
Is Non –Religion a Religion? The Italian Legal Experience

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Résumé

This paper aims to examine in a legal perspective how and the extent to which non-religion may be defined as the other face of the coin ‘religion’. In this sense, in the past few years the Italian legal system has dealt with a number of cases which may be used as a case study of the legal development of the idea of non-religion.

Italy seems to be characterised by contradictory trends. On the one hand, the European Court of Human Rights case law (concerning Lombardi Vallauri and Lautsi I and II) points to the conclusion that, in Italy, non-religion is regarded as something institutionally and legally different from religion(s). On the other hand, in the recent case of the Union of Rationalist Atheists and Agnostics examined by the Italian State Council, Court of Cassation and Constitutional Court, there have emerged different, and conflicting, evaluations concerning the institutional and legal position of non-religion as compared to religion(s).

This paper also aims to take into account non-religion in a two-fold perspective: as an individual *Weltanschauung*, and as a collective reality. This distinction has important consequences. When domestic courts deal with non-religion as an individual belief, they are more inclined to recognise it within the legal framework of freedom of religion. When the same courts deal with its associative dimension, they tend to deny atheistic and agnostic groups the same protection granted to religious ones.

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