THE EXPOSITION OF RELIGIOUS AND CULTURAL SYMBOLS ACCORDING TO THE POLITICAL EUROPEAN SYSTEM. THE CASE LAUTSI VERSUS ITALY AT THE EUROPEAN COURT OF HUMAN RIGHTS

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ABSTRACT

THE EXPOSITION OF RELIGIOUS AND CULTURAL SYMBOLS ACCORDING TO THE POLITICAL EUROPEAN SYSTEM. THE CASE LAUTSI VERSUS ITALY AT THE EUROPEAN COURT OF HUMAN RIGHTS

On 3rd November 2009 the European Court of Human Rights in Strasbourg ruled that Italy had to remove crucifixes from school classrooms, thereby supporting the application submitted by Soile Lautsi Albertin, an Italian citizen of Finnish origin, “in the name of the principle of state secularism.” The above decision sparked an uproar and criticism which reverberated throughout entire Europe.

On 30th June 2010, an appeal against this ruling, inspired by an ideological vision of religious freedom, had been discussed by Italian government lawyers before the Grand Chambre of the Court of Justice in Strasbourg.

The Appeal judgment cancelled the first verdict and recognized the Italian Government’s reasons and rights to display crucifixes in public schools. It was concluded that the first judgment didn’t take into consideration the social and public role of religion, especially the Christian one, in the process of building a civil society and a public law system and promoted religious indifferentism which stands in contradiction with the entire history, culture and rights of the Italian people and the peoples of Europe.

Key words: Religious Freedom, Religious Identity, Religious Symbols, Human-rights, European Union, Principle of Subsidiarity, Council of Europe

In Strasbourg, on 3rd November 2009, with a trial that sparked criticism throughout Europe – the European Court of Human Rights ruled that Italy had to remove the crucifix from the public school classrooms, allowing the application submitted by
Mme Soile Lautsi Albertin, an Italian citizen of Finnish origin, “in the name of the principle of state secularism.”

A short-sighted judgment in terms of ethical assumptions that each State based on principles of democracy and rule of law is called to uphold and promote the benefit of its citizens: just for these reasons this judgment was subject of criticism by several institutional organizations and by civil society in Italy and Europe.

On 30th June 2010, the Grand Chambre of the Court of Justice in Strasbourg has discussed an Appeal by the Italian Government against that ruling inspired by an ideological vision of religious freedom.

The Appeal judgement cancelled the first sentence and recognized the reasons of the Italian Government and the right to display crucifixes in public schools.

I have been member of the staff of lawyers who followed the debate preparation of the Italian Government application.

As evidence of the legitimacy of the reasons of the Appeal presented by the Italian Government is well noted that a dozen European Countries have formed the third side of the same Italian Government, to request cancellation of the Court’s ruling against crucifix.

Among these Countries there were States with great religious traditions, Catholic and Orthodox, as Armenia, Bulgaria, Cyprus, Greece, Lithuania, Malta, Russia and San Marino.

It is not an accident that unfortunately great absents in this trial at the European Court of Justice were the Western States where the cultural secularist, relativistic political drift overcomes the civil society: France, Germany, Great Britain.

We make some general observations on the delicate subject matter of the Appeal by the Italian Government; according to all jurists and lawyers involved in the judgment Lautsi versus Italie what was at stake was the most important right of freedom of choice for every citizen, the freedom of religion and its events in public places.

We cannot forget that the Court of Justice on Human Rights is an institution of the Council of Europe and not of the European Union.

The Council of Europe is an international organization that brings together several Countries outside the EU, and their outlines are often at odds with the fundamental principles of the Aquis Communautaire about the subject of religious freedom: this is the case of Turkey, that behind the shape of the secularist State maintains de facto Muslim religion as State religion, and discriminates every other manifestation of faith in civil society: the Catholic Church for example in Turkey cannot promote any charitable, educational, social institutions, because cannot obtain legal personality.

I think we can say that this sentence is the result of the work of a Court sought to deny the meaning of the project of Europe cultural unification thought by the founding fathers Alcide De Gasperi, Konrad Adenauer, Schuman.

The sentence of the Strasbourg Court is a classic example of a secular setting time to lock the manifestation of freedom of religion, especially Christianity, in a real ghetto. In this perspective we can explain the framework of the written judgment, whereby the exposure of any religious symbol violates the rights of parental choice.