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Jewish community - Unlawful appropriation of a name - Italian Judaism - Covenant legislation - Unified representation - Tradition - Orthodoxy - Freedom of religion.

(26 May 2025)

The utilisation of the appellation 'Jewish Community' by an association that is not affiliated with the Union of Jewish Communities in Italy does not amount to an unwarranted appropriation of another entity's designation. The recognition of the Jewish Communities affiliated to the UCEI as ecclesiastical bodies recognised by civil law does not imply the attribution of the right to the exclusive use of a term that is part of the heritage of Judaism as a whole.

Omissis (...)

1. Italian Judaism: Community, Union and Unified Representation. From the public character to the statute of autonomy.

The question of the representation of Italian Judaism is a constant in the reflection on the limits and scope of the provisions regulating relations between the State and the Union of Jewish Communities in Italy. The issue pertains to the necessity, historically recognised by religious communities and requested by the State, to establish the criteria for institutional engagement with government entities, whilst concurrently endeavouring to enhance the internal cohesion within the religious community[1]. In this process, the signing of the agreement in 1987 and the consequent enactment of Law No. 101 of 1989 signified an essential turning point in the process of defining the representation of Italian Judaism[2]. This resulted in the establishment of an organisational structure articulated around the concepts of Community and Union, respectively[3]. The purpose of these organisations is to look after the interests of all Jews. The local and exponential dimensions are responsive to the common interest of gathering all the people of the Jewish religion present on Italian territory and representing them in all their needs. This two-dimensional articulation entails a differentiation in the protection of interests, with the more properly religious and ritual

[1] Thus STEFANIA DAZZETTI, *La rappresentanza dell'ebraismo in Italia e in Francia*, in *Quaderni di diritto e politica ecclesiastica*, 1, 2009, p. 121.

[2] For a thematic overview, GIORGIO SACERDOTI, *L'intesa del 1987-89: ebraismo italiano e ordinamento dello Stato*, in *Rassegna Mensile di Israel*, September - December, 2009, vol. 75, no. 3, pp. 29-50.

[3] GIORGIO SACERDOTI, *L'Unione delle Comunità ebraiche italiane tra adesione all'ebraismo ortodosso e rappresentanza di tutti gli ebrei italiani: l'Intesa del 1987 è ancora attuale?* in Stato, Chiese e pluralismo confessionale, 10, 2020, p. 100.

aspects prevailing in the communal dimension and the broader aspects of first- and second-degree representation in the exponential dimension. However, it does not lose the unitary vision of that representation, welding the different levels together in an inseparable manner.

The organisational structure of the Union of Jewish Communities in Italy has evolved as a consequence of a historical process involving the establishment of representative bodies. It is evident that the unitary dimension of Italian Judaism has undergone a phase of progressive federation of Italian universities. These institutions, which initially operated autonomously on a territorial basis, have voluntarily converged to form a consortium[4].

Consequently, the Consortium of Italian Jewish Communities was superseded by the Union organisation, primarily due to financial imperatives and the imperative to safeguard historical and artistic heritage. This transition necessitated a national-level structure that could effectively advocate for the interests of territorial communities in an egalitarian manner. Not exempt from this transition was the protection of the general interest of Judaism, which was driven by the need to achieve a deeper internal cohesion, which the pre-unification territorial nature had not allowed to develop[5].

The legislative intervention of 1930 constituted a pivotal moment in the evolution of Italian Judaism, marking a significant departure from the norm. This intervention represented a pioneering development in the realm of religious legislation, as it was the first time that a non-Catholic religion had its internal structure and relations with the State formally recognised and regulated by the state. Notwithstanding the fact that this represented an innovation and a singular occurrence in the progression of the paradigm of interrelations between the State and religious denominations other than the Catholic one, Royal Decree No. In 1731 of 1930, maintained a concerted nature, through the constitution of a mixed commission that discussed its contents[6].

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[4] On the process of creating the Consortium of Italian Jewish Communities, STEFANIA DAZZETTI, *L'autonomia delle comunità ebraiche italiane. Laws, agreements, statutes, regulations*, Giappichelli, Turin, 2008, p. 14-33. In particular, the legislative instrument useful for determining the form of consortium can be found in article 27 of Law no. 2325 of 4 July 1857, which provided for the creation of consortia to manage expenses of common interest and to cover expenses for Israeli Universities lacking sufficient means.

[5] GIANNI LONG, *Le confessioni religiose "diverse dalla cattolica". Ordinamenti interni e rapporti con lo Stato*, Il Mulino, Bologna, 1991, p, 141, describes the different legal position of the Israelite universities in the pre-unification Italian states, between voluntary associations with mere de facto recognition by the public authorities and public law corporations, with full administrative autonomy. For the purposes of this contribution it appears relevant how the same administrative autonomy was articulated in the obligation of membership for all resident Jews, in the faculty of taxation and in the autonomous management of community activities.

[6] Thus GIANNI LONG, *Le confessioni religiose "diverse dalla cattolica"*, cit., p. 25, who expressly refers to the parties' concerted activity as a sort of *ante litteram* agreement. In fact, the structure of the Rattazzi Law had already been reached on the basis of the participation of the Piedmontese Israelite Communities, which in 1848 instructed the Turin Community to prepare a draft regulation. On this point, GIULIO DISEGNI, *Considerazioni sulla storia e la natura giuridica delle comunità ebraiche*, in *Scritti in memora di Sergio Piperno Beer*, Numero Speciale della *Rassegna mensile Israel*, September - December, 1985, pp. 625 ff.

The unified and public nature of the Israelite Communities emerging from the legislation of the 1930s was accompanied by the formal recognition of the role of the Union, which was assigned the task, under the aforementioned royal decree 36, to represent the Communities and the Italian Israelites before the government and the public. The correlation between the Union and the Communities was established within the legislative framework of the new publicist legislation. In the event that the Union was configured as a body distinct from the Communities, its composition was nevertheless determined by the latter, through the expression of delegates from the councils indicated by the territories[7]. This provision constituted the synthesis between the two poles on which the organisation of Italian Judaism had been founded. Indeed, the evidence suggests that the central role of the Communities themselves had not disappeared; on the contrary, their fundamental dimension was implicitly recognised. This was further contingent on the ratification of the principle of membership by right, which stipulated that membership of a Community was an indispensable prerequisite for representation within the Union[8]. The protection of the interests of Judaism and its members was, in essence, dependent on the recognition of primary organisational cells. It was a prerequisite for Jews to belong to these cells in order to enjoy the rights regulated by the public statute of Italian Judaism. As has been documented, the emphasis placed on the communitarian dimension constituted a distinctive characteristic of the Jewish presence in Italy. The local organisation of the Jewish community in Italy, which dates back to the pre-unification period, reflects a continuous tradition. This was predicated on the assumption that, in the context of local expression[9], Judaism could now find a more authentic articulation, particularly in the wake of the territorial spirit that emerged in tandem with an ideology of separateness from the broader population[10]. This is of particular significance when considering the transition from public to autonomous discipline, which was characteristic of the phase of conclusion of the 1987 agreement. During this period, Jewish identity underwent a transformation in an expansive sense, manifesting itself publicly with greater connotation from both a cultural and religious point of view. This indicates a shift from assimilation towards greater social, religious and political visibility, emphasising the centrality of Judaism in personal and community identity[11]. In the 1930s, these two aspects of identity were inseparably connected through the principle of the individual belonging automatically to the territorial community. With the advent of constitutional principles, these aspects regained a degree of autonomy, albeit in relation to each other.

[7] Thus Article 43 of Royal Decree No. 1731 of 1930.

[8] In this sense, Article 4 of Royal Decree No. 1731 of 1930, which expressly provided that all Israelites with residence in the territory of the Community belonged by right to the Community.

[9] Thus STEFANIA DAZZETTI, *The Representation of Judaism*, cit., p. 126.

[10] Thus GIANNI LONG, *Le confessioni religiose "diverse dalla cattolica"*, cit. p. 141.

[11] GIORGIO SACERDOTI, *L'intesa del 1987-89*, cit., pp. 29-30.

This approach to conformity with the new rights framework is attributed, as is well documented, to the intervention of the Constitutional Court. In its 1984 ruling, the Court ruled that the principle of membership as of right, as well as the heterodetermination of the statute of the confession by the law of the State, were not in accordance with the Constitution. In consideration of the initial inquiry, the institution of mandatory membership appeared to be in discord with the individual's entitlement to associative membership, as enshrined in Article 18 of the Constitution. This liberty encompasses the full expression of one's personal identity within the safeguarded domain of social structures delineated in Article 2 of the Constitution.

The Consulta's approach was thus directed towards the valorisation of the rights of the individual, which were violated by the principle of necessity and automaticity of registration, determined by the mere recurrence of the specific personal religious identity and the criterion of residence[12]. Concurrently, the reclassification of communities as social formations represented a pivotal moment in the broader context of religious denominations[13].

However, the Constitutional Court's ruling also noted the illegitimacy of the measure of compulsory registration with the territorial community for the Jewish person with regard to Article 3 of the Constitution, which, in regulating the principle of equality of all citizens before the law, does not tolerate distinctions on grounds of race or religion[14]. The specific designation 'Israelite' introduced a discrepancy in treatment between citizens, entailing automatic registration and, consequently, the extension of the effects deriving from that membership to the specific individual in the state system.

Subsequent to the pronouncement of the Constitutional Court, a period of significant revision of the general framework of relations with and within Italian Judaism commenced. The argument presented herein is persuasive in its assertion that, from the standpoint of *de jure* membership, the relationship between the

[12] In doctrine, in particular, GIORGIO SACERDOTI, *L'ebraismo italiano davanti alla sentenza n. 239 del 1984 della Corte costituzionale e le prospettive di Intesa*, in *Quaderni di diritto e politica ecclesiastica*, 1984, p. 111 ss.; NICOLA COLAIANNI, *L'appartenenza di diritto alle comunità israelitiche tra legge, intesa e statuto confessionale*, in *Foro Italiano*, 1984, I, pp. 2397 ss.; FRANCESCO FINOCCHIARO, *Libertà di associazione e Comunità israelitiche*, in *Giurisprudenza italiana*, 1985, CXXXVII, I, sect. I, p. 557 ss.; STEFANIA DAZZETTI, *Per legge o per statuto. Appartenenza e autonomia nell'esperienza dell'ebraismo italiano contemporaneo*, in *Stato, Chiese e pluralismo confessionale*, 2024, 2, p. 14.

[13] Thus NICOLA COLAIANNI, *Confessioni religiose e intese*, Cacucci, Bari, 1990, pp. 78-79; the principle was also confirmed in the agreements with other religious denominations, as analysed by FRANCESCO MARGIOTTA BROGLIO, *Libertà religiosa e sistema di rapporti tra Stato e Confessioni religiose. Le "Intese" del 1986 con le Assemblee pentecostali e con le Chiese avventiste*, in *Rivista di studi politici internazionali*, 1987, 4, pp. 539-561; PASQUALE LILLO, *Dimensione pubblica delle religioni nelle società civili contemporanee*, in *Diritto e religioni*, 2019, 2, pp. 52-67; on the specifics of religious confessions within the broader category of social formations, MARIA D'ARIENZO, *Confessioni religiose e comunità*, in vol, MARIO TEDESCHI, *Community and Subjectivity*, Luigi Pellegrini Editore, Cosenza, 2006, pp. 279-292.

[14] Thus Constitutional Court, Judgment No. 239 of 1984, in *Foro Italiano*, I, 1984, at 2397 ff.

Jewish people and their institutions, primarily at the community level, underwent a transformation into an affirmation of the right to belong[15].

In a similar way, all the regulations relating to the internal structure of Judaism would also have to be reconsidered, in accordance with the shift to the constitutionally proposed model of covenant-type regulation. This would no longer be able to permit public involvement in the internal decisions of religious minorities.

The system was articulated between internal and external provisions with the signing of the agreement and the subsequent law no. 101 of 1989. The coordination of these provisions on essential aspects of the definition of the statute of Italian Judaism is still debated today. On one side, art. 1 of the Statutes of the Union of Italian Jewish Communities expressly qualifies the communities as original social formations, whose organisation is borrowed from Jewish law and traditions and whose task is to satisfy the religious, associative, social and cultural needs of Jews. This provision also stipulates that 'the Communities constitute among themselves the Union of Italian Jewish Communities, a unitary expression of Italian Judaism'[16].

Conversely, Law no. 101 of 1989 in art. 19 provides a comprehensive delineation of the Union's role as "representative body of the Jewish confession in relations with the State and for matters of general Jewish interest". Concurrently, Article 18 stipulates the protocol for the establishment of new communities, as well as the modification of their respective territorial circumscriptions, the unification and extinction of existing ones. This procedure is subject to the issuance of a Decree by the President of the Republic, subsequent to the hearing of the opinion of the Council of State, following a joint request by the community and the Union. The relationship between these norms appears to raise questions of coordination with regard to the representation of the confessional reality as a whole.

The theme under discussion thus concerns, on the one hand, a reflection on the breadth of the meaning of Jewish confession and Judaism, even in its purely individual dimension. Moreover, the issue pertains to the comprehension of the Union's representation in relation to the Communities, and whether the entirety of Judaism in Italy has been assimilated into this organisational dualism.

2. Reconstruction of the facts of the case: the main issues brought to the attention of the Court.

The aforementioned issues constitute the foundation for the case under consideration in the recent ruling of the Court of Catania, which was issued in response to a writ of summons filed by the Union of Italian

[15] Thus STEFANIA DAZZETTI, *ibid.*
[16] Thus Article 1 of the Statute called, with particular relevance within the economy of this reflection, 'of Italian Judaism'.

Jewish Communities and the Jewish Community of Naples. The latter is a territorial entity that is affiliated with the Union and is duly active within its designated geographical boundaries, a status that is predicated on the territorial relevance of the facts of the case to its district.

In the present case, the plaintiffs sought injunctive relief and damages from the association 'Comunità Ebraica di Catania'. The plaintiffs complained that the association was unlawfully using the name 'Comunità Ebraica', which they argued was reserved for civilly recognised bodies only, as set out in Article 18 of Law No. 101 of 1989.

It is the contention of the plaintiffs that the utilisation of the aforementioned appellation is considered to be in violation of the law, on the basis that the Sicilian association is not recognised as a Jewish community and a member of the Union.

The community in facts does not comply with the procedure that the law enacting the agreement with the Union provides for the establishment of new communities and the modification of territorial districts.

Furthermore, the undue utilisation of the appellation 'Jewish Community' would have resulted in the interlocutors erroneously perceiving that they were engaging with an entity qualified as belonging to the Union. In essence, the plaintiffs alleged that the defendants had misappropriated their name, and sought to terminate this use and to claim compensation for any resulting damages.

In contrast, the defendant association, in contesting the merits of the claims, argued that the term 'Jewish Community' could not be considered a proper name, reserved for bodies recognised under the provisions of the 1989 Agreement. This is due to the fact that the expression 'Jewish Community' must be considered as belonging to tradition, as such used throughout the world and also outside Europe.

Furthermore, the defendant association asserted that the Community of Naples constituted its territorial jurisdiction, and that it was the sole Jewish Community of Catania, given the absence of any other entity within that territory that could be considered part of the Union. Furthermore, the defendant association has stipulated that it has invariably presented itself in relations with third parties as 'the Jewish Community of Catania, Autonomous and not a member of UCEI'[17]. This fact did not constitute a mere fact, but rather an expression of the broader intention of that association not to take on the guise of a civilly recognised Jewish body within the meaning of Law No. 101 of 1989, which was held not to be mandatory. The defendant highlighted that a decision had already been made by other prominent Italian Jewish organisations, aligning

[17] This is also evident from the Association's website, which also specifies the Jewish Community's affiliation to the Sephardic Orthodox rite. The reopening, in 2022, of the historic Synagogue in the Leucatia Castle, granted in 2017 by the municipality to the aforementioned Association, is also linked to the birth of the Association.

with the prevailing regulatory framework. This decision manifested a pluralistic approach that was in accordance with the prevailing regulatory system.

Notwithstanding the fact that the ruling reveals an issue essentially linked to the use of the term 'Jewish Community', i.e. an issue of protection against the undue appropriation of a name by a non-legitimised associative subject[18], closer inspection reveals that the issue brought to the attention of the Court of Catania presents more complex implications.

The issue of the presence or absence of content elements that allow a Jewish community body to define itself in the vision proper to Italian Judaism is in fact given rise to by the undue use of the name.

As is apparent from UCEI's note subsequent to the issuance of the ruling[19], the conceptualisation of the Jewish Community is, from the Union's perspective, contingent upon the existence of a series of substantial components within the Community subject, which are deemed to be absent from the defendant territorial association.

The definition of a Jewish community, in this sense, cannot disregard not only the procedural aspects of its constitution according to the rule of Article 18 of the agreement, but also the fulfilment of certain requirements considered essential according to Jewish law. It is evident that the regulations stipulated in the *Halacha* are contingent upon the stipulated criteria, which include, but are not limited to, the stipulated minimum number of residents, with a view to guaranteeing the regular performance of religious services, the regular supply of *kosher* food, and the presence of the ritual bath. However, as highlighted in the aforementioned UCEI document, the fundamental aspect pertains to the presence of a Rav, appointed on the basis of a resolution by the Italian Rabbinical Assembly, at the helm of the community. The question of the role of religious law is pivotal in determining which community can be defined as Jewish[20]. This element is closely connected to the primary role of the Communities, as recognised by Law No. 101 of 1989. The

[18] In other words, it would appear to be a question of protection of the right to the name under Article 7 of the Civil Code, or of protection of the trade mark or collective name, i.e. of the personality rights of organised groups, as "protection of the identity and meta-individual organisation and the identifiability of the centre of imputation of legal situations", as analysed in ANDREA ZOPPINI, *I diritti della personalità delle persone giuridiche (e dei gruppi organizzati)*, in *Rivista di diritto civile*, 48, 2002, pp. 851-893, here p. 876.

[19] The note is available on UCEI website at the following link: https://www.ucei.it/wp-content/uploads/2025/02/Costituzione-Comunita-Ebraica-a-Catania-Commento-UCEI-e-CEN.pdf.

[20] The relationship between *Halacha* and Jewish identity has recently been the focus of various reflections on the adaptation of the traditional system of law to contemporary challenges. Among others, see, BIANCA GARDELLA TEDESCHI, *Jewish Feminism and Orthodox Judaism in the United States: the search for harmony*, in *Quaderni di diritto e politica ecclesiastica*, 21 (special), 2018, pp. 135-154; ENRICA MARTINELLI, *Alcune spunti di comparazione tra diritto italiano e diritto ebraico in tema di maternità surrogata*, in MARIA D'ARIENZO, *Diritto come scienza di mezzo: studi in onore di Mario Tedeschi*, Pellegrini editore, Cosenza, 2018; pp. 1583-1599; EAD, *Judaism and modernity in the face of the SARS-COV-2 pandemic*, in *Quaderni di diritto e politica ecclesiastica*, special issue, 2021, pp. 165-186; in a broader sense, GIUSEPPE D'ANGELO, NICOLA FIORITA, *L'ebraismo nell'Europa che cambia: constants, variables and legal perspectives*, in *Quaderni di diritto e politica ecclesiastica*, 1, 2009, pp. 93-120.

Communities are responsible for providing, in accordance with the norms of the Statute of Italian Judaism, ″for the fulfilment of the religious needs of Jews according to Jewish law and tradition″[21].

It is thus widely acknowledged that the reference to *Halacha* signifies the Communities and the Union itself within the canons of Orthodox Judaism. Indeed, it is elevated to a system that encompasses, according to statutory and legal specifications, all Italian Judaism[22]. It can thus be deduced that the absence of adherence to the established principles of tradition has a direct impact on the capacity of a Jewish community to respond to the standards set out by the Italian legal system. The Union′s position on this issue is unambiguous. It does not consider it possible to attribute the use of the name to an associative reality that lacks the elements that make it compatible with the aforementioned rules.

It is also noteworthy that in the aforementioned statement by UCEI, and upon closer scrutiny, the intention of the exponential body to publish communications since the end of 2023 reveals the presence of a Jewish section within the city of Catania, constituting a part of the larger district of the Community of Naples. The establishment of the Catania section was predicated on Article 4bis of the Statute of Italian Judaism, which, in providing for this possibility, places the territorial diaspora under the jurisdiction of the nearest Community. Furthermore, the provision re-proposes the issue of registration on a residential basis. It is therefore explicitly stated that ′Jews residing in the Section are registered with the Jewish Community to which they belong′. It appears that the provision in question effectively precludes the possibility of registration with another body bearing the same name. This is particularly relevant in the context of the registration of residents within the specific section belonging to UCEI, which is permitted by right. Consequently, the option to register with another association body, provided it possesses a distinct name, becomes available. If the establishment of the Community Section of Catania is indeed linked to the ongoing dispute with the defendant association, it is also noteworthy that the inauguration of new sections in the southern part of Italy by UCEI appears to be associated with the organised reconstitution of historical groups that have been dissolved or expelled from those territories. This initiative is driven by UCEI′s commitment to fulfil the statutory mandate to provide for the needs of all Jews residing in Italy, irrespective of their geographical location[23]. The presence of a group organised under the aegis of UCEI therefore renders the existing territorial conflict evident and, concomitantly, determines a dispute over the nominal recognition of

[21] Thus Article 18(1) of Law No. 101 of 1989.

[22] Thus, more recently, GIORGIO SACERDOTI, *L'Unione delle Comunità ebraiche italiane tra adesione all'ebraismo ortodosso e rappresentanza di tutti gli ebrei italiani: l'Intesa del 1987 è ancora attuale?*, in *Stato, Chiese e pluralismo confessionale*, 10, 2020, pp. 100-127.

[23] See the statement by UCEI Vice President Giulio Disegni, published on the Moked portal on 11 December 2023 and available at the following link: https://moked.it/blog/2023/12/11/catania-nasce-nuova-sezione-comunita-di-napoli-giulio-disegni-ucei-segnale-di-rinascita/

the two different bodies. It is the contention of UCEI that the 1989 agreement establishes the "Jewish Community" as the characterising institution of Italian Judaism. In the event of this being the case, the term becomes a distinctive sign of the institution itself, which cannot therefore be attributed to any other associative body of a private nature that is outside the statutory and legislative regulation[24]. The Union has deduced that the simultaneous presence of two bodies with the same name poses a risk of injury to the legitimate expectations of third parties. This is due to the illegitimate use of the name, which results in the establishment of relations with local institutions and the receipt of benefits, including public contributions. Furthermore, there is a particular relevance to the risk of injury to the legitimate expectations of third parties in relation to entering into relations on a religious basis with those who express interest in a path of Jewish life, including conversion. It is therefore evident that UCEI's assumption on this point is concomitant with the validity of such a conversion to Judaism, as well as the safeguarding of the interests of those who are already affiliated with the Jewish religion. It is evident that UCEI holds the conviction that an entity which is not ontologically equivalent to a Jewish community and which exhibits a religious distance from the tenets that are intrinsic to Orthodox Judaism is unable to satisfy the expectations of those who seek it out with the objective of encountering a manifestation of Italian Judaism.

The positions expressed by the parties appear to configure an interpretative polarisation that is articulated on some essential questions, inherent to the constitutive and representative structure of Italian Judaism. This concerns the issue of the universality or otherwise of the representation expressed by UCEI. In particular, it raises the question of whether it is possible to consider every form of genuinely communitarian expression subsumed under the Union. This would be based on the existing link between the territorial dimension and the exponential body. Such a basis would be sanctioned by the provisions of Law No. 101 of 1989. In this sense, if the constitution of a Jewish Community is passed, pursuant to Article 18 of the aforementioned law, through the enactment of a legislative act at the conclusion of a process in which the Union and the Community are the joint proposers, the issue concerns the conformity of the use of the name 'Jewish Community' by associative bodies that come into existence by an act between private individuals. Concurrently, the utilisation of the appellation is concomitant with the existence of particular objective and subjective stipulations of the entity that employs it. The issue under discussion is therefore whether the term 'Jewish Community' is indeed exclusive in its application, and whether it refers exclusively to the territorial

[24] Thus Vice President Disegni's statement of 6 February 2025, published on the Moked portal and available at the following link: https://moked.it/blog/2025/02/06/catania-disegni-ucei-istituzione-comunita-ebraica-e-regolata-da-intesa/

expressions of Orthodox Judaism that are proper to the Union. This prompts the broader question of the legitimacy of recognising pluralism within Italian Judaism itself, and the criteria for its representation.

3. The decisum*. The exclusive use of the name 'Jewish Community' between legislative recognition and the heritage of the Jewish people.*

On the merits, the Court of Catania rejected the plaintiff″s claims in their entirety, emphasising issues of particular importance that appear to have consequences extending beyond the case′s facts. In this particular instance, the preliminary issue addressed by the judge pertains to the semantic value of the term ′community′ and its particular application within the history of the Jewish people. It is important to note that, setting aside an initial evaluation of a territorial nature, which is valid for the purpose of determining the Italian Jewish experience, the ruling recalls how the term ′community′ refers to a group of people whose union is characterised by social or other relations and by common interests. The specific meaning of the term with reference to associationism within the same religious denomination is also noted. The pronouncement is thus not indicative of common usage, but rather of the declination of the term in the context of associationism on a confessional basis, noting its widespread use to identify the group of persons united by a religious bond, possibly connoted in a territorial sense[25]. This assertion assumes particular significance in the context of the history of the Jewish people following the diaspora, a period during which, as the judge articulated, there occurred a transition from a territorial to a communitarian type of identity organisation. The judgement therefore appears to be consistent with the doctrine that identifies the Jewish community as the territorial element through which the Jewish people historically organised their diasporic presence[26]. Nevertheless, the ruling affirms how Judaism differs from other religious minorities due to its nature as a vast and composite whole.

The heterogeneity of Judaism is realised in the confluence of aspects not exclusively connected to religion and worship, but for the consideration of cultural profiles, traditions and norms of behaviour. In

[25] The pronouncement expressly refers to the definition of community in the specific confessional sense, indicating as examples the early Christian community, the Israeli township community, the grassroots community. Thus, Trib. Catania, p. 2.

[26] Already GIANNI LONG, as indicated in footnote 10. The author articulates how, with reference to the Italian context of the unification period, communities born on a voluntary basis were added to the historically recognised communities, only in a broad sense referring to the very idea of community as it was then being constructed. In other words, these were bodies that took care of the various aspects of community life as a whole and not just the spiritual ones. The issue was later subsumed in Royal Decree no. 1731 of 30 October 1930, art. 2, which gave a broad list of different types of Jewish organisations, distinguishing, for example, between communities, societies and Jewish associations. See, also, DANTE LATTES, *La comunità ebraica*, in *La rassegna mensile di Israel*, 11-12, 1978, p. 673, where it is stated that ″The Community is the concrete and historical form of Jewish solidarity and unity, it is the instrument and symbol of the continuity of life of the people of Israel wherever they are″; also, STEFANIA DAZZETTI, *L'autonomia delle comunità*, cit.

essence, the judge seeks to adopt a dialectical stance concerning the definition of the Jewish people, thereby narrowing the discussion to confessional profiles. This approach precludes consideration of the broader spectrum of profiles that globally refer to a people and its history[27]. It is important to note that this does not negate the historically and culturally recurring datum of the specific autonomy sought and claimed by that people in every context and cultural and political condition with which it came into contact. The concept of autonomy, intricately interwoven with notions of national identity, is demonstrated to be resilient in the face of cultural assimilation. This autonomy is further characterised by the influence of ethnicity, religiosity and identity, which collectively serve as defining traits.

The pronouncement then transitions to an examination of the particular condition of Italian Judaism. The historical-juridical reconstruction commencing from the pre-unification era adheres to the steps previously delineated, emphasising the heterogeneity of order that characterised the Jewish presence across diverse territories prior to unification. The reconstruction of the nature of necessary public corporations, a feature of the communities in Toscana, Veneto and the province of Mantova, coexisted with the presence of organisations operating under the State law, as evidenced by the cities of Rome, Milan and Naples. This diversification was also evident in the nature of total autonomy and independence of and between the communities, until the establishment of the Consortium and, subsequently, the legislation of the 1930s, of the Union[28]. As indicated by the judge′s examination, a rupture has been identified in the attribution to the Communities, via Royal Decree No. 1731 of 1930, of the general nature of public law corporations[29]. The argument is instrumental in establishing the presence of a distinguishing characteristic of the Republican period, namely the element of discontinuity. Furthermore, it elucidates the function of the Constitutional Court in sanctioning not only the illegitimacy of the criterion of compulsory individual membership, but also that of compulsory membership of all Communities in the Union[30].

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[27] See, on this topic, ARIEL DI PORTO, *Global but Unique. Le sfide della globalizzazione per il popolo ebraico*, in *Quaderni di diritto e politica ecclesiastica*, 1, 2022, pp. 1745-188, beginning with the fact that the Jewish people were among the first to face the reality of global dispersion and that they had to confront from the outset the questions with which humanity today is called to relate, with regard, in particular, to the preservation of their identity as a minority. Not without significance to this end is the attribution to *the Torah* of a value recognised by all Jews, an instrument, therefore, to accommodate, in the context of the Jewish world, the concept of diversity within the manifestation of a unified religious culture.

[28] Among others, GIULIO DISEGNI, *Considerazioni sulla storia e la natura giuridica delle comunità ebraiche*, in vol. *Scritti in memoria di Sergio Piperno Beer*, Special issue of the *Rassegna mensile di Israel*, September-December 1985, p. 625 ff.; MARIO FALCO, *la natura giuridica delle comunità israelitiche italiane*, in vol. *Studi in onore di Francesco Scaduto*, I, Poligrafica universitaria, Florence, 1936, p. 299 ff.

[29] In referring to the doctrine that analyses the regulation of communities entirely by law, ′thus concretising a sort of ″civil constitution″ of religious confession by the state legislature′, the judgment refers to the well-known formulation of ARTURO CARLO JEMOLO, *Alcune considerazioni sul R.D. 30 ottobre 1930 n. 1731 sulle Comunità israelitiche*, in *Il Diritto ecclesiastico*, 2, 1931, p. 75.

[30] The reference is to the aforementioned Judgment No. 239 of 1984 in which the Constitutional Court declared the constitutionality of Articles 4 and 36 of Royal Decree No. 1731 of 30 October 1930.

The judge's examination continues by referring to the essential nature of the freedom of association constitutionally reintroduced following the regime, noting the close link that exists between respect for the constitutional principle of Article 18 of the Constitution and its application in the negative, as in the case of the prohibition of the obligation to participate in a confessional association body. It is therefore necessary to refer to sentence No. 259/90 of the Constitutional Court, which declared the illegitimacy of most of the provisions of the Falco Law. This was due to a conflict with the principles of statutory autonomy set forth in Article 8, second paragraph of the Constitution and the broader supreme principle of secularism. The ruling focuses on the issue of the public nature of the legal personality of the Communities sanctioned by the Royal Decree of 1930, highlighting its incompatibility with the aforementioned constitutional principles, "*especially because* [...] *the concept under scrutiny pertains to the subjection of social formations, which are constituted on the substratum of a religious confession, to the penetrating interference of state organs. This phenomenon constitutes blatant discrimination with respect to other religions, thereby contrasting with the principles of equality, religious freedom and the autonomy of religious confessions*"[31].

In establishing its connection to the aforementioned question, the Court of Catania advanced the argument of safeguarding constitutionally guaranteed religious freedom, with a particular emphasis on the statutory autonomy of religious denominations. This demonstrated the Court's intention to consider the broader framework of public law concerning the relations of these denominations with the State. This approach transcended the mere protection of the Community denomination within the Union's order, thereby encompassing a more extensive examination of the legal implications. The argument is fundamentally advanced through an examination of the foundational principles of the agreement with the Union. This examination commences with the preamble of the agreement and the therein references to the principles and values of an international nature. The purpose of this examination is to demonstrate that Italian Judaism associates its identity and traditions with the broader international sphere of the defence of fundamental rights.

The examination concludes with a focus on the qualification of Jewish communities as civilly recognised ecclesiastical entities. The judge asserts that the qualification must be consistent with the prevailing constitutional principles and supranational standards as articulated in the preamble. A constitutionally oriented reading of the statute of Italian Judaism entails the impossibility of attributing exclusive use to the designation "Jewish Community", as otherwise inferred by the plaintiff in its claims. The ruling asserts that this expression is, in itself, devoid of any individualising character, and consequently, it may be employed in

[31] Constitutional Court, 23 May 1990, No 259.

a political-social sense as a group of individuals organised according to the tradition of Judaism (regardless of the legal form assumed in the Italian legal system).

Conversely, the judge determined that the association, known as the 'Jewish Community of Catania', in conducting its activities, which included religious and cultural gatherings, did not appear to interfere with the activities institutionally reserved to the bodies recognised under Law No. 101 of 1989. Finally, the court determined that it lacked the jurisdiction to rule on the conduct of the founders of the Catania association with regard to the purported serious transgression of Jewish law and for having acted "without any organisation and without any coordination with the Chief Rabbi of the Jewish Community of Naples, who is competent by district on all matters of a religious nature in the regions of Southern Italy and Sicily", as this was deemed to be an internal matter within the jurisdiction of the religious confession.

4. The organisation of Italian Judaism: community, orthodoxy, unity. Critical remarks.

The ruling under examination poses questions that have recently emerged and are connected to the multiplication of associative manifestations alternative to institutional Italian Judaism. These alternative manifestations refer to all those acronyms not included in the Union of Jewish Communities in Italy, or not recognised by it. The fundamental theme that emerges from this analysis is the potential pluralism of the representations of Italian Judaism, which no longer appear to be wholly encompassed within the single entity that signed the agreement with the State. This is a relatively recent development. It is widely acknowledged that the organisation of Italian Judaism, in its distinctive characteristics, has thus far succeeded in achieving self-understanding and organisation in a unified form[32]. This legislative distinction sets the Italian context apart from other national scenarios, as authoritatively asserted, almost uniquely so within the framework of diasporic Judaism[33]. It is evident that, in essence, Italian Judaism is characterised by its singular mono-confessional expression of Orthodox Judaism. This is particularly notable given the pluralistic and federative nature of Judaism as it manifests internationally. The Union of Jewish Communities has two primary aims: the care of religious and worship interests, as well as social and cultural ones. However, from a religious standpoint, it exclusively adheres to the *Halacha*, thereby rejecting alternative traditions, as evidenced by the

[32] Among others, STEFANIA DAZZETTI, *Le comunità ebraiche italiane alla prova del pluralismo interno*, in MARIO TEDESCHI, *Comunità e soggettività*, Luigi Pellegrini Editore, Cosenza, 2006, pp.539-563.

[33] Thus GIORGIO SACERDOTI, *L'Unione delle Comunità ebraiche italiane*, cit., p. 103 ff.; GUIDO FUBINI, *L'ebraismo nelle legislazioni europee*, in *La rassegna Mensile di Israel*, 69, 3, pp. 99-128.

Reformed and Conservative currents, which are particularly prevalent in the United States[34], and the liberal currents, as in France[35]. Nor is it an expression of different rituals, in this also determined by the use of the Italian language and by the relatively small numerical streght.[36]. Simultaneously, the historical-legal examination of the situation of Italian Jewish communities, as outlined in the work of Guido Fubini, presents an inclusive representation of these social formations. The rethinking of the concept of community in an integrative sense is in fact linked to the experience of immigration, which also affected Italian Jewish communities, starting in the 1960s. This shift in physiognomy gave rise to the emergence of new ritual traditions, which compelled a re-evaluation of the preservation of an exclusive nature, a hallmark of the Italian Jewish tradition. Alternatively, there was an openness to the encounter and representation of even distant traditions, encompassing those of diminutive groups belonging to the reformed or conservative currents[37]. The question posed by Fubini to the Italian Jewish community concerned the risk, revealed after many years, of establishing a differentiated but internally indifferent Judaism in the country, thus fuelling an undesirable division at the confessional level. In particular, the risk of a two-speed Judaism was noted, one guaranteed by state recognition, the other composed only of *de facto* groups[38]. In the context of legal relevance, the pertinent datum pertains to the framework that Judaism has established for itself, a framework that has been delineated by the stipulations of the agreement and facilitated by the interventions of the Constitutional Court. It is noteworthy that several of these interventions were documented in the judgment delivered by the Court of Catania.

The fundamental issues that currently and interlocutorily concern the organisational structure and representativeness of the Union relate to three interconnected orders of questions: the nature of the Communities; the fact of representation of the whole of Italian Judaism; and the definition of Jew according to the principles of Orthodox Judaism. The initial question is of paramount importance to the issue that has been presented to the Court of Catania. According to the principles of Italian Judaism as set out in the relevant

[34] Among many, DAVID SORKIN, *Is American Judaism Exceptional? Comparing Jewish Emancipation in Europe and America*, in *American Jewish History*, Johns Hopkins University Press, 3, 2010, pp. 175-200; YOSSI SHAIN, *American Jews and the construction of Israel's Jewish Identity*, in *Diaspora: A Journal of Transnational Studies*, 9.2, 2000, pp. 163-201; DAVID PHILIPSON, *The reform movement in Judaism*, Wipf and Stock Publishers, Eugene, Oregon, 2021.

[35] There are numerous references, on this point, to models of religious integration in France, as well as to the protection of the identity traits of French Judaism. See MARTINE CHOEN, *Les Juifs de France. Affirmations identitaires et évolution du modèle d'integration*, in *Le Débat*, 3, 1993, pp. 97-110; EAD., *Fin du franco-judaïsme? Quelle place pour le Juifs dans une France multiculturelle?* Presses Universitaires de Rennes, 2022;

[36] GUIDO FUBINI, *La condizione giuridica dell'Ebraismo italiano: dal diritto di essere come gli altri al dovere di essere diversi*, in *La rassegna mensile di Israel*, 39, 1, pp. 34-45.

[37] On this point, STEFANIA DAZZETTI, *Libertà e identità dell'ebraismo italiano nel contributo di Guido Fubini*, in *La rassegna mensile di Israel*, 77, 3, 2011, pp. 7-16.

[38] GUIDO FUBINI, *La condizione giuridica dell'ebraismo italiano: dal periodo napoleonico alla Repubblica. Second revised and expanded edition,* Rosenberg & Sellier, Turin, 1998.

statutes, these Communities are regarded as original social formations. While the datum may be interpreted through the lens of a sociological conception of the Italian community's territorial organisation, it is also intricately interwoven with meticulous legal contemplations. The acknowledgement of Jewish communities as 'original social formations' proved pivotal in resolving the issue of their public law status within the new arrangement[39]. The definition of the communities as original social formations was thus accepted in the statute of Italian Judaism[40] and in the agreement[41]. As previously mentioned, this kind of recognition was a response to the necessity of regulating realities that were not exclusively operational in the field of the purposes of religion and worship[42]. In the context of the definition of communities as original social formations, a wide range of issues have been distilled, which have been resolved through the acknowledgement of the historicity of these realities and their distinctiveness. This historicity is exemplified in the assumption, in art. 18 of Law 101 of 1989, of the name "Jewish Community" for the Italian territorial realities that have always been present in major cities. In this sense, the complaint lodged by UCEI can be comprehended as a plea for clarification regarding the specific nature of the use of that denomination. It is imperative to ascertain whether the denomination exclusively refers to the realities delineated in Article 18 of Law No. 101 of 1989, or whether it extends to subsequent ones that have emerged as a consequence of the legislative procedure stipulated by the same provision. The concept of recognition by law is understood to signify a comprehensive reference to the transitional history of these phenomena, which have invariably been embedded within the Italian social and territorial reality. These phenomena have been subject to a multitude of regulatory frameworks, without altering their ontological essence, but rather modifying their legal configuration. The assumption of the specific denomination within Law no. 101 of 1989 and in the Statute of Italian Judaism thus entails the clear claim of that historical and legal path as pertaining to the experience of the Union as a representative body of Italian Judaism as a whole. The present case thus addresses the issue of the legitimacy of the use of a denomination, whose membership is claimed, under the legal framework currently in force in Italy for regulating the relationship with the Jewish confession. Conversely, it considers the term to be attributable to other community realities, albeit alternative and distinct from the Union. The Court of Catania's pronouncement supports the latter reconstruction, considering the Community phenomenon to be of interest to the experience of the Jewish people in its diasporic dimension, extending

[39] Thus GIULIANO AMATO, *Le intese e la loro lezione*, in *La rassegna mensile di Israel*, September - December, 2009, p. 3 ff.

[40] Thus in Article 1 of the Statute of Italian Judaism, which also refers to the organisation of Communities according to Jewish law and traditions.

[41] Thus in Article 18 of Law No. 101 of 1989, which refers to the Communities as traditional institutions of Italian Judaism.

[42] Thus CARLO CARDIA, GIORGIO SACERDOTI, *Introduction*, in *La rassegna mensile di Israel*, September - December, 2009, p. 7 ff.

beyond the Italian context alone. This assertion is further substantiated by the preamble's reference to the 1987 agreement to values of an international nature, which Italian Judaism also professes to be inspired by. The argument is useful for the reference to all those rights in which individual and associated religious freedom is expressed, which also includes the regulation of the legal structure of communities. This, however, argues the judge, does not provide for an exclusive use of the term "Jewish Community", referring only to the reality of individuals organised according to the tradition of Judaism, regardless of the legal form assumed in the Italian legal system.

Conversely, the Hebrew term *Kehillah*, signifying the local community experience, appears to be extensively employed in the context of Judaism, transcending the more institutionalised Italian experience. In the authoritative reconstruction of the origin of the idea of the Jewish community and its relationship with society, the birth of the concept of community is linked to the loss of autonomy and independence by the Jewish nation due to the fall of the Babylonian Kingdom. The concept of community thus emerged as a means for Jewish exiles to maintain their cultural and religious identity. This was achieved through the establishment of congregations, the construction of synagogues, and the organisation of roles, beginning with the presence of the rabbi, the officiant, the ritual slaughterer, and the teacher[43]. In this sense, it appears complex to refer to the term 'Jewish Community' in an exclusive sense. This would imply the consideration of Italian Judaism exclusively in terms of the formal datum that emerges from the recognition of the law. This would entail the rejection of any form of community expression in a material sense, even if it constitutes an alternative to the proper form of the institution referred to in the agreement with the State.

The second issue is not addressed directly by the ruling. The tradition of Judaism, to which UCEI refers, relates exclusively to the Orthodox current. This signifies that solely those Jewish communities that correspond to the principles and practices of that tradition should be considered Jewish communities. Upon thorough examination of the facts of the case, the issue of the absence of a link between the community of Catania and the jurisdiction of Naples only emerges indirectly[44]. The link in question is not sought or desired by the defendant association, which has declared its lack of interest in engaging in dialogue with UCEI. Conversely, this absence can be attributed to the evident distance that UCEI's southern jurisdiction placed with the Catanese association, motivated in this by an alleged lack of adherence to the principles proper to Jewish tradition. The issue under discussion is the necessity to reconcile the reference, as established by the aforementioned agreement, to the Union as the representative body of all Italian Judaism, with the emergence

[43] Cf. GIUSEPPE LARAS, *Comunità ebraica: i caratteri e i rapporti con la società*, in MARIO TEDESCHI, *Comunità e soggettività*, Luigi Pellegrini Editore, Cosenza, 2006, pp. 427-432.

[44] However, it emerges more clearly from UCEI's own declaratory notes issued after the judgment and analysed above.

of realities that are not aligned with this and instead represent other currents and traditions. In the context of other analogous issues, the prevailing theme pertains to the space of representation guaranteed within the Union. In the case of non-Orthodox and organised Judaism, which necessitates an interlocution with the exponential body[45], the case under examination appears to centre on the possibility of considering legitimate an alternative and distinct Community representation from the Union itself. As authoritative doctrine repeatedly emphasises, within the context of major Italian cities, the activities of religion and worship are not exclusively undertaken by Communities belonging to UCEI. Indeed, there exist synagogues and cultural centres, typically administered by autonomous immigrant groups, which are dedicated to the preservation of Jewish traditions, including ritual practices, in the countries of origin[46]. The internal pluralism of the Reform currents, in addition to that previously mentioned, exerts a strain on the exclusivist hold of the Union, which continues to constitute the only collectively representative reality of Italian Judaism, as defined by law.

Consequently, the issue at hand does not appear to be exclusively nominal in nature, that is to say, it is not merely a matter of the term ′Jewish Community′ being employed in a way that is open to interpretation. The issue of what elements are required to define a Jewish community is addressed, along with the question of whether these elements should be sought exclusively in the Orthodox tradition. This introduces the third issue, which relates to the very definitions given in Article 18 of Law no. 101 of 1989, of community as ″traditional institutions of Judaism in Italy″ and in general of any reference to tradition in the agreement. In this sense, it appears feasible to delineate a definition, as is indeed the case within the context of Italian institutional Judaism. This delineation posits that a Jew is considered the sole adherent of the Orthodox current and that a Jewish community is recognised as such by the Union. This prompts the question of whether this issue constitutes a matter of religious freedom, even preceding the discourse on the model of relations between the State and religious denominations. In response to the legislative stipulations outlined in the Agreement, this principle stands in marked contrast to the concept of internal pluralism that has historically been a fundamental aspect of the unitary dimension of Italian Judaism[47]. It is evident that the failure to recognise the Jewishness of subjects not belonging to the Orthodox current remains a contentious issue that is both highly relevant in the present day and a cause of considerable discomfort.

[45] Thus for the request of Reform Judaism to assume the role of Observers within the Council of the Union. On this point, in a positive sense, GIORGIO SACERDOTI, cit., pp. 123-127.

[46] Thus GIORGIO SACERDOTI, cit., p. 107-108, in clear continuity with what Fubini had argued several years earlier.

[47] Thus GIORGIO SACERDOTI, cit, who notes the essentiality of an unfragmented representation of the one Jewish religious confession.

5. Concluding remarks. Between timid openings and repeated polarisations.

In the interim period preceding the announcement of UCEI's resolutions subsequent to the issuance of the Court of Catania's ruling on the substance of the matter, on 2 April 2025, the text of an accord that had been collectively endorsed by the Union of Jewish Communities in Italy and the Italian Federation of Progressive Judaism was rendered public[48]. This document exhibits multiple facets of relevance to the subjects that have been examined to date. The document under consideration is closely related to the issue of the request that was made in 2018 by Italian Progressive Judaism for the recognition of its own representative as an observer within the Council, pursuant to Article 41, paragraph 8, of the UCEI Statute.

This request has previously been referenced in the context of the issue of UCEI's representativeness and the opportunity for it to also serve as the bearer of demands other than those from the Orthodox Jewish current[49]. The document signifies a modest yet pivotal progression in this regard. The agreement between the parties is characterised by a protracted preamble, the purpose of which is to reaffirm the role and prerogatives of the bodies that have entered into it. In this context, UCEI recalls its prerogatives recognised in article 19 of Law no. 101 of 1989 and, therefore, its nature as the representative body of the Jewish confession in relations with the State and for matters of general Jewish interest. Moreover, the reference to the provisions of the Statute of Italian Judaism underscores the powers institutionally attributed to the Union, including the representation and protection of the Communities. It is evident that the Italian Federation of Progressive Judaism is characterised by a liberal and reformed orientation, in addition to its affiliation with the respective European and global federations. The preamble to the agreement acknowledges the request made by the Federation in 2018 and the commencement of meetings of delegations of the two parties in 2019. These meetings are to be held through the 'Consultation Table' and are intended to analyse relations between the two entities and their possible collaboration.

The agreement specifically states the decision to maintain the reality of the Consultation Table and to hold regular meetings to foster coordination and synergy around issues of common interest. The issues under discussion are concerned with the dimensions of religious freedom, both on a national and community basis, anti-Semitism, and security. Furthermore, UCEI assumes the responsibility of extending invitations to a representative of the Federation to attend Council meetings, thereby conferring the right to contribute to the

[48] The text of the document is available on the website of the Italian Federation of Progressive Judaism and at the following link: https://www.fiepitalia.it/comunicati-stampa/accordo-ucei-fiep/

[49] The admission of Reform Judaism in the role of observer in the Council does not seem, in the opinion of Giorgio Sacerdoti already mentioned, to affect the functioning of the Communities, nor a possible influence on the decisions of the Union itself, given the role attributed by the Statute to the observer, who has the right to speak but not to vote. Moreover, it is noted, the role of observer is limited by the rule of Article 42 of the Statute to Council meetings only and not to other activities of the Union.

discourse, albeit without the privilege to exercise the right to vote, on subjects of shared concern that do not fall exclusively within the purview of the Council. It is imperative for both parties to refrain from adopting reciprocal polemical attitudes that could potentially compromise the integrity of "Italian Judaism as a whole". Simultaneously, the Federation undertakes to distinguish and define itself in its communications and in any other instance as a progressive Jewish reality, therefore distinct from the Orthodox Jewish Community of the United States of America (UCEI).

The document is unquestionably indicative of an advancement in reciprocal relations, as it establishes the desire to listen to each other and collaborate on issues of common interest at the core of the agreement. In this sense, it can be posited that UCEI recognises in the Federation a representative body and, therefore, the existence of a broad meaning of the concept of Judaism itself. In addition, the reciprocal commitment to refrain from adopting attitudes that are detrimental to Italian Judaism in its entirety must be considered. It is evident that the progressive experience is inextricably linked to this commitment.

Conversely, the request for commitment accepted by the Federation appears to be unambiguous in its non-qualification of member bodies as Communities, but rather as a generic category of progressive Jewish *realities*. This assertion is further substantiated by the explicit distinction from UCEI's Orthodox Jewish *Communities*. In this sense, it appears that there is an indirect allusion to the matters dealt with by the Court of Catania. The denomination "Jewish Communities" is closely related to UCEI, in the form of the Orthodox tradition. The datum appears to be irrefutable, thus precluding the possibility of alternative interpretations. However, it is important to note that this distinction may not be exclusively aimed at taking a position with regard to progressive Judaism, but rather to other associative forms of community type, such as that of Catania. Furthermore, this residual interpretation appears to be entirely subsidiary when considered in the context of UCEI's own assertions subsequent to the ruling of the Court of Catania. These assertions appear to be directed towards disavowing the traceability of the Catania association's experience to that of Orthodox Judaism.

The issue appears to be characterised by a persistent polarisation of opinion. It underscores the ongoing challenges, yet to be resolved, in actualising that theoretical concept of 'unitary pluralism', which integrates the Union's mandate and serves as the optimal form for representing the collective spirit of unity in diversity among the Jewish religious denomination.

Ilaria Valenzi

REPUBBLICA ITALIANA

IN NOME DEL POPOLO ITALIANO

TRIBUNALE DI CATANIA

PRIMA SEZIONE CIVILE

Il Giudice dott.ssa Venera Condorelli ha pronunciato la seguente

SENTENZA

nella causa iscritta al n. 10758 /2023 R.G. promossa

DA

UNIONE DELLE COMUNITÀ EBRAICHE ITALIANE rappresentata e difesa, giusta procura in atti dall'avv. CALABI GIUSEPPE e SACERDOTI GIORGIO GIUSEPPE

- Attore -

E DA

COMUNITA' EBRAICA DI NAPOLI rappresentata e difesa, giusta procura in atti dall'avv. CALABI GIUSEPPE e SACERDOTI GIORGIO GIUSEPPE

- Attore -

CONTRO

ASSOCIAZIONE DENOMINATA "COMUNITÀ EBRAICA DI CATANIA" , in persona del legale rappresentante *pro tempore*, rappresentato e difeso dall'avvocato SCIACCA GIUSEPPE , giusta procura in atti;

-Convenuto -

Conclusioni: come da verbali di causa

All'udienza di precisazione delle conclusioni del 16.1.2025 i procuratori delle parti concludevano come in atti e la causa veniva trattenuta in decisione

MOTIVI DELLA DECISIONE

Con atto di citazione ritualmente notificato, l'Unione Delle Comunità Ebraiche Italiane e la Comunità Ebraica di Napoli convenivano in giudizio l' Associazione Denominata "Comunità Ebraica Di Catania", deducendo che la convenuta avesse usurpato la denominazione di "Comunità Ebraica", spettante ai soli enti ebraici civilmente riconosciuti di cui alla legge 101/1989 (Norme per la regolazione dei rapporti tra lo Stato e l'Unione delle Comunità ebraiche italiane); aggiungevano

che la costituzione di una "Comunità ebraica" potesse avvenire esclusivamente a conclusione dell'iter previsto dall'art. 18 legge n. 101/1989, con decreto del Presidente della Repubblica, udito il parere del Consiglio di Stato, su domanda congiunta della Comunità e dell'Unione.

Gli attori deducevano che la convenuta aveva svolto incontri religiosi e culturali e aveva intrattenuto rapporti con le autorità civili, fregiandosi della denominazione di "Comunità ebraica di Catania", con ciò ingenerando la falsa percezione negli interlocutori di interagire con un soggetto qualificato come appartenente all' UCEI.

Concludeva chiedendo tutela inibitoria e risarcitoria in relazione alla dedotta "indebita appropriazione della denominazione delle attrici", con vittoria di spese e compensi di lite.

Con comparsa del 27.11.2023 si costituiva in giudizio l' associazione denominata "Comunità Ebraica Di Catania", contestando la fondatezza delle domande di cui chiedeva il rigetto.

Deduceva che la locuzione "Comunità Ebraica" non poteva considerarsi un nome proprio, riservato agli enti riconosciuti ai sensi della l n. 101/1989, giacchè tale espressione apparteneva alla tradizione ed era utilizzata in tutto il mondo, anche fuori dall'Europa; precisava che non esiste una Comunità Ebraica di Catania, diversa dalla convenuta.

Aggiungeva che la convenuta, nei rapporti con i terzi, si era sempre presentata come "Comunità Ebraica di Catania, Autonoma e Non Aderente all'UCEI" in quanto al momento non intendeva assumere la veste, certamente non obbligatoria, di ente ebraico civilmente riconosciuto a norma della L. 101 / 1989, così come altri importanti protagonisti dello scenario dell'ebraismo italiano, in armonia con il sistema normativo vigente.

Precisate le conclusioni all'udienza del 16/01/2025, la causa veniva trattenuta in decisione

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La domanda di parte attrice non può trovare accoglimento.

Alcune considerazioni si impongono in ordine al significato della locuzione "comunità ebraica" e al suo utilizzo nel corpo normativo dello Stato italiano.

Nella lingua italiana il termine "comunità" indica un "insieme di persone unite tra loro da rapporti sociali, linguistici e morali, vincoli organizzativi, interessi e consuetudini comuni"; il vocabolo è adoperato in specifica accezione per indicare un' "associazione di persone costituita nell'ambito della stessa confessione religiosa: *le prime comunità cristiane; la comunità israelitica di Livorno; comunità di base"* (cfr. dizionario della lingua italiana Devoto – Oli").

E' un dato storico acquisito quello per cui il popolo ebraico ha conosciuto, con la "diaspora", il momento di passaggio da una organizzazione e da una conseguente identità basata sul territorio ad un'organizzazione di tipo comunitario. Si può dire che ovunque gli ebrei si siano stanziati è sorta una comunità ebraica, che si può definire come "un'associazione di tutti gli ebrei residenti in un

luogo, da essi stessi costituita e mantenuta al fine di provvedere all'assolvimento delle loro esigenze, a partire da quelle religiose" (cfr. Vocabolario della lingua italiana "Treccani").

Come è noto l'ebraismo, a differenza di altre minoranze a carattere religioso, si presenta come un insieme più vasto e composito, di cui peculiari caratteristiche sono il confluire di cultura e religione, di tradizioni e di norme di comportamento, di popolo e di storia, elementi tutti che inducono a ritenere particolarmente riduttiva una sua eventuale definizione a carattere esclusivamente confessionale. Il problema della definizione del gruppo ebraico diventa poi particolarmente evidente se si guarda alla grande dispersione geografica che esso ha avuto in aree caratterizzate da condizioni culturali e politiche diversissime. Il popolo ebraico, tuttavia, ha sempre cercato nelle società in cui è vissuto, una sua specifica autonomia, in virtù proprio di quei caratteri etnici, religiosi e nazionali che lo contraddistinguono, autonomia che è riconducibile al legame profondo dell'ebreo con la sua identità nazionale, alla sua volontà di non assimilarsi e di conservare le sue tradizioni.

In questo panorama l'organizzazione dell'ebraismo italiano presenta delle peculiarità che di seguito si andranno ad evidenziare.

Giova ricordare che, anteriormente all'emanazione del r. d. n. 1731 del 1930, la disciplina del culto israelitico in Italia era diversa secondo le diverse regioni, corrispondenti agli ex Stati pre-unitari, e talvolta era diversa anche nell'ambito di una stessa regione. La legge sarda 4 luglio 1857, n. 2325 (c.d. legge Rattazzi), operante in Piemonte ed in Liguria, ed estesa, all'atto della unificazione, all'Emilia ed alle Marche, disciplinava le Università israelitiche come persone giuridiche pubbliche, necessariamente costituite da tutti gl'israeliti domiciliati nella loro circoscrizione, fornite del potere d'imposizione su di essi, e integralmente regolate, nella loro organizzazione e nelle loro funzioni, dal diritto dello Stato, secondo lo schema della legge comunale dell'epoca. Anche in Toscana, nel Veneto, nella provincia di Mantova, nonché nelle province annesse dopo la guerra 1915-18, continuando ad applicarsi ivi le preesistenti disposizioni, le Università israelitiche avevano natura di corporazioni pubbliche necessarie, con il potere d'imporre ai loro membri speciali tributi; ma, a differenza di quelle che formavano oggetto della legge sarda, erano dotate di autonomia organizzativa, in quanto le leggi che le disciplinavano rinviavano ai rispettivi statuti per il regolamento della loro struttura e per l'esercizio delle loro attribuzioni. Infine, in altre località (come, ad esempio, Roma, Napoli e Milano), le organizzazioni israelitiche, operando nell'ambito del diritto comune, erano costituite in associazioni volontarie, dotate o meno di personalità giuridica, che provvedevano alle spese del culto con le volontarie contribuzioni dei loro aderenti. Le varie comunità, obbligatorie e volontarie, tra loro assolutamente autonome e indipendenti, avevano poi dato vita ad un Consorzio volontario, sul piano nazionale, per la difesa e la cura dei comuni interessi.

Con il r.d. n. 1731 del 1930, avente forza di legge in virtù della "facoltà di rivedere le norme legislative esistenti che disciplinano i culti acattolici", conferita al Governo dall'art. 14 della legge 24 giugno 1929, n. 1159, sull'esercizio dei culti ammessi nello Stato, s'intese apprestare un ordinamento uniforme per le Comunità israelitiche di tutta l'Italia, e federarle in una Unione obbligatoria. Nella relazione allo schema del decreto si legge, infatti, che esso "procede alla unificazione della legislazione sulle Università israelitiche, stabilendo per esse un ordinamento ed un sistema uniforme di controllo, ciò che risponde all'indirizzo del moderno diritto pubblico, che vuole sottoposte all'autorità dello Stato, ed opportunamente vigilate, tutte le forme di attività, specie quelle a base collettiva". Si legge, ancora, che "il tipo di ordinamento prescelto si foggia essenzialmente su quello della legge sarda del 1857, che regola le Università israelitiche con criteri di compiutezza, a un dipresso come la legge comunale e provinciale regola i Comuni, non essendosi creduto di adottare il sistema austriaco, vigente nelle nuove province, che, limitandosi alle norme fondamentali, lascia largo campo all'autonomia delle Comunità, cui impone di farsi uno statuto". Si rilevò, allora, in dottrina, che "le Comunità israelitiche non solo appariscono corporazioni di diritto pubblico, in quanto hanno carattere territoriale e sono sottoposte a vigilanza e tutela, ma anche in quanto esercitano poteri d'impero, sono di creazione statale, sono regolate interamente da una legge dello Stato, la quale ha fissato gli scopi, gli organi, la costituzione e l'amministrazione delle Comunità", concretandosi, così, una sorta di "costituzione civile" di una confessione religiosa ad opera del legislatore statale; un "esempio, forse unico nel nostro ordinamento giuridico, di statuto di confessione religiosa formato ed emanato dallo Stato".

Con l’entrata in vigore della Costituzione Repubblicana tale disciplina è stata oggetto di tre sentenze (n. 239/84; n. 43/88; n. 259/90), con cui è stata sancita l’illegittimità di tale assetto normativo, palesemente in contrasto con i principi di libertà religiosa e di laicità dello Stato.

In particolare, con la sentenza n. 239/84, la Corte Costituzionale ha dichiarato l’illegittimità dell’art. 4 r.d. 30 ottobre 1930 n. 1731 (norme sulle comunità israelitiche e sulla unione delle comunità medesime), il quale disponeva che "appartengono di diritto alla Comunità tutti gli israeliti che hanno residenza nel territorio di essa"; nel motivare detta pronuncia la Corte ha rilevato che l'obbligatoria appartenenza alla comunità di un soggetto, per il solo fatto di essere "israelita" e di risiedere nel territorio di pertinenza della comunità medesima, senza che l'appartenenza sia accompagnata da alcuna manifestazione di volontà in tal senso, viola il principio di eguaglianza (art. 3 cost.) concretando una disparità di trattamento in ragione della religione e/o razza, e la libertà di aderire o non aderire (non solo ad associazioni ma anche) a formazioni sociali tutelata dagli art. 2 e 18 cost.

Accanto alla necessaria adesione degli “israeliti” alla Comunità di appartenenza, la legge prevedeva l’ obbligatoria partecipazione di tutte le Comunità israelitiche all'Unione, giustificata in relazione ai

rapporti che l'ebraismo italiano poteva avere con lo Stato ed in vista della necessità che esso presentasse una rappresentanza unitaria che «ne curi e ne tuteli gli interessi generali» (art. 36, r.d. 30 ottobre 1930, n. 1731).

La dottrina, ragionando per analogia, ha rilevato che, se il giudice costituzionale ha ritenuto di sancire la volontarietà dell'appartenenza del singolo alla Comunità, accentuando dell'aspetto associativo soprattutto il momento dell'adesione — e dichiarando l'incostituzionalità dell'art. 4, senza dare particolare rilievo al fatto che pure la legge faceva salva, nel successivo art. 5, in forma esplicita, la libertà negativa di associazione — a maggior ragione era da considerarsi in contrasto con i principi fondamentali della nostra Carta l'art. 35 del Titolo II del r.d. dove si prevedeva l'obbligatoria unione delle Comunità israelitiche italiane, senza ipotizzarne alcuna libertà di recesso.

La libertà di associazione è garantita, come è noto, dalla Costituzione nei confronti di qualsiasi soggetto, e quindi anche dei soggetti giuridici, che non possono essere costretti dalla legge a partecipare obbligatoriamente ad una associazione, o ad una loro confederazione, se non nei casi in cui le finalità del soggetto giuridico diventino perseguibili solo da una confederazione obbligatoria tra soggetti di medesima natura — ne possono essere esempio i consorzi obbligatori di bonifica od irrigazione tra enti agricoli il cui fine diventa perseguibile solo dall'obbligatorio concorso di ogni ente locale a tal uopo costituito.

La necessaria rilettura della normativa precedente alla Costituzione, alla luce dei principi da questa enucleati, imponeva all'interprete di considerare almeno attenuato — o addirittura desueto — quanto si presentasse in contrasto con i principi fondamentali del nostro sistema.

In quest'ottica, con sentenza n. 259/90, la Corte Costituzionale ha dichiarato l'illegittimità (in riferimento all'art. 8, comma 2, cost., nonché al principio di laicità dello Stato ricavabile dagli art. 2, 3, 7, 8, 19 e 20 cost.) degli art. 1, 2, 15, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 56, 57, 58 del r.d. 30 ottobre 1930 n. 1731.

Nel corpo della motivazione si legge: "*L'art. 1 del regio decreto del 1930, n. 1731 determina difatti gli scopi ed i compiti delle comunità; l'art. 2 indica le entità che possono essere riconosciute quali comunità israelitiche e le circoscrizioni territoriali di ciascuna di esse; l'art. 3 fissa le modalità per l'istituzione di nuove comunità e per le loro trasformazioni; l'art. 15 elenca i compiti del Consiglio; l'art. 16 (recte: 17, in quanto è riguardo a tale norma che in concreto si appuntano le censure, come risulta nella parte motiva dell'ordinanza di rimessione) determina i poteri della Giunta; gli artt. 18 e 19 riguardano la nomina e le attribuzioni del presidente e del vice presidente; gli artt. da 24 a 30 concernono i poteri impositivi delle comunità, i contributi obbligatori a carico degli appartenenti ad esse, la fissazione della relativa aliquota da parte del consiglio, la valutazione del reddito complessivo di ciascun contribuente, la formazione e la pubblicazione della matricola, il sistema dei ricorsi avverso la determinazione dell'imponibile ed il ricorso all'autorità giudiziaria*

solo per violazione di legge, la pubblicazione del ruolo e la riscossione dei contributi con le forme ed i privilegi previsti per la riscossione delle tasse comunali, la disciplina dell'obbligo di pagamento dei contributi: l'art. 56 (modificato per effetto del regio decreto 20 luglio 1932, n. 884 e del regio decreto legge 19 agosto 1932, n. 1080) prevede la vigilanza e la tutela sulle comunità, affidandole al ministero dell'interno; l'art. 57 disciplina lo scioglimento degli organi amministrativi e la nomina di un commissario governativo; l'art. 58 concerne l'approvazione governativa dei regolamenti generali di amministrazione e dei regolamenti organici della comunità.

Da quanto precede risulta che si è in presenza di un corpo normativo unitario che imprime alle comunità israelitiche il carattere di enti pubblici. Difatti, come si rileva nell'ordinanza di rimessione, da un canto esso attribuisce agli organi dello Stato un penetrante potere di ingerenza sul modo di essere strutturale e funzionale di detti enti, molto simile a quello proprio degli enti pubblici territoriali minori e quale non è dato di riscontrare nel nostro ordinamento per nessun ente privato e, d'altra parte, conferisce alle comunità poteri autoritativi e privilegi in materia di riscossione dei contributi, che presuppongono l'implicito riconoscimento della natura pubblica degli enti cui essi vengono attribuiti.

Trattandosi di un corpo normativo unitario - in cui il conferimento di poteri propri degli enti pubblici è reso possibile dalla particolare posizione di soggezione in cui le comunità sono poste nei confronti degli organi dello Stato mentre, reciprocamente, questa posizione di soggezione si giustifica in virtù della contemporanea attribuzione di poteri pubblicistici - non sembra possibile isolare ciascuna delle norme denunciate, per cui, ai fini dello scrutinio di legittimità, esse devono essere considerate globalmente. Ma come è stato bene posto in evidenza dal giudice rimettente, è proprio dalla reciproca connessione tra tali norme che viene desunto il carattere pubblico della personalità giuridica delle comunità in parola, carattere che si presenta del tutto incompatibile con il principio costituzionale dell'autonomia statutaria delle confessioni religiose diverse dalla cattolica (art. 8, secondo comma, della Costituzione) e con quello della laicità dello Stato (artt. 2, 3, 7, 8, 19 e 20 della Costituzione).

Che sussista tale incompatibilità discende anche dalla considerazione che, come questa Corte ha già affermato (sent. n. 43 del 1988), "al riconoscimento da parte dell'art. 8, secondo comma, della Costituzione, della capacità delle confessioni religiose, diverse dalla cattolica, di dotarsi di propri statuti, corrisponde l'abbandono da parte dello Stato della pretesa di fissarne direttamente per legge i contenuti".

La natura pubblica della personalità giuridica conferita alle comunità israelitiche dal complesso delle norme denunciate contrasta con detto principio, perché tale natura presuppone un regime cui corrisponde tutt'altro che l'abbandono da parte dello Stato di quel potere di ingerenza che questa Corte ha ritenuto in contrasto con molti dei parametri costituzionali assunti dal giudice a quo come

termine di riferimento. Tale regime, come è stato difatti osservato dalla dottrina, cui già in passato ha fatto riferimento la giurisprudenza di questa Corte (sent. n. 239 del 1984) per trarne analoghe conclusioni, determina una sorta di "costituzione civile" di una confessione religiosa ad opera del legislatore statale, un esempio, forse unico nel nostro ordinamento giuridico, di statuto di confessione religiosa formato ed emanato dallo Stato.

Non può perciò reputarsi conforme ai richiamati principi la normativa da cui tale regime deriva, soprattutto perché essa comporta l'assoggettamento di formazioni sociali, che si costituiscono sul sostrato di una confessione religiosa, alla penetrante ingerenza di organi dello Stato; il che, inoltre, rispetto alle altre religioni, costituisce una palese discriminazione che contrasta con il principio di uguaglianza, con quello della libertà religiosa e con quello della autonomia delle confessioni religiose.

Tale discriminazione - conseguente al carattere pubblicistico impresso alla personalità giuridica dal complesso delle norme denunciate - sia che si manifesti in una penetrante ingerenza nel modo di essere e nelle attività delle comunità israelitiche, sia che si manifesti, reciprocamente, nell'attribuzione di poteri autoritativi che sono propri degli enti pubblici, si pone altresì in contrasto con il principio di laicità dello Stato perché, come è stato già affermato dalla Corte (sent. n. 203 del 1989), questo "implica... garanzia dello Stato per la salvaguardia della libertà di religione, in regime di pluralismo confessionale e culturale". Invece un regime così speciale - relativo ad istituzioni che trovano la loro ragion d'essere nel fattore religioso - sia esso di favore o di sfavore o contemporaneamente, come nella specie, nell'uno e nell'altro senso, fa venir meno proprio tale garanzia".

La necessità di rimuovere il superato regime dei decreti del 1930 e 1931 sulle comunità israelitiche, fondato sulla legge sui culti ammessi del 1929, ha portato alla stipula dell'intesa tra la Repubblica italiana e l'Unione delle Comunità israelitiche italiane (oggi denominata Unione delle Comunità ebraiche italiana), firmata il 27-2-1987 e ratificata con la legge n. 101/1989.

Dal preambolo al testo dell'intesa si può rilevare che principi informatori della stessa debbano essere considerati non solo «i diritti fondamentali della persona umana e le libertà di pensiero, coscienza e religione» espressamente garantiti dalla Costituzione della Repubblica italiana, ma altresì tutti quei principi enucleati «dalla Dichiarazione Universale dei diritti dell'uomo del 10-12-1948, la Dichiarazione internazionale sull'eliminazione di ogni forma di intolleranza e discriminazione, basate sulla religione o sulle credenze del 25-11-1981, la Convenzione per la salvaguardia dei diritti dell'uomo e delle libertà fondamentali del 4-11-1950, ratificata con legge 4-8-1955, n. 848, e successive integrazioni e relative ratifiche, la Dichiarazione dei diritti del fanciullo del 20-11-1959, la Convenzione internazionale sull'eliminazione di ogni forma di discriminazione razziale del 7-3-1966, ratificata con legge 13-10-1975, n. 645, e i Patti internazionali relativi ai

diritti economici sociali e culturali e ai diritti politici e civili del 16-12-1966, ratificati con legge 25-10-1977, n.881, che proprio in forza del loro contenuto, che esula da fattispecie legislative statuali, sono da considerarsi principi universali, aspirazione perenne dell'ebraismo nella sua plurimillenaria tradizione».

Vi è dunque, nel preambolo all'intesa, un preciso riferimento a quei valori a carattere internazionale, a cui l'ebraismo, anche italiano, riallaccia la sua natura e le sue tradizioni.

In questo quadro, la legge n. 101/1989 garantisce la libera pratica della religione ebraica e l'attività dei ministri di culto (art. 1 e 2); parimenti garantisce l'assistenza religiosa a militari, ricoverati e detenuti (art. 6-8); riconosce il matrimonio religioso con effetti civili (art. 13), gli istituti rabbinici e garantisce il rispetto degli edifici di culto (art. 12-14). Peculiare è la norma sul rispetto del sabato e delle altre feste principali sotto il profilo del diritto all'astensione dal lavoro e da esami e dalla frequenza scolastica, con una particolare attenzione ad evitare di collocare in concomitanza concorsi e prove d'esame (art. 3 e 4). I1 diritto a praticare la macellazione rituale è tutelato all'art. 5 e il rispetto della perpetuità delle sepolture e dei riti funebri all'art. 15 della l. 101/1984.

L'UCEI e le Comunità ebraiche ad essa associate (non più enti pubblici) mantengono la personalità giuridica, assumendo lo status di enti ecclesiastici civilmente riconosciuti, con le prerogative di cui alla legge n. 101/1989.

Tale riconoscimento tuttavia (alla luce della disciplina oggi vigente e dei citati principi costituzionali e sovranazionali) non implica l'attribuzione del diritto di uso esclusivo di una locuzione (comunità ebraica) di per sé priva di carattere individualizzante, che ben può essere utilizzata in una accezione politico – sociale, quale gruppo di individui organizzati secondo la tradizione dell'ebraismo (a prescindere dalla forma giuridica assunta nell'ordinamento giuridico italiano).

Va altresì rilevato come, nel caso di specie, non sia emerso che le attività svolte dall'associazione denominata "Comunità ebraica di Catania", costituite da incontri religiosi e culturali, abbiano in alcun modo interferito con l'attività istituzionalmente riservata gli enti riconosciuti ai sensi della l. n. 101/1989.

Esula dall'ambito della giurisdizione attribuita a questa autorità la valutazione della condotta dei fondatori dell'associazione convenuta, i quali avrebbero commesso una "grave violazione della normativa ebraica", per aver agito "senza alcuna organizzazione e senza alcun coordinamento con il Rabbino Capo della Comunità ebraica di Napoli, competente per circoscrizione su ogni questione di ambito religioso nelle Regioni dell'Italia Meridionale e in Sicilia", trattandosi di questione interna statuto della confessione religiosa.

La domanda va pertanto rigettata.

Non sussistono i presupposti per ordinare la cancellazione, ai sensi dell'art. 89 c.p.c., dell'espressione "scimmiotta", contenuta negli atti di parte attrice, giacchè l'utilizzo di siffatta espressione, per quanto colorita, rientra pur sempre nell'esercizio del diritto di difesa.

La natura e complessità delle questioni trattate giustifica la compensazione delle spese di lite.

P.Q.M.

Il Tribunale, definitivamente pronunciando nella causa iscritta al n. 10758 /2023 ;

disattesa ogni contraria istanza, eccezione e difesa;

rigetta la domanda.

Compensa le spese di lite

Catania, 31/01/2025

Il Giudice

Dott.ssa Venera Condorelli