

A CATHOLICS FOR CHOICE FORUM

RELIGION

&

IN THE NEW EUROPE

POLITICS



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RELIGION & IN THE NEW EUROPE POLITICS



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Catholics for Choice shapes and advances sexual and reproductive ethics that are based on justice, reflect a commitment to women's well being and respect and affirm the moral capacity of women and men to make decisions about their lives.

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AS DISCUSSIONS CONTINUE around the world, it could not have been more timely for members of the European Parliament, experts, advocates and public policy professionals to come together on November 27, 2007, to help create a better understanding of what should be the appropriate role for religion in contemporary politics. There were more than 100 attendees at the forum, Religion and Politics in the New Europe, one-half of whom represented religious and human rights nongovernmental organizations. Members of the European Parliament and their staff made up most of the remainder.

This is very much a live debate. The bestseller lists in recent times have been filled with books on the subject—from all sides. Christopher Hitchens, Sam Harris, Richard Dawkins, Daniel Dennett, Amy Sullivan, Andrew Sullivan, Rodney Stark and a host of others have debated the rights and wrongs of the role religion plays in public policy today. And the debate has been with us for some time. The American constitution, which drew a firm line between religion and politics, was perhaps as much about remembering that the early religious pilgrims to the United States were refugees fleeing persecuting by other religious groups, often with the tacit agreement or support of political powers.

Just before the forum convened, the *Economist* magazine issued a special report on the topic of religion in public life. In an editorial it said, “Atheists and agnostics hate the fact, but these days, religion is an inescapable part of politics. Although it is not the state’s business to make windows into men’s souls, it is part of the government’s job to prevent grievances from stirring into bloodshed and fanatics from guiding public policy.”

The *Economist* concluded that politicians must learn to take into account religious feelings and draw a firm line between church and state, or else “the new wars of religion may prove...intractable.”

The question remains, however, does the *Economist* have it right? Does having religious voices in the public square mean that religion must necessarily be afforded an elevated position over other public policy interest groups, such as trade unions or environmental groups? Does it automatically translate that people who have religious faith want to see their faith given a special role in politics?

Today, if religious leaders are to be heard in politics, do they always represent the world view of those who ascribe to their faith? As a citizen of the Republic of Ireland, I know that when bishops have pronounced upon what politicians should do on everything from divorce to contraception, on abortion and issues like homosexuality, our Catholic religious leaders did not always speak for the majority of voting Catholics. These are some of the issues that I ponder when I look at the role of religion in public policy.

During the forum, we had two discursive sessions on **Secularism and the Soul of Europe** and **Equality, Religion and Representation in Europe**. In between those two, we examined how it works in practice with case studies looking at the situation in Spain, Sweden and Poland.

Among the questions we discussed were: What is the appropriate role for religious beliefs in the secular state? Can a secular state balance the sometimes competing interests of people with different religious beliefs? Does the inclusion of even nonsectarian religious language in official government texts represent a bias against atheists? Can a religious believer feel fully represented by a government that does not reflect his or her religious values? Do religions such as Catholicism and Islam delineate separate spheres of authority for religion and politics?

Bringing together those on both sides of the debate, many for the first time, the forum was part of a continuing and wide-ranging dialogue about the relationship between our government institutions and organized religious influences. The event was hosted by Catholics for Choice, the European Parliament's All-Party Working Group on the Separation of Religion and Politics, and several members of the European Parliament from different political parties and countries, and the Socialist Group very kindly ensured we had access to all the facilities we needed.

I would like to thank Nina Miller for all her work in pulling the forum together, and David J. Nolan for editing and producing this report.

This report is divided into three parts. We start with a report on the discussion that took place at the forum. We then have an article by W. David Myers, one of the participants in the forum, examining the historic development of the clash between church and state and conclude with an article describing how Catholics for Choice views the proper role for religion in public policy.

Jon O'Brien

President, Catholics for Choice



9:00 to 9:30 **Welcome and Opening Remarks**

Welcome Proinsias De Rossa, MEP, PES-IE

Opening Remarks Jon O'Brien, President, Catholics for Choice

9:30 to 10:45 **Secularism and the Soul of Europe**

Chair's Remarks Proinsias De Rossa, MEP, PES-IE

Church and State in Europe:
A Historical Perspective W. David Myers
Associate Professor of History,
Fordham University, USA

The State Must Respect
Religious Belief Dr Alexandra Colen, MP
Belgium (Vlaams Belang)

Struggles against Fundamentalism Marieme H  lie Lucas
Sociologist, founder of Women
Living Under Muslim Laws

11:00 to 12:00 **Case Studies: Spain, Sweden and Poland**

Chair's Remarks Sophie in 't Veld, MEP, ALDE-NL

Spain: Citizenship, Education
and the Church Miguel Angel Mart  nez, MEP, PES-ES

Sweden: Achieving a Secular
National Identity   sa Regn  r
President, RFSU—The Swedish
Family Planning Association

Poland: Religion and Politics
in an Emerging Power Anka Grzywacz
Journalist, Member of the Catholics
for Choice European Advisory Group



AGENDA

November 27, 2007

European Parliament, Brussels

2:00 to 3:10

Equality, Religion and Representation in Europe

Chair's Remarks

Elfriede Harth, European Representative,
Catholics for Choice

Secularism and Moral Values

Keith Porteous Wood, President,
National Secular Society, UK

Secularism and Democracy

Tarik Mira
Rassemblement pour la Culture
et la Démocratie, Algeria

Secularism and Faith

Hubert Tournès
Steering Committee, European
Network, Church on the Move

3:10 to 3:30

Concluding Remarks

Observations

Sophie in 't Veld, MEP, ALDE-NL

Acknowledgments

Jon O'Brien, President, Catholics for Choice

The event was sponsored by **Proinsias De Rossa** (PES-IE) with the support of the Socialist Group. Co-Sponsors: **Michael Cashman** (PES-UK), **Jean-Marie Cavada** (ALDE-FR), **Véronique De Keyser** (PES-BE), **Andrew Duff** (ALDE-UK), **Claire Gibault** (ALDE-FR), **Sophie in't Veld** (ALDE-NL), **Magda Kósáné Kovács** (PES-HU), **Jean Lambert** (GREEN-UK), **Baroness Sarah Ludford** (ALDE-UK), **Miguel Angel Martínez** (PES-ES), **Karin Resetarits** (ALDE-AT), **Eva-Britt Svensson** (GUE/NGL-SE) and **Anne Van Lancker** (PES-BE).

Hosted by **Catholics for Choice** and the **All-Party Working Group on the Separation of Religion and Politics**.

SPEAKERS' BIOGRAPHIES



Dr Alexandra Colen has been a member of the Belgian federal parliament since 1995. She is an MP for the Flemish secessionist party Vlaams Belang (formerly Vlaams Blok). Within this party she represents the conservative (on moral issues) and libertarian (on economic issues) wing. Dr. Colen is the publisher of the Flemish quarterly *Secessie*, which publishes contributions by Flemish academics and politicians from various parties (Christian Democrats, Liberals, Flemish Nationalists, etc). She was born in Dublin and holds an MA in Linguistics (University of Reading, UK) and a doctorate in Germanic Philology (University of Ghent, Flanders). She lectured at the universities of Antwerp and Ghent and is the author of *A Syntactic and Semantic Study of English Predicative Nominals* and a co-author of *Van Dale Groot Woordenboek Engels Nederlands* (*Van Dale Comprehensive English-to-Dutch Dictionary*) and other linguistic books. Alexandra Colen is married to Flemish journalist Paul Belien.



Proinsias De Rossa is an Irish Labour member of the European Parliament (1989-1992 and since 1999) and is a leading member of the 201-member Party of European Socialists, known as the Socialist Group. He is the vice-chairman of the delegation for relations with the Palestinian Legislative Council, and a member of the Committee on Employment and Social Affairs and the Committee on Petitions. He is also a member of the Trade Union Coordination Intergroup, the Disability Intergroup, and the ATD Fourth World Intergroup. De Rossa was the leader of the Democratic Left Party (1992-2002); president of the Irish Labour Party (2002-2004); and vice-president of the Party of European Socialists (1999-2004). He was a member of the Irish parliament (1982-2002), minister for Social Welfare (1994-1997) and a member of the European Constitutional Convention (2002-2003).



Anka Grzywacz is a journalist and freelance translator living in Warsaw, Poland. She holds an MA in Applied Linguistics from Warsaw University. She has been a volunteer at the Federation for Women and Family Planning for many years and has been involved in numerous projects, including the Women on Waves campaign for the right to safe and legal abortion. Her ambition is to become a member of parliament dealing with women's rights issues. She is a member of the Catholics for Choice European Advisory Group.

SPEAKERS' BIOGRAPHIES



Elfriede Harth has been the European representative of Catholics for Choice since 2001. She has worked to enhance the presence of CFC in the European Parliament, assuming the secretariat of the European Parliament's Working Group on the Separation of Religion and Politics, and has been a leading actor in the progressive Catholic community in Europe and an active observer in the European sexual and reproductive rights community (EuroNGOs). Harth was the first spokesperson of the International We Are Church Movement (1996-2001), and for three years president of the European Women's Synod (1998-2001). She is a member of Maria von Magdala, a German Catholic feminist association and of Femmes et Hommes en Eglise, a similar organization in France. Harth holds a diploma from the Institut d'Etudes Politiques de Paris and a postgraduate degree in sociology from the Ecole des Hautes Etudes en Sciences Sociales, in Paris. She is Colombian and German.



Marieme H lie Lucas is an Algerian sociologist. She taught epistemology and methodology in the social sciences in Algiers University (1967-1978), and she was a research Fellow at the Institute of Social Studies, The Hague, The Netherlands (1983-84) and Columbia University, New York, USA (2001). She is a founding member of the Association of African Women for Research on Development (AAWARD) in 1974, founder of the international solidarity network Women Living under Muslim Laws (WLUML) in 1984, former international coordinator of WLUML (1984-2000), and is founder of Secularism Is a Women's Issue, or SIAWI (2007).



Sophie in 't Veld is a member of the European Parliament for the Dutch social-liberal party D66. She is the chair of the All-Party Working Group on the Separation of Religion and Politics and a member of the Committee on Economic and Monetary Affairs and the Delegation for Relations with the Mashreq countries. She is a substitute member of the Committee on Civil Liberties, Justice and Home Affairs, the Committee on Women's Rights and Gender Equality and the Delegation for Relations with the People's Republic of China. MEP in 't Veld received a higher degree in history from the State University of Leiden (1991) and post-doctoral training in management and public administration (1993-1994). Before she was elected MEP, she was for several years secretary general of the ELDR group in the Committee of the Regions.

SPEAKERS' BIOGRAPHIES



Miguel Angel Martínez is the vice president of the European Parliament and the Parliament's Bureau. He has been a member of the European Parliament for the Spanish Socialist Party since 1999. Martínez is vice chairman of the Delegation to the ACP-EU Joint Parliamentary Assembly and a member of the Committee on Regional Development and the Committee on Petitions. He studied in Madrid, Toulouse and Vienna, he earned the Gold Medal of Comenius University, Bratislava (Slovakia) and is an honorary doctor of the universities of Moscow (Russia), Cluj (Romania) and Aberdeen (United Kingdom). Martínez was president of the Interparliamentary Union (1997-1999) and vice president (1983-1992) and president (1992-1996) of the Parliamentary Assembly of the Council of Europe. He earned the Order of Constitutional Merit (1988) the Grand Cross of the Order of Civil Merit (1996), the Grand Cross of Isabel the Catholic (1999) and other decorations from over 30 countries (15 from member states of the European Union).



Tarik Mira is an Algerian political activist and national secretary for international relations for Rassemblement pour la Culture et la Démocratie, a political party in Algeria. He is the author of *Secularism: A Precondition for Democracy?*—a paper that discusses the place of secularism in Algeria's unstable post-independence political history. It argues that secularism is not alien to Algerian society and is indeed a precondition for democracy. It appeared in *Dossier 28*, one of an occasional series published by the international solidarity network, Women Living under Muslim Laws.



W. David Myers is an associate professor of history at Fordham University (USA). He received his PhD from Yale University. He is the author of *Poor, Sinning Folk: Confession and the Making of Consciences in Counter-Reformation Germany* (Cornell University Press, 1996) and the articles "Die Jesuiten die Beichte, und die katholische Reformation in Bayern," in *Beiträge zur altbayerischen Kirchengeschichte* (1996), and "Ritual, Confession, and Religion in Early Sixteenth-Century Germany," in *Archiv für Reformationsgeschichte* (1997). In addition to his recent work on the social and legal history of crime and women, Myers continues to write on confession and penance, now incorporating an art-historical approach to emphasize issues of conscience.

SPEAKERS' BIOGRAPHIES

Professor Myers has presented papers on the representation of the soul in Renaissance art and the history of conscience at conferences of the Renaissance Society of America. Myers has received a prestigious fellowship from the National Endowment for the Humanities as well as an international award from the Herzog August Bibliothek, sponsored by the government of Germany.



Jon O'Brien is the president of Catholics for Choice, heading the leading prochoice organization that addresses sexual and reproductive rights from a standpoint of culture, faith and morality. Through his leadership, Jon O'Brien is committed to maintaining a visionary approach to reproductive health policy, focused on shaping and advancing the way people, especially opinion leaders and policy makers, think about these issues, and on promoting the organization's goal of a world where all women and men are trusted to make sound and responsible decisions about their lives. With more than 20 years experience, Mr. O'Brien is a leader in developing global strategy surrounding reproductive health and rights issues. He has worked on five continents with local advocates and activists on policy development, advocacy and communications. A life-long Catholic born and raised in the Republic of Ireland, Mr. O'Brien's initial involvement in reproductive rights was sparked by his reaction to the great injustices that women especially face as a result of the Catholic hierarchy's influence over public policy in the country. Mr. O'Brien has been honored by the International Parliamentarians Conference on ICPD, recognized as a "Key to Choice" by Planned Parenthood Golden Gate, and received the Abby J. Leibman Pursuit of Justice Lifetime Achievement Award from the California Women's Law Center in 2007.



Keith Porteous Wood is the executive director and formerly the general secretary of the National Secular Society in the United Kingdom, a position he has held since 1996. He is a secularist and human rights campaigner coming from a non-religious perspective. In 2007, he received the Distinguished Service to Humanism Award from the International Humanist and Ethical Union for his work in building up the National Secular Society and campaigning for secularism both nationally and internationally.

SPEAKERS' BIOGRAPHIES



Åsa Regnér is the secretary general of the Swedish Association for Sexuality Education (RFSU). She has long experience working with sexual and reproductive health and rights in the Swedish government, serving as assistant state secretary at the Swedish Ministry of Justice and assistant for gender equality to the prime minister. She is the co-author of *I vems händer? Om arbete, genus, åldrande och omsorg i tre EU-länder*, Tema Genus, Linköpings Universitet.



Hubert Tournès is the cofounder and deputy chairman of the Association Droits et Libertés dans les Eglises/Rights and Freedoms in the Churches (1987) and cofounder the European Network European Church on the Move/Réseau Européen Eglises et Libertés (EN/RE, 1981). He is a member of the coordination group and a member of the team for relationships with European institutions in charge of representing the EN/RE with the All Party Group on the Separation of Religion and Politics. He previously worked for the European Union in Brussels and in various public bodies, both in Algeria and in France. He is a member of the French Ligue des Droits de l'Homme, and was an elected lay member of a decision-making clergy/lay pastoral team in a Parisian parish during the 1980s.





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● SESSION 1

Secularism and the Soul of Europe

CHAIR'S REMARKS

Proinsias De Rossa, MEP, PES-IE

Church and State in Europe: A Historical Perspective

W. David Myers, Associate Professor of History,
Fordham University, USA

The State Must Respect Religious Belief

Dr Alexandra Colen, MP, Belgium (Vlaams Belang)

Struggles against Fundamentalism

Marieme H  lie Lucas, sociologist, founder of Women Living
Under Muslim Laws

Proinsias De Rossa introduced the first session with a brief reflection on the role that conflict played in European history. To a large extent, he noted, conflicts were about to which king, prince or pope you should or should not serve.

Europe is now largely a peaceful region. The question, he asked, "is whether or not we can sustain the peace brought about by the European Union based on the democratic theories that emerged out of the centuries of conflicts as people essentially decided that we could believe what we chose in terms of the next world, but that we work together in this world based on trying to serve the common good, regardless of gender, regardless of sexuality or color or indeed of location."

"Can," he asked the audience, "member states that fought for generations to establish sovereignty now share that sovereignty in order to maintain this area of peace and share that sovereignty in a democratic way, not in a top down way, not in a way where one or the other dictates to the other?"



Proinsias De Rossa

"Unfortunately," he concluded, "history repeats itself often as bloody farce, and we have to be careful in reaching for the past that we don't, in fact, recreate divisions and conflicts which we had thought we had left behind."

W. David Myers gave a brief historical perspective on church and state in Europe. (He expands on his comments in the next section.) Myers opened his remarks by noting:



W. David Myers

It may seem merely perverse or perhaps ironic that an American is attending this forum on church-state relations just days after celebrating a national holiday, Thanksgiving, founded explicitly on the notion of gratitude to a divinity and during which the president routinely makes a public prayer on behalf of the American people. America is, after all, a country whose constitution does not utter the word "God" even once and whose proudest achievement is a Bill of Rights which famously begins 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'

We should remember first that there have been many new Europes in the sociopolitical history of this continent so frequently associated with the ends of empires.

Taking the audience on a rapid-fire history of epochal change, from the Roman and Byzantine empires, through the French monarchy, as well as the Habsburg, Romanov, Hohenzollern, and Ottoman empires and up to the collapse of the Soviet empire in the 1990s, Myers drew a parallel by showing how each dissolved empire brought a crisis and transformation of church-state relations.

The collapse of Rome meant both peril and promise from medieval Latin Christianity. The Roman church gained prominence as the only universal institution in the West. Equally important, the Roman church gained a state, the Republic of St. Peter, also known as the Papal States, which the papacy has fought for 1,300 years to protect. At the same time, the papacy's own claim to dominion, even secular dominion, put it squarely at odds with the lay kingdoms and empires claiming to be the church's guardian and protector, intervening when necessary to reform it. That tension or conflict, if you will, defined and conditioned the relations between church and state until the 20th century.

So it is no wonder that we face questions about church and state again. As the political formations and even the populations belonging to Europe have changed dramatically, we should also recognize another fact. The issues of church state relations or separation have not until recently concerned tolerance or freedom of

religion, but power between sovereign states. It is a peculiarity of Latin Western Europe that a church should also claim to be a state, at times even an absolute monarchy.

This political background must be remembered when we talk about secularization in which the preeminence of religious concerns in everyday life and in public institutions receded before a newly dominant world order.

As this cursory look shows, church-state questions in Europe have often focused more on the politics than on matters of freedom of conscience. Of course, the consequences for individual practice are very great. Minority churches and sects have had a hard go of it in the situation where churches wielded the secular sword or had a lay power to protect them. Of course, the Catholic church sought to use state power to suppress Luther's and Calvin's reforms, although unsuccessfully. Luther and Calvin and their successor churches were no more tolerant of minorities or radicals, and in the 19th century, the Roman church enforced anti-Jewish laws in the papal states, while liberal Protestants provided an ideology that exalted the German Reich as the ideal resolution of modern spiritual yearnings.

William Butler Yeats wrote about another apocalyptic age, a new New Europe. He wrote, "The center cannot hold. The worst are full of passionate intensity, while the best lack all conviction, but if Europe is the center and it can hold, it will hold if its people will hold to their best convictions."

De Rossa then introduced **Dr. Alexandra Colen**, who introduced some concepts that she said were key to furthering the discussion, namely the changing definitions of terms such as state, human rights, secularism and democracy.

I am often classified as a conservative libertarian, which makes me a bit of an oddity, but I believe that the state's role should be limited, and I think that is what the intention was when the original concept of human rights was drawn up and the original theory of separation of church and state was formulated, in the aftermath of World War II especially.

One of the ways in which one can achieve the separation of church and state is to avoid theocratic states and an unhealthy entanglement of church institutions in state institutions, but also to have a restricted state. In a democracy, the parliament and government represent the people, and through a process of voting and



Alexandra Colen

representation, the people are also governed. In a sense, their businesses are managed or their collective interests are managed efficiently by the state.

Once the state—through legislation, parliament or other governmental bodies—starts organizing people's homes or family affairs, it starts dealing with aspects that relate to fundamental convictions, opinions, religious or other beliefs. Then we come to a point when people start questioning the legitimacy of the state to do that.

For me, there is an increasing tendency—I see it in Belgium, but also in the European Union—for legislation to be passed that no longer just deals with matters of government in the strict sense of government, nor with representation in the sense of how can we manage to live together and work together and function together, but more and more often, this is what you must think, this is how you must bring up your children, these are the values you must have.

Now, our states are being seen as meddlesome. People say, "All these politicians, they are all the same. You get them elected, and instead of representing you, they start telling you what to do and bossing you around and so on." I think this is a tendency that is growing, not just in terms of specific religions or beliefs, but is causing tension between citizens or groups of citizens and their political representatives.



The state should not persecute anyone because of their beliefs, and I think if we have a view of a very limited state then we would automatically have what we call a multicultural world—an easier coexistence of different philosophies, religions and ideologies.

More and more, institutions like the European Union and parliaments are being perceived not as governments, not as democratic representation, but as channels where lobby groups with various objectives fight for the power to promote their own objectives. It is obvious in the case of trade and commerce, of course, very practical objectives, but also in areas of attitudes, philosophy and beliefs that institutions which should represent and govern are used as channels to promote values or an ideology which is not necessarily shared by the people, the citizens who vote for these institutions.

For separation of church and state to come about, the state must keep out of people's beliefs and values and let everyone be free to pursue them as they please.

Marieme H  lie Lucas then spoke about struggles against fundamentalism. She too, started out by defining terms.

The French definition of secularism, which is total separation between church and state, was a long process which started in 1795 and evolved up to the law of 1905, by which the state guarantees freedom of belief and practice to citizens, and abstains from interference in religious beliefs and practices. The second understanding is the Anglo-Saxon one, which is equal tolerance for all religions and the state interferes in religious affairs.



Marieme H  lie Lucas

When I speak of secularism, I refer to the French meaning.

The second concept I want to clarify is Islam. We need to make a clear-cut distinction between Islam, Muslims and fundamentalists. Islam is at the level of beliefs, an ideology, a set of ideas. Muslims are the believers in Islam, and therefore, they are people, and it is not at the level of philosophy, but at the level of politics and sociology that we have to look at what they do when we act in the name of our beliefs.

The third distinction is with fundamentalists. I want to define fundamentalism as a political movement that uses religion to gain political power. It is a movement which brings together right-wing to extreme right-wing people, from conservative to fascists. It is not a religious movement.

Who speaks for religion? When we say religion, we assume it is homogenous. It is not. It is very obvious, for instance, that if you speak of the Vatican or of liberation theology, you will have very different views, but it is even more problematic when we talk about Islam because there are no Vaticans representing Muslims.

The former mufti of Marseilles, Soheib Bencheikh, used to say, "I have never seen a Koran walking in the street," by which he meant that it is necessarily mediated by people and never speaks for itself.

More and more, European governments dialogue with so-called "Muslim religious leaders" in order to solve social and political conflicts, but may I say that when there were strikes in France in the railways and the universities, the government did not call on the pope or the bishops to intervene.

Who are these religious leaders? They are self appointed religious conservative men. Why religious? Among migrants from Muslim descent, there are as many agnostic, atheists as everywhere else, but this is not recognized. Why conservative? Why men? These are people we have not elected. There are no freethinkers among them. There are no progressive interpreters of the Koran, no progressive theologians among them, and they are virtually exclusively men. So how can European governments promote in the name of tolerance, respect of religion, respect of culture and minority rights such a highly undemocratic process?

We are witnessing the rapid erosion of secular space in Europe and a process of turning a faith into a race. The only precedent that I know in Europe is Jews, and we should be very, very careful about what is happening to so-called “Muslims” at the moment.

The strongest defenders of secularism in France are from migrant communities coming from Muslim countries because we know what we lost when fundamentalists took over, and we don’t want to lose it also in Europe. At the forefront of this struggle for secularism in France are women who are also progressive theologians of Islam. In my view, there is no reason for cultural rights, minority rights or religious rights to take precedence over women’s rights.

There is no denying that racism and social problems and marginalization and exclusion of people coming from Muslim countries, but these are social and political problems. They should be tackled with social and political means, not using religion or any other ideological means.

Secularism is a necessary condition to ensure citizens’ rights and women’s rights. It is not a sufficient condition, but it is a necessary condition. ●



Marieme H lie Lucas

● SESSION 2

Case Studies: Poland, Spain and Sweden

CHAIR'S REMARKS

Sophie in 't Veld, MEP, ALDE-NL

Poland: Religion and Politics in an Emerging Power

Anka Grzywacz, journalist, member of the Catholics for Choice European Advisory Group

Spain: Citizenship, Education and the Church

Miguel Angel Martínez, MEP, PES-ES

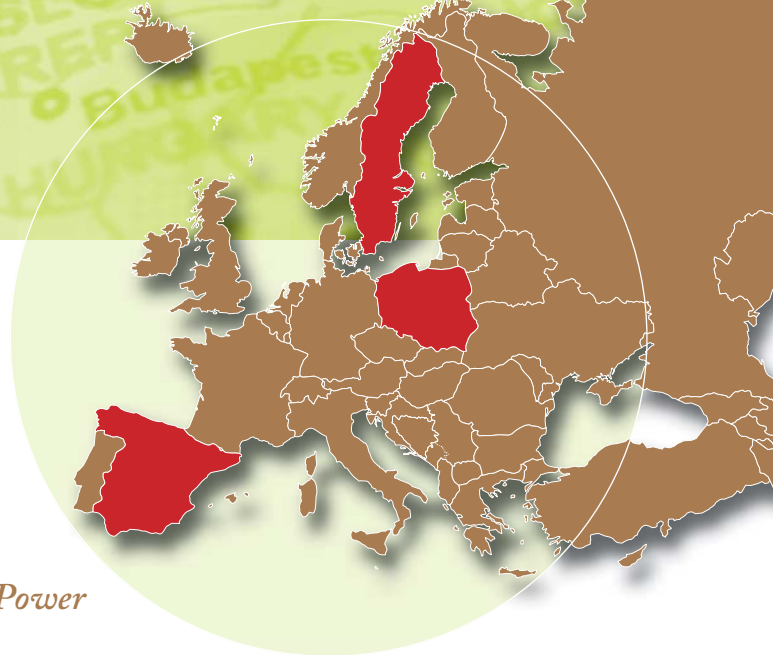
Sweden: Achieving a Secular National Identity

Åsa Regnér, President, RFSU—The Swedish Family Planning Association

Sophie in 't Veld introduced this session.

The issue of the separation of religion and politics has become one of the key issues on the European political agenda, partly because of the debate on Islam and immigration. We also see a kind of religious revival, perhaps a little too strongly put, but I think many people are looking for comfort, for guidance, for a sense of community, and many people find it in religion. But, with that, we also see the return of religion as a very conservative institution and, increasingly, meddling in politics.

In the Netherlands, for example, we have a government coalition of three parties, one of which does not believe in the separation of church and state. I find that very worrying. The European Union and its institutions are not a state, but a public authority which has no roots in religion. It is actually the secular entity par excellence, if you want, and yet we see the leaders of EU institutions cozying up to religious leaders because they get this great photo opportunity.



Sophie in 't Veld

Of course, we are all in favor of dialogue. Dialogue is a good thing. The more, the better, but this dialogue should be transparent. It should be inclusive. It should be representative, and I think the dialogue in its current shape doesn't meet any of those goals. It is not transparent because there are no agendas. There are no minutes. They are not public. They are not inclusive because the people invited to this dialogue tend to be leaders of religions only. The humanists have never been invited to these high level events, to my knowledge, and the religious invitees only represent the more conservative parts of religions. The progressive elements are not represented, never mind the fact that the representatives at the last meeting, where there were 20 church leaders, were all men. So they can't by definition be representative. Well, not of me, anyway.

What I find worse is that this dialogue is meant to formulate our shared values. I find it unacceptable that a very small unrepresentative part of the population formulates the shared values of the European Union. I think our shared values are human rights and fundamental rights as laid down in the European Convention of Human Rights and the Charter for Fundamental Rights. Those are our basic shared values, and that should be the basis for everything else. Of course, one of the fundamental rights is freedom of religion.

We are often asked why we have these meetings in the European Parliament. Why is the European Parliament dealing with matters of religion in the first place? Isn't this a national matter? Moral values, shouldn't that be a national matter? Shouldn't fundamental rights be a national matter?

My answer is straightforward. Over the past 50 years, we have been very successful in building up the internal European market. But if we want to move forward and if this is to become a truly political union, then there has to be a common foundation, and a common foundation is our shared values. If we are serious about a political union, if we are serious about a community of values, values are very much an issue for the European political agenda. And, therefore, a political body like the European Union needs to discuss these themes.

Ms. in 't Veld then introduced **Anka Grzywacz**, who looked at the situation in Poland, titling her presentation Religion and Politics in an Emerging Power:

For those of you who have never been to Poland, I strongly advise you to go, to see why and how religion is present in the life of Polish people every day. In Poland, only one religion matters, and perhaps the word religion is too broad. Only one confession matters. Only one faith matters, and this faith is Roman Catholicism.



Anka Grzywacz

When you take a car ride and travel from one city to another, you pass numerous statues of the Virgin Mary and of Jesus Christ on your way. When you are in the city, even in the capital city Warsaw, you see people making a sign of the cross when they pass a church. It is impossible not to see the influence of religion on people's lives in Poland.

But I am here to talk about politics and religion. In Polish politics, there is also only one confession that matters. Although my country has been multicultural and multireligious for some time, the only confession that matters in Polish politics is Roman Catholicism.

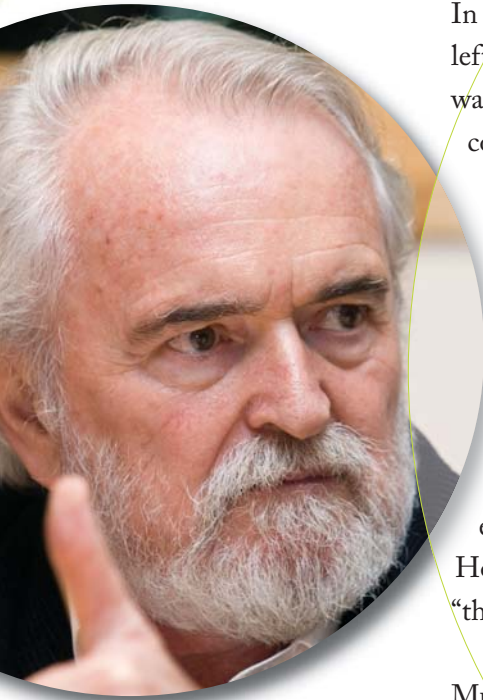
Poland has been Catholic for over a thousand years and Catholicism has been a source of identity for the Polish people through many difficult historical situations. For many years, Poland did not exist on the map of Europe. Poland was divided and partitioned. What kept people together, what helped them remain Polish and helped them retain their Polish identity, was the Catholic religion.



The Polish bishops were not slow to realize the close links between the political and religious systems in Poland. In 1946 they issued a statement saying Poland cannot be Communist. Poland must stay Catholic. And, as we discuss the influence of the church on Poland and world politics, we cannot, of course, not mention Pope John Paul II, the Polish pope who was also a skilled politician. He used his position as pope in the political fight to bring Poland into the democratic family.

We may not agree with Pope John Paul II on many issues, but people in Poland, even young people like me, do remember what emotion his pilgrimages caused. It was John Paul II who said during one of his early pilgrimages to Poland the very famous words that everyone in Poland knows, but can be translated as follows, "May your God's spirit come down to earth and renew the faith of this land." These words have brought trust and faith that the change will come, and the system, the political regime, will end one day in Poland, and it did.

After Poland became a democratic country in 1989, the people who took power were involved in the Solidarity movement, but they were also very often involved in Catholic associations. They were openly Catholic, like, of course, our first president, Lech Walesa, who was never seen in public without a pin of the Virgin Mary in his jacket, or our first prime minister, Tadeusz Mazowiecki, who was also openly Catholic.



Miguel Martinez

In 1993, Poland signed a concordat with the Holy See which strengthened the link between politics and religion. The concordat means, among other things, that the Catholic church in Poland has the possibility of receiving huge amounts of funding from the Polish state budget. Today, it is estimated that the government gives around 1 billion Polish zlotys a year to the Catholic church.

In 2004, there were attempts to liberalize the abortion law in Poland. Although the left wing party made it an election promise, they gave up on this idea because there was a referendum on Poland's accession to the European Union. The party had counted on the support of the church so much that they decided not to touch the very sensitive topic of abortion at that time.

Miguel Martinez, a member of the Socialist Group of the European Parliament, rose to explain the situation in Spain. Ms. in 't Veld noted that ten years ago the presentation might have been very similar to the previous one, but things are changing rapidly.

In Spain, the Catholic church enjoys a situation of notable privilege. This is especially true when you compare it to the status of other minority religions. However, it is perhaps most true when you look at what I would dare to call "the lay community."

Much of the privilege the Catholic church enjoys in Spain is inherited from the previous regime. The Catholic hierarchy was well known to be an accomplice to the dictatorship throughout which the church enjoyed a dominant position in such important areas of society as education, communication and, generally speaking, the social life of the country. During that whole period the church had—among other things—a monopoly on defining and controlling the prevailing official morals for all Spaniards.

Thirty-one years after the restoration of democracy, and notwithstanding our constitution, which does not make Spain a secular state but does make it a nondenominational one, the following are just a few of the facts of the current situation:

- The state pays the salaries of Catholic priests throughout the country.
- The state pays the salaries of religion teachers in all public and private schools in Spain. And though the class may be called "religion," only the Catholic catechism is taught. Religion teachers are hired and fired by the Catholic hierarchy subject to their own criteria. Decisions to hire or fire are made not on teaching ability, but rather on, for example, whether one is "living in sin" with another person, that is, outside of canonical marriage.

- The state finances numerous Catholic schools within the so-called “*concertado*,” or associated framework.
- The state finances—justifiably in many cases—the church’s historic buildings, which comprise a good part of our national historical heritage.
- The state finances other church initiatives, which in most cases are effective and of appreciable service to society, in the areas of health, social services and development aid.

Despite these privileges, the hierarchy has mobilized in an extraordinary fashion against the current administration and its officials. This mobilization has been carried out with unprecedented belligerence and aggressiveness. The systematic and militant character of this action surprised many of us. This is something we have not experienced in more than three decades of democracy. For example, in all that time, we have never seen dozens of bishops take to the streets and lead demonstrations formally convened against the legitimately and democratically elected government.

What is notable about all this is the flexibility with which the church adapts in its pursuit of the government. As soon as it loses one battle, it finds itself in a second trench.

All of this underscores how troublesome it is that the Catholic hierarchy in Spain continues to think that it has a monopoly on moral and social values. Those who hold that totalitarian vision accuse those who do not of practicing and disseminating a concept they find satanic—moral relativism. We find ourselves in that debate and on this issue, like so many others, I don’t think the solution will be found in timid reactions, excessive prudence, or Realpolitik on the part of the government of my country. The solution must be in operating reasonably—backed by reason—but with the greatest firmness, mobilizing people, acting with the greatest coherence and giving our fight a European dimension.

Ms. Åsa Regnér presented on Sweden: Achieving a Secular National Identity which, in contrast to Spain and Poland, is not a country where the Catholic church is in the spotlight, but rather the Lutheran church.



Åsa Regnér

In 2000, seven years ago, church and state were separated in Sweden, and church in this case is the so-called Swedish church, or Protestant church. This marriage had

been going on since the 16th century. So the year 2000 was historic.

One reason for keeping this union for so long was a very practical one. The church kept track of people. They were counting births. They were counting who was baptized, who married, who was divorced and other statistics and administrative matters. Swedish people like administration and the church was very good at it. It was a big thing to transfer all this information to the state system, and that was one reason for the delay because psychologically it could have been done much earlier.

During the last 50 years or so, Swedish politicians have been busy constructing a welfare state with high taxes, high employment, public services and strong social security. A precondition for all this was a high level of employment which in turn required child care and elder care, but also both women and men needed sexual and reproductive rights, access to contraceptives and abortion rights, which were introduced in 1975.

This was at a time when the Swedish church was joined to the state. During these reforms people from the church had opinions, but the Swedish church was never a political force or a voice in these discussions, not at all at the same level as the unions or the employer organizations. It is, in fact, hard to find information about what the Swedish church thought when sexuality education was introduced 50 years ago in Swedish schools.

Now, in 2007, we see a big change. Around 20 percent of the Swedish population consists of people with no Swedish background. Either they are themselves born in another country, or their parents were born in another country. This, of course, means that we have a range of churches and beliefs in Sweden.

We also have a conservative government. In 2006, there were elections. During these 50 years that I have been talking about, I think about 85 or 90 percent of the time we had Social Democratic governments. But there is now a conservative coalition consisting of a farmers' party, a liberal party and a Christian Democratic party.

Regner then discussed two recent issues that reintroduced religious views into the political sphere, providing abortions for women from overseas and allowing same-sex marriages.



Åsa Regner

The first was resolved in favor of women accessing abortions on health grounds. The second is ongoing, with a commission now discussing it. Regner concluded,

Sweden is a secular country, at least in comparison to the previous examples, but that doesn't mean that religious thoughts are not part of the political debate.

My organization is in favor of a system where marriages are recognized by the state. Churches and mosques may have ceremonies, but they shouldn't have the legal authority to marry people. Others believe that the right to marry is an individual right, which should be open to all. Religious voices can still be heard in the Swedish debate, but there is a very strong commitment in Swedish society to gay rights, to human rights, to gender equality and to sexual rights as a basis for democracy. ●





● SESSION 3

Equality, Religion and Representation in Europe

CHAIR'S REMARKS

Elfriede Harth, European Representative, Catholics for Choice

Secularism and Moral Values

Keith Porteous Wood, President, National Secular Society, UK

Secularism and Democracy

Tarik Mira, Rassemblement pour la Culture et la Démocratie, Algeria

Secularism and Faith

Hubert Tournès, Steering Committee,
European Network, Church on the Move

Elfriede Harth introduced the afternoon session on **Equality, Religion and Representation in Europe**.

The first speaker, **Keith Porteous Wood**, expressed his reservations about religious voices being privileged in any political sphere, referring specifically to the invitation given to the pope to address the European Parliament.

When the pope addresses EU parliamentarians it is not a dialogue, because I don't think he is expecting to be cross examined. In fact, I know he is not. We have had some quite sharp words in this very room on that topic where the European parliamentary president got very hot under the collar when Michael Cashman, myself and others suggested that he should be.

Another problem that there is with the European Union and religious representation is that there are 60 religious missions to the union and one non-



Elfriede Harth

religious mission. That seems to be rather out of proportion to the non-religious, non-practicing population. Even those who are slightly practicing often don't feel they are represented by what their clerics say on their behalf, people like the pope or the archbishop of Canterbury.

One of the questions raised was whether atheists and secularists feel alienated. We don't just feel alienated. We feel disadvantaged, and we feel without any kind of representation, and I think that is absolutely dreadful given that we are pretty well the majority.

I have made some of these points at the Council of Europe conference in San Marino recently, and it was interesting that it was a conference at all. It was called "The Religious Aspect of Intercultural Dialogue." Well, you might think I might have been invited to a conference about the non-religious aspect of intercultural dialogue, but, of course, there is no such conference because this was another piece of religious pair-seeking where the organizers were trying to get just the same amount of representation as they have had in the European Union.

One of the things that I said there, and I put my bulletproof vest on, was that I thought that organized religion was the biggest threat to human rights, and I admit I got a scowl from the Vatican representative, but to my absolute astonishment, I actually got applause as I got down from the podium. People kept coming up to me after saying, "I wish I had the guts to say that, but, of course, you are absolutely right."

We really need to look at this imbalance of power. What so many of these orthodox religious leaders are seeking to do is not just to impose their views on their followers, which is fine, but to impose them through institutions such as this on everybody else and in an adverse way.

The balance of competing religious interests that was very interestingly raised as a question for this session goes to the heart of the multicultural society that we have. Europe is no longer the Christian club that it used to be when it was formed, if it was then. There are an awful lot of people who are not religious, an awful lot of people who are not Christian and belong to other religions. So this consensus doesn't exist any longer, and we have to worry about how we achieve cohesion, and in fact, if there are going to be competing religions, how, in fact, they manage to fight it out.



Keith Porteous Wood

And fight it out is what they are actually starting to do. We have all heard of the problems the pope has had with his criticisms of Islam, and it is starting to come back the other way. We are starting to have the same problems in the United Kingdom where it might shock you to know that there are more people in mosques on Friday than there are in the Church of England on Sunday, in our established church or the established church, I should perhaps say. So it is a very important part of our cohesion to make sure that we do find a way of living together without religion being a problem, and I think that the way that it ceases to become a problem is by not being such a large part and such a prominent and powerful part of public life.

I was also intrigued by the question about whether religious believers can be represented by a secular government. I think it is a duty of a secular government to represent everyone without favor, whether they are religious or not. So that shouldn't be a problem, but I have got a problem if you ask the question the other way around, and that is exemplified by the appointment in the United Kingdom of the preacher Joel Edwards from the Evangelical Alliance to our top human rights body. He not only is on record as denigrating individual human rights, he is also taking his appointment as an opportunity to put Christian values into human rights, rather than represent everyone.

The next speaker, **Tarik Mira**, reflected on Islam's place in contemporary Europe. He started by outlining why the current situation was different from the past, when the first several generations of Islamic immigrants were almost hidden. Now however, that has changed.

For the first time, Europe must face a migratory flow that is now part of Europe itself and does not have Judeo-Christian roots. On the other side, Islam is confronted with an entirely new situation as a minority religion within societies of Christian origin that are nonetheless highly secularized.

On both sides, reference points have been upturned and a lack of understanding is taking root. Each side has taken to representing the other in a simplistic or politically correct manner, while systems for integration—republican and assimilationist on one side; EU-focused and multiculturalist on the other—appear to have run out of steam.

Mira argued that the secularist project has a future but needs to be re-energized.



Tarik Mira

I do not think the idea of secularism has been exhausted. It remains young and can be revitalized. It must constitute a common and shared foundation, in order to avoid misunderstandings and religious wars. The public arena must be protected from proselytism and from all religious symbols.

Education is an essential tool for gaining access to knowledge and moving beyond clichés and stereotypes. It is in these educational spaces that tolerance is learned. The education sector must continue to build its curricula based on reason and rational thinking. The approach to history must, nonetheless, be reconsidered—particularly for the colonial period. There is now not just one memory, but several memories.

He concluded:

I am convinced that it is essential to involve members of the Muslim heritage elite, including religious figures, in this debate if we are to move forward in creating a state of togetherness that is acceptable to all. I remain reasonably optimistic despite the emergence of heavily worrisome elements in Islam. The revitalization of Islam, to definitively, if not permanently, accept the situation of secularism, will emerge in part from Europe, while secularizing the Islam of the North will help democracy to take root within the Islam of the South.

The final presentation of the afternoon came from **Hubert Tournès** who spoke about secularism and faith. He started by outlining what freedoms are currently guaranteed in Europe: the freedom of having a religion or of having none, of changing religion, and the freedoms of conscience, expression and association. He lauded the benefits of secularism, in comparison to what came before, but highlighted some challenges.

Secularism places religious institutions and communities in the center of civil society, without privileges while respecting their right to be there. However, European churches do not see themselves as forming part of civil society, but rather they still see themselves as spiritual powers and partners of the state. In a number of European countries they still enjoy special rights and even privileges or prerogatives of sovereignty according to law or agreements of internal or international law, e.g. concordats. For example, in 2002, the Catholic hierarchy asked for an official, institutional presence within the European Union.



Hubert Tournès

Tournès concluded with a warning, that those who support secularism and its project need to be on the lookout as some, especially the Catholic hierarchy, represent a challenge.

Secularized Europe is confronted with strategies from religious institutions seeking to have their own laws prevail over civil law. To this end, the Vatican carries out intensive lobbying, activating its diplomatic corps worldwide, and allies itself in Europe and at the United Nations with religious conservatives, calling on Catholics to conscientiously object to laws it deems contrary to morality.



The attacks on secularism that are carried out on behalf of the faithful invite us to raise the question of how representative religious leaders are. Not just Catholic ones who are appointed and exclusively male. More seriously, how can they represent the diversity of the cultures and convictions within their own religious communities when they push so many people of faith to the door. One should note that there is often a greater diversity of convictions within religion than between different religions.

Tournès ended with a plea to all European institutions to carry out an inclusive dialogue with all levels of interested organizations; not just with religious leaders and institutions but also with religious grassroots and humanist organizations. ●



CONCLUDING REMARKS, DISCUSSION AND ACKNOWLEDGEMENTS

Jon O'Brien and **Sophie in 't Veld** chaired a final discussion about issues raised during the day. In his concluding remarks, Mr. O'Brien thanked all involved, and issued a call for a continuation of dialogue, and expressed optimism about the future of that dialogue.

In the Catholic church, 17 centuries of church teaching were changed in 1966 at the Vatican II council with the Declaration on Religious Freedom. The Declaration reinforced the requirement for Catholics to respect others in society, those of other faiths and those of no faith. It said that no longer must civil law conform to the moral teachings of the Catholic church. That was 1966. Since then, no matter where you go, even in the last couple of years—if you are in Nicaragua where they recently passed a law criminalizing women seeking abortion and their doctors or Portugal where prochoice groups won in a recent referendum on abortion—what you see time and time again are attempts by a hierarchy to influence public policy, to influence civil law, to conform with their own particular moral beliefs on an issue.

What I would urge you to think about, especially those who are atheists, those who are humanists, those people of goodwill who actually see a real benefit in the secular state, I would invite you to see people of faith, such as myself and other people in this room, as your colleagues and friends. Those of us who are people of faith, it is true that very often the leaders in our churches and our mosques do not represent what we feel and believe in. But we want a society that respects all of us and all of our beliefs, and as far as we are concerned, the secular model is the way forward.

Mr. O'Brien then thanked all those who participated.

Everybody who listened, everybody who reflected. There are numerous calls for action and more action and vigilance and more vigilance. Maybe we also should heed those calls for us to be more proactive in ensuring that the type of secular society that respects all of our beliefs and all of our views becomes something that is universal. ●





RENDERING TO CAESAR: SEPARATION OF CHURCH AND STATE IN EUROPEAN HISTORY AND LIFE

W. David Myers, Fordham University

PERHAPS NO COUNTRY SUGGESTS the complex and ironic tangle of church-state relations in contemporary Europe better than Russia. There, President Vladimir Putin has forged a close alliance with the Patriarch of the Russian Orthodox Church, Aleksei II, appearing frequently with him on Kremlin-controlled state television. Away from Moscow, Orthodoxy has in some places become almost an official religion. Protestant pastors can expect a visit from the FSB (the successor to the KGB), followed perhaps by condemnation as a “sect” and eventually an order to shut down from local officials. Russia’s two million Protestants—from Methodists to Jehovah’s Witnesses—along with Roman Catholics, experience FSB harassment in an attempt to silence or destroy anti-Orthodox “heresy.” Even while this occurs, Jewish life flourishes despite a resurgence of anti-Semitism, and Russia’s seven million Muslims are largely ignored.

The Russian example, in which passionate nationalism finds expression in a traditional and hierarchical church, is replete with historical ironies about religion and state in the “New Europe.” After all, it was only 30 years ago that the Soviet Union proudly and vigorously waved the flag of an official atheism scorning all religions after 75 years smashing icons and converting churches and monasteries into museums and warehouses. Now a former KGB agent uses its successor security agency to flog heretics and consolidate church power. The aftermath of the Soviet empire suggests the continued influence of religious institutions in Europe. One cannot doubt that the stubborn resistance of the Eastern European churches, guided by a strong-willed pope wielding the international prestige of the papacy as a weapon, was instrumental in maintaining the local and national identity of subject peoples in the face of oppression. Those same churches now claim a privileged place in recently liberated societies, posing a new challenge for church-state relations. The new power of the Orthodox church in contemporary Russia is a fact with which the European Union will someday have to contend. On the other hand, throughout Eastern Europe, the Soviet empire also produced a highly secular culture, educating several thoroughly secular generations, many of whom are now entering an expanding European Union.

The newest “new Europe” of the 21st century is in part the product of the Soviet empire’s collapse in the 1990s and metamorphosis into a born-again nationalistic Russia. This process should remind us that there have been many “new Europes” in the history of this continent,

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frequently associated with the religious upheaval accompanying the ends of empires. The Roman Empire, conveniently dated as ending in 476 of the Common Era; the Byzantine Empire in 1453; the French monarchy in 1789; the Habsburg, Romanov, Hohenzollern and, yes, the Ottoman Empires smashed in the cataclysm of the Great War. Some of the tensions that Europe feels today—particularly over immigration—are a legacy of the end of European imperial hegemony following 1918 and accelerating after 1945. Lifting a title from the *Star Wars* movies, we might label this epoch, “The Empire Strikes Back.”

The relevance of this list becomes apparent when we consider that each “dissolved empire” has brought a crisis and transformation in church-state relations. The collapse of Rome meant both peril and promise for medieval Latin Christianity. The Roman church gained prominence as the only “universal” institution in the West. Equally important, the Roman church gained a state—the Republic of St. Peter (more popularly known as the Papal States)—which the papacy has fought for 1,300 years to protect, despite its diminishing area. At the same time, the papacy’s own claims to dominion (even secular rule) put it squarely at odds with the lay kingdoms and empires claiming to be the church’s guardian and protector, intervening when necessary to reform it. That tension, or conflict if you will, defined and conditioned the relations between church and state until the 20th century. Finally, we should not overlook the dissolution of the Ottoman Empire, an officially Islamic state in which there was no separation of religion and state, and its replacement in the 1920s by an avowedly secular Turkey. The fragility of this *secular* Turkey has profound implications for the European Union, and indeed the world.

The November 2007 forum at the European Parliament in Brussels displayed all the multiplying diversity of religious forms on the continent and the resultant difficulty of developing a single, useful approach to the relationship between church and state. The continued existence of “established” or state-backed national churches; the question of Vatican influence in the politics of nominally Roman Catholic countries like Spain, Italy and Poland; the proliferation of newer religious forms like Mormonism and Scientology set against trenchant opposition from traditional Christian groups; and the persistence of a proud and vocal secularist tradition dating from the Enlightenment were all on display. The forum revealed a contentious and ongoing debate over the place of religion in European life that has been resolved variously, even violently but, as it turns out, never definitively. Part of the complexity comes from explosive recent events—the fall of the Soviet Empire and the subsequent integration into the EU of Eastern Europe (where religion was a source of stubborn and successful resistance to Communism), the influx of immigrants from Turkey, North Africa and the Middle East, and the increasing importance of radical religious views among these nominally Islamic populations, set against the grim and ceaseless backdrop of the “War on Terror.” While contemplating these contemporary issues, though, it is good to remember that the debate (even war) over the place of religion in a secular society is at the heart of European history. Though predating Christianity and Islam both, questions about the separation of church and state have become most intense with the rise of these exclusive and often imperial religions.

The history of church-state relations in Europe is long and ferociously complex. In a brief space one can do no more than summarize key events and frame major issues. What should be remembered is that the question for Europeans is not mainly about religious freedom or tolerance. That is much more an American preoccupation. The weakness of “established” churches in American history meant that the authors of the Constitution never really confronted a powerful institutional church that opposed national policies. The emphasis of the First Amendment was always to protect individual religious freedom by preventing the growth of official churches. All those churches, mosques, temples and synagogues are legally just the property of nonprofit and entirely private associations.

So the central difference between the American and European visions of church-state separation emerges from the fact that, in America, no church was ever successfully a state, while in European life, at least one church—the Roman Catholic one—not only has a long history as an independent state but, even in significantly reduced circumstances, continues to act and be treated like a sovereign state today. That difference changes the equation entirely. More broadly, Europe has a long history of religious institutions closely tied to monarchical or national institutions. The church-state debate is thus about the relative claims that specific religious institutions, particularly Christian churches, have made for a privileged and official position in government, social life and identity. One thinks of Roman Catholicism as the established religion of France or the Holy Roman Empire, or the Anglican church headed by the Queen of England. The Greek Orthodox church was closely tied to the Byzantine Empire and the Russian Orthodox to the Romanov dynasty. The Ottoman Empire, officially Islamic, ruled swatches of southeastern Europe until the 20th century. The legacies of each empire and religion play into the discussion of church-state relations today. If we look closely, we will see that in every case, the central relationship goes back to the great ancestor of all these monarchies—the Roman Empire and its relationship to the monotheistic religion that became its chief beneficiary. That is the place to begin.

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THE EMPIRE OF THIS WORLD AND THE KINGDOMS NOT OF IT

While Christians commonly point to the reign of Constantine as the moment of their acceptance in the Roman empire (311 CE), it was Theodosius who decreed Christianity's exclusivity and superiority. Baptized in 380, Theodosius sided with the bishops of Rome and Alexandria against the Arians and commanded all Christians to follow the Nicene Creed. To enforce this edict, Theodosius deposed the Arian bishop of Constantinople and replaced him with Gregory of Nazianzus. In the *Theodosian Code*, he chastised and finally outlawed pagan religions everywhere in the Empire, even permitting seizure of their property.

Theodosius and his code set two significant precedents for the future—suddenly Christianity was the official and exclusive religion of the Roman Empire east *and* west, with all others forbidden (Paganism) or legally restricted (Judaism) and “encouraged” to convert. To be fully a citizen of Rome now meant adopting Christian beliefs. Whatever separation of religion and empire had existed was dissolved—but it was not clear what the appropriate relationship

would or should be. The second precedent was just as important. Theodosius not only championed Christianity as a whole, he set himself as the *enforcer* of orthodoxy. The emperor would become the scourge of heretics (and later the church would render heretics to the state for punishment). The problem, of course, was that if an emperor could *enforce* orthodoxy, why could he not take part in *defining* it? Why should the most powerful of Christians restrain himself from single-handedly deciding and reforming the church he defended?

By the fifth century, therefore, a sketchy but portentous relationship existed: the “worldly” or secular authority defended a Christian state from external enemies while also policing its internal beliefs and practices. Christian leaders—bishops and monks—adapted eagerly and swiftly to the new ascendancy. Even so, they understood that their practical authority depended on the willingness of the emperors to back sacred claims with worldly muscle. As long as “orthodox” practices and beliefs prevailed, the church operated without concern for imperial control.

The Catholic church thus became a government and state on its own.

With the collapse of the Western Empire by 476 CE, two dangerous possibilities developed. Orphaned by the death of its imperial protector, the Latin Christian church also threatened to disintegrate as it fell victim to the particular, proprietary interests of local rulers eager to dictate to, or even own, the church in their territory. Who would have authority over doctrine or personnel in such a case, the weakened and fragmented church or the ambitious local lord wielding a sword? Could a lay ruler appoint clergy and bishops and invest them with the symbols of authority?

In this state of affairs, what could bishops or the pope do to preserve the integrity of religion and the independence of sacred institutions from profane interference? The weakened papacy itself desperately needed a worldly defender to replace the extinct Latin emperors and the recalcitrant Greeks. The solution came through the rise of the Carolingian dynasty in the Germanic territory. The Carolingians' willingness to aid the papacy and foster reform culminated in Pope Leo III crowning Charlemagne as Roman Emperor in 800. From that point until Napoleon in 1800, Holy Roman Emperors generally received papal coronation—symbolizing the pope's prestige but also demonstrating the uneasy mutual dependence of both institutions, as well as the dangerous potential for secular interference.

Having rescued the papacy by defeating the Lombards in central Italy, the Carolingian Pippin III restored their territories to the pope (ignoring Byzantine claims on the land). The Catholic church thus became a government and state on its own, requiring not only the religious allegiance of Christians everywhere but demanding local obedience as subjects of a territorial state that would last until 1870, cutting Italy in half all the while. Taking this path meant setting another dangerous course that would inevitably collide with that of worldly rulers who were building their own power and saw the church as a helpful but subordinate partner.

THE TWO KINGDOMS

What emerged over the next 800 years were two separate states—the spiritual and secular—occupying the same ground and competing for jurisdiction, influence and power. Each made intransigent claims to the loyalty and obedience of the faithful. If the main factor determining authority was simply power, though, then the church would inevitably lose. The papal monarch in the Republic of St. Peter might try to expand his realm, but that earthly realm was limited to a band of territories across the Italian peninsula. The expansion of secular institutions crowded against the sophisticated machinery of the ecclesiastical bureaucracy, revealing its fragility. As secular states ineluctably encroached on the church's claims to dominion, the church had to scramble to preserve its autonomy, all the while trying to enhance the one clear power remaining to it—the spiritual allegiance of Latin Christians.

That allegiance, though, turned out to be equally fragile, as the Protestant Reformation shattered the fiction of Christian unity. Reformers originally encouraged secular rulers to intervene in order to reform Christianity—as Luther did in ducal Saxony—or establish sacral communities purified of religious error—as Jean Calvin would attempt in republican Geneva. In the end, though, the denominations—Lutheran, Calvinist or Roman Catholic—found it impossible to contain the ambitions of secular authorities, who, unsurprisingly, were not enthusiastic about having independent churches in their domains. The various Christian churches of Western Europe became, in effect, protectorates of the state, which also enforced their spiritual monopolies and excluded “heretics” and “schismatics.” By then, numerous situations of opposing churches coexisting in a single republic (the Dutch Republic) or even individual cities (Augsburg in Swabia, for example). And another, admittedly smaller but spiritually cohesive force had begun to demand that true Christians gather themselves away from the satanic snares of statecraft entirely. The rise of Hutterites, Mennonites, Schwenkfelders, Moravian Brethren and others, provided a limited alternative by withdrawing from the state and the “corrupt” established churches entirely.

*Enlightenment
political philosophy
launched a
powerful
intellectual
assault on the
Catholic church.*

ERASE THE INFAMY?

If some of the radically pious saw the secular state as unnecessary, the state began to return the favor. Enlightenment political philosophy launched a powerful intellectual assault particularly on the Roman Catholic church, ally and partner of the French monarchy. The 18th century witnessed an accelerating pace of secularization, in which the preeminence of spiritual concerns in everyday life receded before a newly dominant temporal order. Despite the persistent mass appeal of religious life, enlightened absolutist rulers began to expropriate the property of churches and transfer institutions to secular control in Austria, Russia and elsewhere. In France, the vehemence of anti-ecclesiastical sentiment among the “enlightened” led to ever greater calls to abrogate Catholicism's special status.

The final break, though was revolutionary, not evolutionary. Unlike the Americans, the French revolutionaries confronted a powerful and propertied Catholic church woven into the very fabric of French society and the monarchy, with close ties to counterrevolutionary forces throughout Europe. The revolutionaries resolved to rip the church apart and stitch it together in a reduced state as a department of the government. The *Civil Constitution of the Clergy* (1791) transferred church property to the state and made the clergy into salaried functionaries. A more definitive outcome, though, occurred in the *Concordat of 1801*, which did not undo the property confiscations of the revolution but did restore to the papacy his prerogatives over the selection of personnel and prelates.

The *Concordat of 1801* became the model for church-state agreements in Europe throughout the 19th century (until 1905 in France), with some 30 nations negotiating similar compacts. What seems especially significant, however, is that, in contrast to the United States, European developments in the 19th century took the form of diplomatic efforts and treaties. The Roman church continued to act as a sovereign state in negotiation with others. Indeed such concordats seemed a temporary and necessary evil in the eyes of some churchmen, since both Gregory XVI (1831-1846) and Pius IX (1846-1878) vehemently condemned the idea of church-state separation from their thrones in the Republic of St. Peter. Of course, even that remaining sliver of secular sovereignty for the church dissolved with the Unification of Italy in 1870. For the next 50 years, until the Lateran Accords with Mussolini officially returned the Vatican to papal control, the central effort of the papacy and the international Roman church was the restoration of the Papal States.

Today, throughout Europe, a number of concordats give the Roman church special privileges.

As the various concordats indicate, though, European nations continued to accept, if reluctantly, the separate existence of Roman Catholicism as an independent entity. Even today, throughout Europe, a number of concordats give the Roman church special privileges while obligating the state to respect and even support religious institutions, such as the clergy and education. To a lesser extent, such concordats also bind the Protestant churches of Germany to the state in a manner condemned by an increasingly nonreligious population. In fact, rather than decline in recent years, the emergence of newly democratic nations and constitutions has provided fresh impetus for establishing diplomatic ties and legal privileges. The collapse of communism in Poland made it possible for Pope John Paul II to renegotiate the church's place in Polish society. In post-Franco Spain, the Vatican has been active in shaping the constitutional monarchy's approach to religion in a way sympathetic to the church both culturally and economically. Both in Poland and in Spain, the hierarchy's recent activities in elections and policy disputes have sparked concern among more secular political parties.

The French Revolution had planted more radical revolutionary seeds, which flourished during the "long" 19th century. In the so-called Emergency Republic of revolutionary France (1792-1795) Robespierre and others tried to extirpate Christian belief and ritual entirely, replacing them with an "enlightened" religion focused on the French Republic itself. Though

a failure, “de-Christianization” left a deep mark on church and revolutionaries alike, sparking fear in the former and hope in the latter. Those hopes seemed to be realized in the Russian Revolution of 1917—avowedly anti-religious. The Soviet empire that emerged and ruled Eastern Europe until the 1990s was officially atheistic, and the churches survived entirely on the sufferance of the Communist party. In Nazi Germany, the exaltation of the racial state as the center of German identity meant that all churches—Protestant and Catholic—had to scramble and compromise, their survival under reduced circumstances attributable both to their courage and to the willingness of the Vatican and others to accommodate fascist demands for the sake of keeping their churches whole.

However historians judge the Russian Revolution’s impact on Europe, Soviet ideology did produce throughout Eastern Europe a largely secular population that has no interest in returning to traditional religion of any sort. In sheer numbers, the incorporation of the East into the European Union will swell the population of the unchurched. They will undoubtedly join the chorus of voices throughout Europe demanding a more radical separation of church and state, or perhaps more accurately, religions and the state. One must recognize that, from the Enlightenment onward, radical secularism has been a key part of Europe’s intellectual and cultural tradition, crucial in moving European societies toward democratic reforms. These voices decry the continued presence of established churches throughout Europe and renewed attempts by conservative institutions, particularly the Roman church, to intensify a religious, Christian identity throughout the continent. They are aware that, for all the current discussion of religious pluralism and tolerance, the papacy’s justly famous document affirming basic human freedoms of religion came only in 1965, with the Vatican II proclamation, *Dignitatis Humanae*—*Declaration on Religious Freedom*.

In the secularist viewpoint, the established churches of Europe have historically been the greatest opponents of a tolerant and free society, more concerned for their own privileges than for human liberty. It is therefore no wonder Europe again faces questions about religion and the state, as the political formations and even the populations belonging to Europe have changed dramatically. We should also recognize that the issues of religion and state have not until recently concerned tolerance or freedom of religion but instead power between sovereign states. It is a peculiarity of Latin and Western Europe that a church should also be a state, at times even an absolute monarchy. This political background must be remembered when we talk about secularization, in which the preeminence of religious concern in everyday life and in public institutions receded before the onset of a new world order.

Some progressive historians of a whiggish inclination have presented this as an inexorable, popular, even natural evolution. Secularization was, at least in part, an instrument of nationalism, the goal of which was to have fundamental identities and allegiances reside in the emerging nation state rather than in any church. In the 19th century, for the nation state to flourish, the institutional church had to wither. This was nowhere more true than in Italy,

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where breaking the power of the Roman church was physically and geographically essential to Italian unification. This powerful clash also defined European forms of church-state separation from the American, where the lack of a powerful institutional church made it possible for the state to accommodate many individual religious beliefs. For Europe, though, accommodation frequently meant permitting an international institution to make quasigovernmental claims upon the citizens of a nation. And the ideology of the nation state required that pledges of allegiance by citizens must be thoroughly secularized, permitting no declaration of loyalty to any opposing institution.

Today, in contrast, the question about God's place in the new European constitution coincides with mounting anxiety over the potential for religious and ethnic diversity to provoke a conflict. This has been more pronounced in France, where authorities and families have clashed over the issue of Muslim schoolgirls wearing the veil, which violates a 1937 law prohibiting religious symbolism in public schools. Though recent compromises may have defused the issue for now, the question about explicit religious displays in France's officially secular public schools exposes some problems in European approaches to the issue. In contrast to American accommodation to diverse religious practices, France has determinedly tried to remove any trace of religious identity from public policy and debate. Just as in America, this European model of separation has run up against determined religious practitioners, not only among Christians hoping to acknowledge God's role in European history, but now among Muslims seeking their own path in the new Europe. And the issue itself must play out against the backdrop of individual nations with separate traditions seeking common ground in an increasingly united Europe.

THE CHALLENGE OF DIVERSITY WITHIN AN INTEGRATED EUROPE

The question of church-state separation in Europe has been mostly a Christian problem, if for no other reason than that the accretion of power, property and privilege has occurred within the institutional and intellectual boundaries of Latin Christianity, particularly Roman Catholicism. Yet in an ever-more diverse Europe, one must consider the impact of other traditions. Russian and Greek Orthodoxy, secure in the support of their respective empires, did not have the same historical trajectory as did Catholicism in other countries. In the Ottoman Empire, the problem of "mosque-state" separation did not exist, but the Turkish nation that resulted from Ataturk's efforts in the 1920s is officially secular with no established religion. Yet that development itself is now under pressure even in Turkey, and Western Europe is filled with immigrants (many from former European colonies) championing a non-Christian faith and unwilling in some cases to accept the exclusion of religion from public life. One of the great questions for European unity will be the willingness of nominally Christian cultures to integrate those non-Christian immigrants, who themselves must participate in the mosaic of interfaith tolerance. It is also true that the European Union has found no surefooted means of determining the religious

values of immigrants. Immigrants may not be religious in any way, yet the reflexive reaction of Europeans has been to refer to individuals from “Islamic” countries as Muslims, thus giving a problematic religious identity more weight than factors such as ethnicity or language.

To this difficulty add inertia—it is easier for European governments to deal with the familiar churches on the spiritual landscape. This means, inevitably, a tilt toward more conservative solutions. It is also easier for governments to deal with institutions rather than individuals. All the difficulties of the European approach were on display in reaction to the 2005 riots in Paris. Government and press reaction focused on the “Muslim” community, shrieking about “rioting Muslim youths,” without ascertaining whether the rioters were in fact religious or not. To quell the disturbances, public officials reached out to the “leaders” of this “Muslim community.” Yet these “leaders” were in fact individual conservative clerics, all of them male, and all gaining stature in the community through their recognition by the French government. Suddenly, a collection of self-appointed conservative males metamorphosed into the sober representatives of a freshly forged “Muslim community” in France.

As if this were not complex enough, Europeans must also keep in mind the international ramifications of seemingly internal matters. Newspaper caricatures of the Prophet Mohammed might mildly offend religious sensibilities in Denmark, but they also fit into an accepted framework guaranteeing free speech and religion. Yet in a world of pervasive migration and instantaneous communication, cartoons in Denmark ignite religious passions in Egypt or Turkey, with the flames blowing back to Europe. Similarly, in the case of the veil in public schools, politicians and legislators abroad looked to the European decision for encouragement and validation. The European Union has to tread carefully in order to uphold its own values while providing a model of religious toleration and liberal secularization for countries around the globe.

Even among European Christians, contemporary issues trouble the fragile settlements that seem to have worked for over half a century. What role should the Vatican, the administrative body of a religion that claims statehood, play in the development and identity of the European Union? Is the Vatican’s continued existence (in its own mind, at least) as a sovereign state a blessing or a hindrance to its Christian mission? And how can it maintain such a status when minority religions—Christian and non-Christian—continue to hammer at the doors of European tradition? On the other hand, to what degree may religious minorities forego some of the fundamental institutions of secular European civilization—is home-schooling permissible as a matter of freedom of religion or does it tear apart the fabric of common socialization represented by public schooling? Does any God—Christian or otherwise—belong in the European constitution? Or are we witnessing just another episode in the never-ending dance of church and state in Europe? ●

*Does any God—
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RELIGION, REPRODUCTION, AND PUBLIC POLICY

Jon O'Brien, Catholics for Choice

THE CATHOLIC HIERARCHY has a long history of involving itself in debates over public policy. From advocating for the poor to opposing war and the death penalty, there is much good the church has done in this arena. However, in one very important area—debates over the so-called “life issues”—the hierarchy has developed a less-than-stellar reputation and cost people their lives.

The church hierarchy's opposition to contraception, abortion and the use of condoms to prevent the spread of HIV and AIDS is well known, as is its opposition to IVF treatments, even for those who have difficulty conceiving, and embryonic stem-cell research. However, while even the bishops don't always speak with one voice on these issues, it is patently clear that they do not represent the views and actions of all Catholics. The world over, Catholics think and act independently, in good conscience practicing what is best for their families and themselves.

The Catholic hierarchy's actions have been detrimental to many women and men. From decrying emergency contraception for women who had been raped in Kosovo to burning boxes of condoms as AIDS ravages Africa, the hierarchy of the Roman Catholic church has allowed doctrinal concerns to take priority over the lives of real people.

It is interesting to note that as the right to choose abortion becomes more accepted throughout the world, and significant moves have been made to legalize abortion in regions that the Catholic hierarchy once considered to be its own backyard, like Latin America, the bishops are speaking out more and more vehemently. The recent outbreak of Catholic bishops attacking prochoice Catholic politicians is a real sign that the Vatican may recognize that it is fighting a losing battle. After decades of being able to rely on Catholic politicians to bend the knee when it came to voting on matters on which the bishops took a position, it has become clear that is no longer the case. The recent vote in Mexico City is a case in point. After a local bishop threatened excommunication, and the pope himself endorsed that pronouncement at a press conference en route to visit Brazil, the pope's spokesman was forced to backtrack not once but twice before Pope Benedict's remarks on the matter were miraculously expunged from the record entirely. There are real signs of panic emanating from the Vatican which might just, and not before time, be losing the public war with politicians.

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The beliefs and actions of Catholics are not made in a vacuum, and when held up to the light, we can clearly make the case that Catholics who act according to their consciences are more closely in line with true Catholic teachings than are their bishops. In the course of this short essay, I will briefly examine different aspects of church teachings to make this case, looking at the laws of the church, known as canon law; the teachings around abortion; the teachings around the primacy of individual conscience and finally what the church says about separation of church and state. All of these issues are dealt with in more depth on our Web site, www.CatholicsForChoice.org.

CANON LAW

Most Catholics don't know what their rights are within the church, and many do not know exactly what the church says about any given topic, having to rely on their local bishop to interpret the dry legalese that makes up many church writings. Sadly, but perhaps unsurprisingly, these bishops often present the most conservative interpretation on many topics, depending on where they themselves stand and what they consider important. So, for example, on the one hand, a recent CFC poll found that despite the Vatican's continued and vehement opposition to the use of condoms for any reason, majorities of Catholics in Mexico, the United States, the Philippines, Ireland and Ghana did not recall ever hearing their priest or bishop preaching against the use of condoms, suggesting that their church leaders typically expend their energies on other topics. On the other hand—while the Vatican has been more equivocal on this issue—several bishops, especially in the United States and Britain, have threatened to withhold Communion if faced with a prochoice Catholic lawmaker at the altar:

When asked about abortion, some Catholics consider that it is akin to murder—because that is what they have heard their bishop say. However, this rhetorical shorthand is far from the true Catholic position, as even a cursory examination of church law and teachings reveals.

Canon law, the Catholic church's internal law, is a subject most Catholics think they will never need to study. However, the hotly debated and politically polarized issue of abortion has resulted in substantial public assertions about canon law and abortion, both in the case of women who have had abortions and Catholic legislators and activists who support and advocate for legal abortion. Everyone is an expert, claiming that prochoice Catholics are “heretics” or have been “excommunicated” because they have had an abortion or have supported legal abortion. Such finger pointing may be politically useful, but it is not an honest way to deal with differences of belief about abortion.

What does the law have to say specifically about punishments for being a prochoice Catholic? Well, simply put, the law says nothing on this subject.

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Regardless, some people are afraid that they will be punished if their prochoice beliefs are publicly known. Just as often, this fear is supported by statements from vocal and well-funded antiabortion groups, as well as by some priests and bishops.

The law does allow for some excommunications, but only in very specific circumstances. The penalty applies only to those who participate in a specific abortion, not for what you think, say, or do to protect or promote safe, legal abortion. There are also several exceptions to this punishment. And, while some bishops have penalized prochoice Catholics in a small handful of cases over the past decade or so, these instances have been very rare, showing that the church hierarchy has been unwilling to enter into a war with the many prochoice Catholic policy makers and advocates in the field.

CHURCH TEACHINGS ON CONSCIENCE AND ABORTION

Church teachings, as distinct from church laws, on abortion are significantly more complex than most believe.

The Catholic church teaches that direct participation in an abortion is an objectively grave moral sin and always is forbidden. But Catholic teaching regarding abortion itself and moral decision-making in general does not end with this stark ban. There is much room in Catholic theology for the acceptance of policies that favor access to the full range of reproductive health options, including contraception and abortion. Although the Catholic church says that the absolute prohibition on abortion is both “unchanged” and “unchangeable,” this does not line up with the actual history of abortion teaching, and dissent, within the church.

A few examples of the nuance present in church teachings will illustrate my case.

The teaching on abortion is not infallible, and Catholics have the right to dissent from non-infallible church teachings.

The popular notion that whatever the pope says on a serious topic is infallible is an exaggeration of the principle of infallibility. There is a diversity of opinion regarding infallibility in the modern church. Some theologians reject infallibility altogether; others maintain that only matters of faith—not morals—can be proclaimed infallible; and theologians of a more conservative stripe maintain that all of the pope’s declarations on doctrine are directed by the Holy Spirit and thus are free from error. While some claim that the teaching on abortion is infallible, it does not in fact meet the definition of an infallible teaching. Since the doctrine of papal infallibility was first declared during Vatican I, only three teachings have been declared infallibly: Pope Pius IX’s declaration of the Immaculate Conception of Mary; Pope Pius XII’s declaration of the Assumption of Mary; and the declaration on infallibility itself.

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Before the encyclical *Evangelium Vitae* (The Gospel of Life) was published in 1995, there was much speculation among theologians and others that Pope John Paul II would declare the abortion teaching to be infallible. Then-Cardinal Joseph Ratzinger, the Vatican's chief doctrinal officer, confirmed that the word "infallibly" had been considered in early drafts but was rejected. Ratzinger explained that while the teaching on abortion is authoritative and deserves obedience, the encyclical stopped short of the "formality of dogmatization."¹ The fact that the late Pope John Paul II—for whom the abortion ban had been a central theme of his papacy—did not make that declaration of infallibility can be read as a sign that such a claim cannot be made.

Catholic church teachings on abortion have changed over time.

The *Catechism of the Catholic Church* contains only six paragraphs on abortion out of 2,865 paragraphs. This brief section starts: "Since the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable."²

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The reference to the first century is to a document called the *Didache*, a document thought to be the teaching of the original twelve Apostles, which states "thou shalt not kill a child by abortion."³ The *Didache*, however, was not discovered until the late 19th century,⁴ so cannot retrospectively be considered as proof of any alleged continuum in Catholic teaching on abortion.

While the Catholic church always has taught that abortion is a sin, the reasons for judging abortion sinful have changed over time. In fact, through most of history, the church did not pay much attention to abortion except as a sexual issue. The early prohibition of abortion was not based on concern about the fetus or beliefs about whether the fetus was a person. It was based on a view that only people who engage in forbidden sexual activity would attempt abortion.

As philosophers Dan Dombrowski and Robert Deltete point out:

"Official opposition to abortion in the history of Catholicism has been based at different times on two distinct types of arguments: the *ontological* view is that the human fetus is a person from the earliest moments of conception, hence to abort it is either murder or something closely approximating murder; the *perversity* view is that sex is only licit within marriage and for the primary purpose of having children, hence abortion perverts sex and is immoral in the same way that contraception is immoral."⁵

The perversity view is no longer much-argued in the Catholic church. Church officials and antichoice Catholics now focus on the ontological view, which holds that abortion is a form of murder. This view, however, is based on faulty science. The "fetus as person" argument dates back to the 17th century, when scientists, looking at fertilized eggs through

magnifying glasses and primitive microscopes, imagined that they saw tiny, fully formed animal fetuses. Neither St. Augustine (fifth century) nor St. Thomas Aquinas (13th century), two of the most important thinkers in the Catholic church, considered the fetus in the early stages of pregnancy to be a human person.

There is a history of legitimate Catholic dissent from church teaching.

Dissent from church teachings is permissible, and the church has a long tradition of disagreement among its members on official teachings, interpretations of those teachings, and ways that those teachings are expressed. At various points during its history, the church has recognized views that were at one time in opposition to official teachings. Theologians whose opinions at one time clashed with prevailing papal views and were later recognized as legitimate by the same authorities include St. Thomas Aquinas, the biblical scholar Fr. Marie-Joseph LaGrange, and leading theologians Fr. John Courtney Murray and Fr. Henri de Lubac, who was singled out for special praise by Pope John Paul II some years after his views were criticized by Pope Pius XII.

“Although the Catholic’s first and proper instinct is to be guided by the official teachings as presently understood and interpreted,” writes theologian Richard McBrien, “one must nonetheless take into serious account the theological work that continues to be produced alongside, and sometimes even over against, these conventional interpretations.”⁶

Indeed, it may be news to some, but Catholics the world over actively dissent from many church teachings. The consensus of the faithful, or *sensus fidelium*, cannot be said to support the hierarchy’s positions on reproductive health care issues. Catholics all over the world have rejected soundly the church’s ban on contraception and in many countries only a minority of Catholics agree with church leaders on abortion.

The majority of US Catholics (61%) are in favor of legal abortion.⁷ Also in the US, Catholic women have abortions at the same rate as women in the population as a whole.⁸ Majorities of Catholics in Bolivia (66%), Colombia (54%) and Mexico (69%) feel abortion should be permitted under all or some circumstances.⁹ In Italy, which is 97% Catholic, 74% favor the use of RU-486 (a drug used instead of surgical methods in some early abortions).¹⁰ Sixty-one percent of French Catholics and 51 percent of Slovakian Catholics consider abortion a legitimate option in some circumstances.¹¹

CONSCIENCE

At the heart of church teachings on moral matters is a deep regard for an individual’s conscience. According to the *Catechism of the Catholic Church*, “a human being must always obey the certain judgment of his conscience.”¹² The church takes conscience so seriously that, as Fr. Richard P. McBrien wrote in his encyclopedic reference and teaching guide,

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Catholicism, even in cases of a conflict with the moral teachings of the church, Catholics “not only may but *must* follow the dictates of conscience rather than the teachings of the Church.”¹³ (Italics in the original.)

Casual disagreement is not sufficient grounds for ignoring moral teachings. Catholics are obliged to know and consider thoughtfully Catholic teaching. After all, as McBrien writes, “the Church, as the Temple of the Holy Spirit, is a major resource of...moral direction and leadership. It is the product of centuries of experience, crossing cultural, national, and continental lines.”¹⁴ But in the end, a well-formed conscience reigns. One of the most influential theologians, St. Thomas Aquinas, said that it would be better to be excommunicated than to act in a way that contradicted one’s conscience.¹⁵

A Catholic is, therefore, “bound to follow [his or her] conscience faithfully in all activity....” People have “the right to act in conscience and in freedom so as personally to make moral decisions. ‘He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters.’”¹⁶

Today, most Catholics exercise their conscience against some of the pope’s more well-known public policy pronouncements. For example, with respect to contraception, 75 percent of US Catholics believe that the church should allow contraception and fully 98 percent of sexually active Catholic women say they have used a contraceptive method banned by the hierarchy.

RELIGION AND PUBLIC POLICY

Obviously, all these teachings suggest there are fundamental flaws in the way that the Catholic hierarchy treats decisions people make about their reproductive lives. However, they have not prevented the bishops from taking very public and very trenchant stances on these issues. It begs the question, what is the correct role for religion and religious institutions in the formulation of public policy and law?

The Catholic church sees it self as a major player in international and national politics and seems to see no contradiction in immersing itself in the workings of the United Nations and the European Union, as well as individual governments around the world. In fact, because of a quirk of history, the Vatican, through an entity called the Holy See, operates as a state at the United Nations, something even the late Pope John Paul II considered somewhat ridiculous. Speaking with Vladimir Putin, he said, “Look out the window. What kind of state do I have here? You can see my whole state right from this window.”¹⁷

However, according to its own teachings, even in a predominantly Catholic country, laws governing access to abortion need not adhere to the official Catholic position. The Second Vatican Council’s *Declaration on Religious Freedom* reinforced the call for Catholics to

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faithfully in
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respect the positions of people of other faiths. This is particularly significant given that the Catholic church's position on reproductive matters, including abortion, is more conservative than that of other major faith groups. In addition, as noted, many Catholics do not support the position of the church on abortion.

It's important to note, however, that Vatican II saw the reversal of 17 centuries of church teachings to the contrary. Before the 1966 conference, the Catholic hierarchy believed that civil law must conform to the moral teachings of the church. Forty short years ago, all that changed, and Catholics were faced with statements such as the following:

"In spreading religious faith and in introducing religious practices everyone ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonorable or unworthy, especially when dealing with poor or uneducated people. Such a manner of action would have to be considered an abuse of one's right and a violation of the right of others."

"If, in view of peculiar circumstances obtaining among peoples, special civil recognition is given to one religious community in the constitutional order of society, it is at the same time imperative that the right of all citizens and religious communities to religious freedom should be recognized and made effective in practice."

"Society has the right to defend itself against possible abuses committed on the pretext of freedom of religion. It is the special duty of government to provide this protection."¹⁴

However, it is apparent from UN conferences over the past 20 years or so that old habits die hard.

The Holy See has repeatedly used its position at the UN to obstruct consensus on important documents relating to health and reproductive rights. During world conferences on women and population and development, the Holy See successfully led efforts to hamper access to family planning, safe abortion—even in countries where abortion is legal—and emergency contraception—even for women who have been raped as an act of war—in the list of basic reproductive rights for women. These took place most notably at the 1994 International Conference on Population and Development in Cairo; the 1995 World Summit for Social Development in Copenhagen; and the 1995 Fourth World Conference on Women in Beijing. Another example of the role it seeks to play includes opposition during the 1998 debate over setting up the International Criminal Court, when the Vatican strove to exclude "forced pregnancy" from a proposed list of war crimes. This negated attempts to criminalize rape as an act of war. In 1999, the Vatican used its position at the UN to condemn the provision of emergency contraception to women who had

The Holy See has repeatedly used its position at the UN to obstruct consensus on health and reproductive rights.

been raped during the conflict in Kosovo, and in 2001 to condemn the use of condoms to prevent the spread of HIV and AIDS.

Because the UN prefers to operate by consensus in adopting documents such as programs of action at its conferences, this means that voting entities, such as the Vatican, have a much stronger voice in proceedings than they would have otherwise.

This has meant that internationally important official documents of recent UN conferences on women and population and development are replete with “objections” by the Vatican to the majority consensus. For instance, the Holy See insisted on expressing reservations to the Beijing Platform for Action, the final report of the 1995 Beijing Conference on Women.

In what was by some distance the lengthiest of reservations expressed by a participant, the Vatican indicated “several critical areas where it strongly disagrees” with the text. It reiterated its previous objections to the terms “reproductive health,” “sexual health” and “reproductive rights” and stated that it “does not consider abortion or abortion services to be a dimension of reproductive health or reproductive health services.”

It also opposed references to “contraception or the use of condoms, either as a family planning measure or in HIV/AIDS prevention programmes” and stated that it “cannot accept” references to “control over sexuality and fertility” as it “could be interpreted as a societal endorsement of abortion or homosexuality” or of “relationships outside heterosexual marriage.”

The Holy See described “family planning” as “morally unacceptable” and disassociated itself with the consensus on the entire section on health, saying it gave “totally unbalanced attention to sexual and reproductive health.”¹⁹

The Vatican's views represent sectarian religious positions, not governmental public policy positions. This is exactly what the Vatican intends—despite what was adopted as church teachings in the *Declaration on Religious Freedom*.

The Vatican's actions are not restricted to the increasingly rare UN conferences. In addition, the Holy See sends a permanent observer to UN headquarters in New York and offices in Geneva and Vienna, as well as to the UN Organization for Industrial Development; the UN Food and Agricultural Organization; the UN Educational, Scientific and Cultural Organization; the Organization of American States; the Office of the UN High Commissioner for Refugees; the World Health Organization; the International Labor Organization and the World Organization of Tourism. The Holy See also sends representatives to the International Atomic Energy Agency, the World Organization of Commerce, the Council of Europe, the Organization for Security and Co-operation in Europe, the International Institute for the Unification of Private Law, and the International Committee of Military Medicine. The Holy See is also a member of the UN Economic and Social Council, the World Trade

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Organization and the United Nations Industrial Development Organization.

This is a mind-boggling list. Just what impact is a religious organization seeking to have at the World Organization of Tourism? Why is the Holy See represented at the Organization of American States? And the International Atomic Energy Agency? Does the Vatican host an undeclared nuclear arsenal? After all, when the Catholic church puts forward a public policy position it is not just Roman Catholics who are affected if policy makers enact such positions. Every woman, every man and every child would be subject to these laws. And, because those who speak for the Vatican usually wear clerical garb, they are granted far more deference than a lay man or woman would be to expound extremist positions on reproductive health issues.

TOWARDS AN AUTHENTIC CATHOLICISM

The debates over the proper role for religion in public policy are not new, nor will they be settled any time soon. Forty years ago, US president John F. Kennedy described his own determination to keep his religion and the demands of democracy and pluralism in appropriately distinct spheres: "I do not speak for my church on public matters, and the church does not speak for me. Whatever issue may come before me as President if I should be elected—on birth control, divorce, censorship, gambling, or any other subject—I will make my decision in accordance with these views, in accordance with what my conscience tells me to be in the national interest, and without regard to outside religious pressure or dictates. And no power or threat of punishment could cause me to decide otherwise."²⁰

This laudable statement of intent is one I endorse wholeheartedly. As outlined above, the church hierarchy misrepresents its own teachings and laws on abortion, ignoring the complexity and nuance in those teachings in an apparent attempt to hold the line against what it condemns as a permissive society. The reality is far from that, Catholic women, like women of other faiths and no faith, make measured and responsible decisions about their own reproductive options, decisions that meet their needs and those of their families. Catholic women use contraception and have abortions at the same rate as do other women, and in areas where the Catholic hierarchy has significant control over public policy, such as Latin America, die at the same rates due to illegal and unsafe abortions.

While it is clearly acceptable for religious voices to be present and heard in policy debates, it is important that they are not granted too much deference. Religion has a lot to offer the world, but all those involved need to be aware of the dangers of permitting religion too much influence. One avoidable death is too many, and convinces us that attempts to counteract the power of the Catholic hierarchy and present an alternative and authentic representation of true Catholic teachings will remain a vital part of our work for the foreseeable future. ●

*The church
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and laws on
abortion.*

ENDNOTES

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The All Party Working Group on the Separation of Religion and Politics

The All Party Working Group on the Separation of Religion and Politics (WGSRP) is an informal grouping of European parliamentarians, meeting regularly with members of civil society to:

- Identify issues pertaining to the intersection of religion and politics in which the political values and principles of the European Union (EU) are at stake.
- Identify ways MEPs and civil society can work together to raise awareness of these issues.
- Promote knowledge, understanding and acceptance of freedom of religion and non-religion, and the impartiality of the EU regarding organizations of faith and conviction.
- Take action, where appropriate, to counter any attempts to undermine democracy, human rights and in particular women's rights and minority rights, sexual and reproductive health and rights, pluralism and the rule of law.

Catholics for Choice provides the secretariat for the group. For more information, please contact Elfriede Harth, eharth@catholicsforchoice.org.

Leadership:

- Chair: **Sophie in't Veld**, MEP, The Netherlands (ALDE-NL)
- Vice-Chair: **Magda Kosane-Kovacs**, MEP, Hungary (PES-HU)
- Vice-Chair: **Karin Resetarits**, MEP, Austria (ALDE-AT)

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| • Edith Mastenbroek | PSE The Netherlands |
| • Mojca Drčar Murko | ALDE Slovenia |
| • Marco Pannella | ALDE Italy |
| • John Purvis | EPP-ED UK |

The Catholics for Choice European Advisory Group

Both Europe and the European Union remain critical and challenging places for progressive Catholics and the work of Catholics for Choice. Between the continuing debates about and national policies regarding abortion, the public discussions of stem cell research and new technologies and the impact of fundamentalisms on public policy, there exists a manifest need for progressive voices and activism in the region.

Catholics for Choice has long been involved in work that affects various European countries as well as the European Union. This work has included:

- working with national and European parliamentarians
- coordinating the All Party Working Group on the Separation of Religion and Politics in the European Parliament
- providing communications trainings to individuals and groups working on sexual and reproductive health and rights issues
- conducting opposition research
- reaching out to and educating progressive Catholics about our issues
- promoting policies that enhance reproductive health and rights, the separation of religion and politics, and more

In 2006, CFC instituted a European Advisory Group to bring together leading Catholic thinkers and activists from different parts of Europe to serve as a working group on the issues. Through the efforts of this group and dedicated staff, CFC will continue its work to infuse its values into public policy, community life and Catholic social thinking and teaching in Europe.

The members of the group are:

Henk Baars is president of the Urban Mission Network in the Netherlands, a network of 200 social projects related to the Catholic and Protestant churches. He is a member of the board of the oldest peace movement in Holland—'Kerk en Vrede' (Church and Peace). As the former president of the Eighth of May Movement, Henk was denied a job working with the Catholic church of Holland by the bishops, leading him to work with Protestant social service agencies.

Frans A.J. Baneke is the executive director of World Population Foundation (WPF) an organization that seeks to improve the quality of life in developing countries by promoting sexual and reproductive health and rights. He is also the chairman of EuroNGOs, the

European network of organizations focused on reproductive health in European development programs.

Susana Cruzalta Aguirre joined Catholics for the Right to Decide (CDD) in Mexico in 1995, where she worked until December 2000. She was responsible for the establishment and coordination of the Latin American and Caribbean Youth Network for Sexual and Reproductive Rights and represented CDD in various national and international events. She holds a degree in international relations from the University of the Americas in Mexico and an LLM in human rights law from the University of Nottingham, UK. In January 2001, she moved to Berlin and in March 2003, to Rome.


Gail Grossman Freyne is a psychotherapist and mediator and a founding member of the Family Therapy & Counselling Centre in Dublin where she works in private practice. She is particularly interested in the legal and psychological aspects of the sexual abuse problem.

Anka Grzywacz is a journalist and freelance translator living in Warsaw, Poland. She holds an MA in Applied Linguistics from the Warsaw University and has been a volunteer at the Federation for Women and Family Planning for many years. She has been involved in numerous projects, including the Women on Waves campaign for the right to safe and legal abortion and her ambition is to become an MP dealing with women's rights issues.

Elfriede Harth has been the European Representative of Catholics for Choice since 2001. She works to enhance the presence of CFC in the European Parliament, assuming the secretariat of the European Parliament's Working Group on Separation of Religion and Politics, and has been a leading actor in the progressive Catholic community in Europe and an active observer in the European sexual and reproductive rights community (EuroNGOs).

María Eugenia (Chini) Rueda Sabater is president of Católicas por el Derecho a Decidir in Spain and joined the group in 2003. She is a member of the Spanish Interest Group on Population, Development and Reproductive Health and works as an elementary school teacher.

Margaret Mayans Dickinson has been involved since 1998 with Dones Creients Valencia, a movement trying to bring faith and feminism together. In 2005, she joined Católicas por el Derecho a Decidir in Spain, and represented the group in the "Jo no t'espere" campaign protesting the pope's visit to the July 2006 World Meeting of Families in Valencia.



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Other publications from Catholics for Choice

Catholics for Choice produces a wide range of publications and training manuals on issues related to our mission. These include publications on church and state, an investigative series on the Catholic Right, polling and research on Catholic public opinion as well as a variety of publications on Catholic health care, the clergy sexual abuse scandal and the rights of Catholics in the church.

For a full list of publications from Catholics for Choice, please visit our Web site,
www.catholicsforchoice.org/pubs.

Special rates for bulk orders are available. If you require copies urgently, expedited or electronic delivery is often possible. Please e-mail us at cfc@catholicsforchoice.org or call us at +1 (202) 986-6093.

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Catholics for Choice shapes and advances sexual and reproductive ethics that are based on justice, reflect a commitment to women's well-being and respect and affirm the moral capacity of women and men to make decisions about their lives.

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