

Relationship Between the State and Churches in the Slovak Republic

Approach on the halfway

Michaela Moravčíková

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The Slovak Republic is a sovereign, democratic and legally consistent state. It is not related to any ideology or religion. (Article 1 of the Constitution of the Slovak Republic as of September 3, 1992)¹

Compared to European religious-legal systems, Slovak approach can be characterized as the one "on the halfway" between the strict separation and established church. This relationship is coordination and equal one. No church is an established church and does not enjoy any special privileges. Legislation proceedings are equal for all the churches and the churches as legal entities are subject only to the limitations resulting from generally binding regulations. Our state is defined as a lay state – neutral in terms of ideology and religion and it is best related to cooperation model of the state-church relationships, defined in treaties and agreements concluded with registered churches and religious societies in the Slovak Republic.

Is the Slovak Republic a secular state with regard to the separation of state and churches? (Discussion on neutrality of the state with regard to world view issues has been going on since the establishment of the Czechoslovak Republic in 1918). Which way is religious and legal development in our country, which has been building a model of the relationship between the state and church since 1989 wending?

The separation of churches and state can be a result of neutral to restrained attitude of the state to churches, as it can be observed in France, as well as of a positive worldview and religious tolerance, the example of which is taken from the United States of America. It can also be an expression of non-existing steady model of relationship of the national authorities to churches and religious societies, which is the case of development countries.² We commemorate the 100th anniversary of the enactment of the law on the separation of state and church this year. At the same time we are witnessing growing interest in the spiritual, or religions and various places of our planet become even "scenes of the holy wars" in some moments. There is much discussion on human rights taking place. This is not only due to increasing and more frequently occurring mingling of cultures, but also due to the efforts to ensure safety with regard to the religious motivation of terrorist attacks. It appears that the worldview issues and issues related to the positions of religions in the society will occur more insistently. That is why it is immensely

¹ ČIČ, M. a kol.: Komentár k Ústave Slovenskej republiky. Matica slovenská, Martin, 1997, p. 47.

² MORAVČÍKOVÁ, M., CIPÁR, M.: Cisárovo cisárovi. Ekonomické zabezpečenie cirkví a náboženských spoločností. Bratislava: ÚVŠC, 2001, p. 6.

important to find optimum legal framework, which would govern state and church relationship in every country.

Religious and demographic situation in the Slovak Republic

Last census in the Slovak Republic took place in May 2001 (Act N. 165/1998 Coll. on the census of population, houses and apartments). It was for the first time since the establishment of the autonomous Slovak Republic (1993). Using a method of self-census, it was aimed also at finding out what the creed of the population was. Filling in this information was optional.³

Compared to last but one⁴ census of the population (as of March 3, 1991), the biggest change was observed in the items characterizing overall population. The number of inhabitants professing the affiliation to some church or religious society grew from 72.8% to 84.1%, i.e. by 11.3% - in absolute number, from the amount of 3 840 949 to 4 521 549, i.e. by 680 600 inhabitants. All the registered churches and religious societies achieved an increase. Since approximately 4.5 Millions out of 5 379 445 of inhabitants declared their affiliation to creed, it can be stated that the importance of religiousness not only is not in decline or is a steady constitutive factor for an individual or community, but on the contrary, its importance grows indeed.

On the other hand, the number of people without any creed, i.e. any affiliation to religion or religious society increased. Whereas in 1991 there were 515 511 (9.8% of population) of them, after the recent census their number grew up to 697 308 (13% of population; in absolute numbers growth by 181 797, i. e. by 3.3%).

In year 1991 redistribution of 917 835 persons without religious affiliation was a big unknown. Today we know that there are only 160 598 inhabitants who have not professed any religious affiliation. Religious affiliation has crystallized gradually – through interior decisions of individuals as well as under the influence of social factor, e.g. extensive public discussion on a new model of churches financing.

The number of those who professed to be affiliated with a non-registered religious society or a church increased (6 294 inhabitants compared to 3 625 in year 1991). This growth can be attributed to newly established religious communities – not excluding the extreme ones – which, eventually, have been working longer but have not been registered, or those registered as civic associations.

High rate of religiousness in Slovakia is also a reason for the situation, which could be characterized as a partial separation. The churches are independent and govern their own decision-making process, but in financial terms they are still interconnected with the state.

³ Basic information can be found in document N. 600-0615/2001 of the Statistics Office of the Slovak Republic (Section of Social Statistics and Department of Population Statistics) *Sčítanie obyvateľov, domov a bytov 2001. Základné údaje. Náboženské vyznanie obyvateľstva*, of November 2001 (Code: 090401). 240 p.

⁴ In independent Slovakia.

Financing of churches in the Slovak Republic

Act N. 218/1949 Coll. on economic provision of churches and religious societies through many amendments, which eliminated a discriminating approach and state supervision over churches, continues to hold paternalistic approach to churches in relation to financing issue. The communist state imposed on churches and religious societies through the above mentioned act a unified form of claiming direct support of the government, which was supposed to replace the whole spectrum of individually differentiated traditional resources in the economic sphere. In the period from February 25, 1948 until the Act N. 218/1949 Coll. entered into force, i.e. until November 1, 1949, a decisive part of the productive church property was put under the state ownership without any compensation, in particular by means of unilateral execution of the acts on land reforms. The restitution of church properties is therefore one of the central processes enabling the churches to start building an economic independence.

Pursuant to the federal Act N. 298/1990 Coll. on adjustment of some property-related relations of monastic orders and congregations and the archbishopric of Olomouc as amended by Act N. 338/1991 Coll. it was made possible to restitute some property to the monastic orders and congregations. This act referred to 95 monasteries in the Slovak Republic. Act N. 282/1993 Coll. on mitigation of some property grievances brought about to the churches and religious societies enabled recovery of the property right to tangible and intangible assets sequestered from the churches and religious societies in accordance with decisions of government bodies, civil and administrative acts issued in the period from May 8, 1945 – on the Jewish communities since November 2, 1938 – until January 1, 1990. The Act enacted that the actions related to returning of intangible things is exempted from administrative and judicial fees and the costs related to geometric measurements of returned intangible assets are covered by the state. The Act N. 97/2002 Coll., which amends and supplements the Act N. 282/1993 Coll. and refers to the subjects of restitution, added also lands, which constitute a part of forestland fund in the national parks.

Presently, the state covers the loans of the priests (including levies to social and health fund and employment fund) on the basis of the Act N. 218/1949 Coll. and of its amendment in the Act N. 522/1992 Coll. if the churches and religious societies apply for it. This duty is not imposed on churches and religious societies, to the clergymen of which the state granted personal benefits as of December 31, 1989. Out of the entire number of sixteen registered churches and religious societies, four subjects⁵ do not claim the right for benefits. Categorization of the loans for the priests into categories and pay grades is regulated in the ordinance of the government of the Slovak Republic⁶. The state contributes also to the operation of the headquarters of registered churches and religious societies. The Ministry of Culture is an administrator of financial means, which the National Council of the Slovak Republic defines in the state budget for churches and religious societies. The Ministry transfers the financial means each month to individual headquarters of churches. The state budget sets aside also financial means as a contribution to the Slovak Catholic Charity and Evangelical Diacony. The contribution of the state to churches and

⁵ Religious society Jehova's witnesses, Christian congregations, Church of 7th day adventists and New Apostolic Church.

⁶ Government ordinance of the Slovak Republic N. 578/1990 Coll. as amended in the government ordinance N. 691/2004 Coll.

religious societies can come up to 80% of acquisition price for purchase and installation of electronic alarm devices to protect sacral cultural monuments.

All the takings from church collections, incomes for religious acts and regular contributions of the members of the registered churches and religious societies are exempted from tax. The registered churches and religious societies recognized by the state can deduce value of gifts granted for humanitarian, charity and religious purposes from the tax base of natural persons, as well as legal persons in the amount defined by the law. Lands composing one functional unit with a building or its part serving for execution of religious rites of churches and religious societies, furthermore with buildings or their parts serving as offices of persons entrusted with spiritual administration are exempted from the land tax. The lands with cemeteries are also exempted from this tax. Buildings and their parts serving exclusively for execution of religious rites and also parts serving as offices of persons entrusted with spiritual administration are exempted from the tax. Inheritances and gifts meant for the development of registered churches and religious societies⁷ are exempted from the accession tax. Under the conditions set in the ordinance N. 17/1994 Coll., religious items and gifts for churches and religious societies are also exempted from the import duty.

Based on the § 48 of the Act N. 366/1999 Coll. on income taxes as amended, every taxpayer has the right to remit the amount corresponding to 2% of paid tax to one of the eligible legal entities⁸ through respective administrator or tax payer. Purpose-built facilities of churches and religious societies rank among these legal entities. In addition, churches and religious societies as well as subjects with legal personality related to them can apply for various subsidies and grants. Churches ask for these funds in particular in regard with conservation and restoration of cultural heritage, which they own and they can also apply for funds meant for social, charity, education and cultural projects.

Since 2000, the preparatory works aimed at creation of a new economic provision of churches and religious societies have been underway in the Slovak Republic. In 2001, the Ministry of Culture submitted the bill on financial provision of churches and religious societies, which preserves the core of the so far applied model but differs in a way of distribution of financial means, which is limited and considers number of members of individual churches and religious societies and takes into consideration specific circumstances of their work in the categorization according to the size of churches. The bill underwent the legislation process up to the point of insertion into the agenda of the National Council of the Slovak Republic. However, it was taken off the program upon the motion of one deputy and it has not been reinserted since then. It seems it will be necessary to look for a broad consensus of churches and religious societies, individual departments, political parties and other involved segments of the society.

Fight for God, religion and values

⁷ Act N. 366/1999 Coll. on income taxes, Act N. 317/1992 Coll. on real estate tax, Act N. 318/1992 Coll. on accession tax and real estate transfer tax.

⁸ In addition to purposeful facilities of registered churches and religious societies, this regards civic associations, foundations, non-investment funds, NGOs providing public services, organizations with international element and Slovak Red Cross.

We can say that since the fall of communism in 1989, the “restructuring of values” has been under way in Slovakia and with reference to the gradual crystallizing of the political scene and introduction of principal worldviews within European integration, the so-called church issue has come into focus.

First serious “worldview” conflicts reaching the top political scene appeared in 2000 when Christian democrats failed in enforcing the prohibition of Sunday selling. In 2001 they initiated the amendment of the Article 15 of the Constitution of the Slovak Republic aimed at replacing the sentence: “*Human life is worth protection before the birth.*” by a formulation: “*Deliberate termination of unborn human life is not admissible. The right of the mother to treatment aimed at her life rescue is guaranteed.*” After failure in enforcement of this amendment, Christian democrats initiated submission with the Constitutional Court of the Slovak Republic on the accordance of the Act on induced abortion with the Constitution. The Court has not taken any decision on this issue yet.

In 2003 several sensible questions related to church agenda emerged at the same time. In summer the issue of interruptions appeared and it provoked the crisis of the government. Shortly after that the issue of the treaties of the Slovak republic with the Holy See and agreements between the state and the registered churches was opened. Partial agreements on upbringing and education and on conscience reservation divided after interruptions issues the society into discussing conservative and liberal camps. The visit of the Pope John Paul II in September 2003 was transferred onto the financial level. Consideration on the “price” of the visit resulted in the disputations related to church financing and necessity to ensure the separation of church from state.

In the time of Velvet revolution, which started on November 17, 1989, the requests of demonstrating population contained next to cancellation of the leading role of the communist party, change of politics, freedom of the press, etc. almost every time also the request for religious freedom and separation of church from state.⁹ In that time it was the initiative of the Catholic Church and it was one of the twelve requirements of “the revolutionary squares” and a way how to break free from the “bondage of the state”. New legislation introduced partial separation, avoided supervision of the state over churches and gave them freedom to decide on their own affairs. The churches are however not ready to accept the financial freedom – neither them, nor the state is on the point of laying it down. Continuing economic bond petrifies the present situation. It must be noted the state subsidy is not a full provision for churches, but assistance in a difficult situation after restitutions. The property was returned to churches in restitutions, which is a source of potential future incomes but they are rather a burden for them presently. The owners of cultural monuments, forests and land fund are obliged by the law to provide for all legally stipulated requisites (renovation, protection...). Considering the fact that the churches hold in their possession 23% of intangible cultural monuments in the Slovakia, we must state that it is very exacting to comply with the letter of law as for the financial requirements. It is the churches that raise the issue of separation requirement, i.e. financial separation. In particular the representatives of the liberal spectrum and opponents of “state

⁹ Comp. *Riport o Nežnej revolúcií/ Report über die Sanfte Revolution/ Report of the Soft Revolution*. Bratislava: Obzor, 1990. 141 p.

clericalization” from among citizens speak about it most. The latter are convinced that the duty to pay to one’s own church would put religious affiliation of many Slovaks to test and it would change markedly statistic data, which the churches use as arguments today.

Consequently, the autumn of 2003 bore the stamp of European Union integration. The questions of anchoring the Christianity into the Constitutional agreement on the European Union, Charter of human rights “for 21st Century”, which was to be incorporated in the agreement, anti-discrimination law required by the European Union from Slovakia were heard. In 2004 and 2005 the discussions on concluded partial treaties with the Holy See and agreements with 11 registered churches and religious societies were taking place.

“Church agenda” contraposed conservatives and liberals in the governmental coalition. Liberally oriented citizens showed their disgust at alleged clericalization of the state and rejected interference of churches in the life of society. Conservative camp defended the right of every citizen and subject to express their opinion on the issues of public life whereas they reasoned with the results of the census in 2001, according to which more than 80% of the population professed their affiliation to Christianity.

The churches and their ambitions of power were accused of sparking off the conflicts and this referred most to the biggest and most influential one – the Catholic Church. This statement cannot hold – as opposed to the churches in neighboring countries churches in Slovakia have no strong tradition of political involvement. Believers indeed (in particular the traditional ones) resist “dragging politics into churches”. Political parties introduced politics and their worldview into the above mentioned issues, which the churches welcomed as far as the defense of Christian principles is concerned. Political polarization naturally reflects the polarization in the society.

Conclusion

Superb analysis of Jean Bethke Elshtain, Professor of political philosophy at the University of Chicago entitled “Secularism as the state given duty”¹⁰ arrives at the conclusion that the separation of church from state does not automatically imply a necessity to separate religion from politics. The opposite opinion is promoted by one of the influential streams of liberal political philosophy, which the author calls liberal monism – all the institutions in democratic society should be subordinated to one authority principle, only one standard should be applied for what we call reason and reasonable thinking and political discussion should be taking place using one language (John Rawles). This strong contemporary school (linked previously with works of J. Rawles) asserts for obvious reasons that when believing people enter the public sphere, they must do so in a secular and civic way without any explicit reference to religious creed and faith. If they are not able to translate their statement into language, which is declared to be civil and neutral they shall rather be silent and not join political life with not-allowed expressions, which could threaten supposed working consensus. According to Elshtain many Americans accepted without even batting an eyelid privatization of religion as the basis for tolerance, which in fact directly contradicts real pluralism. Their heads have been hammered into for a long time that a religion was a private matter and, eventually, they accepted it as a truth of

¹⁰ Presented on the conference of Becket Fund for religious freedom entitled Religious freedom and ideology of the state, which was held on **August 9 – 11**, 2000 in Prague. See www.obcinst.cz/clanek.asp?id=631

the civic gospel. Religious freedom does not require such a profound privatization, concludes the author, which is not bearable anymore if a religion shows any public face to the world.

Politics of the church, which is an important segment of the cultural politics stretches to many spheres of public life and gradually becomes one of the most sensible topics in the fights of Slovak political parties. Liberals, organized atheists or “secular humanists” call for French model in our country. Observing present development of models of state-church relationships, it seems that they get inspired in the most developed countries of the world. The development heads towards maximization of neutrality of states through edging (above all Christian) churches to the private sphere. This tendency is inspiring in many cases also for post-communist countries of Central and Eastern Europe, as it is proven by the political squabbles in the Slovak Republic. Its assertion is much more difficult in the countries with majority orthodox national churches. On one hand, it seems that such development might lead to uniformity of countries’ relationships towards religions – the unification of legal regulation of state-church relationship could be achieved in European Union member countries in this way. On the other hand, following the line of thought of J. B. Elshtain, it would be possible to consider more generous liberalism in democratic societies, which recognizes that each compliance with the rules and proceeding is essential. It defends – though not explicitly – a kind of good life compared to somebody else’s and understands that self-discipline requires real positioning within a society, where a man can learn what it means to act and to accept actions of the others and what it means to get integrated into community and assume responsibility. Such pluralism takes a protective, not a destructive position towards plurality since it understands that pluralism is just an empty word unless there are real social institutions and premises, which will enable people to preserve their traditions, customs and convictions that they appreciate.