

**EUROPEAN CONSTITUTION: SECULARISM IS ESSENTIAL
for the equal treatment of citizens by the institutions**

Rome, 29-30 November 2003

Summary minutes

The idea of organizing a conference to redefine and specify the concepts that make up the word *secularism* dates back to a few years ago when it became clear that the often fraudulent use of this word prevents the citizens from understanding fully the meaning and scope of laws enacted by parliament. More recently, the presentation of the draft European constitution – with articles which legitimise concordats and state religions and which confer on churches an institutional role in the European democratic process – convinced us that the right time to do so was the semester of the Italian presidency of the EU Council.

However, the significance of the conference extends beyond this event. For some people, in particular those in whose country the Catholic Church interferes heavily with the public institutions, the word secularism is generally used in its restricted meaning of separation between the State and the Church; whereas people who live in countries where such a separation is a fact – although improvements are always possible – the meaning of secularism goes beyond the institutional set-up and has become an ideal to be defended.

The first session of the conference was devoted to State Church relations and was opened by the historical and theoretical reports of Mario Alighiero Manacorda and Piero Bellini, followed by Giuseppe Ugo Rescigno who spoke of the legal aspects of the European Constitution. Georges Liénard dwelt specifically on article 51 and the consequences it would have on the secularism of the institutions, were it to be adopted. Two philosophers, Henri Pena Ruiz from Paris and Anthony Grayling from London were asked to report on the concept of secularism as an ideal and as the sine qua non condition for social cohesion. The following delegates described their national situation: the Rt Hon. Giorgio Bogi for Italy, Adam Cioch for Poland, Dora Pfister for Germany, Florian Ballhysa for Albania, a traditionally secular country.

The Sunday morning was devoted to "Secularism in practice". The first speaker was Franca Eckert Coen, representing the Mayor of Rome, followed by Luc de Vuyst and Marie-Ange Cornet from Belgium who described the development of the humanist movement that led to institutional acquis and to the present grassroots activities. Nicolas Pomiès from France explained that the French Social Forum considers it essential to link the struggle for *laïcité* to the social struggles and Valeria Ajovalasit, president of Arcidonna confirmed that this tendency was under way also in Italy. Giorgio Villella informed on secular resistance in Italy. Delegates from different European countries, presently members of the EU or acceding countries or (like Norway or Albania) neither members nor pre-ins exchanged experiences and contributed to the discussion.

Rather than giving a summary of each single intervention, this report tries to group the thoughts expressed by the speakers under a few major headings with the exception of Georges Liénard's intervention on article 51 of the draft European constitution which is reported almost fully on account of the urgency of his subject. As

we are going to press, we are relieved to learn that the adoption of the Constitution has been postponed because of the failure of the Intergovernmental Conference.

“Here we are once again! Once again the importance of the moral and cultural relations between people are denied and no distinction is made between the religion of power and the religiosity of each individual’s conscience.” With these words Mario Alighiero Manacorda started his inaugural speech.

The Christian heritage. The history of Europe is the history of the resistance against the constraints of Christianity and Catholicism as religions of power. The stakes, the crusades and the evils produced by the confusion between theology and politics have certainly not given birth to Europe of the Enlightenment and of Human rights. The fundamental values of our law stem from the fight against 15 centuries of judeo-christian civilisation and linking these values to a single spiritual origin means despising the others and introducing division among people. An ideal which carries with it the emancipation of all men leaves its historical origin behind and becomes universal for Europe and for the whole world and it is on the values of freedom, equality and fraternity that we must appeal to all citizens to unite. A constitution is not a history book but a document which prescribes something to all the citizens, hence every single word which is written there automatically becomes the basis for a prescription. The mention of a Christian heritage of the EU is equal to giving a constitutional basis to the claims of whoever wants to introduce powers, privileges and immunities for Christian confessions at Union level as well, in the name of that heritage. Furthermore, just as in State constitutions the specific safeguard of freedom of religion is not there to protect the individual’s religiosity but the power, privilege and immunity of given religious denominations, at EU level the unnecessary mention of religious freedom may be used in future, or maybe in the present, to justify the concession of particular powers or privileges or immunities to some or even to all religious denominations.

Religions. The Church allied with power is the enemy of peaceful coexistence between peoples. History tells us that all the Churches have tried to enforce their authority, because for every religion the others are a menace and because none are immune from fundamentalism. The ecclesiastical hierarchies assert that the Church represents its followers because the latter share the concept of god and of the world designed by the clergy, but by so doing they create a ghetto for those who are inside and one for those who are excluded.

Religious institutions have always tried to increase their influence and to obtain public funds and privileges which, in the course of time, have become specific violations of the fundamental principles of the Human rights enshrined in our constitutions. A concordat between a State and a Church is nothing but a long list of unilateral obligations for the State, without any counterpart and it inevitably opens the door to ever new demands, such as in Italy the display of the crucifix in all public buildings, not mentioned in the concordat. A system whereby agreements are signed with different religions does not make a secular State but a multiconfessional one, since it excludes and thereby discriminates citizens who belong to no religion and followers of religions that have not signed such agreements. Under the influence of religions, atheists and agnostics have been defined by a privative prefix or by a negation which is the best way to deprive them of the possibility to express themselves.

Freedom of religion. In ordinary as well as in legal language, all acts and administrative instruments which grant powers and immunities to religious institutions are deceitfully passed off under the word "freedom", a noble and immaculate name and concept. The result is a patent asymmetry, deliberately organised by the public authorities, between religious denominations on the one hand and atheists and areligious people on the other, whereas the concept of religious freedom should aim solely at protecting the social life common to all citizens. Religious freedom is fully safeguarded by the other freedoms, in particular freedom of conscience, of expression, of thought and of association, since it is inseparable from them under the principle of equality. If those freedoms are adequately protected, so will religious freedom be. A separate mention, as the one to be found in the draft European Constitution is a privilege and hence discriminates whoever is excluded.

Secularism is the possibility to live together for people who are free to express their ideas without enforcing them with the help of the public authorities. It is tolerance and curiosity towards others, the refusal of dogmatism as well as of the antiquated opposition between "truth" and "error". It is the respect of the personal convictions of every individual, which correspond to man's quest for the supreme reasons of his own being. It is the freedom of each and of all individuals everywhere. In the public domain, that is apart from one's home and one's church, people must be able to meet without religious or ideological labels because these inevitably compete with each other in their attempt to conquer other minds and other hearts. Secularism is not opposed to religion in the sense of the single individual's religiosity, but to the religion of power. The refusal of an alliance between conscience and power still exists among many religious people who reject the unlawful traffic between public authority and religion. Our life-stance and our idea of society must be free and open to choice. Neither religion nor atheist humanism must be compulsory or prohibited. The air people breathe in society must be one of friendship and harmony among all living beings.

The school can do but little if society is not libertarian, multicentric and democratic. The duty of the secular school is to teach universality in human relations, in knowledge and in culture, and how to be self-confident and live in one's own time. Freedom of learning in no way means the possibility for the family to choose the school that best corresponds to their ideological and cultural prejudices, thus perpetuating and reinforcing identities which have been imposed on the children in the first years of their life. The pupils' freedom must be protected also with respect to such family claims, so that the young may meet different cultural perspectives in an environment which favours comparisons; such a freedom is certainly not warranted by the pluralism of schools with a religious or ideological bias, but rather by pluralism within a State, secular school. Children must learn the value of equality at school - their first contact with a public institution - and must therefore enjoy the same rights. They must learn that knowledge is universal but that convictions are personal and that religion and atheism belong to the private domain. Religious lessons in State schools constitute a secular gap because of the fact that atheists and agnostics must ask to be exempted, which means that religion is the norm and non religion is a deviation from the norm. Thus children get used to considering discriminations legitimate. The school must educate to freedom of conscience and autonomy of judgment as well as to seeking consistency between thought and action. The tendency to specialise secondary schools is a dire loss of culture and increases divisions between people.

The tenets of secularism in the European union. When a people decides they want to become a *de jure* political community, a *res publica*, and chooses secularism, three questions need to be answered:

a) Is it legitimate for one group to impose its values onto the other groups? No, human conscience must be free. Religious freedom is but one aspect of freedom of conscience and legal texts must define each term as extensively as possible. This is the first major principle of secularism.

b) Is it legitimate for one group to enjoy privileges which the other groups do not enjoy? No. As far back as 1789 the French revolution laid down that men are born equal and remain equal and free. Equality and freedom are not negotiable and public authorities can neither grant or deny them. These values are intrinsic in human dignity. Equality before the law is the second major principle of secularism.

c) The law is common to all. Can it provide advantages for some and not for others? No. The *raison d'être* of the law and its unique finality are the general interest and the common weal. The law produces universality. This is the third major principle of secularism.

The concordat and State church regimes which exist in Europe run counter the equality of citizens and hence of secularism. This applies to historical materialism when it was established as the official regime of the State as well as to Poland today where prayer is compulsory in State schools. However, the century-old oppression of atheism and agnosticism by the Churches does not mean that secularism should revert the dominant and the dominated and should take the place of the Church. The secular ideal is lofty and beautiful because it considers all men on an equal footing and abolishes the very principle of domination exercised in the name of a spiritual stance. It tends to eliminate any domination by man over man and is therefore universal. The public domain must not be multiconfessional but strictly non confessional. Otherwise it becomes the union of some and not of all and unity can never be the negation of diversity. Secularism is a world common to all men over and above their differences and not a mere mosaic of differences. Differences are not denied, but asserted with the moderation and restraint necessary for others' differences to emerge and become visible. This signifies it is no levelling out, but learning to live with one's differences in the universality and unity of mankind. The message of secularism is one of freedom and universality which refuses all religious annexation of the State, all privileges in the name of a spiritual stance and looks askance at all fundamentalist group or partisan message.

What does article 51 of the draft European Constitution conceal?

The fundamental question raised by article 51 does not concern religion but secularism since this article conceals a type of democratic process which reinstates the collusion between State and Church similar to that of the *Ancien régime*.

Article 51 comes under Title VI: "The democratic life of the Union", but there is also article 46, entitled "Principle of participative democracy" which provides that "The institutions of the EU maintain an open, transparent and regular dialogue with the representative associations of civil society" which means that such associations may express their views to the European parliament, to the Committee of Ministers, to the Commission. Nevertheless, despite their insistence on belonging to civil society, church hierarchies refused to be included under article 46 and lobbied frantically to introduce in the body of the draft Constitution a wording which the Treaty of Amsterdam had relegated to the annex as a joint declaration.

This is article 51. What does this article imply? In 51.1, the EU states it has no say in member States' relations with churches. But what happens then when the EU issues a directive where churches are concerned which governments are to transpose in their

legislation after it is adopted by the EU Parliament and by Council? The answer is obvious. Let us take directive 565 on non-discrimination in employment: the churches as well as all the groups under their control such as schools and hospitals are exempted. Consequently, if article 51 is adopted – which is most likely – no directive or text of the EU will apply to the churches or to their satellites.

Here it is worth recalling that the opinion polls taken in the EU including Poland show that only 25 to 30 % of the population declare they belong to a religion, which is tantamount to imposing the churches' will to 70 to 75 % of the European citizens.

In article 51.3 the EU undertakes to maintain an "open, transparent and regular dialogue" with the churches. These are the very same words used to qualify the dialogue between the European institutions and the representative associations of civil society. Why then did the Churches insist on having a separate article? In an official document to GOPA (Group of Political Advisers to the President of the Commission) dated June 2002, the European bishops define the meaning they give to the word *dialogue* and this explains why the Churches refused to be treated in the same way as the associations of civil society mentioned under article 46. The document specifies that the Churches wish to be heard in the pre-legislative phase; hence they ask to be consulted on the preparation of European laws on all matters that concern them and which they will point out. Moreover, they ask to have occasional meetings with the president of the Commission as well as regular working sessions on specific objectives. But there is more: they ask to have their bureau de liaison in the Commission offices so as to be able to lobby officially the president of the Commission, the Council of Ministers and the European Parliament with a view to developing a partnership with the Commission. This is hardly a dialogue, but rather the safeguard of church interests and the maintenance of inequalities.

There has been no reaction on the part of governments on this whole matter and little from most secular associations. The European Humanist Federation decided to publicize the bishops' document and held a number of hearings and two press conferences at the European Parliament with associations of civil society which represent millions of citizens, often affected personally by Church interference in public affairs (the family, divorce, euthanasia, contraception, gender equality, gay and lesbians, teachers, but also bio-ethical and bio-medical problems). Two major Catholic organisations were present as well. They federate numerous grass-roots associations which say: we are Catholic but we have become adults and have no use for a church which tells us, for example, if we are to have children or not. This is a sea-change which secular and humanist associations must consider since these groups are ever more numerous and defend our same principles, while remaining religious and catholic. The catholic hierarchies will soon realize this represents a thorn in their side, especially if article 51 will be adopted.

The campaign goes on. The Convention chaired by V. Giscard d'Estaing completed its mandate and the ball is now in the hands of the Intergovernmental conferences, i.e. the national ministers. We appeal to all the persons and to all the associations which have secularism at heart to write to their heads of State and government as well as to their ministers to explain the full meaning of article 51. Following our campaign, the Belgian government asked for the withdrawal of article 51. The French government which had done so previously, now changed their mind and consider it is a good compromise. We must not give up.

Let us defend our common secular ideal with a resolute offensive and a constant and unrelenting vigilance. Let us unite around a great European manifesto for secularism based on the values that all men share in common.

Vera Pegna