European Humanist Federation

international non-profit association under Belgian law

Fédération Humaniste Européenne

association internationale sans but lucratif de droit belge

Campus de la Plaine ULB-CP 237
Avenue Arnaud Fraiteur
B-1050 Brussels - Bruxelles
Belgium - Belgique

Tel: +32 (0)2 627 68 11
Fax: +32 (0)2 627 68 01
E-mail: fhe@ulb.ac.be
www.humanistfederation.eu
IBAN: BE 0010 5415 6489 BIC: GEBABEBB

RESPONSE TO EU GREEN PAPER COM(2010) 747:
"Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records"

The European Humanist Federation unites about 50 organisations in about half that number of European states. We represent the very large number of people (maybe as many as one-third or one-half: see below) who explicitly or implicitly live without religion but support a secular system of ethics.

We believe that the issues addressed in the Green Paper COM(2010) 747 *"Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records"* are of considerable importance both on economic grounds and - which concerns us most - on grounds of equal treatment of European citizens and full recognition of human rights. We know of cases where the present haphazard arrangements have caused real difficulties to individuals and couples[1].

We do not wish to offer detailed answers to the specific questions in the Green Paper, although we recognise (question 8) the considerable advantages for citizens of automatic recognition of civil status documents by all states in the Union. We realise that there will be substantial legal difficulties in improving the present situation, let alone moving to an ideal one, but we wish to urge energetic pursuit of the aim.

There will be opposition, partly from legal and nationalist conservatives but also (and it is on this that we wish to comment) from efficiently organised and well financed but unrepresentative minority religious pressure groups whose aim appears to be to stifle the initiative at birth. Several of these have put much effort in to urging their followers to oppose the Green Paper's proposals. They are motivated, as is plain from their website, by religious doctrines that mandate opposition to divorce, to *in vitro* fertilisation, to single sex marriage or civil partnerships, to adoption by gay or lesbian couples or by single persons, etc. It is our

---

[1]   For example, one supporter recently wrote to us: "I have felt the effects of not having my civil partnership recognised in the rest of the EU and the serious consequences of that. Without recognition of my civil status in the EU then freedom of movement does NOT exist for same sex couples. It is pointless moving to another EU country if all of the rights that I acquired in the UK or Ireland as civil partners are taken away from me. Married couples do not have this problem and only they can truly benefit from the freedom of movement directive."

opinion that they are not representative even of most Christians in Europe.

We refer you to (for example):

- European Dignity Watch, which has provided a detailed "answer kit" (their term) in six languages on the answers to send to the Green Paper's questions[2] and has sent out e-mails reminding supporters to lodge their objections;

- CARE (Christian Action Research and Education), an evangelical organisation that started in 1971 in the UK as the "Festival of Light" and was from the start strongly anti-gay, and which has provided similar model answers[3];

- the European Christian Political Movement which has published a report headlined "Will the EU define marriage? Your action is needed! Enforced EU-wide recognition of same-sex marriage?"[4]

There are other such sites - for example, Salt and Light, another anti-gay Christian organisation ("facilitating informed intercessory prayer and action by providing biblical, political and background information on important topics") and World Youth Alliance[5].

Such lobbying is perfectly legitimate - and we declare that we have suggested to our member organisations and others that they might respond to the Green Paper. However, it is important that decision-makers should be aware how far responses they receive are spontaneous and how far they are representative.

In this connection , we draw your attention to a paper[6] that we have recently submitted to Religare, an academic collaboration financed by the EU. In it we address the place of religion in society:

> Attempts are still occasionally made to promote Christianity as a factor binding Europe together. Our shared inheritance and history, it is said, are those of a Christian continent, our culture and values are Christian. But these claims are matters of dispute, as was seen when attempts were made to insert them in the preamble of the putative European constitution. We share a history in which Christianity played a large part - but it may still divide rather than unite. Our culture, our values are in part Christian, but they also have other roots: in the classical world, in Enlightenment thinking, in our common humanity. And church power has produced alienation just as free thinking has produced rejection of Christian belief. . .

---

[2]   See http://www.europeandignitywatch.org/reports/detail/article/tell-the-european-commission-no-forced -eu-wide-recognition-of-same-sex-marriage.html

[3]   See http://www.care.org.uk/news/impact-direct/guide-to-responding-to-european-commission-green-paper -on-civil-status-documents

[4]   See http://www.ecpm.info/k/en/n9278/news/view/476930/68580/Will-the-EU-define-ma

[5]   See http://www.wya.net/EN%20Analysis%20green%20paper%20civil%20status.pdf

[6]   See http://www.humanistfederation.eu/download/160-EHF%20submission%20to%20Religare%20project.pdf for the full paper.

Polls and surveys provide the evidence. First there are those that demonstrate how many people in Europe have rejected religious belief. The EU's Eurobarometer survey found in 2005 that in its then 25 member states only 52% of people believed in God while 18% rejected outright even the idea of 'some sort of spirit or life force'.[7] Similar results are found by both popular and academic surveys[8]. Other surveys show how limited is the knowledge of self-proclaimed believers of their alleged religion - an ignorance that undermines the claims of churches to represent those who have actually created their own eclectic and often shallow beliefs.

More significant are those surveys that demonstrate people's attitude towards religion and the churches regardless of their personal beliefs. For example, in 2007 Eurobarometer found that 46% thought religion had too important a place in society[9], a result similar to that in a UK Ipsos MORI poll in 2006 which found that 42% of people in Britain thought that Government "paid too much attention to religious leaders"[10].

Not only that, but religion is not seen as important by Europeans. Half of them may in some sense believe in God and even more have a cultural affiliation to Christianity but Eurobarometer found that, when asked to pick up to three from a list of twelve 'values', people in Europe twice placed religion last: only 7% chose it as important to them personally and only 3% saw it as a value representative of the EU.[11]

It is plain therefore that Christianity cannot provide the binding factor for 21st century European society. . .

We pointed out in our paper that the values Europeans shared were shown by the same poll to be human rights, democracy, peace, and the rule of law. We proceeded in the paragraphs we quote below to define what we mean by "secularism"[12], which is decidedly not exclusion of Christians from public debate - but which does demand that politicians and decision-makers take care not to be swayed by purely religious arguments neither shared nor comprehensible to large parts of the population:

The European Humanist Federation is committed to freedom of religion or belief (including freedom of non-belief and non-religious beliefs) and to the principles

---

[7]   Eurobarometer special survey: Social values, Science and Technology (European Commission, June 2005) available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_225_report_en.pdf - accessed 18 October 2010.

[8]   For a summary of academic surveys see Phil Zuckerman: 'Atheism: Contemporary Numbers and Patterns' in The Cambridge Companion to Atheism, ed. Michael Martin, Cambridge University Press, 2007; ISBN 978-0-521-60367-6.

[9]   Eurobarometer 66: Public Opinion in the European Union (European Commission, September 2007) available at http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf - accessed 18 October 2010

[10]   http://www.humanism.org.uk/news/view/156 - accessed 23 November 2010

[11]   Eurobarometer *loc. cit.*

[12]   The implications of secularism in this sense (and we agree that others may use the word differently) are not the same as those of the words 'secular' or 'secularisation', which typically have to do with the extent to which society is or becomes 'less religious'. Support for secularism, by contrast, is entirely compatible with religious belief - indeed, it has its origins in the late mediaeval church's assertion of their independence from 'secular' government.

of equality and non-discrimination. Our wish is that the constraints on freedom should be the minimum compatible with the survival of a liberal, open society - tolerant, democratic, with guarantees of human rights.

From this it appears to follow necessarily that the state, the law and the public institutions we all share must be neutral as between different religions and beliefs. On questions of profound disagreement and deep sensitivity where there is no agreed way to establish the truth or falsehood of the claims made variously by Christians, Muslims, atheists and everyone else, it is quite wrong that the state should throw its weight behind any one particular religion or belief. This neutrality is what we mean by secularism. Be it noted that we refer here to a secular state, not a secular society: a secular state may be supported by religious believers and be the home of widespread religious belief, whereas the phrase "a secular society" suggests one that has distanced itself from religion. . .

Objectors often allege that secularists wish to drive the religious from the public square. Not so. How could we, when atheism or Humanism are no less 'religions or beliefs' than Islam or Christianity? If Christians were banned from the public square, so would be Humanists and atheists.

What, rather, secularists do say is that in debates on public policy purely religious arguments should carry no weight. In a Voltaire-like defence of freedom of expression, we absolutely do not wish to suppress or forbid such arguments being voiced - but we do say that it would be better if they were not, and that if voiced then by convention they should count for nothing in the minds of politicians and decision-makers. By all means let the religious argue (say) against assisted dying with warnings of a slippery slope - an argument we can all understand and assess - but if they argue that life is the gift of God and that it is not for us to take it away, then in the process of public decision-making their words should be ignored. Such arguments cannot be legitimately admitted in a society where there are so many competing beliefs that reject its very premises. Let the religious draw their motivation from their religion, let them encourage each other by citing its doctrines, but let them in the public square speak in a language everyone can understand. Similarly, no atheist should expect any attention to arguments premised on the non-existence of God.

The religious complain that this amounts to a privatisation of religion. In a sense it does - but not in a sense about which they can legitimately complain. It requires that religious injunctions about the governance of society are addressed only to those who share their premises. But it does *not* demand that believers should cease manifesting their religion in public, nor that they should deny their motivation in their public-spirited work, still less that they should cease from engagement in public life.

Reverting, therefore, to the Green Paper, we are strongly of the view that purely religious objections to mutual recognition by EU member states of the civil status documents each issues should count for nothing, in that they amount to attempts by a minority to impose on other people restrictions on their freedom based on fundamental beliefs they do not share. Similarly, opposition motivated by underlying religious doctrinal objections but expressed in legitimate terms should be strictly assessed on the worth of its arguments and not given any added weight

for its religious foundations.

We note that the Religare project has recently published a relevant paper[13], and end by quoting its concluding observations, which appear to be highly pertinent:

> Despite attempts by states to restrict family-based or other forms of migration, it is bound to continue in different ways. Thus the issues discussed in this article will be of ever growing salience. This means that European states face tough choices about how to move next to take into account the "superdiverse" conditions of their societies, which have strong implications in terms of legal diversity also. The old methods of dealing with such diversities are failing and costing a lot in terms of money, ill-feeling and injustice, which can rebound on the larger societies if care is not taken. Readjusting the old models, for example within private international law, to accommodate minorities and transnational communities more fairly could be one solution but, while such suggestions are made from an obvious sympathy for the plight of parties caught in legal struggles, I am fearful that such re-jigging of old models simply ends up presenting the same wine in new bottles, but does not help in addressing the underlying ideological and practical problems. The presence of transnational communities means that there is a collapse of the boundaries between "domestic" and private international laws. However, that mental barriers are strongly present can be seen in the restrictions and blockages illustrated in the present article. Reading about the century-old story of Gandhi's campaigns in South Africa one comes across the ruling of the Supreme Court in 1913 which effectively refused to recognize all non-Christian marriages, with severe consequences for families seeking to reunite and leading to other legal barriers for Indian workers.[14] A century later we may ask why European legal systems continue to replicate such restrictions in more secularized forms. Contemporary interferences effectively tend to rely on long-present Christian presuppositions of family law including consent in marriage, the involvement of an intercessory to formalize marriage, restrictiveness around divorcing, and so on. However secularized and universalized such normative assumptions may have become, it is futile to deny their specific lineage, which is linked to one culture, the Western culture. That they derive from a specific culture entails problems of incommensurability which need to be taken into account for the ends of inter-cultural justice. It seems that rather than rely any longer on the outdated concept of the "comity of nations", we ought to try to move towards a "comity of peoples". It is the presence of transnational communities which span nation-states which is making us realize this more and more, and the implications are not restricted to the Western legal systems only; they face all legal systems in different ways – a big global challenge.

26 April 2011

---

[13]   Transnational family relations in migration contexts: British variations on European themes - see http://www.religareproject.eu/system/files/Religare%20WD%20No%207%20Shah%20on%20Transnational%20family%20relations.pdf

[14]   Esop v Union Government (Minister of the Interior) (1913) CPD 133.