



European Humanist Federation

international association under Belgian law

Fédération Humaniste Européenne

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UPHOLDING EQUALITY AND THE RULE OF LAW

as a means for enhancing dialogue between believers and non-believers

Religion and governance have to be kept apart. This has been the leitmotiv of the campaign launched by EHF/FHE - the European Humanist Federation - during the preparation of the draft European constitution and this very same message EHF/FHE is keen to convey to governments, institutions and NGOs present at the OSCE Almaty conference on "Promoting intercultural, interreligious and interethnic understanding".

Communities of faith and conviction and the European Union

Summary

Good European governance must ensure that the legislation and the practice concerning the churches and the religions in the countries of the European Union are not likely to be discriminatory with regards to all the citizens, in respect of article 13 of the Treaty.

The Union separates religion and governance. It is not concerned with the specific contributions that Churches can bring to their members.

The Union invites the Churches to promote dialogue between them, to give up proselytism and to avoid resorting to the concept of religious identity which still stirs up so many conflicts.

The Union cannot take any stand with regards to the citizens by seeking its legitimacy in religion or in an invocation to god.

The European Union must not set any discrimination between the convictions of the citizens who believe in heaven and of those who do not.

Improving relations with the citizen

One of the fundamental issues that the European Union has to deal with at present and which is found in numerous documents is how to improve the relation with the citizens.

It is only if the citizens sense that their concerns and expectations are taken into account that it will be possible for them to become involved or get involved again in the European project.

The European humanist Federation supports the development of civil society organisations within the Union as a consequence of democracy by participation.

The activities of civil society organisations are a driving force in developing projects affecting the entire society.

It is no longer sufficient for democracy by participation to give politicians a blank cheque in between two elections.

In this respect, civil society plays a dual role : to act as a useful relay to the political world without trying to substitute it and so to maintain and develop an active citizenship.

In the context of the relation between the citizen and the institutions of the Union, the question of the place of churches and communities of faith and conviction arises.

Dialogue

Dialogue today is on the agenda and is about getting to know and listening to one another and getting rid of the barriers of prejudice and misunderstandings. There are examples of publications managed by an editorial board composed of Catholics, Protestants, Jews, Humanists and Buddhists. Their aim is “to confront different visions of society and ethics, to understand better the nature of the latter in mutual respect for the bearers of these ideals and to progress together in organising society”.

One can see everywhere that Europe is trying to open itself to dialogue. Dialogue between cultures, ecumenical dialogue between religions and between churches, dialogue between the personal convictions of believers in god who are opening up to dialogue with atheists and agnostics.

People must talk to each other, religions must talk to each other, cultures must talk to each other. The organisations of civil society can respond to this approach.

Communities of faith and conviction

In recent years, a distinction has arisen between the Churches on the one hand, and the “communities of faith and conviction” on the other hand. It is more within the latter that partners of confessional and non-confessional convictions have often undertaken to enter into dialogue. No longer, as often in the past, by uselessly confronting each other, but with the shared goodwill to mutually understand one another.

What have been called “communities” for lack of a better word, are most often associations or

informal groups open to persons of dialogue.

“Communities of faith and conviction” have their place next to the other organisations of civil society.

The Economic and Social Committee has drawn up criteria concerning civil society organisation which, in order to reflect : *“the expression of the will of the citizens”*, have to be *constituted “on a voluntary basis ... via a democratic process”*.

It is obvious that in the same way as the organisations of civil society, communities of faith and conviction must meet these requirements.

A large number of civil society organisations, among which the humanist organisations, intervene in a responsible way in public life on major society issues. Most of them are organised in very democratic way. The positions of quite many of them respond to the search for the meaning of life of the majority of the European citizens, whether regarding the family, divorce, contraception and abortion, the role of women, the end of life, tolerance and freedom of conscience, or peace in the world.

Their “contribution” must not be neglected and must be able to be expressed on an equal footing with that of the communities of religious conviction which are democratically organised.

The message of the Churches

Since the Delors presidency, the Commission has wanted to establish contacts with the Churches. The White Paper on European Governance is echoing this concern and asserts that : *“the Churches and religious communities have a specific contribution to make.”*

In this respect, there is something missing in the White Paper as the editors did not deem fit to mention the contributions of the non-confessional organisations.

Religions and churches want to bring added value to the Union through the shaping of conscience and thus of citizenship, by delivering a “message” which schematically on two levels : one part being based upon transcendence from which comes the other part consisting of the rules of life.

On its side, the Commission pursues its project of “consolidating the peoples’ union”

One may wonder about this particular role devolved by the European Commission only to the Churches whereas the majority of citizens no longer practice their faith. Likewise, they no longer comply with the positions of the churches concerning everyone’s conduct in matters related to family, marriage and free union, divorce, abortion and contraception, bioethics, etc...

It is not an attack against religious convictions to note that, in many areas, the rules of life and the codes of conduct in society advocated by the Churches no longer constitute models

followed and shared by many citizens.

Due to their loss of audience, their diversity and sometimes competition amongst themselves, these models are no longer really shared today and have lost de facto any claim to “consolidate the peoples’ union”. This is particularly striking in matters related to the rights of women, of homosexuals, to all aspects of sexuality and reproduction.

These persons who no longer comply with the religious instructions nevertheless develop convictions of their own as respectable as those of “believers” and often with much strictness.

Not only the churches and the religions have lost the monopoly on values, but one can measure the discrepancy between the positions by taking for example the fight against Aids. On one side, the use of condoms is forbidden and on the other, on the contrary, there are campaigns for its use by numerous international institutions supported by the majority of the population.

To grant Churches a particular status among the European institutions would be tantamount to creating discrimination between the convictions of the citizens who believe in heaven and those who do not.

The Churches deliver to their believers a religious message based on transcendence that has to be respected. Every church has somehow the monopoly of its message and of a word on its own believers. The “specific contributions” of each of them do not address the entire population but only the particular believers.

The dialogue that the European institutions want to establish with the Churches cannot express a judgement on, or question the content, the value or the foundations of the opinions and convictions of these communities.

The public authorities and the European Union do not have to intervene in these strictly religious matters, as they have to respect the religious liberty as part and parcel of the liberty of conscience.

Finally, within the Churches themselves and of course out of them, many people reject the using of religion to use the power of the State in order to have the earthly message of the Churches prevail. Here it is the role of religion in the making of policies and in the taking of decisions by the Union that is questioned.

The Union would step back more two centuries by not taking into account the evolution of the way people think in relation to this issue.

Let us note that the European Union results from an economic and political integration deprived of any religious dimension. The religious convictions are not a matter covered by the Treaties; hence they do not fall under the Community competencies.

The European institutions are not concerned by the “specific contribution” that the churches can give to their believers.

EHF is opposed to the intention of mixing again religion and governance.

But the Union can invite the Churches to promote dialogue between them, to give up proselytism and to avoid resorting to the concept of religious identity which still stirs up so many conflicts. Likewise, pursuing to open up a dialogue between persons with religious convictions and atheists or agnostics should be much encouraged.

Such an undertaking can certainly find its place in an initiative such as “A Soul for Europe”.

No discrimination according to philosophical and religious convictions

Let us note that in many member states of the Union and in countries applicant to the enlargement, discriminations are observed against various social groups : women, believers of minority or non recognised religions, but above all against all those who are not religious, against the “non-believers”.

These discriminations are apparent in education, religious courses, social field, intrusion upon privacy, certain political privileges, official ceremonies with an exclusively religious character, etc...

It is time to realise that a large number of citizens with democratic values and without religion increasingly consider these discriminations as unacceptable.

Within the Union, the insertion of a reference to god in the Charter of Fundamental Rights as well as in the future Constitution of the Union would introduce a serious discrimination against the non-religious part of the population.

It is regrettable that the legislation and the practice involving the Churches and the religions in the countries of the Union and in countries applicant to the enlargement are still of a discriminatory nature against the citizens and in particular against those who do not have a religion.

The religious heritage

The elaboration of a Constitution for the European Union is widely talked about. It has been asked to have in it a reference to god to allow “the identification of the citizens with the values of the European Union”.

To ask to write in the preamble of the future Constitution of the Union the reference to god is not a unifying step and is discriminatory against the more and more numerous citizens who do not follow any religious precepts.

Let us recall that the persons who do have any religion develop convictions as much respectable as those of “believers”.

The reference to god or to a religious tradition is perfectly inappropriate for, contrary to the

States of the “Ancien Régime”, the Right and the Law are not given any more to the people under cover of a religious power but adopted by the representatives democratically elected by the citizens.

It is a guiding principle of any parliamentary democracy that, in Europe, presents a fundamental difference with the “religious tradition”.

To recall a religious heritage in order to found Europe, is to forget that religions have been and are still a factor of division between peoples, vectors of intolerance in the name of a truth, which is called the “only one” by each and every religion. It is sufficient to read the recent Declaration “Dominus Jesu” by the Congregation for the doctrine of the faith, dated August 6, 2000.

Religious conflicts in Europe and elsewhere, alas, still exist.

Does one want to recall the religious heritage of Spain and Isabelle the Catholic or of France and Germany and the “religious wars” ?

This is a past which one has to remember nonetheless, if its heritage is claimed so much so that it must be written down in the preamble of documents which will concern all the citizens of Europe in the 21st century.

It would be advisable to avoid the evocation of heritages and references which divide, by simply and clearly stating that “the Union is based on the indivisible and universal principles of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law”.

Would it not be preferable and sufficient to reaffirm, like in Article 10 of the Charter of Fundamental Rights, “the right to freedom of thought, conscience and religion”.

Let us remark that the claim to freedom of religion which expresses the right of any individual to choose his/her religion, to change this choice or not to have a religion, is in no way a heritage from the religious tradition.

Moreover, one has to remember that democratic states draw their legitimacy and their sovereignty from the citizens. If, in order to forge a legitimacy of its own, the European Union appeals to religion and seeks some form of recognition by the Churches, it is undermining the legitimacy of the sovereign people.

Furthermore, the Churches do not aim at being “*the expression of the will of the citizens*”, nor at being constituted “on a voluntary basis ... via a democratic process”.

The Union cannot engage in this way without losing its soul.

Consequently, citizenship and civil society in the Union cannot be based on religious convictions or messages resting upon any kind of transcendence.

Neutrality of the institutions of the Union

From has been said it ensues the concern to develop institutions in the Union impartial with regard to the convictions of everyone and which do not introduce any discrimination and respect the liberties of conviction, whether these are religious or not.

The distinction between “communities of faith and conviction” and Churches may allow to open up dialogue with persons of different conviction as well as with the European institutions. It is not necessary to resort to the “specific contribution of the Churches” to do so. What is essential today is not so much to appeal to such or such transcendental message than, on the contrary to obtain the active participation of all the citizens to the common work of the building of a democratic Europe.

Therefore, the concern of the humanists and of the European Humanist Federation, and also of persons with a religious conviction, is to avoid the creation, once again, through the European institutions, of a gap between the citizens, between those who believe in heaven and those, more and more numerous, who do not, by listing them according to communities organised in relation with their philosophical or religious conviction.

Moreover, it is very difficult, even impossible, to establish the same form of representation of the citizens acceptable by the different communities of faith and conviction meeting the requirements for democracy and representation mentioned above.

June 2002.

A final press conference on the draft European constitution was held at the European Parliament in October 2003 with the participation of over a hundred NGOs representing millions of Europeans

Press release

The future European Constitution has given rise to an extraordinary lobbying campaign by the Churches and particularly by the Roman Catholic Church in order to reassess in their favour the relations between the public institutions and the religious institutions. To this end, article 52 (ex 37) of the draft Constitutional Treaty aims at organising a dialogue and a regular consultation with the Churches.

The Churches strategy is not only to ask for the recognition of the contribution of Christian values to the European civilisation. They aim at institutionalising a privileged place for the Church in the consultation processes instituted by the organs of the Union that would thus recognise for them the right to exercise a magisterium of influence.

This is what clearly results from paragraph 3 of article 52 (ex 37).

These measures constitute an important regression and are contrary to the principles of secularism and of neutrality of public Institutions. Governance and religion should not be mixed.

The five organisations IPPF European Network, Réseau européen “Eglises de liberté”, Right to Die in Europe, Ligue européenne de l’Enseignement and the European Humanist Federation have launched the following appeal to Convention demanding the withdrawal of article 52.

The appeal is supported by more than 180 networks and organisations of most of the countries of the Union, representing several million citizens, as well as by a very large number of private persons.

Appeal to the Convention

The following signatory associations, active in all European countries, congratulate the Convention on the Future of Europe for proposing guarantees for the functioning of participatory democracy in Title VI.

In this spirit, our associations call for the future European Constitution not to pose any obstacle to the right of individuals to make free decisions concerning their lifestyles and personal choices on all questions linked to human existence.

The signatory associations are concerned about preserving and continuing to develop the gains acquired in their various fields of activity, be it in the field of education, morality, family and the condition of women, contraception, abortion, euthanasia, divorce or sexual orientation, etc...

The signatory associations note that article 52 provides Churches with a right to regular intervention into the policy-making of the European Union, thus allowing them to assert their religious options on matters listed above and many others such as discrimination against women, homosexuals, the fight against HIV/AIDS or on issues related to biomedical research.

The separation of Church and State must apply to all areas of community life.

The signatory associations therefore launch a solemn appeal to all members of the Convention regardless of their philosophical or religious convictions to request the withdrawal of the entirety of Article 52.