al dolore di un malato. La sua prossimità la potrà esprimere solo il singolo medico, o operatore sanitario" (Epicoco 2023, p. 56). La sua singolarità è strumento di vicinanza, di compassione. Questo riveste di responsabilità e di creatività il ruolo del curante, ancora di più quando si tratta di incontrare quel momento straziante della vita dell'altro in cui lo stesso concetto di tempo acquisisce una connotazione unica.

Ci offre una visuale privilegiata sulla vita perché la verità è che non incontriamo la morte quando moriamo, ma quando incontriamo la morte dell'altro. E siamo liberi di scegliere quanto farci toccare da questo incontro.

Secondo il Buddha ci sono quattro specie di cavalli (Dōgen Zenji 2006, cap. 84).

Il primo è un cavallo che, senza timore, obbedisce al suo cavaliere semplicemente vedendo l'ombra del frustino, il secondo fa altrettanto solo quando lo scudiscio tocca la criniera, il terzo quando sferza la

carne, il quarto solo quando il colpo giunge fin nelle ossa.

Il primo cavallo è come una persona che diviene consapevole dell'impermanenza nel momento in cui apprende che è morto qualcuno nel villaggio vicino; il secondo è come un uomo che risveglia questa consapevolezza quando il decesso si verifica nel suo stesso villaggio; il terzo è come chi non se ne accorge finché un lutto non colpisce la sua stessa famiglia; il quarto è come colui che ne diventa consapevole solo quando la sua stessa morte è imminente.

Le cure palliative sono un esercizio unico da questo punto di vista, anche se nessuna condizione per quanto necessaria può considerarsi sufficiente. Sono uno stimolo a chiedersi che tipo di cavallo siamo perché da questo deriva la nostra posizione non tanto nei confronti della morte — che conta, ma fino a un certo punto — quanto quella nei confronti della vita, intesa nel senso più ampio possibile.

Si parla tanto di *one health* oggi. Non esiste salute dell'uomo, se non esiste salute degli animali e del pianeta. Il pianeta ci sta presentando il conto. *One health* non è più teoria, ma una questione di vita o di morte.

La dimensione della mortalità, dell'essere finiti, della transitorietà del tutto, di quella che il buddismo chiama impermanenza non fa più parte della nostra epoca. Siamo spasmodicamente attaccati alla difesa del nostro corpo, dedichiamo al corpo tutta l'attenzione che dimentichiamo di dedicare allo spirito, aggrappati a un'eternità che francamente non so bene se augurarci.

Ed ecco che entra in gioco il concetto della consapevolezza. Parliamo tanto di consapevolezza di malattia ma ci dimentichiamo che la prima consapevolezza è quella relativa alla nostra mortalità. Se non sappiamo che moriremo, se ce lo siamo dimenticati, se ci hanno promesso — un po' come Achille a Ifigenia — che "andrà tutto bene" come possiamo fare i conti con la nostra finitudine?

Viviamo un tempo strano, in cui si costruiscono muri e si rafforzano confini e al tempo stesso si rimuove la dimensione del limite. Un proverbio milanese dice che la cassa da morto non ha le tasche. La saggezza popolare sa che dovremo lasciare tutto. Sarebbe bello lasciarlo meglio di come l'abbiamo trovato. Fino a qualche tempo fa l'avrei considerata una speranza. Oggi, nonostante come palliativista io rimanga un'inguaribile ottimista, inizio a pensare che questa sia un'illusione e spero

che le generazioni future possano vedere i frutti di una consapevolezza che si fa piano piano strada, pur scontrandosi con la difficoltà che abbiamo ad abbandonare le nostre abitudini, i nostri privilegi, i nostri comodi egoismi.

Serve una nuova pedagogia della finitudine, che parta dalle scuole, che risponda alla fame di senso che i nostri ragazzi hanno. Serve educare noi stessi alla mortalità, che passa dalle piccole cose.

Non stiamo parlando di questioni semplici. Non esiste un concetto astratto di perdita o di morte. Ogni morte, grande o piccola, passa dal nostro corpo. Esercitarsi alla perdita non è facile. Lo dico non solo da medico, ma anche da donna che sta invecchiando in una società che giudica la vecchiaia secondo i canoni della giovinezza e nella quale anziché lavorare per diventare dei bei vecchi rincorriamo l'idea di essere dei brutti giovani. Non si spiegherebbero altrimenti alcuni interventi estetici che deturpano letteralmente i volti, rendendoli senza età ma così anche senza la bellezza che può avere solo un volto in cui si leggono le emozioni, i sentimenti, i segni delle esperienze vissute.

E la cosa sorprendente è che educare all'impermanenza è prima di tutto insegnare ai ragazzi (e ai ragazzi che siamo tutti noi, in quanto apprendisti a vita in questo territorio) a fare esercizio di presente. A vivere l'intensità del presente come antidoto a una morte che colpisce in modo subdolo e strisciante, poco a poco, spegnendo la passione e i desideri.

Sempre Luigi Epicoco afferma che "la vera vecchiaia è la rassegnazione che spalanca le porte alla morte delle cose […]" (2023, p. 9) e nella nostra società, terrorizzata al pensiero di invecchiare, "abbiamo spostato sul corpo una questione che riguarda l'anima" (2023, p. 10), ovvero il crescere della rassegnazione dentro di noi.

Ecco, ritengo che le cure palliative siano un invito a spendersi per il dolore dell'altro, ad ardere di un fuoco buono, a non aver paura di essere candele che, bruciando, si consumano solo apparentemente per dare vita a una forma di energia diversa, a essere capaci di sacrificio — che non sia estremo come quello di Ifigenia che pure viene salvata in virtù della sua generosità e del suo coraggio — nel senso più bello di rendere sacra ogni azione che compiamo.

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SEZIONE 6
MISCELLANEA

LUDGER H. VIEFHUES–BAILEY
NO SEPARATION: CHRISTIANS, SECULAR DEMOCRACY, AND SEX.
A CRITICAL NOTICE

Paolo Costa

As far as it is a form of *self*–government, democracy is government of the people, by the people, for the people. The redundancy of Abraham Lincoln's famous adage makes it clear that John Dewey (1939, p. 226) was close to the truth when he noted that democracy is less a political regime than a form of life: a certain way of being in the world and, above all, of being together on an *equal* footing. Because it is such an ambitious venture, it is no surprise that the democratic way of life is under constant pressure from outside as well as from within. These demands generally revolve around the question of who is entitled to belong to the citizenship: who are the people of whom, by whom and for whom democratic rule exists?

The question has the same kind of depth and urgency as identity issues have: who am I? Who are we? Who do we want/ought to be?

There is a core of *identity politics*, thus, in any democratic life worthy of the name. But who are the "people" today?

On the one hand, it is clear that the noun "people" has historically meant, from the very beginning, the weaker, more disadvantaged, less powerful part of the population of a city, a nation, a state. In this sense, inasmuch as equality is regarded as a value and not as a dangerous temptation to disorder and anarchy, self–rule always functions as an aspiration, an impulse to self–transformation. It is a concept at once telic, normative, experimental, even romantic — as long as the qualifier "romantic" is meant to indicate an impulse, which is, if not supererogatory, at least generous, idealistic in a good sense.

"Experimental" is probably the key word here: the property warranting the superiority of the democratic regime in the eyes of a pragmatist like Dewey. If democracy is always (at least in part) an experiment, this explains why "democracy" always happens in the plural.

Plurality means complexity and, in some cases, even confusion. There has been indeed plenty of confusion in the recent history of Western democracies and judgments about their health are far from unanimous or convergent. The point is not only that there is no consensus as to the supposed entry point or possible way out of the multiple crises facing liberal democracies nowadays, but also that the interpretative frameworks used to describe and make sense of the situation are very different.

In his book, Ludger Viefhues–Bailey focuses his attention on a recognizable pattern in North Atlantic democratic life over the past two decades. For he investigates the rise, in spite of the wave of secularization still taking place in the West, of a prototypical political Christianity that operates as the common ground for a relative majority of citizens who believe that they are reacting to a direct threat to popular sovereignty and thus to their right to self–rule, to be "masters in their own house," to take back control over their own lives.

The spontaneous, often extra–institutional, eclectic recourse to the Christian religious tradition — or what is taken to be the gist of Christianity — in a realm by definition secular such as the one demarcated by the republican goal of non–domination (Pettit 2002) is a remarkable element as such. Viefhues–Bailey, however, does not merely record it, but he analyzes three different instantiations of it (respectively, the case of Germany's islamophobic *Leitkultur*, of French Catholic "republicanism," and of the American Protestant Right) and constructs an original theoretical framework to account for such a distinctive and enigmatic socio–political dispensation.

In what is left of my critical notice, I will leave aside his informative and instructive descriptions of the relevant case studies and instead focus on his overall explanatory framework. Precisely because he takes the self–understanding of modern advocates of democracy at their word (I mean, he takes the republican ideal of self–rule seriously without undermining it with a chain of qualifiers and restrictions, as is often the

case in mainstream liberal theories of democracy, which, at the end of the day, regard modern democracy as a mixed government), the most original aspect of Viefhues–Bailey's account is that it sheds light on a hidden side of it underscored especially by Michel Foucault — a thinker who, in other respects, did not have a particular inclination toward the republican idea of freedom. What I am gesturing towards here is that, since he does not dismiss the image of the democratic *body* politic as metaphorical, he is driven to ask whether it is not precisely the question of its physical reproduction that mobilizes today's burgeoning thymotic passions, what he calls *animus* and others more conventionally picture as the "populism" of angry white men around Europe, the United States and Australia. To be more specific, Viefhues–Bailey investigates the "libidinal underpinnings of the democratic project" (p. 30), the "libidinal substructure of political belonging" (p. 28), its "libidinal undercurrent" (p. 100) or "foundation" (p. 163), shedding light on the often overlooked link between "secular democracy" and "sex," as the book's subtitle recites[1].

If one makes the comparison with perhaps the most influential twentieth–century philosophical endorsement of the republican view of freedom — Hannah Arendt's *The Human Condition* — the scope of the change is easy to measure. For Arendt (1958), the modern obsession with biopolitics is a symptom of a non–accidental sovereignist degeneration of the republican construe of the *Öffentlichkeit*. Precisely because they are not satisfied with the distinctively fragile goods made possible by the disclosure of a genuine public realm, most modern democrats end up demanding from politics what politics cannot give (i.e., a complete emancipation from necessity, including those forms of necessity originating in bodily determinations). However, such a stipulative conception of what politics is prevents Arendt from doing justice to the expressions of new political needs that emerge historically precisely because of the non–contingent success, better, the intrinsic worth of the public happiness experienced by the people at moments of highest democratic effervescence, whether revolutionary or pararivolutionary. As Viefhues notes in a key passage of his argument: "*The political* is not simply given, but we speak it into being, like any other social

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(1) Page numbers included in parentheses in the text refer to Viefhues–Bailey (2023).

formation. Contrary to Schmitt, I will argue that in a democratic state, it is constituted through sexuality, through decisions about who reproduces the People and how that happens. Consequently, what is at stake is not only what defines them in contrast to others — their outer boundaries, as it were — but also how the People are internally structured in ways that enable our desire to be with one another, to care for each other, and to have a future together" (p. 35).

The ambivalence of these new political needs is worth of mentioning, of course. For, in the cases studied by Viefhues–Bailey, the "people" stand out as a profoundly ambiguous entity from a moral point of view as a result of glaring and outrageous power asymmetries.

Probably those who study religion on a daily basis and are used to its manifold expressions are more willing to come to terms with the structural ambiguities and threats that characterize all the three examples of moral failures discussed in the book: Islamophobia, majority's self–satisfied blindness, and the cynical claim of a historical privilege. Come to think of it, these are all socio–historical circumstances in which popular sovereignty displays a hardness of heart and deafness to the reasons of others that makes one despair about the future of humanity. However, resisting the temptation to surrender to disillusionment, Viefhues–Bailey uses the insights extracted from his case studies to articulate an idea of democratic self–rule that goes beyond the logic of "abjection," the monsterification of otherness, and instead relies on mutual care to translate into less masculine terms the democratic ideal of a life form based on genuine equality, that is, on the radically transformative experience of standing on an equal footing with anyone else. It remains to be established, however, whether his claim to conceive differently of the People and envision a community of care "without reinscribing the heteropatriarchal, racist, ethnocentric, and anti–Muslim discourses and practices that produce the Cultural Christianities that we have examined in this book, and that this type of religion sustains" (p. 225) is successfully met or not.

Clearly, the notion of epistemic success in this field is far from self–transparent. As Charles Taylor (1983) noted many years ago, the only reliable yardstick in the human sciences lies in the self–clarifying and transformative potential of their best accounts of the *explananda*. How then are things in the case of Viefhues–Bailey's BA?

On the one hand, his claim that cultural Christianities reveal "a truth about democracies: they need border work and a particular cultivation of erotic desires, and they attend to practices of reproduction" (p. 226) seems plausible enough and is the main evidence of the heuristic fruitfulness of the framework of analysis employed in the book. More controversial, by its very nature, is his further claim that the way cultural Christianities translate this truth about democracies into practice is "incompatible with the creation of free selves" and that the "logic of abjection in which these Christianities are embedded disables a subjectivity that can shape itself positively." What is problematic is not just the strongly evaluative and judgmental character of this statement. The problem is that it presumes an answer to the question of what is reasonable to expect from politics, and more particularly from modern democracy. In conclusion, I will therefore devote some thoughts to the idea of "democracy in the optative" as opposed to the negative, disempowering example of cultural Christianities, around which an important and disturbing current of contemporary populism has built its electoral success. Personally, I find Viefhues–Bailey's reasoning most convincing when he steers clear of what I would blithely call "Agambenian" overstatement, that is, the tendency to radicalize beyond measure insights that are in other ways illuminating.

The danger of such overstatements (e.g., "we must think democracy otherwise, or leave it behind," p. 239, or: "religion in general, and Christianity in particular, function as dispositives to a particularly contemporary urgency: the problem of how to produce the People", p. 100) is that they foster frictionless thinking. How, then, do we prevent "democracy in the optative" from turning into a mere expression of wishful thinking?

A step in the right direction seems to me to be the recognition of the residually "tragic" dimension of politics, which we find at the end of the book. This realization does not mean opting without qualms for a variant of cynical political realism, but coming to see that, while "we can understand the nation–state as a socioeconomic structure that enables the production of the resources required for the establishment of functioning networks of care, friendship, and love. At the same time, it is a structure that acknowledges the limits that these resources impose

on our ability to expand them to include all that could be our lovers or friends" (pp. 255–256). The realm of self–rule — that is, the scope of popular sovereignty — is residually tragic as it often happens that "others are not reached by the network of friendship, care, and love because of our limited ability to love" (p. 256). The consolation is that "such an acknowledgment of tragedy and limitations will engender discourses and practices that differ substantially from the dehumanization that characterizes democracies of abjection" (p. 256).

In this residually tragic space, religious imagery can play a positive role by enhancing the "truth about the workings of democracies that the cultural Christianities […] bring to the fore. Democracies, as the rule of the People, require border work. This work, however, is not the defensive practice of abjection, but rather the constitutive practice of uprooting and of stitching together identities" (p. 241). In particular, "changed religious discourse must be part of the process of imagining an alternative to the passionate politics of enmity that characterizes the resurgence of democratic exclusionary populism on a global scale" (p. 256). In this way, democracy in the optative can be the expression of a sensible hopeful thinking and not of a delusional wishful thinking in promoting "an adequate vision of democracy [...] where the People are bound together in practices and desires that enable the creation of these free selves. This, in turn, means that we must reenvision the People as bound together through care for one another" (p. 250). To return to Dewey's insight, the task of democracy understood as a form of *life* "is not connecting isolated omnipotent sovereign individuals into bonds of friendship, but rather cultivating the relationships within which we grow and live into friendships of equality" (p. 254).

Certainly, the risks of a mildly despotic or even tyrannical degeneration of democracies (Taylor, Calhoun and Gaonkar 2022) do exist and are in some cases impending. I have strong doubts, however, that interpreting them in light of a "metaphysical framework in which the self/other distinction is a vertigo–inducing problem" (p. 235), equated with "the democratic logic of democracy" (p. 237) as such, will lead us to a vision that stands at the right distance from the phenomenon investigated. And by "right" I mean here the distance enabling both the clarification and a change for the better of the human practices of

self–government that exercise so much the curiosity of social theorists, including religiously musical social theorists, these days. To this end, something akin to a conversion of the gaze is required. And if, indeed, "being human means becoming [...] A free self is, therefore, one that becomes a new self. If we conceive of democracy as the self–governance of free selves, then its libidinal foundations must enable the formation of this kind of freedom to become (i.e., to uproot and traverse boundaries)" (p. 242). That such an outcome is possible regardless of "stable boundaries of existing communities" or "transcendental structures of language or speech" (p. 244) is the resilient belief around which Viefhues–Bailey's long argument revolves. His book is the product of a noble and compelling effort to demonstrate its plausibility notwithstanding "the inconvenient truth of citizenship in liberal democracies: it is performative in nature and lacks a stabilizing rationale" (p. 191).

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INDIFFERENCE TOWARDS DEHUMANIZATION
A POLITICAL–PHILOSOPHICAL APPROACH TO THE TRAFFICKING OF WOMEN

Elena Cuomo

ABSTRACT: The denial of humanity about women victims of trafficking, in Europe as well as in other countries questions the crisis of Western democracies and spreads violent codes, degradation, and weakening of human rights.

This work explores the connection between philosophy and life (Cavarero 1999) and analyses how this erodes the human substratum of Western countries through the conditioning of biopower, logic of visual hypercontrol and commodification of relational capacity.

From various philosophical–political and anthropological perspectives, an extremely worrying picture seems to emerge unexpectedly for the conservation of the root of mankind, and how this appears to be undermined by democratic societies. In a context of inclusion-exclusion dynamics, a significant reduction in freedom is reported and apparently exist not only for trafficked women.

Paradoxically, gender discrimination only seems to enhance the gravity of the ongoing process of "nientification".

This revolves around indifference or the inability to react in the face of a portion of humanity deprived of all subjectivity, where humans are transformed into socially dead beings (Butler 2019).

La negazione di umanità delle donne vittime di tratta, in Europa come in altri paesi, interroga la crisi delle democrazie occidentali e diffonde codici violenti, degrado, affievolimento dei diritti umani. Questo lavoro parte dal nesso tra filosofia e vita (Cavarero 1999), si interroga sulle ragioni che erodono il sostrato umano dell'Occidente attraverso i condizionamenti del biopotere, logiche di iper–controllo visivo e mercificazione della capacità relazionale.

Da diverse prospettive filosofico-politiche e antropologiche, emerge inaspettato un quadro estremamente preoccupante per la conservazione della radice del genere umano, minata dalle stesse società democratiche. In un contesto di dinamiche di inclusione ed esclusione si evidenzia una riduzione significativa di libertà non solo per le donne traffate, ma a partire da esse. Paradossalmente, la discriminazione

di genere potenzia soltanto la gravità del processo di "nientificazione" in atto. Esso ruota intorno all'indifferenza o incapacità di reazione dei più, cittadini-spettatori dinanzi a una porzione di umanità privata di ogni soggettualità, trasformata in esseri umani già socialmente morti o non degni di lutto (Butler 2019).

1. Introduction

Indifference to dehumanisation is one of the most serious symptoms of the contemporary anthropological crisis in democracy. This article recognises the connection between philosophy and life according to Cavarero (1998) and investigates factors that erode the human substratum of the West, which is conditioned by biopower, the logic of visual hypercontrol and the commodification of relational capacity, causing indifference and homogenisation. From a philosophical-political point of view, the paper highlights how the denial of humanity in female victims of human trafficking poses serious questions about the West, while spreading codes of violence, degradation, and a weakening of human rights[1].

The metaphor of blindness is taken from a famous novel[2] and is used here as a frame for the inability of seeing the degree of dehumanization that is affirmed towards different categories of people such as migrants, the homeless, and trafficked women. The text focuses only on the condition of the latter, as a serious indicator of the ongoing debacle, characterised by Cavarero as a dimension of "horror-ism" (2017), a homologation or as mass indistinction. Concerns are raised about the re-enactment of crimes against the human race.

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[1] For a sociological analysis of the phenomenon, please refer to a specialized bibliography, such as Aa.Vv., *Women Seriously Exploited*, 2022 Report, Slaves No More, Rome; A. Akinyoade *et al.* 2021.

[2] J. Saramago, *Blindness*, Feltrinelli, Lisbon 1995 — Milan 2000–2018.

2. Blindness: an interior disease?

Saramago (1995) describes blindness as an infectious disease with a strong capacity for contagion, capable of threatening institutions and plunging humanity into barbarism, erasing solidarity and compassion, with an assonance of the *Hoelle-Wut* feared by Roth and Nicoletti (1934; 2000).

Saramago details a disease "from within" that spares no one, not even the medics in charge of treatment. This raises concerns about the crisis of the anthropological substratum of contemporary democracy, which seems to suffer from a strange incapacity towards its own conspecific with such indifference to dehumanization.

The gravity of the issue is not restricted to a single area of social life and requires a considered reflection about the denial of humanity experienced by women who are trafficked for sexual purposes. In Italy, as in Europe and in many other countries connected by a criminal network, girls are deprived of their freedom by deception or physical coercion and are commodified and reduced to the disposal of others as private property. Here an instrumental treatment of the person reappears, denying the Kantian principle of never being able to conceive of the other as a means (1797-1954). The phenomenon transcends sociological and criminological questions and infuses the wider social fabric through a powerful diffusion of violent codes and degradation, contributing to what has become, for some, an addiction to the denial of human rights. Furthermore, this constitutes an unexpected symptom of the slumber of critical-propositional dissent, evidencing a crisis in empathy, which is seen as a part of the human species and not only the result of its ethical, religious, and cultural elaborations as posited by Boella (2017).

The complexity of the social phenomenon of women's slavery by Giaretta and Serughetti (2008; 2019) in the racket of forced prostitution has unexpected philosophical-political implications; I identify reflection points to problematise areas that are stratified in democratic societies and narrate female deportation. The use of strong language here is deliberate.

An effective image that evokes the critical condition of humankind's indifference to its own destruction is *Landscape with The Fall of Icarus*

by Pieter Bruegel the Elder in Escobar (2006). In the painting, Icarus' ruinous fall does not disturb the lightness of the landscape and fails to distract people from their occupations. This image helps me to reflect on freedom and I ask whether it is possible to define freedom as being able to look and see what is happening in front of me, even the ruinous fall of Icarus.

Building upon this, Nancy (2015) sustains that: "today to philosophise corresponds to opening our eyes", or at least to seek to understand the deep lacerations that humanity inflicts upon itself. For Cuomo (2018), a case in point is the oxymoron of a contemporary democracy that seems to remain fearfully inert: unable to react in the face of forced women's prostitution.

3. Women as commodity

Trafficking women must be distinguished from other types of trafficking and exploitation of human beings: it is just one of the ruinous falls that contribute to dehumanisation, a phenomenon that is growing exponentially, linked, but certainly not overlapped with migration[3].

The phenomenon of women as commodities requires us to take note of a new mode of horror that dismembers female bodies. Forced to undergo maltreatment and systematic rape, while witnessing those perpetrated against other girls, young women are transformed into fungible goods for sexual purposes and serve only as a function of their own bodies. In this way these women are dispossessed of themselves, of being a subject: transformed into leading lives of adaption or, as Pessina argues (2017), survival.

This aberration is a return to Arendt's category of "crimes against the human condition" (1964). A parallel between the genocides of totalitarianism and human trafficking is not far-fetched since once again a part of humanity is reduced to a fleshly seriality and deprived of a voice. In the context of holocaust, humanity was denied to Jewish people,

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(3) Cf. UNODC. 2018. *Global Report on trafficking in Persons* 2016, United Nations, New York, https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf.

today it is denied to those women considered "the most extraneous" to the collective identity, which Di Sciullo (2008) considers to be built on what is homogeneous and indistinct after denying the value of difference in the other, even at the physical level. In this political universe, mechanisms of exclusion are inevitable, especially towards those who preserve the value of difference in their bodies. If there is a universal and all-encompassing drift in this way to the detriment of plurality, as recognised by Arendt (1995), there is a decay of democratic institutions themselves. Physical heterogeneity undermines the ideological banality of a society that seeks to expunge diversity and remove any concrete relationship with a distinct person; fabricating the needs and desires of simulacrum partners, who are not considered fully human.

Convinced that philosophy must reconnect thought to life, Cavarero (1998) returns to the figure of Penelope with her skilful weaving work, giving new meaning to embodied being, which is unique and unrepeatable in each and every one. The scandal of enslaved women, who are denied all subjectivity and sentient singularity, transformed instead into fleshly seriality, affects every human being in their ability to see what they are looking at. Young lives forced to sell their bodies like pre-packaged body parts, to rent them for a few minutes, reducing sex to fungible materialism, raises severe questions about the democratic society we inhabit and anthropological thought. Why this inertia? Is it all Ismene's fault?

If one accepts the classical interpretation of Sophocles' character Ismene as the paradigm of acquiescence towards a stronger power; a well-known cliché often superficially superimposed on women victims of violence and women enslaved by international trafficking; we must ask ourselves if Ismene is not, instead, the portrait of a society of citizen-spectators, who are inert in the face of Icarus' fall and incapable of critical dissent.

Ancient democracy provided for slavery, but recognised slaves as having a legal status, evidently a weaker status compared to that of citizens. Fortunately, modern democracy does not allow any form of weakened humanity, making fundamental human rights a strong theoretical reference, even at the level of identity. However, the concrete suffering of various segments of the world's population, reduced today to a sub-humanity, clashes gravely with this ideological narrative: Bergoglio (2020) therefore discusses a conception of human waste underlying a prevailing

liberalism. Combining the concept of waste with the doctrine of homogeneity and exclusionary mechanisms, we see how its strongly contradictory presence in Western societies is underlined. According to Benhabib (2006), it often results in the ideological legitimacy of a group, without apparently conflicting with fundamental rights. According to Di Sciullo, we should speak of conditional human rights, because the alleged homogeneity of a political community implicitly tends to distinguish human beings with a selective concept of humanity.

Furthermore, and worryingly, the homogenised individual, for Girard (2003), remains a prisoner of the imitative conditioning of desire according to the other and of the Foucaultian device of power that pushes the individual towards the tangible and the instrumental. It is a short step, in the contemporary de-ritualized context, towards the dynamics of rivalry mimesis with unexpected shifts of the persecutory mechanism towards "victims of exchange", who for Girard (2007) insinuate themselves even into the most intimate relationships.

This is what happens to trafficked women, who are substitute victims already dismembered into many naked bodies. The frightening doubt arises that, in a spiral of hybrid mimicry, some, agitated and compressed by the inadequacy, even sexually, of the imposed models, who are then incapable of a fuller relationship, explode their anger towards the most easily reachable substitute victim. This could also partially explain the rise of femicides.

It is complex to address this theme of the expendables, who represent a discarded humanity that, in Forti's understanding (2016), we compromise in the name of the system's stability. In this discussion we recognise how these lives are deemed as "not worthy of mourning", according to Butler's (2019) definition: people who are already socially dead. In fact, girls forced into prostitution die the moment they lose their status as subjects, wandering invisibly with torn bodies.

4. Innocent Spectators?

To find a reason for the inert gaze of those who consider themselves extraneous to women's carnage, one faces the innocence of the West,

which, like a character in a film or a novel by Greene (1957), is so entrenched in its democratic ideals, that people within those places do not realise that they are walking among dying bodies. Citizens' blindness then becomes an ideological problem, whereby a total adherence to the truth of democracy prevents them from seeing the cracks within. This makes them an excellent instrument of the dominant conformity to the triumph of democracy itself, whatever the cost. A blindness that in retrospect, according to Sanyal (2010), ignores its own responsibilities for the history of others, leaving in the background post-colonial studies, which for Casadei (2018) has a connection with human trafficking.

Already Sartre (1962), with Fanon's wretched of the earth, underlines the dichotomous attitude of the colonial and dehumanising politics of the European states that at the same time theorised the return of humanism. It would not, therefore, be the first time that the West has used ideological lenses that prevent it from being horrified by its own destructive responsibilities in the "geographies of hunger". The theme deserves much more in-depth analysis, here I concentrate on the state of suffering of those national territories from which many of the girls who are victims of trafficking come.

Nevertheless, it is not enough to recognise the significant exposure to an indirect ideological conditioning, through homologation, that results in the pain of exclusion from the whole group. It is also important to consider the addiction to the consumption of violent digital images and the intimate relationship between viewer and consumer, with the desire for self-affirmation at the centre. Surprisingly here, the contributions of Foucault (1995) about a contemporaneity imprisoned by a panoptic power becomes significant in the debate's development, building upon the work of Mathiesen (1997) who characterises a democratic capitalist society and develops the synoptic and panoptic dimensions, relating them to each other and seeing them as increasingly constitutive of human beings who control themselves having introjected the synoptic gaze.

A citizen as total spectator emerges completely accustomed to an active and passive control of even the cruellest scenes, which no longer admit any exceptionality. He has learned to survive exposed and observed at all times.

We become accustomed to horror, and here we might evoke Medusa who for Cavarero (2007) is its symbol, embodying the violence that undoes the figural unity of the person: Saramago (2018, p. 233) also maintains, that having eyes in a world of the blind does not constitute any advantage, but rather corresponds to "one who was born to see horror".

The sovereign people have therefore been transformed into an audience of indifferent spectators who certainly do not see how humanity is negated and undone on the roadsides and not only in the urban peripheries of the polis. Perhaps the excess of spotlights flattens reality into a single dimension of imprisonment and makes everything equally bearable or everything equally indifferent. The withdrawal from the world of the total spectator is thus configured as completely different from the overall view of the spectator-*theatés*, conceived by Arendt (1978) as a witness and support to the philosopher.

Having embraced the dimension of a visual power, symbolised by a technology that prolongs the gaze, consciences are accustomed to a hyper-control and to the viewing of all sorts of raw images, with a powerful confusion between virtual and embodied reality. Moreover, being so completely immersed in a confusion of multimedia images could lead us to say, along with Baudrillard (1976), that technological individuals have been trapped in an invisible network of unreality that conditions "a contingent mode of needs and pleasures", allowing for the supremacy of the signifier to supplant social order and values. If this were the case, buying sex from women as a simulacrum of pleasure would constitute a representation of enjoyment itself.

It is then, according to Pulcini (2003; 2009), that the significant stresses of a narcissistic dispersion of the postmodern ego reduce the relationship with the world to that of a homologated consumer and spectator: the central axis being the inability to recognise within oneself an authentic desire capable of sustaining the profound balance of the subject. The philosopher advocates a critical approach to desire, with the awareness that desire in and of itself is not a truthful criterion, accepting rather that there are also aspects that are detrimental to the good and autonomy of the subject. Only a shared culture that recognises the need for a process of cognition of one's own emotionality, which frees desire from a crude immediacy with inauthentic and

negative inclinations, can access a distance from the desired object. This would help the subject move from existences necessitated by an anxiety that engulfs objects of desire, often in an imitative and inauthentic manner. The self-realisation of the subject can then pass through an emancipation of the desiring dimension from homologising to hetero-directed parameters.

The centrality of the homologation-desire binomial reemerges from a different philosophical perspective and, in my opinion, brings the discourse back to the importance of the sense of estrangement from an aspect of humanity; towards the emptying of relationships with otherness that favour an instrumental conception of the other, sustained by the inauthenticity of desire and are oriented towards fungible materiality and become the new idol in need of compulsive consumerism. Through a focus on the desiring dimension and its drifts towards reified bodies such as female bodies transformed into commodities, we see how these women become, as Casadei (2018) observes, "bartered goods" along migrant smuggling routes. These commodities exist in the new structures of capitalism, in which a global apartheid and dehumanisation are spoken.

5. Dehumanisation

Neuroscience intervenes to support the understanding of an indifferent audience, especially with Lakoff (2009) who explores the progressive closing down of mirror neurons in the human race and the consequent inhibition of every empathic instinct that characterises the human race, typically inclined to help the cospecies especially when exposed to violence.

Science, grounding empathy in nature itself, comes to the support of philosophy and warns humanity against a fall without recovery, in which dehumanisation involves the loss of characteristics in the human species, resulting in indifference. There also remains the question of the force that humanity has used so many times to annihilate spontaneous empathy with multiple ideological tools. It is only a few steps short of the radical none-love that Sequeri (2017) describes, of a cruelty without

pathos, a rationalised violence with a "carnality emptied of compassion". He reflects on the inadequacy of the world's reckoning of the annihilation of aspects of humanity in the last century by totalitarianism. The focus is not on contingent historical or political conditions, but on the transformation of modern reason into an apathetic reason, incapable of understanding horror and reacting to the un-affective character of culture, and drifts towards the annihilation of the other. Across different segments of the world's population and across various cultures, something similar is happening today, with a particular emphasis upon women, who are often the object of criminal trafficking.

Re-reading authors who confront the systematic violence of totalitarianism and the inertia of the majority, exploring different historical factors, a disturbing perspective emerges in the democratic Western world of a nameless and stateless slavery, built upon dismembered women's bodies, sustained by the rapid propagation of violent codes. In a context of depravation, affected by a process of deculturation, involving large swathes of the population caught between consumerism and possession, Todorov (2009) introduces the concept of endemic violence in large cities, where the slaves of racketeering are exposed as low cost and accessible goods, agile replacements for human encounters, objects who only have the appearance of women. These large cities represent a none-place where the monotonous language of violence is acted upon and learned, legitimised and exported. Here Nancy's (2004) words about the planetary proliferation of abuses and exploitation remain a warning: "man bears witness to his lack of being", which, from the point of view of an *oikologization*, speaks of the increased dereliction of the sense of the human being in a globalised world, through the widespread and homogenising commodification of desires, extending to human relationships.

The condition of a person first reified and then abused, used in an instrumental fashion as a consumable good, may seem a monstrous exaggeration, recalling the aberrations of totalitarianism and its purges, but is now also combined with a compulsive consumerism. The fact that it is a matter of criminal violence does not exempt us from the obligation to denounce the degree of social endemicity that seems to inhabit everyone to the commodification of existence.

If we are to avoid the all-encompassing abomination it is not enough for the violence to be none state-based, as Kristeva (1981) maintains and I wonder if the horror that the author talks about has found room in the voids of conscience of those who, while looking, are no longer capable of seeing. On the other hand, Sequeri describes a democratic contemporaneity emptied of political culture and spirituality, due to an analytical, none-affective reason that denies every paradigm of the symbolic found in reality, thwarting the perspective of an inclusive anthropology. The theologian explains the tragedy facing the meaning of human by starting with the sense of frustration in the modern subject, who is depicted as a monad obsessed with the search for its own identity, that while deprived of the transcendent and the possibility of the Other, closes in on itself. He hopes for the deconstruction of the self-referential device, of a desire that seeks fulfilment in itself, in favour of an exploration of someone other than oneself. In this perspective, desire becomes generative, breaking the shackles of self-referentiality and rendering the conditions of coexistence creative and lively.

The thesis of Bazzicalupo (2008) is particular pertinent in relation to self-referentiality, through the recognition of a resigned pride, which no longer has any limits to challenge and orients countless existences, homologated by the same self-referential principle, which claims to be freed from all constraints, even from that of recognising life in its consciousness. Especially relevant in the perspective of this essay is the exploration of the root of this pride, with a lack of empathy and the inhospitable apathy of citizens, that becomes the narcosis of society in the face of dehumanisation and male abuse of women in all its forms: thus we move from narcissistic manipulation to violation.

From these varying perspectives, therefore, we can grasp the centrality of indifferent homologation, not only for ethics, but also for a political philosophy that does not want to neglect the deadening of consciences and the exposure to negation and repetitive behaviour.

Considering all these elements in the context of a politics that, according to D'Andrea (2016), from modernity "has undergone a progressive movement" towards the ultimate goal of maximising individual freedom and happiness in terms of well-being and the "acquisition of money in a competitive and competitive context", discussing indifference

towards behaviours harmful to women who are victims of trafficking will seem really insufficient.

We will have to ask ourselves what prevents us from seeing or reacting, from proposing solutions that have the human being at the centre. It is not superfluous to underline what is at stake here because the integrity of enslaved women is human integrity *tout court* with its specificity and uniqueness. Arendt (2004) traces back to the moment of birth as the source of freedom. For the German philosopher (1995), it should be remembered that birth has the power to prevent the decay of democratic ideals, by opposing plurality to pluralism and generalisation. This view of the world strongly conditions the political vision for Cavarero (2019) both in terms of the plurality of opinions and in the centrality of bodies in democracy; explicitly, human beings in flesh and blood.

In the face of widespread female trafficking and the corresponding inertia of democratic society, another important Arendtian category (1951) finds significance: namely, the process of estrangement through which violent fury annihilates human will and invalidates its freedom, propitiating fertile ground for new victims and new torturers. Therefore, as slow, repeated torture produces annihilation and renders the victims helpless, even the habit of violence, of continually living with it, produces an inner death and annihilates any capacity for compassion.

Nearing the conclusions, which I would like to leave open, the phenomenon of trafficked girls proves to be a powerful indicator in the current crisis of Western democratic societies: with spectators accustomed to increasingly heinous scenes and subhuman and instrumentalised bodies now conceivable. In the context of an inclusion-exclusion dynamic, there is a significant reduction in freedom *tout court* and, paradoxically, gender discrimination only enhances the seriousness of the ongoing process of negation. All this centres on indifference and the inability to react to a portion of humanity deprived of all subjectivity, who are transformed into human beings that are already socially dead.

I have tried to define a theoretical framework for the phenomenon of human trafficking, with has a very high human cost, and is often only considered in terms of social and criminal urgency, but which

needs to be placed in a broader interpretative context. Many questions of great weight, however, fall outside the scope of this paper, such as why women and why foreigners.

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UNA "NAZIONE CRISTIANA"? SOVRANITÀ, IDENTITÀ NAZIONALE E APPARTENENZA RELIGIOSA A TUVALU

Nicola Manghi

ABSTRACT: This article focuses on Tuvalu's sovereignty, which is often discussed in relation to scenarios of "deterritorialisation" into a "digital nation" in the face of the risk posed by rising sea levels caused by global warming. Contrary to these orientations, the article examines Tuvalu's sovereignty starting with a constitutional revision that, in September 2023, enshrined the nation's "Christian identity" and altered the legal framework to restrict the influence of human rights in the country. What makes the circumstance of particular interest is the claim, explicitly made by the Tuvaluan government, that the measure had "decolonial" stakes. These — the article intends to show — can only be understood if placed in the Tuvaluan political context, dominated by a contraposition between the island communities (*fenua*), conceived as the heart of the indigenous nation, and the centralised state, characterised as a "foreign" power. The article examines this contraposition through the analysis of a court case that developed out of a conflict that arose when a missionary was chased off the island of Nanumaga and profoundly marked Tuvaluan political consciousness. Reconstructing the deep historical context of this situation, the article then argues that the relationship between the "inside" and "outside" of the nation cannot be understood without reference to the arrival in 1861 of the London Missionary Society missionaries, who were to disrupt the cultural, political and religious life of the Tuvaluans.

Questo articolo si concentra sulla sovranità di Tuvalu, spesso discussa in relazione agli scenari che la vorrebbero "deterritorializzata" nell'istituzione di una "nazione digitale" a fronte del rischio di scomparire inghiottita dall'innalzamento del livello del mare causato dal riscaldamento globale. Contrariamente a tali orientamenti, l'articolo mette a tema la sovranità di Tuvalu partendo da un provvedimento di revisione costituzionale che, nel settembre 2023, ha sancito l'"identità cristiana" della nazione e modificato il contesto legale in modo da restringere l'influenza dei diritti umani nel paese. A rendere la circostanza di particolare interesse è la rivendicazione, esplicitamente avanzata dal Governo tuvaluano, che il provvedimento avesse poste in gioco "decoloniali". Queste — l'articolo intende mostrare — possono essere

comprese soltanto se calate nel contesto politico tuvaluano, dominato da una contrapposizione tra le comunità isolane (*fenua*), concepite come il cuore della nazione indigena, e lo stato centralizzato, caratterizzato come un potere di natura coloniale. L'articolo esamina tale contrapposizione tramite l'analisi di un caso giudiziario che, sviluppatosi in seguito a un conflitto sorto quando un missionario fu cacciato dall'isola di Nanumaga, ha segnato profondamente la coscienza politica tuvaluana. Ricostruendo il contesto storico profondo di questa situazione, l'articolo argomenta poi che il rapporto tra "dentro" e "fuori" della nazione non può essere compreso senza il riferimento all'arrivo, nel 1861, dei missionari della London Missionary Society, che avrebbero stravolto la vita culturale, politica e religiosa dei Tuvaluani.

Keywords: Tuvalu, Christianity, Decolonization, Ecological Crisis, Sovereignty

Parole chiave: Tuvalu, Cristianesimo, Decolonizzazione, Crisi ecologica, Sovranità

Si considerino questi due scenari che ci presenta l'attualità politica del piccolo stato polinesiano di Tuvalu.

Da un lato, la situazione politico–istituzionale drammatica e priva di precedenti nella quale si trova a causa dell'innalzamento del livello del mare, che rischia di rendere interamente inabitabile il suo territorio nel giro di qualche decennio, ha costretto Tuvalu a orientare i propri recenti sforzi diplomatici internazionali verso il tentativo di tramutarsi in uno "stato deterritorializzato" (cfr. Rayfuse 2009), ovvero un'istituzione capace di mantenere la propria sovranità anche a fronte della perdita di un territorio su cui esercitarla. Alcuni episodi particolarmente spettacolari di questa diplomazia pionieristica hanno saputo attirare attenzioni internazionali su un paese così piccolo, remoto e marginale, come per esempio il videomessaggio tramite il quale il ministro Simon Kofe è intervenuto alla COP 27 e, parlando dal rendering virtuale dell'isolotto incontaminato di Te Afualiku, ha annunciato il piano per trasformare Tuvalu in una "nazione digitale": informatizzando la burocrazia e ricreando una versione virtuale del territorio, l'auspicio è che il paese possa continuare funzionare completamente come uno stato sovrano" anche nello scenario della sparizione fisica dell'arcipelago" (Kofe 2021)[1].

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[1] E così, per esempio, mantenere, il controllo degli *asset* sovrani, come una Zona Economica Esclusiva capace di generare una parte sostanziale del PIL del paese e il suffisso internet ".tv", il cui sfruttamento economico si è dimostrato particolarmente remunerativo.

Contestualmente, sulla scena della politica interna, il 5 settembre 2023 il parlamento nazionale approvava all'unanimità una riforma della Costituzione che aveva l'ambizione dichiarata di farne "un documento che rispetti e rafforzi le epistemologie e le preoccupazioni indigene tuvaluane", e così di "decolonizzare alcuni aspetti del governo centrale di Tuvalu", come ha scritto Kofe, che presiedeva il comitato parlamentare incaricato del processo (Kofe e Marinaccio 2023). Osservando il testo, tuttavia, si scopre che il proposito decoloniale s'invera soprattutto in un generale ribilanciamento che, con il proposito di restringere le prerogative conferite ai diritti individuali, con particolare riferimento alla libertà di culto, aumenta invece le garanzie offerte ai princìpi cristiani e ai valori tradizionali. Così, il testo sancisce solennemente l'"identità in quanto nazione cristiana" del paese e dichiara Tuvalu "una nazione libera e democratica basata sui princìpi cristiani, i valori Tuvaluani e la rule of law"[2], rivedendo un ordine che, nel testo precedente, dava precedenza alla rule of law sui valori tradizionali. Entrando più nel dettaglio, enuncia che "a Tuvalu, le libertà dell'individuo possono essere esercitate soltanto avendo riguardo per i diritti delle altre persone"[3], con specifico riferimento alla libertà di culto e alla libertà di proselitismo. Oltre a ciò, con l'intento di bilanciare l'influenza dei diritti, il documento inserisce una carta dei "doveri e delle responsabilità", e offre riconoscimento ulteriore ai *falekaupule*, le assemblee "tradizionali" instituite da un provvedimento legislativo nel 1997.

Emerge così una circostanza singolare e apparentemente contraddittoria: da un lato, i Tuvaluani paiono concepire la dimensione legale della sovranità come faccenda già perfettamente "deterritorializzata", al punto da progettare di stiparla nei server di un qualche *provider* globale, lontana dalle condizioni materiali della propria esistenza; dall'altro, e al contempo, istituiscono una definizione della nazione quanto più normativa che, nel proposito di decolonizzare l'apparato legislativo, fonde aspetti "tradizionali" della cultura locale con la tutto sommato recente identità cristiana della stragrande maggioranza dei cittadini, per mitigare l'influenza dei diritti umani e, più in generale, della *rule of law*. Nell'immaginazione politica tuvaluana, così, la nazione indigena

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(2) *The Constitution of Tuvalu*, Preamble.
(3) *Ivi*, 29(3).

e quello stato che dovrebbe esserne sanzione politica e garanzia istituzionale paiono collocati su traiettorie che si scoprono solo contingentemente accoppiate — e che forse, all'approssimarsi dei catastrofici scenari ecologici, accennano a divergere.

In questo articolo, parte di una più ampia ricerca sulla sovranità a Tuvalu[4], intendo dirimere questa apparente contraddizione calandola nel contesto storico ed etnografico capace di renderla intelligibile. Prendendo spunto dalla revisione costituzionale e ricostruendo un episodio di cronaca che, evolutosi poi in un caso giudiziario, ha finito per farne percepire l'urgenza, mostrerò come le rivendicazioni "decoloniali" del provvedimento trovino il contesto della loro pertinenza nella caratterizzazione che lo stato assume all'interno del rapporto talvolta conflittuale con le otto comunità isolane che compongono l'arcipelago di Tuvalu (*fenua*). Infine, argomenterò che il rapporto tra lo stato e la nazione di cui dovrebbe essere espressione non si può comprendere, né storicamente né politicamente, senza il riferimento allo stravolgimento culturale, sociale e politico portato dai missionari a partire dal 1861.

1. Proselitismo

Partiamo con una nota di contesto. In tutto il Pacifico, accomodare i valori e le forme di autorità tradizionali all'interno delle costituzioni di stati sovrani al momento dell'indipendenza fu un "problema tecnico e intellettuale di massima difficoltà" (Ghai 1996, p. 184). Da questo punto di vista, dunque, Tuvalu non rappresenta un'eccezione. Anzi, già il primo testo costituzionale del 1978 fu rivisto dopo pochi anni per ragioni simili a quelle che hanno spinto il Parlamento a riformare nuovamente il testo nel 2023, producendo uno sforzo che fu riconosciuto presto incompleto (Levine 1992, p. 500) e che ha in qualche modo preparato il terreno per il recente provvedimento. In secondo luogo, va fatto presente che dichiarazioni valoriali come quelle avanzate

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(4) La ricerca di cui questo articolo presenta dei risultati parziali ha previsto soggiorni di ricerca in Nuova Zelanda (agosto 2018–gennaio 2019, ottobre–dicembre 2019, febbraio 2023 e febbraio–marzo 2024), a Tuvalu (aprile–ottobre 2019, gennaio–febbraio 2024) e a Figi (ottobre 2019 e febbraio–marzo 2023) e ricerche presso gli archivi nazionali di Tuvalu, a Funafuti, presso gli archivi nazionali di Figi, a Suva, e presso i Western Pacific Archives, a Auckland.

nella nuova Costituzione tuvaluana non possono sorprendere chi abbia familiarità col contesto del Pacifico, una regione che è stata definita "la parte più solidamente cristiana del mondo" (Forman 1982, p. 227), dove il Cristianesimo è stato largamente assorbito come tratto fondamentale dell'identità collettiva (cfr. Barker 1990) e dove è piuttosto comune che le carte costituzionali contengano simili asserzioni (Fer e Malogne–Fer 2011). In un senso molto generale, allora, si può dire che la riforma costituzionale tuvaluana tenta di scongiurare gli scenari provocati nella regione da un crescente pluralismo confessionale (Fer 2011), rispetto ai quali Tuvalu presenta ancora oggi un'eccezione significativa, considerato che l'85% della popolazione[5] (e pressoché il 100% di quanti non abitino nella urbana e cosmopolita Funafuti) appartiene alla Ekalesia Kelisiano Tuvalu (EKT), la chiesa congregazionalista nazionale che guadagnò nel 1969 la sua indipendenza dalla London Missionary Society (LMS). Vi è però un episodio specifico che, sfociato poi in un caso giudiziario, ha motivato l'urgenza della riforma — e che potrà cominciare a mostrarci come tradizione e identità cristiana si fondano nel contesto domestico tuvaluano.

Nel 2001, Mase Teonea, un cittadino figiano di origine tuvaluana, arrivò a Funafuti con l'intenzione di stabilire un ramo locale dell'Assemblea dei Fratelli, una chiesa evangelica di derivazione statunitense, riuscendovi l'anno successivo[6]. Nel tentativo di diffondere la religione nelle altre isole dell'arcipelago, tra giugno e luglio 2003, Teonea, sua moglie e un altro membro della chiesa si stabilirono a Nanumaga, isola di cui la donna era originaria e dove i tre iniziarono a tenere gruppi di studio della Bibbia e a predicare la loro fede. Tuttavia, poco prima, il *falekaupule* dell'isola aveva approvato una risoluzione che vietava l'introduzione di nuove religioni. Inoltre, non appena Teonea iniziò le sue attività a Nanumaga, che suscitavano interesse nella comunità, il *falekaupule* adottò un'ulteriore risoluzione mirata specificamente a

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(5) La quasi totalità dei Tuvaluani si definisce oggi cristiana, le uniche eccezioni essendo rappresentate da un'esigua comunità del movimento musulmano Ahmadiyya a Funafuti e da alcune famiglie che si professano di fede Bahá'í. Tra le confessioni cristiane, le preponderanti — fatta eccezione per l'EKT — sono la Chiesa Avventista del Settimo Giorno, l'assemblea dei Fratelli e i Testimoni di Geova (Tenten 2006).

(6) La ricostruzione qui presentata è basata sui racconti orali raccolti a Tuvalu, sulle sentenze della High Court e della Corte d'Appello e sulla ricostruzione offerta da Baird (2013, pp. 91–93).

impedire che la predicazione dei tre proseguisse: su un'isola di circa 450 abitanti, quasi tutti membri dell'EKT, i proseliti erano percepiti come un attentato al clima idealizzato come coeso e armonico[7] della comunità. Dopo aver ricevuto minacce, Teonea fu costretto a lasciare Nanumaga.

Nulla di tutto questo può essere considerato sorprendente. Oggi, infatti, l'appartenenza all'EKT soprintende alla vita quotidiana di Tuvalu, informando la scansione temporale delle giornate e delle settimane con una liturgia piuttosto esigente, e garantendo la coesione morale e ideologica della comunità. In questo contesto, l'adesione a una nuova chiesa viene considerata "uno schiaffo in faccia a livello personale [e] un affronto alla comunità" (Chambers 1984, p. 67). Così, è molto comune che, come nel caso di Teonea, i poteri tradizionali del *falekaupule* siano impiegati per ridurre la libertà di culto: per esempio, a Nukulaelae è stato stabilito che solo i membri dell'EKT possono candidarsi alle elezioni nazionali; e durante una breve visita all'isola di Nui, un'anziana signora mi spiegò, con un sorriso accogliente che tuttavia mal celava il valore d'avvertimento di quanto mi comunicava, che chi fosse giunto con l'intenzione di portare una nuova fede sarebbe stato sottoposto a un'antica forma di punizione nota come *fakafolau*, e dunque caricato su una canoa e abbandonato a un destino deciso dall'oceano.

A rappresentare una circostanza inedita è il seguito della vicenda. Rientrato nella capitale, infatti, Teonea procedette a citare in giudizio il *falekaupule* di Nanumaga, dando inizio a un lungo caso giudiziario, divenuto un classico della giurisprudenza della regione e capace di lasciare tracce profonde nella coscienza politica tuvaluana — sfociando infine nell'odierna revisione costituzionale. Benché nel 2005 la High Court avesse emesso una sentenza in favore del *falekaupule*, accertando la legittimità del suo operato, infatti, nel 2009 la Corte d'Appello ribaltò la decisione in favore di Teonea, riconoscendo violati i suoi diritti costituzionali. Eselealofa Apinelu, avvocata che rappresentò il *falekaupule* di Nanumaga nei due processi, ha scritto che in quell'occasione, e "[p]er la prima volta [...], le persone a Tuvalu acquisirono consapevolezza di ciò che la legge significa veramente per loro" (Apinelu 2022, p. 39).

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(7) Sull'ideologia dell'armonia nel contesto tuvaluano e sugli usi strategici a cui si presta, cfr. Besnier (2009, pp. 55–56).

Detto in altre parole, per la prima volta la nazione realizzava che il *falekaupule*, che nel caso di Teonea aveva agito in maniera perfettamente conforme alle aspettative collettive, poteva essere chiamato a rispondere del suo operato di fronte a un tribunale, nonché giudicato secondo il metro di princìpi "stranieri" come i diritti umani.

Nel caso specifico qui considerato, bisogna sottolineare come il potere giudiziario fosse in effetti materialmente esercitato da stranieri, dato che, come altri paesi di piccola taglia in giro per il mondo, Tuvalu recluta dall'estero i giudici per la High Court e la Corte d'Appello, che si recano nel paese all'occasione[8]. Ma, come mostrerò, nel contesto domestico tuvaluano è l'apparato statuale *tout court* a essere a tratti considerato una presenza intrusiva.

2. L'arrivo del Cristianesimo

Benché caratterizzato da una certa uniformità culturale, in epoca precoloniale l'arcipelago di Tuvalu non rappresentava uno spazio politico unitario (cfr. Munro 1982). Lo stato, allora, va fatto genealogicamente risalire all'amministrazione britannica che raggruppò le isole dapprima in un protettorato (1892) e poi in una colonia (1916), questa volta insieme al vicino arcipelago delle Kiribati, fino alla separazione nel 1975 e alla definitiva indipendenza nel 1978 (cfr. Macdonald 1982). Oggi, il ruolo giocato dallo stato nella politica interna tuvaluana può essere compreso solo a condizione di adottare il punto di vista delle otto comunità di cui si compone la nazione, che i Tuvaluani indicano con un termine su cui vale la pena di soffermarsi un istante: *fenua*. *Fenua* è una parola imparentata con altre diffuse in molte lingue austronesiane per indicare la terra, e a Tuvalu può essere impiegata, a seconda del contesto, per riferirsi a un'isola, ai suoi abitanti, a un paese o a un popolo. La polisemia del termine aiuta a comprendere l'orizzonte morale in cui

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(8) Il sistema dei giudici espatriati è stato messo in discussione soprattutto per quanto riguarda la capacità di dirimere questioni in cui sono coinvolti aspetti di rilevanza culturale (Baird 2013; Zorn e Care 2002). La riforma costituzionale del 2023, peraltro, ha introdotto misure che, auspicabilmente, renderanno più semplice a Tuvaluani ricoprire queste cariche nel futuro. Attualmente, Sir John Baptist Muria, originario delle Isole Salomone, è il primo giudice di High Court residente nonché il primo *pasifika* nella storia del paese.

a Tuvalu — in modo simile a quanto accade in tutta la regione — si fondono identità e appartenenza. Nel contesto domestico di Tuvalu, le *fenua* sono idealizzate come luogo di armonia, governato da princìpi antichi e non corrotto dalle influenze del mondo esterno. E se, come ho affermato nel paragrafo precedente, l'armonia che in questa caratterizzazione contraddistingue le *fenua* è indistintamente confessionale e tradizionale, ciò è da ricondurre all'operato dei missionari nel paese.

L'arrivo del Cristianesimo a Tuvalu è fatto ufficialmente risalire al 1861, quando Elekana, un diacono della LMS originario di Manihiki, Isole Cook, naufragò presso l'isola di Nukulaelae, dopo otto settimane trascorse alla deriva su una canoa (cfr. Goldsmith e Munro 2002). Dopo averlo soccorso, gli abitanti di Nukulaelae invitarono Elekana, oggi venerato come vero eroe culturale a Tuvalu, a stabilirsi sull'isola e predicare la nuova fede; e a nulla valsero i suoi tentativi di spiegare che, non essendo ancora stato ordinato, non fosse formalmente stato autorizzato a farlo. D'altronde, grazie a scambi occasionali con mercanti e avventurieri, gli abitanti dell'isola erano già a conoscenza del nuovo dio che aveva messo piede nella regione, e attendevano trepidanti che si presentasse l'occasione per convertirsi (cfr. Besnier 1995, pp. 39–43). Così, l'arrivo di Elekana non fece che corrispondere a un'esigenza storica già compiutamente maturata presso gli isolani. Dopo aver trascorso due mesi a Nukulaelae, Elekana ottenne di andarsene per concludere la propria formazione, per ritornare, quattro anni dopo, insieme a un gruppo di altri missionari, la gran parte dei quali samoani[9].

Il fatto che a condurre Elekana a Nukulaelae siano state le correnti oceaniche e non un'imbarcazione europea è spesso evocato dai Tuvaluani come un segno che — come mi disse un giovane pastore fresco di ordinazione raccontandomi la storia di Elekana — l'arrivo del Cristianesimo nell'arcipelago è da ascrivere a "un piano di Dio", e non alle intenzioni "di un qualche *palagi* ['bianco']". Questa battuta conferma che, come rilevato da Goldsmith (2019), benché occorsi in periodi di tempo in larga parte contemporanei, l'arrivo dei missionari e la colonizzazione siano fenomeni da mantenere saldamente distinti da un punto di vista analitico. L'impatto dei missionari sulle strutture sociali

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(9) Sul ruolo fondamentale dei missionari indigeni nel Pacifico, cfr. Munro e Thornley (1996).

e sulle abitudini culturali dei Tuvaluani, oltre che sulla loro fede, fu dirompente: distrussero — spesso in modi scenografici tuttora trionfalmente ricordati nelle celebrazioni annuali che commemorano l'arrivo del Cristianesimo in ciascuna *fenua* (cfr. Kofe 1983, p. 117) — gli idoli pagani, proibendo la loro venerazione; riorganizzarono la struttura abitativa delle isole, radunando la maggior parte degli abitanti in villaggi raccolti attorno alla chiesa; e imposero regole morali stringenti che oggi i Tuvaluani non mancano di rinfacciare ai pochi turisti, qualora si aggirino per Funafuti in abiti troppo succinti.

I missionari guadagnarono subito un prestigio ben superiore a quello accordato agli amministratori britannici, ereditando in larga parte la considerazione che era spettata, prima del loro insediamento, ai capi tradizionali. Un episodio raccontato da Mrs. Edgeworth David, che nel 1897 si trovava a Funafuti per accompagnare il marito in una missione scientifica, lo illustra con l'efficacia dello scorcio etnografico. Ricordando di come i locali si mostrarono sorpresi nell'accorgersi che, all'approssimarsi di una nave da guerra britannica, i visitatori bianchi tentavano affannosamente di rendersi più presentabili, scriveva: "[i] nativi furono piuttosto stupiti nel vederci scrollare i nostri abiti da lavoro, ma consigliammo anche a loro d'indossare i loro abiti migliori, perché, come dicemmo noi, '*Man–o–war, plenty big boss*', ma loro risero e dissero '*No, misionali big boss*'" (David 1899, pp. 273–274). Così, forti di questo potere, nel contesto della crescente competizione che la LMS intrattenne con l'amministrazione coloniale, tanto dal punto di vista finanziario quanto da quello della fedeltà, i missionari finirono per rinforzare l'adesione alla *fenua* come spazio politico e culturale originario e indiviso, propiziandone la trasformazione successiva in solida fondazione per l'architettura dello stato nazione. Arrivando in un contesto in cui le antiche credenze avevano già perso molta della loro influenza, infatti, riuscirono ad aggiungere "una dimensione religiosa a quelli che erano gli aspetti altrimenti secolari, tra le altre cose, del matrimonio, della sessualità adolescenziale, dell'atletica, del canto, e dei codici del vestiario" (Brady 1975, p. 121), giungendo a fare del Cristianesimo metodista della LMS il perno della nuova identità collettiva delle *fenua*. In questo processo, "la chiesa divenne sinonimo della società: ogni isola aveva un villaggio, e ogni villaggio la sola religione" (Munro 1982,

p. 142) — una situazione che, come abbiamo visto, rappresenta tuttora l'ideale regolativo, quando non la norma, sulle isole di Tuvalu.

3. Le *fenua* contro lo stato

In tutto il Pacifico, l'incontro delle strutture politiche tradizionali con le potenze coloniali e la loro successiva integrazione nelle amministrazioni di stati indipendenti ha dato luogo a configurazioni spurie e variegate (si veda White e Lindstrom 1997 per una panoramica regionale). In questo contesto, Tuvalu presenta un quadro piuttosto singolare. L'autorità dei capi (i quali sono chiamati *aliki* o *tupu* e vengono selezionati in modi differenti a seconda della specifica tradizione in vigore nella *fenua*) è stata profondamente erosa nel corso degli anni dall'influenza tanto dei missionari samoani quanto dell'amministrazione coloniale che, differentemente da quanto accaduto altrove (per esempio a Figi: cfr. Marcus 1989, p. 215), non la incorporò all'interno del proprio apparato (cfr. Brady 1975). Oggetto di reinvenzione a più riprese nel corso della storia (cfr. Besnier 2009, pp. 64–73), il sistema di potere tradizionale ha infine trovato un suo riconoscimento formale nel 1997, con il Falekaupule Act (cfr. Manghi 2023). All'interno dei *falekaupule*, i capi hanno gradi di potere che dipendono dalle circostanze politiche del momento e dal loro carisma personale; ma è l'assemblea nel suo complesso che, nel contesto tuvaluano contemporaneo, è ritenuta rappresentare il potere "tradizionale", e mai il capo nella specificità del suo ruolo, né tantomeno della sua persona.

Inoltre, va notato come Tuvalu non abbia un sistema di potere tradizionale che riunisca l'intera nazione sotto la propria giurisdizione. L'arcipelago "tradizionale" è acefalo ed eterarchico, e solo tramite la funzione logistica svolta dall'amministrazione statuale arriva a farsi "uno" (come il nome stesso del paese indica: Tuvalu alla lettera significa "otto che si ergono insieme"). A differenza di altri contesti polinesiani, (per sempio Tonga, Samoa e Figi; cfr. rispettivamente Marcus 1981; Tcherkézoff 2000; Toren 2000), dove i poteri delle *chieftainship* tradizionali sono stati in vario modo incorporati nelle amministrazioni pubbliche, a Tuvalu vige una separazione logica e politica tra la

giurisdizione "locale" dei poteri tradizionali, incarnati dal *falekaupule*, e quella dello stato, che non deve permettersi intromissioni nelle faccende domestiche delle varie isole. Così, se la micropolitica delle *fenua* si svolge articolando le due istanze apparentemente contraddittorie di gerarchia ed egualitarismo (Besnier 2009; cfr. Marcus 2019 per una simile tensione a Tonga e Samoa), la stessa logica soprintende alla coesione dell'arcipelago e alla consistenza della nazione. L'armonia tra le *fenua*, infatti, è garantita dalla loro formale uguaglianza nell'architettura istituzionale dello stato; ma questa uguaglianza può essere mantenuta solo demandando a un'istituzione terza, collocata su un altro piano logico, il mantenimento di una gerarchia. La sovranità formale dello stato, allora, appare in questa caratterizzazione come provvisoria e contingente, nonché potenzialmente in conflitto con quella, sostanziale, delle *fenua*. Lo stato tuvaluano post–coloniale, in altre parole, voglio sostenere, occupa uno spazio logico equivalente a quello del "re straniero" reso celebre da Marshall Sahlins: ovvero quello di un sovrano legittimato come "usurpatore" e detentore di un potere "separabile, divisibile e trasferibile", contrapposto a un potere indigeno invece originario e "inalienabile" (Sahlins 2014, p. 145). Così, quando si fa conflittuale, il rapporto tra *fenua* e amministrazione centrale può assumere registri tipicamente post–coloniali. Per esempio[10], quando nel 2019 i proprietari terrieri di Funafuti, insoddisfatti del canone d'affitto corrisposto loro dal Governo, occuparono la pista d'atterraggio dell'aeroporto nazionale, recapitarono all'amministrazione un messaggio che si concludeva con parole minacciose: "Vi [diamo] questa comunicazione cosicché possiate prendere le disposizioni che ritenete più opportune e fiducios[i] che vi allontanerete silenziosamente dalle nostre terre immediatamente oggi stesso"[11]. Considerato che a Tuvalu lo stato non possiede terra[12], la minaccia evocava uno scenario impossibile eppure paventato come realistico: quello di uno stato sfrattato dal proprio territorio.

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(10) Per un'analisi approfondita di questo episodio, si veda Manghi (2024).

(11) "Closing of the Funafuti International Airport by the Funafuti Landowners commencing at 4pm today the 28 June 2019", archivio personale dell'autore.

(12) Ad eccezione, dal 2016, del Queen Elizabeth II Park, una porzione di terra artificiale costruita nella laguna di Funafuti. Tuttavia, i proprietari terrieri dell'isola hanno avanzato rivendicazioni anche su quell'appezzamento, e non è escluso che in futuro riescano a vedersene riconosciuta la proprietà.

Questo episodio come altri, analoghi, che in passato portarono addirittura alcune *fenua* a chiedere la secessione dal paese[13], illustra come i Tuvaluani considerino lo stato come logicamente estraneo al contesto politico e morale delle *fenua*, al punto da poter essere spostato altrove — come di tanto in tanto paventato da qualche politico — o anche, potenzialmente, sfrattato. L'unità della nazione, che i Tuvaluani intendono come *atufenua*, ossia "gruppo delle *fenua*", è allora ottenuta non per sintesi logica, bensì tramite una diplomazia da condurre con cautela. In una battuta, è "contro" lo stato–straniero (cfr. Clastres 1977) che le otto *fenua* si fanno "uno".

4. Conclusione: decolonizzazione

Per far emergere le condizioni che permettono ai Tuvaluani di ritenere "decoloniale" una riforma che reprime la libertà di culto e rinforza indistintamente i poteri tradizionali e l'identità cristiana della nazione, ho dapprima ricostruito il caso giudiziario che fece percepire l'urgenza di emendare il testo costituzionale; e poi portato alla luce una maniera classicamente tuvaluana di contrapporre lo spazio domestico e "indigeno" delle *fenua* a un'amministrazione statuale composta integralmente di Tuvaluani, ma nondimeno trattata da potere coloniale. Infine, ho argomentato, la contrapposizione tra, da un lato, princìpi cristiani e valori tradizionali e, dall'altro, i diritti umani e — in ultima istanza — l'apparato amministrativo dello stato, trova la sua origine profonda nei ruoli storici differenti giocati da missionari samoani e colonizzatori britannici nella storia del paese.

Si potrebbe contestare che quanto rivendicato emicamente come posta in gioco "decoloniale" della riforma costituzionale altro non sia che una misura di stampo etno–nazionalista, nella misura in cui, ricondotta alle sue poste in gioco concrete, l'emendamento si premurava soprattutto di ridurre le possibilità per i magistrati (stranieri) di sottoporre l'operato potenzialmente discriminatorio dei *falekaupule* al giudizio di valori e princìpi estranei a quel contesto, e di rendere più difficile

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(13) "Funafuti seeks separation", Tuvalu Sheet, N. 173, 9 dicembre 1982, conservato presso i National Library and Archives di Funafuti.

l'introduzione di nuove forme di fede religiosa. Va peraltro sottolineato che a Tuvalu la colonizzazione non ha avuto espressioni particolarmente violente, ed è stata generalmente percepita come "neutrale o relativamente positiva dalla maggior parte dei [cittadini]" (Goldsmith 2012: 132), e solo in seguito all'indipendenza nel paese ha cominciato a diffondersi un'insofferenza di carattere post–coloniale, su cui l'identità nazionale del nascente microstato ha potuto stabilire solide fondamenta. Così, dalla prospettiva di popoli che hanno effettivamente perso le proprie terre in favore di un colonizzatore straniero, la rivendicazione "decoloniale" mossa dal Governo di Tuvalu potrebbe essere squalificata come riduzione del termine — e della battaglia — a "significante vuoto" (cfr. Tuck e Yang 2012, p. 7). Va tuttavia considerato che la minaccia posta dal riscaldamento globale espone i Tuvaluani a una perdita delle loro terre e dei legami che tradizionalmente con esse hanno intrattenuto che, nella sproporzione di potere che intercorre tra un piccolo stato alla periferia del globo e i grandi paesi industrializzati, riproduce dinamiche a tutti gli effetti coloniali. In questa misura, il futuro della nazione pone quesiti di carattere de–, o post–coloniale. Ne evocherò due, in forma di domanda, in conclusione a questo articolo.

L'articolazione delle rivendicazioni di indigenità è sempre, come ha scritto Tania Li, un "processo di semplificazione e creazione di creazione di confini, nonché di connessione" (Li 2000, p. 174). Come ho mostrato, uno stato percepito come "usurpatore" è ciò che permette ai Tuvaluani di ciascuna *fenua* di esercitare la propria sovranità indigena nel contesto domestico, nonché, in ultima istanza, di fondersi nello spazio più ampio dell'appartenenza nazionale. Se la deterritorializzazione dello stato e la sua digitalizzazione nel *cloud* sembrano proseguire, portandola all'estrema conseguenza, la logica dell'estraneità che ho ricostruito, è lecito però domandarsi cosa sarà del "dentro" della nazione rappresentato dalle *fenua* nello scenario — ancora ipotetico — del ricollocamento internazionale. Potranno, venuta meno la contrapposizione con lo storico *repoussoir* istituzionale, sopravvivere altrove come centri politico–morali?

Infine: l'EKT ha storicamente anticipato le trasformazioni istituzionali del paese, diventando indipendente nel 1969 e facendosi vettore di un'identità collettiva prima della formazione dello stato nazionale. Nel

mondo contemporaneo, rappresenta un'istituzione capace di federare i Tuvaluani anche oltre i confini nazionali, avendo congregazioni in tutti i paesi che ospitano cospicue comunità espatriate (ovvero Figi, Nuova Zelanda, Australia e Isole Marshall) e favorendo i rapporti tra la diaspora e il paese. Che, federatrice "interna" di un popolo già oggi sparpagliato, possa offrire il contesto per la sopravvivenza di una nazione tuvaluana integralmente diasporica?

Si tratta di domande a cui sarebbe vano, oggi, cercare una risposta; ma che, alla luce di quanto detto, impongono la loro pertinenza.

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