The European Impact on Law&Religion in Italy and beyond

An Educational Itinerary

EUT

edited by
Pietro Faraguna

This volume collects the testimony of a teaching itinerary developed within the framework of the 2020-2023 Jean Monnet module entitled "The European impact on Law&Religion in Italy and beyond". Making the most of a variety of disciplinary approaches and academic backgrounds, the path sought to identify what has been the impact of European law on the regulation of the religious phenomenon in Italy and in some realities that are geographically or culturally close to Italy. The volume thus brings together contributions dedicated to the impact of European Union law, to the impact of the jurisprudence of the European Court of Human Rights, and includes a comparative approach resulting from the illustration of the Slovenian, German and Swiss experience.

Il volume raccoglie la testimonianza di un percorso didattico che si è sviluppato nel quadro del modulo Jean Monnet 2020-2023 intitolato "The European impact on Law&Religion in Italy and beyond". Valorizzando la varietà di approccio disciplinare e di provenienza accademica, il percorso ha cercato di individuare quale è stato l'impatto del diritto europeo sulla regolazione del fenomeno religioso in Italia e in alcune realtà geograficamente o culturalmente prossime all'Italia. Il volume raccoglie così contributi dedicati all'impatto del diritto dell'Unione europea, a quelli della giurisprudenza della Corte europea dei diritti dell'uomo, e accoglie uno spunto di comparazione derivante dall'illustrazione dell'esperienza slovena, tedesca e svizzera.

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The European Impact on Law&Religion in Italy and beyond: An Introduction

Pietro Faraguna*

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1. The law of naming law

> God called the light «day» and the darkness he called «night».
> (Genesis I, 5)

> The Lord God said, «It is not good for the man to be alone. I will make a helper suitable for him.»
> Now the Lord God had formed out of the ground all the wild animals and all the birds in the sky. He brought them to the man to see what he would name them; and whatever the man called each living creature, that was its name.

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> So the man gave names to all the livestock, the birds in the sky and all the wild animals.
>
> (Genesis II, 18-20)

The power of "naming" discloses eternal debates about power relations and the role, functioning and nature of language. However, this is not a matter for investigation for a lawyer. On the contrary, lawyers in general and legal scholars specifically, are sometimes obliged to take "names" as a given fact, and to start their legal or scholarly reasoning from that fact.

Any classic legal course starts with an introductory definitional question: «what is criminal law?»; «what is international law?»; «what is civil law?».

This sort of question is particularly challenging in regard to "our" subject (Tedeschi 2010, 1), as the name of the subject itself is open to harsh contestation. "Ecclesiastical Law" – this is the literal translation of "diritto ecclesiastico" – is a debated label (see Miele 2015): nowadays this terminology meets growing scepticism. Some of the most prominent textbooks adopted different terminologies in the last decades: two prominent examples, but not the only ones, are "Public law of religions" (Colaianni 2012) and "Law and Religion" (above all, in Italy, see Consorti 2022).

According to those who advocate the abandonment of the name "Ecclesiastical Law", this terminology is misleading, as it emphasises an anachronistic "vertical" dimension of this field of law, and exposes the subject to the increasing risk of being neglected by students, who would possibly find the same subject much more attractive if offered under a different and more appealing label.

However, the subject does not seem in harsh crisis, if we consider some pure academic figures. At the moment of writing (i.e. June 2023), the Italian academic system counts 113 legal scholars of "Ecclesiastical and Canon Law" (the adjectives "ecclesiastical" and "canon" have been reversed since 2015 – see Fattori 2023, 81), who are currently in charge of an academic position in Italian faculties (this number includes full professors, associate professors, and assistant professors).

In 2001 (i.e. the most remote date with public available records on the website of the Minister of University), the number amounted at 137. If compared with other scientific sectors, and specifically with pivotal subjects in the education of lawyers, these figures show that the number of legal scholars teaching Ecclesiastical Law in Italian universities is recently following a relatively normal trend.

Private lawyers were 617 in 2001, while they are now 692.

Constitutional lawyers are now 273 and were 191 in 2001 (if we add scholars appointed under the label of "public law" we should add 272 scholars in 2001 and 276 scholars now). Criminal lawyers counted 275 colleagues in 2001 and 274 professors today. It goes without saying that specific sectors experienced a remarkable increase in their consistency, such as EU law scholars (they passed from being 4 colleagues in 2001 to the current 158).

However, the message is that "Ecclesiastical Law is not dead" in terms of consistency of academic personnel. It is certainly not dead – but is Ecclesiastical Law the same as in 2001 (or earlier)?

2. The transformation of a legal subject at the crossroads

Modern "Ecclesiastical Law" emerged between the 19th and 20th centuries. Previously, the evolution of the relationship between law and religion created a separation of Civil Law and Canon Law that had gradually come to characterize Western modernity. Behind the creation of modern Ecclesiastical Law, there is a long path of Western law that went through the progressive separation of ethics and law, of crime and sin, of civil crime from canonical crime, of punishment and penance (Ventura 2010).

This path stabilized Canon Law as the law of the Catholic Church, an expression of the Church's original sovereignty and independence, which at the same time reveals natural justice and produces "specialized" norms that regulate certain areas of human life (first of all: marriage). An autonomous Civil Law had been established alongside Canon Law, but it was naturally aiming at promoting Christian values.

Canon Law was not, however, a law with claims to exhaustiveness. On the arduous path to modernity, a fair balance was settled, according to which Canon Law did not aspire to regulate all areas of life. In the approach of Roman law, property, contracts, and many other human activities were regulated by civil law, while church law was responsible for regulating the internal organization of the Church, sacraments, related processes, ecclesiastical goods, and canonical crimes.

For the regulation of "mixed matters", the instrument of regulation were concordats, i.e. proper international treaties.

This balance proved to be stable for a long time, but it was gradually undermined by a progressive process of

secularization of society (Böckenförde 2007). This process supported a progressive tendency of civil law to extend the sphere of competence at the expense of Canon Law. The demise of the imperial organization and the emergence of the nation-state as a new dimension of civil law production, within a politically fragmented scenario, also affected this process. This fragmentation emphasized a pluralist dimension of law that could not be reconciled with the universal vocation of Church law and further nurtured the need for autonomy of civil law, within the different legal system that were gradually emerging.

Such fragmentation also affected Canon Law, moreover, given that Canon Law had been codified in the *Corpus Iuris Canonici*, with its completion reached in the mid-16th century. However, this centripetal move was challenged by schisms that challenged the universal vocation of the law of the Catholic Church.

The new balance had therefore to take into account the transition from the scenario in which there was one empire and one Church to one in which there were multiple States and multiple Churches, with a fragmentation that we would retrospectively describe as pluralistic.

The balance of relations between Civil Law and Canon Law within individual States and vis-à-vis different churches has been characterized as a moving concept, featuring very different combinations of confessionalism and jurisdictionalism. However, from a terminological point of view, at this stage the expression "Ecclesiastical Law" was used by canonists to designate "human-Ecclesiastical Law", then excluding the part of Church law that endowed with natural or divine-positive origin.

At this stage of development, however, "Ecclesiastical Law" indicated for all intents and purposes a part of Canon Law. A process of historical synecdoche led to the inversion of this terminological relation. The use of the part "Ecclesiastical Law", with the passing of time, led to indicate the whole (Canon Law): this process of terminological exchange is actually revealing of an increasingly central role assumed in the progress of history by "human-ecclesiastical" law, with the production of law increasingly centralized in the hands of the Pope and his curia.

The terminology "Ecclesiastical Law" was also more "modern," while Canon Law echoed an anachronistic theocratic dream linked to the old *Respublica Christiana* of medieval memory. The settling of the preference for the terminology "Ecclesiastical Law," which was better able to frame the complexity of modern law, dates back to the 19th century. *Ius ecclesiasticum*, used as a synonym for, or alternative to, Canon Law, included rules on church organization, bodies and property, marriage, and canonical crimes and penalties. This terminology gradually also emancipated itself from Latin, with correspondences in the different national languages: thus in German the use of the term *Kirchenrecht* emerged, albeit referring to an entirely different settlement of relations between the civil and religious spheres.

This new balance, however, was being pressured by novel social, cultural and historical impulses, stemming from separatist instances that overseas had already been fully theorized since the beginning of the 19th century (starting with the «wall of separation» mentioned by Thomas Jefferson). Facing with these new challenges, canonists began to refer to *ius ecclesiasticum* not only as a synonym for "Canon Law", but

also as a term including the original and sovereign right of the Catholic church that needed to be protected against the claims of various national legal systems. The *ius ecclesiasticum*, and even more precisely the *ius publicum ecclesiasticum*, therefore became the last trench defending the temporal power of the Church and the Papal State, against an historical trend that pushed in the direction of positivization and secularization of national law, with an inescapable marginalization of Ecclesiastical Law.

3. The liberal attack

To a certain extent, this defensive move led to the opposite result and contributed to speeding up the final defeat of Ecclesiastical Law: in fact, the attempt to save the temporal power of the Church nurtured anticlerical stances and did not succeed in its ambition of preventing the development of separatism – and the connected marginalization of Canon Law. On the contrary, Canon Law stopped being taught in France, Portugal and, albeit temporarily, in Italy as well.

However, from a conceptual point of view, *ius publicum ecclesiasticum* efforts led to the drafting, in 1917, of the first Canon Law code, a symbol of Catholic competition with States whose law had been transformed precisely by the revolutionary impact of codification in the 19th century. Additionally, *ius public ecclesiasticum* produced a conceptual effort to defend the sovereignty of the Holy See. This effort was later recovered, in more recent times, to defend the international prestige of the Catholic Church. Traces of this conceptual effort were later enhanced during the season of reconciliation

of the relationship between the Italian State and the Catholic Church that was later to come and survived even the advent of the Republican Constitution.

In any case, until the mid-19th century, the term "Ecclesiastical Law" had quite different meanings in Reformed and Catholic countries. In the former, the term denoted the law of the national churches, understood as a product of the mixed competencies of ecclesiastical and State authorities. This was the subject of German "*Kirchenrecht*" and English "Ecclesiastical Law".

In Catholic countries, on the other hand, *ius ecclesiasticum* was still synonymous with Canon Law, although it was not indifferent to transformations in its content following the process illustrated above. However, in Catholic countries the peculiar universal structure of the Catholic Church still weighed heavily, so that its law (the Catholic *ius ecclesiasticum*) could only have a transnational ambition and therefore resist particularist fragmentation and historical pushes toward pluralism.

For this reason, too, the advent of the liberal era of codification was far more painless for the Reformed countries, if compared with the trauma codification generated vis-a-vis the Catholic Church and its law. The liberal age was characterized by the assertion of the civil legal monopoly, the secularization of law, and the consequent erosion of spaces for regulating areas of life that had previously been reserved for the Church. The State's economic interventionism on Church property was also included in this process of transformation: economic interventionism was triggered by the need to find resources to cope with the public provision of more and more services, in the transition that led the liberal

state to also become the welfare State. The liberal approach was thus incompatible with a regulation of relations between Church and State (or States and Churches) based on Concordats. On the contrary, it necessarily had to pass through unilateral legislative regulation of what had previously been mixed subjects. During this period, in Italy, faculties of theology were closed and chairs of Canon Law and Ecclesiastical Law in law faculties were abolished. Consistent with the liberal revolution, the change in legislative approach was accompanied by a profound renovation of legal knowledge, where Ecclesiastical Law no longer found any place, either because of politically oriented decisions to this end or because of the waning interest in new generations of students in cultivating a now "useless" knowledge (on the current practical value of this knowledge see Pacillo 2023).

An extraordinary manifesto of this transformation is contained in the famous inaugural lecture of Francesco Scaduto's course in Ecclesiastical Law, delivered in Palermo in 1884 (now reproduced in Miele 2015). Scaduto celebrated the triumph of legal positivism in the liberal era and the state monopoly in the production of legal norms. Church law, as understood in the past, could no longer have a place in this new legal architecture, and Church law as a legal concept survived in the form of purely internal norms and institutional norms that had some external relevance but still had to be recognized by the State in order to be legally effective. Church law, therefore, could continue to make sense only if it was conceived in reverse of what it had been in the past: modern Church Law was, in essence, State law over the Churches, i.e. the expression of State power and legal monopoly over every legally significant aspect of the religious dimension.

Scaduto's inaugural lecture represented a synthesis of the liberal revolution, as for the way of understanding Ecclesiastical Law was concerned. However, this theoretical conception was never fully realized in any time of history or any legal system of the world. As time went on, political and cultural hostility to Ecclesiastical and Canon Law – these terms were still understood as synonymous – faded away. In some cases, the teaching of Ecclesiastical Law resumed in the exact same terms as before their ban from universities, and in other cases Scaduto's approach had some impact, though it failed to assert itself in its full radical scope.

Scaduto's theoretical approach was later reformulated in its scope, in terms more compatible with the Italian legal tradition, by Francesco Ruffini. It was no coincidence that Ruffini had been trained in Germany as a legal scholar and had been keenly aware of the alternative model offered by Kirchenrecht, precisely at a time when even in Germany the establishment of the State was leading *Kirchenrecht* to become *Staataskirchenrecht*.

Ruffini's crucial contribution in the transformation of Ecclesiastical Law as a legal science can be summarized by grasping two main directions. On the one hand, Ruffini systematized the new state of the art, considering Ecclesiastical Law to be the given set of norms (of State or ecclesiastical derivation), governing Churches. On the other hand, Ruffini impressed more methodological modernity by grafting the theory of subjective public rights into the subject of religious freedom.

Toward the end of the 19th century, "Ecclesiastical Law" became a real, modern legal discipline (the journal "*Il diritto ecclesiastico*" was founded in Italy in 1890).

And what matters most, in the economy of this introduction and this research and teaching Jean Monnet project, is that these are the years in which the foundations are laid for overcoming the dogma of the state monopoly of law that had characterized the liberal revolution. A momentous step in this overcoming is marked by Santi Romano's work on the plurality of legal systems (Santi Romano 1917). Santi Romano, theorizing that the State is not the only possible and legitimate legal system, with a construction destined to have enormous repercussions in a then unforeseeable future, had in mind not European law or international law, but the law of the Catholic Church, which at the time represented the best example of the existence of non-State legal orders.

Paradoxically, Ecclesiastical Law, from a «rancid teaching» (Ferrari 2015, 269) became an outpost for testing the most avant-garde theories of public law. A revival of Ecclesiastical Law emerged also thank to the constitutionalist teaching of Santi Romano, who offered robust legal arguments against the then dominant positivist prejudice, which denied the legitimacy of a modern legal study of the religious phenomenon (Santi Romano 1917).

4. The resurrection of Ecclesiastical Law

The "resurrection" of Ecclesiastical Law as a worthy legal science was masterfully summarized by Jemolo: «the discipline known by the name of Ecclesiastical Law includes in itself two different organic systems of legal norms, united only by expediency of didactic treatment: the law of the Church and the law of the State» (Jemolo 1927 – my translation). Clearly,

the first part of this definition coincided with the traditional breadth of Canon Law. The definition of the second part Canon Law consisted in, according to the view of Jemolo, was far more challenging: Jemolo identified it as the legislation in ecclesiastical matters that intervened where general law, concerning freedom of association, was not enough. It was, in essence, State law in those areas where it was necessary «to adopt special norms to regulate the legal life of the Church» (Jemolo 1927 – my translation).

This arrangement of a new balance that shaped Church law as a legal science soon had to reckon with a new external "shock": the approval of the Lateran Pacts in 1929. The conciliation between the Fascist State and the Catholic Church made a mockery of liberal method and principles. It introduced the principle of the Catholic religion as the religion of the State and did so through a bilateral method that the liberal revolution had firmly abandoned. The Treaty generated a new State entity, moreover providing a kind of "precedent" for the attempts (admittedly far less successful), taking place at the beginning of the following century, to assert a kind of federal statehood to the European Union with the failed Constitutional Treaty. Relations between the state and the Catholic Church were being regulated by those Concordats, which brought the hands of time back to the previous century.

Beyond all the historical meanings that this turning point brought with it, from a disciplinary point of view there is no doubt that the approval of the Pacts brought Ecclesiastical Law back into vogue in the world of lawyers, turning the related science back into a "useful tool" for the formation of the jurist, even in a practical perspective. From the theoretical point of view, too, the turning point brought with it

elements of strong innovations, triggered in theoretical tools developed in previous decades, i.e. – above all – the theory of the plurality of legal systems.

At this stage, however, there was still terminological, disciplinary and conceptual confusion between Ecclesiastical Law and Canon Law. Innovations brought by Fascist Church law had obviously not been welcomed by all scholars equally. The discipline emerged somewhat strengthened, but certainly some scholars expressed clear, explicit and courageous dissent: Francesco Ruffini may be mentioned as a paradigmatic example of dissent, as he was among the 18 university professors who did not take the oath of allegiance to Fascism. He paid for his act with his professorship, and the same did his son Edoardo, a professor of history of law and author of valuable historical canon studies.

However, many other colleagues remained indifferent, taking refuge in the renewed scientific calibre of the discipline. Most of the scholars shared the same embarrassment as many other colleagues in other disciplines, and kept their professorship by coldly and necessarily joining fascism corporatism. This embarrassment ended up reinforcing the legal standing of Ecclesiastical Law, producing for the effect of also cultivating an Italian lay school of Canon Law, which handled Canon Law with the tools of legal scholars, on a par with any other discipline of law. This effect developed an intense debate about the religious specificity of Canon Law and the nature of Canon Law as religious law.

In a kind of circular path, just as the accentuation of the legal features of Ecclesiastical Law had an effect on the development of a secular school of Canon Law, so the latter had further impact on the development of Ecclesiastical

Law. The legitimacy of the two sciences also accentuated their autonomy and distinction, so that by the 1940s Ecclesiastical Law was no longer understood in Italy as including both the law of the Church over itself (Canon Law), but as including only the law of the State over the Church (Bertola 1938). Of course, the connections between the two sciences remained strong: first, the history of the two fields was interconnected, as illustrated in these pages; moreover, the scholars of the two disciplines passed through a common training path, and the masters of the two disciplines were basically the same people; and finally, Fascist concordat law had established a peculiar link between the normative production of ecclesiastical and State law.

5. Ecclesistical Law and the Republican Constitution

A new "external shock" was to affect soon this state of the art, i.e. the regime change introduced by the approval of the Republican Constitution in 1947. The compromising nature of the Constitution – sometimes understood in a derogatory sense, more often to celebrate its success – emerged in ecclesiastical matters, where the most significant constitutional provisions (Articles 3, 7, 8, 19 Const.) represent a skillful balance between elements drawn from the liberal tradition (so it is for the «equal freedom» guaranteed to all religious denominations by Article 8 of the Constitution), elements from the Fascist tradition (so it is for the principle bilaterality and the special treatment of relations with the Catholic Church emerging in Article 7

of the Constitution), and entirely new elements (such as, in particular, the extension of bilaterality to confessions other than the Catholic Church through the instrument of agreements regulated in Article 8 of the Constitution).

This balance, typical of the Republican Constitution (Bartole 2012), which was expressed through the co-presence of potentially contradictory principles, inescapably led to polarizing the political debate in the first decades of the Republican Constitution's life. A strong polarization emerged, in particular, between those who wanted to privilege the liberal elements, those who wanted to hold firm the elements of continuity with the Fascist legacy, and those who wanted to develop an entirely new balance. Moreover, these frictions were developing in a rapidly changing social context, to which Ecclesiastical Law as a scholarly discipline could not remain indifferent (think only of the debate around divorce and abortion, geopolitical developments and internal transformations within the Church).

In this context, moreover, a new voice was being added, representing one of the most obvious institutional innovations of the Republican Constitution: i.e. the Constitutional Court, which started to operate in 1956. The Court was inevitably destined to play a major role in the definition of new constitutional balances, including ecclesiastical matters.

However, the early years of constitutional jurisprudence were inspired by great prudence in this matter. The Constitutional Court inaugural "ecclesiastical jurisprudence" adapted to a common sentiment that was ultimately supported by the obvious fact of the pervasive presence of the Catholic religion in the vast majority of the Italian people. In these years of prudence, inevitably Ecclesiastical Law emerged weakened

as a legal science, if only because it was clinging to outdated normative data, whereas the Republican Constitution had introduced important innovations that had benefited the attractiveness of many other areas of law.

The subject matter of the discipline, however, was increasingly clearly and stably focused on State law alone having as its object the religious phenomenon, from which Canon Law had to be clearly distinguished. Canon Law was now clearly identified as confessional law internal to the religious community. The definition of the perimeter of the discipline was overall similar in other jurisdictions, where, however, the terminologies were often clearer: "*droit civil ecclésiastique*" in France, "*Staastskirchenrecht*" in Germany, "*derecho eclesiástico del estado*" in Spain. However, the substance was the same: Ecclesiastical Law was no longer concerned with the internal law of the Church, but with the law of the state. However, from this greater clarity, new forks in the road opened up: according to some, the object of Ecclesiastical Law was to be the relationship between the State and the Churches; according to others, it was also to include the regulation of the religious phenomenon, both in an individual and a collective dimension, regardless of any intermediation by the Church.

This divarication was in addition to that which was inevitably determined by the co-presence in the Republican Constitution of principles pushing in very different directions. The different views both on the subject matter of the discipline and on the composition of the fundamental principles that were supposed to govern its normative substance could only lead to the search for new balances for an ever-evolving science. Among these factors the greater inclination to look outside the boundaries of the national legal system must

certainly be included, with an ever-increasing affirmation of comparative studies and a growing attention to the European dimension in the regulation of the religious phenomenon. Comparative studies were gradually moving in the direction of identifying models of regulation of the religious phenomenon, which for some represented examples to aspire to, for others contaminations to be rejected.

Compared to the past, a secular ecclesiastical scholarly approach was also increasingly asserting itself in Italy. Some of the scholars who belonged to this area questioned the very constitutional legitimacy of Article 7 of the Constitution in the part where it introduced a "Catholic exception." The most tangible examples of this transformation of the discipline consisted of some new textbooks (for all see Lariccia 1974).

In this context, already loaded with elements for further transformations, a new attitude of the Constitutional Court emerged, culminating in Judgment No. 18 of 1982, which, for the first time in the Court's case-law, applied the theory of the supreme principles of the legal system to declare a provision of the law implementing the Concordat unconstitutional (Faraguna 2015).

Multiple factors were suggesting that times were ripe for a new balance, in which the ingredients already offered in the text of the Republican Constitution needed to be remixed following new recipes. The turning point came with the revision of the Concordat in 1984. The long waited revision of the Concordat, together with the conclusion of the first agreement with a non-Catholic confession based on Article 8 of the Constitution, which came substantially at the same time, marked the opening of a new phase in Italian Ecclesiastical Law. Again, however, the turning point did not

come through a revolutionary explicit modification of the constitutional principles by which the regulation of the religious phenomenon in Italy was already inspired. Quite the contrary: once again, the priority of the bilateral method by which the State regulates religious phenomena was asserted with the revision of the Concordat. And yet new elements were inserted to mark a different recognition and treatment of different religious denominations, with evaluations largely left to political discretion and certainly not oriented to follow quantitative criteria. Within this framework, the Catholic exception did not disappear from the system, although the most glaring elements of friction between the 1929 Concordat and the principles of the Republican Constitution were finally removed in the new 1984 Concordat.

The new discipline of relations between the State and the Catholic Church inevitably provided elements for a revitalization of the discipline, if only because there was new legal material to interpret, on which there was renewed contention between opposing views, which nevertheless now accepted a common playing field. Once again, a tangible sign of the new vitality emerged with the publishing of new textbooks (among others, Finocchiario 1984 and Cardia 1988) and the founding of new Ecclesiastical Law journals (just in 1984 the journal "*Quaderni di diritto e politica ecclesiastica*" was born). Constitutional case-law, too, continued to provide new material to be interpreted and domesticated (Barbera 2023), beginning with the ruling in 1989 affirming for the first time the existence of a supreme principle of secularism (for a retrospective analysis see Cardone, Croce 2021). In the same year, moreover, the geopolitical context inaugurated the first signals of the radical shift that brought us to the present time. The fall of the Berlin

Wall was accompanied by the revival of the European integration project, and both events affected the transformation of "Ecclesiastical Law" as a legal subject.

6. The European impact

The development of a deeper and wider European integration further cracked the traditional conception of the State monopoly of law, which had been the dominant dogma underpinning the emancipation of Ecclesiastical Law from Canon Law. Moreover, the crumbling of that dogma affected not only the top-down dimension of the regulation of religious phenomenon, but also the bottom-down direction: a new scholarly and political interest emerged for what some authors have called a «Regional Ecclesiastical Law» (Casuscelli 1990).

In the face of these new developments, the State-centred conception of Ecclesiastical Law has nowadays two plausible alternatives: to abandon itself to an inescapable decline, or to relaunch itself with new challenges.

This project, in its own small way, treads the second alternative. With full awareness of the disciplinary encroachment and cross-contamination at the basis of this research and teaching adventure, we tried to develop a didactic and research path that would involve scholars who are at the heart of the subject, combining an approach that would be open to different disciplinary grafts and visions that would also come from other orders.

It will be up to the reader to ascertain whether we have succeeded in making a small contribution in a direction that

the discipline had, moreover, already partly taken. As for the name of the discipline, a contention on which this introduction has been opened (see, specifically on the naming of the discipline according to international standards, Ventura 2004), the Jean Monnet module bequeaths the transition – which for administrative reasons employed the exact length of the module itself – from the traditional, and our opinion outdated, designation of "Ecclesiastical Law," to the hopefully more attractive but above all more precise designation "law and religion."

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