

LAUTSI V. ITALY
THE LEADING CASE ON MAJORITY RELIGIONS
IN EUROPEAN SECULAR STATES

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INTRODUCTION:

1. *Lautsi v. Italy*, best known as the Italian “crucifix case,” is currently pending before the European Court of Human Rights Grand Chamber in Strasbourg, France. This decision is of considerable importance and has significant implications for all of Europe. The *Lautsi* debate over the legitimacy of the presence of the symbol of Christ in Italian society is emblematic of a much larger battle that is raging throughout Europe: the battle of cultural identity. In an age of influx of Muslim immigrants, with no accompanying assimilation, the need for an identity among individual states, and Europe as a whole, has become a preeminent concern.

2. Two sides have emerged with diverging views on how to address the issue. On one side there are those who desire a secular Europe; the initial decision of the Strasbourg Court of 3 November 2009 represents this camp.¹ On the other side stand those countries that desire to maintain Europe’s deeply Christian history and resulting identity within a framework of religious freedom; Italy and its supporting cast represent this camp. *Lautsi* will have a deep influence on the religious identities of European states in the 21st century.

3. *Lautsi* created commotion throughout Europe following the initial condemnation of Italy by the Second Section of the European Court of Human Rights (“ECHR” or “the Court”) and its bold pronouncement that the presence of crucifixes in public school classrooms violated “human rights.”² Ms Lautsi claimed that the mere presence of a crucifix in her children’s school violated both her children’s and her own right of freedom of conscience under Article 9 of the European Convention on Human Rights³ (“Convention”) and her right to have her children receive an education in conformity with her philosophical beliefs under Article 2 of Protocol 1 to the Convention.⁴ The Court agreed, reasoning that

¹ *Lautsi v. Italy*, No. 30814/06, § 55, Nov. 3, 2009 (referred to the Grand Chamber on 01 March 2010).

² *Id.* § 57.

³ Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 U.N.T.S. 221 [hereinafter *European Convention*].

⁴ Optional Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Mar. 20, 1952, art. 2 [hereinafter *Option Protocol 1*]; *Lautsi*, § 30-33.

the compulsory display of a symbol of a particular faith in the exercise of public authority in relation to specific situations subject to governmental supervision, particularly in classrooms, restricts the right of parents to educate their children in conformity with their convictions and the right of schoolchildren to believe or not believe.⁵

4. Prior to the *Lautsi* judgment, the Court had considered such matters (religious symbols within the public sphere) to fall within the sovereignty of the Member States in order to respect the culture and traditions of each particular country.⁶ Moreover, the Court had previously held that the only permissible limitation on educational matters was prohibiting States from subjecting students to indoctrination or abusive proselytism.⁷

5. Therefore, to provide legal grounds for its decision, the *Lautsi* Court created a new obligation, an obligation of “neutrality,” under the Convention. To this effect, it stated, “The State has a *duty to uphold confessional neutrality* in public education, where school attendance is compulsory regardless of religion, and which must seek to inculcate in pupils the habit of critical thought.”⁸ The Court also noted that it “[could not] see how the display in public school classrooms of a symbol that is reasonable to associate with Catholicism (the majority religion in Italy) could serve the educational pluralism which is essential for the preservation of ‘democratic society’ within the Convention’s meaning of that term.”⁹ In other words, the Court stated in *Lautsi* that in order to be democratic, a State must renounce any recognition or expression of its religious identity. *Lautsi* thus epitomizes the paradigm held by those who seek to secularize Europe and sanitize the public sphere of its Christian heritage.

6. As mentioned, there is another side to this story. Italy obtained the referral of the case to the Grand Chamber (similar to an appeal), where the Court heard oral arguments on 30 June 2010. Even more significant than the appeal, however, was the initial reaction of the Member States of the Council of Europe. Ten countries entered the case as “third party amicus curiae” after the Court announced its judgment. Each of these countries—Armenia, Bulgaria, Cyprus, Greece, Lithuania, Malta, Monaco, Romania, the Russia Federation, and San Marino—filed a brief with the Court, asking it to overturn its first decision.¹⁰ After the initial wave of ten, nine

⁵ *Lautsi*, § 57.

⁶ E.g., *Belgian Linguistic Case*, No. 1474/62; 1677/62; 1691/62; 1769/63; 1994/63; 2126/64, July 23, 1968, Part I.B. § 10, ECHR Series A, No. 6 (“[T]he Court cannot disregard those legal and factual features which characterize the life of the society in the State which, as a Contracting Party, has to answer for the measure in dispute. In so doing it cannot assume the role of the competent national authorities, for it would thereby lose sight of the subsidiary nature of the international machinery of collective enforcement established by the Convention.”).

⁷ *Kjeldsen, Busk Madsen, and Pedersen v. Denmark*, No. 5095/71; 5920/72; 5926/72, § 53, Dec. 7, 1976, Series A no. 23 (“The second sentence of Article 2 (P1-2) implies on the other hand that the State, in fulfilling the functions assumed by it in regard to education and teaching, *must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner*. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents’ religious and philosophical convictions. *That is the limit* that must not be exceeded.”) (emphasis added); *infra* section II.

⁸ *Lautsi*, § 56 (emphasis added).

⁹ *Id.*

¹⁰ Press Release, European Centre for Law and Justice, ECHR Crucifix Case: 20 European Countries Support the Crucifix (July 21, 2010), <http://eclj.org/Releases/Read.aspx?GUID=983c3dd3-9c17-4b70-a016-37851446ec0e&s=eur>.

other countries joined Italy. The governments of Albania, Austria, Croatia, Hungary, Moldova, Poland, Serbia, Slovakia, and Ukraine openly criticized the judgment and besought the Court to remember that it must respect the national identities and religious traditions of each of the 47 Member States.¹¹

7. Therefore, including Italy, almost half of the Member States of the Council of Europe have openly opposed the attempt of forced secularization and affirmed the social legitimacy and contributions of Christianity to European society. This coalition, which comprises most of Central, Balkanic, and Eastern Europe, highlights that the cultural division within Europe can be overcome. Such a large and unified reaction from the Member States is simply unprecedented at the Court.

8. *Lautsi* is indeed a case of tremendous importance. If the Grand Chamber overturns the initial judgment, it will affirm the right of European nations to preserve their religious identities. Additionally, a reversal could ultimately shift the balance of power from the Court to the Member States, for any time the Court issues a controversial decision, Member States may unite and intervene, demanding that the Court respect the principle of subsidiarity. On the other hand, if the Grand Chamber affirms the decision, the secularists will have secured a firm victory and made significant advances in their desire to create a “laïc” *Europe*.¹² It will not do so, however, without inflicting disaster upon the credibility of the Court. The reaction of twenty Member States demonstrates that this is not a decision with which they are prepared to comply.

9. *Lautsi*'s holding that the Convention requires “confessional neutrality”¹³ in the public square is no more than a requirement that each nation rid itself of its national identity and implement a legal framework, similar to that of France, of pure secularism. The Convention, as interpreted by the Court prior to *Lautsi*, however, contains no such requirements. Each Member State possesses its own unique history and identity, and the Convention permits Member States to preserve that identity while simultaneously fulfilling their obligations under the Convention. Additionally, the Convention does not require the wholesale removal of religion from education. Before *Lautsi*, the Court had articulated clear standards that a State was not permitted to cross in public education: indoctrination and abusive proselytism. Never had it required sanitization of any and all religious expression or implementation of a secular program. The holding of “confessional neutrality” is thus based on the negation of two principles: (1) the lawful presence of symbols in the public square (denial of which undermines national identity) and (2) the traditional concept of religious freedom (now replaced by the modern concept of “confessional neutrality,” or secularism).

I. THE LAWFUL PRESENCE OF TRADITIONAL RELIGIOUS SYMBOLS IN THE PUBLIC SQUARE IS IMPERATIVE FOR RESPECTING AND PRESERVING CULTURAL IDENTITY.

¹¹ *Id.*

¹² France, as a constitutionally mandated “laïc” (secularism in the strictest sense) state, serves as their example for Europe as a whole. See Laura Barnett, *Freedom of Religion and Religious Symbols in the Public Sphere* 1–3, 26–29 (Canada Library of Parliament PRB 04-41E Sept. 22, 2008),

<http://www2.parl.gc.ca/Content/LOP/ResearchPublications/prb0441-e.pdf>.

¹³ *Lautsi*, § 56.

10. The forced removal of the crucifix from the public square is not merely the removal of a symbol, but it is also the destruction of a symbol of the identity of a people. Symbols externally manifest an inward disposition. According to the Italian government, the crucifix is a national symbol of Italy—a representation of the collective identity of the Italian people.¹⁴ While not all Italians, including Ms Lautsi, pay homage to the cross, the cross is representative of Italy as a whole, symbolizing both “Italian history and culture” and “the principles of equality, freedom and tolerance” as an integral part of the State’s “secular values . . . and values of civil life.”¹⁵ Thus, by attacking the crucifix, *Lautsi* attacked the very identity of the Italian people because theirs is a *religious* identity.

11. Member States are permitted to declare state religions or to declare themselves secular; neither declaration conflicts with the Convention.¹⁶ For example, sixteen of the forty-seven Member States are either confessional or specifically mention a relationship with a specific religion in their constitutions or founding documents.¹⁷ The French and Italian governmental paradigms, on the other hand—while both “secular”—fundamentally differ, yet both are still members of the Council of Europe. France operates under a uniquely stringent form of secularism. Notably, “France’s conception of secularism is *the most rigidly defined*, with strictly enforced policies that keep religion out of the public sphere.”¹⁸ Further, France “abides by a secular tradition which sees national republican identity as taking precedence over individual identity, with ethnic belonging and religious differences relegated to the private sphere.”¹⁹ The educational system, for example, is viewed as “a means of integration, leading ultimately to cultural assimilation Laïc schools are seen as a place where equality reigns and where [children] can be safe from the exigencies of their family and religion in order to become truly French.”²⁰ The system is based on a “*fundamental notion of French identity that directs the state’s entire policy.*”²¹ Confessional states, on the other hand, or even those with deep

¹⁴ *Lautsi*, § 13.

¹⁵ See *Lautsi*, § 13 (citing Administrative Court Judgment No. 1110 of Mar. 17, 2005), § 15 (citing *Consiglio di Stato* judgment of Feb. 13, 2006) (appeal dismissed whereas “the cross had become one of the secular values of the Italian Constitution and represented values of civil life”).

¹⁶ As explained by the Commission in *Darby v. Sweden*, state church systems do not violate Article 9: A State Church system cannot in itself be considered to violate Article 9 (Art. 9) of the Convention. *In fact, such a system exists in several Contracting States and existed there already when the Convention was drafted and when they became parties to it.* However, a State Church system must, in order to satisfy the requirements of Article 9 (Art. 9), include specific safeguards for the individual’s freedom of religion. In particular, no one may be forced to enter, or be prohibited from leaving, a State Church.

Darby v. Sweden, No. 11581/85, Report of the Commission of May 9, 1989, § 45 (challenge to special tax to the church of Sweden).

¹⁷ Andorra (Catholic); Armenia (Armenian Apostolic Church); Bulgaria (Eastern Orthodox Christianity); Cyprus (Greek Orthodox Church); Denmark (Evangelical Lutheran Church); Georgia (Apostle Autocephalous Orthodox Church of Georgia); Greece (Eastern Orthodox Church of Christ); Iceland (Evangelical Lutheran Church); Italy (Catholic Church); Liechtenstein (Roman Catholic Church); Malta (Roman Catholic Apostolic Religion); Norway (Evangelical Lutheran Religion); Poland (Roman Catholic Church); Spain (Catholic Church); Macedonia (Macedonian Orthodox Church); United Kingdom (church of England and Church of Scotland).

¹⁸ Barnett, *supra* note 12, at 26 (emphasis added).

¹⁹ *Id.* at 28.

²⁰ *Id.*

²¹ *Id.* at 29 (emphasis added).

confessional roots, such as Italy, desire to express these religious roots as indicated by their national identities.

12. Based on Turkey's unique form of secularism, the European Court of Human Rights has recognized Turkey's ability to restrict some religious conduct because of the margin of appreciation afforded to Member States (within the confines of the Convention).²² However, the notions of secularism and its applications are diverse among the Member States. As the Court itself observed in 2005, the Islamic headscarf attire in State education has been debated across Europe for the past twenty years.²³ In *Sahin*, the Court compared the laws of several states regarding the Islamic headscarf in schools, noting the states that have regulated the wearing of Islamic headscarves (France, Turkey, Azerbaijan, and Albania, among others),²⁴ as well as those states that have *permitted* them (Austria, Germany, the Netherlands, Spain, Sweden, Switzerland, and the United Kingdom).²⁵ That some states prohibit the Islamic headscarf (the regulation at issue in *Dahlab v. Switzerland*,²⁶ wherein the Court accepted the potential difficulty in the State's assessing "the impact of a powerful external symbol") does not necessarily mean that all states that permit Islamic headscarves violate the Convention. This is because each Member State has a distinct identity with its own history and traditions.

13. Based on these varying histories and traditions, Member States will inevitably choose to apply some laws quite differently than other States do, particularly regarding religious matters. Thus, when analyzing whether Turkey's regulation of the Islamic headscarf at a public university was "necessary in a democratic society" under Article 9, the Grand Chamber, in *Sahin v. Turkey*, explained the impossibility of discerning a *uniform* conception of religion in society throughout Europe, and thus, why Member States must be given a wide margin of appreciation in these matters:

Where questions concerning the relationship between State and religions are at stake, on which opinion in a democratic society may reasonably differ widely, the role of the national decision-making body must be given *special importance*. . . . This will notably be the case when it comes to regulating the wearing of religious symbols in educational institutions, especially . . . in view of the diversity of the approaches taken by national authorities on the issue. *It is not possible to discern throughout Europe a uniform conception of the significance of religion in society . . . and the meaning or impact of the public expression of a religious belief will differ according to time and context* Rules in this sphere will consequently vary from one country to another according to *national traditions* and the requirements imposed by the need to protect the rights and freedoms of others and to maintain public order Accordingly, *the choice of the extent and form* such regulations should take must inevitably be left up to a point to the State concerned, as it will depend on the specific domestic context²⁷

²² *Sahin v. Turkey* [GC], No. 44774/98, Nov. 10, 2005.

²³ *Id.* § 55.

²⁴ *Id.* § 55–56.

²⁵ *Id.* § 58.

²⁶ *Dahlab v. Switzerland*, No. 42393/98, Feb. 15, 2001 (the Court found the applicant's claim inadmissible).

²⁷ *Sahin v. Turkey* [GC], No. 44774/98, § 109, Nov. 10, 2005 (internal citation omitted) (emphasis added). The Court also credited the states "a certain margin of appreciation" in the regulation of educational institutions under

14. Moreover, the Grand Chamber explained its “paramount” consideration: “the principle of secularism, *as elucidated by the [state’s] Constitutional Court.*”²⁸ In other words, the Court respects each State’s own definition and application of secularism as a primary concern, rather than uniformly imposing a one-size-fits-all definition of secularism on all Member States. Until *Lautsi*, then, the Court’s case law permitted each Member State to govern itself with respect to state-religion matters, taking into account the State’s history and tradition.

15. *Lautsi* virtually ignored these considerations. It instead required Italy to deny recognition of its historical, religious identity, even though Italy, and all states for that matter, necessarily has a national identity, and this identity necessarily has a religious dimension. A State is not a concept or neutral structure, nor is it distant and emotionless like a supranational, bureaucratic institution. Rather, a State blossoms out of its people and develops its own history and identity. Symbols help to represent and incarnate components of social identity, and, as a result, collective identity is built around these symbols. Symbols can be private or public. Some are national, and some are foreign to the national culture. Others are both.

16. The Court’s discussion of the procedural history of the case summarized the evolution of the crucifix’s role in Italy’s history and identity and demonstrated how deeply this symbol is imbedded within that identity. Initially, Italy’s Ministry of Education took the position that the crucifix display was grounded in law; specifically, Article 118 of Royal Decree No. 965 (30 April 1924) and Article 119 of Royal Decree No. 1297 (26 April 1928) (provisions pre-dating the Constitution and agreements between Italy and the Holy See).²⁹ The Government maintained in Italy’s Constitutional Court that a crucifix display was “natural,” as it is both a religious symbol and the “flag of the Catholic Church,” noting that the Catholic Church was the only Church named in the Constitution (Article 7).³⁰ After the Constitutional Court returned the case to the Administrative Court for want of jurisdiction,³¹ the Administrative Court dismissed the case, finding that “[t]he *Consiglio di Stato* also dismissed the applicant’s further appeal on February 13, 2006, holding that the cross held secular value under the Italian Constitution and represented the values of civil life.”³²

17. The crucifix display in school classrooms has been part of Italy’s history since 15 September 1860 under Article 140 of the Kingdom of Piedmont-Sardinia’s Royal Decree no. 4336.³³ When Italy formally came into being in 1861, the Constitution declared Roman Catholic

Article 2 of Protocol No. 1, whereas “the regulation of educational institutions may vary in time and in place, *inter alia*, according to the needs and resources of the community and the distinctive features of different levels of education.” *Id.* § 154. *See also Dogru v. France*, No. 27058/05, § 63, Dec. 4, 2008 (selected for publication) (the role of each state is given special consideration when regulating religious symbols in the form of student attire; the approaches of the member states with regard to regulating the relationship between religion and state are diverse, varying from one country to another “according to national traditions and the requirements imposed by the need to protect the rights and freedoms of others and to maintain public order.”).

²⁸ *Id.* § 115 (emphasis added).

²⁹ *Lautsi*, § 10.

³⁰ *Id.* § 11 (internal quotation marks omitted).

³¹ *Id.* § 12.

³² *Id.* § 15.

³³ *Id.* § 16.

Apostolicism the state's only religion, but expressed toleration for other religions.³⁴ After the take-over of Rome by the Italian army, the Ministry of Education ordered in 1922 the restoration of the images of Christ and the King to schools, as they were "two sacred symbols of faith *and national consciousness*."³⁵ Thus, as the *Lautsi* Court noted, Article 118 of Royal Decree 965 and Article 119 of Royal Decree 1297 *applied to the Lautsi case*.³⁶

18. The Court in *Lautsi* correctly noted that the current Constitution of Italy provides for independence between the State and the Catholic Church.³⁷ The Court also correctly acknowledged the Agreement between Italy and the Holy See; however, the Court failed to consider the *whole* agreement. As the Court observed, on 18 February 1984, Italy and the Vatican signed the Agreement Between the Italian Republic and the Holy See, which revised the 1929 Lateran Covenant;³⁸ the revision was codified as Law No. 121, on 25 March 1985.³⁹ Article 1 of the Agreement "reaffirms that the State and the Catholic Church are, each in its own order, independent and sovereign and commit themselves to the full respect of this principle in their mutual relations and to reciprocal collaboration for the promotion of man and the common good of the Country."⁴⁰ Additionally, following the Agreement are joint declarations made by the parties.⁴¹ The first declaration, in paragraph 1, provides that, "[t]he principle of the Catholic religion as the sole religion of the Italian State, originally referred to as the Lateran Pacts, shall be considered to be no longer in force."⁴²

19. The *Lautsi* Court, however, failed to consider that Article 9 of that same Agreement guarantees that

³⁴ *Id.* § 17.

³⁵ *Id.* § 19 (emphasis added) (internal quotation marks omitted).

³⁶ *Id.* § 20.

³⁷ *Id.* § 22. Article 7 states:

(1) The State and the Catholic Church shall be, each within its own order, independent and sovereign.

(2) Their relations shall be regulated by the Lateran Pacts. Such amendments to these Pacts as are accepted by both parties shall not require the procedure for Constitutional amendment.

Republic of Italy, Constitution, Dec. 22, 1947, art. 7, *available at*,

<http://www.unhcr.org/refworld/category,LEGAL,,ITA,3ae6b59cc,0.html>.

³⁸ Agreement Between the Italian Republic and the Holy See, art. 13(1), Vatican-Italy, Feb. 18, 1984, 24 I.L.M. 1589 (1985) [hereinafter *Vatican-Italy Agreement, 1984*], *available at*

<http://www.religlaw.org/template.php?id=578>.

³⁹ *Id.*; see also Mauro Giovannelli, *The 1984 covenant Between the Republic of Italy and the Vatican: A Retrospective Analysis After Fifteen Years*, JOURNAL OF CHURCH AND STATE 529 (Summer 2000), *available at*, <http://www.studiogiovannelli.it/public/pubblicazioni/Journal%20of%20church%20and%20state,%20summer%202000.pdf>.

⁴⁰ Vatican-Italy Agreement, 1984, *supra* note 38, art. 1.

⁴¹ *Id.* (see joint declaration of the parties regarding the Agreement Between the Italian Republic and the Holy See which follows the signed date at end of the Agreement [hereinafter *Joint Declaration*]).

⁴² Joint Declaration, *supra* note 41, § 1 ("In relation to Article 1"). Under the same Declaration between the parties, as to Article 9, the parties agreed that, "[t]he teaching of Catholic religion in the schools indicated at Paragraph (2) shall be given — in conformity with the doctrine of the Church and with respect for the freedom of conscience of the pupils — by the teachers who are recognized by the ecclesiastical authority as being qualified thereto and who are appointed, in agreement therewith, by the school authority. In infant and elementary schools, this teaching may be given by the class teacher, if recognized by the ecclesiastical authority as being qualified thereto and if willing to do it." *Id.* § 5 ("In relation to Article 9").

*[t]he Italian Republic, recognizing the value of the religious culture and considering that the principles of the Catholic Church are part of the historical heritage of the Italian people, shall continue to assure, within the framework of the scope of the schools, the teaching of Catholic religion in the public schools of every order and grade except for Universities.*⁴³

20. Enshrined in law and history is the notion that the crucifix is part of Italy. The crucifix is not a symbol that is unique to one geographical location within Italy or one ethnic group of Italians. On the contrary, the crucifix is intertwined with the Italian nation as a whole, “part of the historical heritage of the Italian people.”⁴⁴ It is a symbol that binds Italy as a nation and as a people; Italy should not be forced to abandon this identity because one individual is offended by its manifestation. The Convention, according to the Court’s case law, permits Italy a broad margin of appreciation to govern the use of its own public, national symbols. By negating a public, national symbol like the crucifix, the ECHR has sought to outlaw Italian identity in order to implement a secularist agenda throughout the Member States.

II. THE CONFSSIONAL NEUTRALITY OF THE STATE DOES NOT REQUIRE THE RELIGIOUS NEUTRALIZATION OF THE NATIONAL CULTURE.

21. The Court’s focus on religious freedom rested largely on “negative freedom of religion,” that is, the right to not receive external pressure to change one’s beliefs or participate in religious activities against one’s will:

Negative freedom of religion is not restricted to the absence of religious services or religious education. It extends to practices and symbols expressing, in particular or in general, a belief, a religion or atheism. That negative right deserves special protection if it is the State which expresses a belief and dissenters are placed in a situation from which they cannot extract themselves if not by making disproportionate efforts and acts of sacrifice.⁴⁵

22. Essentially, the *Lautsi* Court surreptitiously used freedom of religion to outlaw religion. Even though Ms Lautsi’s children were not forced to engage in any behavior or to believe any specific doctrine, the Court still found that her rights and her children’s “negative” freedom of religion were violated.

23. The modern theory of religious freedom is exclusively grounded on the absolutism of the individual. Society and the individual are seen in an adversarial relationship rather than a complementary relationship. If society is the principal obstacle to individual freedom, and individual conscience is absolute, then society is to be blamed for limiting freedom. Therefore, so the argument goes, society must step back and become as neutral as possible so that space can be made for the individual conscience. This applies not only to society at large, but to all types of societies, large to small: nations, schools, families, etc. This conflicting approach creates in the individual a protesting mindset of “my rights” against the rights of society as a whole. It is

⁴³ Vatican-Italy Agreement, 1984, *supra* note 38, art. 9(2).

⁴⁴ *Id.*

⁴⁵ *Lautsi*, § 55.

claimed that the right of Ms Lautsi's children not to be compelled to see symbols of Christ should trump the will of the Italian people, and even further, all of the Member States of the Council of Europe—without any compromise being possible. The absolutization of individual autonomy leads to the annihilation of the interests of the State, i.e., “confessional neutrality.” The Convention, however, does not require “confessional neutrality” in the educational context.

24. Article 9 of the Convention requires Member States to guarantee to their citizens freedom of religion,⁴⁶ and Article 2 of Protocol 1, in fulfillment of Article 9 in the educational context, guarantees certain protection for parents: “In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions.”⁴⁷

25. The Court has had ample opportunity to flesh out the meaning of Article 2 of Protocol 1, and the case law in no way supports the doctrine of “confessional neutrality.” In *Folgero v. Norway*, the Court explained the limits of religious education:

The State is *forbidden to pursue an aim of indoctrination* that might be considered as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded [C]ompetent authorities have a duty to take the utmost care to see to it that parents' religious and philosophical convictions are not disregarded at this level by carelessness, lack of judgment or *misplaced proselytism*.⁴⁸

26. Additionally, the Court also explained the wide margin of appreciation afforded to Member States to set and plan curriculum in light of the State's history and traditions:

[T]he fact that knowledge about Christianity represented a greater part of the Curriculum for primary and lower secondary schools than knowledge about other religions and philosophies cannot, in the Court's opinion, of its own be viewed as a departure from the principles of pluralism and objectivity amounting to

⁴⁶ European Convention, *supra* note 3, art. 9. This section focuses on the *forum internum* because that is where the Court concentrated its focus.

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance [*forum internum*].

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others [*forum externum*].

⁴⁷ Optional Protocol 1, *supra* note 4, art. 2. The Court has consistently held that “[t]he two sentences of Article 2 Protocol No. 1 must be interpreted not only in the light of each other but also, in particular, of Articles 8, 9 and 10 of the Convention.” *Folgero and others v. Norway* [GC], No. 15472/02, § 84(a) (citing *Kjeldsen, Busk Madsen, and Pedersen v. Denmark*, No. 5095/71; 5920/72; 5926/72, § 52, Dec. 7, 1976, Series A no. 23 (acknowledging Norway's right to declare a state religion and the consequent right to place greater emphasis on the state religion than other religions in religion and philosophy curriculum, but considering whether a “partial” exemption would be sufficient to give practical effect to Article 2 of Protocol No. 1; the manner of partial exemption did not meet the Court's criteria in this particular case).

⁴⁸ *Folgero*, § 81(h)–(i) (emphasis added).

indoctrination (see, *mutatis mutandis*, *Angelini v. Sweden* (dec.), no 1041/83, 51 DR (1983). In view of the place occupied by Christianity in the national history and tradition of the respondent State, this must be regarded as falling within the respondent State's margin of appreciation in planning and setting the curriculum.⁴⁹

27. The *Lautsi* Court erroneously held that the presence of the crucifix violated the children's negative freedom of conscience/religion, or *forum internum*, and Ms Lautsi's right to raise her children in conformity with her philosophical beliefs.

A. The Presence of the Crucifix Is Not Indoctrination Because It Does Not Attempt to Persuade Children to Change Their Beliefs, nor Does It Interfere with Parents' Abilities to Guide Their Children's Upbringing.

28. It should first be noted that the presence of a crucifix in a classroom is not the same as school syllabi and activities, which are generally the only categories addressed by the Court regarding what constitutes indoctrination. Nevertheless, by analogizing the presence of a crucifix to a school curriculum, it is apparent that the presence of the crucifix cannot be qualified as indoctrination.

29. It appears that indoctrination has two components—children and parents:

[I]n fulfilling the functions assumed by it in regard to education and teaching, [the state] *must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner*. The State is forbidden to pursue an aim of indoctrination that might be considered as *not respecting parents' religious and philosophical convictions*. That is the limit that must not be exceeded.⁵⁰

30. Thus, indoctrination can result if teaching is conveyed in an un-objective manner that would be likely to persuade a child to change his beliefs or if schools hinder parents' abilities to direct their children's upbringing by means of indoctrinating teaching. The presence of the crucifix in Italy's public schools is not indoctrination because Italy never discouraged critical thought towards the symbol and attempt to force children to change their beliefs, nor did its presence interfere with parental abilities to direct their children's upbringing.

1) *The presence of a crucifix does not have the effect of imparting information or knowledge by means of teaching or education and it is not likely to persuade, or even to attempt to persuade, the pupils to alter their convictions.*

31. In *Zengin v. Turkey*, the Court considered Turkey's curriculum, which contained religious instruction "in the major principles of the Muslim faith and provide[d] a general overview of its cultural rites, such as the profession of faith, the five daily prayers, Ramadan, pilgrimage, the

⁴⁹ *Folgero*, § 89.

⁵⁰ *Kjeldsen and others*, § 53 (emphasis added).

concepts of angels and invisible creatures, belief in the other world, etc.”⁵¹ Moreover, students were required to “learn several suras from the Koran by heart and study, with the support of illustrations, the daily prayers . . . and sit [for] written tests for the purpose of assessment.”⁵²

32. The Court found two factors particularly relevant in upholding Turkey’s curriculum as in compliance with Article 2: (1) “Islam is the majority religion practiced in Turkey”⁵³; and (2) Turkey encouraged objective and critical thought towards “the position of Islam in relation to Judaism and Christianity.”⁵⁴

33. Turkey was not guilty of indoctrination when it required students to *engage in activities of the Muslim faith* because the teaching was done in an objective manner and focused on the majority religion. The presence of a crucifix requires less than this of students. In fact, it requires nothing from them—no action or affirmation of belief—and focuses on the majority religion. Turkey, on the other hand, required students to *learn* and *recite* parts of the Koran, behaviors that are much more likely to persuade a child to change his beliefs rather than the mere display of an inanimate symbol. If Italy’s classrooms were brainwashing children with Catholic creed and suppressing critical thought towards the crucifix and what it represents, this case would be markedly different. However, Ms Lautsi *never* alleged that Italy discouraged critical thought with regard to the display of the crucifix, that any individual (through the religious curriculum that is available) attempted to indoctrinate her children, or that the display of the crucifix was incorporated into any religious or other curriculum.

34. Precisely within Italy’s margin of appreciation is the manner of teaching—“questions of expediency” regarding curriculum. “Expediency” has been defined as concerning the “appropriateness to the purpose at hand.”⁵⁵ Such questions include, as the Court indicated in *Kjeldsen*, “religious affinities” due to “the existence of religions [which form] a very broad dogmatic and moral entity which has or may have answers to every question of a philosophical, cosmological or moral nature.”⁵⁶ Italy simply considered the display of the crucifix as appropriate to a well-rounded education, considering Italy’s legal and educational history, as well as Article 9 of the Agreement Between the Italian Republic and the Holy See,⁵⁷ in particular.

35. Furthermore, the impossibility of proving indoctrination resulting from the mere presence of a symbol like the crucifix led the *Lautsi* Court to invent the notion of “emotional[] disturbance,” which allegedly proves that the crucifix negatively affected the children.⁵⁸ This “damage” is purely putative and hypothetical and presupposes considering that a religious symbol’s presence in the school environment is illegitimate on principle. According to the Second Section, this damage is constituted by the *possibility of the exertion of pressure* of a

⁵¹ *Hasan and Eylem Zengin v. Turkey*, No. 1448/04, § 61, Oct. 9, 2007 (selected for publication).

⁵² *Id.* § 62.

⁵³ *Id.* § 63 (emphasis added).

⁵⁴ *Id.* § 21 (quoting *The Turkish education system and decision no. 373 of 19 September 2000 on guidelines for classes in religious culture and ethics*).

⁵⁵ WEBSTER’S II NEW COLLEGE DICTIONARY 394 (2001).

⁵⁶ *Kjeldsen*, § 53.

⁵⁷ See Vatican-Italy Agreement, 1984, *supra* note 38.

⁵⁸ *Lautsi*, § 55.

psycho-social nature.⁵⁹ The Court stated that because the presence of a crucifix may easily be interpreted by pupils of all ages as a religious sign, they would feel that they were being educated in a school environment that was marked by a given religion, and were therefore “indoctrinated.”⁶⁰ This, however, is not sufficient to establish the existence of pressure so as to change the convictions of the Lautsi children.

36. In the protection of convictions, there is simply no requirement of an “open school environment,” i.e., to an environment not influenced by national culture and tradition, as held by the *Lautsi* Court.⁶¹ In this respect, efforts to make the school environment “healthier” would have to include changing holiday dates in order to avoid any connection with a given religion, which could reasonably be associated with Catholicism (the majority religion in Italy).

37. Similarly, in the religious context, there is no right to not be “emotionally disturbed.”⁶² On the contrary, the prime objective of the Court is to guarantee the free expression of convictions and opinions, even if these do have the effect of disturbance or shock. The presence of a crucifix does not violate the pupil’s *forum internum*. Some history or sex education classes are much more likely to emotionally disturb the pupils (or conflict with parents’ convictions), but the Court has not found that such emotional disturbance could be the sign of a violation of the parents’ rights. The only obligation incumbent on the authorities is to ensure that parents’ convictions are not offended at this level by imprudence, lack of discernment, or misplaced proselytising.⁶³ This obligation is minimal since, according to the Court, parents retain the possibility of turning to private establishments or of teaching the children at home (unless the children are subjected to sacrifices and inconvenience as a result of resorting to one of these alternatives).⁶⁴

38. There is no doubt that the vast majority of the population would consider removing the crucifix as an unbearable form of intolerance. In sum, the presence of a crucifix cannot be interpreted as *an indoctrinating form of education* because the Convention offers no protection from the exceptional risk of being “disturbed,” and there is no right to an “environment” in religious matters.

2) *The presence of the crucifix does not hinder parents’ abilities to direct children’s upbringing in conformity with their philosophical or religious beliefs.*

39. The State must first and foremost respect the natural right of parents to ensure the upbringing and education of their children; it is a right and a natural duty that is incumbent on States as a priority.⁶⁵ Therefore, when the State assumes the role of educator, it does so in a subsidiary capacity because the parental educational right precedes that of the State. It is

⁵⁹ “Indeed, in countries where the vast majority of the population follows a given religion, the manifestation of the rites and symbols of that religion with no restriction as to place or form may constitute pressure on those pupils who do not practice that religion or on those who follow a different religion.” *Lautsi*, § 50.

⁶⁰ *Lautsi*, § 55.

⁶¹ *Lautsi*, § 47(c).

⁶² *Choudhury v. United Kingdom*, No. 17439/90, Mar. 5, 1991.

⁶³ *Kjeldsen and others*, § 54.

⁶⁴ *Id.*

⁶⁵ *Kjeldsen and others*, § 52.

important to bear in mind that family-based society is not in opposition to nation-based society, but rather forms an integral part of it in a natural relationship of interdependence. Consequently, the State must respect, recognize, and take into account⁶⁶ the convictions of parents, not only as a relatively negative undertaking, but also as a certain positive obligation.⁶⁷ Although this obligation of respect is first and foremost incumbent upon the State, the family is also required to make a certain positive effort to display respect and tolerance for society, even if the effort made is only minimal.

40. Article 2 of Protocol 1 is therefore correct in guaranteeing to parents not the *absolute* right to provide their children's education in conformity with their convictions, but the right to *respect* for those convictions.⁶⁸ States should then adopt the attitude of ensuring that they do not hinder parents' rights to enlighten and advise their children and exercise their natural function as their children's educators.⁶⁹ There is simply no evidence that Italy's state schools interfered with Ms Lautsi's "right . . . to enlighten and advise [her] children, to exercise with regard to [her] children natural parental functions as [an] educator[,], or to guide [her] children on a path in line with [her] own religious or philosophical convictions."⁷⁰ The issue here simply revolves around a mere display. Without more evidence as to state actors' conduct,⁷¹ the *Lautsi* Court's analysis is flawed where it ruled on a question of expediency of Italy's curriculum rather than on a question of application—one which was either never in issue or never explored.

41. Italy would be deemed to be aiming at indoctrination and interfering with parental rights if the hanging up of a crucifix were aimed at advocating a specific type of behavior that went beyond the framework of teaching and education;⁷² this, however, was not—and is not—the situation. The mere presence of a crucifix does not advocate any type of behavior; it mainly represents Italian culture and traditions. Some, like Ms Lautsi, find it offensive. Article 2, however, does *not* require a State to propose an educational system in complete agreement with every parent's convictions.⁷³ While parents may express objections concerning the nature and the substance of their children's education,⁷⁴ Article 2 of the Additional Protocol does not guarantee parents the absolute right to have their children receive an education in conformity with their convictions, but, as mentioned, only the right to *respect* for those convictions.⁷⁵

⁶⁶ *Campbell and Cosan v. United Kingdom*, No. 7511/76; 7743/76, § 36, Feb. 25, 1982.

⁶⁷ *Zengin*, § 4.

⁶⁸ ECHR, Feb. 5, 1990, *Graeme v. United Kingdom*: DR 64, p.158.

⁶⁹ ECHR, May 25, 2000, *Jiménez Alonso et Jiménez Merino c. Espagne* (déc.), no 51188/99, *Kjeldsen and others*, § 54.

⁷⁰ *Kjeldsen and others*, § 54.

⁷¹ As the Court in *Kjeldsen* noted,

Certainly, abuses can occur as to the manner in which the provisions in force are applied by a given school or teacher and the competent authorities have a duty to take the utmost care to see to it that parents' religious and philosophical convictions are not disregarded at this level by carelessness, lack of judgment or misplaced proselytism. However, it follows from the Commission's decisions on the admissibility of the applications that the Court is not at present seized of a problem of this kind (paragraph 48 above).

Id. § 54 (the Court examined the legislation only rather than the day to day application, which was not yet ripe for review).

⁷² *Kjeldsen and others*, §. 53.

⁷³ Malcom EVANS, *Manual on the Wearing of Religious Symbols in Public Areas*, Council of Europe, Strasbourg, 2008, p.25.

⁷⁴ *Id.*

⁷⁵ *Id.*

42. In this respect, the State is responsible for ensuring that the information and knowledge it imparts is taught in an objective, critical, and pluralist fashion,⁷⁶ enabling pupils to develop their critical faculties with respect to religious matters. It is undisputed that Italian public school curricula are taught in an objective, critical, and pluralist fashion. Teaching in an objective manner, however, does not go so far as to “prevent States from imparting through teaching or education information or knowledge of a directly or indirectly religious or philosophical kind . . . [;] otherwise all institutionalised teaching would run the risk of proving impracticable.”⁷⁷ The Crucifix reminds students of Italian history and identity, and may even demonstrate an educational philosophical bent. But without more, the crucifix alone does not interfere with parental abilities to direct their children’s upbringing.

B. Granting a Privileged Place to a Majority Religion Does Not Constitute Misplaced Proselytising.

43. The Court has consistently allowed Member States to grant majority religions a privileged place. It is important to distinguish, however, giving a majority religion a place of priority versus misplaced proselytising, which is never permitted. Displaying a crucifix in a public school is analogous to placing a majority religion in a place of prominence, not misplaced proselytising, and is therefore permissible under the Convention.

44. In *Folgerø*, the Court demonstrated the permissible scope of a Member State’s right to grant a majority religion a place of privilege in the educational setting. The Court found that the constitutional arrangements in Norway imposing compulsory teaching of a subject devoted mainly to the State religion, Lutheran Christianity, did not contravene the Convention: “[T]he fact that knowledge about Christianity represented a greater part of the Curriculum for primary and lower secondary schools than knowledge about other religions and philosophies cannot, in the Court’s opinion, of its own be viewed as a departure from the principles of pluralism and objectivity amounting to indoctrination (see, *mutatis mutandis*, *Angelini v. Sweden* (dec.), no 1041/83, 51 DR).”⁷⁸

45. Similarly, in *Zengin v. Turkey*,⁷⁹ the Court permitted Turkey to place Islam, the majority religion, in a place of prominence in the school’s curriculum. In *Zengin*, the applicants sought relief under Article 2 of Protocol No. 1 and Article 9 after they were finally denied exemption from a mandatory religious culture and ethics class. The applicants objected to the course, arguing that it was incompatible with the principle of secularism, whereas the classes were “based on the fundamental rules of Hanafite Islam and that no teaching was given on [their] own faith,”⁸⁰ that being Alevism; the applicants also challenged the compulsory nature of the courses.⁸¹

⁷⁶ *Kjeldsen and others*, § 53.

⁷⁷ *Kjeldsen and others*, § 53.

⁷⁸ *Folgerø*, § 84.

⁷⁹ *Zengin*, § 49.

⁸⁰ *Id.* § 10.

⁸¹ *Id.* §§ 10–12.

46. Despite the “greater priority [given] to knowledge of Islam” than was given to other religions and philosophies in Turkey⁸² (a state which constitutionally avows the principle of secularism⁸³), the Court did not view this level of imparting religious knowledge “as a departure from the principles of pluralism and objectivity which would amount to indoctrination . . . having regard to the fact that, *notwithstanding the State’s secular nature, Islam is the majority religion practiced in Turkey.*”⁸⁴ Notably, the Court found no general right to include any minority religion in states’ educational curricula.⁸⁵

47. It is true that the crucifix occupies a privileged place in Italian schools compared with the symbols of other religions, but this situation is not unfair given the fact that the Catholic religion is the majority religion practiced in Italy, despite the secular nature of the Italian State. As the Court found in the *Folgerø* case, “in view of the place occupied by Christianity in the national history and tradition of the respondent State, this must be regarded as falling within the respondent State’s margin of appreciation in planning and setting the curriculum.” Similarly, in view of the place occupied by Catholicism, represented by the crucifix, in the national history and tradition of Italy, displaying the crucifix in public classrooms must fall within Italy’s margin of appreciation in establishing the educational context. And as Turkey was permitted to give Islam a place of prominence because it was the “majority religion,” Italy too should be permitted to place its majority religion, Catholicism, in a place of prominence in the educational context by displaying the crucifix in classrooms.

48. An example of misplaced proselytising, on the other hand, can be seen in the case of *Dahlab v. Switzerland*,⁸⁶ which upheld a Swiss ban prohibiting a teacher from wearing an Islamic headscarf in a primary classroom. The Court noted that while

it is very difficult to assess the impact that a powerful external symbol such as the wearing of a headscarf may have on the freedom of conscience and religion of very young children[,] . . . it cannot be denied outright that the wearing of a headscarf might have some kind of proselytising effect, seeing that it appears to be imposed on women by a precept which is laid down in the Koran and which, as the Federal Court noted, is hard to square with the principle of gender equality. It therefore appears difficult to reconcile the wearing of an Islamic headscarf with the message of tolerance, respect for others and, above all, equality and non-discrimination that all teachers in a democratic society must convey to their pupils.⁸⁷

⁸² *Id.* § 63.

⁸³ *Id.* §§ 59, 63.

⁸⁴ *Id.* § 63 (emphasis added).

⁸⁵ *See, e.g., id.* § 51 (“[T]he setting and planning of the curriculum fall in principle within the competence of the Contracting States. . . . It does not even permit parents to object to the integration of such teaching or education in the school curriculum, for otherwise all institutionalised teaching would run the risk of proving impracticable.”), § 63 (“In the Court’s view,” the fact that “[the syllabus for teaching in primary schools and the first cycle of secondary school, and all of the textbooks . . . give greater priority to knowledge of Islam than they do to that of other religions and philosophies] cannot be viewed as a departure from the principles of pluralism and objectivity which would amount to indoctrination (*see Folgerø and Others*, § 89), having regard to the fact that, notwithstanding the State’s secular nature, Islam is the majority religion practiced in Turkey.”).

⁸⁶ No. 42393/98, Feb. 15, 2001.

⁸⁷ *Id.*

49. The Court's judgment in *Dahlab* was thus based on the message conveyed by the sign. Because the Court found the message was scarcely compatible with tolerance, respect for others, and equality, Switzerland could properly ban the headscarf to preserve an objective democratic society and prevent misplaced proselytizing.

50. *Lautsi* is distinguishable from *Dahlab*. First, it is important to remember that Member States are given a broad margin of appreciation in matters such as these, as discussed above. Therefore, because Switzerland banned a religious symbol does not mean Italy is not permitted to have religious symbols. Second, the message of the crucifix, while offensive to some, does not convey a message of gender inequality, as does the headscarf. In fact, the crucifix is often seen as a sign of love and respect.⁸⁸ Third, the religious symbol at issue in *Dahlab* was worn by a teacher, the imparter of knowledge, whereas the symbol in *Lautsi* is not connected to any single person but to the Italian State as a whole. The fact that the symbol was connected to the teacher, a human being, is much more likely to proselytise than a symbol that is detached from the teacher and connected with the impersonal State. Students in *Dahlab* are able to identify immediately the teacher's religion and must filter what is taught, knowing that she is a Muslim. On the other hand, the crucifix in Italian classrooms says nothing about the teacher's religion. Indeed, the teacher could be an atheist or a Catholic, and the students would not know. More importantly, they would not be compelled to adopt the viewpoint espoused by their teacher, whether the viewpoint be religious or secular, to garner the teacher's approval. Fourth, the headscarf is representative of Islam, which is not the majority religion of Switzerland, unlike Christianity, which is the majority religion of Italy. Therefore, *Lautsi* is more like the case of *Folgero* than *Dahlab*, and Italy should be afforded its broad margin of appreciation to grant the majority religion a privileged place in educational institutions.

51. In its November 2009 decision, however, the Court, wanting to implement a secular agenda, deemed the presence of the crucifix as misplaced proselytising and indoctrination, thereby violating the students' negative freedom of religion. The Court's own precedent, however, does not support this holding.

CONCLUSION

52. The national identity debate is stronger than ever, and the *Lautsi* case shapes its battleground. Examples of this battle can be seen throughout Europe. For example, the Swiss Minaret case is currently being reviewed by the Court.⁸⁹ In November 2009, Switzerland, by referendum of 57.5 percent, passed a constitutional amendment that banned the construction of new minarets.⁹⁰ Several Muslims challenged the ban, arguing that it violates their freedom of

⁸⁸ The Italian Administrative Court found that "the crucifix was both the symbol of Italian history and culture, and therefore Italian identity, and the symbol of the principles of equality, freedom and tolerance and of the State's secular basis." *Lautsi*, § 13.

⁸⁹ *Swiss Respond to Minaret Ban Complaints*, SWISSINFO.CH (Sept. 15, 2010), http://www.swissinfo.ch/eng/politics/Swiss_respond_to_minaret_ban_complaints.html?cid=28344240 [hereinafter *Swiss Respond*].

⁹⁰ Nick Cumming-Bruce & Steven Erlanger, *Swiss Ban Building of Minarets on Mosques*, N.Y. TIMES (Nov. 29, 2009), <http://www.nytimes.com/2009/11/30/world/europe/30swiss.html>.

religion.⁹¹ The Islamic community recognizes that the ban is not about religious freedom so much as it is about identity.⁹² By passing a constitutional amendment, Switzerland has asserted its right as a sovereign nation to preserve its national identity. The European Court will have to decide if this right squares with Switzerland's obligation to the Convention.

53. France and Belgium are also engaged in the identity debate, specifically targeting the Islamic burqa. France recently passed a ban on any veil that covers the face.⁹³ The measure is quite popular, as approximately eighty-two percent of French citizens approve of the ban.⁹⁴ President Nicolas Sarkozy stated that “[i]n our country, we cannot accept that women be prisoners behind a screen, cut off from all social life, deprived of all identity.”⁹⁵ In other words, according to President Sarkozy, wearing a burqa does not comport with what it means to be French and therefore is not acceptable. Belgium is debating a similar provision that “would ban any clothing that obscures the identity of the wearer” in public places. The Lower House of Parliament passed the law in April 2010.⁹⁶

54. The Grand Chamber has a decision of great importance on its hands. Upholding the doctrine of “confessional neutrality” would be radical, considering that many Member States are not confessionally neutral and that almost half of the Member States have already demonstrated that they are not prepared to comply with such an obligation. Indeed, the *Lautsi* case has the opportunity to alter the course of European history. Affirmance could obliterate any vestiges of Europe's deep Christian history effectively making “democratic” and “anti-religious” synonymous. As mentioned in the Introduction, this battle is over *Identity*.

⁹¹ *Swiss Respond*, *supra* note 89.

⁹² *Id.*

⁹³ *French Senate Approves Burqa Ban*, CNN (Sept. 15, 2010), <http://edition.cnn.com/2010/WORLD/europe/09/14/france.burqa.ban/index.html>.

⁹⁴ *Id.*

⁹⁵ Susana Ferreira & David Gauthier-Villars, *Sarkozy Says Burqas Are Unwelcome in France*, WALL ST. J. (June 23, 2009), <http://online.wsj.com/article/SB124566644926636675.html> (internal quotation marks omitted).

⁹⁶ *Belgian Lawmakers Pass Burka Ban*, BBC (Apr. 30, 2010), <http://news.bbc.co.uk/2/hi/8652861.stm>.