

## **RELIGION AND STATE IN THE EUROPEAN UNION\***

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In November 2009 the European Court of Human Rights made a ruling which has ordered the removal of crucifixes in Italian schools on the basis that they constitute “a violation of pupils’ religious freedom”. Almost at the same time the citizens of Switzerland decided in the referendum vote that they want to ban the building of minarets. In other countries of the European Union such as France, Belgium or the Netherlands the issue of displaying the religious symbols has become again an important political and social problem in the context of the planned full-face veil ban. Central European countries like Poland, Czech Republic or Slovakia have been facing the unsolved issues of restitution of Church property despite the fact that over two decades have passed since the collapse of communism.

All these events, accompanied by dozens of smaller incidents taking place at more local and less public level, have become an incentive for another phase of the debate on the place of religion in Europe, the discussion that has not only been present in the public arena for the last years but has even escalated compared to the previous decades.

Though the nature and the weight of the problems referring to the relations between the state and religion is different in different countries everywhere, it poses the question whether the common, all-European consensus in this area will ever be reached and what the final placement of religion in such a broadly accepted formula would be.

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The article aims to present the complex picture of Church-state relations in Europe in the context of the intensification of all-European debate on the place of religion in the European Union. It shows that in spite of the widely recognized secularization thesis in western social sciences most European countries are hotspots for various problems involving the religious dimension and the question about the future role of the religion in Europe is still to be answered.

### **Europeans and their religion**

In December 2006 the results of the survey on the public opinion in the EU were published. One of the points of interest was the place of religion in civil society. The basic observation showed the significant differences between the citizens of the European states in their attitudes towards religion. On average 46% of respondents agreed with the proposal that religion is too important in their societies while 48% were of the opposite opinion. While socio-demographic analysis reveals slight differences on the basis of age, education and political views the main cleavage is at the national level. The survey proved a strong degree of heterogeneity among the European countries in the questioned matter which ranged from 20% in Estonia to 81% in Cyprus<sup>1</sup> of those who agreed with the sentence “The place of religion in our society is too important”<sup>2</sup>.

Religious cleavage has been developing in Europe for centuries. According to the Lipset-Rokkan model the main line of the Church-state cleavage runs from Rotterdam in the Netherlands to Venice in Italy. Catholicism is a dominating confession to the west and south from this line, Protestantism to the east and north<sup>3</sup>.

The majority of Europeans describe themselves as Christians, though it does not indicate their active participation in the religious practices. The

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<sup>1</sup> While commenting on the results of the survey prof. Marita Carballo pointed out that there seems to be no particular link between economic development and satisfaction with the place of religion, with the majority of Finns, Dutch and Germans saying the religion is not too important and Britons holding the opposite view. See: [http://www.tnsglobal.com/assets/files/EB66\\_PlaceofReligion20070118.pdf](http://www.tnsglobal.com/assets/files/EB66_PlaceofReligion20070118.pdf)

<sup>2</sup> *Eurobarometer 66*, pp. 40.

<sup>3</sup> R. Herbut, *Podziały socjopolityczne*, in: *Studia z teorii polityki*, A.W. Jabłoński, L. Sobkowiak (ed.) vol. I, pp. 110-111.

dominating confessions in the European Union are Catholicism, Protestantism and Eastern Orthodoxy. Italy, Spain, Portugal, Malta, Luksemburg, Poland and Ireland are the countries where over 90% of citizens describe themselves as Catholics. The states with majority of Catholics – between 60-90%- are Austria, Belgium, France, Slovakia, Slovenia, Hungary and Lithuania. Roman Catholicism, with about 30% of society, is also the most numerous religion in Czech Republic<sup>4</sup>.

The protestant states in the UE, where the percentage of citizens confirming their identification with this religion ranges between 50% and 90% are Great Britain, Denmark, Sweden, Finland, Latvia and Estonia. Eastern Orthodoxy is a predominant confession in Greece (97%), Cyprus (80%), Bulgaria (85%) and Romania (83%). In two EU states the societies are divided into two main confessions: Catholicism and Protestantism. Such a situation takes place in Germany and the Netherlands. The other confessions of the EU are Islam, estimated for about 3 % of European population which is also the religion with the fastest growing number of followers, Judaism, Hinduism, Buddhism and other smaller religious denominations<sup>5</sup>.

### **Church-state relations in the European Union**

Among many different typologies of Church-state relations in the European Union, the most simple one is the distinction into the secular and confessional states<sup>6</sup>. These two main types break down further into a few subtypes<sup>7</sup>.

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<sup>4</sup> In the Czech Republic more than 50% of the society describe themselves as the atheist.

<sup>5</sup> The data on the number of followers in each country differs significantly according to various sources. See: [www.adherents.com](http://www.adherents.com) (access: 10 June 2011), R. Brożniak, *Struktura wyznaniowa rozszerzonej Unii Europejskiej*, in: *Polska w Unii Europejskiej a stosunki wyznaniowe*, Toruń 2006, pp. 50-55.

<sup>6</sup> Different typology of the Church-state relations is proposed by Sophie C. van Bijsterveld. The author divides existing types of relations into three groups: 1. separation between Church and state, 2. cooperation between state and Church, 3. established Church system. See S. C. van Bijsterveld, *Church and State in Western Europe and the United States: Principles and Perspectives*, "Brigham Young University Law Review, Vol. 2000, Issue 3, pp. 990. Similar typology is proposed by Sławomir Sowiński who lists three models of Church-state relations: 1. radical separation model, 2. model of autonomy and cooperation divides into the model of endorsed Church and model of recognized communities, 3. model of state/national Church.

The secular model known also as the model of separation is the dominating one in the EU member states. This is the most common and the least homogenous solution which means it is based on the different patterns in different states. The reason for that is the fact that the principle of the separation of the state and the Church is very flexible and ambiguous, which transfers into different types of the secular state model<sup>8</sup>.

In the EU, two basic types of separation can be observed. The first type of separation can be described as the radically secular state. The second type is the model of autonomy and coordination known also as the coordinated separation or the moderately secular state. Two rules determine the secular state in the normative sense. The negative rule means the prohibition of official recognition of one religion or one confession. The positive rule means the equality of rights of all the Churches that function on the territory of the given state<sup>9</sup>.

The example of the radical separation of the Church and state is France. This model, established in France in 1905, was a consequence of close relations between “the throne and the altar” in the history of France before the Great Revolution. The first attempts to separate the state and the Catholic Church date back to the end of the XVIII century, but after the concordat between France and the Holy See signed in 1801 the Catholic Church had gained again the dominating position among other religious communities. In 1905 the bill establishing the principle of secularism was passed which introduced the radical separation between religion and state.

According to its constitution France is a secular state<sup>10</sup> which is interpreted as the laity of the public sphere<sup>11</sup>. The Churches and religious

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See S. Sowiński, *Modele stosunków państwo-Kościół w Unii Europejskiej*, „Studia Europejskie” 3/2008, pp. 42. Benyamin Neuberger proposes six models: two dictatorial and four democratic. These are: theocracy, secular absolutism, Established Church, Endorsed Church, the Separation of Church and State and the Recognized Communities Model. See B. Neuberger, *Religion and State in Europe and Israel*, “Israel Affairs”, Winter 1999, Vol. 6, Issue 2., pp. 65.

<sup>7</sup> J. Krukowski, *Konstytucyjne modele stosunków między państwem a Kościołem w Europie*, [http://www.pan-ol.lublin.pl/biul\\_9/art\\_907.htm](http://www.pan-ol.lublin.pl/biul_9/art_907.htm) (access: 20 May 2011)

<sup>8</sup>Ibidem.

<sup>9</sup>Ibidem.

<sup>10</sup>The principle of laity is *expressis verbis* included in the text of the French Constitution and this is the only such case among the countries of the EU. K. Orzeszyna, *Podstawy relacji*

communities are not the subjects of the public law but are the private cult associations and their status depends on the decisions of the public authorities. Such a model means no religion classes in the public schools and no financing of the religious institutions by the state. The representatives of the state can not officially participate in any religious celebrations.

Since 1905 most parish churches have belonged to the local governments. The state has also overtaken the cathedrals but based on the agreement between the state and the cult associations the church buildings may belong to those associations<sup>12</sup>. About 3 thousand churches, built after 1905, are the property of the dioceses.

As to the other types of the secular state, the most dominating version is the model of autonomy and cooperation between the state and the Church. Such a model exists in the German-spoken states, such as Germany and Austria, Romance countries, such as Italy, Spain and Portugal. This model was also widely introduced to the new EU countries, such as Poland, Lithuania or Slovakia<sup>13</sup>.

In this model the laity of the state is understood as the world-view neutrality and the relative autonomy of the political arena as well as the legal equality of the Churches and the religious communities. The state guarantees the freedom of conscience and of religious practices. What is important though, with regard to the historically formed religiosity of the societies and its social value, the state declares the possibility of cooperation with the religious communities. That is why in the constitutions of the states representing this model either the direct reference to God<sup>14</sup> or the enhancing of the social significance of the historically formed Churches can be found<sup>15</sup>.

The model of autonomy and cooperation can be divided into two types. We speak here either about the endorsed Church model or the recognized

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*między państwem i Kościołami w konstytucjach państw członkowskich i traktatach europejskich. Studium prawnoporównawcze*, Lublin 2007, pp. 100.

<sup>11</sup> S. Sowiński, op. cit., pp. 42.

<sup>12</sup> The situation of hundreds of churches in France is difficult. Many of them have been destroyed, many are used for the secular purposes.

<sup>13</sup> S. Sowiński, op. cit., pp. 43.

<sup>14</sup> Among the EU member states the direct *Invocatio Dei* can be found in the German Constitution, the Irish and Greek one.

<sup>15</sup> S. Sowiński, op. cit., pp. 44.

communities model. In the first case we are dealing with one dominating Church, mostly the Catholic one and in some cases the Orthodox one, which is historically rooted in the society and which has the most numerous followers in the given state. Such model is present in Italy, Portugal, Malta, Ireland, Poland and Bulgaria<sup>16</sup>. In the constitutions of those states the name of the respective Church is often directly mentioned and different references to God are present in some of the preambles to the constitutions.

In this model the activities of the Church are partially subsidized by the state in the areas that are socially important from the state's point of view. A good example is the financial contribution of the state to the religious instructions in the public schools or the possibility of spending a portion of the tax paid by the citizens on the purposes connected with the Church. In most of those states the religious services can be carried out in the hospitals, prisons or in the army.

In the recognized communities model<sup>17</sup> more than one Church or religious community is considered to have played an important role in the development of the society which is reflected in recognizing those communities in the constitutional order. In this model recognized religious communities receive the state's financial support both for religious and charitable activities. The examples of such a model are Germany, Austria, Belgium or Hungary.

In Germany, this type of relationship between religion and the state dates back to the Weimar Constitution from 1919 which regulated the close cooperation between the state and two dominating religious communities in Germany - the Catholic Church and the Evangelical Church. In this system the recognized Churches are the subjects to public law and, what is interesting, they cooperate with the public tax organs to collect so called "church tax" which contributes to maintaining the net of many social institutions such as the kindergartens, schools, hospitals the houses for elderly people. The consequence of such solution, widely accepted by the German society, is the fact that the Evangelical and Catholic Churches in Germany, carrying out the exceptionally expanded activities in the area of

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<sup>16</sup> Ibidem, pp. 44-45..

<sup>17</sup> This model is also called the German model.

education and social care, are the second largest - after the budget sector – employer in Germany<sup>18</sup>. In fact, almost the whole sector of the social care was monopolized by the both Churches<sup>19</sup>.

The teaching about religion is obligatory in public schools in Germany, but the parents can decide about withdrawing the child from such a course. The state finances the salaries of the teachers and the religious communities supervise the contents of teaching. Both communities are also present at the German universities through the dense net of theological faculties. They are financed by the state and the Churches are responsible for the program taught<sup>20</sup>.

Some confessional states<sup>21</sup> in Europe still do exist, though these are examples of only modernized, open confessional states which differ greatly from the traditional confessional states. While in the traditional, so called closed confessional states, there exists a formal prohibition of professing other religions other than the official one and they are often hardly tolerated by the state<sup>22</sup>, in the case of the modernized confessional states, even if a given religion or Church is recognized as the official one, there exists the guarantee of religious freedom for all the believers which is exercised on the base of equality. For all the European Union states the obligatory standards are those imposed by the European Convention on Human Rights and Fundamental Freedoms which guarantees the freedom of thought, conscience and freedom of religion.

As far as the confessional state model or established Church model in the EU is concerned it used to be a dominating model in Scandinavian countries till the end of the 90's of the XX century, but as a result of the reforms introduced in Sweden and Finland, these two countries have become secular states. At the moment the confessional state is still Denmark and Norway which are not member states of the EU. The confessional state is also

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<sup>18</sup> Christine Barker, *Church and State: Lessons from Germany?* "Political Quarterly", vol. 75 issue 2, 2004, pp. 170.

<sup>19</sup> P. Samerek, *Kościół w Unii Europejskiej*, <http://ekai.pl>

<sup>20</sup> S. Sowiński, op. cit., pp. 46.

<sup>21</sup> In some other typologies this model is called "established Church model".

<sup>22</sup> The examples are the Saudi Arabia and Iran.

Anglican Great Britain and Orthodox Greece<sup>23</sup>. The only Catholic confessional state in Europe is Malta.

In the historical dimension such model is either the consequence of a nationalization of the religion or the strong relations between the state and the Church. The British example is the first case, in the second one the Greek model. In the legal sense the formula of the confessional state means the constitutional recognition of the close relations between the state and the Church which is important for the given nation<sup>24</sup>.

In the British model the monarch is the head of the Anglican Church and carries the title of the Supreme Governor and the “defender of faith”. The ruler is crowned by the highest official of the Anglican Church, namely the Archbishop of Canterbury. On the other hand, all the archbishops and bishops are appointed— after consulting the primer minister - by the monarch<sup>25</sup> and all the clergy pledge loyalty to the Crown. The Parliament can make important decisions on the issues concerning the internal affairs of the Church.

Close relations between the state and the Church are visible in the Parliament, the town councils and the courts where the sittings start with the prayer, resembling the public schools where the classes also start with the prayer.

In Greece, where the constitution states that the dominating religion is Greek Orthodoxy, the basic rule in the relations between the state and the Church is *synallelia* meaning both the separation and the mutuality which practically results in organizational independence and functional solidarity<sup>26</sup>. In this model in many aspects the Church functions as the state organ<sup>27</sup>.

In Greece the parishes, dioceses, monasteries and schools are the subjects to the public law. Just like in other confessional states the Greek Orthodox Church is financed from the budget. In this case it means financing the

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<sup>23</sup> Some authors consider the confessional model also the one existing in Cyprus, where the special position of two religions, Orthodoxy and Islam, have the dominating status. K. Orzeszyna, op. cit., pp. 64.

<sup>24</sup> S. Sowiński, op. cit., pp. 46.

<sup>25</sup> R. Stemplowski, *Swobody religijne-sytuacja brytyjska*, in: P. Mazurkiewicz, S. Sowiński (ed.) *Religia-tożsamość-Europa*, Wrocław 2005, pp. 212.

<sup>26</sup> K. Orzeszyna, op. cit., pp. 78.

<sup>27</sup> Ibidem.



salaries of the clergy by the state which also carries out the financial control over the acts of the Church's management. The procedure of the appointment of the new archbishops or the metropolitans is supervised by the minister of national education and the religion, that decides about announcing the presidential decree. The appointed expresses his consent to the president of the republic and takes the office<sup>28</sup>.

### **Church-state relations in the Central and Eastern Europe**

It has to be stressed that the situation in the western and eastern part of the continent differs significantly. While in the West of Europe the model of cooperation has been the result of the decades of the separation between the Church and state, in the countries of the former Soviet bloc, Church-state relations have been shaped under the conditions of the religious freedom only for the two decades and are still in the process of development.

Though the position of religious communities under the communist regime differed significantly in the countries of this region, one can say that Churches played an important role in fighting against the communist system and served sometimes, like in the Polish case, as centers of the opposition movement and an important moral leader in the communist era gaining high esteem within the society. After the collapse of the communist system when Churches had to find themselves under the conditions of the religious pluralism it appeared such transformation was extremely difficult and painful especially to the Catholic Church being the leading religious organization in these countries. In Poland, Czechoslovakia and Hungary the initial high prestige of the Church started to go down at the beginning of the 90's when the Church got engaged in the political scene and the claims for the property restitution were settled<sup>29</sup>.

Property-related issues were, along with the process of regulating the legal status of different Churches and religious communities based on the freedom of conscience and belief, the main questions in the area of mutual relations between state and Church right after the collapse of communism.

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<sup>28</sup> Ibidem, pp. 86.

<sup>29</sup> J. Kulska, *Rebuilding the Role of the Catholic Church in Central European Societies After 1989*, in: R. Riedel (ed.) *Central Europe. Two Decades After*, Warsaw 2010, pp. 169-171.

Another controversial issue was the status of fewer numerous religious communities, especially in the countries with the Catholic Church held a strong position.

In the process of constructing a new legal framework for Church-state relations, Central and Eastern European countries have mostly introduced the secular model, either in the version of the endorsed Church or the recognized communities. The fundamental separation between the state and the Church is based here on the neutrality of the state and the equality of the Churches and religious communities before the law. All the constitutions in those states protect the freedom of thought, conscience and religion. The state has good relations with the religious communities and both parties cooperate, for example, in the issue of the family law. In most of the countries of this region the system of optional marriages was adopted which means that the state recognizes the civil effects of the religious marriages. The Churches and religious communities are autonomous in managing their affairs. As for the issue of religious teaching, it is regulated in various ways but in most of the new member states of the EU the religion is not an obligatory course<sup>30</sup>.

Central and Eastern European countries can be viewed as the real mosaic of different attitudes towards the religion and religious activity. One can find here countries with the highest level of religiosity like Poland or Romania, as well as those with the lowest level of religious engagement like Czech Republic and Estonia.

The position of religion in the societies of the region is often connected with the notion of the state and nation which is different here than it is Western Europe. For the inhabitants of Central and Eastern Europe, the state, which is estimated higher by the citizens of western European countries, is valuable and important but what matters more is the nation, usually having its own religion<sup>31</sup>. Such notion of the nation and the religion is particularly

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<sup>30</sup> Anne Echterhoff, *Stosunki państwo-Kościół w nowej Europie*, "Europe Infos" nr 64, 2004, pp. 6-7. See also L. Stan, *Church-State Relations in the Expanded Europe: Between Religious Pluralism and Church Establishment*, British Columbia, 2009, <http://stfx.academia.edu> (access: November 2009)

<sup>31</sup> R. Brożniak, op. cit., pp. 52.

evident in the countries where the existence of the nation was, due to the historic reason, supported by the Church.

### **Changing Europe. Religion at stake?**

The picture of religion-related issues has been changing significantly in Europe especially over last two decades. The fall of the Communist system in Central and Eastern Europe, the enlargement of the European Union and the increase in the Muslim immigration in Western Europe have contributed to the transformation of demographic-religious relations which have also effected the Church-state relations. The trend to modernize the existing models of established Church in some states was another important factor. As a result, new problems in the area of Church-state relations have arisen. As it is pointed out by John T.S.Madeley:

“It is probably no exaggeration to say that almost nowhere in Europe’s 50-odd sovereign territories are significant issues of relationship between religious organizations, society and the state completely absent from the political agenda. Their salience and significance, as well as their precise content, varies enormously as between different religious, cultural and political contexts”<sup>32</sup>.

In Western Europe, as opposed to the countries of the past-communist bloc, systems of Church-state relations have been deeply rooted in historic traditions. It does not mean though that they are static. One could speak here of a certain erosion of extremes<sup>33</sup> and the convergence into the “middle of the road” which means towards the endorsed Church or recognized communities models<sup>34</sup>. Simultaneously in some cases the changing position of the “religious dimension” in the society can be perceived.

The fitting example here could be the evolution of the Church-state relations in some highly secularized environments like Sweden and France or in the countries like Greece and Great Britain with the existing established Church model. Another example could be Spain where the

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<sup>32</sup> J.T.S. Madeley, *European Liberal Democracy and the Principle of State Religious Neutrality*, West European Politics, nr 26, 2003, pp. 2.

<sup>33</sup> S.C. van Bijsterveld, op. cit., pp. 990.

<sup>34</sup> B. Neuberger, op. cit., pp. 65.

strongly antichurch politics of the government questioning the conditions of the existing cooperation model caused some serious tensions and divisions not only in the Church-state line but also in the society itself.

Though the French model, the only of such kind in Europe, has been developing for more than 100 years now, even there some new problems appear under the conditions of the social changes caused, in this case, mostly by the immigration process. On one hand the existing model is hard to be accepted by those who consider religion as an important element of social life including the public dimension. On the other hand, it is argued this strict separation is to serve the public peace and the cohesion of the multicultural society<sup>35</sup>.

It is stated that the French version of the principle of secularism, which caused the controversies and disputes at the beginning of the XX century, led gradually to the significant level of social support and to establishing a social consensus around this model<sup>36</sup>. While the idea of separation of Church and state, having in France strong ideological charge, was quite rigorously introduced in the early twentieth century, Church and state increasingly intersect in various areas of the law. In spite of the strict regulations of the 1905 bill the contacts between the state and the religious groups, including the Catholic Church, are evolving towards less hostile position of the state towards any signs of religious life and towards higher level of tolerance<sup>37</sup>. It has been pointed out the present focusing of the state on the issue of human rights implies often the less critical attitude towards religion. Though it is still considered as private sphere, the state not only permits pastoral office in prisons and hospitals but it also finances these services. The Churches get also tax exemptions and are financially supported by the state in maintaining the monuments of the sacral art<sup>38</sup>. Such a less radical attitude towards religion is also observed with regard to the issue of teaching of religion. Even though religion is lectured outside of school the compromise has been

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<sup>35</sup> B. Margueritte, *Republika i religia. Francuski model stosunków państwo-Kościół*, in: P. Mazurkiewicz, S. Sowiński, op. cit., pp. 178.

<sup>36</sup> P. de Castelnau, *Francuski laicyzm w chwili próby*, „Europe Infos”, nr 68, 2005, pp. 11.

<sup>37</sup> J. Brożyniak, *Konstytucyjne dylematy regulacji stosunków wyznaniowych we współczesnej Polsce*, Warszawa 1996, pp. 30.

<sup>38</sup> S. Sowiński, op. cit., pp. 43.

reached according to which on one school day children have fewer lessons in order to be able to participate in the religion classes<sup>39</sup>.

The new phase of the debate on the place of religion in the public space has taken place over the last few years. Two basic factors should be mentioned here. One is the presidency of Nicolas Sarkozy and the other one the question how to deal with the growing number of followers of Islam in France.

As to Nicolas Sarkozy and his attitude towards the religion his entering the political scene of France has brought a new quality into the political discourse in France – the quality fundamentally different from the one typical for the French model of Church-state relations. Already in 2005, as the leader of ruling central-right wing, in his book *The Republic, Religion and Hope* Nicolas Sarkozy stressed the significance of religion for the society in the context of building peace, balance, unity and dialogue and encouraged the French to hold a debate on this issue<sup>40</sup>. Sarkozy submitted a revolutionary proposal in his book that the state should support the building the mosques, synagogues and churches. He pointed out that it is not a natural solution that the state which finances the sport fields, libraries, theaters and crèches can not engage in the spiritual dimension of the society. Sarkozy claimed that the opening of new places of culture in the big cities is of the same importance as the opening of new sport halls<sup>41</sup>. Nicolas Sarkozy has also mentioned in his book that he considers himself a practicing Catholic and religion was the only source of morality in his opinion.

Nikolas Sarkozy enhanced his conviction on the significance of religion during the 2007 presidential campaign which contributed to making the topic of religious attitudes of all the candidates a crucial one. The observers of the political scene in France as well as the French citizens were surprised seeing the candidates speaking quite openly about their faith. Out of twelve candidates for the presidential office only the trockist Arlette Laguiller refused the request of the Catholic weekly “La Vie” to present her views on God, faith and the role of the religion in the society. The six candidates of

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<sup>39</sup> Ibidem.

<sup>40</sup> P. Ford, *What place for God in Europe?*, “The Christian Science Monitor”, 22 Feb. 2005, <http://www.csmonitor.com> (access: December 2005)

<sup>41</sup> M. Ostrowski, *Paryż wart meczetu*, “Polityka” nr 5, 2005, pp. 47-49.

the left-wing declared themselves the atheists. The other five candidates, including those most important ones, described themselves as Catholics. President Sarkozy's visit to the Vatican in December 2007 was the occasion to repeat his views on religion and the concept of "positive laity"<sup>42</sup>.

Another interesting example of the country where the issue of religion has again become important can be Sweden. The process of formal separation of the state and the Church, which had been discussed since the 50's of the XX century, was completed in 2000, when the constitutional changes – altering Sweden from a confessional to a secular state – came into force. At the same time in spite of one of the highest levels of secularization that has been developing for a few decades, at the end of the 80's and the beginning of the 90's of the XX century some new developments have taken place. The tendency has been observed that the religion and religious issues have again become present in the public life and they have been perceived in the new way. This tendency meant more religious issues discussed in the biggest Swedish newspapers, television and radio and the wide reaction of the public opinion to these topics.

At the beginning of 2003 during the all-nation debate known as "debate on Jesus" the editors of one of the most important Swedish dailies received the largest number of letters in its history which was the reaction to publishing the article on Jesus and his significance to the contemporary times. A few months later the 700 birth-anniversary of St. Bridget of Sweden became the all-national event. In 2005, which is quite unusual for Swedish media, the death of Pope John Paul II and his whole pontificate became an important issue<sup>43</sup>.

While in France and Sweden some new importance has been given to the religious dimension in the countries such as Greece or the Great Britain where the religion used to be strongly present in the public life for the last decades the opposite process can be observed.

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<sup>42</sup> In the next years the topic of religious symbols became the dominating issue in the public debate in France. In spite of the strong controversies in 2011 the face veil ban, promoted by president Sarkozy since 2009, was introduced. See: *Muslim women protest on first day of France's face veil ban*, 11 April 2011, <http://www.guardian.co.uk/world/2011/apr/11/france-bans-burqa-and-niqab> (access: 10 June 2011)

<sup>43</sup> U. Jonnson, *Nowe perspektywy dla religii w Szwecji?*, „Kościół w Europie”, nr 18, 2006, pp. 7-12.

In May 2002 Britain's leading liberal daily newspaper "The Guardian" launched a campaign for the repeal or amendment of the 1701 "Act of Settlement" according to which only Protestants and no Catholics could succeed to the throne. "The Guardian" called the "Act of Settlement" "the last blatantly anti-Catholic piece of legislation left on the statute book". The newspaper argued that it was part of the complex web of legislation that binds the British monarch and the government with the Church of England and that repealing of this act could lead to the disestablishment of the Church. The campaign was supported by the 150 members of the House of Commons and Lords as well as the number of religious leaders but the idea was criticized by the soon-to-retire Archbishop George Carey who argued that Church establishment was an essential bulwark of British society<sup>44</sup>. Since then the debate on disestablishment has been conducted and the decision seem to be the matter of time<sup>45</sup>.

Another example of the evolution towards the secular model is Greece. The disputes between the Orthodox Church, state and the society have intensified here over the last years. The government is attempting to loosen the connections between the state and the Church resulting in the strong protests of the part of Greek society supported by the Church which emphasizes that belonging to the Orthodox Church is "a part of being a Greek" and that changes in this area could result in the threat for the Greek national identity. In 2005 for the first time in the history more than half of the Greek society presented the opinion the Church and the state should be separated<sup>46</sup>.

Another example of radical change in the relations between state and Church is Sweden where the Catholic Church has traditionally occupied an important social position. Revolutionary legal decisions made by the socialist government that came to power in 2004 aimed at the rapid secularization of public sphere. After taking the post of prime minister by Jose Louis Zapatero the liberalization of family law has been introduced as well as the changes in existing model of religion instruction in the public

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<sup>44</sup> J.T.S.Madeley, op. cit., pp. 4.

<sup>45</sup> *Archbishop: disestablishment of the Church of England "not the end of the world"*, "The Times", 18 Dec. 2008, <http://www.timesonline.co.uk/tol/comment/faith/article5360623.ece> (access: May 2011)

<sup>46</sup> J. Pawlicki, *Grecki tron rozchodzi się z ołtarzem*, „Gazeta Wyborcza”, 4 Oct. 2006, pp. 12.

schools, the financing of the private Catholic schools and the subsidies for the Church in general. As a result Spanish society became the arena severe tensions and disintegration and the relations between the state and the Church became hostile.

Two decades after establishing the new democratic system based, among others, on the separation and autonomy of the Church and state, also the new members states of the European Union are not free from problems in this area. In Czech Republic where the Catholic Church has the marginal political position the topic of the Church's property and the greedy clergy have been the favorite topic for Czech media and politicians for years. The issues of restitution of Church property as well as the liberalization of the abortion have been intensively discussed both in Slovakia and in Poland. In Hungary in 2011 the new constitution with the direct reference to God was passed causing intensive disputes and comments both before and after it was adopted.

### **Islam in Europe**

There is no doubt the increasing number of immigrants coming to Europe in the last decades has contributed to a "rediscovering" on the issue of religion after a long period of absence in the public sphere. The discussion on the new stage of the European integration at the end of the 80's of the XX century coincided with widening of the discussion on the growing presence of Muslims in Europe but also with the first period of significant controversies involving European Muslims namely the Salman Rushdie case in 1988. The outbreak of the first Iraq war in 1991 became another point of this discussion which focused mostly on the difficulties and tensions involving European Muslims. Over the next years the list of trouble points became longer and more complicated especially after the 11th of September 2001.

It can't be denied that question of the Muslim presence in the highly-secularized European societies does raise many problems among which the issue of integration is the main one and certainly a very demanding one. But it has to be stated that it is difficult to consequently present such perspective on the topic that would consider different dimensions of this phenomenon.



While the problematic consequences of the presence of Muslims in the European states are rather explored by the journalists, writing about such dramatic events as the protests, street fights, terrorism, extremism or honor crimes, many academics try to neglect the problem of radicalism and religion-based-violence<sup>47</sup>.

In fact Islam, which has become the fastest growing religion in Europe<sup>48</sup>, appeared to have many faces which have been described and discussed in the manner not always giving the objective picture of the situation. The issue of Muslim fundamentalism is the example here. While the problem of fundamentalism refers to only a very small percentage of the European Muslims<sup>49</sup> it very much determines the general picture of who they are and what attitudes they represent. Fundamentalism is often pictured as the dominating attitude of most European Muslims and referring only to Islam while the fundamentalism is the phenomenon present in all most numerous world religions. At the same time it has to be stressed though that even if radical European Muslims represent only the margin of their communities the results of the activities they perform are not marginal - these undertakings shape both the domestic policy of the European states and the state of international relations<sup>50</sup>.

In the discussion on the reasons for difficult integration of Islam followers in Europe different explanations appear. On one hand, Europe is said to be an anti-Islamic environment. On the other hand Europe, is said to be a heaven for Islam and Muslims. In the opinion of Dr Mustafa Cerić – the Grand Mufti of Bosnia – “the truth is somewhere in the middle”<sup>51</sup>. He points out that Europe is facing some kind of dilemma of fear over Islam but

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<sup>47</sup> R.M. Machnikowski, *Muslims in Western Europe – between integration and radicalization?*, Natolin 2010, pp. 60.

<sup>48</sup> According to the Pew Research Center the number of Muslims has tripled over the past 30 years. See: S. Kern, *Will Islam Become the Religion of Europe?*, 9 Sep. 2010, <http://www.hudson-ny.org/1536/islam-religion-of-europe>. It is estimated to reach 15-20 % of the European population in 2050. See R.M. Machnikowski, op. cit., pp. 63.

<sup>49</sup> Ryszard A. Machnikowski refers here to the data collected by A. Tausch, Ch. Bischof, T. Kastrun, K. Muelle according to which the passive support for Islamic radicalism in Europe and total lack of trust in democracy is not higher than 400 thousand of people. But at the same time as much as 1/6 of European Muslims declares open ideological support for suicide attacks to protect Islam. See R.A. Machnikowski, op. cit., pp. 64.

<sup>50</sup> Ibidem.

<sup>51</sup> D. Casciani, *Islamic encounters of the third kind*, BBC News, 21 Feb. 2005, <http://news.bbc.co.uk> (access 15.02.2009)

Muslims themselves are seeking freedom from this fear. The problem of Muslim radicalism seem to be playing a vital role here. In this context the opinions appear according to which the serious problem constraining the proper development and rooting of the Muslim religion within the European soil has been the radical version of Islam imported from Saudi Arabia. According to a leading Muslim theologian from Bosnia-Herzegovina professor Resid Hafizovic “the virus of Saudi-Financed Wahhabi radicalism has destroyed every chance for the development of European Islam”. Commenting on the Swiss vote to ban minarets from mosques professor Hafizovic says “Muslims in Europe and in the West often bear responsibility for such a climate. Inept in their own intellectual tradition and infected by the virus of Muslim puritanism they are unable to establish communication even between Muslims, and even less communication with their environment”<sup>52</sup>.

Since the discussion on Islam in Europe is usually limited just to Western Europe and referred only to immigrants, who are undoubtedly the most numerous group of Muslims in Europe, it is not stressed enough, especially in the context of the further enlargement of the EU, there is a huge number of Muslims being born as Europeans in the countries such as Albania, Bosnia-Herzegovina, Macedonia, Kosovo. Their attitude towards Europe and their European identity seem to be sometimes even more European than their non-Muslims neighbors<sup>53</sup>. Both professor Resid Hafizovic and the Grand Mufti of Bosnia dr Mustafa Ceric, the last one described by his supporters as “Islam’s Nelson Mandela”, could serve as the examples here. In the opinion of Mustafa Ceric the West is learning about Muslims trying to figure out what they are doing in Europe and asking questions such as how should governments deal with this phenomenon.

Although the Muslims have been living in Europe through history their presence now is different. The difference is that European-born Muslims are quietly embracing European notions of freedom and human rights. In Mustafa Ceric’s opinion Muslims in the East now need to learn from

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<sup>52</sup> S. Schwarz, *Islam in Europe Destroyed by Radicalism?*, “The Weekly Standard”, October 11, 2010, <http://www.weeklystandard.com> (access 1 June 2011)

<sup>53</sup> Bassam Tibi points out in his well-known book that Muslims leaving in Bosnia are Slavs and Europeans and their Islam in the cultural dimension is also European. See: B. Tibi, *Fundamentalizm religijny*, Warszawa 1997, pp. 113.

Muslims in the West. “The wise men of the Islamic East and the rational men of the West must meet – and then we will have moral men”. The result of this encounter will not result in giving up an Islamic identity. This future Muslim identity will represent neither assimilation nor isolation, but cooperation<sup>54</sup>.

The issue of reconciling the tradition and modernity is one of the biggest challenges discussed by the Muslim theologians, politicians and academics. For Zaki Badawi, chairman of the Imams and Mosques Council of Britain, Muslims in the West are helping today to answer this question that has been asked in Islam for the past century. In his opinion, tension between Islam and modernity will be answered by thinkers in the West and transferred back to native countries of European Muslims<sup>55</sup>. One of the most interesting concepts dealing with functioning of Islam in the European surroundings seems to be the concept of Euro-Islam. Promoted by such well-known figures as Bassam Tibi or Tariq Ramadan it is to serve as a bridge between two cultures providing European Muslims with a way of respecting inherited traditions while living in a “different world”<sup>56</sup>. Though being still the same religion Euro-Islam would be compatible with liberal democracy, the human rights and the requirements of the civil society<sup>57</sup>.

Trying to reconcile different traditions and values the concept of Euro-Islam obviously leaves some space for religion as an essential element of social reality. It should be pointed out while living in Europe Muslim newcomers not only undergo the process of “Europeanization” but in many cases they become more religious and pious in worshipping their religion<sup>58</sup>. Such an attitude is also observed among many young Christians in many European states manifested through active participation in grass-root religious communities and organizations may, according to some authors, lead to interesting consequences in the future. In the opinion of Eric Kaufmann in future decades religious people of Europe, both Muslims and Christians, can find themselves cooperating on more traditional and moral

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<sup>54</sup> D. Casciani, op. cit.

<sup>55</sup> N. Le Quesne, *Islam in Europe: A Changing Faith*, “Time Magazin”, <http://www.islamfortoday.com> (access: 1 June 2011)

<sup>56</sup> N. Le Quesne, op. cit.

<sup>57</sup> R.M. Machnikowski, op. cit., pp. 63.

<sup>58</sup> N. Le Quesne, op. cit.

issues which would be the result of the Europeans' drift toward more conservative social values<sup>59</sup>. Speaking of the demographic revival of religion in Europe Eric Kaufmann points out that scholars have failed to pay attention to the role that demography, namely the fertility and immigration, plays in secularization processes in Europe. While analyzing privately held religious beliefs, using data from major European attitudes surveys for the period 1981-2004 he noticed that secularization is taking place mainly in Catholic European countries and has ceased among post-1945 birth cohorts in northwestern Europe. Projecting on proportion of religious to nonreligious population to the year 2100 Eric Kaufman also suggests that western Europe will be far more religious at the end of the century than it is now<sup>60</sup>.

### **EU and the new perception of religion**

In the discussion on the place of religion in Europe the “old continent” and the “new world” are often paralleled. While comparing western Europeans and Americans with regard to their perception of what the relation between state and Church should be like, Sophie Bijsterveld points out that though they generally agree on the need for religious liberty, they do not understand the term “religious liberty” in the same way. In the opinion of this author Western Europeans have been more willing to forge a cooperative, even facilitative, relationship between Church and state<sup>61</sup>.

It seems such a remark could well describe the relations between state and Church in many western European countries but, for the most of the history of the European integration, not the perception of religion at the level of the European institutions. Despite the Christian democratic dominance of the political scene in the western part of the continent and the strong Catholic identity of the most of the founding fathers neither treaty made any reference to religion<sup>62</sup>. The issue has become a point of interest after

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<sup>59</sup> E. Kaufman, *Faith's Comeback. How demographics will reawaken religion in Europe*, “Newsweek”, 13 Nov. 2006, pp. 39.

<sup>60</sup> D. Breschi, *A New Humanism in Europe: Between Secularism and the Return of Religion*, “Telos” August 27, 2007, [http://www.telospress.com/main/index.php?main\\_page=news\\_article&article\\_id=195](http://www.telospress.com/main/index.php?main_page=news_article&article_id=195) (Access: June 7, 2011)

<sup>61</sup> S.C. Bijsterveld, op. cit., pp. 989.

<sup>62</sup> L.N. Leustean, J.T.S.Madeley, *Religion, Politics and Law in the European Union: an Introduction*, “Religion, State & Society, Vol. 37, Nos. 1/2, March/June 2009, pp. 4-5.

Maastricht Treaty was signed when Jacques Delors spoke about re-analysis of the spiritual dimension in Europe<sup>63</sup>. Since that moment religion has naturally become the topic with regard to the question of the soul of Europe that has been gradually more often discussed by those searching for the common ground of the European integration on the mental and spiritual level. The climax of this discussion was reached during the debate over the Constitutional Treaty and over the question whether the Christian roots of Europe should or should not be mentioned in the preamble.

Now this phenomenon of positive attitude towards the religion, so far “reserved” for the domestic level of most of the European states, seem to be moving also to the level of the European institutions but this process is not free of controversies and disputes. As it is interestingly noticed in the report elaborated within the framework of RELIGIARE project<sup>64</sup>:

“The relationship between religion and Europeanisation remains contested and is in constant evolution. The ways in which the European Union (EU) has dealt with „religion and religious affairs“ in law and policy have been subject to dynamic processes of policy-making, particularly during the last 11 years of European integration. The EU has no expressly recognised competence in the treaties to enact legislation covering the religious domain, and member states retain sovereignty over the status of churches and religious associations or communities. Nevertheless, since the entry into force of the Amsterdam Treaty in May 1999 and the Treaty of Lisbon in December 2009, the relationship between „religion“ and European law, and the multifaceted linkages of the latter with several EU policies, have been profoundly transformed. These transformations challenge preliminary assumptions about the limited, or supposedly „non-existent“ role that the EU is presumed to have over religion”<sup>65</sup>.

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<sup>63</sup> Ibidem, pp. 6.

<sup>64</sup> RELIGARE (Religious Diversity and Secular Models in Europe – Innovative Approaches to Law and Policy) is a three-year project funded under Socio-economic Sciences and Humanities Programm of DG Research of the European Commission’s Seventh Framework Research Programme,

<sup>65</sup> S. Carrera, Joanna Parkin, *The Place of Religion in European Union Law and Policy. Competing Approaches and Actors inside the European Commission*, RELIGIARE Working Document No.1/September 2010, pp. 1.

The authors of the quoted report which is the introductory paper of the project point out that religion has become “more present” in the process of the European integration due to a few reasons. Firstly the Amsterdam Treaty provided legal basis for the EU to adopt a set of European directives regulating certain elements of such domains as European citizenship, non-discrimination and immigration which have dimensions where „religion“ interacts, in different forms and fashion, with the aims and fundamental rights contained within EU legislation. Secondly the Union has moved „Europeanisation“ forward in areas where the treaties do not expressly recognise a Commission competence to enact legislation, but rather to „support“ and provide „incentives“ to guide national processes of policy-making within EU member states. The prevalence of the principle of subsidiarity in fields such as employment, social inclusion, education, culture and the integration of third country nationals has not prevented the Commission from advancing Europeanisation through „alternative governance strategies“ and „soft-policy“ mechanisms. This means Europeanisation no longer takes place solely through the classic EU-decision making configurations and expected structures enshrined in the treaties, but also through alternative methods and strategies which, while lacking a legally binding nature are nevertheless progressively ensuring a voice for „Europe“ in new fields<sup>66</sup>.

“The incursion of the Union into new policy areas in turn have multifaceted repercussions for the level of discretion enjoyed at the national level, and limits the margin of appreciation of national authorities in relation to the use of „religion“ or „secularism“ as exceptions to European rights, freedoms and the general principles of EU law”<sup>67</sup>.

Finally the issue of dialogue between the EU and religious and faith communities, so intensively discussed over the last few years, has to be mentioned. The concept of this dialogue is not new. Several initiatives have been launched since Jacques Delors’ presidency almost two decades ago which aimed at engaging religious groups. As is it pointed out in the report:

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<sup>66</sup> Ibidem.

<sup>67</sup> Ibidem, pp. 1-2.

“The relations between the Commission and the organisations that fall under this “religions, churches and humanisms” dialogue have played an important role in the emergence of EU umbrella civil society organisations, which to varying degrees (and depending on their „degree of representation“) aim at having an input into the formation and implementation of certain EU policies. This „dialogue“ has now been expressly formalised by the inclusion of Article 17.3 of the Treaty on the Functioning of the European Union (TFEU), which calls on the EU to recognise the identities and specific contributions of religious groups, and to maintain an open, transparent and regular dialogue with these churches and organizations”<sup>68</sup>.

### **Religion and politics in the European Union. Towards the mutual understanding?**

On 18 March 2011 the European Court of Human Rights overturned the ruling from 3 November 2009 that banned crucifixes in the Italian classrooms. The Court has ruled that displaying crucifixes in schools in Italy does not breach the rights of non-Catholic families since there is no evidence that a crucifix hung in a classroom would influence pupils.

The ruling from the March 2011 ended the long period of controversies that followed the initial ruling of the Court and that involved the very fundamental concept of the presence of religion in the public scene in Europe. Former banning of crucifixes by the Court has been strongly criticized not only by the Catholics and the followers of other religions living in Europe. It was also denounced by the prominent legal scholars from across Europe who pointed out that the decision risks setting off a widespread conflict between government and religion trying to create a secularist “common denominator” instead of giving leeway to structure Church-state relations in harmony with tradition, history and culture<sup>69</sup>. The case was also discussed during the Conference of the Committee of Ministers of the Council of Europe in Interlaken which resulted in Interlaken

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<sup>68</sup> Ibidem, pp. 2.

<sup>69</sup> 37 Law Professors Urge European Court to Reject Ruling Banning Cross from Italian Classrooms, May 24, 2010, [www.eclj.org](http://www.eclj.org) (access: 14 June 2011)

Declaration inviting the Court to “avoid reconsidering questions of fact or national law that have been considered and decided by national authorities” and to “apply uniformly and rigorously the criteria concerning admissibility and jurisdiction and take fully into account its subsidiary role in the interpretation and application of the Convention”<sup>70</sup>.

The “crucifix debate” showed once again how complex and subjective religion-related issues still are. The ending of this stage of discussion certainly does not mean the final resolution of the problem and it is almost sure some new problems in the area of the Church-state relations will cause some controversies soon. But simultaneously another tendency can be observed. Though there is no doubt the second half of the twentieth century in Europe was marked by the process of secularization, understood especially as deinstitutionalization of religion, it should also be noticed it was the time of creation of certain patterns of the presence of religion in the social arena. The separation of the Church and state that took place in most of European countries in the political and legal dimension certainly did not cause the disappearance of religion from the social life. The same refers to the countries of Central and Eastern Europe where although the process of constructing the Church-state relations in the legal sense is theoretically finished it still provokes questions and doubts regarding the social attitudes towards religion in a decade or two<sup>71</sup>.

Generally the question of the future place and role of religion in Europe, both in the individual and social perception, can not be unambiguously answered yet. Variety of stand points can be observed with regard to this matter.

According to the widely known approach based on the results of the World Value Survey secularization of Europe is a dominating process and the natural consequence of modernization. Pippa Norris and Ronald Inglehart show in their study secularization is occurring in the European

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<sup>70</sup>[http://www.coe.int/t/dghl/standardsetting/conferenceizmir/INTERLAKEN%20DECLARATION%20final\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/conferenceizmir/INTERLAKEN%20DECLARATION%20final_en.pdf) (access: 10 June 2011)

<sup>71</sup> The question whether in this part of continent western patterns of secularization will be strictly copied is still to be answered. The sociologists of religion differ significantly in their views on the future picture of religiousness in the former communist bloc though point out this region can not be perceived as the homogeneous one. See: I. Borowik (ed.) *Church-State Relations in Central and Eastern Europe*, Kraków 1999.



states just like in the rest of the world in the situation when the level of economic development is going up<sup>72</sup>.

There are the scholars who claim the ongoing process of secularization taking place in Europe is the exception on the world map. According to Peter Berger while the rest of the world is desecularizing in Western Europe “(...) the old secularization theory would seem to hold. With increasing modernization there has been an increase in key indicators of secularization. (...) There is now a massively secular Euro-culture. (...) It is not fanciful to predict that there will be similar development in Eastern Europe”<sup>73</sup>.

In the opinion of Grace Davie who proposes another perspective to explain the specific picture of religiousness in Europe different way of believing by the Europeans compared to the rest of the globe may be the key issue. “Might it be the case that Europeans are not so much less religious than citizens in other parts of the world as differently religious?”<sup>74</sup>. In her opinion calling Western Europeans *unchurched* populations rather than simply secular<sup>75</sup> might shed some light on this issue.

Eric Kaufmann belongs, in turn, into the not numerous group of scholars who claim western Europe will be far more religious at the end of the century than it is now which will be the result of higher birth-rate in more religious parts of European societies<sup>76</sup>.

The question of the mutual relations between the state and Church in Europe is actually the question of significance of religion itself and as a consequence of its place in the public and social sphere.

Though many different “variations” are possible with regard to the model of functioning of religion in the public sphere the debate on the European

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<sup>72</sup> P. Norris, R. Inglehart, *Sacrum i profanum. Religia i polityka w świecie*, Kraków 2006.

<sup>73</sup> P. Berger (ed.), *The Desecularization of the World. Resurgent Religion and World Politics*, Washington DC., 1999, pp. 9-10.

<sup>74</sup> G. Davie, *Europe: The Exception That Proves the Rule?*, in: *The Desecularization of the World. Resurgent Religion and World Politics*, Washington DC., 1999, pp. 65.

<sup>75</sup> *Ibidem*, pp. 68.

<sup>76</sup> D. Breschi, *A New Humanism in Europe: Between Secularism and the Return of Religion*, “Telos” August 27, 2007, [http://www.telospress.com/main/index.php?main\\_page=news\\_article&article\\_id=195](http://www.telospress.com/main/index.php?main_page=news_article&article_id=195) (Access: June 7, 2011)

Constitution showed the distinction is actually dichotomous here<sup>77</sup>. On one side there are those who perceive religion as the private matter and a realm that can be easily separated from other realms of life, including social life and who do not attribute special functions to religion. In their opinion, religion is not needed for the efficient functioning of the society and can be substituted with the developments of science and civilization - rationalism and individualism<sup>78</sup>. On the other hand, there is a view according to which religion “is a complex social reality. It is linked to thought, the action; it influences our view on humanity and the world; it influences culture and our concept of freedom itself. It is clear that religion as a social phenomenon is thus not restricted to the “private realm”<sup>79</sup>.

In the opinion of Grace Davie “On the eve of the millennium (...) many Europeans remain grateful to rather than resentful of their churches, recognizing that the churches perform a number of tasks on behalf of the population as a whole”<sup>80</sup>. Such a “collaborative” perspective is not an unusual phenomenon. As Sophie Bijsterveld points out it is actually “realized in most western European countries and demonstrated in the creation of certain legal mechanisms, in enabling participation in public systems of mass media, in education systems, in incorporation in public services, in chaplaincy services, in the system of public holidays, and in building facilities and ancient monument care”<sup>81</sup>.

It seems that at the level of the state in spite of such extreme examples as the Spanish one most of the states in contemporary Europe transform into the direction of basically positive attitude towards religion and all of them, more or less enthusiastically, see religion as a legitimate part of the public

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<sup>77</sup> It is interesting to notice that during the constitutional debate seven countries of EU such as Poland, Italy, Lithuania, Malta, Portugal, Slovakia and the Czech Republic demanded the distinct reference to the Christian heritage of Europe in the Constitutional Treaty. See R. Brożniak, op. cit., pp. 51.

<sup>78</sup> Among the opponents of religion the arguments are often raised it should be perceived mainly through the prism of the religious wars, persecution, discrimination and most recently religious fundamentalism. According to the very extreme views religion should be blamed for „all evil” of the world. One of the most renowned critics of religion as such is Christopher Hitchens who titled his last book *God Is Not Great: How Religion Poisons Everything*.

<sup>79</sup> S.C. Bijsterveld, op. cit., pp. 991-992.

<sup>80</sup> G. Davie, op. cit., pp. 82.

<sup>81</sup> S.C. Bijsterveld, pp. 992.

and social sphere. “The complete privatization of religion, which in the past was the ideal of strict separationism, seems difficult to obtain”<sup>82</sup>.

The debate on the place of religion in the European public scene and on the Church-state relations shows that this issue is definitely not finally settled yet and the consensus in this area in the all-European scale is not to be reached. But it seems such consensus is actually not needed. The way religion is perceived in the different member states is the result of hundreds-year-long historical, cultural and social factors and as such religion should be seen as the part of the cultural heritage that should be protected according to the EU’s fundamental goals. What is therefore needed is the conviction of the holders of opposite views regarding the place of religion they do not have to tend to eliminate each other. The challenge is to learn the mutual tolerance respecting different traditions and cultural background in an all-European scale.

Robert Schuman, one of the key architects of the European integration and a deeply committed Catholic, wrote that "Christianity is not, and should not be, linked to any political regime or associated with any particular form of government, even a democratic one. On this point, as elsewhere, it is essential to distinguish the domains of God and Caesar"<sup>83</sup>.

Such attitude, being the key concept of Church-state relations in Europe, does not have to mean the total elimination of religion from the public scene. The separation between the state and the Church and the principle of state religious neutrality is the most desired model both from the perspective of the state and from the perspective of the different religious communities. It is also the solution that is perceived as the most satisfying one for both the secular liberals and religious radicals since it creates the possibility of the coexistence of a growing number of religious communities in the more and more pluralistic societies<sup>84</sup>.

While it is obvious that the principle of the separation between the domains of “God and Caesar” can not be questioned, it should be widely understood and accepted that the presence of the religious dimension in the

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<sup>82</sup> B. Neuberger, op. cit., pp. 76.

<sup>83</sup> “The Irish Time”, 1 May 2003.

<sup>84</sup> J.T.S.Madeley, op. cit., pp. 18.

public realm in many European countries results in many positive consequences. It is also necessary to acknowledge the fact due to contemporary social changes taking place in Europe the contemporary European perception of religion can not refer only to Christianity.

The present problems involving state and the religion are the result of many factors among which changing demographic profile of the European societies, the deepening of cultural diversity, the clash between different, opposite views on the place and role of religion in the democratic systems, as well as the changing position of the religious organizations as the actors acting in the public scene should be mentioned. This means the “golden middle” should be still sought to find the proper balance between the true separation of the Church and state and true freedom of belief and conscience so that both the state and its citizens, as well as the believers and religious communities, could benefit from these relations in the most efficient way.

### **Summary**

The “crucifix debate” and the full-face veil ban in France are just a few examples from a long list of problems concerning the relations between the religion and the state in the European countries that have involved the European public opinion over the last years. The article aims to present the complex picture of Church-state relations in Europe in the context of the intensification of all-European debate on the place of religion in the European Union. It shows that in spite of the widely recognized secularization thesis in western social sciences most of the European states are the arena of various problems involving the religious dimension and the question about the future role of the religion in Europe is still to be answered.

**Key words:** religion, Church, state, European Union, secularization