

Name: Stephanie P

Country: USA

Organization: Notre Dame Graduate School of Christendom College

Solution: Graduate Student

EU Court of Human Rights Embroiled Over Crosses in Classrooms

In the case of *Lautsi v. Italy*, Ms. Soile Lautsi brought a case against the Ministry of State Education for refusing to remove crosses from classrooms after she complained (in 2001-2002) that the presence of crosses violated her right to raise her children in accord with her (secular) philosophical beliefs.

The decision of the court officially states:

The presence of the crucifix – which it was impossible not to notice in the classrooms – could easily be interpreted by pupils of all ages as a religious sign and they would feel that they were being educated in a school environment bearing the stamp of a given religion. This could be encouraging for religious pupils, but also disturbing for pupils who practised other religions or were atheists, particularly if they belonged to religious minorities. The freedom not to believe in any religion (inherent in the freedom of religion guaranteed by the Convention) was not limited to the absence of religious services or religious education: it extended to practices and symbols which expressed a belief, a religion or atheism. This freedom deserved particular protection if it was the State which expressed a belief and the individual was placed in a situation which he or she could not avoid, or could do so only through a disproportionate effort and sacrifice.

Read the official overview [here](#).

In short, the court ruled in favor of Ms. Lautsi, that crosses should be removed in order to protect her right to raise her children as atheists.

However, this ruling has been challenged by Italy. In addition to Italy, 20 members of the EU have sent *amicus curiae* (friend of the court) briefs to the Court supporting Italy the state-sanctioned crosses. Gregor Puppinck, Director of the European Centre for Law & Justice, wrote in *L'Osservatore Romano*, the Vatican Newspaper, the case against the Lautsi ruling. Essentially, he argues that the country's society and history should be taken into account, that Italy is a socially and historically Christian country and that religion is a significant component of its culture and that to refuse to allow countries to show their

culture is wrong. Further, it is a twisting of the law protecting religious freedom to use it to against public religion. Religion is an integral part of society and to force it into the private sphere alone is an unjustified discrimination.

Puppinck also argues that the Lautsi ruling is victory for relativism, or the idea that no religion or espouser of truth can ever be favored or depicted as legitimate, which he says shows that secularism is its own "pseudo-religion with its own solid doctrinal tenets and moral norms (p. 8)" ie it is pseudo philosophy to claim that no truth should be accepted except for that the idea that there is no truth. Indeed, "the real debate clearly seems to be that which focuses on the religious dimension of a collective identity and the social dimension of religion." Puppinck is saying that what's at stake is a culture of secularism versus a culture of Christianity.

It is interesting to note that all the countries who have joined Italy are Eastern European (not the England, France and Germany that we tend to think of as Europe), which reveals a clear cultural divide on secularism between Western Europe and its Eastern and Southern sisters.

The court held hearings on the appeal on June 30, 2010, but is not expected to make ruling for several months. As a note, the EU cannot legally force Italy to remove the crosses. The punishment imposed in 2009 was a fine, which is now being appealed.

My personal views are that Puppinck's reasoning of the basis of national history and culture is fine so long as we equally insist on the right of Islamic countries to fill their classrooms with symbols of Islam.

Also, I find Ms. Lautsi's complaint valid: that parents should be able to raise their children in accord with their own philosophies. The harsh truth, though, is that removing crosses from classrooms does not create a philosophically neutral environment. Indeed, creating a culture of atheism in the classroom prevents Christian parents from that same right to educate their children in their preferred philosophy.

I think a balance is needed. We live in a world within certain cultures, and we have to work with that. Indeed, it is not possible for each of us to bend the state towards favoring our personal wills as Lautsi desires to do.

What do you think the court should rule in this case? Do you think parents should have the right to decide what environment their children should be taught in?

Source:

<http://www.revelife.com/731465466/eu-court-of-human-rights-embroided-over-crosses-in-classrooms/>