

## **Book Review**

---

**Reviewed by Muhammad Touseef**

Email: [touseefeli@hotmail.com](mailto:touseefeli@hotmail.com)

### **Constitutional Democracy and Islam: The Legal Status of Muslims in Italy**

**by: Francesco Alicino**

**Published 2023**

**by Routledge**

**UK, 210pp**

**ISBN: 9781003309390 (eBook)**

Francesco Alicino is a leading scholar in public law, religion, and constitutional law. He is a Full Professor at the University of LUM Jean Monnet in Italy and also teaches at LUISS School of Government in Rome. Alicino has published extensively in English, Italian, and French on topics such as freedom of expression, secularism, and Islam in France. Through his scholarship, he has established himself as an expert on the legal regulation of religion and the role of Islam in Western democracies.

Chapter 1 of 'Religious matrices of constitutional democracies' provides an overview of how religion shaped early Western constitutional thought, with a focus on Islam's influence. Alicino traces how theological ideas like the 'king as vicarius Dei' informed medieval English thinkers' ambiguous views on limited government. He explores how Hobbes, Locke and Williams reflected a gradual 'desacralisation' of law and move towards upholding individual rights like religious tolerance. A key contribution is the analysis of how Islam profoundly shaped European legal traditions through cultural exchange but within Europe was viewed as foreign and applied to discriminatory regulations against Jews. The French Revolution brought debates about Islam squarely into tensions between religion and the secular state.

Chapter 2 of 'Majority and minority religions in Italy' analyses the complex dynamics between the Catholic Church, minority religious groups, and the secular state in Italy. The author highlights how the constitution aims to balance religious freedom with state impartiality, while granting special status to the Catholic Church. However, this has led to unequal treatment, with Catholic norms still heavily influencing state policy while most Islamic groups lack official recognition. A key theme is the tension between emphasising individual religious freedom versus privileged status for organised religion. The author compellingly argues that in practice, Italy has drifted towards favouring organised religion, neglecting minority rights. Landmark cases on issues like same-sex unions demonstrate the judiciary's role in updating laws to align with contemporary rights norms, often against Catholic values. This insightful chapter sheds light on the complex interplay between law, religion and politics in Italy's evolving constitutional system.

Chapter 3 provides a historical overview of Islam and Muslims in Italy. The author traces roots back to the Middle Ages, when regions like Sicily and Apulia were centres of Islamic learning and relatively peaceful coexistence. However, pragmatism rather than genuine friendship often characterised these relationships. The chapter then shows how Islam was largely absent when the Italian Constitution was drafted, only to later be mentioned in essentialised, negative tones. It was not until the 1980s and 1990s that Muslims immigrated to Italy in substantial numbers. Initially referred to based on nationality rather than religion, over time Muslims have been portrayed in media and politics as threats to security and stability.

The author highlights paradoxes in the convergence of Islam and constitutional democracy in Italy. Many Muslims view Islam as compatible with Western values, yet transnational Islamic movements promote more absolutist notions. This interplay of global and local forces has resulted in a distinctly Italian Islam. By situating these issues within Italy's secularism favouring Catholicism, the author shows how Muslims are largely seen as an exception, with legal treatment of Islam diverging from constitutional principles. Overall, the chapter provides a nuanced analysis of how Islamic law and Muslim integration challenge and reshape Italy's system. The historical contextualisation and examination of contemporary tensions makes this a valuable contribution.

Chapter 4 provides an insightful analysis of the legal status of Muslims in Italy's constitutional democracy. Alicino examines the complex relationship between Islam and the Italian legal system. He highlights how most Islamic groups operate as associations due to legislative loopholes and selective bilateralism favouring certain religions. This leads to frequent legal camouflage where Muslim entities mask their religious aims. The chapter explains key issues like places of worship, funeral rituals, cemeteries, religious symbols, and education policies. Alicino demonstrates how Muslims in Italy straddle seeking religious freedom while interacting with the state. He critically analyses regional laws and administrative actions that often restrict Muslim rights. However, pragmatic secularism has facilitated accommodations like Islamic veils. Alicino insightfully contrasts Italian secularism with French *laïcité*. He underscores how the absence of a religious freedom law coupled with bilateralism produces exclusionary effects against Muslims. The analysis provides a thoughtful model for conceptualising the legal status of Islam in European democracies.

Chapter 5 provides an analysis of socio-political perception of Muslims in Italy amid ongoing emergencies like immigration and terrorism. The author, Francesco Alicino, examines how these emergencies impact constitutional provisions concerning religious freedom. The chapter maps the heterogeneity of Muslims in Italy, comprising various ethnic, linguistic, and national groups. Alicino outlines major Muslim organisations and their legal forms, constrained by the legislative loophole on religious freedom. He analyses key issues like places of worship, cemeteries, religious symbols, and accommodating Sharia rules on personal status. Pragmatic secularism produces inconsistent outcomes.

Alicino compellingly shows how immigration and terrorism concerns become epistemological obstacles, leading many to view Islam as separate from religion. Muslims face dual tests of constitutional compatibility and denominational status. The government's reluctance for legal recognition exacerbates challenges. The chapter criticises the politicisation of Islam amid ongoing states of emergency. It insightfully discusses criminal laws and preventive measures for countering terrorism, which often

restrict Muslims' rights. Alicino analyses radicalisation and underscores the need for transparency in foreign funding. He argues that extending legal recognition to Muslim groups could increase accountability and reduce extremism.

The chapter makes an important scholarly contribution in evaluating the legal status of Islam in Italy's constitutional democracy. Alicino provides a nuanced analysis of pragmatic secularism and its limitations during perceived crises. His critique of unequal treatment and discussion of counter-radicalisation have relevance for contemporary debates across Europe.

In the concluding chapter, author Francesco Alicino sums up the key arguments made throughout the book regarding constitutional democracy, Islam, and the legal status of Muslims in Italy. Alicino reiterates that constitutional democracies are inherently secular states built upon the rule of law and protection of fundamental rights. He traces the historical emergence of European secularised legal orders that upheld religious pluralism. However, he notes that Judeo-Christian compromises are not easily extended to Islam, despite its growing presence due to immigration and globalisation.

The conclusion reflects on how secularism and religious freedom have become sources of conflict amid ideological decline, economic crises, and ongoing emergencies like terrorism. This fuels mutual suspicions between Islam and the West. Alicino observes that while Muslims' socio-economic integration is debated, far less attention is paid to their legal integration. He argues that Italy represents an insightful case study of managing new religious diversity. Its traditional bilateralism method of governing church-state relations produces negative externalities, privileging certain groups over Muslims. The politicisation of Islam in Italy exacerbates dilemmas of extending secular equality to religious differences.

Alicino contends that despite paradoxes, religions can nurture democracy's civic skills. But diversity and emergencies strain equality, rule of law, and secularism – indispensable pillars of constitutional democracy. The conclusion compellingly summarises the book's key contributions regarding pragmatic secularism and pragmatism's limitations in an age of uncertainty.