

Appunti in tema di laicità e diritto penale.

In ricordo di Carlo Flamigni

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Notes on Secularism and Criminal Law. In Memory of Carlo Flamigni

Abstract: This essay – dedicated to honouring Carlo Flamigni, a splendid example of secularism – illustrates the essential features of a secular criminal law on the side of the functions of the penalty and on that of the selection of criminal conduct. As for the first profile, it is about abandoning the idea of retribution as the purpose of the sentence; as for the second, the author takes as a test of secularism the choices of the legal system relating to homosexual behaviour in the private sphere, abortion and medically assisted fertilization. Overall, the analysis highlights how the Italian legal system has for some time been evolving in the direction of secularism: it is however a slow process marked by regressions, sometimes stopped by the Constitutional Court, a precious defence of the principles that shape a secular and secularized state.

Keywords: Secularism, Functions of the penalty, Crime/sin, Homosexual behaviour, Abortion, Assisted fertilization.

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