

A Scholastic Disputation on the Place of Christianity in the European Constitution

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Editor's note: Students in the FASS / Catholic Studies programme of 2001 – 2002 were required to write a paper on some aspect of the European Union. The paper reproduced here, written in the style of a scholastic disputation on the current topic of the place of Christianity in the European Constitution, was one of the best produced by the group of 30 students

With the convening of the Convention on the Future of Europe, the European Union stands at a pivotal point in its history. The decisions made, or not made as the case may be, will no doubt have a lasting effect on the EU both internally amongst its member states and externally in its relations with the global community and world market. Within this difficult undertaking there is great promise and hope. If the Convention is driven in the right direction, which commission president Romano Prodi admits is possible given that the convention “deals with a ‘totally original’ debate,”^[i] a unique union may be established with a constitution that fully respects the dignity of the human person. However, the likelihood of this happening looks uncertain. The Europe of old may have been Christian, but the Europe of today consists of large contingents that are stoutly opposed to the EU becoming a “Christians club,” or, like France, feel that referring to Christianity would violate the separation of church and state. Nevertheless, Christians ought to stand up and make their voice heard inside and outside the forum to ensure that human dignity is fully protected.

The Problem

Recognizing that Europe was at a “crossroads,” the European heads of state produced the Laeken Declaration in December 2001. Taking into account the many criticisms from citizens, the heads of state recognized the need to make the EU “more democratic, more transparent, and more effective.”^[ii] The declaration recognized three major areas that especially need resolution: the division of competence between the Union and member states, the role of member states and their parliaments, and the drafting of a single and unified European Constitution uniting the four treaties on which the EU is currently based. Concerning the constitution, the declaration raises two further questions: should the Charter of Fundamental Rights be included in the constitution and “what might the basic features of such a constitution be? The *values* which the Union cherishes, the fundamental rights and obligations of its citizens, the relationship between Member States in the Union[sic]?”^[iii] The Convention on the Future of Europe was called together as a forum to debate and discuss how to deal with such issues.

The Convention will allow the EU to come closer to its citizens, in that it allows them,

both directly and indirectly, through organizations, to influence the proceedings and hence affect the future of the EU itself. In the light of this admirable attempt to involve civil society, it seems all the more strange that there was no explicit mention of “the contribution of communities of believers in the creation of the European Convention,”^[iv] a fact which was deplored by John Paul II following the Laeken Declaration. This not only neglects the achievements of the Christian Democrats who played a significant role in getting what is now the EU started; it also overlooks the impact that Christian virtues and Catholic social thought, which were so important to the founders of the EU, had and still have on Europe as a whole today. This is symptomatic of the idea that religious belief must be consigned to the privacy of individuals.

There is, however, a more pressing and urgent problem in all of this. The Convention will be deliberating about the drafting of a European Constitution and what will be established in such a document. It is likely that the Charter of Fundamental Rights will be included in the constitution, if adopted. The Charter has absolutely no reference to any basis in Christianity or religion in general. The Council of European Episcopal Conferences criticized it for “its lack of reference to God and its limited prohibition of human cloning”^[v]. These omissions in the Charter leave too much room for the member nations and the EU to find loopholes through which they can pass legislation or make decisions that would violate human dignity, something which the Charter aims to protect as stated in its first article. This problem must be addressed in the Convention if the EU is going to be a government that respects human dignity and rights.

Objections against reference to Christian values or God in the Constitution

One of the more credible objections to any reference to Christianity was put forth by Hasan Engin Sener, a citizen of Turkey, in the EU online discussion forum. He posited the question whether the “EU is the Christians’ Club.”^[vi] In his position he states that he is completely against putting any one religion at the center of the EU. To support this, he cites three sources. First, Mr. Sener cites an address given by José Aznar, president of the European Council, that one of the values of European culture is “fundamental rights for everyone—without discrimination.”^[vii] Second, he cites the Consolidated Treaty on the European Union which states that the EU desires “to deepen the solidarity between their peoples while respecting their history, their culture, and their traditions.”^[viii] Third, Mr. Sener cites the Charter of Fundamental Rights which states that everyone has freedom of thought, conscience, and religion, and that the EU is respectful of the “diversity of the cultures and traditions of the peoples of Europe.”^[ix] Hence, as presented, it seems that the EU cannot refer to Christian values or to God without discriminating or limiting the freedom of religion.

Another objection put forth is one that was posited by France during the drafting of the

Charter of Fundamental Rights. France rejected the preamble of the first draft of the Charter because it referred to the “cultural, humanist and religious heritage” of Europe.^[x] French President Jacques Chirac and Prime Minister Lionel Jospin said that the “wording contradicted their nation’s principle of church-state separation.”^[xi] In favor of the former wording, the French accepted the passage as it currently reads: “conscious of its spiritual and moral heritage...”^[xii] Their objection holds that to maintain church-state separation, the state must avoid reference or allusion to religion in its beliefs and values.

It has also been objected that Christianity ought not to be used as the ideological foundation of Europe because it is simply too difficult to nail down what “Christianity” or “Christian values” are. Hans Thijssens, from the Netherlands, raised such an objection in the EU’s online discussion forum.^[xiii] Thijssens points to the diverse groups that are Christian like the Roman Catholic Church, the Anglican Church, the Lutheran Church, and so on. Since there is such diversity of opinion and stance on different issues there can be nothing that is clearly “Christian.” He states as a further example that a large number of Catholics in the Netherlands, he lists 92%, support the policy of euthanasia which was lamented by John Paul II.^[xiv] Thus, Thijssens concludes that there is no definitive position to show what Christian values are.

One final objection, although not expressly said, can be extrapolated from a statement made by the Convention Vice-president Jean-Luc Dehaene. Dehaene told an Italian newspaper that since there was so much trouble with reference to Christian values in the Charter of Fundamental Rights that he recommends no further reference to religious values in the convention.^[xv] He then stated, “In any case it is clear that values originated by Christianity have become universal and are the foundation of European society.”^[xvi] Dehaene believes that while no further mention of Christian values or God will be made in the Convention, these values are still a major part of Europe. Explicit reference to the values does not matter because, whether you refer to them or not, they still make an impact.

I Answer that...

Christian values and God himself should be explicitly referred to in the Constitution of the EU. The reason for this is not simply so that the fathers of the EU, those who helped pull together the ECSC and guided the early union, like Adenauer, De Gasperi, Schumann, et al, can receive recognition. Specific reference to Christian values, including the fullness of human dignity, is crucial to avoid an ethical “slippery slope.” If no basis is given for the rights established by the Charter, there will be little basis from which to preserve human dignity.

On May 15, 2002, the European Policy Centre published a preliminary assessment of the Charter of Fundamental Rights which was submitted to the Convention. This

assessment arose from discussions that the Centre has held with national and European officials, including individuals who were responsible for drafting the Charter itself. The Centre discussed the value and importance of the Charter and came to three important conclusions. First, the Charter establishes “a formal comprehensive catalogue of fundamental rights,” a first for the EU, and consequently the “inclusiveness” of the Charter in the constitution is significant.^[xvii] Second, if the Charter were binding, it would provide a “system of redress against acts of misadministration or the abuse of power across the whole range of EU activity.”^[xviii] Third, the Charter can serve as a “reference point” for any new laws or legislation or policy decisions.^[xix] The European Peoples’ Party in their “Constitution for a Strong Europe” echoes these points. In their document they argue that the Charter must be an important part of the Constitution because it clarifies the relationship between the EU and its citizens and because the Charter ought to be applicable to every decision made by the EU.^[xx] The reports of both these organizations show that the Charter would have a clear impact on the ethics practiced by the EU if it were incorporated into the EU Constitution. But what kind of impact would it have?

The Charter of Fundamental Human Rights already contains reference to dignity. Human dignity, as is stated in the first article of the Charter, “is inviolable. It must be respected and protected.”^[xxi] As it stands currently in the charter, human dignity is not directly defined. It is merely stated that it is “inviolable.” What this dignity entails, which is a definition of sorts, is enumerated in articles two through five. Article 2 states that: “1. Everyone has the right to life. 2. No one shall be condemned to the death penalty, or executed.” This article is lacking a full of understanding of the right to life of the human person: from conception to natural death. There is no mention of abortion or euthanasia. Yet, it is understandable why reference to abortion and euthanasia was left out of the Charter. Independent of the legal status of these acts, some member states of the union allow abortion or euthanasia and the morality and permissibility of these acts is hotly debated and contested. It seems that specific reference was omitted to avoid controversy in an attempt to achieve agreement on a charter at all. Countries that allow acts like abortion or euthanasia would have no doubt contested the charter and would have refused to sign it. However, with the formation of the constitution, it is possible to undergird the Christian concept of the dignity of the human person outside of the Charter with the inclusion of Christian values in the constitution.

If placed in the constitution, Christian values could provide direction for policy and ethical decisions. This, of course, assumes that the reference would be clearly stated in such a way that the EU would not only recognize Christian values as past values, but also present them as values that can give some guidance to the EU in the future. Thus, if Christian values are truly fundamental values of Europe and these values provide the only basis for recognizing the full weight of the dignity of the human person, then Christian values can and should be specifically referred to in the EU Constitution.

Laeken questioned whether the “values which the Union cherishes” ought to be

incorporated into the EU Constitution.^[xxii] By incorporating the values that the Union cherishes, the EU could have a base of ideals, and ethical principles, from which to proceed. Cardinal Giovanni Battista Re emphasized in his homily at the close of the 10th Symposium of European Bishops that “Europe needs a soul that will inspire political and economic efforts.”^[xxiii] What should this soul, this base of values be? These values should be the very thing that unites Europe and provides the basis for their culture. It is often argued whether or not Christianity is the basis of culture in Europe. Many argue that contemporary Europe is not very Christian at all. French historian Jacques Le Goff argues that this is definitely not the case. In an interview with Zenit, Le Goff argues that contemporary Europe is not possible without Christianity. For example, Le Goff states that Christianity was the prime force that incorporated the ideas of critical thought, ethics, and ultimately democracy. He further mentions that modern law is an adaptation of ancient Roman law as preserved and modified by Christianity. Thus, Le Goff concludes that “Christianity is the principle ideological foundation of Europe.”^[xxiv] John Paul II also argues that Christianity is the base of the values of Europe, because “throughout its history, Europe has received the treasure of the Christian faith, basing its social life on principles taken from the Gospel. Thus Christianity is constantly encountered in the arts, in literature, in the thought and culture of European nations.”^[xxv] It is easily seen that the Pope is correct. One merely needs to walk through the Louvre or the Uffizi or visit the monuments and historic buildings of Europe to see that the vast majority of art and culture in Europe is Christian. Thus, if values are going to be included in the EU constitution, they should be Christian values because they truly are the basis of European culture.

Are Christian values needed to establish and protect the dignity of the human person in its most profound sense? If one tries to examine the dignity of the human person without reference to God, one quickly runs into difficulties. Human dignity can perhaps be founded in the presence of rational thought, which Aristotle thought was the specific difference that separates men from chimpanzees. If one needs to possess the fullness of rational thought to possess dignity, then the mentally handicapped would not possess dignity. Very few people would hold this view, since this is clearly not the case; the mentally handicapped do possess dignity. Therefore, dignity does not require the fullness of rational thought. Does “dignity” merely require the potential of rational thought? If that were the case, then the unborn would clearly possess dignity. Sadly, most political ideology lacks reference to or even discussion of human reason. It seems the majority of ethical policy is stated in documents like the Charter as self-evident principles that were agreed upon by consensus, with little or no other basis for the policies. Thus, most political ideologies turn human dignity into the sum of the policies and rights written out and given. As John Paul II warned, we are in danger of “stating at times that what is evil is good, and what is good is evil.”^[xxvi] Hence, to establish the fullness of human dignity, values that refer to God, Christian values, are needed.

During the Jubilee Year, John Paul II called government leaders to uphold the principles

of the Church's social doctrine in their work because "they offer a fundamental approach to understanding the human person and society in the light of the universal ethical law present in the heart of every human being, a law which is clarified by the revelation of the Gospel."^[xxvii] The Holy Father clearly calls all Catholics to uphold the Churches teachings in their work. Notice that each time he refers to the dignity of the human person it is always in light of God. John Paul II does this again in his letter to Cardinal Vlk, head of the Council of European Episcopal Conferences: "European structures and institutions always remain at the service of man...he is a person, created in the image of God, who reflects the benevolent love of the creator and Father of all."^[xxviii] Jacques Maritain states that the idea of person is so rooted in God that it is "realized fully and absolutely only in its supreme analogue, God, the Pure Act."^[xxix] Thus, the fullness of the Christian understanding of human dignity is rooted in God.

Christian values are truly the fundamental values of Europe and these values provide the only reasonable basis for recognizing the full weight of the dignity of the human person that stands on the verge of the "slippery slope." Consequently, Christian values can and should be specifically referred to in the EU Constitution.

Response to the Objections

First, Mr. Sener argues that the EU cannot refer to Christian values or to God without discriminating or limiting the freedom of religion and thought, which the EU quite clearly does not want to do. As Mr. Sener rightly points out, discrimination is not tolerated by the EU and freedom of religion and thought are both presented as rights in the Charter of Fundamental Rights. However, referring to Christian values or basing human dignity in the belief that we are created in God's image does not discriminate or disallow freedom of thought or religion. Any time a nation takes a stance or enacts a law on an issue there is often someone in the nation that disagrees with the issue or law. The presence of the law does not in any way limit the citizen's right to disagree with the law and express that belief; thus freedom of thought is maintained. Nor does the law discriminate. If that were the case, then almost every law enacted would discriminate against someone because they disagreed with the law. Reference to Christian virtues and God does not prohibit freedom of religion, for any religion may still be practiced. However, as a result of the reference actions would be prohibited. But, the laws would be just as prohibiting if the reference were not there. In the case of the former, the laws would merely be without a clear base.

Second, to say that reference to religion or God or Christian values in a government document violates separation of church and state is not sustainable. The concept of separation of church and state refers to institutions. Separation means that the church and the state may not have common institutions and or have the state ruled by a church authority. Reference to values or to God in a document in no way infringes upon this church-state separation.

Third, it must be noted that Christianity as a whole is divided among many groups and subtleties in doctrine. The diversity of Christianity certainly presents a significant difficulty in presenting what Christian values are. The Second Vatican Council, in *Unitatis Redintegratio*, put forth the restoration of unity among all Christians as one of its primary concerns. The document states that such a division “contradicts the will of Christ, scandalizes the world, and damages the holy cause of preaching the Gospel.”^[xxx] Laeken has called for a closer union consolidated around common values. John Paul II sees the formation and solidification of the union as a similar call for Christians: “the strengthening of the continent’s union reminds the Church and the Ecclesial Communities that they too must take further steps towards unity.”^[xxxii] Thus, if Christian groups wish to put their values in the constitution they must draw closer with one another and recognize their common heritage and values as Christians. It is only in common that their voice will have its full power and impact.

Fourth, Christian values have impacted and will continue to impact the European Union and its constitution. This will be true whether or not Christian values or God are directly referred to in the Constitution. Perhaps Vice-president Dehaene considered reference to Christian values as merely a recognition or honorific mention of Christianity. However, direct reference to Christian values is necessary to maintain the fullness of human dignity as argued above. Indirect or partial influence by Christianity is not enough to guarantee human rights.

The European Union is standing at the crossroads of a new hope. Given the open nature of the Convention, given enough initiative, the Constitution of the EU could facilitate true and full protection of human dignity and rights. However, this can only be obtained if reference is made to Christian values and God. Many skeptics think that this is not possible. They may be right. Yet, the Christians must speak out for Christian values, especially human dignity, if anything is to be accomplished. The citizens of the EU must do their best to make their voices heard now that the lines of communication have opened between the institutions of the EU and the people. Only then can they stop the fall down the ethical “slippery slope” as the Holy Father has warned: Europe “runs the risk of falling into ideological relativism and giving way to moral nihilism... May the European Union be able to find new inspiration in its own Christian patrimony, offering adequate answers to the new questions that are posed especially in the ethical field.”^[xxxii]

NOTES

^[i] Zenit News Service, “European Convention Might Shut Out Mention of Christian Values,” March 3, 2002.

[\[ii\]](#) Laeken Declaration, section II.

[\[iii\]](#) Ibid. Emphasis not in original.

[\[iv\]](#) Zenit News Service, “A New Europe Inspired by Christian Values Is Urged,” February 19, 2002.

[\[v\]](#) Zenit News Service, “European Bishops See Problems With Charter of Rights,” October 23, 2002.

[\[vi\]](#) From his entry posted in the discussion forum on europa.eu.int, “Is the EU the Christians Club?,” dated April 29, 2002.

[\[vii\]](#) Taken from and address by José Aznar at the opening meeting of the Convention on the future of Europe, Brussels, February 28, 2002.

[\[viii\]](#) Consolidated Version of the Treaty of the European Union, preamble.

[\[ix\]](#) Charter of Fundamental Rights of the European Union, preamble and article 10.

[\[x\]](#) Zenit News Service, “A New Europe Inspired by Christian Values Is Urged,” February 19, 2002.

[\[xi\]](#) Ibid.

[\[xii\]](#) Charter of Fundamental Rights of the European Union, preamble.

[\[xiii\]](#) See his entry posted in the discussion forum on europa.eu.int, “RE: Christian Character of Europe into Constitution,” dated May 16, 2002.

[\[xiv\]](#) No source for these statistics was given in the posting. The reliability of these is unknown.

[\[xv\]](#) Zenit News Service, “European Convention Might Shut Out Mention of Christian Values,” March 3, 2002.

[\[xvi\]](#) Ibid.

[\[xvii\]](#) The European Policy Centre, “The Charter of Fundamental Rights: A Preliminary

Assessment,” May 15, 2002, section 1. Accessible through europa.eu.int.

[\[xviii\]](#) Ibid.

[\[xix\]](#) Ibid.

[\[xx\]](#) EPP, “A Constitution for a Strong Europe,” EPP Enlarged Summit, Brussels, March 7, 2001, section III.

[\[xxi\]](#) Charter of Fundamental Rights of the European Union, Article 1.

[\[xxii\]](#) Laeken Declaration, section II.

[\[xxiii\]](#) Zenit News Service, “Youth May Hold the Key to Restoring Europe’s Soul,” April 28, 2002.

[\[xxiv\]](#) Zenit News Service, “Europe Needs Christianity, Says Jacques Le Goff,” February 21, 2002.

[\[xxv\]](#) John Paul II, Letter to Cardinal Vlk on the occasion of the plenary assemble of the Council of European Episcopal Conferences, October 16, 2000.

[\[xxvi\]](#) Zenit News Service, “Europe’s Indifference to Christianity Worries Pope,” February 26, 2002.

[\[xxvii\]](#) John Paul II, Homily from the Mass for the Jubilee of Government Leaders, November 5, 2000.

[\[xxviii\]](#) John Paul II, Letter to Cardinal Vlk on the occasion of the plenary assemble of the Council of European Episcopal Conferences, October 16, 2000.

[\[xxix\]](#) Jacques Maritain, taken from Notes on Maritain’s “The Person and Society” from *The Person and the Common Good*, published in French in 1947, translated by Helen Alford, O.P.

[\[xxx\]](#) *Unitatis Redintegratio*, 1.

[\[xxx\]](#) John Paul II, Letter to Cardinal Vlk on the occasion of the plenary assemble of the Council of European Episcopal Conferences, October 16, 2000.

[\[xxxii\]](#) Zenit News Service, “Europe’s Indifference to Christianity Worries Pope,”
February 26, 2002.