

Freedom of religion and the European Constitution

The case of Italy

The following considerations stem from our own personal experience as Italian citizens. Article 7 of our Constitution provides that the Concordat with the Catholic Church may be repealed only upon agreement by both parties. Thus the Republic of Italy and the Catholic Church are placed on the same footing which confers upon the Church an official role entailing a long series of nefarious consequences.

The first of these consequences is the violation of article 3 of our Constitution which lays down that all citizens are equal. In actual fact they are not. Citizens belonging to religions or communities of faith other than the Roman catholic, citizens who have no religious allegiance, i.e. atheists, agnostics, freethinkers and people who simply have no religious belief are de facto discriminated on a number of grounds: teaching of religion in schools, display of religious symbols in all public buildings, public funding of parishes, religious institutions and ngos, presence of religious representatives at public ceremonies, time allotted by public radio and TV to the Pope, religious events, miracles, crying madonnas, healing priests and the like. The Concordat of 1984 and again Mr. Berlusconi's Government further extended the privileges accorded to the Catholic Church.

The Minister of Education appointed a Cardinal as adviser on ethical questions to the Ministry. The official presence in the government process of a religious adviser on ethical matters is a flaw that blurs and undermines democracy, for the legitimacy of a Government rests exclusively upon the mandate it has received from its sovereign people; any additional source of legitimacy is but a weakening of the democratic mandate. All the more so as the ethical stance of a religion is based on a transcendent message which is understood by its followers only and hence should not to be imposed on the rest of the nation. Furthermore, the Catholic Church is a theocracy whose hierarchy is neither elected nor accountable and should not be considered on an equal footing with and by a democratically elected Government. The Italian Parliament is examining at present a bill on freedom of religion where, for the first time, the freedom to have no religion is explicitly recognized. The Union of Rationalist Atheists and Agnostics hopes that this will legitimize non believers as fully fledged citizens and that requests to be heard by public authorities on subjects such as the teaching of religion in schools or end-of-life issues made by atheists and their associations will no longer be either ignored or flatly rejected on the ground that ...they are not a religion.

Religious freedom in Europe

Article 10 of the Charter of Fundamental Rights provides for freedom of religion as well as for the freedom to change one's religion. No mention is made of the freedom to have no religion. There are two possible construing to this omission: a) that this

freedom is obvious and b) that citizens with no religion are out of the picture. Such an omission would be unconceivable in the European Constitution for the reasons explained above but also because all our member States have signed and ratified the Conclusions of the 1986 Vienna Meeting on Security and Cooperation in Europe [1]. which states that Governments undertake to favour effective equality between believers and non-believers and will promote a climate of tolerance and mutual respect between citizens of the different communities of faith as well as between believers and non-believers.

The majority of European citizens are, at best, indifferent to religion and to religious belief [2] . Some belong to philosophical and non-confessional associations, some to communities of belief, but the large majority do not feel the need to associate with others on matters which they consider to be of an utterly private nature. They trust their parliament and government will reach the best compromise solutions, respectful of all, on ethical issues which concern the citizens at large. This is an invaluable conquest of democracy. If a religion were allowed to bring pressure to bear or to have an official say on matters concerning the European decision-making process, this would create a privilege in favour of citizens belonging to that religion. The obverse of this privilege would be the discrimination of non believers and of citizens belonging to minority communities of faith, i.e. the greater part of the European population.

Furthermore, all our States have accepted the principle of ensuring that their citizens can effectively exercise their rights. This safeguard applies to single citizens as well as to their associations, which means that religious associations and non-confessional philosophical associations are on an equal footing and should enjoy the same benefits from the public sector.

Freedom of religion and of conviction will be ensured only if governance and religion are kept strictly separate from each other.

THE EUROPEAN CONSTITUTION

A Constitution is not a philosophical document and hence needs no reference to past history. It should be far-reaching, considering that future enlargements of the E.U. will turn us into a richer, more variegated and more diversified population of 480 million inhabitants.

The mention in the Constitution of a “religious heritage” [3] and the present debate on the “Christian roots “ of Europe are out of focus for two reasons. The first one is that nobody in their right senses denies the influence of Christianity in Europe, although few recall that such an influence has often been deplorable - as the Pope’s too few repentances testify - and is by no means unique since it is to the Renaissance and to the Enlightenment that we owe freedom of religion and the values of our body

politic which we cherish most. Moreover, history tells us that religious intolerance and strife was introduced by the monotheistic religions which, to this day, claim to be the only holders of truth. Suffice it to read Declaration “Dominus Jesus” by the Vatican Congregation for the Doctrine of Faith (August 2000) [4]. Therefore the often stated “universal character” of Christian values is to be firmly rejected. Today more than ever any reference to religion would have a divisive effect in our multicultural society.

The second reason concerns the inevitable economic and political consequences that a reference to a religious heritage in the European Constitution would have. It would mean a de facto recognition of an official role for religions in the European public process. This not only would open the door to the claim by Church representatives that their present privileges are a *droit acquis*, but would make them feel free to oppose any measure deemed contrary to the doctrine, particularly as applied to freedom of conscience, family, school, sex (the Holy See has condemned the Field Manual used by UNHCR in refugee camps on sexual education because it recommends contraception), scientific research, etc.

NOTES

[1] . Conclusions de la réunion de Vienne 1986 des représentants des Etats qui ont participé à la Conférence sur la sécurité et la coopération en Europe, convoquée sur la base des dispositions de l’Acte final relatif aux suites de la Conférence.

.....

(16) Afin d’assurer la liberté des individus de professer et de pratiquer une religion ou une conviction, les Etats membres, entre autre

(16.1) adopteront des mesures efficaces tendant à empêcher et éliminer toute discrimination basée sur la religion ou la conviction des individus et des communautés pour ce qui est de la reconnaissance, l’exercice et la jouissance des droits de l’homme et des libertés fondamentales dans tous les secteurs de la vie civile, politique, économique, sociale et culturelle et assureront l’égalité effective entre croyants et non croyants ;

(16.2) favoriseront un climat de tolérance et de respect réciproque entre les croyants des différentes communautés ainsi qu’entre croyants et non-croyants ;

...

(17)...Dans leurs lois et règlements et dans leur application (les Etats) assureront la mise en œuvre pleine et effective de la liberté de pensée, de conscience, de religion ou conviction;

[2] . In “Dall’accordo del 1984 al disegno di legge sulla libertà religiosa” published by the Presidenza del Consiglio dei Ministri, Rome 2001: “Le identità, infatti, non possono che essere fuse nei calchi dei principi supremi di uguaglianza e libertà che la

Costituzione ha predisposto, né possono, ove si dovesse “esaltare” qualsiasi tipo di diversità in quanto religiosa , creare spazi di privilegio per i “credenti” a scapito non di altri “credenti” (tutti in un sistema ottomano potrebbero ottenere il privilegio della specialità), ma di quei “non credenti” che – lo si voglia o non – sono in realtà la vera maggioranza dell’Europa occidentale del Duemila”.

Translation:

(...non believers are – whether one likes it or not – the real majority of Western Europe of 2000)

[3] . From the Vatican Press Room (via the Internet) - February 23, 2002

At 11.50 this morning in the Clementine Room of the Vatican Apostolic Palace, the Holy Father John Paul II held an audience for the participants in the Third International Forum for democracy, peace and international cooperation promoted by Fondazione Alcide de Gasperi. During the ceremony the Pope delivered the following speech:

.....

[items 1 and 2 omitted]

....

3. My greatest concern about Europe is that it should preserve its Christian legacy and make it bear fruit. Indeed, one cannot deny that the roots of the European continent are to be found not just in the Greek and Roman, but also in the Christian heritage, which for centuries has been its most profound soul.

Many of Europe’s legal, artistic, literary and philosophical achievements bear a Christian mark and can hardly be understood and appraised unless one looks at them from a Christian viewpoint. Even the ways in which the European peoples think, perceive, express themselves and behave have been greatly influenced by Christianity.

Unfortunately around the 1500s there began a secularisation process, which developed especially in the 1700s – a process that wanted to exclude God and Christianity from all the expressions of human life.

This process has often led to agnostic and atheistic secularism, that is to say the complete and absolute exclusion of God and the natural moral law from every realm of human life. The Christian religion was thus confined to people’s private lives. Is it not meaningful then – from this viewpoint - that every explicit reference to religions, including Christianity, has been eliminated from the Charter of Europe? I have expressed my regret about this fact, which I consider as running counter to history and an affront to the Fathers of the new Europe, including one of the leading ones among them, Alcide de Gasperi, after whom your Foundation is named.

4. The “old” continent needs Jesus Christ for its soul not to be led astray, losing all the achievements that made it a great continent in the past and which, to this day, still command the admiration of other peoples. It is the Christian message that caused the great human values - the dignity and inviolability of the individual, freedom of

conscience, dignity of work and workers as well as the right of every individual to a dignified and secure life - to become established in everyone's conscience; hence the right to share in the wealth of the Earth which God meant for the enjoyment of all. There is no doubt that other forces in addition to the Church have contributed to these values becoming established. At times Catholics themselves, constrained by negative historical situations, were slow in recognising certain values as Christian, even though, unfortunately, they had been severed from their religious roots. Today the Church – once again and with new vigour - is presenting these values to Europe which risks sliding into ideological relativism and yielding to moral nihilism as it sometimes calls good what is bad and bad what is good. My hope is that the European Union may have a new lease of life drawing on a Christian legacy which is its own, providing suitable answers to the new questions which are emerging especially in the realm of ethics.

[the speech continues on other issues]

[4] . Declaration “Dominus Jesus” presented to the press by Cardinal Ratzinger confirms the statement of Vatican Council II on freedom of religion: “Questa unica vera religione crediamo che sussista nella Chiesa cattolica e apostolica, alla quale il Signore Gesù ha affidato la missione di comunicarla a tutti gli uomini...E tutti gli esseri umani sono tenuti a cercare la verità specialmente in ordine a Dio e alla sua Chiesa e sono tenuti ad aderire alla verità man mano che la conoscono e a renderle omaggio”.

Translation:

“We believe this unique true religion exists in the catholic apostolic Church which our Lord Jesus entrusted with the mission to communicate to all men...And all human beings must seek the truth of God and of his Church and must adhere to truth when they come to know it and pay homage to it.”