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EVOLUTION OF THE STATE FUNDING OF RELIGIOUS AND NON-CONFESSIONAL ORGANISATIONS IN BELGIUM

Between policy choices and legal requirements

STÉPHANIE WATTIER^[1]

I. INTRODUCTION

Since its very inception in 1831, the Belgian Constitution was deliberately designed to grant the Belgian people religious freedom, thereby in effect setting up a religion-neutral State. Since its beginning, the Constitution also formed the basis for the funding system for religious organisations. The article analyses the reason of such a funding and shows that there has always been a strong link between the political choice of recognising a new religion and the diversification of beliefs in Belgium.

The Belgian Parliament has tried to take into account the evolution of the society. For instance, it is noteworthy to see that while there were more than 99% of Catholics in Belgium in 1830, today it appears that about 50% of the Belgian inhabitants are Catholics and only few of them go to church. As a result of this change, new religious but also non confessional organisations have been recognised by the legislator – which, as we will see, involves funding – and the Constitution has been amended in 1993.

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Showing the imbrications between Constitutional Law and Belgian politic choices, the contribution explains how the country has changed from a Catholic-dominated regime into a society characterised by religious diversity, pluralism and multiculturalism. It also tries to analyse how the system of funding of religious and non-confessional organisations could possibly be improved.

2. CONSTITUTIONAL PRINCIPLES SURROUNDING THE RELATIONSHIP BETWEEN THE CHURCH AND THE BELGIAN STATE

After having been dominated by the Austrian Netherlands, the French Republic and the United Kingdom of the Low Countries (2.1.), Belgium became independent in 1830 (2.2.).

On February 7th, 1831, the newly-formed state of Belgium adopted its Constitution. At that time, no less than four dispositions were dedicated to the relationship between the Church and the State. Three of them – that among other things regulate the principle of freedom of religion – have never been revised by the constituent^[2]. They can be read as follow^[3]:

Article 19:

Freedom of worship, its public practice and freedom to demonstrate one's opinions on all matters are guaranteed, but offences committed when this freedom is used may be punished.

Article 20:

No one can be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion or to observe its days of rest.

Article 21:

The State does not have the right to intervene either in the appointment or in the installation of ministers of any religion whatsoever or to forbid these ministers from corresponding with their superiors, from publishing the acts of these

[2] They have only been renumbered in 1994 when the Constitution was coordinated.

[3] Formerly article 14, 15, and 16 respectively.

superiors, but, in this latter case, normal responsibilities as regards the press and publishing apply.

A civil wedding should always precede the blessing of the marriage, apart from the exceptions to be established by the law if needed.

In broad terms, the Constitution of 1831 was a political compromise between Catholics – who wanted freedom of religion and autonomy of churches (articles 19 and 20) – and Liberals, who wanted the right not to be obliged to believe or manifest any belonging to a religion (article 20). Put differently, article 20 is the 'negative' counterpart of article 19.

Generally, it is not unusual for the legal doctrine and the Courts to use the notion of 'separation between Church and State' to describe the Belgian system. But, with some other authors, we would prefer to speak about '*positive neutrality*' or '*benevolent neutrality*'^[4]. One of the main reasons to choose that terminology is the content of article 181 of the Constitution that obliges the State to finance the ministers of recognised religions^[5]. More precisely, article 181 specifies that:

'The salaries and pensions of ministers of religion are paid for by the State; the amounts required are charged annually to the budget'^[6].

In order to understand the legal framework for funding religious entities, it is necessary to analyse its origins in their proper historical context.

2.1 *Historical context*

Before becoming independent, Belgian territories suffered three main dominations. More precisely, they were successively dominated by the Austrian Netherlands (2.1.1.), by the French Republic (2.1.2.) and by the Netherlands (2.1.3.).

[4] See: A. NYSSSEN, *L'Eglise et l'Etat dans la Constitution belge*, Brussels, Larcier, 1880, 14; K. MARTENS, *Rechtsbescherming in de Kerk – Ontwikkeling en aanwending van rechtsmiddelen tegen overheidsbeslissingen in de rooms-katholieke Kerk*, Brussels, Larcier, 2007, 144; M.-F. RIGAUX & L.-L. CHRISTIANS, 'La liberté de culte', in M. VERDUSSEN & N. BONBLED (eds.), *Les droits constitutionnels en Belgique - Les enseignements jurisprudentiels de la Cour constitutionnelle, du Conseil d'Etat et de la Cour de cassation*, Bruxelles, Bruylant, 2011, 886.

[5] Another argument can be found in Article 21, §2, which obliges the civil wedding to always precede the blessing of the marriage. The doctrine considers that this Article creates a kind of 'interdependency' from the Church vis-à-vis the State.

[6] Article 181 in the Constitution. Old Article 117.

During each period, a system of funding of religious communities could be observed. With respect to the system of funding that was adopted in the Constitution of 1831, it seems that the 'French period' was probably the most influential.

2.1.1 Until 1795

From the Old Regime until 1795, Belgium was dominated by the Austrian Netherlands and was regulated by innumerable customs. At that time, two main techniques were used to finance churches. First, there was a system of using income from property to distribute it to religious organisations^[7]. Second, tithes were collected^[8]. At that time, the ambition of the Habsburgs was to transform 'the church of the Austrians into a nationalised 'Belgium Church' with the loosest possible ties to Rome'^[9].

2.1.2 Years 1795-1815

In 1795, Belgium was annexed by the French Republic and submitted to Napoleon's regime. In 1801, a convention – 'Concordat' – was concluded between Napoleon and the Holy See. More precisely, this convention was signed by the Pope Pius VII on July 15th, 1801. Concretely, 'the Concordat was imposed by Napoleon in order to gain civil peace (especially in troubled regions such as Western France) and to have moral standards that could help maintain the French society working'^[10].

The Concordat specified that Catholicism was the religion of the great majority of French people but was not the religion of the State. Therefore, freedom of religion was guaranteed.

The Concordat also established that the French State had to pay clerical salaries. In fact, 'the French Revolution having suppressed most of Church revenues – such as the tithe – and confiscated its lands and properties, the Concordat was set up to partly compensate for this,

[7] J.-P. DELVILLE, 'Le financement des cultes en Belgique: approche historique' in J.-F. HUSSON (ed.) *Le financement des cultes et de la laïcité: comparaisons internationales et perspectives*, Namur, Editions namuroises, 2005, 79.

[8] A tithe is a part of one's annual income contributed voluntarily or due as a tax, especially for the support of the clergy or church.

[9] H. HASQUIN, 'Is Belgium a laïque State ?' in F. DE BEAUFORT, H. INGEMUND & P. VAN SCHIE (eds.), *Separation of Church and State in Europe*, Den Haag/Stockholm, European Liberal Forum, 2008, 92.

[10] J.-F. HUSSON, 'New policies with old instruments? Financing religious and philosophical communities in Belgium' in M. MORAVCIKOVA & E. VALOVA (eds.), *Financing of churches and religious societies in the 21st century*, Bratislava, Institute for Church-State relations, 2010, 148.

by providing financial support paid by local authorities (municipalities and departments) for local establishments (or 'fabriques d'églises'), cathedrals and seminaries, whenever their incomes were insufficient for maintaining the building and organise the [religion]'^[11].

Even if the Concordat was abrogated in France by the Law of 1905 concerning the separation between Church and State, it stays very important in Belgium. Napoleon's Concordat is considered as the basis of the principle of funding of religious organisations for two reasons. First, because the Concordat ended the quarrel between the Church and the State in the nineteenth century; second, because it inspired the content of article 181 of the Belgian Constitution.

2.1.3 Years 1815-1830

In 1815, Belgium was annexed by the Netherlands and the United Kingdom of the Low Countries was founded. At that time, the situation remained unchanged and another Concordat was signed – between King William I and the Pope Leon XII in 1827 – with a similar content as Napoleon's Concordat.

In 1830, several riots and incidents took place in Brussels. The King William I sent his troops on the Belgian territory but they were stopped on September 27th^[12] but it was too late: Belgium separated from the Netherlands.

2.2 The independence of Belgium (1830) and its new Constitution (1831)

In October 1830, the National Congress was elected to write the new Constitution. On February 7th 1831, the Constitution was voted and adopted by the Congress' members. At that time, 'Catholicism clearly occupies a numerically dominant position and has a virtual de facto monopoly; in particular, this is seen in the events of public life, a fact which is often somewhat irritating for the members of other religious groups as well as for non-religious people, both of which groups often consider Catholicism to operate in Belgium as a de facto state religion, despite its not having the official status thereof'^[13].

[11] J.-F. HUSSON, 'New policies with old instruments? Financing religious and philosophical communities in Belgium' in M. MORAVCIKOVA & E. VALOVA (eds.), *Financing of churches and religious societies in the 21st century*, Bratislava, Institute for Church-State relations, 2010, 148-149.

[12] September 27th is now the Belgian French Community Holiday.

[13] H. HASQUIN, 'Is Belgium a laïque State ?' in F. DE BEAUFORT, H. INGEMUND & P. VAN SCHIE (eds.), *Separation of Church and State in Europe*, Den Haag/Stockholm, European Liberal Forum, 2008, 104-105.

As already mentioned, article 181 of the Constitution formed the basis for the principle of the State support to religious ministers. In the nineteenth century, only four religions were recognised and funded by the Belgian State: Catholicism, Judaism, Protestantism and Anglicanism.

There were two main reasons that justified the funding of Catholicism, whereas there was only one reason to fund other religions. First, Catholicism was funded to compensate for the nationalisation of Church property that took place in the eighteenth century^[14]. Second, Catholicism was funded because of the social service carried out by ministers of religion in society. With regard to other religions, they could only invoke the second argument to justify their funding because they had never been despoiled by the State.

In the nineteenth century, almost the entire budget went to Catholic ministers. This could be explained by the fact that the population was very homogeneous: nearly everyone was Catholic. For instance, during the census of 1846, 99.76% of the Belgians revealed that they believed in a God. Among them, 99.69% described themselves as Catholics^[15].

3. YEARS 1960-1980: RELIGIOUS DIVERSIFICATION AND STATE RECOGNITIONS

Preliminarily, it is necessary to underline that there has always been a strong link between history and the recognition of new religious organisations in Belgium. This strong link has influenced the political decisions of recognition of new religions made by the Belgian legislator. In fact, *'recognition of the Anglican religion was not unconnected with the fact that England played a defining role as a Power guaranteeing Belgian independence; that of Islam was contemporaneous with the first oil shock and that of the Orthodox religion accompanied Greece's entrance into the [European Union]'*^[16].

[14] At that time, a lot of European countries were on the verge of bankruptcy. To save their finances, a lot of countries decided to nationalise ecclesiastical property, considering that Church property rightfully belonged to the Nation.

[15] C. TORREKENS, 'Le pluralisme religieux en Belgique', *Diversité canadienne* 2005, vol. 3-4, 56.

[16] H. HASQUIN, 'Is Belgium a laïque State ?' in F. DE BEAUFORT, H. INGEMUND & P. VAN SCHIE (eds.), *Separation of Church and State in Europe*, Den Haag/Stockholm, European Liberal Forum, 2008, 97.

3.1 *The seventies and the recognition of Islam: exploring new ground?*

In the beginning of the seventies, there was a significant lack of workforce in Belgium. As the result of a bilateral treaty between Belgium and Morocco signed in 1964, a lot of people emigrated to work in Belgium. However, the fact of their being for the most part Muslims coming to a mainly Catholic country meant that they did not have a place to pray and exercise their freedom of religion. Consequently, some members of Parliament proposed to give Islam the same status as the other religions already recognised by the State. Members of Parliament insisted on the importance of furthering Muslim integration into Belgian society^[17].

Politically speaking, the recognition of Islam raised no objection from the majority parties in Parliament during the seventies but as we will see, some difficulties appeared in the concretisation of its funding.

On July 19th, 1974, Islam was recognised by the Belgian legislator. Normally, this recognition would have immediately opened the right to be financed by the State for the Muslim religion. The problem was, however, that Islam had no 'representative body' to represent the Muslim religion in its contacts with civil authorities. Contrary to Christian religions, Islam does not have a rigid hierarchical governing body, so it was very difficult to identify a suitable privileged interlocutor.

Yet, without 'representative body', it was impossible to implement the funding of Islam because it is one of the five criteria that must be fulfilled by all the religious organisations to be financed by the State. In sum, *'taking as a foundation various parliamentary reports and declarations by the Justice Minister, one might identify five objective criteria for a religion to be recognised: (1) bringing together a relatively large number of followers (several tens of thousands); (2) being in structured in such a way that there is a representative body that can represent the religion in question in its relations with the civil authorities; (3) having been established in the country for a fairly long period; (4) presenting some level of social benefit; (5) not encompassing any activity that is contrary to public order'*^[18].

[17] On parliamentary discussions, see: *Doc. parl. Sén., sess. ord. 1973-1974, n° 104, p. 2.*

[18] H. HASQUIN, 'Is Belgium a laïque State ?' in F. DE BEAUFORT, H. INGEMUND & P. VAN SCHIE (eds.), *Separation of Church and State in Europe*, Den Haag/Stockholm, European Liberal Forum, 2008, 97-98.

In the seventies, the role of 'representative body' was temporarily played by the 'Islamic and Cultural Centre of Belgium' but this organisation was widely criticised and had no legitimacy among the Muslim population itself.

Sociologically speaking, the eighties were even harder because there was a feeling of fear towards Islam in the Belgian society. It was still impossible to find a 'representative body', so the 'Islamic and Cultural Centre of Belgium' continued to play that role without any legitimacy. The situation improved in the nineties. In 1993, after several discussions between a 'technical Committee' (composed of two Belgians converted, two Moroccans and one Turk) and the public authorities, a temporary representative body was created. This body – called 'Temporary Executive of the Muslims of Belgium' – was recognised by the State as official interlocutor between Islam and public authorities. For the first time in Europe, an official role was given to a 'Muslim authority'^[19].

By the end of the nineties, the Minister of Justice gave this 'Temporary Executive' the mission of concretising the recognition and the funding of Islam, which meant, amongst other things, to organise elections to create a 'representative body'. In 1998, the Assembly that would be in charge of selecting members to compose this 'representative body' was elected. A few months later, the Assembly chose 17 people to compose the official 'Executive of the Muslims of Belgium' as representative body for Islam in Belgium. The Royal Order of May 3rd, 1999 officially recognised this body and the funding of Islam by the Belgian State became a reality.

3.2 How can Belgium reach more equality?

Finally, it is alarming to see that it took more than twenty years for the funding of Islam to be concretised, whereas Orthodoxy which had been recognised in 1985 – after the arrival of a high number of Greek workers^[20] – was immediately financed. Even if that difference is quite surprising, it must be understood in a more global context. Islamic religion has customs and practices which differ from Christianity (veil, *burqa*, Ramadan, etc.). Those differences can create a feeling of insecurity, instigated by the Medias and some political discourses.

[19] U. MANÇO & M. RENAERT, 'Lente institutionnalisation de l'islam et pertinence d'inégalités face aux autres cultes reconnus', in

U. MANÇO (ed.), *Voix et voies musulmanes de Belgique*, Bruxelles, Publications des F.U.S.L., 2007, 94.

[20] Orthodoxy is the religion of the State in Greece.

For instance, it striking to note that according to the European Commission barometer survey of 2000, 25% of Belgian people show intolerant attitudes toward Islam. This percentage is above the European Union average of 14%^[21]. The Commission also notes that the percentage of intolerant attitudes in Belgium is higher since the tragic events of September 11th, 2001.

However, as previously noted, Islam is gaining acceptance and seems to have found its place in Belgium, especially in Brussels, which is 'one of the most Muslim cities of the western world'^[22]. In Brussels, there are currently approximately 160000 Muslims which represent 39% of all the Muslims in Belgium and 19% of the Brussels population.

Still, Belgium will face some challenges during the years to come, especially with respect to the principle of equality and non-discrimination. Among those challenges, one topic is directly concerned by the public funding. Whereas approximately 6% of the Belgian population are Muslims, only 2.1% of the public funding goes to Islam^[23]. The domination of Catholicism in the nineteenth century in Belgium can partly explain this problem. Today, the funding distribution is still made by sovereign decision of the legislator, without any written rules having been adopted on this issue.

Concretely, the Belgian legislator still uses the same 'administrative custom' as in the nineteenth century, which means that Catholic parishes are recognised on the basis of the number of inhabitants, without taking account of their beliefs. Parishes of other religions and mosques are however recognised on the basis of the number of believers. Inevitably, the number of catholic parishes does not decline with the secularisation trend and remains proportionally very high, which also means proportionally more ministers and more money. In the twenty first century, this method has become unacceptable in terms of equality.

To correct this unfair distribution, one solution could be to use the Italian or Spanish system as example of alternative regime^[24]. More concretely, in Italy and Spain, each

[21] European Commission against Racism and Intolerance, Report on Belgium, 27 June 2003.

[22] C. TORREKENS, 'Concentration des populations musulmanes et structuration de l'associatif musulman à Bruxelles', *Brussels Studies* 2007, n° 4, 2.

[23] Those numbers come from a sociological survey of Jan Hertogen (see: N. BOSSUT, 'Quelle équité pour le financement des cultes?', Pax Christi Wallonie-Bruxelles, 2012, p. 1, available on <http://paxchristiwb.be>, last visit on 10 October 2014).

[24] For the Spanish system, see: S. MESEGUER VELASCO, *El sistema de financiación de la Iglesia Católica a través de las exenciones fiscales*, Madrid, Ed. Universidad Complutense, 2000; J. OTADUY & D. ZALBIDEA (ed.), *El sostenimiento económico de la Iglesia católica en España. Nuevo modelo*, Pamplona, Ed. Universidad de Navarra, 2008; M.J. ROCA (ed.), *La financiación de la Iglesia católica en España*,

taxpayer crosses the box in front of the religion he wants to finance on his income tax fact sheet. By using such a system, the repartition would be more in accordance with the Belgian sociological realities.

4. THE CONSTITUTIONAL RECOGNITION OF NON-CONFESSIONAL ORGANISATIONS

4.1 *First evolutions: the beginning of non-confessional organisations' vindications*

First of all, it is important to mention the 'schools' political wars' that took place in Belgium during the twentieth century. Those 'political wars' concerned religious education in public schools. Whereas catholic members of the Parliament supported religious education, liberal deputies were against such measures. This crisis ended in 1958 with the negotiation of a political agreement called 'the School Pact' (*Le Pacte scolaire*). By virtue of this Pact – which is still in force in the actual legislation –, parents can choose their children's education, which means that they can choose between 'public' schools (official school financed by the State) and 'private' schools (predominantly catholic schools)^[25]. Phrased differently, the School Pact is a typical 'Belgian compromise' (*Compromis à la belge*)^[26].

It is significant to evoke the School Pact in this article because this political Pact has been the first recognition of a formal equality between confessional and non-confessional movements. In that sense, it has been the first step of the process that

Santiago de Compostela, Ed. Fundación A. Brañas, 1994. For the Italian system, see: M. VENTURA, *Religion and Law in Italy*, Alphen aan den Rijn, Kluwer Law International, 2013; S. FERRARI, 'Etat et Eglises en Italie', in G. ROBBERS, *Etat et Eglises dans l'Union européenne*, Baden-Baden, Nomos, 2008, 221-245; G. VEGAS, 'Lotto per mille a vent'anni dalla revisione del Concordato lateranense', *Quaderni di diritto e politica ecclesiastica* 2004, 183-198.

[25] For more details in the Belgian literature, see: J. TYSENS, *Guerre et paix scolaires: 1950-1958*, Brussels, De Boeck Supérieur, 1997; E. WITTE, J. DE GROOF & J. TYSENS (eds.), *Het schoolpact van 1958. Ontstaan, grondlijnen en toepassing van een Belgisch compromis, Le pacte scolaire de 1958. Origines, principes et application d'un compromis belge*, Brussels-Leuven, VUB Press-Garant, 1999.

[26] This social expression has been created to qualify a situation where both parties concede something because of the high complexity of the situation. Thanks to both concessions, a solution could be found but the problem is that the resulting agreement is often interpreted differently by the parties, precisely because of the complexity of the situation.

finally led to the recognition and the funding of non-confessional organisations in Belgium.

Then, non-confessional movements claimed more and more equality with regard to religious organisations in the Belgian Law. As a consequence, several other important events took place to consolidate that formal equality: non-confessional assistance began to be offered in public prisons in 1965^[27], in hospitals in 1970^[28] and in rest homes in 1990^[29] (religious assistance already existed for years in these domains).

4.2 *The revision of the Constitution: a new paragraph for article 181*

Along with the evolutions described above, the revision of article 181 of the Belgian Constitution was opened in 1978, in 1981 and in 1987. However, no revision took place. In fact, it took several years for some members of the Parliament to convince others of the necessity of revising the Constitution.

Finally, thanks to a proposition based on the content of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of the General Assembly of the United Nations^[30], article 181 was amended: a second paragraph was added to create the possibility for non-confessional organisations, such as religious communities, to be recognised and financed by the State.

This new paragraph can be read as follows:

Article 181, §2:

The salaries and pensions of representatives of organisations recognised by the law as providing moral assistance according to a non-denominational philosophical concept are paid for by the State; the amounts required are charged annually to the budget.

[27] See Royal order of May 21st, 1965 carrying general regulation on penitentiaries.

[28] See Royal order of January 12th, 1970 that modified Royal order of October 23rd, 1964 fixing conditions that hospitals and their services must respect.

[29] See Royal order of June 5th, 1990 that modified Royal order of December 2nd, 1982 fixing norms for special aggregation of homes of rest and care.

[30] A/RES/36/55, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 25 November 1981.

Fundamentally, all process surrounding this new paragraph is very significant in terms of diversification and multiculturalism. To equalise the situation between religious organisations and non-confessional organisations, the Belgian Constituent could have chosen to suppress the funding of religious communities, which would have meant a 'levelling down'. Because of the extension of the funding, the members of the Parliament choose to show their desire to recognise the important place of non-confessional movements in Belgium. As such, they admitted that humanists – that do not believe in a God but in Humans – also deserve to be financed and to have a clear place in Belgian society.

On the basis of the new article 181, §2, a pioneering non-confessional organisation asked the State to be recognised and financed. This organisation is called 'laïcité organisée', but cannot be compared to the French principle of 'laïcité'^[31]. To understand that difference, it is important to keep in mind that the Belgian Constitution does not refer to the principle of 'laïcité', while article 1 of the French Constitution expressly enunciates that '*France is a laïque Republic*'^[32]. As already mentioned, Belgium is better characterised by the concepts of 'positive neutrality' or 'benevolent neutrality'.

In 2002, the Belgian State recognised the community 'laïcité organisée' as the first non-confessional organisation. More precisely, '*the 21 June 2002 Act recognised the Central Council of Belgian non-denominational philosophical communities, known as the Conseil Central Laïc, as representing 'the non-denominational philosophical communities which belong to it, in their relationships with civil authorities'; it has a coordinating role*

of 'regulating the exercise of its representatives' functions'. In short, *mutatis mutandis*, the Conseil Central Laïc is the equivalent of the supreme religious body for recognised religions'^[33].

4.3 Next years' evolution in Belgium: toward a recognition of Buddhism, Hinduism, etc?

In 2008, the association of 'Buddhist believers of Belgium' has introduced a request for recognition on the basis of article 181, §2, which means as a non-confessional organisation. Without approving or refusing this demand, the Belgian government has created a transitory regime for Buddhism and given it some money to improve his structure.

Very recently, the Belgian press revealed that the association 'Buddhist believers of Belgium' had introduced a new request for recognition in April 2014^[34]. The Media noted that nowadays the Buddhist association represents more than 100 000 practitioners and sympathizers.

At the moment of writing this article, the Buddhist demand is still awaiting the acceptance of the Parliament.

How can the slowness of this process be explained? In the opinion of the Belgian Buddhist Centre, '*of all the people of Europe, Belgians are some of the worst informed about Buddhism (...). Belgium is comparatively slow in the absorption of Buddhism compared with other countries in Europe – perhaps because in its Constitution it has no clear separation between Church and State – or perhaps because it has had less influx of immigrant populations than its neighbours*'^[35].

Politically speaking, according to the Minister of Justice, it is partly because of the global economic crisis that Belgium is not able to recognize and finance Buddhism^[36].

[31] AS HERVÉ HASQUIN explains 'It is intriguing to note that the term *laïque* is not used in any of the constitutional and legal provisions contributing to the 'recognition' of *laïcité* in Belgium. This was a deliberate choice on the part of the initiators of this 'recognition', while socio-Christian parliamentarians, after some hesitation, were open to including references to *laïcité* in the texts. The reason for this omission is simple: it has to do with the ambiguity of the word *laïque*. This word is used to denote both members of the Catholic Church (as distinct from members of the clergy) and those who, from the mid 19th century onwards, committed themselves to the fight against clericalism and for secularisation of the state, freedom of thought and state schooling ('official education'). The goal of partly reducing the discrepancies between the benefits granted to religions – and in particular Catholicism – and the proponents of *laïcité* would have been annihilated: had the term *laïque* been used, this would have been a pretext for Catholics to ask for additional funding, in particular for lay persons involved in catechesis due to a shortage of priests (H. HASQUIN, 'Is Belgium a laïque State?' in F. DE BEAUFORT, H. INGEMUND & P. VAN SCHIE (eds.), *Separation of Church and State in Europe*, Den Haag/Stockholm, European Liberal Forum, 2008, 100-101).

[32] On the French concept of *laïcité*, see: J. BAUBÉROT, *La laïcité en France*, Paris, Ed. Parole et silence, 2005; J. BAUBÉROT, *Histoire de la laïcité en France*, Paris, P.U.F., 2003.

[33] H. HASQUIN, 'Is Belgium a laïque State?' in F. DE BEAUFORT, H. INGEMUND & P. VAN SCHIE (eds.), *Separation of Church and State in Europe*, Den Haag/Stockholm, European Liberal Forum, 2008, 100.

[34] See: 'L'Union Bouddhique belge réclame la reconnaissance du Bouddhisme en Belgique', *L'Avenir*, 7 April 2014 (available on: www.lavenir.net, last visit on 10 October 2014).

[35] See: www.centrebouddhique.net/content/view/full/129/31/, last visit on 10 October 2014.

[36] Parliamentary question n° 15951 of André Frédéric to the Minister of Justice on the 'recognition of new religions' on February 26th, 2013.

Legally speaking, the slowness of the process of recognition of Buddhism is the result of one of the main issues of the Belgian regime of funding religious and non-confessional organisations. In fact, Belgium has no official criteria for the recognition of new organisations. Those criteria^[37] only come from unwritten rules, which create a lack of juridical security and transparency. In that context, it is quite obvious that Belgium will have to legislate in the next years to avoid the risk of a condemnation by European or International jurisdictions.

Furthermore, this lack of legislation will probably continue to raise difficulties in the future because more and more religious and non-confessional organisations may request recognition. The reason why we can expect an increase of demands of recognition is because of pluralism and multiculturalism that characterises Belgian society.

For instance, Hindus are likely to introduce a demand of recognition, especially to have a course of Hinduism organised and financed in public schools^[38]. In 2013, Rajan Zed – President of Universal Society of Hinduism – in a statement in Nevada, urged King Philippe I^[39] to work toward the recognition of Hinduism in Belgium^[40]. However, the position of the political parties on the potential recognition of Hinduism is still a mystery because the Hinduism association has not introduced any official request for recognition.

5. CONCLUSION

We have tried to show the strong link existing between religious diversification and the recognition and funding of new religious and non-confessional organisations in Belgian Constitutional Law. Within the study of the relationship between State and churches, the funding of religious and non-confessional organisations is surely one of the best illustrations of the imbrications that have always existed between policy choices and legal recognition.

[37] On those criteria, see *supra* p. 5.

[38] On that issue, see also: Parliamentary question n° 15951 of André Frédéric to the Minister of Justice on the 'recognition of new religions' on February 26th, 2013.

[39] King Philippe I is the seventh King of Belgium. He was crowned on July 21st, 2013.

[40] Available on: www.thejetnewspaper.com/2013/07/22/hindus-welcome-philippe-as-new-king-of-belgium/, last visit on 10 October 2014.

Globally, it is interesting to see that Belgium has changed from a regime of homogenous Catholicism to a pluralist society, characterised by the State's recognition of new religions – Orthodoxy and Islam – but also by the recognition of a non-confessional organisation (the so-called '*laïcité organisée*'). This is a specificity of Belgium compared to other European States. The possibility for non-confessional organisations to be recognised has been concretised by the revision of article 181 of the Constitution.

Nevertheless, because the criteria of recognition only come from unwritten rules, Belgium will surely face some new challenges in the next few years, typically concerning the demands of recognition of new religions and new non-confessional organisations. Furthermore, the key of distribution of public funding between religious and non-confessional organisations has become unsatisfactory because it is still based on old principles inherited from history.

Furthermore, the Belgian legislator cannot ignore the phenomena of religious diversification, which means that the arrival of new religions and new philosophies on the territory has to be taken into account. As we have seen, Buddhism and Hinduism are today's most likely candidates for a future recognition but there still exist some barriers – especially financial – to the concretisation of their legal recognition.

As last conclusion, we can observe that Belgium has integrated the consequences of religious diversification by opening its system of public funding not only to new religions but also to non-confessional organisation. Still, the integration of religious diversification could be better and fairer if Belgium would adopt recognition's criteria in the Law or in the Constitution itself to offer all religious and non-confessional organisations the possibility to be financed by the State.