

■ PREFACE

Claudia Fuchs & Konrad Lachmayer

Preface

On November 3rd 2009 the European Court of Human Rights (ECtHR) found the presence of the crucifix in classrooms was contrary to the parent's right to educate their children in line with their convictions as well as to the children's right to freedom of religion (Chamber Judgment *Lautsi/Italy*). The judgment has been received very controversially all over Europe, not only as the court's line of argument is being contested, but even more so because of its political relevance.

From a scholarly perspective it is of course a fortunate coincidence that the Constitutional Developments section in this issue deals with Freedom of Religion in Austria. Although the contributions were all finished in their first version before the time the judgment was published, we are very grateful that the authors in the revised versions of their papers agreed to also take a glance at the judgment's possible implications for Austria. The judgment itself however will only become final if the request to refer the case to the Grand Chamber should be dismissed by the Court, which makes it very plausible that changes are still to come.

Thus, in the Constitutional Developments Section, *Stefan Schima* gives an overall review on the Austrian legal situation and the relevant case law concerning the Freedom of Religion. *Gregor Heißl, Valerie Leskovar, Brigitte Ohms* and *Markus Vašek* deal with subjects such as the prohibition to wear a face-veil in Austrian Courtrooms, parental rights in education, ritual slaughter, and the recognition of Jehovah's Witnesses as a Religious Society.

The articles section is dedicated to *Univ.-Prof. Dr. Theo Öhlinger* who celebrated his 70th birthday this year. *Harald Eberhard*, one of his students and a member of the ICL-Journal editorial board, wrote the introduction in honour of his esteemed teacher. *Alexander Somek, Anna Gamper* and *Anne Peters* contributed articles dealing with special aspects of comparative constitutional law.

Recently published books in the field of international constitutional law are reviewed by *Lothar Gamper, Christina Knahr* and *Eric De Brabandere*.

Claudia Fuchs & Konrad Lachmayer
Editors-in-Chief