

DIRITTI COMPARATI

Comparare i diritti fondamentali in Europa

CRUCIFIXES IN SCHOOLS AND THE NUDGING SWAY OF SYMBOLS

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During my student days at MIT, one of my professors at the Faculty of Cognitive Sciences, Stephen Chorover, recommended I begin using gender-neutral language in my essays—not ‘he’ but ‘he or she’ or ‘s/he’. At the time, and as I had yet to discover feminism, I thought that unwarranted, as everyone knew, or so I thought, that ‘he’ included both genders (ha!). But then, I recalled that in Greek, my mother tongue, the term for ‘human’ is gendered in an irrevocable way and is male—and suddenly I felt that was not fair. Thus I began to pay attention to and gradually became a fan of gender-neutral language (and sometimes—exceptionally—I will go to the other extreme and write gendered female language, to make up, sort of, for the bias imbued through centuries).

The case of crucifixes in Italian state-school classrooms, which was today decided by the European Court of Human Rights (ECHR), reminded me of my original attitude to gender-neutral language.

The decision concerned an application made in 2006 by Soile Lautsi and her two sons. In its first decision on the case in 2009, the ECHR held there had been a violation of the Convention in relation to the right to

education, on the one hand, and the freedom of thought, conscience and religion, on the other. In 2010, the Italian Government asked for a referral of the case to the Grand Chamber. The latter's decision was published today and basically reverses the previous one.

In brief the Grand Chamber determined that:

- “while the crucifix was above all a religious symbol, there was no evidence before the Court that the display of such a symbol on classroom walls might have an influence on pupils” (p.3);
- considering that there is no European consensus, the European States enjoy “a margin of appreciation” in seeking to reconcile their own educational function and that of parents; (p.4)
- to give prominence to that religion, which has dominated the history of a country, could not in itself be viewed as “a process of indoctrination” (p.4).

By far the weakest part of the decision is the argument that displaying religious symbols on classrooms walls has no influence. This contradicts social and cognitive psychological research on how context impacts on perception and how prejudices and biases are formed and consolidated. That context is important is also shown by the way cues are used in advertising all the time. Ever heard of product placement?

Maybe this is nothing for courts to decide, but something for society to work through, like gender-neutral language. In this spirit, my proposition would be not to remove religious symbols from classroom walls, but to do the opposite. Fix them all on the wall: the crucifix, next to the menorah and the crescent moon—others to come. I bet kids will like that and will be better people for it.

URL:

http://www.echr.coe.int/echr/Homepage_EN

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=prof&highlight=&sessionid=68235426&skin=hudoc-pr-en>