

No such law exists

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It took a judge on the other side of the Alps to free us Italians from a misunderstanding which we have been carrying for over seventy years. In yesterday's ruling, set out in 70 articles (not just a hurried, angry scribble that!), the Court in Strasbourg has put a list of the obvious in black and white.

First: the crucifix is a religious symbol, not a political nor a sporting one.

Second: this symbol identifies a particular religion, and one only.

Third: therefore, its mandatory display in schools is offensive to those who cultivate a different faith, or otherwise to those who have none.

Fourth: the supremacy of one religious faith over others violates freedom of religion as well as the secular basis of Italy's public institutions and this, in turn, represents the most direct consequence of it.

Does this mean that up until now we have been trampling all over a fundamental freedom, the very one guaranteed by Article 9 of the European Convention on Human Rights? It wouldn't be the first time, though. However, it must be quickly pointed out that there is no law of the Italian Republic which imposes crucifixes in schools, nor, on the other hand, in courthouses, hospitals, polling stations or public buildings. Instead, this obligation remains in regulations and memoranda dating back to the 1920s when Italy wore the black shirt of Fascism. In short, it was introduced by the Fascist regime and survived its downfall. This is not an isolated case either; you only have to think of the crime of vilification, the formation of professional associations and the load of other Fascist regulatory dross which to this today embellish the Italian system. At least as far as the crucifix is concerned, the rule imposed by the Fascist regime must be considered to have been in line with the Constitution which was in force at the time. The first article of the 1848 Albertine Statute (and Constitution of the Kingdom of Italy until 1948) declares that the "sole religion of state is the Roman Catholic religion". From then on, the rule of "it's always been this way" has prevailed as it always does when the State slips out of its civilian clothes and into a cassock.

Today, though, this is no longer our national dress. Article 8 of the Italian Constitution establishes freedom of all religions on an equal basis as well as the secular State. It is curious that it has to be a foreign judge who reminds us of this. Question: doesn't Article 7 in turn mention the Concordat? Sure. In fact, the Church has the right to a regulated agreement with the Italian State, as opposed to other religions (e.g. Islam) which still miss out as a result. But this is without any privileges, even based on Catholicism's majority following. Besides, the principle of majority is valid in the field of politics but not in religious affairs,

and moreover, the said Church was founded by Christ in the presence of no more than 12 disciples. For if a religion is strong and has faith in its own ability to inspire faith, then it has no need of special protection.

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