

Religious denominations and the European Union

Religious denominations and the European Union - Opportunity seen as problems



The topic of the juridical status of religious confessions in the law of the European Union has acquired importance, especially in recent times. As is well known, in fact, the Lisbon Treaty of 2009 (Art. 17) recognizes the “identity and... specific contribution” of Churches, associations and religious communities, as well as of philosophical and non-confessional organizations. At the same time it provides for the Union to maintain with them “an open, transparent and regular dialogue”. The same Treaty engages the Union to respect and not to prejudice the “status” enjoyed by Churches and religious communities in the national law of the Member States.

Yet these important measures pave the way to a plethora of questions. What is the scope of this recognition in relations between community law and the law of the individual States, and in the light of the principle of subsidiarity? What are the ways, times, legitimate subjects and the object of the structured dialogue between the Churches and the Union? And, especially, what are the role and significance and actual places of the presence of Churches and religious communities in the European context today?

A recent book tackles these complex questions – *Le confessioni religiose nel diritto dell'Unione Europea*, edited by Laura De Gregorio (Bologna, Il Mulino, 2012, collana “Religione e società”) – which gathers the results of extensive research, whose first outcome was presented in Rome in October 2010 at an international congress sponsored by the Catholic University of the Sacred Heart on the initiative of Giorgio Feliciani.

Part one of the work presents reflections on matters of a general kind, from the controversial theme of the primacy of community regulations over national laws (Mirabelli), to the competence of the Union in religious matters (Puza) and the interpretation of the cited clauses of the Treaty of Lisbon (Margiotta Broglio).

A second group of contributions presents the role of various organisms and representatives of the

Catholic Church at the European level: these are the Council of the Bishops' Conferences of Europe (Da Cunha), the Commission of the Episcopates of the European Community (Mazurkiewicz) and the Permanent Observer of the Holy See to the Council of Europe (Giordano). Also analysed in this sphere is the action of the Conference of European Churches (CEC), which represents the Protestant and Orthodox communities in the implementation of the Lisbon Treaty of Lisbon (Long).

The final part of the volume contains reflections on specific topics regarding which Churches and religious communities prove particularly sensitive for various reasons. It mentions religious bodies (Rivella) and non-profit organizations (Perrone), features of Labour (Corti) and of taxation (Miccinesi), school (Cardia) cultural heritage (Frigo) and marriage (Marano). Significant attention is also paid to the theme of the so-called “new rights” or “rights of the last generation”, above all concerning bioethics which call into question the “anthropological issue” and in their libertarian version risk falling into a “utopian degeneration” and being presented as rights “without limits” of a juridical or moral kind (Cartabia).

Ultimately, the work stands out because of the variety and wealth of the contributions and above all the originality of the multi-disciplinary approach to a theme that is increasingly becoming the object of attention on the part of religious confessions in general, and on the part of the Catholic Church in particular. In fact, as Cardinal Tarcisio Bertone, Secretary of State, underlined in his greeting to the congress participants, the ecclesial community must note that alongside the national and regional authorities as an important conversation partner is “that subject which is the united Europe, at whose birth and growth the Holy See has always looked with attention”, and to which the Church “has made a noteworthy contribution”.

In this regard, looking at the horizon unfolding before us Europe cannot and must not give up the contribution of Catholicism and of the other religious denominations because, as Benedict XVI clearly affirmed during his recent Visit to the United Kingdom, faith “is not a problem for legislators to solve, but a vital contributor to the national conversation”, and proper attention should also be paid to “the legitimate role of religion in the public square”.

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