

The Legal Status of the Church of England in Italy

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In a historic move, the Church of England has achieved legal recognition in Italy. Legal status was declared by a presidential decree signed by the President of the Italian Republic, Giorgio Napolitano, in July 2014. This recognises the Church of England as a denomination and a 'properly organised and authorised' religion in Italy. The decree gives legal status to the association Chiesa d'Inghilterra (Church of England), which represents the Church of England in Italy, and accepts its statutes. The registered address of the Chiesa d'Inghilterra is in the centre of Rome.

The presidential decree follows seven years of work and was granted after approval by the Italian Cabinet and careful and detailed examination by the Consiglio di Stato (the advisory body of the Italian government on administrative matters and their legal implications), the Ministero dell'Interno (Italy's equivalent of the Home Office) and the Direzione Centrale degli Affari dei Culti (Central Department for Religious Affairs).

Anglicans have lived, worked and professed their faith in Italy for 400 years. The first Anglican community was founded in 1605 by Sir Henry Wooton, English ambassador to the former Republic of Venice. Today there are an estimated 100,000 Anglicans in Italy, some of whom regularly attend services in one of more than twenty chaplaincies or congregations in the country.

The Church of England obtained its legal status through the Chiesa d'Inghilterra, a not-for-profit 'religious moral entity' as defined by Italian law; the association's legal representative is the Archdeacon of Italy and Malta (Diocese in Europe, Church of England). Furthermore, the Chiesa d'Inghilterra is governed by a board of directors made up of senior members of the Church of England, the British ambassadors to the Italian Republic and to the Holy See, and Anglo-Italian laypeople based in either Italy or the United Kingdom.

The recent history of this process began in 2006, when a Canadian chaplain (therefore a non-EU citizen) was appointed to Holy Cross church, Palermo, and needed a visa to reside in Italy. However, because the Italian Republic did not legally and formally recognise the Church of England as a 'religious moral entity' (based on Italian civil law), the same chaplain could not obtain a

permanent visa ‘for religious purposes’. Furthermore, since most of the chaplaincies struggle with their finances because of very low – if any – income and high expenses, members of the Church of England in Italy realised that more and more ‘religious entities’ of different denominations were getting legal status and funds from the Italian tax-payers through the so called *otto per mille* (a scheme similar to Gift Aid in the United Kingdom). The *otto per mille* scheme allows all Italian tax-payers to specify in their annual tax return that 0.8 per cent of their payable tax should be given to a recognised religious organisation or government social assistance programme; the total amount assigned to churches each year by Italian tax-payers is over €1 billion (mostly to the Roman Catholic Church). It is estimated that, if and when Anglican tax-payers can assign their share of the *otto per mille* to the Church of England in Italy, the grants received could be in excess of €3 million per year. These funds would certainly make a huge difference to the chaplaincies’ poor and struggling accounts for keeping the chaplains and maintaining some wonderful church buildings, and, it is hoped, would increase the assistance that can be given to outreach schemes, including the opening of orphanages.

In 2007 a group of Anglicans resident in Italy met with the Archdeacon of Italy and Malta and decided that it was time that the Church of England achieved legal status in Italy through negotiating and signing an *intesa*. In simple terms, an *intesa* is an agreement negotiated on a case-by-case basis between the Italian Cabinet and a ‘religious entity’; it sets out the terms of the relationship between the two parties. Presently, only six ‘religious entities’ have an *intesa* with the Italian Republic. Moreover, it was decided that, as a matter of principle, the Church of England should be granted legal status in Italy, and in the constitution of the Diocese of Europe there is an explicit requirement that all expressions of the diocese have an obligation to achieve the highest possible level of local legal status.

Research started on what had to be done to obtain legal recognition and the *intesa*. During the first years it was largely a step-by-step trial process, exploring what needed to be done, who needed to be involved and which government department needed to be approached. It was described as ‘like sailing in a fog’. Once the principle had been agreed, those involved had to make sure that no one in either the United Kingdom or the Italian Republic had any formal or informal objections. Fortunately, many fully supported the subject, and there was a green light to proceed.

Work then started on further research on the Italian regulatory system, possible conflicts between Italian law and the law governing the Church of England, and motions brought to the yearly Synod meetings of the Archdeaconry of Italy and Malta. However, Italian civil law is highly complex, and those involved had to deal with understanding and merging two different systems: on the one hand, English law written in English and based on common-law principles; on the

other hand, Italian law written in Italian and based on very different civil-law principles. It took some time before it was understood in general terms what had to be done. The conclusion was that three main things were necessary to achieve legal status and the *intesa*: first, a new ‘suitable regulated Italian entity’ had to be incorporated; second, the new entity had to apply and achieve legal status; third, the *intesa* had to be negotiated with the Italian Cabinet.

Norms regulating the legal recognition of ‘churches’ in Italy (some dating back to the Realm of Italy) are:

- i. Articles 3, 8 and 19 of the Italian Constitution, dated 1947;
- ii. Article 2 of *Legge* n 1159, dated 1929;
- iii. Article 10 of *Regio Decreto* n 289, dated 1930;
- iv. Italian commercial law; and
- v. Italian ecclesiastical law.¹

As one may infer, considering all the above regulations and guidelines meant that writing the statutes for such an entity was no easy task. Hardly anybody had or has the right experience either in Italy or Great Britain to do so; it was therefore decided that some form of legal advice was necessary. In 2010 a professor of ecclesiastical law in Rome was approached. The professor offered his assistance in exchange for a fee of over €400,000, plus VAT and expenses for the entire process. The fee was justified, but the archdeaconry had to face a major problem: chaplaincies and congregations of the Church of England in Italy did not have such funds at their disposal. Fortunately, and by coincidence, another professor was approached: Professor Salvatore Bordonali, a well-known, very experienced and reputable professor of Ecclesiastical Law at the University of Palermo. Professor Bordonali very kindly and generously offered his services pro bono. He and his research assistant, Avv Fabiano Di Prima, who principally specialise in the *intesa*, gave their initial input on how to constitute the ‘suitable regulated Italian entity’ and assisted in drafting the statutes. It took roughly eighteen months to draft the eighteen pages of statutes for the *associazione Chiesa d’Inghilterra*. A first section specifies how the Diocese in Europe is organised, what it does and how it is managed, all then integrated/merged with Italian regulation; with this in hand, the second section of the statutes was written, based on Italian civil and commercial law which regulate associations. In order to make sure that the statutes were properly drafted, a dialogue was also

1 General information on the regulatory framework for the recognition of churches in Italy may be found at <http://www.interno.gov.it/mininterno/export/sites/default/it/sezioni/ministero/dipartimenti/dip_immigrazione/dc_culti/>, accessed 7 October 2014.

initiated between the Archdeaconry of Italy and Malta, the Ministero dell'Interno and the Direzione Centrale degli Affari dei Culti.

On top of all this, another major issue had to be faced. To make sure that the governing body was trustworthy and watertight for future generations, the statutes had to include plans for the formation of a board of directors. After months of conversations and brainstorming, it was agreed that the governing body of the association would be formed by high-ranking and reputable people, some *ex officio* and others elected by the members, and that it had to include a balance between clergy and lay people. Hence, the statutes indicate that the governing body should consist of eight members: the Archdeacon of Italy and Malta (*ex officio* and acting as chairman and legal representative of the association), the Archbishop of Canterbury's representative to the Holy See, based in Rome (*ex officio*), the British Ambassador to the Italian Republic (*ex officio*), the British Ambassador to the Holy See (*ex officio*) and an additional four persons, either clergy or lay people, elected from the membership.

Following approval by the Rt Revd Dr Geoffrey Rowell, Bishop of Gibraltar in Europe at the time, the *associazione Chiesa d'Inghilterra* was incorporated in Rome on 28 June 2012. The founding members were the Venerable Jonathan Boardman, Mrs Sandra Seagram-Annovazzi (churchwarden, All Saints, Rome), Mr Paolo Cesare Coniglio (honorary treasurer, Holy Cross, Palermo) and Mr Giampaolo Grazian (churchwarden, All Saints, Rome). At the time of writing, the members of the board of directors are Archdeacon Boardman (chairman), Archbishop Sir David Moxon, HE Christopher Prentice, HE Nigel Baker, Mrs Seagram-Annovazzi (vice-chairman); Mr Coniglio (secretary), Mr William Richards (treasurer) and Mr Grazian. The association is governed and controlled by three bodies: the *Assemblea degli Associati* (association's members' meeting), the *Consiglio Direttivo* (board of directors) and the *Collegio dei Revisori* (auditors).

With this 'suitable regulated Italian entity' duly incorporated, work started on the documents required for the application to achieve legal status. This involved strict procedure and a specific list of documents. After several additional months of work, an application for legal status was filed together with the long list of documents, which included: an application letter for legal status addressed to the Ministero dell'Interno; a detailed report on the Anglican community residing in Italy; and a detailed report on the assets and finances of the Anglican chaplaincies and congregations in Italy.

The application to gain legal status was filed on 28 February 2013 and inevitably had to pass through and be approved by various authorities: the Ministero dell'Interno, over one hundred prefects distributed across Italy, and the Consiglio di Stato. The application was then submitted and approved by the Italian Cabinet on 10 July 2014. The Cabinet advised the President of the

Italian Republic to grant legal status to the Chiesa d'Inghilterra via the aforementioned presidential decree dated 17 July 2014. The final step in the process is negotiating the *intesa*, but this is somewhat simpler than the work leading to the achievement of legal status.

Undoubtedly all this could not have been achieved without the valuable assistance, guidance, support, trust and enthusiasm of the many people who all helped pro bono, in both Italy and the United Kingdom. Particular thanks are due to Archbishop Sir David Moxon, Archdeacon Jonathan Boardman, the British ambassadors to Italy and the Holy See (HE Christopher Prentice and HE Nigel Baker), Professor Salvatore Bordonali and Avv Fabiano Di Prima, Mrs Sandra Seagram-Annovazzi, Cav Giampaolo Grazian, Mr William Richards and, last but not least, all the chaplaincies and congregations across Italy.

The signing of the presidential decree by President Giorgio Napolitano coincides with the launch of a new website for the Chiesa d'Inghilterra.² This includes information about the twenty Anglican churches in Italy, as well as news and more general background information. At present, most of the information is in Italian, but work is progressing to complete the dual-language project, with more details in English to be made available by the end of 2014.

To mark the success of the process, celebrations were held in Westminster Abbey and the British Embassy in Rome. The achievement of legal status strengthens further the already very good relationship between the Italian Republic and the United Kingdom, and is a firm foundation for joint relations yet to come.

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2 See <<http://www.chiesadinghilterra.org>>, accessed 7 October 2014.