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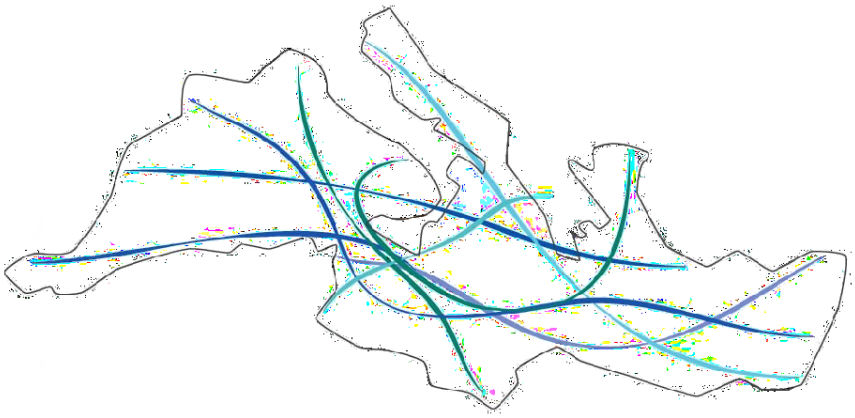
Pandemic, Law, Religion. Brief (but Problematic) Remarks



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Pandemic, Law, Religion. Brief (but Problematic) Remarks

Abstract
The impact of the coronavirus SARS-CoV-2 on the world of law has been wide and deep, directly proportional to that produced by the virus on habits, ways of life and social relations. However, the critical issues and uncertainties derived from the pandemic emergency are not an absolute novelty, as, with a deeper analysis, they prove to be connected to the dynamics of globalization and consequent phenomena. This is also true under the point of view of the relationships between law and religion. These relationships are not exempt from the implications of the emergency, but, at the same time, they reproduce the dialectic tensions already present in the pre-pandemic phase. More specifically, the pandemic emergency confirms the necessity to include the religious factor among the elements that contribute to the material and moral progress of society. Therefore, a renewed engagement of scholars and juridical operators for the enhancement of religion and for the complete inclusion of cultural and religious differences within the social and legal context is needed, in the perspective of the equal protection of constitutional rights and freedoms.

Keywords: Covid-19; Law and religion; Religious freedom; Cooperation; Social inclusion

La pandemia, la ley, el factor religioso. Breves (aunque problemáticas) observaciones

Resumen
El impacto del coronavirus SARS-CoV-2 en el mundo del derecho fue enseguida amplio y profundo, podría decirse directamente proporcional a aquel producido en los hábitos, estilos de vida y relaciones sociales establecidas. No puede decirse, sin embargo, que las criticidades e incertidumbres de un ordenamiento jurídico que ha traído la emergencia pandémica constituyen una novedad absoluta ya que, analizándolas más de cerca, encuentran una correspondencia más profunda en la dinámica de la globalización y en los fenómenos consiguientes. Esto también es cierto desde el punto de vista de las relaciones entre el derecho y la religión, que no se salen de las implicaciones de la emergencia pero que, al mismo tiempo, reproducen, sustancialmente sin cambios, las tensiones dialécticas subyacentes que ya caracterizaban al derecho pre-pandémico. En particular, la emergencia pandémica confirma la legítima localización del factor religioso dentro de los elementos que contribuyen al progreso material y espiritual de la sociedad y, en consecuencia, requiere prospectivamente, tanto entre los estudiosos como entre los operadores jurídicos, un renovado compromiso con la valorización/inclusión de las diferencias religiosas y culturales, con importantes repercusiones en términos de protección igualitaria de los derechos y libertades constitucionales.

Palabras Clave: Covid-19, Derecho y religión, Libertad religiosa, Colaboración, Inclusión social.

La pandemia, il diritto, il fattore religioso. Brevi (ma problematici) rilievi

Sinossi
L'impatto del coronavirus SARS-CoV-2 sul mondo del diritto è stato da subito vasto e profondo, si può dire direttamente proporzionale a quello prodotto su abitudini, stili di vita, relazioni sociali consolidate. Non si può però dire che le criticità e le incertezze d'ordine giuridico restituite dall'emergenza pandemica costituiscano una novità assoluta, dal

momento che, a una analisi più approfondita, esse trovano più profonda corrispondenza nelle dinamiche della globalizzazione e nei fenomeni ad essa conseguenti. Ciò vale anche dal punto di vista delle relazioni tra diritto e religione, che non risultano indenni dalle implicazioni dell'emergenza ma nel contempo riproducono, sostanzialmente immutate, le tensioni dialettiche di fondo già proprie del diritto pre-pandemico. In particolare, l'emergenza pandemica conferma la doverosa collocazione del fattore religioso tra gli elementi che concorrono al progresso materiale e spirituale della società e di conseguenza richiede prospetticamente, tanto negli studiosi che negli operatori giuridici, un rinnovato impegno alla valorizzazione/inclusione delle differenze religiose e culturali, con ricadute di tutto rilievo in termini di eguale tutela dei diritti e delle libertà costituzionali.

Parole chiave: Covid-19, Diritto e religione, Libertà religiosa, Collaborazione, Inclusione sociale

Pandemic, Law, Religion. Brief (but Problematic) Remarks

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1. Pandemic and Law (but also Economy)

The impact of the coronavirus SARS-CoV-2 on the world of Law has been wide and deep since the beginning. It is directly proportional to that produced by the virus on the ways of life and social relations. In its diverse stages (including the present stage of recovery and resilience), the pandemic has affected several sectors of the law system, has alimented new tensions in the relation among the powers of the State, as well as between central and local authorities (State and regions). More significantly, it has affected rules and principles that constitute real cornerstones of the democratic form of State. Just to mention the most evident and discussed consequences, it is worth remembering the problematic impact ot the first measures implemented to contain the infection on the sources of the law and on the constitutional rights[1].

In turn, the (more or less successful) attempts to normalize the emergency by neutralizing, as much as possible, its economic effects, lead to reconsider some issues which have been too hastly considered overcome.

It is the case of the so-called economic constitution, that is to say the package of the constitutional provisions related to the economic relations and to the interactions between State and market (starting from the fundamental disposition of the art. 41 of the Constitution)[2].

Actually, the pressure that the "pandemic and post-pandemic law" exercise on the constitutional dispositions (specifically on constitutional rights and liberties) can be viewed from different perspectives. For example, the attention can be focused on the emerging transformation that, beyond the initial resistances, seems to characterize the new course of the

[1] For example, among the scholars of "ecclesiastical law" (of the State), or "law and religion", see Colaianni 2020, and the additional citations contained therein.

[2] In truth, the meaning of the expression "Economic Constitution" is all but univocal. It is enough to mention, among the most recent, Cassese 2021, Bilancia 2019, Staiano 2019.

supranational European law (that is the policies, no longer only economic, of the European Union (Riviezzo, 2021). In a similar way, some Authors focuses on the hypothesis of a return of the State (Cassese, 2021), which can enhance its role towards the market (Riviezzo, 2021) and, in any case, can re-affirm the reasons of the law – and of politics – over those of economy.

Furthermore, the possible perspectives of analysis are not always clearly distinguishable, but they tend to intersect, to the point that they must be considered sides of the same coin. In substantial terms, each of these possible ways we can think in emergency exit has to face the need to place the economic relations within the constitutional legality. This exigency imposes to preserve the connection between the economic goals, that is to say the production of wealth, and the centrality of human being (and the promotion of its relational dimension). Under this point of view, the debate on the economic constitution contains important elements of novelties, as well as interesting suggestions in terms of the necessary constitutional continuity.

The last consideration is useful to underline how the difficulties and the uncertainties emerged from the pandemic are not at all an absolute novelty. On the contrary, they must be understood, in their essence, as effects of different factors which have been consolidated and overlapped over time. I mean to refer, particularly, to the pervasiveness of the technological progress that had drastically reduced the time-space distances, the massiveness and the continuity of the migratory flows that have rendered the social contest more multi-cultural and multi-religious, as well as, in more general terms, the social-economic change, convergent in the wide phenomenon of globalization. The effects of the conjunct action of these factors and the sense of loss that they imply in relation to the crisis of law as exclusive and self-sufficient form of social regulation, have been clear since before the covid-19 pandemic and have involved political institutions, interpreters and practitioners of the law.

In this sense, the pandemic emergency shows an essential link with the continuous re-emergence of the trinomial "change-crises-emergencies"[3], which constitutes a basic and ordinary feature in this interconnected world[4] and exerts the same pressure of globalization on the juridical systems. More specifically, the global dimension of covid-19 appears to be in a non-secondary relation with the condition of global interdependence that characterizes the juridical contemporaneity. It also confirms the inadequateness and the potential ineffectiveness of the responses of the States, in order to the exigencies of the juridical regulation and the

[3] For a specific declination, with reference to «globalization, secularization and immigration», see Folliero, 2010, 1.

[4] On the relation between pandemic emergency and globalization see Berlingò 2018.

instances of protections that are developing and spreading beyond the territorial borders. It also proves the limits of the traditional and absolute paradigm of the State sovereignty (Ricca, 1999).

But there is also a constructive legal consequence of covid-19, strictly connected to the difficulties that it has (re)brought to the attention of the common citizen, as well as to that of the scholar of law.

By opposing – as an unavoidable way out from the pandemic – the sovereignty of the Constitution to that of the State, the legal reaction to covid-19 cannot fail to involve the fundamental pluralist character of the democratic-constitutional system and, therefore, to entrust itself to the relational and generative significance of freedom (Ricca, 2012, p. 127), by focusing on the enhancement of the contribution that all citizens are called to offer to the evolution of the legal system and to the affirmation of the constitutional aims-values. In this sense, it must be recognized that the pandemic, in its extremely tragic nature, constituted an unexpected occasion to reflect on the process of the implementation-actualization of the constitutional legality and also to rediscover the prescriptive significance of the solidarity principle and the importance of a systematic interpretation of the constitutional rights, both individual and collective, also in terms of inclusion of the cultural and religious differences.

2. Law and the double legal perspective in considering religion

Such awareness and its operational implications cannot fail to involve the scholars of the relations between law and religion. Indeed, their attention toward the legal implication of covid-19 has been immediate and not lacking in useful insights[5].

Actually, also from this specific point of view, the emergency of the pandemic has brought topics and problems (which cannot be considered unknown) to the attention of institutions and scientific community.

On the background there is the problem of conciliating two ways, logically different but actually interconnected, to look at the legal dimension of the religious factor. The problem, in other words, to consider the most genuine significance of religion as a qualifying element of a freedom that need to be protected and promoted, avoiding to fall in the different view of religion as a tool of power, which aims not only at orienting the behaviour of the believers, but also at colonizing the sphere of politics (by conditioning

[5] See the contributions included in the dedicated sections of the website of DiReSom (*Diritto e Religione nelle Società Multiculturali – Law and Religion in Multicultural Societies*, *www.diresom.com*) and of *Osservatorio delle libertà e delle istituzioni religiose* (*www.olir.*it). A useful summary of the measures and interpretative concerns is in Casuscelli, 2021a.

the public decisions), in order to undermine the formal and substantial equality of all citizens[6].

Faced with the need of preserving the independence of the political sphere from undue interferences of religious powers, for a long time the State has responded by identifying an exclusive field of competence, from which religions must been kept away. However, under the push of the multicultural and multi-confessional society, this solution has proved to be more and more unnatural, inadequate, and, above all, disrespectful of the pluralist and libertarian principles of the constitutional democracy.

From here, the rise of a dialectics that, even within the tragedy of the pandemic, has continued to influence the relations between legal system and religion, with alternate results about both the equal protection of religious freedom and the safeguard of the specificity of the religious interests.

3. The religious factor and the "pandemic law"

The experience of covid-19 has confirmed the coexistence of this double perspective in the legal approach to religion, but it has also indicated the way for achieving a conciliation within the aims and the values of the legal system.

Let us briefly consider the restrictions to the freedom of worship (in public and collective form) determined by the first containing measures (those that have brought to the so-called lockdown).

Despite some criticism for the interpretative uncertainty of such measures (Consorti, 2020), on the whole the limitations have been essentially considered legitimate by the majority of the scholars, because they have been understood as only indirectly coming from the regulation for the containment of the infection (Ferrari, 2020) or, at least, as the result of an adequate balance of the involved rights and interests (Colaianni, 2020; Licastro, 2020). It is to point out that the absence in the art. 19 of the Constitution of any reference to the protection of health as a possible limit to the public worship has been overcome by a systematic interpretation of the religious freedom within the constitutional framework. Furthermore, it is also questioned by the explicit provision of the art. 9 of the European Convention on Human Rights, which refers to the legitimacy of limits motivated by the protection of the public health and by the strict connection, within the law of the European Union, between the necessary protection of

[6] On the double characterization of religion, as freedom and as power, see Vitale 2005.

public health and the European principles of precaution and preventive action[7].

From here, an indication of noticeable impact, as it is not limited to the first stage of the pandemic emergency, but it is useful to valorise the contribution of the religious freedom in the stage of recovery and resilience. In such a way, the interpretative criteria (recognized by the European Court of Human Rights-ECHR) of legitimacy of the purpose, of the necessity, adequateness and proportionality of the containment measures adequate to the target, and that of the minor sacrifice, are not only to be considered as technical-operative tools in interpret the explicit limits eventually introduced by specific dispositions of national laws. Indeed, they tend to become principles and criteria of acknowledgment and concretization of the constitutional character of religious freedom, to be used even regardless of the existence of explicit predictions, in order to prevent undue limitations, but also undue privileges.

However, the same governmental provisions have raised some perplexity, connected to the alleged violation of the independence of the Catholic Church (art. 7, par. 1 of the Constitution), that is of the *libertas Ecclesiae* (Pacillo, 2020, 2021; Botti, 2021), as well as of the autonomy of the religious denominations (art. 8, § 1 of the Constitution) and of the agreed relations between the State and the Church (and the other religious denominations : art. 7, par. 2, and art. 8, par. 3) of the Constitution), or of the principle of the cooperation between State and Church «for the promotion of human being and the sake of the country» (art. 1, l. no. 121/1985, *Accordo tra la Repubblica italiana e la Santa Sede di modifica del Concordato del 1929*).

Sometimes it has been highlighted (and also complained) that the measures for containing the pandemic emergency have been unilaterally adopted by the State, without involving the religious authorities, as it should be in consideration of the above-mentioned principles[8].

However, the beginning of a new stage – less serious – of containment has enabled a greater involvement of the religious communities, so contributing to downgrade the debate arisen on the basis of these considerations. I mainly allude to the Protocols signed by the Ministry of the Interior with the Catholic Church and the representatives of other religious faiths for the restart of the celebrations. Such Protocols have operatively translated the normative indications[9], tailoring them to the exigencies of the faith communities.

[7] For both issues see Causcelli, 2021a, with specific references to the pronouncement of the Italian Court and of the European law.

[8] See d'Arienzo, 2020.

[9] For a panoramic view of the contents of the Protocols, see Decimo 2020, Tira 2020.

The Protocols have been soon inserted in the framework of the administrative participation, so highlighting their substantial extraneousness to the logic of bilateral agreements and, in such a way, their imputability to the discretion of the State and, finally, their attribution to the State full responsibility (Colaianni, 2020; Alicino, 2020, 2021; Cimbalo, 2020, 2021).

In my opinion, this does not exclude that the Protocols may be considered an expression of a more general principle of cooperation, partly unconnected from the essential indication of the art. 1 of the *Villa Madama* Agreement.

The principle of cooperation represents a system principle. Without confusing it with the principle of bilateralism (provided by the art. 7, par. 2 and art. 8, par. 3, of the Constitution), we can say that cooperation can regulate not only the relations between State and religious groups, but also, in a wider sense, the interaction between sacred and secular, although maintaining the distinction provided by the Constitution.

The story of the ecclesiastical cooperation during the pandemic gives us interesting insights. Specifically, we can now conclude that the principle of cooperation has to be understood as a tool to assure the safeguard of an essential exigency of unity of the system, faced with the possible fragmentation that comes from the recognizing of the constitutional prerogatives of sovereignty/independence and religious autonomy. Under this point of view, underlining the connection between the principle of free and fair cooperation with the constitutional principle of solidarity is not casual (Casuscelli, 2021a).

Ultimately, the principle of cooperation between the State and the Church is now turning towards a wider system principle, so that it is devoted to regulate in a broader sense the relationships between religions and the legal system, that is to say the sphere of sacred and the sphere of the secular.

It is a trend to be understood as an acknowledgment of the wider importance of the religious factor but, at the same time, it also acts as a sort of counterweight for a wider interpretation of religious freedom.

In this sense, the ecclesiastical principle of cooperation has two competitive purposes, only apparently contradictory. It is a good way to guarantee the central role of religion, but it can also constitute an effective tool to affirm the reasons of the public synthesis (or the reasons of the sovereignty of the State) and to prevent the risk of undue field invasions.

Of course, all the parties (first the public institutions) have to be available to insert the praxis of the cooperation in a wider view, so as to allow religious actors to fairly contribute to the implementation of the value-aims of the Constitution, but, at the same time, to avoid that the guarantees of equal freedom and democratic pluralism could be undermined.

In this context, we have to reiterate that the full implementation of the constitutional aims and values and the pluralist composition of the involved interests finally fall into the framework of the sovereignty of the public institutions. They cannot escape this fundamental task. So, ultimately, the problem that arises is that of the effectiveness in the exercise of this crucial function, with regard to its forms as well as its real contents.

4. The religious factor and the "post-pandemic law"

This kind of development of the interaction between religion and legal system can prove to be very fruitful in the present stage of normalization of the pandemic emergency, which questions the capability of public institutions and social actors to start virtuous processes of social, economic, libertarian and genuinely inclusive recovery.

Actually, also in this case the religious factor is destined to play a relevant role, as a ground of emersion and, at the same time, as a distinctive element of oscillations regarding the way itself of understanding the value and aims of the legal system and their relations with the exigencies of the emergency.

Important indications come from the *Piano Nazionale di Ripresa e Resilienza* adopted by Italy within the programme *Next Generation EU (NGEU)* [10], whose governance has been established with the recent decree no. 77/2021, converted into the law no. 108/2001, and in the further dispositions that the legislator has used to match the exigencies of this new stage, in the light of the recently implemented legislative measures.

It is now enough to consider that the cancelation of the inequalities, also on a religious basis, falls into the concept of the so-called transversal

[10] As specified in the foreword of the document, the *Piano Nazionale di Ripresa e Resilienza* (PNRR) is a «package of investments and reforms» presented and funded on the basis of one of the two tools of the European Programme *Next Generation EU* (*NGEU* (the other being the *Pacchetto di Assistenza alla Ripresa per la Coesione e i Territori d'Europa*, *REACT-EU*). The PNRR is articulated in six missions (digitalization, innovation, competitiveness, culture and tourism; green revolution and ecological transition; infrastructures for sustainable mobility; school and research; inclusion and cohesion; health) and 16 components and it «benefits from the close interlocution of this months with the European Parliament and Commission, on the basis of the regulation RRF». As explicitly stated, «for Italy the NGEU represents an opportunity of development, investments and reforms. Italy needs to modernize its public administration, strengthen it productive system and intensify the efforts to restart a sustainable and lasting growth, removing the barriers that have blocked the Italian progress in last decades».

priorities of the *Piano*. It is also interesting to consider the reasons of such institutional commitment, aimed at overcoming a criticality that does not concern only the individual sphere, but also influences the implementation of the collective targets of development and cohesion. As PNNR explicitly states, the persistence of gender inequalities, as well as the absence of equal opportunities independently from provenience, religion, disability, age, or sexual orientation is not only an individual problem, but also a barrier to the economic growth.[11].

Against this background, we can even suppose that religions are again called to accompany the public institutions with a relevant action, using their capabilities of inclusion, mobilization and social cohesion. That is, to act as a powerful factor of motivation of the daily engagement of the faithful, «individual or associated», in activities useful for the common good. They should also propose themselves as an element of consolidation of the persuasiveness of political decisions[12], acting as an ethical glue (Fuccillo, 2017, 37), an antidote to the fragmentation, and a bridge of dialogue among the various identities acting within the society.

It is evident that religious groups and denominations exercise this new role mainly in the concreteness (sometimes elusive) of the economic relations, relevantly contributing to understand needs and interests that must be satisfied and to implement the adequate measures. But it is also evident that this can create already known critical issues and ambiguities.

It is relevant to notice the importance that the PNRR entrusts to the civil society and, particularly, to the bodies of the Third sector, specifically in the field of the actions requested by the mission of inclusion and cohesion. Among them, although within the uncertainty and ambiguity that characterizes the reform of the Third sector (starting from the decree no. 117/2017, bearing the Code of the Third Sector), an important role is that of the «publicly recognized religious bodies» mentioned at the art. 4, section 3 of the same Decree.

Under this point of view, the beginning of the recovery seems to constitute a useful occasion to strengthen and re-launch the relations of cooperation between public bodies and religious actors, along the line indicated by the Codice del Terzo Settore on the topic of shared administration (see the art. 55, d.lgs no. 117/2017). But, naturally, to this goal a more aware and consistent approach to the generative dimension of religious freedom and therefore a deeper attention to the social and economic contribution of the religious entities is needed.

[11] *Piano Nazionale di Ripresa e Resilienza* (PNRR), p. 33.

[12] About the substantial acceptation of the measures of containment of pandemic by the Roman Pontiff and the difficulties in interpretating this approach, see among the others Cimbalo, 2021.

More detailed and deeper considerations are not possible here. But we cannot overlook the consideration that today the approach to religious factor, as an element that contributes to the achievement of the targets of material and spiritual progress of society, is still partial and incomplete (D'Angelo, 2020).

More specifically, the present openness of public institutions and legal system toward the religious factor continues to involve only the typical religious forms and to overlook the less traditional and more flexible manifestations of religiosity, which are present in the social, economic and cultural arena.

At the moment, the legal promotion of the possible contribution that religious factor can give to society does not entail a univocal result of safeguard of the equality in religious freedom. In fact, the access to the promotional mechanisms of inclusion in the circuit of the subsidiarity is limited to the catholic entities or to the confessions that have signed an agreement in accordance to the art. 8, section 3 of the Constitution. This is also true for the forms of cooperation established at regional and local level, that contribute to increase the gap between the religious denominations (and respective bodies) that have subscribed the agreement and those that lack it[13] (Elefante, 2020).

Moreover, on the whole, the legal approach to religious freedom is a ~~a~~ too formalistic approach. It doesn't allow a secure progress in promoting the specificity of the religious interests, because it considers within the conceptualization of religious freedom only the traditional and consolidated forms of religiosity (the activities of religion and worship in a strict sense). In such a way, it undermines the strong potentiality in innovation and social transformation that religious freedom could express[14].

[13] It is not useless to observe that, within the pandemic emergency, regions and local bodies have not renounced to be protagonists of attempts of cooperation with the religious actors, proposing innovative solutions, more adequate to new social needs. As an example, just consider that among the measures of economic recovery connected to the pandemic emergency, some Regions have introduced the grant of extraordinary funds for the enhancement and re-launch of the social-educational function of parish oratories, in order to «conciliate the time of work with that of family, easing the return to work of parents» (*Decreto del dirigente del servizio politiche sociali e sport no. 203 del giugno 2020*, emanated in implementation of the *Delibera della Giunta regionale Marche no. 743/2020*). In a similar way, the Region Campania, aiming at easing the cooperation between the Region itself and the bodies engaged in the fight against the social marginalisation of the youth, has introduced the memorandum of understanding with the Regional Episcopal Conference. Considering the strong social-economic difficulty of some territorial areas of the region and its aggravation for the sanitary emergency connected to the Covid-19, the aim is to contrast the social marginalization and to promote the role of the parishes within the civil and pastoral community (*Delibera giunta regionale Campania no. 354, 9 July 2029*: Elefante 2020, p.194).

[14] On the importance of a more defined and consistent promotion of the religious factor in the framework of the evolutionary process of the system od subsidiarity and, particularly,

5. A fruitful perspective of scientific and civil engagement

The normalization of the emergency anticipates the opening of new spaces of promotion of the religious factor, towards a more ambitious project of social development. This is spurred by the above-mentioned implications of the pandemic on the economic constitution, which also concern the legal projections of the religious factor and the relation between ~~j~~religion and the legal system.

Actually, the inclusion (to be still verified) of the pursuit of not exclusively economic-financial interest in the supranational European law, as well as the renewed role of the State in its relations with the market, represent important factors of novelty. They surely ~~that cannot but~~ involve the national regulation of religious rights and interests and its relations with the so-called multi-level legality (Folliero, 2007). Moreover, the economic relation itself is one of the most meaningful parameters for evaluating the sense and the scope of the recognized public role of religions and for registering critical points and level of implementation (or non-implementation) of the principle of equal freedom without distinction of faith[15].

The dense and articulated inter-relations that the religious factor establishes with the legal system are therefore bound to be more extended and complex. This scenery could produce ambiguous results.

In fact, the risk of hegemonic claims of the strongest religious communities cannot be underestimated. In this case, the guarantee of the equal freedom without distinctions would be further undermined. The physiological strengthening of the exigencies of social cohesion, connected to the management of the emergency, can entail a significant regression of the pluralist dynamic.

The goal of the exit from the emergency (and the alternative of the forced co-existence with it) needs the consistent and aware promotion of any possible contribution to the material and spiritual progress of society. With these premises, the reflection on the role of the religious factor is not a merely speculative exercise, but it also responds to concrete targets of implementation of constitutional indications, included those that impose to involve the religious and cultural differences.

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of the new subsidiary welfare, connected to the cautions to prevent the rise of obstacles to the equal protection of rights and freedoms, see D'Angelo, 2021.

[15] On the symptomatic and conditioning character of the so-called economic relation, see Folliero 2013. See also, with special attention to the so-called 8x1000, Pasquali Cerioli, J. & Domianello, S. 2020; C. Elefante, 2018. It is also useful to consult the contributions in Dammacco & Ventrella, 2018.

It is therefore necessary to look for a new operational balance among the exigencies of delimiting the orders of sacred and secular and the equally important inclusion of the religious factor among the elements that contribute to the material and spiritual progress of society. Indeed, economic and social progress has to be understood as a tool for a greater promotion of the human being and a better safeguard of the rights and freedoms guaranteed by the Constitution.

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