

Food Security, Right to Food, Ethics of Sustainability

Legal, Economic
and Social Policies

Edited by
Licia Califano

FrancoAngeli 

Collana

di Diritto

SAGGI E RICERCHE



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IV. FOOD, RELIGION, SCHOOL: SUSTAINABLE IMPACT IN THE MULTI-ETHNIC SOCIETY

ALBERTO FABBRI

SUMMARY: 1. Religious food culture. – 2. The right to food choices. – 3. The management of multiculturalism at school in terms of food education and canteen service. – 4. Open scenarios: a possible new integration model?.

1. Religious food culture

The natural association of religion with food¹ stems from an inescapable connection of the sacred with elements that constitute human nature itself, without which man cannot operate in the fullness of his capacities. In particular, food becomes the first fundamental parameter for the very existence of the person, in which the fundamental relationships between creator, creature and creation, also in terms of availability and willingness to use the resources that

1. A.G. Fucillo, *Il cibo degli dei*, Giappichelli, Torino, 2016; D. Pavanello, *Cibo per l'anima. Il significato delle prescrizioni alimentari nelle grandi religioni*, Edizioni Mediterranee, Roma, 2005; M.C. Giorda, L. Bossi, E. Messina, *A tavola con le religioni*, Quaderni di Benvenuti in Italia, 5, Torino, 2015; *Daimon*, Diritto comparato delle religioni, *Regolare il cibo e ordinare il mondo Diritti religiosi e alimentazione*, 2014; F. Alicino, *Cibo e religione nell'età dei diritti e della diversità culturale*, in «Parolechiave», no. 2, 2017; A. Valletta, *Il diritto al cibo religiosamente orientato al tempo di pandemia*, in «Stato, Chiese e pluralismo confessionale», online journal (www.statoechiese.it), no. 13, 2020; N. Marchei, *Cibo e religione*, in B. Biscotti, M. Lamarque (a cura di), *Cibo e acqua, sfide per il diritto contemporaneo. Verso e oltre expo 2015*, Giappichelli, Torino, 2015, p. 105 et seq.; A. Iacovino, *La libertà religiosa alimentare e tutela giuridica delle diversità*, in «Diritto ecclesiastico», I, 2021, p. 267.

are present on earth, are grafted and developed for the believer. This connection proves to be very profound, certainly not limited to food merely as sustenance, acquiring a meaning that characterises, conditions and guides the very spiritual practice to which the believer is called in pursuit of the ideals and principles of the chosen faith.

The action of eating structures a multi-grade relationship, firstly with the divinity, in showing the level of fulfilment and fidelity to the fideistic indications and prescriptions, then with other believers, in a journey among peers, subject to the same indications; and lastly with the community, in the contribution that the individual attitude can bring to the path of growth of the community.

The process that religions activate towards food produces effects with regard to diet as a pathway that acquires valorisation and sacralisation because it is elevated to the status of instrument of adhesion and model of participation in the creed. The mere presence of the same food in different geographical contexts, its preservation or display, irrespective of its consumption, is capable of manifesting a strong community presence and adherence, with a clear incidence of identity.

The relevance of food in the fideistic structure confers a condition of sacredness to food itself, a sacredness that is expressed in all the different uses of the individual foodstuff. Food takes on meaning insofar as it is envisaged by the religious order, regardless of its actual consumption. The practice of fasting and abstinence, as a gesture of the renunciation of a food or a dietary attitude, in which detachment from certain foodstuffs or the renunciation itself constitute the very condition of adherence to faith, is rightly included in this framework.

Another aspect to be considered in this relationship is mediation with the divine, in the sense that food, in its positive (permitted) or negative (forbidden) interpretation, takes on the presence and revelation of the divinity.

Again, the use of food in rituals, in order to connect the divine dimension with the human dimension through a food which, even in the action of its consumption, expresses a physical internalisation of what the food represents.

Lastly, nourishment as a path to perfection, in the lawful use of respect for dietary practices, a marker of an increasingly complete religious adherence.

Every religion promotes its own dietary rules, in which all conduct relating to food or eating behaviour converges. Within this framework, in which only the religious nature linked to the creed becomes relevant as the only subject capable of intervening on the matter, in its natural evolution in time and space, there is a place for all the elements that have food as their object, in the different dichotomies, good/bad, licit/illicit, compulsory/forbidden, and in the distinct processes that constitute corollaries for its consumption, such as production, preparation, distribution and marketing.

The individual aspects mentioned, each presenting its own precise regulatory and procedural framework, constitute the religious dietary rules² specific to every creed. Rules that engage the designated religious authorities in the production of provisions, the dissemination of indications and the supply of the most detailed information for their acquisition and fulfilment by the community. In this way the food will correctly assume its proper religious value and will be properly implemented by the communities and by the faithful for the aspects within their competence.

The food codes that come to be produced by the various religions, precisely because of their uniqueness in representing that creed or spirituality, acquire, in their fideistic character, identity value, as bearers of principles and values, and the character of instruments for the defence of the same culture. The attitude that is expressed in eating or not eating that particular food, in abstaining from certain dietary practices, in respecting the indications given or attributed to the divinity in the preparation of the various foods, identifies an affiliation and a sharing to be assumed, which is naturally manifested in the community aspect, as a sharing of the same dietary rules.

2. The right to food choices

Religious dietary rules do not exhaust their scope in the internal forum, but precisely because of their all-embracing and imperative

2. Cf. A.G. Chizzoniti, *La tutela della diversità: cibo, diritto e religione*, in A.G. Chizzoniti, M. Tallacchini (a cura di), *Cibo e religione: diritto e diritti*, Libellula, Tricase, 2010, p. 20 et seq.

capacity they must be shared and respected by the faithful in all spheres of life. The choice of the dimension assumed and played by food for religion is the full prerogative of the Church, with respect for the principle of the distinction of orders and denominational autonomy³; however, the very coexistence of the community within a legal system activates a series of social and institutional relations that must be regulated.

There is a natural interaction of these rules with the civil dimension, their inclusion in the state order as an expression of spiritually grounded dietary behaviour.

The resulting analysis questions the confessional and state/local dimensions. On the ecclesiastical front, those attitudes that are necessarily externalised, such as dietary conduct that the individual maintains, will be relevant to the need to presuppose active behaviour on the part of the state or private subjects involved in the various dynamics that food choices generate. The stance taken by state/local or private players in regulating the dietary phenomenon becomes important in relation to the effects of the active or passive policies adopted.

This triggers a continuous confrontation with state or local provisions regulating the legal dimension, as in the case of school canteens, on the degree of guarantees provided and implemented in balancing the different interests at stake⁴.

The continuous state/confessional osmosis presupposes the full application of the legal framework concerning the exercise of the right to a religiously oriented choice.

The possibility of following a dietary pattern that complies with precise canons is not the exclusive prerogative of religions.

Vegetarians and vegans⁵ for example provide cultural reasons for their choices that are worthy of consideration; however, the religious

3. Most recently I. Zuannazzi, M.C. Ruscazio, M. Ciravegna, *La convivenza delle religioni negli ordinamenti giuridici dei Paesi europei*, Giappichelli, Torino, 2022, pp. 98 and 165.

4. In particular, the guarantees linked to the promotion of a canteen service as part of food policies aimed at the wellbeing of students, and the non-obligation for students to eat food that is not allowed by their religion.

5. The range of possibilities is much broader, including crudism, reductarianism, ketogenic diets or plant-based choices, which are rapidly growing on the food purchasing front.

aspect gains significance because it is linked to a right, that to religious freedom, which anchors it to a spiritual dimension, linked to a genre of conscience and considered as a contributing element to the development of the human personality.

Dietary conduct finds an initial form of protection in Article 19 of the Constitution. The “forms” of faith, which the legislator recognises as a way of expressing the right to freely profess, include diet, observing the instructions, methods and timing indicated⁶.

In considering the formal and substantial complexity that food choice generates, the first factor from which to begin the analysis is linked to the recognition of a negative state guarantee, that of not being forced to make use of foodstuffs that are not recommended or, worse still, forbidden by religion. Respect for personal dietary choices, even before taking on a positive connotation, in requiring the intervention of third-party elements, generates the right not to have the individual’s choice annulled and not to be obliged to consume foods that are discouraged or forbidden. The legal context is applied before the potential verification of the limit of morality that the article of the constitution refers to⁷, though this is not easy to apply in the case of the food-morality binomial.

The anticipation of the right is supported by the principle of equality, expressed in Article 3 of the Constitution, as an incentivising background, in which dietary choices, among other things, cannot be the subject of discrimination. Confirming the value of the elements indicated, substantive equality, as expressed in paragraph 2, invokes a duty on the part of the State to eliminate the obstacles that preclude full development of the human personality and full participation in the social organisation of the country, understood here as belonging to a civil community.

Continuing with the substantial front, the reform of Title V of Part Two of the Constitution⁸ indicated dietary issues among those

6. M. Bottiglieri Longhi, *Le garanzie costituzionali del diritto al cibo adeguato*, in G. Boggero, J. Luther (a cura di), *Alimentare i diritti culturali*, Aracne, Roma, 2018, p. 19 et seq.

7. In terms of the restrictions that the State may impose to curb the ways in which religion or beliefs may be manifested among those indicated in Article 9 of the ECHR, that of public health is more responsive to the possible implications of religiously oriented dietary choices.

8. Const. Law no. 3 of 28 October 2001.

subject to concurrent legislation, recognising as a general criterion the legislative power of the Regions, while allowing the State to determine the fundamental principles, in full compliance with the constraints of the European Union and international obligations. The general approach adopted, including the component linked to food security and food safety⁹, allows dietary prescriptions to be included within the topic.

The absence of a framework law on the subject to define the scope of action¹⁰, has not prevented the regions from operating¹¹, regulating the sector also on the basis of the interventions promoted by the European Union¹².

In 1974, the EU had already set out in Directive no. 74/577¹³ measures to ensure that animals would be stunned before being slaughtered. In its implementing law, no. 439 of 1978¹⁴, Italy envisaged the possibility of adopting “special methods of slaughter in observance of religious rites”, methods that would have to be authorised by decree of the Minister of Health in agreement with the Minister of the Interior.

The decree was issued in 1980¹⁵, and clearly shows the attention

9. P. Borghi, *Sicurezza alimentare e commercio internazionale*, text available at www.geocities.ws/paoloborghi/sicur.pdf (14 November 2022).

10. The legislative power of the state to determine the essential levels of services concerning civil and social rights, which are to be guaranteed throughout the national territory, on the basis of Article 117, paragraph 2, letter m), becomes a guarantee for a national intervention plan.

11. A. Ginfreda, *Alimentazione e religione: l'azione degli enti locali in ambito scolastico ed ospedaliero*, in A.G. Chizzoniti (a cura di), *Religione e autonomie locali*, Libellula, Tricase, 2014, p. 169.

12. Cf. “Regulation no. 178/2002 Regulation (EC) no. 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety”.

13. Council Directive of 18 November 1974 on the stunning of animals before slaughter (74/577/EEC), considering, however, that account must be taken of the specific requirements of certain religious rites.

14. A. Roccella, *macellazione e alimentazione*, in S. Ferrari (a cura di), *musulmani in Italia. La condizione giuridica delle comunità islamiche*, il Mulino, Bologna, 2000, p. 217.

15. Ministerial Decree 11 June 1980 *Autorizzazione alla macellazione degli animali secondo i riti religiosi ebraico ed islamico*, in Official Gazette no. 168 of 20 June 1980. See Abdu Rahaman Pasquini, *Codice alimentare islamico*, Edizioni del Calamo, Milano, 2002; A. Asha Tiozzo, *La certificazione halal*, in R. Schiavoni, A. Aramu (a cura di), *L'internazionalizzazione delle imprese L'Italia e la sfida dei mercati esteri*, Arkadia editore, Cagliari, 2016; P. Lojacono, *I marchi «Casher» and «Halal» tra ius singulare*

paid to the religious institutions involved¹⁶ and to the hypothesis of exporting from Italy meat slaughtered on Italian territory in accordance with Islamic rites.

The primogeniture of the document justifies the structure adopted, which prioritises an inseparable collaboration with religious institutions, to allow them to operate legally and in full respect of religious indications in relation to slaughter by way of exception.

The regulation was subsequently repealed following the new 1993 Directive¹⁷ implemented by Legislative Decree no. 333 of 1 September 1998. The system was not changed, but there was a tendency to involve the competent religious authorities, under the responsibility of the official veterinarian, for the application and control of the special provisions (Art. 2 h) of the decree). The regulation of the slaughter of halal and kosher meat does not, however, impose an obligation on schools that provide a canteen service to encourage the consumption of these meats.

In this brief overview of the sources of the right to food choices, the bilateral system holds a position as a state instrument to meet the needs of religious denominations.

The agreements make it possible to show the civil order the religious particularities that, precisely because of the value they hold for the entire community, must be dealt with in a public dimension with intervention by the state to promote their full realisation.

e diritto comune (con riferimento alla situazione italiana e spagnola), in Anuario de derecho eclesiástico del Estado, 1999; E. Toselli, Le diversità convergenti. Guida alle certificazioni alimentari kasher, halal e di produzione biologica, FrancoAngeli, Milano, 2015; E. Toselli, Kosher, halal, bio. Regole e mercati, FrancoAngeli, Milano, 2018; L. Ascanio, Le regole alimentari nel diritto musulmano, in A.G. Chizzoniti (a cura di), Cibo, religione diritto. Nutrimento per il corpo e per l'anima, Libellula, Tricase, 2015, note 30.

16. These are the Union of Italian Israelite Communities and the Cultural Islamic Centre of Italy, referred to in the text with reference to their nature as recognised moral entities. Cf. C. Gazzetta, *Società multiculturali e tutela dell'identità alimentare: alcune riflessioni sulle macellazioni rituali*, in «Stato, Chiese e pluralismo confessionale», online journal (www.statoechiese.it), no. 17, 2020.

17. Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, which confirmed that “For animals subject to particular methods of slaughter required for certain religious rites, the conditions laid down in paragraph 1, letter c) shall not apply” (animals stunned before slaughter or slaughtered instantaneously) (Art. 5, paragraph 2).

With regard to food, the issue was given little consideration in the agreements, except in the case directly involving the Jewish religious community, which wished to invoke the regulatory provisions introduced by the State on slaughter¹⁸.

On the Islamic front, the lack of an agreement does not reduce the level of guarantees recognised by the legislation on food, expressed in the practices of slaughter and the issue of certification, which fall within denominational authority.

3. The management of multiculturalism at school in terms of food education and canteen service

The ethnic, religious and cultural pluralism that characterises and identifies the current social reality presents itself as a rooted aspect in continuous evolution on the numerical and placement front, capable of permeating and surfacing in the various public spaces. Schools, in particular, due to their compulsory nature, become a point of coexistence in which the search for continuous moments of interaction to carry out educational and training activities for and with the students is encouraged¹⁹.

The need to promote a process that tends to foster and encourage interpersonal relationships, in supporting a “government of pluralism and policies to promote integration”²⁰ finds an ideal place in schools,

18. Law no. 101 of 8 March 1989, Article 7, paragraph 2, states that “Jews in the conditions referred to in paragraph 1 have the right to observe, at their request and with the assistance of the competent Community, Jewish dietary requirements without any charge to the institutions in which they are located”.

19. The document drawn up by the Ministry of Education in September 2021, entitled “Pupils with non-Italian citizenship a.s. 2019/2020” notes a stable presence of pupils with non-Italian citizenship in state schools of 789,066 students, about 10% of the total. The regions with the most foreign students are Lombardy, followed by Emilia Romagna, Veneto and Piedmont, www.miur.gov.it. The *Dossier Statistico Immigrazione 2022*, on a population of 5,193,669 residents with foreign citizenship, minors make up around 20.2% of the total.

20. N. Fiorita, *La libertà religiosa alimentare nelle scuole*, in A.G. Chizzoniti (a cura di), *Cibo, religione and diritto. Nutrimento per il corpo e per l'anima*, cit., p. 298; L. Mentasti, C. Ottaviano, *Cento cieli in classe*, Unicopli, Milano, 2008, p. 163.

where living in the same environment and following the same educational programme are conditions for activating policies and initiating paths aimed at fostering integration processes²¹.

In this context, food education at school, supplied as education on food, health and personal well-being, also expressed in the catering service, can be a valid tool to reach a number of targets, in particular to promote proper nutrition, to fight malnutrition often linked to the combination of immigration/marginality, to protect the food cultures of the students' different families of origin, to promote a sense of identity and acceptance in the social context.

The sharing of a transversal path to be included within the different subjects has the merit of promoting a growing awareness of the value of food, as an objective element that is subjectivised in its different forms and contents in relation to the community of production and consumption.

The acquisition of food value produces its effects not only on the student, but involves the families themselves in the role of the first food educators²².

Food education at school and the canteen service involve two different application models, as only the former completes the entire school chain, interpreted in the manner and at the times established by each educational programme; the canteen service, on the other hand, is not proposed for the various educational levels, being offered in particular to nursery and primary schools.

In spite of this divergence, the paradigm shift that is affecting canteens, with particular attention also paid to religious needs, and

21. A. Giuffrida, *La scuola nella società multiculturale. Diritto al Cibo adeguato e libertà religiosa*, Giappichelli, Torino, 2020, p. 105 et seq.

22. We can mention the convention agreement signed in October 2015 between the Ministry of Health, Directorate General for Hygiene and Food Safety and Nutrition, and the Higher Institute of Health for the launch of the project "Sperimentare Salute" the aim of which is to develop new tools for food education, aimed at pupils in primary school. Similarly, in the Marche region, since 2004, the Food Hygiene and Nutrition Services (Sian) of Asur have developed a nutritional monitoring and anthropometric survey project; of particular importance is "Il Mercoledì del Frutta" (Fruity Wednesday), which required the involvement of School/Family/Sian, with an invitation to families to provide their children with fruit to take to school at least on Wednesdays, or to provide children directly with single-portion packs of ready-to-eat fruit.

the investment made in the promotion of a healthy diet based on a Mediterranean diet, show how the two realities interact and complement each other, also in terms of the results produced and the benefits in terms of quality and guarantees for religiously based food choices.

The school experience proposed includes an education in pluralism that also passes through food education, which necessarily also includes a religious education, in recognising that certain food choices have a religious basis.

Food qualified in this way, included in the school programme, takes on the role of a source of knowledge, exchange, dialogue, contamination, in becoming an inclusive educational tool.

The importance acquired by the right to religious freedom in the area of food, in the school canteen, presupposes a series of national, regional and municipal protocols aimed at identifying the various possibilities that the legal system is able to provide for and guarantee.

In short, it is a matter of indicating which choices the system is able to recognise for a student, who, through their parents²³, expresses a religiously founded food choice for the canteen service that differs entirely or partially from the planned menu.

In 2010 the Ministry of Health published the *Linee di indirizzo nazionale per la ristorazione scolastica* (National Guidelines for School Catering)²⁴, with guidelines for the formulation of contract

23. The differentiation of the figures between those who choose or manifest special dietary needs, the parents or those exercising parental authority with respect to the pupil using the service, does not assume legal relevance. This model is already present in the choice of religious instruction, albeit with the due distinctions linked to the personal choice of the student, envisaged from high school onwards. The effects of a dietary deficiency due to a religious choice is not, as it should be, the responsibility of the parent, but must be carefully assessed by the canteen service providers when they receive the proposal to change the student's personal menu.

24. The introduction to the document states that it was drafted by a technical team and "is aimed at all school catering operators and focuses attention on a number of substantive aspects, in order to provide guidelines for improving various aspects of quality, in particular nutritional quality, at national level", www.salute.gov.it. It should be noted that, in 2006, the National Committee for Bioethics at the Presidency of the Council of Ministers, produced a document entitled *Alimentazione differenziata e interculturalità. orientamenti bioetici* (Differentiated diet and interculturality. bioethical guidelines), which pointed out that "the issue of diet within institutions such as schools, [...] while not belonging to the group of the most divisive bioethical issues, such as the 'big questions'

specifications for the school canteen service²⁵. The aim of the document is to set the standards of the service, including the right of access “also for users with special health and ethical-religious needs”. In indicating the various criteria that the specifications must satisfy, it is pointed out that the operating model required must also be identified in relation to the population to which it is addressed and to ethical and religious needs, among others; the specifications must include not only basic menus, but also special diets, including those requiring a medical prescription, without including requests for meals based on cultural and religious reasons. This omission is partly offset by the inclusion of the possibility to change the menu on religious festivities and/or special occasions, where tradition requires the use of special foods and preparations, and by the request to “also ensure adequate substitutions of foods related to ethical-religious or cultural reasons”, specifying that “these substitutions do not require medical certification, but simply the parents’ request”.

More recently, the Ministry of Health issued the “National Guidelines for Hospital, Care and School Catering” in November 2021²⁶.

The document unites in a single text the planned courses involving people who, due to their particular situation, cannot freely decide which type of diet to follow. For the school sector, the need to provide specific meals for certain conditions, either clinical or for ethical, cultural and religious requirements, with particular attention to the need for adaptation from a nutritional point of view, is emphasised. The aim is to show how the intercultural and transcultural perspective “i.e. of

concerning life and death, does activate significant ethical and conscientious dilemmas, which it would be reductive and even naive to underestimate. The level of bioethical awareness of a country and a society should be perceived starting from the sensitivity that can be activated also regarding issues that are only apparently of a marginal nature, such as the issue to which the text presented here is dedicated”, *Bioetica.governo.it*.

25. Contracts “to be implemented in compliance with the provisions of the Prime Minister’s Decree of 18 November 2005 (Public Contract Code) and Law Decree no. 173 of 12 April 2006 as well as Law Decree no. 50 of 18 April 2016, (new Public Tender Code)”, A. Fuccillo, F. Sorvillo, L. Decimo, *Diritto e religioni nelle scelte alimentari*, in «Stato, Chiese e pluralismo confessionale», online journal (www.statoechiese.it), no. 18, 2016, p. 14.

26. The full text can be found at www.salute.gov.it.

meeting, exchange and comparison between cultures, means not only limiting intervention to compensatory measures, such as diets required for cultural and religious reasons, but organising a strategy of real growth in quality based also on health and prevention criteria”.

Within the framework of safeguarding existing processes on religiously based choices, even though they are on an equal footing with those of an ethical and cultural nature, the text draws attention to an emerging aspect, linked to increasingly present and particular demands, in which it is not always easy to distinguish the aforementioned justifications from “orthorexic fashions or trends”.

It should be stressed once again that exclusion diets with respect to the standard programme (in which individual foodstuffs or entire food groups are absent) must only be undertaken on the basis of specific indications and following a specific, validated and documented diagnostic programme with a doctor’s prescription.

For these reasons it is advisable to name the types of menus provided only with reference to specific pathologies (diet for coeliac disease, lactose intolerance, type 2 diabetes, etc.) and to envisage a menu with a minimum of nutritionally equivalent alternatives or two menus with interchangeable dishes.

Concurrent legislative jurisdiction in the field of food, as envisaged by the Constitution²⁷ has encouraged the regions to promote more or less “inclusive” and explanatory procedures in relation to school catering on possible requests, also in the light of non-coercive ministerial guidelines. A common element in terms of procedure is a clear distinction between special menus motivated by medical and clinical reasons, for which it is essential that the parent or guardian submit medical documentation, a medical certificate drawn up by the attending physician – paediatrician or general practitioner – or by a specialist doctor employed by the national health service. In this case, the application must necessarily go through the health district and then be translated into a customised diet plan.

Things are different when presenting an application for a special diet for religious reasons; in this case the application only goes through

27. See above, par. 2.

the municipal administration, which will handle its transmission to the company providing the meal service.

In terms of classification, the categories drawn up at regional level to include religiously based menus show marked differences, with only the request for a religiously justified special menu being included, or ethical-religious and cultural choices being included in a single model. In this way, applications for a vegan, vegetarian or religious diet are placed on the same procedural and value level²⁸. On the timing front, applications must be submitted at the beginning of the school year, to avoid an automatic renewal of the diet drawn up for previous school years.

The need to promote the formalisation of common standards at organisational level, also with regard to supply contracts, has focused the attention of administrations on medical diets, leaving the other cases as residual, including all of them, albeit with the necessary distinctions related to specificities, under the same formal umbrella.

28. The choice adopted by the Marche Region's Area Vasta 1, when presenting the "New procedure on Special Diets in School Catering in ASUR Area Vasta 1", in June 2020 is representative. The general classification of Special Diets due to ethical-religious-cultural choices, includes:

- a) The vegetarian diet, of which there are several variants, differing from each other in their ideological approach and in the foodstuffs that may or may not be consumed; in particular, the lacto-ovo vegetarian variant (lov) excludes animal foods such as meat, fish, molluscs, shellfish and their by-products but allows the consumption of milk, dairy products and cheese, eggs and honey. The ovo-vegetarian variant excludes milk, dairy products and cheese but not eggs. The lacto-vegetarian variant excludes eggs but allows milk, dairy products and cheese.
- b) The vegan diet, which only includes the intake of foods of plant origin and therefore completely excludes foods of animal origin.
- c) Special diet with exclusion of pork and pork products, which requires the exclusion of pork and pork products from the menu, both as ingredients in a pasta course and as a main course.
- d) Special diet with exclusion of beef and beef products, which requires the exclusion of beef and beef products from the menu, both as ingredients in a pasta course and as a main course.

Special diet with complete exclusion of meat and its by-products, which requires the exclusion of meat in general and its by-products from the menu, both as ingredients in a pasta course and as a main course.

4. Open scenarios: a possible new integration model?

The first scenario that emerges is linked to the balancing of interests involved in the provision of the canteen service. The aim of offering the service in a public establishment, even a non-state one, is to offer regulated meals, with a nutritional plan for different age groups, to lend continuity and complement the educational activity carried out in the morning. The educational task of the school is also expressed in the provision of meals to pupils requiring them, in taking care of the person as a whole. The pupils' well-being therefore also passes through the dietary dimension. This dynamic includes the possibility given to the student to request variations from the standard menu. In this case, with due differences for health-related menu prescriptions on doctor's orders, the satisfaction of the spiritual/ethical/cultural dimension in the public space acquires value for the full realisation and development of personality.

The search for a balance between interests also progresses through the indication of the limits that each interest presents. As far as the school is concerned, the protection of healthy, complete and adequate nutrition, supported by nutritional education, is the minimum guarantee to be promoted, and this is something that cannot be abandoned; this is evident in the various documents that have been drawn up, in which the request for a substantial modification to the ordinary meal, which is already calibrated according to approved parameters, must be medically justified, or, if based on ethical-religious or cultural reasons, outlined and codified. For greater protection in the event of a deviation between the ordinary planned menu and the variation/substitution requested, the institution receiving the declarations of Variation reminds the child's family in the same document of the responsibility for application of all food restrictions and variations to the basic menu requested.

As far as the user is concerned, the limit is expressed in the right to not be "forced to ingest food against their will", never to be faced with "the alternative of eating or violating their religious or philosophical convictions"²⁹. This is a limit that allows the student to be treated

29. This is how the National Bioethics Committee expresses itself in its report «Alimentazione differenziata e interculturalità». Bioethical Guidelines of 27 March 2006, a concept taken up and developed by D. Milani, *Le scelte alimentari nelle società*

in a dignified manner, with full respect even for food choices. The guarantees attached to the right to religious freedom are not limited to a negative dimension, i.e. not being forced to abandon one's own regulations or prohibitions, but also include the possibility of exercising one's own faith-based choices. In this sphere, linked to the necessary preparation and activation by public institutions of practical actions, the need for those in charge to formalise the case arises, in order to guarantee a point of balance between the underlying interests, in codifying the cases of the most evident requests, those the fulfilment of which makes it possible not to violate the limit set and thereby enter the realm of administrative discretion. Outside these cases, the authorities must envisage the possibility to make proposals in line with religious reasons, such as the presence of a single dish, a menu with alternative choices of equal caloric value or two menus with interchangeable dishes, up to and including the plan of consultation between the local authority and the families concerned.

The school cases that are envisaged by the doctrine, such as religiously based requests related to the preparation of food, the choice of personnel employed in the various steps, the assessment of possible environmental contamination, reveal the research potential of the phenomenon.

Their projection also encourages an analysis of the degree to which the type of request submitted can be extended to third parties. The first reference to parties who indirectly benefit from requests which have been met by the institutions, is of course linked to the minority denominations, which could agree and accept as valid the solutions adopted by the school with regard to applications for dietary variations already received from other "religious parties" rather than submit new ones with the risk of having them rejected³⁰. The expandability for the benefit of other parties is different. In this case, it is considered that the dietary result achieved, by changing or adding something to the standard menu, can also be acquired for other reasons, be they cultural,

multireligiose, in A.G. Chizzoniti (a cura di), *Cibo, religione e diritto. Nutrimento per il corpo e per l'anima*, cit., p. 353 et seq.

30. The Court of Cassation has identified this process as additive secularism, Court of Cassation, United Sections, ruling no. 24414 of 9 September 2021.

philosophical or ethical, being considered as an ordinary process in the classification of the various menus that can be enjoyed. The case outlined, however, will enjoy a different regulatory coverage from the religiously founded choice, only the latter is presented as an expression of the right to religious freedom.

An open question, but one that has not yet emerged in the public arena, concerns the costs that local authorities incur in fulfilling religiously founded requests. One wonders whether the principle that emerges in the agreements with denominations other than Catholic in relation to the study of a religion in schools, such as, for example, Judaism³¹ in which it is possible to teach Jewish culture without this activity imposing a burden on the State, could be applied to the implementation of certain particularly costly cases. The way in which this is activated corresponds to the procedures adopted in both the case of the choice of school meals and that of religious instruction at school; they are activated on the basis of a request by a party. Differently in substance, where in the case of food, the public body does not promote an ordinary route for Catholic food, structured as an ordinary meal, placing the other religiously founded demands on a juridically inferior level, but equates religious motivations of whatever magnitude with those of a cultural ethics and philosophical nature. The exclusion of costs for the State is to be interpreted, in the case of food, as the cost of the service performed by the body providing that service; consequently, the cost of the service should be charged to the requesting party, or directly to the parent, if they personally provide their child with the meal in accordance with their professed beliefs. This hypothesis, in which the right to self-determination would certainly come into play, could highlight discrimination against the party who is unable to guarantee food that is “different” because it is expensive; the provider would also see its educational role restricted, in being subjected to a food imposition that would annul the very model and meaning of the school canteen.

With regard to satisfying the requests that are presented, what criteria should the provider adopt in assessing interests and priorities

31. As provided for in paragraph 4 of Article 10 of Law No. 101 of 8 March 1989.

when it comes to preparing codified menus, so as not to risk a stiffening of the system or an excessive compression of the right to food freedom?

A result that would tend to establish a condition of satisfaction for both parties, a codified healthy diet and freedom of religiously motivated meal choice, particularly for those cases that currently fall outside the cases codified by the provider, could be achieved with the provision of collaborative consultation. This formal instrument, to be adopted as the first level of activation by the local institutions and the families concerned, when the special requests are significant and not formally catalogued, could promote new models of integration at the dietary and, before that, institutional level, in order to arrive at the codification and structuring of alternative meal models that enjoy the same food standards (particularly from a nutritional point of view) as the other meals provided, at a later stage.

Excessive fragmentation of the food model proposed, however, if not duly justified and shared, reveals the limits of an individualism that institutions must respond to in order to promote social peace. The related risk of promoting food as an element of segregation should not be underestimated; differentiated menus, if not duly introduced first and foremost with respect to the people using the canteen service, and included in a food programme linked to education on diversity as a source of enrichment, can become a form of exclusion.

On the other hand, failure to comply with requests for menu changes based on religious grounds could be used as an instrument of propaganda and ideological struggle, in order to emphasise the lack of respect and fear generated towards those who are religiously different.

