

## SECULAR STATE, RELIGION AND CHURCH

Excluding the undemocratic countries of totalitarian communist or theocratic Islamic type, in most areas of the actual world, more or less democratic variants of liberal legal state prevail. In all these countries, religious and worldview freedom is generally guaranteed, but it is realized in different models and degrees. This is relatively easy to notice when talking about relations between the state and religions, i.e. about position of ecclesial communities and ways of their functioning in European societies. In spite of all possibly more or less legally expressed cultural proximity of these countries, conditioned by historical reasons, to one of the religious communities (churches), principally they all accept fundamental laicism, i.e. the non-identification of political institutions with religious affiliations of citizens and their religious communities; at the same time, they legally guarantee protection of religious freedom for all religions and worldviews in their territory.

As we know, it was relatively late and after centuries of resistance and controversy when the Catholic Church, not to mention other churches, accepted the separation of state from the Church. It was a question of doctrinal maturation and growth when the Church eventually realized that coexistence of Christians with religiously different people, in a religiously and ideologically plural society, without support and privileges of a confessional Christian state, was not only possible but also theologically founded and pastorally fruitful. For the majority Catholic Church matrix this comprehension happened at the time of the Second Vatican Council. Namely, starting from a relative autonomy of earthly realities and final acceptance of religion and worldview freedom as one of the fundamental human rights, for more than fifty years the Catholic Church has been accepting and promoting the legitimate autonomy of political sphere and by this the autonomy of state regarding the religious affiliation of citizens and their religious communities. At the root of a sustained and ardent commitment of the Catholic Church, of her institutions (e.g. the Holy See) and of individual believers, stands the belief that “the identification of religious law with civil law can stifle religious freedom, even going so far as to restrict or deny other inalienable human right” (John Paul II, *Message for the World Day of Peace*, 1991). We also know that at the Council, in a couple of its documents, the Church, along the lines of John XXIII, finally took a positive and dialogical attitude toward the modern world and its centuries-old effort to affirm the freedom of an individual and to this necessarily related human rights, of which religious freedom is “a cornerstone of the structure of human rights” (John Paul II, *Message for the World Day Peace*, 1988), “the very heart of human rights” (John Paul II, *Message for the World Day Peace*, 1999), i.e. “the premise and guarantee of all freedoms” (John Paul II, *Redemptoris Missio*, 1991). Accepting religious freedom at the Council, the Church has also accepted the religiously uncommitted state, which is one of basic conditions for religious equality of all citizens in a plural society. Therefore, we can say that Catholic believers and priests support, in principle and in practice, the non-confessionalism of political structures of the country. The problem arises when religious non-commitment of the state justifies the laicity (secularism) of politics and serves as a screen for the attempts of exclusion of religious citizens and religious communities from the entire public, bringing them down to the level of personal and family emotions which can be expressed preferably only in the allocated premises, away from all public institutions such as schools, army, health care, economy, public media scene, public debates on relevant ethical problems, etc. Unfortunately, today these phenomena and even processes are going on throughout the European Union, in some countries, but also on the level of central European authorities.

Having this in mind, it is good to revive the fact that in the European Union there are notable differences in understanding and practicing laicism/secularism in some countries.

These differences are the result of different national histories and political cultures. For example, the French model of understanding and practicing the separation of state from the Church, traditionally inspired by Jacobin *separatism*, not always consistent (certain support to Catholic schools), aspires to a *laicistic* interpretation of relations between the state and religions, i.e. to the practice of pronounced privatization of religious beliefs. However, in some situations, this model borders on discrimination. But there are other models of relations between the secular state and religious communities, in which the laicism of political institutions does not prevent but promotes respect and cooperation with all religious communities, for the benefit of the entire community. Here we can mention Germany and Austria where churches and religions are generally perceived as important collocutors and assistants of the state in building a better society. Not to mention the states with concordats, such as Italy, the Constitution of which still mentions God and particular religion. It is worth mentioning the case of plural societies of Denmark and Norway, based on respect for religious freedom and equality with their national churches, and also the case of highly secularized England, in which the guaranteed freedom of religion and worldview does not preclude that the royal sovereign serves as the formal head of the Anglican Church.

When talking about the European Union, the EU official documents seem to show a certain ideological and mental proximity to the French model, which is in many ways a laicistic model. That is enough to recall the Preamble to the *Constitutional Treaty*, signed for the first time in 2004, which avoids mentioning the Christian roots and Christian identity of Europe. It only says “cultural, religious and humanist inheritance of Europe” from which have developed “the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law”. The same text, after all the well-known referendum complications, was entered into the *Treaty of Lisbon* (2007). The European Union shows its tendency toward laicism more clearly in frequent resolutions of European Parliament than in its older and more recent founding documents, such as the above mentioned *Constitutional Treaty* or *Treaty on the Functioning of the European Union* (TFEU). Thus, in a number of cases, the resolutions of the European Parliament enter the realm of ethical and religious values such as abortion, same-sex marriage, euthanasia, etc. This is illustrated in this-year European Parliament’s report of 12<sup>th</sup> March, 2015 that talks about the state of human rights and democracy in the world during the year 2013 and the policy of the European Union in this regard. In the section of this document devoted to the rights of LGBT’s European Parliament urges and encourages European countries, members of the European Union, “to further contribute to reflection on the recognition of same-sex marriage or same-sex civil union as a political, social and human and civil rights issue” (par. 162). Then the member states are called “to ensure quick, accessible and transparent gender recognition procedures that respect the right to self-determination”. The states are also called to recognize the inalienable rights of women and girls to bodily integrity and autonomous decision making as regards, inter alia, “the right to safe and legal abortion” (par. 136). ([www.europarl.europa.eu/sides/getDoc.do?pubRef=-//ep//text+report+a8-2015-0023+0+doc+xml+v0//it/](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//ep//text+report+a8-2015-0023+0+doc+xml+v0//it/)).

However much the basic EU documents leave to the member states legislation to regulate the relations between the church and state, yet such obvious worldview siding with non-religious anthropologies and ethics violate the proclaimed laicism of European political institutions. In these and in many similar declarations of the Parliament of Strasbourg, a laicistic project is evident. That project ultimately seeks, in the name of absolute freedom of individual conscience, to radically redefine some of the supporting guidelines of Christian anthropology and, if not eradicate, then at least to push them back to the level of ethical subculture without major social significance. In fact, these and similar attitudes of such an important European institution, thanks to so widespread conformism of *politically correct* ideology, have a very big impact on holders of power in some countries, as well as on the *civil*

*society* organizations, and thus on the conception and way of practicing the model of secularism in some European countries. We could even talk about some kind of conceptual and psychological *circulus vitiosus* between the laicistically oriented resolutions and European Parliament policies, on the one hand, and concrete legislative decisions of particular governments and attitudes of some civil society organizations in the EU Member States, on the other hand.

Obviously, it is a matter of political attitudes and decisions that are the expression of a conspicuous and naturalistic worldview. This global vision of life, man and society excludes God at the very start, as well as the search for transcendent designing of supporting values of personal and collective living. In such interpretations of laicism/secularism one can recognize the ideological attempts of appropriation of public space and common institutions by the agnostic/atheist/anarchic-individualistic/paleo-Marxist or neo-socialist view on religion. In this connection, all this is often taken in the name of foaming with rage and contentiously understood political neutrality, which actually in the long run wishes to make impossible any significant influence of religion on public life, on shaping the culture of a society, especially on creating the ethical standards of that society. After all, the above mentioned rejection of Christian roots of European identity described in the *Lisbon Treaty* is in the same vein. It is ultimately not seen as a proclaimed alleged expression of high tolerance and positive laicism of liberal state of law that respects all cultures and carefully preserves the freedom of religion equally for all and is willing at all times to promote the common good through dialogue with all religions in a particular society. On the contrary, such an ideologically falsified interpretation of European peoples' identity and their culture is more the result of efforts to impose a radically laicistic worldview and its value system than to care for a true memory of their identity, which is, in fact, pushed to the brink of collective oblivion.

These phenomena of ideologization of secular state are certainly a challenge for religions and for the Catholic Church too, which, though not recognized in the European Constitution, along with other churches, has competently and unfailingly influenced on shaping the national, cultural and religious identities of European countries. This challenge motivates Christians and their communities to engage strongly and competently on the level of *civil society* in a permanent social dialogue with other religious and worldview options, but also with political instances at all levels. For only such a dialogical process which seriously takes into account the contributions of all religious traditions and worldview components of a society is able to preserve and promote the authentic religious freedom and help the political authorities in achieving the *common good*. It seems that the drafters of the Treaty on the European Union (TEU), and in particular the Treaty on the Functioning of the European Union (TFEU), are aware of this. In fact, in these documents it is possible to discern the view that the Union does not privilege any religion, any church, but it recognizes their importance in maintaining social cohesion and therefore encourages the Union authorities, recognizing the identity and specific relations of each of these religious, worldview, philosophical and non-confessional communities, to maintain with them "an open honest and regular dialogue" (Art. 17, TFEU). This dialogue is a precondition that a country, religiously uncommitted, does not slide toward a laicistic, discriminatory state, but that it always functions as a place of encounter and dialogue of various religious entities, which in mutual respect cooperate with political structures for the common good of the entire community. Of course, this never completed process of dialogue with the different, encouraged and supported by political structures, is not easy because this is a critical confrontation with the different, which requires respect and appreciation, and sometimes criticism and compromise. In this respect, the recent thoughts of J. Habermas sound encouraging, since he has been giving repeated impetus towards the secular liberal state, and also towards the non-religious people not to set their religious fellow citizen aside. He urges them to listen to the religious contents of the faithful

and to the religious language, as they may contain certain vibrations of “suppressed intuitions” and be translated into rational categories available for all parts of a pluralistic society, and thus provide further support to purely rational, philosophically mediated morality that allows the functioning of secular state. (*PolitikundReligion. ZurDiagnose der Gegenwart*, 2013.)

What is the situation in Croatia? Unfortunately, it is not good. After the initial enthusiasm about the democratic processes, one slowly realizes that the road to building a true democratic society is long and bumpy. The correlation between the state and Church in democratic Croatia depends on which political option is in power. Though the early, war years of young democracy in Croatia were marked by excessive influence of Church on politics, i.e. on the state, after the death of Dr. Franjo Tuđman (1999) an attempt to push the Church entirely from public space has been on the scene. The lack of democratic consciousness, as much with politicians as with many clerics, every now and then causes shocks on the social scene. So, paleo-Marxist and neo-Marxist political elites, often under the guise of flattering loyalty to the French type Brussels liberalism, want not only to limit the activity of the Church but to completely deprive it of the right to public action, accusing it to be involved in politics. On the other hand, the churchmen who address the public often forget that, with all the high percentage of declared Catholics, Croatian society is still an ideologically pluralistic society, that political institutions are non-confessional, that one’s own views have to be presented and competently explained in a dialogue-driven process with all religious and worldview options on the level of civil society, in cooperation with the holders of political power for the sake of achieving the common good of Croatian society and state.

Just because the phenomena of ideologized laicism/secularity of the state that slides toward laicism are often present both in Europe and Croatia, the XX International Theological Symposium at the Catholic Theological Faculty, University of Split, was held on 23 and 24 October 2014, entitled *Secular State – Religion – Church: from ideologized neutrality to the space of dialogue coexistence*. It was aimed to analyze the European and Croatian circumstances as regards the functioning of a non- ideologized autonomy of the state in relation to churches and worldview pluralism of society. The symposium was trying to show that it is possible to develop a lay/secular state that does not quench or abolish religious freedom, but contributes to the public, engaged and creative dialogue of all religious and worldview components of a community, in all places and all situations, wherever the reproduction of life is going on. This symposium tried to show that in Europe and in Croatia such type of state secularism can be realized, the secularism that does not close itself into neurotic distanced neutrality, but, as Pope Francis said “peaceful coexistence between different religions is favoured by the laicity of the state, which, without appropriating any one confessional stance, respects and esteems the presence of the religious dimension in society, while fostering its more concrete expressions” (Pope Francis, *Meeting the Brazil Leaders of Society*, 2013).

In the article “*Secularism or Religious Freedom*” the famous sociologist of religion Luca Diotallevi suggests the need to distinguish the various forms of radical separation, especially between the American model (religious freedom) and French model (laïcité). In this way, according to the author, it becomes easier to distinguish different forms of moderate separation between the Church and state, as one can better detect the level of autonomy in law and judicial authority regarding the definition of the relationship between religion and politics, and at the same time secularism is recognized as only one aspect of European identity. In the article *Laicism – opportunities and misconceptions* Nenad Malović, professor at the Catholic Theological Faculty of Zagreb, discusses the place and role of religion and organized religious community in civil society, with emphasis on the meaning and consequences (for the state and the Church) of accepting the principle of religious freedom

and private character of faith. Non-comprehension (intentional or unintentional) of these principles leads to a deviation in the relationship of state and the Church. In the article *Religious Education in a Secular State*, Martin Jäggle, a professor at the Catholic Theological Faculty in Vienna, speaks about religious education in public schools in Europe in terms of civil society, but also of church documents, concluding that religious education, though it should be religiously neutral according to the requirements of civil society, may nevertheless be an opportunity for growth in faith. Elżbieta Osewska, the Catholic University of Stefan Wyszyński in Warsaw, in the article *The Role of Religious Education in Public Schools in Poland*, concludes that in the new socio-cultural conditions it is necessary to help children and youth to face new challenges and prepare for the new situation. Therefore, it is primarily necessary to restore the dignity and uniqueness of the human person created in the image of God, to accept the theological concepts and the role of dialogue in the process of learning, to introduce learning for life related to everyday situations, increase the opportunity for personal development and growth in faith of students of every age group, strengthen the development of the students' identity, to look for new ways to communicate, to develop critical thinking. Josef Stala, the Catholic University of *John Paul II* in Krakow, points out that in the educational process it is necessary to raise young people for the civilization of love, i.e. that educators in the educational process should put people ahead of things, ethics ahead of techniques, spirit ahead of matter and charity ahead of justice. Ivan Jakulj, the Catholic Theological Faculty in Split, talks about the legal position of the Catholic Church in contemporary Croatia. Having researched the legal status of the Catholic Church in former Yugoslavia, the author explains in details the legal status of the Catholic Church in Croatia, taking into account the historical circumstances and numerous details of the contract between the Republic of Croatia and the Holy See.

At the symposium, apart from the above mentioned, two more lectures were held. Hrvoje Špehar, an assistant professor at the Faculty of Political Science in Zagreb, in his presentation talked about *The Examples of Ideologization of Secularity in Croatia*, and Ante Vučković, a professor at the Catholic Theological Faculty in Split, spoke of secularism in C. Taylor and J. Maclure.