

The Role of Religious Pluralism in Contemporary Society

Overview of Contemporary European Scene

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« The European Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. The European Union equally respects the status of philosophical and non-confessional organizations ».

This statement is not mine but it is the official text of Joint Declaration 11 on the Status of churches and non-confessional organizations which is to be found in the Final Act to the Treaty of Amsterdam signed by the fifteen Member States of the European Union on October 2, 1997.

This provision, although not a Treaty provision, will certainly play a key-role in legal and political processes in the EU. The first visible consequences are that religious matters will remain in the framework of domestic law, that there will be no perspective of adapting controversial legislation to the principles of the European Convention and that the various forms of discrimination and inequalities existing in the Member States will not be called into question.

I will analyze here three aspects of the taboo and very sensitive issue of relationships between state and churches in Europe: first, the discriminatory statuses granted to religions based on various forms of categorization ; secondly, the discriminatory financing of religions by the state and thirdly, the sect issue.

Categorization of Religions

Most European states categorize religions, whatever the name they give to each category, and grant them or deny them financial advantages accordingly. The selected criteria are often disputable and sometimes non-existent. Here are a few examples.

In Greece, you have a first category of « known » religions subdivided into two sub-groups, corporations under public law (the Eastern Orthodox Church, Islam and Judaism) and corporations under private law, such as the Orthodox Christians of the Old Calendar, Catholicism, Jehovah's Witnesses and Seventh Day Adventists. The second category comprises religious corporations under private law which are not "known religions". However, there are no constitutional, legislative or other definition of the concept of « known » religion. This label is arbitrarily granted or denied by the Ministry of Education and Religion or the Ministry of Justice or the Council of State when one of these institutions is seized for a concrete case. Moreover, this form of recognition is not necessarily endorsed by the other state institutions.

In Belgium, there is a first category comprising six « recognized » religions - Catholicism, Islam, a part of Protestantism and Orthodoxy, Anglicanism and Judaism - and secular humanism. There are no recognition criteria and since the 1870s, only two religions have been

recognized : Islam in 1974 and Orthodoxy in 1985. The second category puts together « non-recognized » religions.

In Austria, there are three categories of religions :

- twelve recognized churches and religious societies
- registered religious denominational communities, a new category of religions set up in 1997 to freeze for at least 10 years requests of a number of minority religions fulfilling the necessary conditions to be in the upper category
- religious communities and philosophical movements registered according to the law on associations.

In Spain, a state that tries to treat religions in an equal way, there are also several levels of recognition :

- a constitutionally recognized church : the Roman Catholic Church
- churches and religious communities with social and historical rooting : Islam, Protestantism and Judaism
- churches and religious communities without social and historical rooting : Jehovah's Witnesses, Mormons, etc.
- churches and religious communities registered under private law : several hundreds of so-called cults.

In France, where there is total separation between state and churches, it seems at first sight that categorization of religions does not exist. There is no visible system of recognized and non-recognized religions. However, administrative practices, decisions taken by courts and the Council of State indirectly create a two-tiered system, the main shift being between religious associations registered under the 1901 law or under the 1905 law. Two conditions are attached to the 1905 law status that opens the door to material advantages : to have exclusively worshipping activities and to respect public order. However, court and administration decisions can easily be biased by religious prejudices. Jehovah's Witnesses and a Pentecostal church for example have been denied the favorable status of the 1905 law on the grounds that by refusing blood transfusion and military service they disturbed public order.

In the Netherlands, there is no categorization of religions.

Other European countries applying for membership to the European Union have the same historical tradition of categorizing religions.

State Financing of Religions

In the categorization system currently in force, state recognition implies access to state financial support. This explains why most « second-rank » minority religions do not want the abolition of the system but rather ask for its extension to other religions.

With regard to the financing of religions, several categories of states can be distinguished.

In the first category, we can put the states that use the income tax of their citizens, without their consent and even despite their recriminations, to finance a number of « good » religions enjoying the state quality label and sometimes also secular humanism. In this system, a number of citizens are obliged to finance religions and a philosophical movement they do not

adhere to and whose doctrines they may be opposed to. Belgium is a good example of such a practice. Eight federal ministries, the ministries of the three linguistic communities, the ministries of the Flemish, Walloon and Brussels regions, the administrations of the ten provinces and all the municipalities are involved in the financing of the six recognized religions and secular humanism. The Ministry of Justice covers

- the wages and allowances, and bonuses of religious ministers and moral secular advisers
- the wages of chaplains working for the Office for Youth Protection
- the wages, allowances, travelling expenses, worship material ... of prison chaplains.

The Ministry of Finance pays the retirement pensions and grants tax exemption on religious property. The other state institutions finance recognized religions in other fields.

A second category comprises countries, where a number of churches recognized by the state can levy taxes from their members to finance their activities : it is the so-called church tax system which is well-known in Germany and Austria. In these countries, taxpayers finance their own church through an additional tax and members of non-recognized churches or religions are not compelled to finance another religion. However, the state still finances, with the money of all taxpayers, religious classes in public schools, denominational schools, access to the media, chaplaincy services which are all privileges reserved to the first rank religions. It must also be noted that such a system implies the filing of citizens according to their religious beliefs and that withdrawal from a church must be reported to the administrative authority of the state. Every year, thousands of people who want to put an end to the payment of the additional church tax, leave their religion although they may remain true believers in their hearts.

A third category groups together countries where taxpayers do not pay an additional church tax but have the right to choose every year the religion they want the state to finance from their income tax. This is the case for Italy that has signed six agreements with a number of denominations and, to a lesser extent, for Spain that reduces the choice between the Catholic Church and the state-run social services.

A fourth category comprises states that claim not to finance any religion but that indirectly grant material advantages to a number of religions through various forms and channels. This is the case in France where categorization of religions leads to some form of financial help.

The fifth category comprises countries that do not finance religions at all on a categorization basis. This is the case for the Netherlands that since the revision of its constitution in 1983 has put an end to the financing of the clergy of the established churches.

The Cult Issue

Since 1995, enquiry commissions on cults have been set up in France, in Belgium, in Germany, at the European Parliament and at the Council of Europe.

In 1996, France released an alarming report about the dangers to democracy, the family and the individual posed by 172 cults. In 1997, Belgium published a 660-page report and listed 189 potentially dangerous movements : among them Pentecostal and Evangelical churches, the Seventh-Day Adventists, the Amish, the Quakers, the YWCA but not the YMCA, missionary agencies such as Operation Mobilisation or Youth with a Mission, the Satmars and even three Catholic organizations. For a number of political reasons, the parliament only

approved and voted the 19 pages of conclusions and recommendations but did not disapprove the publication of the whole report, including the black list of cults.

In France, the enquiry commission excluded the academic world from its works but fully relied on the anticult movements as valuable sources of information. In a second move, an observatory of cults was created. In June 1998, it released a report that confirmed the conclusions of the parliamentary commission. It also advocated its own dissolution and replacement by a task force of fight against cults. On October 7, 1998, the Prime Minister and the President of France signed a decree creating the « Interministerial Mission of Fight against Cults ». Thereby, France opted for an aggressive policy against its minority religions. This Mission which is chaired by Alain Vivien, the leader of an anticult association, is financed by the French taxpayers, including by those who are members of targeted minority religions. Anticult movements are now officially carrying the anticult policy decided by the government and they have immediately started their war against « cults ». Enquiry commissions on the fiscal, financial and patrimonial situation of cults and a commission on compulsory education of homeschooled children whose parents are in a sect have already been set up. The French minister of Justice has ordered the magistrates to cooperate with the Interministerial Mission. The Minister of Education is hunting teachers who belong to one of the 172 cults. A hysterical anticult climate fuelled by the media and the anticult movements is currently developing throughout civil society in France.

Belgium is following the same path. An observatory connected to a so-called interministerial coordination cell has been created by law and will be operational in March. But the negative consequences of the parliamentary report are already visible. A small enquiry carried out by « Human Rights Without Frontiers » among some blacklisted cults has revealed that an end has been put to their rather peaceful relations with society, the media and the state. Since the publication of the report, they have experienced a number of problems that were unknown to them until then: anonymous letters and threats, physical aggressions, breaches of personal or professional reputation, job or promotion losses, dismissals, loss of the custody of children in divorce cases, difficult access to public and private halls, fiscal harassment, defiance of some banks leading in one case to the one-sided closure of a bank account, etc. The same phenomenon has also been perceptible in France since the publication of the cult report.

The German Commission published an interim report on cults that was also alarming but the final report publicized in June 1998 was surprisingly less negative than expected, probably thanks to a public joint statement made by a number of prominent academics. The German report recommended to put Scientology under observation but failed to publish a list of dangerous cults. It strongly recommended to replace the pejorative word « cult » by another name . It recognized that religious and ideological associations did not threaten the economy, democracy and the rule of law.

Austria has not set up an enquiry commission or an observatory on sects. However, in August 1998, the government created an information and documentation centre on cults and spread a controversial leaflet about the dangers posed by cults.

At the European Parliament, Maria Berger's report was rejected in July 1998 and sent back to the Civil Liberties Committee for further consideration but with the European elections in sight, it is sure that it will not surface again.

The report of the Council of Europe was not adopted at its September 1998 session and was postponed until a date as yet undecided. Although the Council of Europe acknowledges that « there is no generally accepted definition of the term ‘sect’ » and « nowadays the word ‘sect’ has taken on an extremely pejorative connotation », the Draft Report not only repeatedly uses the term ‘sect’ to describe disfavored groups, but it rests on the uncorroborated factual assumption that such groups engage in illegal or «’dangerous’ activities. Of course, the criminal law already sanctions both illegal conduct and those who conspire to engage in illegal conduct. Thus, the Draft Report essentially encourages member states to investigate, monitor, and restrict undefined groups that engage in such ‘dangerous’ but otherwise legal activities.

The Draft Report is therefore based on the antithesis of objective, scholarly research. The Draft Report uses admittedly prejudicial terminology and relies upon unfounded, pseudo-scientific ‘facts’ (e.g. ‘brainwashing’, ‘mind control’) to recommend that the political and religious majorities of member states set up commissions to marginalize, separate, and systematically eliminate whichever minorities do not enjoy their favor. In short, the understandable public interest the Draft Report purports to serve – protection of vulnerable members of community – is used as nothing more than a blind for majoritarian bias. Masquerading as progressive, social-minded reform, the recommendations in the Draft Report, if implemented, will serve as a ready means for discrimination against minority groups.

As the Council of Europe represents 40 countries, it is of utmost importance to monitor the developments of its Draft Report. If it is voted in its current version, it will be a moral support to the countries that have chosen an aggressive policy against minority religions and beliefs.

Before concluding, I would like to stress that a second generation of official reports, less partisan and aggressive than the first generation reports, is emerging. It started timidly with the German report and Maria Berger’s European report but now it also includes the Italian police report, the Swedish report and the report of the Swiss canton Tessin. Unlike France or Belgium, Italy, Sweden and Tessin have not made common cause with the anticult movements. Moreover, it is noteworthy that a number of countries consider that cults are not a problem and consequently, they have not set up enquiry commissions. In the Netherlands, a parliamentary enquiry commission on cults concluded in 1984 that new religious movements were no real threat to mental public health and recently, the Dutch authorities have declared that the situation has not changed in their country since then. The United Kingdom has not created a commission on cults either.

Conclusions

Religious pluralism really exists within the borders of the European Union and more widely of the Council of Europe, but its lack of openness to the global world is a source of concern. Tangled up for centuries in their privileged relationships with some religions, many European countries are unable to reduce and to dismantle the structural forms of discrimination and inequalities their rulers have institutionalized throughout their history. True pluralism must go hand in hand with the respect of the rights of citizens belonging to minorities. The obstacles to such a process are clearly identified: they are the categorization of religions, the discriminatory financing of religions by the state and the cult issue.

Washington
January 29, 1999