


# The crucifix and religious freedom

Opinion

24 June 2010 | Anthony J. Frendo |  1

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Times of Malta

On November 3, 2009, the European Court of Human Rights prohibited the display of religious symbols and, by default, also of the crucifix, in public schools in Italy. Rome has appealed against the decision and the hearing of the appeal is scheduled to start at the end of this month. Twelve countries, including Monaco, Cyprus, Russia, Lithuania and Malta, are intervening as third parties and very probably this support does not stem from purely religious motivations. More seems to be at stake, including the fact that the decision of the European Court indicates that it is on the way to curbing the legitimate dosage of autonomy of the member states of the EU.

Since legal studies are not my field, I would simply like to limit myself to making a few reflections on the assumptions that seem to underlie the decision of the European Court

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It seems to me that this decision implies a blurred notion of religious freedom. It is commonplace that the latter notion is taken to mean the right individuals have to a belief and to manifest this belief. The curtailing of this right would be clearly against religious freedom. However, the decision of the European Court shifts the meaning of religious freedom because it has found a government (in this case Italy) guilty of acting against the religious freedom of an individual simply because the latter found the religious symbol (in this case the crucifix) displayed by the government to be offensive.

This is to turn things upside down. Indeed, it is not logical to arbitrarily change the meaning of religious freedom from "the right to believe and to manifesting one's belief" to "one's right to eliminating what one finds offensive or disturbing". If I find something offensive, I am always free to eliminate it from my own set of beliefs but this does not mean that I can therefore suppress the right of others to manifest their beliefs.

Displaying the crucifix in public places in countries whose culture and history are grounded in Christianity does not violate anybody's human rights or religious freedom. On the contrary, I think that to impede others from manifesting their belief when they are not encroaching on anybody's rights is what constitutes a violation of their human rights and religious freedom.

If we were to eliminate the crucifix from being displayed in public places in a traditionally Christian country simply because someone finds it offensive we would have to also eliminate the many priceless paintings in Italy that are replete with the images of the crucified Jesus.

Religious freedom means that I can choose to believe in the religion that best convinces my conscience and that I can manifest my belief. It does not mean that I can forbid others from manifesting their preferred belief.

To uphold the decision of the European Court of Human Rights is tantamount to saying that the belief system of those who find the cross disturbing is to be preferred to all other belief systems and that they are the only ones who can manifest their belief, in this case by suppressing the right of others to manifest theirs.

Moreover, the fact that a government manifests the crucifix in public places does not mean that anyone is obliged to become a Christian or a Catholic nor does it mean that parents can no longer exercise the right to educate their children as they deem best.

It seems that the decision the European Court took on November 3, 2009 is based on a number of unfounded assumptions and non-sequiturs. Indeed, this decision turns out to be a denial of the human rights and religious freedom of many, besides suppressing the rightful authority of a member state of the EU. The fact that certain persons find the cross disturbing does not give them the green light to deny to others the right to manifest their own belief by displaying the crucifix in public places. It simply gives them the right to refuse to include it in their belief system.

The cross is a "passive symbol"; it does not force anyone to believe in what it stands for. The crucified Lord is the manifestation of the fact that those who believe in God are reminded that He is a God of forgiving love to the point of revealing that He is harmlessly vulnerable. To publicly manifest the real symbol of such a belief does not deny anybody's rights but not to allow people to exercise such a manifestation is what constitutes the real violation of religious freedom.

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