

Issues on “ownership” of affective education in light of secularism in Italy

(12 February 2025)

On December 11, 2024, the Region of Liguria published the Public Notice for the implementation of Intervention 5 - Educating Communities. Affective and Relationship Education, within the operational plan Youth Project 2023 (PG23) referred to DGR. no.366/2024¹.

The aforementioned regional measure acknowledges the conferral to ALiSEO (Ligurian Agency for Students and Orientation, established by Regional Law No. 25 of December 5, 2018) of the sum of 220,000 euros as the managing body for youth policy interventions, which will transfer the resources to the final beneficiaries only following the approval of the outcomes of the evaluations of the project proposals submitted

It should be noted that the Ligurian Bishops' Conference communicated in a note dated January 13, 2021, that the Ligurian Ecclesiastical Region (cann. 433-434 CIC) has constituted itself as a unitary body with a regional character (so it is obscurely indicated in the Notice) for the activities covered by the project, aimed at preventing and countering youth discomfort and the risk of social exclusion, and promoting the multidimensional well-being of young people, especially adolescents.

The response to the Notice under review represents, therefore, the continuation of a fruitful collaboration between the Liguria Region and the Ligurian Ecclesiastical Region by virtue of the fulfillment of l. August 1, 2003, no. 206, “Provisions for the recognition of the social function carried out by oratories and by the entities that carry out similar activities and for the enhancement of their role,” pursuant to which the State and the Regions recognize and promote the educational and social function carried out in the local community through oratory and similar activities, carried out by parishes, ecclesiastical entities of the Catholic Church and those of other religious denominations with which the State has entered into agreements pursuant to Article 8, paragraph 3, of the Constitution.

It should also be recalled the resolution of the Ligurian Regional Council of January 18, 2022, No. 30, by which the outline of the Protocol of Understanding under Regional Law 6/2009 between the Region and the Ligurian Ecclesiastical Region - representing the Catholic Church - for the enhancement of the educational function performed by oratories was approved. This policy document was, then, signed by the parties on March 4, 2022.

¹ www.regione.liguria.it

By January 31 of this year, the projects have been submitted and an evaluation committee - composed of representatives from the Region, ALiSEo and the Ligurian Bishops' Conference - will decide which projects to fund, among those submitted by the 4 dioceses and 15 participating parishes.

As specified in Attachment 1 of this Notice, the object of the evaluation will be the adequacy and appropriateness of the project proposals deemed eligible under the above,

relating the goals set forth in point 1 (Attachment 1) to the objectives set forth and the actions envisaged in point 3 (Attachment 1).

Specifically, it is requested that the relevant projects proposed by the dioceses, be based on initiatives aimed at well-being, youth aggregation and, in a logic of peer education, the implementation of training/educational paths aimed at educators, tutors, animators, to educate young people in affectivity and relationships and activate, also with the involvement of young people, socially useful initiatives for the culture of the territory and the community, which allow to prevent phenomena of social exclusion and self-isolation.

The decision drew harsh criticism from left-wing oppositions and secular and LGTBIQ+-oriented associations in the area, such as Edusex, who objected to the decision to allocate the funds exclusively to the diocese under the Notice mode.

Having been denied the opportunity to participate in a public call for proposals, these associations have pointed out how this political decision, allegedly conveying a precise right-wing thought, harms all those citizens who do not have a Catholic approach to existence and who would not feel, therefore, represented by the exercise of a confessional vision of very delicate issues such as sexuality and the life of affective relationships, considering the organs of the Catholic Church incompetent in these issues or sectarianly oriented.

It is not possible, for obvious reasons of brevity, here to give an account of the historical precedents of the Church's intervention in the social², through works of assistance, charity and education, those that to date

² "In questo contesto può risultare utile un riferimento alle primitive strutture giuridiche riguardanti il servizio della carità nella Chiesa". Riferendosi all'ufficio del diaconato nella chiesa primitiva Papa Benedetto XVI ricorda che "il servizio sociale che dovevano effettuare era assolutamente concreto, ma al contempo era senz'altro anche un servizio spirituale; il loro perciò era un vero ufficio spirituale, che realizzava un compito essenziale della Chiesa, quello dell'amore ben ordinato del prossimo. Con la formazione di questo consesso dei Sette, la «diaconia» – il servizio dell'amore del prossimo esercitato comunitariamente e in modo ordinato – era ormai instaurata nella struttura fondamentale della Chiesa stessa"; ed ancora "con il passare degli anni e con il progressivo diffondersi della Chiesa, l'esercizio della carità si confermò come uno dei suoi ambiti essenziali, insieme con l'amministrazione dei Sacramenti e l'annuncio della Parola". Cfr. BENEDETTO XVI, Lettera Enciclica *Deus Caritas est*, 25 dicembre 2002, nn. 21-23, in https://www.vatican.va/content/benedict-xvi/it/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est.html.

fall under the generic provision of Articles 5 Legislative Decree No. 117/2017 and 2 Legislative Decree No. 112/2017 (Reform of the Third Sector) ³.

At the outset, it should be recalled that, with the entry into force of Law No. 222/85 and the subsequent implementing regulation Presidential Decree No. 33/1987, Ecclesiastical Institutions, although they pertain to religious denominations in terms of their establishment, operation and authorization regime, act in the Italian legal system according to the rules of domestic law. They are therefore private legal entities to which the national legal system recognizes specific peculiarities.

Following the reform of the Third Sector, they have, then, adapted, to allow the application of the new legislation, constituting a branch specifically dedicated to the exercise of these peculiar activities, becoming ETS (Entity of the Third Sector) or IS (Social Enterprise). In the case at hand, in truth, the exercise of these assistance activities on the Ligurian territory are exercised by the Ecclesiastical Region in compliance with a specific Memorandum of Understanding approved by l.r. 6/2009⁴, which in fact seems to correspond to what the Constitutional Court ruled in sent. no. 829 of 1988, that reads as follows: “beyond the purposes in relation to which the regions may carry out their legislative and administrative powers in the matters attributed to them, there are interests and ends with respect to which the regions themselves may provide in the exercise of the political autonomy which they are entitled to as exponential bodies of the social communities represented”.

Given, therefore, the legitimacy of the Ligurian Region’s assignment of these services to Catholic Church entities through the simplified instrument of the Notice, some clarifications are in order on the objections reported by LBGTIQ+ associations to the alleged incompetence of the Catholic Church on issues of human relationality and the violation of the principle of secularism.

First, it is pointed out that the legal foundations of the Catholic Church’s intervention lie in the combined provisions of Articles: 1 of the 1984 Agreement amending the Lateran Concordat, in the part that calls for mutual cooperation with the state for the promotion of man and the good of the country, and the more recent Article 118 of the Constitution, reformed in 2001, which crystallizes the *modus operandi* of

³ AA *Enti religiosi e riforma del terzo settore*, a cura di A. Gianfreda e M. Abu Salem, Libellula, Roma, 201; *Gli enti religiosi ETS. Tra diritto speciale e regole di mercato*, A. FUCILLO, R. SANTORO, L. DECIMO, Edizioni Scientifiche Italiane, 2019.

⁴ Sul tema si veda P. CONSORTI, *Nuovi rapporti fra la Repubblica e le confessioni religiose? Sui riflessi ecclesiasticistici della riforma del Titolo V, parte seconda, della Costituzione*, in *Quaderni di diritto e politica ecclesiastica* 2003/1, pp. 13-36, e D. MILANI, *La tutela degli interessi religiosi delle comunità locali tra riforma della Costituzione e nuovi statuti regionali*, in *Quaderni di diritto e politica ecclesiastica*, 2005/1, p. 201 e ss.

subsidiarity, in this case horizontal, as an interaction between central power and local structures and as a measure of the proximity of institutions to the person and his needs⁵.

Secondly, the misinterpretation of the aforementioned Article 7 of the Constitution by the LGBTIQ+ communities, Arcigay in the first place, according to which the principle of the division of orders would be tantamount to a mere declaration of exclusionary and separatist secularism, vis-à-vis the Catholic Church, must be challenged. Such a reductive reading is, on the contrary, the opposite of what was outlined by the Constitutional Court in its celebrated ruling 203 of 1989, which described Italian secularism as a model of pluralism and inclusiveness⁶, in the name of which the Catholic Church, and its agencies, have, in the case at hand, the right to deal with social issues in collaboration with the central agencies of the state.

In conclusion to ground the appropriateness of the Church's intervention, for which no activity or affair that concerns human beings is indifferent⁷, the numerous and incisive words of Pope Francis' magisterium on the meaning of God's love as a gift would be succinctly sufficient, which requires the Church to also consider education in affectivity and relationships as something that directly concerns it⁸.

⁵ *Europa delle regioni e delle confessioni religiose. Leggi e provvedimenti regionali di interesse ecclesiastico in Italia e Spagna*, Introduzione di F. Onida, (Bologna, 28 marzo 2001), in G. Cimbalo (a cura di), Giappichelli, Torino, 2001; *Federalismo, regionalismo e principio di sussidiarietà orizzontale. Le azioni, le strutture, le regole della collaborazione con enti confessionali. Atti del convegno svoltosi a Ravenna dal 27 al 29 settembre 2003*, in G. Cimbalo, J.I. ALONSO PEREZ (a cura di), Giappichelli, Torino, 2005; A. BETTETINI, *Tra autonomia e sussidiarietà: contenuti e precedenti delle convenzioni a carattere locale tra Chiesa e Istituzioni pubbliche*, in *Stato, Chiese e pluralismo confessionale*, Rivista telematica (www.statocchiese.it), maggio 2010.

⁶ *Ex multis*: N. COLAIANNI, *Il principio supremo di laicità dello Stato e l'insegnamento della religione cattolica*, in Foro it., 1989, I, 1340 e ss.; C. CARDIA, *Stato laico*, in *Enciclopedia del Diritto*, XLIII, Milano 1990, 876-877; M. TEDESCHI, *La laicità nello Stato democratico*, Rubettino, Soveria Mannelli, 1996; F. FINOCCHIARO, *La Repubblica italiana non è uno Stato laico*, in *Il Diritto ecclesiastico*, vol. 108, n. 1, 1997, pp. 11-24; C. MIRABELLI, *Prospettive del principio di laicità dello Stato*, in *Quaderni di diritto e politica ecclesiastica*, 2001, n. 2, pp. 331-336; G. CASUSCELLI, *Le laicità e le democrazie: la laicità della "Repubblica democratica" secondo la Costituzione italiana*, in *Quaderni di Diritto e politica ecclesiastica*, fascicolo 1 del 2007, p. 169 e ss.; M. D'ARIENZO, *La laicità francese secondo Sarkozy*, in *Diritto e Religioni*, Anno II, n. 2, 2008, pp. 257-273, in particolare, pp. 257-260 note nn. 1-3; G. DALLA TORRE, *Metamorfosi della laicità, in Laicità e relativismo nella società post-secolare*, S. ZAMAGNI, A. GUARNIERI (a cura di), il Mulino, Bologna, 2009, p. 143 e ss.; S. DOMIANIELLO, *Osservazioni sulla laicità quale tecnica metodologica di produzione del "diritto giurisprudenziale"*, in *Stato, Chiese e pluralismo confessionale*, Rivista telematica (<http://www.statocchiese.it>), marzo 2011; G. DALLA TORRE, *Il primato della coscienza. Laicità e libertà nell'esperienza giuridica contemporanea*, Studium, Milano, 2016; S. BERLINGÒ, *Libertà di religione e laicità nella comunità politica: dalla "laicità all'italiana" alla "laicità europea"*, in S. BERLINGÒ, G. CASUSCELLI, *Diritto ecclesiastico italiano. I fondamenti. Legge e religione nell'ordinamento e nella società di oggi* (a cura di), Giappichelli, Torino, 2020; J. PASQUALI CERIOI, *Laicità*, in *Stato, Chiese e pluralismo confessionale*, Rivista telematica (<http://www.statocchiese.it>), fascicolo 2 del 2023, pp. 83-92.

⁷ "È l'uomo dunque, l'uomo considerato nella sua unità e nella sua totalità, corpo e anima, l'uomo cuore e coscienza, pensiero e volontà, che sarà il cardine di tutta la nostra esposizione", così i padri Conciliari giustificano l'intervento della Chiesa nella storia dell'uomo, CONCILIO VATICANO II, *Gaudium et spes*, 12 luglio 1965, n. 3, in https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_it.html.

⁸ FRANCESCO, Udienza del mercoledì, 17 gennaio 2024, in <https://www.vatican.va/content/francesco/it/audiences/2024/documents/20240117-udienza-generale.html>.

In deepening Christian anthropology manifests “the harmonious development of the human personality” that progressively reveals in man the image of a child of God, so “true education must promote the formation of the human person in view of his ultimate goal”⁹, and help create the society of harmony, where educating is considered the antidote to individualism and the path to all change¹⁰.

The protests of LGBTIQ groups, while understandable in a perspective of dialectical confrontation, appear, in light of what has been briefly stated above, to be devoid of any logical-legal foundation, also taking into account the circumstance that the Region of Liguria itself, accused of discriminatory policies, and in particular the Municipality of Genoa have, in the past, promoted initiatives to achieve equity and social cohesion, in compliance with Regional Law November 10, 2009, no. 5 (Norms against discrimination determined by sexual orientation or gender identity). Some examples are: winning a call for bids by the Municipio I Centro Est Genoa for the assignment of a property for associational use to Arcigay and signing the Italian Diversity Charter (resolution 2023/113.10.0/ 129), sponsored by the European Commission. The most recent news seems to close the debate and refers to the agenda voted by the Genoa City Council, on January 21, 2025, which commits the mayor to “(...) allocate resources in order to promote initiatives starting in Genoese schools alongside Arcigay and Liguria Rainbow and all associations specializing in cultural actions and promotion of rights to counter hatred and violence especially of a homophobic nature”¹¹.

The fact that in Italy the issue of education and social recovery is approached with a pluralistic, and in any case not exclusively confessional, attitude is demonstrated, moreover, by a very recent affair widely circulated in the media, in which the municipality of Pavia is the protagonist for having allowed the dissemination in elementary school of a text, for children aged 5 and under, clearly inspired by LGBTIQ+ values, freedom of sexual orientation and gender identity, and oriented toward the promotion of a non-transphobic culture through a project called “Far Bene per Star Bene,” which is allegedly aimed at countering discrimination and bullying. Although it appears that there have been no adhesions from schools in the municipality of Pavia, the affair has raised a great deal of controversy about the danger of spreading

⁹ SACRA CONGREGAZIONE PER L'EDUCAZIONE CATTOLICA, *Orientamenti educativi sull'amore umano. Lineamenti di educazione sessuale*, Roma 1 novembre 1983, in https://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_19831101_sexual-education_it.html, che rappresentano una delle tante elaborazioni dei principi conciliari contenuti nella *Gravissimum educationis*, 29 ottobre 1965.

¹⁰ FRANCESCO, *Incontro sul patto Educativo Globale, “Religioni ed educazione”*, Martedì, 5 ottobre 2021, in <https://www.vatican.va/content/francesco/it/speeches/2021/october/documents/20211005-pattoeducativo-globale.html>.

¹¹ <https://smart.comune.genova.it/comunicati-stampa-articoli/consiglio-comunale-del-21-gennaio>.

ideologically oriented messages to fragile individuals without the presence of serious psychological support in addition to the consent of those exercising parental responsibility.

The fundamental task of any subject called upon to exercise the educational function, in any public or private sector, is to foster, primarily, the well-being of each and every pupil, so that a culture of solidarity, respect, active and democratic citizenship is mainly spread, as specified by paragraphs 7 lett. d) and 16 of Law 107/2015 of Reform “La Buona Scuola”.

But it is precisely from a perspective of healthy secularism (“sana laicità”)¹² that one must move, guaranteeing a plurality of subjects, including the Catholic Church, the possibility of contributing to the realization of an educational project of integral development of the human person marked by respect for differences, while also shedding light on the constitutive dimensions of sexuality and affectivity.

A healthy secularity guarantees coexistence in diversity. There is an urgent need, therefore, to prepare an intercultural, and perhaps even interfaith, pedagogy as a way to prevent the emergence of mutually exclusive fundamentalisms, which trigger an irreversible process of alienation and maladjustment¹³ to the detriment of the most fragile subjects, minors first.

Cristiana Maria Pettinato

¹² BENEDETTO XVI, *Discorso ai Partecipanti al Convegno nazionale promosso dai Giuristi cattolici Italiani*, 9 dicembre 2006, in https://www.vatican.va/content/benedict-xvi/it/speeches/2006/december/documents/hf_ben_xvi_spe_20061209_giuristi-cattolici.html.

¹³ M. RICCA, *Pantheon. Agenda della laicità interculturale*, Torri del Vento, Palermo, 2012, p. 379.