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“Policy on religion in the European Union” doctoral thesis, written under the guidance of Rev. Prof. Piotr Mazurkiewicz

Abstract

This doctoral thesis aims to demonstrate that the European Union pursues its own policy on religion on a supranational level in spite of not being bestowed with any competences in this field by the EU Member States. Moreover, the objective of this paper is to prove the *sui generis* nature of the religious policy of the EU; in other words: that it does not constitute an example of scaling a model of state-religion relations currently existing in any of the Member States to a supranational level. It has been observed that despite repeated declarations of the EU’s neutrality in matters of religion and belief, its specific policies and legislation often end up directly or indirectly regulating those areas; this practice has been the most pronounced in those areas of internal and external policy where there is significant interplay between the spheres of *sacrum* and *profanum*.

In order to prove the main hypothesis, the Author chose to examine select specific policies and legislation through which the European Union displays its stance towards the religious communities and organizations, individuals exercising their right to freedom of religion, and Europe’s religious heritage. This paper also explains that religion, whose impact on the political and legal proceedings in the EU tends to vary depending on the subject matter under consideration, plays a double role: it is either actively taken into account during the establishment of policies, or – alternately – is passively affected by laws primarily designed to regulate other areas less explicitly related to it.

This thesis consists of three main parts, further subdivided into chapters. The first part serves as an introduction to topics covered in the following sections, and includes the description of models of state-religion relations employed by the Member States of the EU. Comparing the models allowed the Author to seek the manifestations of their particular traits and characteristics on the supranational level, which was done by quantitative and qualitative analysis of legal and political documents issued by the EU, with a view towards outlining the general characteristics of the religious policy created and executed by the Union.

The second part constitutes an examination of main components of the religious policy of the EU stemming from documents comprising its primary law, including – among others – the Charter of Fundamental Rights or the Treaty of Lisbon. Analysis of those documents allowed the Author to characterize the EU's official stance towards issues such as Europe's religious heritage, or the individual and institutional aspect of freedom of religion.

As exploring the full extent of the European Union's involvement in matters concerning religion necessitated research into the EU secondary legislation as well as its *soft law*, the final part of this paper was dedicated to seeking out the manifestations of religious aspects in those areas of targeted EU policies where the Union was explicitly granted the right to act on behalf of the Member States; among the areas examined was the anti-discrimination policy, the labor and data protection laws, and the Common Agricultural Policy, as well as the laws governing the EU's external relations, to the latter of which a separate chapter was dedicated. In the conclusion of the research the Author argues that, based on the findings presented in the preceding chapters that describe its details and characteristics, it can be claimed that the European Union does, albeit not explicitly, have a religious policy of its own that it is active in pursuing.