

## ***Why does the Belgian State pay for Anglican clergy and Anglican Religious Education?***

### **Church-State Relations in Belgium**

#### Dates

- 1482 *Belgium passes from Burgundy to Spain*
- 1713 *Treaty of Utrecht gives Gibraltar to Britain, Belgium to Austria*
- 1794 *Belgium seized by French Republic*
- 1795 *French Directory*
- 1799 *Napoléon's coup d'état: he becomes First Consul of the French Republic*
- 1804 *Napoléon makes himself Emperor of the French Republic*
- 1815 *Belgium passes to the Netherlands*
- 1830 *Belgium declares independence from the Netherlands*
- 1831 *Belgian independence recognised at Congress of London*

The Belgian constitutional religious settlement owes everything to the French Revolution. In 1790, the *Assemblée nationale* enacted the *Constitution civile du clergé*, which nationalised the French Catholic Church and its property and abolished tithes, in return for State salaries for clergy. The territory of what is now Belgium was incorporated by force into the French Republic in 1794 and the new French ecclesiastical legislation was duly enforced here. The Directoire which ruled France from 1794 to 1799 severed links with the Catholic Church, but these were reintroduced by Napoléon after he took power in 1799: he signed a concordat with Pope Pius VII in 1801 in which he organised the Catholic Church essentially along the lines of the 1790 *Constitution civile du clergé*. (Pius VI had trenchantly resisted this document in 1790, but his successor realised that it was the best deal on the table: the alternative was for Napoléon to remove Rome's influence entirely from the Gallican Church.) Napoléon augmented the concordat by a decree of his own on 8 April 1802 (the date is *18 germinal an X* in the republican calendar), adding the French Reformed Church and Lutheran churches in Alsace to the concordat and handing over dozens of Catholic church buildings for Protestant worship (Pius VII protested vigorously but was ignored). In 1808, Judaism was similarly included by imperial decree. The Napoleonic religious regime was maintained in Belgium by the Netherlands, according to the stipulations of the Congress of Vienna in 1815.

When Belgium declared its independence from the Netherlands in 1830, Article 117 of its Constitution, published on 5 February 1831, maintained the Napoleonic religious regime (Catholic and Protestant clergy and rabbis salaried by the State) and this article remains in force today<sup>1</sup>. The Belgian Constitution guaranteed freedom of belief and unbelief (articles 14 & 15); beliefs as such were placed on an equal footing and the Constitution made no reference to God (which was highly unusual – even the French Republican constitutions had made explicit reference to God as the *Etre suprême*). In his papal bull *Mirari Vos* (1832), Gregory XVI protested vigorously against this “Godless constitution”, condemning all forms of modern liberal thinking – especially the freedom of the press – into the bargain, but he was ignored by a Belgian Catholic hierarchy eager for the security of State salaries.

The first king of the Belgians was Léopold I of Saxe-Coburg-Gotha, Queen Victoria's uncle and of devout Reformed religion. His first marriage was to Princess Charlotte of Wales, only child of the future George IV and a devout Anglican. She died after giving birth to a stillborn son in 1817. Léopold married his second wife, Louise of Orléans (daughter of King Louis-Philippe of France) in 1832, after he was made king of the Belgians. She was a Catholic and bore him four children,

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<sup>1</sup>So Belgium has retained the Napoleonic regime abandoned by France in 1905. The total separation of church and state in France enacted then does not apply in Alsace and Moselle which were part of Germany in 1905 and whose Napoleonic system was retained on their reincorporation into France in 1919. From 2009 to 2011, when I worked as the pasteur of the Temple Neuf de Metz, a parish of the Eglise protestante réformée d'Alsace et de Lorraine, I had “Paroisse sous régime concordataire des articles organiques du 18 germinal an X” on my parish notepaper and was paid by the Ministry of the Interior.)

including the next king Léopold II. But Léopold I remained sympathetic to the Anglicanism of his first wife, and from 1835 Anglicanism was informally added to the list of *cultes reconnus* – there were already Anglican parishes in Brussels, Antwerp, Ostend, Bruges and Spa. This informal arrangement was enshrined in law in 1870 and in a royal decree of 1875. Belgium therefore became a nation which supported a faith which had almost no Belgian adherents.

Islam was added to the list of *cultes reconnus* in 1974, Orthodoxy in 1985, *organisations philosophiques non confessionnelles* (commonly called *laïcité organisée*) in 1993, and Buddhism in 2007.

Belgium therefore has six *cultes reconnus* (Catholicism, Protestantism, Judaism, Anglicanism, Islam, Orthodoxy) and two *organisations philosophiques reconnues* (Laïcité, Buddhism). The benefits to these faiths are essentially that the salaries and pensions of their clergy or leaders are paid by the State. The burden on the faiths is that they must interface with the State via an official organisation recognised by the State. So it is that Belgium does not take into consideration the slightest detail of the diocesan structures of the Church of England or of the Episcopal Church: its interface with Anglicanism is the Central Committee of the Anglican Church in Belgium, and the head of the Anglican Church in Belgium from the State's point of view is the President of the Central Committee.

The *cultes reconnus* benefit in other ways too:

- State funding for religious representatives in the armed forces, hospitals and prisons;
- Certain tax breaks and financial support for places of worship;
- Dedicated hours for television and radio programmes of a religious nature;
- The State finances university departments of theology, currently Catholic and Protestant (and Laïcité for university courses in sciences morales), but nothing prevents another *culte/organisation* from setting up a university training course and demanding State support.
- Religious Education in schools: State schools must offer all pupils two hours' tuition per week organised by one of the eight *cultes/organisations reconnus*. No lower limit for class-sizes is stipulated, so a school must provide confessional RE even for a single pupil if a request has duly been made. Confessional RE is regulated by the *Pacte scolaire* of 1959, which (apparently in a now uncorrectable administrative error) includes Anglican RE in the Dutch-speaking educational system but omits it from the French-speaking educational system.

State support for confessional RE in schools stems from Article 24 of the Constitution, added in 1988 – this revision explicitly uses the phrase “*religions reconnues*” for the first time. It is therefore not technically identical to the provisions of Article 117 concerning the clergy – hence there is a legal requirement to erect a separate legal entity to oversee it. The Committee for Anglican Religious Education has a separate legal identity from the Central Committee of the Anglican Church in Belgium<sup>2</sup>.

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<sup>2</sup>There is an excellent summary of these issues in Caroline Sägerser, *Le prix de nos valeurs : financer les cultes et la laïcité en Belgique*, Brussels, Espace des Libertés, 2010.