

## *Easter blessings in the school*

Circular No. 103 of March 21, 2023 - State Comprehensive Institute “*Padre Orazio Olivieri*” of Pennabilli

Ordinance No. 8 of March 22, 2023 of the Municipality of Pennabilli

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### **Religious freedom - Easter blessings - school autonomy - municipal ordinance - religious pluralism - social inclusion**

In Circular No. 103 of March 21, 2023, the headmaster of the State Comprehensive Institute “*Padre Orazio Olivieri*” of the Municipality of Pennabilli ordered that the rite of Easter blessing could not be performed inside school buildings during the hours dedicated to educational activities. Specifically, it was stipulated that the rite could be celebrated «in agreement with the officiant, at the end of classes, with the presence of all those who would like to participate» (Circular No. 103 of March 21, 2023 of the Istituto Comprensivo Statale “*Padre Orazio Olivieri*”).

The school circular does not appear to depart from the principle enunciated in the well-known ruling of the Council of State, Sec. VI, No. 1388 of March 27, 2017. In that ruling, in fact, it was established that the religious rite of Easter blessings - aimed at the meeting between those who carry out pastoral ministry and families or other communities in the places where they reside - can legitimately take place within school institutions as long as it is celebrated in compliance with two main conditions: the religious service must be scheduled outside of educational activities; and participation must be optional. In particular, the Council of State has stated that the religious rite «for those who intend to practice it, makes sense insofar as it is celebrated in a specific place, while it would not make sense (or, at any rate, the same sense) if celebrated elsewhere; and this explains why it may be required that it be held in schools, in the presence of those who consent to it and outside school hours, without this in any way harming, even indirectly, the thought or feeling, religious or otherwise, of anyone else who, although belonging to the same community, does not share that same thought and who therefore, not participating in the event, cannot in any sense feel harmed by it» (Council of State, sez. VI, judgment Dec. 20, 2016 - March 27, 2017, no. 1388).

The school circular, however, was followed by the order of the Mayor of the Municipality of Pennabilli no. 8 of March 22, 2023 with which it was, on the contrary, ordered the headmaster of the State Comprehensive Institute “*Padre Orazio Olivieri*” of Pennabilli to «allow priests the rite of the Easter Blessing inside all classrooms of the Pennabilli school buildings even during the hours dedicated to the

performance of teaching activities in respect of the bearers of different religious cultures to whom must be allowed to leave momentarily» (Ordinance No. 8 of March 22, 2023 of the Municipality of Pennabilli).

Observance of the constitutional dictate and «respect for the Catholic religion in its traditional manifestations» are the reasons given for the stipulated obligation to celebrate the Easter rite in the Pennabilli elementary school even during school hours. The union ordinance, in fact, recalls both art. 7 of the Constitution and art. 9, paragraph 2, of the Villa Madama Agreement-

It is clear that the measure of the Mayor of the Municipality of Pennabilli - intervening with regard to the regulation of complementary initiatives and/or supplementary school activities having a connection with religion - is part of the complex relationship between the freedom of education and the protection of subjective identities, the expression of a specific religious affiliation, within the school.

As a result of this, the mayor's decision raises obvious concerns for at least two reasons.

First, the ordinance does not appear to meet the requirements of contingency and urgency that, under Articles 50 and 54 of the *Unified Text of Local Authorities* (T.U.E.L.), legitimize the exercise of the mayor's ordinance power in cases of health or public hygiene emergencies of a local nature and/or in order to prevent and eliminate serious dangers that threaten public safety and urban security.

Second, no less a harbinger of doubts - not only in terms of interpretation - is the declared legal ineffectiveness of the measure adopted by the head of the State Comprehensive Institute "*Padre Orazio Olivieri*". The hierarchy of sources of Italian law - the mayor's order specifies - would not allow a school circular to negatively affect cultural values that are constitutionally protected by the Italian legal system.

Yet the school leader's decision does not seem to differ from that set of best practices that, aimed at identifying possible solutions to issues of protecting specific identities in secular public schools, are in fact an expression of the educational and organizational autonomy of educational institutions.

Autonomy which, pursuant to Art. 21 of Law No. 59 of March 15, 1997, and Art. 4 of Presidential Decree No. 275 of March 8, 1999, is embodied in the definition of educational paths functional to the realization of the right to learn and the educational growth of all pupils in a perspective of protection and enhancement of diversity, while respecting the freedom of teaching, the educational freedom of families and the general purposes of the system.