ARTICLES

THE ROLE OF RELIGION AND THE CHURCHES IN A SECULAR STATE

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Péter Cardinal Erdő
Archbishop of Esztergom-Budapest

Ladies and Gentlemen,

It is a great honour and pleasure for me to hold a lecture here, at Columbia University on a religious subject. I have to confess, I was somewhat embarrassed, when Professor Somerville invited me. Choosing the exact theme of this speech proved to be a special challenge. Since my area of expertise is canon law, I had to be extremely careful not to burden the audience with specialist details. So I came up with the topic about which I am going to speak this evening.

Church and religion in the secular State seems to be a present-day question, because we are facing a profound, grave crisis which may be summed up in the word „relativism". This means that we, as a society, are increasingly unable to say something is „right" or „wrong", „true" or „false" (even our news, which is often „fake news")[1] because, as we say, and generally now believe, it is all „relative".

1. The Problem

1.1. Until the age of the Enlightenment society was regulated by a unified normative system

As the larger communities of human society form into States, the ultimately physically enforceable rules of social behaviour and even the development of the laws themselves, claimed that the contents of the law and the authority of the legislators

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[1] Pope Francis: Message of Pope Francis for the 52ⁿᵈ World Day of Social Communications. 24 January 2018., https://w2.vatican.va/content/francesco/en/messages/communications/documents/papa-francesco_20180124_messaggio-comunicazioni-sociali.html

are founded upon factors higher than just the human community. Law, morals and religion prove to form an organic whole, which is characteristic of western society right up to the age of the Enlightenment.

1.2. The great lawgivers from Hammurabi and Justinian until the modern age placed the human community within the cosmos, and they legitimised both the lawgiver and the laws through religion

The great legislative works, such as the Code of Hammurabi or much later the *Codex Iustinianus* begin by situating the particular community into the context of the universe and supernatural forces, that is, they see their place both within the cosmos and beyond it. In the preface to his Code, Hammurabi refers to his mission given by the gods,[2] and Justinian begins his work with a confession of the belief in the Holy Trinity.

In the area of the religious and therefore the moral legitimization of State authority, Christianity introduced a special novelty. It distinguished State power *(potestas)* from the authority *(auctoritas)* of the Church. Its classical interpretation is very notable in the letter of Pope Gelasius I, which he addressed to Emperor Anastasius in 494 AD.[3] Here the dualistic principle of Church and State was formulated. In this context caesaropapism, whereby Caesar claimed for himself also the highest Church authority, could appear. On the other hand, from the side of the papacy there was an attempt, according to which in certain cases – on the basis of Church authority – the pope could extend his authority over the State power, such as in the time of Pope Innocent III, or Boniface VIII.[4] Almost in response to this some tendencies in Western thinking appeared, which claimed that the power of the civil ruler or of the people originate directly from God. In this way they try to establish a moral legitimization of the civil law, independent from the Church.

In the late Middle Ages even theological thinkers, such as Gregory of Rimini, came up with the idea that the concept of moral sin can have a basis without any

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[2]   Robert Francis Harper (ed.): *The Code of Hammurabi King of Babilon about 2250 B.* Chicago, The University of Chicago Press – London, Luzac and Company, 1904. 3.

[3]   „*Famuli vestrae pietatis*" JK 632.; Heinrich Denzinger – Peter Hühnermann: *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum. Edizione bilingue.* Bologna, *EDB,* no. 347. 1996.; Aemilius Friedberg (ed.): *D.96 c.10: Corpus Iuris Canonici.* Lipsiae, Bernhard Tauchnitz, 1879–1881. (repr. Graz, Akademieverlag, 1955.), vol. I. col. 340.

[4]   Cf. Péter Erdő: *Il peccato e il delitto – La relazione tra due concetti fondamentali alla luce del diritto canonico.* Milano, Giuffrè, 2014. 70–73.

reference to religion or God.[5] Later Hugo Grotius said that natural law would be valid even if we supposed that God does not exist, or does not care about humankind.[6]

1.3. Legitimization comes not from the Church, but from wholeness of objective reality

In the age of the Enlightenment great intellectuals referred to a natural law, which can be recognised by the human mind from the world, and upon which laws can be based independently from any religious view. The first declarations of human rights either explicitly or tacitly reflect this philosophical conception. The thought of religious tolerance appears and becomes widespread in this context, since the functioning of the State and the legitimisation of the legal system does not depend anymore on the teachings of any religion. As long as the functioning of the State was closely tied to the official religion, the lawgiver himself justified the punishment of certain acts – such as blasphemy – with such reasoning that if they were to tolerate these, God would punish the whole nation with natural disasters.[7] This means that – contrary to the modern concept when certain blasphemous manifestations are punishable because of the sensitivity of other people – in former times, not the societal, but the religious consequences dominated in these cases. The Prussian *Landrecht*, issued in 1794 provided the first basis for this modern, non-religious concept of blasphemy.[8]

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[5]   Gregorius Ariminensis: *Lectura super Primum et Secundum Sententiarum*. Super Secundum Dist. 34–37, quaest. 1, art. 2: [Damasus A. Trapp – Venicio Marcolino (eds.)] vol. VI. Berlin – New York, Walter De Gruyter, 1980. 235., 11–24. („*quicquid est contra rectam rationem est contra aeternam legem, ac per hoc secundum Augustinum recte dicatur peccatum esse factum vel dictum vel concupitum aliquid contra rectam rationem, id est, ut post patebit, facere vel dicere vel concupiscere, quae omnia sub vocabulo 'agendi' comprehenduntur, contra rectam rationem. Si quaeratur cur potius dico absolute 'contra rectam rationem', quam contracte 'contra rationem divinam', respondeo: Ne putetur peccatum esse praecise contra rationem divinam et non contra quamlibet rectam rationem de eodem; aut aestimetur aliquid esse peccatum, non quia est contra rationem divinam inquantum est recta, sed quia est contra eam inquantum est divina. Nam si per impossibile ratio divina sive deus ipse non esset, aut ratio illa esset errans, adhuc, si quis ageret contra rectam rationem angelicam vel humanam aut aliam aliquam si qua esset, peccaret*").

[6]   Hugo Grotius, *De iure belli ac pacis libri tres*. Amstelaedami, Ioannes Blaev, 165., (fol. 5r), Prolegomena („*Et haec quidem quae iam diximus, locum aliquem haberet etiamsi daremus, quod sine summo scelere dari nequit, non esse Deum, aut non curari ab eo negotia humana*"); cf. Erdő op. cit. 53.

[7]   Nov. 77. 1.1. Cf. *Corpus Iuris Hungarici*. Budae, Typis Regiae Universitatis, 1779. vol. I. 506., art. 42 anni 1563.; cf. vol. II. 17. and 166., art. 42 anni 1659., art. 110 anni 1723.

[8]   *Preußisches Landrecht*. Teil II, Sechster Abschnitt § 217.; cf. Vámbéry, Rusztem: Istenkáromlás. In: Márkus, Dezső (szerk.)*: Magyar Jogi Lexikon*. Vol. IV. Budapest, Pallas, 1903. 387–388.

1.4. During the 19th century the idea of separating the law and the State from the
      rest of reality arises. The relationship between religion and the State becomes a
      problem

According to the enlightenment theories, the essence of the natural law was still quite
close to the Judeo-Christian moral concept. In the 19th century the philosophical
foundations of this concept of natural law start to lose their convincing power. The
idea of relativity and the unknowability of the natural law, or the rules of upright
human behaviour based on its connexion with nature, gains ground, as also does the
separation of law from so-called natural morals. Because of this, the *relationship
between* religion, the Church, and even one's worldview and the State becomes a
problem. This is the question which many experts try to clarify even today. Nowadays
the possibility of an even more radical position turned up, which we will discuss later.

2. The Questions of the 20th Century

2.1. Legal positivism and the pure theory of law

2.1.1. Gustav Radbruch and the relativism of the current positive law

Moral relativism and uncertainty about the knowability of the natural law led to a
point when the trend of legal positivism became widespread among lawyers. Even
John Austin states that the existence of the law is one thing, its worth or worthlessness
is another.[9] In the 20th century strong versions of legal positivism appeared, which
considered law as a closed system of positive theses, the content of which is established
by given procedures in the relevant organisations of the State. Behind this concept is
a certain late version of the enlightenment idea of the social contract, which does not
consider this tacit agreement as a form of legal contract[10].

     For example, Gustav Radbruch was a prominent representative of legal relativism
and legal positivism. He went beyond the neo-Kantian principle which held that the
law depends on moral values. And, since according to him these are not absolute, then
law and justice is relative, too. The law, rendered independent from the broader reality
of morals led to horrible abuses in Nazi Germany. The trials of Nuremberg showed
where the separation of law and morals can lead. It was not easy to convict people
whose actions were based on current, but immoral laws. Later this contradiction was
resolved by Gustav Radbruch himself with the following formula: morals are a basic
element of law, and if a law breaks this, then it no longer meets the criteria of legality,
and therefore does not become applicable. Through this, Radbruch clearly had come

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[9]   John Austin: *The Province of Jurisprudence determined.* London, Weidenfeld and Nicolson, 1955.
       184–185.

[10]   Cf. Jan M. Broekman: Rechsphilosophie In: Joachim Ritter – Karlfried Gründer (eds.):
       Historisches Wörterbuch der Philosophie. Vol. VIII. Basel, Schwabe & Co., 1992. 320–321.

to revise his own earlier concept, and depicted law as a system open to the world of ethics.

2.1.2. The Hart-Devlin Debate

In the Anglo-Saxon world after the second World War the Hart-Devlin debate had great repercussions, where the main question was whether the law is a completely closed system, or by various mechanisms needs to be connected to morals in the seamless fabric of society and not artificially cut up into separated sectors. Naturally the correlation of law and morals never meant, and never can mean that everything which contradicts morals should be banned or punished by the law. Regarding this, even Seneca has provided a very pragmatic theory in his *De clementia* – his essay addressed to Emperor Nero.[11] Here he stated that those sins, and even crimes, which are very common cannot be severely punished.

2.1.3. Is the legal system functional on its own, detached from other social norms?

But this did not resolve the problem which arose from the uncertainty surrounding natural morals, and from doubts about the knowability and contents of morals. Would it be possible to say, that we can legally enforce morals, if we cannot even establish what the content of morals is? In this matter different anthropological views became apparent. The questions became: who is the human being? What is the good of the human being? Is the existence of the individual human being, as well as society, a part of a great project, or should it be, or indeed can it be, up to the human person himself to determine?

On the other hand the difficulty turned up that the positive rights of the State are not really functional, if the voluntary, law-abiding behaviour of the citizens does not back it up. You cannot put a policeman next to every citizen, and then, even if this were possible: *quis custodiat custodes?* Who guards the man on guard?

2.2. Problems of the Socialist Legal Systems

Precisely because of these questions, many worked on the problems of socialist morals in the former Communist countries. The aim was to promote voluntary obedience to the law. But since within the framework of Marxism-Leninism there was no form of religious legitimization, nor, in a broader sense, any form of recognition of natural law, a great number of conferences and studies came up with the result that the content of socialist morals is always the current Penal Code. But if the content of morals is simply the Penal Code, then this kind of morals will barely be able to strengthen the authority of the laws. Former French president, Nicholas Sarkozy encountered the same problem, and propounded in his book *The Republic, Religions and Hope* in 2004, that it is not sufficient to educate youth based only on the esteem of the values

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[11]   *De Clement.,* I, XXII, 1.

of the State and the Republic. He considered it good, to reduce the space between the State and the religions, and to integrate religious communities much more into society. The basis of this thought was the realisation that the State is in need of a kind of moral support to function properly, and also needs values which itself is unable to create. It needs to draw them from the society and also from religious communities. It needs to rely on the values they offer.

2.3. An „expedient law" or a „just law"?

After the epistemological turn of the second half of the 20th century, many started to doubt the existence of objective goods and tried to narrow the question down to the problem of desires and interests based on a subjective choice. That is how they reached the more relative and formal concept of justice and its separation from the common good, which they declare to be unknowable, or even non-existent. So the majority of the modern theories of justice have a more political character, and are detached from the traditional legal outlook. Many consider as a principle that what is expedient is prior to what is good. „They consider the latter, subjective, because in society there are many concepts of good, whereas justice, which is seen to be a complete whole of the rules and institutions which make co-existence possible with respect to the liberty and equality of its many subjects" is objective.[12] Another question is whether societal co-existence itself, which maintains the liberty and equality of subjects as an aim of the law, does not itself imply some kind of objective good?

According to authors such as John Rawls „that logical justification, which is needed by some metaphysics, morals" or even "some Churches and religions, refer only to those, who accept them, so it cannot be part of the organizing principles of the State".[13] But this point of view is not accepted by those, who are in need of truth and believe that they have to turn to everybody, „not only to those, who share their views".[14] Even if certain branches of State power deny the existence of knowable goods, even they, tacitly have to accept certain requirements of co-existence in order to influence the behaviour of society. In Western societies there exists a certain layer of „civil honesty", which – despite the ideological differences – enables the functioning of many institutions.

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[12]   Giorgio Del Vecchio – Francesco Viola: Giustizia. In: *Enciclopedia filosofica*. Vol. V. Milano, Bompiani, 2006. 4885.

[13]   Ibid. 4885.; cf. John Rawls: *A Theory of Justice.* Cambridge (Mass.), Harward University Press, 1971.

[14]   Ibid. 4885.

3. Lessons from the fall of communism

3.1. Ideological vacuum and the danger of the criminalization of society

There is a different situation in the post-Communist world, especially in the former Soviet countries. In these regions the bourgeoisie was always weak, and Communism destroyed the economical structures as well as the structure of society. Religions and morals were supposed to be replaced by the Marxist-Leninist ideology. After the fall of the regime, a cultural and moral vacuum was born, which endangered the functioning of law and State and also led to the danger of the criminalisation of society. It is understandable, therefore, that in certain countries, politicians are not too attracted by relativist ideologies. Instead of this they are busy trying to rebuild the cultural and religious foundations of their society. A minimal consensus in certain (objective) values is a cultural prerequisite of democracy. These values cannot be merely formal, but have to suppose some elements of the common good. Furthermore, Western democracies suppose from their very beginning that people are able to recognise the common good and elect those institutions of the State which are meant to guarantee it.

3.2. The need of ideological and moral foundations

3.2.1. The State cannot create these, they have to be drawn from society

As we have already mentioned, for the functioning of the law we need certain ideological and moral foundations, which can be widely accepted. It has also been proven historically, that only by using force, the State is unable to create these. It is worth looking at the former Communist countries, again.

3.2.2. Religion and Churches as factors of value

After the fall of the Berlin Wall the laws on the freedom of religion and conscience were reintroduced one after another in Central and Eastern Europe. In many countries new constitutions were accepted. In these laws Churches and religious communities are mentioned several times as factors of importance and of value in society. For example, in Hungary in the preamble of the 4th law of 1990 it was explicitly said that „churches, denominations and religious communities in Hungary are entities of prominent importance, capable of creating values and communities".[15]

The preamble of the agreement of 2000 between Latvia and the Holy See recognises among others the contributions of the Catholic Church to the religious and moral development, societal rehabilitation and re-integration of the Republic of

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[15]   Balázs SCHANDA (ed.): *Legistaltion on Church-State Relations in Hungary.* Budapest, Ministry of Cultural Heritage, 2002. 43.

Latvia.[16] The preamble of the concordat between the Apostolic See and the Slovak Republic in 2000 recognised the role of the Catholic Church in the social, moral and cultural field, and also reflects on the Cyril-Methodian spiritual heritage.[17] The moral contribution, along with the Cyril-Methodian heritage, which is basically Christianity itself, has a prominent value from the point of view of the Slovak State. We could list a great number of examples from the laws and international agreements of the former Communist countries. From the formerly capitalist countries it was Greece, which stated in its constitution that the ruling denomination in Greece is the Eastern Orthodox Church.[18] But these basic agreements do not describe the way in which the State counts on cooperation with the Church.

The claim of co-operation, however, turns up in other countries, for example in Articles VII, XV, and XVI of the Hungarian Basic Law.[19]

3.2.3. *Religious freedom as an individual right, and the special legal treatment of the Churches which are prominent in the culture of a given nation and religion, as an identifying factor*

In many countries of Europe, the question of individual religious freedom and the special place of religions in the identity of a nation often arises. The latter is a social fact, which the States themselves wish to take into consideration. One of its clearest manifestations was the communiqué of the II. European Catholic-Orthodox forum in Rhodes in 2010. In this the bishops' conferences of Europe, the Vatican and practically all European orthodox Churches pointed out that in European countries the recognition of religious freedom as an individual human right is growing. It is contained in the European Convention of Human Rights of 1950 as well as in the Charter of Fundamental Human Rights of the European Union in Nice in the year 2000, as also in the constitutions of many countries.[20] At the same time they refer to Article 17 of the Lisbon Treaty, which considers Churches as subjects of the national legislation, and also recognises their unique contribution to the identity of Europe.[21] This fact provides the basis for the legislation of the member States, which has the right to treat certain religions and religious communities as a specific category. The Catholic and Orthodox Churches intend to participate actively in the ethical and moral debates, which influence the future of society. They are convinced that European countries cannot omit their Christian roots without the danger of their own

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[16]   Cf. *Enchiridon dei Concordati – due secoli di storia dei rapporti Chiesa-Stato.* Bologna, EDB, 2003. 2190–2192.

[17]   Cf. ibid. 2213.

[18]   The Constitution of Greece. In the name of the Holy and Consubstantial and Indivisible Trinity, http://www.hri.org/docs/syntagma/artcl25.html#A3

[19]   Balázs SCHANDA: *Religion and Law in Hungary.* Alphen aan den Rijn, Wolters Kluwer, 2015. 23.

[20]   CATHOLIC-ORTHODOX FORUM RHODES 2010: Communiqué. In: *CONSILIUM CONFERENTIARUM EPISCOPORUM EUROPAE, Church and State relations: from Historical and Theological Perspectives. Atti del II Forum Europeo Cattolico Ortodosso.* Bologna, EDB, 2011. 216–217.

[21]   Ibid. 217.

destruction, because these ethical norms are the key to the future in a globalized world.[22] The same thought is expressed in the communiqué of the Czech, Slovak, Croatian, Polish and Hungarian bishops, published on the 19th October 2017:

> „We pray and work:
> – for a Europe which respects the individual and collective religious freedom which belongs to the human person by virtue of his own dignity;
> – for a Europe which also recognises the possibility of people to respect in a just manner those religions which have contributed in a major way to the formation of their own culture and identity."[23]

Behind these statements, is the recognition that Churches and religions in practice and in reality contribute to the creation and maintaining of the system of values and moral foundations of society. As mentioned, there are some rules of civil honesty, not attached to a particular worldview, but they are nonetheless, relatively widely accepted and followed, in the Western world. However in the former Communist countries these rules function much less.

In his dialogue with Jürgen Habermas, Cardinal Joseph Ratzinger mentioned that the two great cultures of the West – that is the Christian faith and the culture of secularized rationality – do have a role in shaping the whole world and all cultures, but they do not have always a real influence. The former Communist world, especially the former Soviet regions are good examples of where the borders of this universality lie. On the other hand the fact, that in these countries the political class often sees Christian values as important for the functioning of society, might indicate that the Christian worldview is more widespread and lasting in these regions than civic thinking with its own economical prerequisites and philosophical tendencies. The story of an old Benedictine priest is very characteristic. He spent many years in the Soviet Union, in the Gulag work camps. At the beginning of the 2000's and coming close to his 100th birthday he joyfully said: „I was dragged off to be destroyed because of my Christianity. But I am still here, and where is the Soviet Union?"

3.3. Contradictions in the idea of „hostile separation"

The theory of the separation of the Church and the State led to different practical solutions. In many countries hostile separation was the norm. This supposed that the State has an ideological option, which differs from the religions, and so separation also meant exclusion. The most obvious examples to this were the Communist countries, where the atheist ideology of Marxism-Leninism filled the role of more or

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[22]   Ibid. 218.

[23]   Europe must be a true family of peoples. Meeting of Representatives of Catholic Bishops' Conferences of Central and Eastern Europe. Budapest, Hungary, October 18–19, 2017. *ccce,* http://www.ccee.eu/news/news-2017/307-19-10-2017-europe-must-be-a-true-family-of-peoples

less a State Religion, but they also spoke about the separation of Church and State. However secularism can also be an ideology, which results in the negative examples of separation.

But almost everywhere, even where the separation is co-operative and peaceful, the legislator requires that Churches and religious communities obey the laws. This supposes, that society has a broader ideological horizon on which laws are established. But by giving up the principle of the natural law and by a weakening of the belief in the rationality of the world, the question rose: What is the basis of the law? If it is merely the decision of the so called democratic majority formed in a given way, then the phenomenon, of which so many complain these days, is quite understandable: that is the weakening of trust in the law. Even the majority can end up with wrong or harmful decisions, especially if the concept of the common good becomes uncertain, because there is no consensus even on the anthropological foundations of law. That is why it is difficult for the State to decide what is good for man. But the greater part of the society of the Western world lives in the hope that „in the event of a conflict there is an independent judge, who passes a just verdict on a fair legal basis". Their starting point is that „a legal system – no matter how debatable its rationality is in certain cases – on the whole still brings harmony both to the common good and people's individual interests.[24] This also highlights the problems of these unstable presumptions, namely the uncertainty surrounding the concept of the common good and doubts about fair treatment on the part of the authorities.

Another basic change is that we are witnessing, a shaking of the anthropological foundations of democracy. Western democracies presume that politicians and parties present and defend their political programs on a rational basis and that mature and responsible citizens make their choices and elect people using rational arguments. Today this sounds like a utopia. First of all because the picture of reality has become very complicated thanks to the development of the sciences. In other words there has to be a lot of trust for someone to believe the basic premises of a political program, so that the elected body, based on a democratic majority, can count on the trust of that society. It seems to be a vicious circle. We have to place our trust in somebody in anticipation, in order to let such a decision pass, in which we can trust.

From this point of view the statement of Pope Francis in the autumn of 2014 in Strasbourg, speaking to the Council of Europe seems to be significant. Here he expressed his concerns about the new interpretation of Human Rights:

> „I think particularly of the role of the European Court of Human Rights, which in some way represents the conscience of Europe with regard to those rights. I express my hope that this conscience will continue to mature, not through a simple consensus between parties, but as the

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[24]   Udo Di Fabio: Rechtsordnung und Vertrauen. In: Burkhard Kämper (ed.): *Neues Vertrauen in Staat, Kirche und Gesellschaft, Essener Gespäche zum Thema Staat und Kirche 50*. Münster, Aschendorff, 2017. 61–68:62.

result of efforts to build on those deep roots which are the bases on which the founders of contemporary Europe determined to build."[25]

So, fundamental rights, or the so-called Human Rights, should be based on an existing reality and on a certain morality, not simply on a majority decision of a body. That is, they have to have a content basis too, not just a formal basis.

But the new forms of communications make it possible that on the web and especially on the social media we acquire a great amount of audio-visual impressions. And we react to those, maybe simply with a smiley, without discerning or drawing any conclusions.

4. New Technologies for regulating social behaviour without law and morals

4.1. Information technological, genetic and other biological (psychological) manipulations

A tendency can be clearly seen, which may not be a conscious aim, an intentional pursuit, but it derives from the dynamics of the situation. There is the possibility, or even a need or necessity, that social behaviour can be regulated on a psychological, biological, genetic and – of course – economic basis. Here law and morals may seem to be unnecessary. But these control mechanisms do have a serious disadvantage. They influence human activity by avoiding deliberate human decisions, and so they leave only a small place for human freedom and dignity. It is also a question, whether really they can function independently without the State and without the law, because now all these systems expect the State and the law to guarantee that they work properly.

4.2. Super-human ambitions, and the danger of splitting humanity into two. The uncertainty of the concept of the human person, individual life and death

Among the results of the natural sciences, the possibility of genetic engineering, creating super-humans, also arouse.[26] And this – according to many experts – increases the danger of splitting humankind into two, being natural-humans and super-humans. Another possibility is saving the contents of our brains on an external data-storage, maybe even without the permission of the person involved. Still, it remains a question whether the rationally perceivable contents behave differently within a given living body than outside it? Also, the issue of artificial intelligence is a real, present-day possibility, not a remote theory. The perspective of joining the

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[25]   Visit of his holiness Pope Francis to the European Parliament and the Council of Europe. Strasbourg, France Tuesday, 25 November 2014., http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141125_strasburgo-consiglio-europa.html

[26]   Cf. Robin L. Smith – Max Gomez: *Cells are the New Cure. The Cutting Edge Medical Breakthroughs that are Transforming our Health*. Dallas (TX), BenBella Books, 2017. 188–222.

artificial intelligence and the living body is also a relevant question. Someone said poetically that Mephistopheles uploads Faust's brain to the cloud and downloads the artificial intelligence into a being.

All these questions show us that the question of what is a man has deepened, and it seems as if the concepts of individual life and death have become uncertain or even detached. All this would remain in the world of science-fiction, if the development of the natural sciences did not bring these matters so close to everyday life.

4.3. Problems

In all these areas, as well as others scientific and technological researches, produce new results so quickly, that neither the legal regulations of the given areas, nor the moral reflection, can keep up with it. Basically, for both legal and moral evaluations one needs to describe actual facts, so that others can make their legal and moral deductions. But the discoveries open new levels of reality, so the description of facts needed for moral evaluation and legal treatment are falling behind. In certain cases this might be valid for complex economic processes too, where the public can feel as if the law and morals fall far behind real situations.

In the light of the discoveries of the natural sciences we can see again and again that human concepts and categories are too narrow to assimilate this new data, and the limits of the human brain are revealed. This is not surprising, since the universe was not created by humans.

It seems that the secular State and the different worldviews offering their reflections – especially religions – share the same fate. They both have to face such a new challenge that surpasses their habitual ways of functioning. But at the same time the signs of distrust are also present. On the one hand there is the lack of clear ideological foundations in the public thinking, because of which the distrust against the law and State gets more and more widespread. On the other hand – because of the religious and cultural plurality – the States themselves look at the religious communities with suspicion, especially those, who have only been present for a short time in their country, because they think that not all religious communities are able to or intend to accept the expected behavioural minimum of the secular State. Also, the modern State often looks suspiciously at the need of faith and religions for absolute truth. This is a question, which was never answered definitively and satisfactorily in a secular State.[27] It seems that in the depths of a clearly secular State and legal system there is a tacit ideology, the content and foundations of which are less and less clear.

An alternative can be if the State establishes a special relationship with the culturally important religion or religions, which considers the heritage of the values within a society, but also guarantees the religious freedom for everybody. It is here, where the statements of *Dignitatis humanae*, the declaration of the II. Vatican Council appear in a new light. According to these the basis of religious freedom is not that there is no truth in the matter of faith and religion, but on the contrary: the

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[27]   Cf. Di Fabio op. cit. 63.

recognition of the fact that there is such a truth and man should seek it, but the human dignity requires it to be free of any exterior coercion.[28]

5. Conclusions

5.1. Religion, and especially the Judeo-Christian heritage makes possible a personal relationship with the Absolute

Religion, and especially the Judeo-Christian religion is not simply a collection of moral rules, but so much more than this. It allows a personal relationship with the Absolute, the Almighty, who appears as a Creator in the context of the universe, whose wisdom and word (logos) penetrates the whole world. This means that our relationship with reality does not require an arbitrary pursuit in a meaningless or unknowable medium, but it fits into the context of an ultimate wisdom and love.

Some of the ideas at the core of the Christian tradition such as the necessity of investigating the contingent world and the inherent intelligibility of the physical world present a strong argument for a religious historical core of all sciences. Science seems to point beyond itself to some sort of Creative ground and reason for the contingent but rational order of the universe.[29]

The expressions of the requirements of morals can be very diverse. On the one hand we are able to describe facts with the help of our concepts and to classify them, and to construct moral rules. If you like we can look for the answer of Halakha to the situations of life. But similarly, we are sensitive to models of upright human behaviour in a story, picture or description without forming abstract laws. We can say that we let ourselves to be touched and carried away by the enchantment of the Haggadah. Jesus too could express himself in commands, or use parables, and what is more he also passed onto his disciples the powerful example of his unforgettable deeds. We are heirs of such moral guidance, which is much more than just concepts and definitions.

5.2. We have to strive for religious and moral reflection on the new situations and scientific discoveries, even if it happens with a delay

Even though the rapid progress of the natural sciences always provides us with new situations, we cannot grow weary of proclaiming basic moral values and we have to apply moral reflection on these new situations, even if it is always late or does not turn out to be conceptual or verbal.

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28   *Dignitatis humanae* 2–3.

29   See e.g. Ian BARBOUR: *Religion and Sciene: Historical and Contemporary Issue,* London, SCM, 1998. 91.

5.3. The Contribution of religion to the life of society

Regarding all these challenges many feel that we have to strive for the so-called sustainable development not only in the field of economic life and not only to avoid the destruction of our environment. It is possible also in the field of science that, without legal or moral boundaries, the result would work for the destruction of mankind instead of for its happiness. Naturally the basis of this notion, is also the feeling or the belief that it is better if mankind exists, than if not. So, the need for a sustainable development arises in the field of the sciences, too. But which explorer, which research centre, which country would say that they should slow down in producing results or simply not research certain important areas? Everyone is convinced that in this case the others would overtake them, and they fall behind in the race. What can we do? Even the ecological footprint of mankind is bigger, than is sustainable in the long run. Shall we desperately join Hamlet and say together: „the time is out of joint"?

And this is where somebody can feel, based on many religious traditions, that they need some kind of salvation, that our own strength is not enough to solve our problems.

I am a Christian theologian, and to me the Providence of the Christian faith can bear some resemblance to theological proposals made in other religious traditions, such as the thought of the „great river" in other religions, but it is more personal than that. Already in the Book of Genesis we can read that „God saw all he had made, and indeed it was very good."[30] The Judeo-Christian heritage contains the belief that behind the whole universe there is a personal and benevolent Creator, who revealed himself and wants to communicate with man.[31] And this, beyond giving a basic moral point of view, gives something extra, which is even more important. It generates trust both in the individual and in the community. It generates trust that even though our cognitive abilities cannot keep up with the fullness of reality, we can always somehow reach the necessary knowledge and cognitions. So, the weakness of our recognition is not a reason to give up our pursuit of the truth, and our striving for upright behaviour.

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[30] Gen 1,31.

[31] He is the objective basis of our faith and therefore research into the historical Jesus or the historical Christ is the central question of today's Christian Theology. See e. g. Joseph Ratzinger (Pope Benedict XVI): *Jesus of Nazareth.* 3 vols. San Francisco, Ignatius Press, 2013.; John P. Meier: *A Marginal Jew. Rethinking the Historical Jesus.* 5 vols. New York, Random House – Yale University Press, 1991–2016.; Tom Holmén – Stanley E. Porter: *Handbook for the Study of the Historical Jesus.* 4 vols. Leiden–Boston, Brill, 2011.; cf. Nicola Ciola – Antonio Pitta – Giuseppe Pulcinelli: *Ricerca storica su Gesù. Bilanci e prospettive.* Bologna, EDB, 2017.