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The Role of Religion in Integration – European Integration³⁶

I would like to say a few words on the relationship of the Union and religion as a lawyer. Looking at the problematic of religion and the European Union, at first glance, we seem to be faced with a very complex phenomenon. It encompasses, on the one hand, the relationship of religion and the European Union as well as, on the other hand, the relationship of the European Union and churches, i.e. institutionalised forms of religion. In an even broader sense, relationships between European values and religions as well as relationships between religious institutions, furthermore, the connection of the citizens of the European Union to religion and to churches may also be part of this. In addition, legal questions concerning the use of religious symbols in the Member States of the European Union – a very interesting issue for us lawyers, yet untouched by this presentation – can also be mentioned here. A historical dimension on the structure of relationships between religion and church in European history also offers itself for discussion, without which no questions of the present may be understood. As I have mentioned, there is a legal dimension to the problematic, consisting of two fundamental elements; the first being the pertinent rules of EU law, and the other the relevant regulations of the Member States. EU rules of a legal nature have more or less been introduced so far, such as the Lisbon Treaty, or the ill-fated and unfortunate Constitutional Treaty, and the fundamental values in the Preamble of the Treaty on the European Union have also been presented. However, what may be emphatic in EU law is the aspiration for dialogue, defined as a legal obligation by the Lisbon Treaty, as it has been already argued today. The prohibition of discrimination based on religion is also very important, safeguarded by both the Charter of Fundamental Rights of the EU and the European Convention on Human Rights; the latter having significant rules on the freedom of religion and conscience although not discussed here today.

The legal regulation of the relationship of the EU with churches is plain and simple, as specified under Article 16C of the Lisbon Treaty. Basically, it provides that the EU shall grant such status to churches as they are recognised by the different national laws. In laymen's terms this means that the relationship of the EU and churches is defined by the law of the Member States. The relationships of Member States with churches are

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quite manifold. On one end of the scale, we find the French model firmly grounded in complete *laïcité*, similar in a manner to the solution inherent to the United States, where Thomas Jefferson erected a wall between Church and State at the end of the 18th Century, thereby causing such debates in the 19th Century whether a state fire truck can participate in extinguishing a church fire. The solution governing the relationship of Church and State in the French model is slightly lighter, but the concept of *laïcité* is no doubt definitive on this pole. On the other end of the scale, on the opposite pole, are the Established Churches (State Churches), such as in Greece, the United Kingdom, Romania, or Sweden, where Church and State are not separated. Between these two poles there are transient models, such as in Germany, Poland, Hungary, or in Italy, but these are quite divergent as well; they apply quite peculiar and original solution in the cooperation of Church and State.

Really, there is unity in legal regulation within the Member States of the European Union in that the freedom of religion and conscience and the prohibition of discrimination based on religion are respected in every Member States' law. In order to be able to examine the legal relationship of the respective Member States to religion and Church more closely, it is indispensable not to fail to examine said historical dimension, which defines present EU law of the current Union on religion and Church. In doing so, we may find some answers to the question why it was impossible to incorporate Christian values in the planned Constitutional Treaty for the EU, and at least, why the word Christian needed to be excluded *expressis verbis*.

Let us stick to the facts. It is a historical fact that the sole European religion until the Reformation, i.e. approximately until the early 16th Century, was Roman Catholic and the sole Church was the Roman Catholic. It is also a fact that the European civic movement, through the ideas of the Enlightenment borrowed a lot of things from the fundamental values of the Catholic religion although in a secularised form. Moreover, it is a fact that the Roman Catholic Church had not been able to integrate neither the Reformation nor the Enlightenment, rather it intended to provide responses to philosophical and theological questions brought about through violent public power instead of dialogue. This latter fact affects European relationships to religion to this date.

The philosophical natural science revolution of the Enlightenment and the triumph of the primacy of intellect have entered the political scene through the French Revolution. The Catholic Church, in the course of French revolutions, consistently and unambiguously favoured the absolutist public power, thereby extinguishing themselves from among the political forces supporting the republican idea. The French *République* established after the Revolution thus had to have a self-determination defined against the Roman Catholic Church. This is true despite the fact that the republic did not intend, neither was it capable to distance itself from the values embodied in the Christian religion, but rather created the values of the French Republic

grounded in *laïcité* through the secularisation of these values. There is no expression synonymous to *laïcité*. In French law, only the Constitution sets forth that “France shall be an indivisible, secular, democratic and social Republic [NB ‘secular’ being a reference to *laïcité*.] Péter Erdő classifies the French system as a hostile separation in terms of churches. This hostility is mostly apparent in that under the principle of *laïcité*, religion is a private matter, it pertains to the sphere of privacy; therefore, it shall be exiled from public life. Michel Troper refers to the political aspect of *laïcité* as follows: “The Catholic Church opposed the republican form of government in the 19th Century, and the republicans considered it their mission to fight against any such conviction that could question the *nouveau régime*. This entailed that the traditional religious values were to be replaced by new, republican values. Thus, they gradually created an original republican morality, suitable to integrate citizens. This was a much needed development since the French Republic defines itself as a political nation, thus not on a linguistic but ethnic basis.” This self-determination of the values of the Republic against the Roman Catholic Church gives content to *laïcité*, considered by many to mean hostility towards religion, although it is rather to be deemed as hostility towards a Church. It is hardly debatable that the French State is one of the definitive decision-makers of the Union; thus, the principle of *laïcité* currently has a serious effect on the political scene as well in terms of the relation of the Union to religion. Presumably it was this effect that led to the reference to Christian roots being “uprooted” from the Draft Constitutional Treaty for the EU.

Sticking to the historical dimension, it shall be determined that the basic idea of creating the European Union following the recovery from World War II was conceived based on Christian ideas. Solidarity, individual freedom, equality, and human dignity are inherent values of the Christian religion and based on the Preamble of the Treaty on the European Union these are the fundamental values of the Union as well. Consequently, the values of the Christian religion and the Union can be said to be identical.

European integration grew out of the Pan European Movement. Two emblematic figures of this Movement were the Count of Coudenhove Kalergi and Otto von Habsburg. According to the Count, the unity of Christian Europe was the objective of the Pan European Movement, free from nihilism, atheism and communism. According to Otto von Habsburg, Europe cannot be understood without its Christian roots. Robert Schumann – who as a French Minister of Foreign Affairs has been the person initiating the establishment of the European Coal and Steel Community, the predecessor of the European Union – cites Henri Bergson, by referring to the relationship between modern Democracy and Christian religion: “Democracy stems from the essence of the Gospel, love is its engine. Democracy will be Christian or there shall be none at all. An Anti-Christian Democracy will be such a caricature – according to Schumann – that will sink into dictatorship or anarchy.” Thus, it can be seen, that the Christian thought was obviously omnipresent in forging the

fundamental values of the European Union. However, we shall also accept the fact that, I think, the fundamental values of the European Union, today's values cannot today be considered as exclusively religious values, lacking any real connection with the supernatural. The fundamental values of the Union are such secularised Christian values that either gradually lost their religious character following the revolutions, or as we could have seen from the French example, the revolutionary republican ideology stripped them of their religious origins. It is a great question of the 21st Century whether it will be the Century of spirituality or it remains to be the Century of atheism, as the 20th Century.

The relationship of religion and society can be generally approached under three models. One is called a Secularisation Model, under which in modern societies, the social weight of religion and Church consistently diminishes, deriving from one of the basic controversies and tensions between religion and modernity. According to this, religion is gradually pushed out of public life and from the every-day life of the people, and norms established by religion lose their mandatory nature for the members of the society. The other model is called the Individualisation Model, distinguishing between personal, individual faith and the relationship of people with the Church. This distinction considers individual religiosity to be an anthropological constant, one that is inseparable from human nature. The third approach, the so-called Market Model of religion, asserts that the current situation in the USA is the model for the evolution of religion and social religiosity, and the European evolution is a separate historical way of development, almost a dead end. Proponents of this theory assert that if only the well-established, traditional actors and Churches are present on the religious market, then this will lead to a decrease in the religious activity of the population. They argue that only religious concurrence can lead to the fortification of religious life.

According to the monitoring reports of the Bertelsmann Foundation, the situation in Europe currently is that the exercise of religion within the framework of traditional Churches demonstrates a sort of plummeting tendency, while the personal, individual faith in God does not decrease. It is more and more obvious that masses are on a mission of spiritual path-finding, and many draw from this the correct consequence that modernity does not necessarily mean irreligiosity. In his time, Nietzsche talked about the death of God. Karl Marx, Émile Durkheim, Max Weber all spoke of the world of intellect destroying the magical garden of pre-modern *Weltanschauung* and the opium of the people. In their view, modernity in itself means the death of religion. On the contrary, Peter Ludwig Berger determines that secularisation is not a necessary corollary of modernity. However, modernity struck a serious blow in Europe on the Roman Catholic Church becoming the stumbling block of history; nonetheless, religion and modernity are good neighbours side-by-side. Modernity pluralises as a default, however, it does not necessarily secularise. Berger argues: "Modernity is characterised by

increasing diversity. A myriad of different faiths, values and Weltanschau are created within the same society. Plurality thus obviously is a challenge for religious traditions; everyone shall come to terms with the fact that besides them, there is everybody else. This challenge, however, is not the one presupposed by the secularisation theory.”

Summing up, the legal system of the European Union disposes of values having Christian roots, but clearly stating this fact would be contrary to the self-determination of one of the great powers of the Union, the French State, that is the principle of *laïcité*. Despite the fact that the basic idea of the European Union was created based on Christian principles, the fundamental values of the Union have, to date, lost their religious character. *Laïcité* did not become a ruling idea in Europe; religions and Churches are and remain stakeholders of political and public life in most Member States of the European Union. It is hard to calculate the direction of the future development of the relationship between the Union and Churches, a lot depends on whether there is going to be a paradigm-shift in the Union towards federalism or braking integration will be the path of the future instead. It is also a big question for the future whether people will get tired of believing in the omnipotence of consumption offering more and more luxury and comfort. Is there room for a public idea to be established, based on which human life shall mean more than the fight for the acquisition and ownership of material goods? The rigid reality of consumer societies gives birth to increasing claims of spirituality, that might divert the attention of people more and more to the fact that the world is way more than the material reality that we perceive in the course of our human lives. The human soul desires more and more solidarity and harmony against the atomisation and frustrations of consumer societies. This post-modern, transcendental direction of the human soul might open a new era in European religiosity, simultaneously closing down the post-Enlightenment era of the so-called modernity.