



Antonio Fuccillo

(straordinario di Diritto ecclesiastico e interculturale presso la Seconda Università di Napoli, Dipartimento di Giurisprudenza)

The denial of religious freedom: a new approach to the system *

SOMMARIO: 1. Introduction: the social power of religions and the need for dialogue - 2. Law as a required hurdle to the “disclaimers” of religious freedom - 3. The restrictions to the exercise of religious freedom: an overview - 4. Religious freedom and social welfare: an inseparable duo - 5. Brief conclusions.

1 - Introduction: the social power of religions and the need for dialogue

It is well known, that wars have been fought for reasons of faith. It is also a widespread concept that religious battles have been over for a long time and that they remain the prerogative of history books or, at least, relegated to borderline countries, the so called “third or fourth world countries”.

Such a conviction is the result of a great misunderstanding that wants modern societies (belonging mostly to the *western world*) as completely enfranchised to the “religious factor” like in a play, societies pretend not to see how religion, nowadays, acts as a fundamental “social engine” also in societies ruled by the deepest consumerism, up to the point where it represents the dearest thing migrant peoples carry with them¹.

Religion and religiosity are foundational elements and identifying factors of the culture of the peoples so,

“however religion is defined (...)there is no doubt that religions – at least main religions – are to be considered phenomena belonging to the long term dimension and therefore they constitute one of the primary forces that contribute to forge the basic structures of the social and cultural order, one of

* Text in process of completion, not subject to referee review, of Report at the Conference on “La libertà religiosa nell’età post-secolare” in Lugano, Faculty of Theology (27-28 March 2014).

¹ M. RICCA, *Oltre Babele. Codici per una democrazia interculturale*, Dedalo, Bari, 2008, p. 177 ss.



those arrays of sense that outline the face of a civilization and impress an indelible mark on legal size-rules"².

It cannot be denied how the *religious factor* has returned to be one of the contemporary engines of society, on one side there is a strong element of belonging and signification of the identity of the subjects, on the other side as a moment of cultural diversity of individuals and peoples³. Moreover, religion has always resumed its place in history. The "twilight of the Gods has been postponed" as well as the forced distinction between "matters of faith" and "political issues", the religious passions have returned, to condition peoples' life and policy decisions⁴.

Therefore it is required to confront such reality and the needs of the "peoples", but it must be done in a way appropriate to the inter-religious diversity (also inter-cultural diversity) of the social structure both national and global.

In a journalistic *essay* of a few years ago⁵ the Authors observed how the world was affected by conflicts related to other religions or inside them and that conflicts can reveal themselves in various ways, by the multiple representations of offensiveness (expressed in different forms and ways), diverse form of social discrimination and violence. The extent of the phenomenon is such that does not exclude the "non-believers", who on the one hand, have to live with the various religious faiths that are clamoring for spaces of action always broader, on the other hand they have always greater difficulties to assert their vision of the world, especially in the countries that have legal systems strongly influenced by denominational rights⁶.

The history is strongly bringing to the attention of politics and, consequently, also to law as a science devoted to the achievement of the "social peace" as regulation of civil coexistence, the religious factor as

² S. FERLITO, Presentation to the volume of H.P. GLENN, *Tradizioni giuridiche del mondo. La sostenibilità della differenza*, italian version, il Mulino, Bologna, 2010, p. XVII.

³ It is shown that the "confessional phenomena" may "be considered contained within the phenomenon religion understood in cultural terms", M. RICCA, *Multi-religiosity, multiculturalism, reactions of the sort. Three trail to the intercultural right*, in ID., *Dike meticcica. Rotte di diritto interculturale*, Rubbettino, Soveria Mannelli, 2008, p. 132.

⁴ See the extensive analysis (imbued with a critical sense) di M. LILLA, *Il Dio nato morto*, Baldini Castoldi Dalai, Milano, 2009.

⁵ The work is inspired by the article One week of concrete commitment to inter-religious peace in the world, of Tony BLAIR and of Prince GHAZI of Giordania, on the newspaper *Corriere della sera* of the 13 January 2011, p. 48.

⁶ On "islam and politics" in the contemporary thought, see M. CAMPANINI, *Il pensiero islamico contemporaneo*, il Mulino, Bologna, 2009, p. 129 ss.



defining element of all contemporary societies. The above mentioned factor cannot be eliminated from legal texts, with a simple stroke of a pen in regards to an alleged legal and layman moral that should govern the world of law, but it has to be considered as one of the elements that influence peoples actions both as individual (there is no reason to deny it) and as a part of an institution.

The danger is hidden in the indifference towards the religious phenomenon that, used as manifesto of laity, induces, as a direct consequence, those who identify themselves in a faith to claim, sometimes even with deplorable violence, its own space⁷.

The International political community seemed to formally realize this when the UN General Assembly of the 20 October 2010 approved (34th Plenary Assembly), with unanimous vote, a resolution designating the first week of February of each year the *World interfaith harmony week*⁸. It can be seen, with optimism, in such an initiative, a substantial aid to overcome the mistrust based on religious diversity and the intention is also commendably promoting the development and consequentially the spread of an effective dialogue between the various churches, a true ecumenism in part already positively present⁹.

The need to understand each other inevitably also shares an assumption of what you want to hear, in legal terms, for the word 'religion' in any context. Therefore, even to characterize religion with respect to the issues of persecution and discrimination, it has been successfully proposed that there are three different methods to the approach to religion itself, *belief, identity or way of life*¹⁰. All useful criteria for a correct approach to the problem.

The denial of religious freedom, therefore, is not a problem only of the less-developed countries but also of those that claim to be bastions of

⁷ E. PACE, *Perché le religioni scendono in guerra?*, Laterza, Bari-Roma, 2004.

⁸ It is rightly pointed out that, in such resolution, God is expressly cited (rare circumstance in a document of some normative valence), and propose a series of actions aimed at the development of inter-religious dialogue between peoples, but also between different believers and between them and the non-believers within each local reality. For this purpose, however, it has been set up a special web-site (www.worldinterfaithharmonyweek.com) where to make public documents, sermons, various initiative aimed at the development of inter-religious dialogue and knowledge of the other.

⁹ A. FUCCILLO, *Pace interreligiosa: alcuni spunti di riflessione a margine della World interfaith harmony week ed il possibile ruolo del diritto*, in *Stato, Chiese e pluralismo confessionale*, Telematic Review (www.statoechiese.it), February 2011.

¹⁰ T.J. GUNN, *The complexity of religion and the definition of "religion" in International law*, in *Harvard Human Rights Journal*, vol. 16, 2003.



democracy, when they do not allow all the people that are “different” the same possibility of access to the tools of the economic and social welfare and to the equal and related legal institutions, including the inevitable legal problems related to intercultural communication¹¹.

2 - Law as a required hurdle to the “disclaimers” of religious freedom

The world is never free from the religious conflicts, but we in the west have transported them from the fields of battles and death, to the more cunning and devious one of social discrimination.

However, a careful consideration of the delicate relationship between “exercise of freedom of religion” and “inter-religious conflicts” should be done, a combination that seems to be central also in those *reports* that are directly involved in the problem.

In the “*Rapporteur’s Digest on Freedom of Religion or Belief* Excerpts of the Reports from 1986 to 2011 by the Special Rapporteur on Freedom of Religion or Belief Arranged by Topics of the Framework for Communications¹²” UN “*human rights*” Office, emerging data of absolute relevance that represents how the front of the “religious freedom” is always open and proposes a miscellanea of varied situations that affect the extremes of the war of religion that are still present in some countries and the conflict between “fundamental rights” that are typical of the western world¹³.

The prevailing criticality in terms of religious discrimination were in fact highlighted as follows:

“Discrimination: Discrimination on the basis of religion or belief/inter-religious discrimination/tolerance..State religion. Vulnerable groups : Women – Persons deprived of their liberty – Refugees – Children – Minorities – Migrant – Workers”

criticality which are obviously already known by the people who deal professionally¹⁴ with such events.

¹¹ M. RICCA, *Intercultural Law, Interdisciplinary Outlines. Lawyering and Anthropological Expertise in Migration Cases: Before the Courts*, in www.eic.aiss.it (Telematic Review), n. 2, 2005.

¹² <http://www2.ohchr.org/english/issues/religion/>.

¹³ On the assumption, of course, of the common recognition in such contexts such legal claims situations.

¹⁴ Among the many *The World Watch List of Open Doors International* is probably the



The data seems to conflict with the content of the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (Proclaimed by General Assembly resolution 36/55 of November 25, 1981).

Addressing the issue of the “denial of religious freedom in the twenty-first century” is therefore a difficult task, since as just highlighted, the criticality that emerge are several and linked to socio-cultural contexts, as well as to the identity of the individual nation states. It is therefore impossible to carry out a review which represents all the particular realities but you can try to verify, from a “legal” point of view, how the characterization of religious freedom taken as a “subjective right” can help determine a possible hypothesis if not a solution, at least of a weakening of religious conflicts.

The role of the law in this context, is clear, also to the super-national institutions; the mentioned “report” of the UN, for example, after having in more points stressed the centrality of the legal issues, says par. “115”¹⁵ that

“Internal protection. This will mean improving legal protection, in particular under criminal legislation:(a) Each State should provide judicial guarantees to ensure that freedom of religion or belief and membership of an ethnic and religious group are protected in a concrete manner by explicit provisions.

It would be desirable for some States to enact general legislation based on international standards;

(b) States must make efforts to enact legislation or to modify existing legislation, as appropriate, in order to prohibit all discrimination based on identification of individuals with multiple groups. Most importantly, positive criminal legislation should be enacted, not only imposing severe penalties on single forms of discrimination, but above all defining a new offence, that of aggravated racial and religious discrimination, which should carry a specific penalty, and naturally one that is heavier than that imposed for single forms of discrimination, whether religious or racial;

oldest of the measuring instruments (annual), still currently used to measure the indices of religious freedom and religious persecution in the world. On the characteristics of the new questionnaire of the World Watch List see **C. SAUER**, *Measuring Persecution. The new questionnaire design of the World Watch List*, in *International Journal of Religious Freedom*, vol. 5, 2012, p. 21 ss.

¹⁵ *Rapporteur’s Digest on Freedom of Religion or Belief Excerpts of the Reports from 1986 to 2011 by the Special Rapporteur on Freedom of Religion or Belief Arranged by Topics of the Framework for Communications*, p. 51.



(c) *Establishment of an independent equal opportunity authority to monitor racial and religious discriminations*".

The interrelationship between law societies and the religious factor, carry in the western world inter-religious tensions in the creation of standards (through the *lobbying* prevailing groups perform with greater effectiveness) and in the application of the same as the majorities occupy with greater ease the seats of power of state bureaucracies. The sense of "laity" of law tends to lose its way and without technical tools that are effectively neutral, there is the risk to negatively distort the also effective primary norms to guarantee an equal religious freedom.

In the Western world, therefore, social tensions arising from religious differences tend to assume a shape less virulent but none the less violent and more subtle that is, social discrimination. The law is then called to make an effort of activation and positivation of "religious freedom" through an arrangement of "legal" answers that tend to the elimination of discriminatory and persecution phenomena. In this viewpoint, should be read then the UN useful remainder to the individual state to set up a regulatory system that is based not only on the provision of more and more effective criminal sanctions, but that protects every form of religiosity regardless of the number of faithful in each single territory through a greater harmonization in terms of the legal systems involved.

3 - The restrictions to the exercise of religious freedom: an overview

The negative profile of religious freedom, or rather the obstacles that its own expression encounters in many parts of the world, is the subject of many analysis, historical, sociological, anthropological and statistics but it does not seem to affect, in a decisive way the legal science scholars even if important openings are starting to be recorded¹⁶.

The basic conceptual mistake that is often committed is to identify the role of law in relation to repression of the criminal aspects that is, the arrangement of punitive forms of religious freedom violations, almost

¹⁶ For example, in the last consultation organized by the *International Institute for religious freedom* (Istanbul 16-18 march 2013) on which important event cf. *International Consultation on Religious freedom research*, chronicle in Italian by G. CROCCO, in *Diritto e religioni*, n. 15, 2013, p. 357 ss.



forgetting the assumption that it almost relegates the role of the criminal aspects to *extrema ratio* among the legal remedies.

It should be noted, however, also to justify the prevailing demands for better tools to criminal prosecution that, in many countries, the religious freedom is far from being guaranteed. In many states, for example, the faith of the majority of the population is imposed on everyone and religious minorities have no right of expression and, consequently, no legal protection.

The following graph¹⁷ is the result of an important survey conducted by Pew Forum¹⁸ that has demonstrated how the implementation of religious freedom encounters obstacles even in countries that are allegedly liberal. Interesting is also the position of Italy declared among the countries with a “moderate” social hostility in terms of the expression of religious freedom¹⁹.

In this last regard, it is interesting to note how a recent research has identified several critical issues within the Italian society between the areas of greater social impact, where religions operate, by identifying in a sociological sense “the absence of a policy of religious pluralism recognized and shared as primary democratic theme”, defining Italy religions as a “job site without a project”²⁰. The absence of a direct legislation to regulate the religious association and the co-existence of a “common” law with a special right reserved to some religious confessions, it constitutes the greater Italian criticality and it’s perhaps the main obstacle to an expression of religious freedom equal for all²¹.

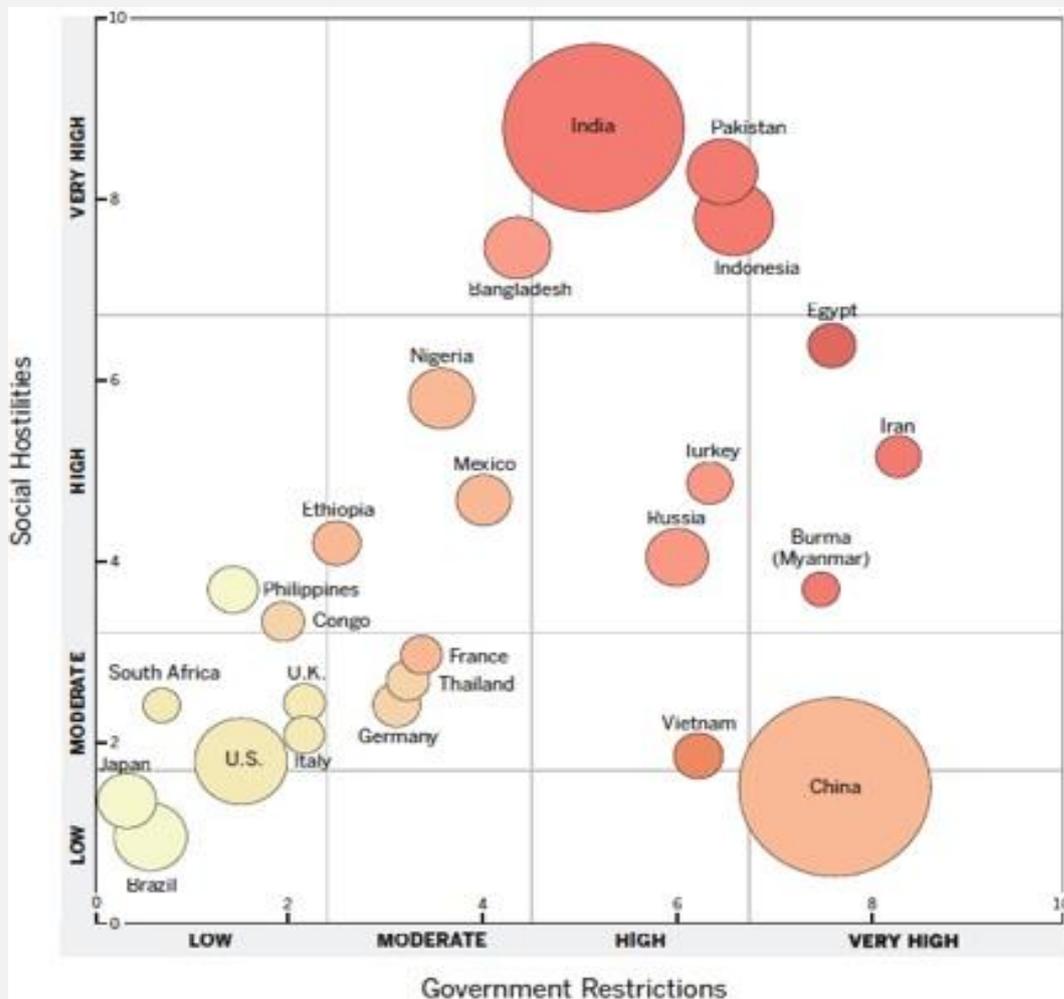
¹⁷ RELIGIOUS HOSTILITIES REACH SIX-YEAR HIGH, January 2014, of the Pew Research Center, A. Cooperman, B.J. Grim, E. O’connell (ed.), www.pewforum.org.

¹⁸ Pew Research Center’s Religion & Public Life Project, www.pewforum.org.

¹⁹ On the case Italia, see **A. FERRARI**, *La libertà religiosa in Italia. Un percorso incompiuto*, Carocci, Roma, 2012; see also **A. FERRARI**, *Civil religion in Italy: “A mission impossibile?”*, in *The Gorge Washington International law Review*, n. 41, 2010, p. 839 ss.

²⁰ **AA. VV.**, *Un cantiere senza progetto. L’Italia delle religioni, rapporto 2012*, ed. P. Naso and B. Salvarani, Emi, Bologna, 2012; with particular reference to the Introduction, p. 17 ss.

²¹ In theme I would like to make a referral to **A. FUCCILLO**, *L’attuazione privatistica della libertà religiosa*, Jovene, Napoli, 2005.



Even in the European context where it appears more than in other areas asserted the laity nature of public institutions and, consequently, of the law produced both by the individual states and Community institutions and supra-national, there are some criticalities well highlighted in the *Handbook on European non-discrimination law* where it is reported a significant case of discrimination which involved Croatia²².

In recent years, even within the context of the “Democracies stabilized” the debate on the effective exercise of freedom of religion has

²² *Handbook on European non-discrimination law: Case-law update July 2010-December 2011* edited by European Union Agency for Fundamental Rights, 2012 Council of Europe/European Court of Human Rights, 2012 Publication of the FRA - 2012. European Union Agency for Fundamental Rights, 2012 Council of Europe / European Court of Human Rights, 2012, p. 18 ss.



been accelerated due to the crisis of experiences (considered wrongly) established “rules” of religious freedom.

So both societies are in crisis, the “confessionalist” society which tends to favor one or a few religious faiths and those “separatist” which favor a clear distinction between the State and religious confessions. In contemporary societies the binomial, or, in some cases the dissociation, State-religion, State-religious confessions, constitutes a *genus* of relations to which different *species* respond to and that may in certain and extreme areas lead to discriminatory and restrictive conduct as well as cultural-religious conflicts. The model traditionally applied to the individual system enters into a state of crises as it is more and more “invaded” by alien models among which, at least in Continental Europe, invests the close encounter (clash) with Islam²³.

Also in other realities, defined as “separatist-hostile” systems, the regulatory principles are in crisis because of the problematic issues concerning the relations between “traditional” faiths and “cults” as for example in France, in Russia e in Mexico, as well as the (de-)confessionalism in Portugal, Spain and Quebec.

Stefano Ceccanti, for example, represents how the model of religious freedom whose classification must remain unquestioned in the catalogue of fundamental rights of man, should be flexible enough to adapt to almost all the instances of all the new religious reality without distortions. In the view of the same author, despite the experience of the Catholic Church as the dominant confessional reality in Western societies there is an uncertainty and traditionalistic defensive closure related to the fears induced by the multi-ethnic society and to the difference between ethics and the right to live in a more pluralist way, it does not seem to crack the consensus around the model of religious freedom in the broadest sense of its own (concrete) meaning²⁴.

The role of the law must therefore be increasingly valued in the sense that it is responsible for the difficult task of certainly producing an embankment to discriminatory and persecutory conducts also by promoting laws that allow the exercise of freedom of religion.

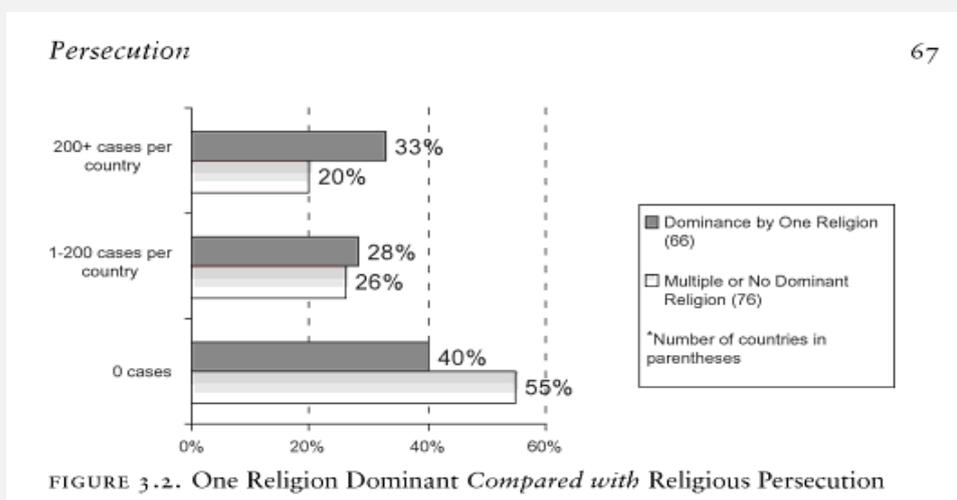
Grim and Finke they in fact notice that

²³ On the “Islamic dream” to conquer the West interesting ideas in C. POLLANZ, *The Legal Theory for Muslim Minorities and the Islamic Dream of conquering the West*, in *Journal of the Institute of Islamic Studies*, n. 2, 2012, VTR, Nürnberg, 2012, p. 18 ss.

²⁴ S. CECCANTI, *Una libertà comparata. Libertà religiosa, fondamentalismi e società multietniche*, il Mulino, Bologna, 2001.



“Religious restrictions – composed of social and government restrictions – help explain violent religious persecution, which is a specific form of social and civil conflict. We expect that when governments censure religious freedom and equitable treatment for all religions, less persecution will result. [...] But when government restrictions result in increased persecution (that can often be interwoven with other social conflicts), this fuels even more calls for restrictions to control minority religions. Thus, government clashes with religion often justify a call for reduced religious freedoms, leading to more clashes, and so the cycle continues”²⁵.



In reference to the above reported graph²⁶, the authors point out that the religious homogeneity does not ensure freedom from conflicts. In fact inside of it, it is demonstrated that 33% of the countries dominated by one religion have a high level of persecution compared to 20% where there is no dominant religion. Moreover, the authors show that “the danger of despotism” becomes real when there is only one dominant religion instead a plurality of faiths is always associated to “public peace”²⁷.

The phenomenon is often caused by “the fear of different from us” as it traditionally qualifies the common religious belief as one of the identifying features of the “nation of people”²⁸.

²⁵ See **B. GRIM, R. FINKE**, *The price of freedom denied. Religious persecution and conflict in the 21st century*, Cambridge University Press, 2011, p. 74.

²⁶ See **B. GRIM, R. FINKE**, *The price of freedom denied*, cit., p. 67.

²⁷ See **B. GRIM, R. FINKE**, *The price of freedom denied*, cit., p. 74.

²⁸ **M.C. NUSSBAUM**, *The new religious intolerance*, translated from original to italian edition: *La nuova intolleranza*, Il Saggiatore, Milano, 2012, p. 29 ss.



Martha Nussbaum is effectively explicit in stating that “to respect the freedom of conscience in an equal manner implies that the state cannot create a system of two-speed citizenship by establishing an orthodoxy that dispenses rights to others unevenly”.

Consequently, in keeping with the American tradition and recalling the conceptions of Williams and Madison, the freedom of conscience is incompatible with any kind of religious institutionalization or atheist. Even though the social fabric of the United States is not immune to social religious tensions partly caused by the “religious phobia” and by the presence in that social context of many and varied religious groups²⁹. Hence the author’s explicit invitation to extend to every country the liberal and tolerant American tradition towards all faiths. A lesson also directed to Italy: “a theory of political principles based on the idea of the human capacity should learn from tradition (American, ed.) and reject both orthodoxism and anti-religion in order to be completely respectful and fair to all human beings”³⁰.

4 - Religious freedom and social welfare: an inseparable duo

The denial of religious freedom is then carried out in a particularly effective way and therefore the same ferocious as it tends to affect the dignity of people in their workplace and the access to economic instruments, which usually results in a lowering of the quality of life of those affected.

Belonging to religious minorities (even substantial) may affect the exercise of their manual or intellectual work both in the access to the same opportunities reserved for the “majorities” and in its concrete exercise.

That religion plays a central role in the dynamics of social development is a well established concept³¹ and it is in this perspective that can serve as an engine for economic development. Social discrimination caused by different degrees of access to welfare often results in different level of education and in general of “good life” that favors, when very scarce, intolerance and in general discriminatory and persecutory processes.

²⁹ M.C. NUSSBAUM, *The new religious intolerance*, translated from original to italian edition: *La nuova intolleranza*, cit., p. 23 ss., illustrating case studies of interest.

³⁰ M.C. NUSSBAUM, *Libertà di coscienza e religione*, il Mulino, Bologna 2009, p. 88.

³¹ M. RICCA, *Pantheon. Agenda della laicità interculturale*, Torri del Vento, Palermo, 2012, p. 29.



Reducing the economic gap is therefore a useful tool to fight all the persecutions that arise from the social embittering.

However, the level of “religious freedom” should be increased not only with declaration of principle but with the assumption of specific legal instruments to help this process.

Local traditions, in fact, are complemented by those imported and it is no doubt that religions play a decisive role in this context, with the effect of producing an encounter between different faiths that if not governed by a legal system that is actually intercultural, can easily be transformed in a clash.

Therefore, conditions must be created so that “foreigners and minorities” have the right “to be recognized in the law and not only in front of it”³². The exercise of “religious freedom” both of individuals and groups resulting in behaviors that involve choices of belonging and faith, is certainly in the position to influence the economic and legal systems, in the sense that where this (religious freedom) is more permissible and guaranteed, the cultural phenomenon of migration is achieved most effectively by producing direct effects in the systems of arrival.

Among the rules of conduct that are followed (of course for the faithful) religions represent a transnational element as eradicated from the territoriality of the legal state, then subject to migration phenomenon exactly like people and groups³³.

About the condition of women, for example, a recent research has demonstrated that it is directly proportional to the ratio between access to work and degree of religious freedom³⁴.

Not conditional LOGIT estimates of the probability of employment for women (Odds ratios)

³² M. RICCA, *Pantheon. Agenda della laicità interculturale*, cit., p. 29.

³³ A. FUCCILLO, F. SORVILLO, *Religious freedom and objectives for intercultural economic development*, in *Stato, Chiese e pluralismo confessionale*, cit., March 2013, and on *International journal for religious freedom*, 2013, p. 1 ss.

³⁴ F. PASTORE, S. TENAGLIA, *Appartenenza religiosa e scelte lavorative delle donne: ora et non labora?*, in the volume AA. VV., *Esercizi di laicità interculturale e pluralismo religioso*, by A. FUCCILLO, Giappichelli, Torino, 2014, p. 47 ss.



Variable ³⁵	
Religion (Target group: agnostic)	
Catholic	0.7463*** ³⁶
Protestants	1.7116***
Evangelical	1.0856
Muslim	0.2019***
Orthodox	0.4994***
Other religion	0.6298***
Atheist	0.7658***
Cosntant	2.3581***
Number of observations	25035

Estimate of LOGIT determinant of the probability of employment of women between the ages of 18 and 60 years (Odds ratios)

Variabile ³⁷	Mod. A	Mod. B	Mod. C	Mod. D	Mod. E
<i>Religion (Target group: agnostic)</i>					
Catholic		0.9428	0.9645	0.9197	1.0116
Protestants		1.5881***	1.5468***	1.3658**	1.2607*
Evangelical		0.8375	0.7518	0.7547	0.6216
Muslim		0.3811***	0.4428***	0.6706***	0.7327**
Orthodox		0.6008***	0.6759***	0.6261***	0.9747
Other religion		0.816	0.8804	0.8097	0.9349

³⁵ Graph produced by **F. PASTORE, S. TENAGLIA**, *Appartenenza religiosa e scelte lavorative delle donne: ora et non labora?*, cit., p. 67.

³⁶ *** statistically significant at 1%; ** statistically significant at 5%; *statistically significant at 10%.

³⁷ Graph produced by **F. PASTORE, S. TENAGLIA**, *Appartenenza religiosa e scelte lavorative delle donne: ora et non labora?*, cit., p. 67. The authors underline that the table includes coefficients not reported of the variables listed in methodological section. The figures in the Table represent odds ratio (relative reports of probability). The Odds ratio associated with a certain feature measure the risk (or probability) relative to female participation in the labor market for individuals who possess that trait compared to the reference group that does not possess it. An odds ratio of 1.5, for example indicates that the woman with that characteristic has a probability of 50% higher to participate in the labor market compared to the reference group. If the odds ratio is equal to 0.5, the individual with a certain feature has 50% less likely to participate in the labor market than those who do not possess the characteristic.



Atheist	0.9694	1.0386	1.0105	0.9603	
<i>Regime of social status (Target group:</i>					
<i>Scandinavian)</i>					
<i>Mediterranean</i>			0.8421*		
Central Europe			0.6458***		
Anglo-Saxon			0.8712		
Eastern Europe (member countries from 2004)			1.1820*		
Eastern Europe (member countries after 2004)			1.4826***		
Former Soviet Union			0.996		
Former Yugoslavia			0.6226***		
Turkey			0.8421*		
Dummy country					Yes
Constant	0.0001***	0.0002***	0.0002***	0.0002***	0.0001***
Number of observations	22284	22284	22284	22284	22284

The great Western democracies with their seemingly advanced societies are not entirely immune from discriminatory conduct in accessing the labor market and in general the instruments propaedeutic to the economic well-being. As evidence of this, you just have to look at all the cases of religious discrimination in those workplaces where there is considerable compression of religious freedom especially when referring to minorities³⁸. It is obvious that in many countries the economic

³⁸ The subject is vast. For all see **M. RICCA**, *Pantheon. Agenda per la laicità interculturale*, cit. p. 309 ss.; **V. PACILLO**, *Contributo allo studio del diritto di libertà religiosa nel rapporto di lavoro subordinato*, Giuffrè, Milano, 2003; **A. DE OTO**, *Precetti religiosi e mondo del lavoro. Le attività di culto tra norme generali e contrattazione collettiva*, Ediesse, Roma, 2007; **A. HAMBLER**, *Religion freedom, religious discrimination and the workplace*, in *Ecclesiastical Law*



development has not been achieved progressively with the development of “human rights” including the religious freedom, however, the assumption among the economic indices of the “happiness” as a parameter for the evaluation of systems changes very much the scenarios.

Researches have shown that the highest satisfaction ratings, in “social life”, are reached in countries where religious freedom and other human rights are notoriously and particularly protected³⁹.

Correlating the provided data so far it is clear that efforts must be concentrated in the search for forms of sustainable development or that will be able to guarantee an acceptable relationship between protection of “common goods” understood as patrimony of all (including the fundamental rights)⁴⁰ and economic development, at a glance a real economic *progress*.

5 - Brief conclusions

A guideline should be followed in the brief conclusions of the present work, that's to say, that religious freedom is denied in the twenty first century a lot more with the subtle tools of socio-economic discrimination than with guns.

The issue of symbols is, in theme, paradigmatic of the contrast between the behavior of religious inspiration and legal systems also self-defined as “lay”. However, in order to understand the true extent in society you must break free from legal issues related to the exposure of the “crucifix” in public places and expand the search to all forms of symbolism especially behavioral. It will be apparent that the great majority of people behave according to religious dictates that derive from their own folk culture and also from decided religious beliefs which testify

Journal, Vol. 11, Issue 02, 2009, p. 220 ss.; and for what concerns the *social work* see **L.E. RESSLER, D.R. HODGE**, *Religion discrimination in social work: preliminary evidence*, in *Journal of Religion and Spirituality in Social Work: Social Thought*, Vol. 24, Issue 4, 2006, p. 55 ss.

³⁹ For further information see **OECD**, *Society at a Glance 2014. The crisis and its aftermath*, Oecd Publishing, 2014, p. 134 ss., in www.oecd-ilibrary.org.

⁴⁰ **A. FUCCILLO, F. SORVILLO**, *Religious freedom and objectives for intercultural economic development*, cit. On the subject are central issues related to environmental protection recently cf. **F. SORVILLO**, *Eco-fede. Uomo, natura, culture religiose*, in **AA. VV.**, *Esercizi di laicità interculturale e pluralismo religioso*, cit., p. 79 ss.



the belonging to a group that identifies itself through the fulfillment of certain acts or the application of particular behaviors⁴¹.

The governance of conflicts is certainly one of the challenges of the century in which we live and the role of law as a science delegated to the achievement of “social peace” is decisive⁴².

To increase the amount of religious freedom in the world is not enough without a marked increase in its quality that allows every human being to “be himself” in any context, both social and legal.

To allow everyone to dress up, eat, work, live and die according to their own cultural pattern is the great challenge that awaits us. This will inevitably result in an increase in the quality of life of individuals and groups, in their “social welfare” and therefore in their “social happiness” that will have as an immediate and wonderful consequence, the strong compression of the social tensions which are the result of intolerance which is too many times the child of ignorance and misery.

It will be therefore an effective antidote to the religious persecutions resulting from the denial of religious freedom.

⁴¹ **M. RICCA**, *Pantheon. Agenda della laicità interculturale*, cit., p. 203 ss. About symbols see also **A. FUCCILLO**, *Giustizia e religione*, vol. I, Giappichelli, Torino, 2011, p. 103 ss.; **A. ARCOPINTO**, *I simboli religiosi nel diritto vivente*, in **AA. VV.**, *Esercizi di laicità e pluralismo religioso*, cit., p. 179 ss.; **F. LA CAMERA**, *Il diritto ad esporre simboli religiosi nello spazio pubblico*, in S. Domianello (ed.), *Diritto e religione in Italia. Rapporto nazionale sulla salvaguardia della libertà religiosa in regime di pluralismo confessionale e culturale*, il Mulino, Bologna, 2012.

⁴² **P. CONSORTI**, *Conflitti, mediazione e diritto interculturale*, Pisa University Press, Pisa, 2013, p. 9 ss.