

Church Autonomy and Religious Liberty in Denmark

A draft outline

The second European/American conference on Religious Freedom
Trier, 28-29 May 1999

Viggo Mortensen

**Professor, dr. theol.
University of Aarhus, Denmark**

All Danish passports carry nowadays a picture of a stone to be found in Jelling in Jutland. This stone is called the baptismal certificate of the Danish Nation. The stone is written in the ancient runic alphabet, and - as it says - was set up by King Harold Blue Tooth, „who made the Danes Christian“.

As sir James Mellon, the former British Ambassador to Danmark states: „It was not as simple and quick as that, but certainly the Danish Vikings had decided that they had had enough of being pirates on the edge of civilisation. They wanted to come out of the cold and to embrace civilisation as it then was in Europe. This was Christendom, and they became Christians“. (A Danish Gospel. Copenhagen 1986). Somebody may question if it actually was the Christian religion the vikings converted to, or they just continued their wellknown practices under a new name.

At any rate the history of the church in Denmark is a story about a successful attempt to inculcate Christianity in the Danish culture. Reformation, enlightenment and religious revival have all left their mark at the Danish church. But with its more than 1000 years of history it is first of all characterized of continuity.

Today interest in religious matters is rising. This is also felt in the national church. The astonishing fact is that in this day and age more people are joining than leaving. But what they are joining is more a public service organisation than a church. People join through baptism. About 80% of the members are baptized as infants. Many young people between 12 and 14 years are today baptized in conjunction with their confirmation. About 80 percent of young people 13-14 years old are confirmed, after attending preparation classes with the pastor. This teaching is the only religious teaching that must be offered in every parish. Since 1987, more and more parishes have also offered a voluntary, introductory confirmation preparation for children from 8 to 10 years of age.

The adult part of the population is also showing greater interest in the church. Many people attend church activities and take part in parish work. An increasing number of parishes offer instruction in elementary Christianity for young people and adults, through study groups and courses in theology.

Experience shows that Danes willingly come to church when there is something extraordinary on the programme: for example, a midnight church service with an up-to-date theatre play, a musical church service, or when a well-known actor, actress or author talks in church. In addition, church services of a special nature, e.g. family church services, can draw large crowds. (Source: The Evangelical Lutheran Church in Denmark. Det Mellemkirkelige Råd 1997. See also www.folkekirken.dk)

The Evangelical Lutheran Church in Denmark

The Evangelical Lutheran Church in Denmark is the framework for Christian life in some 2,000 parishes in Denmark. It is one church, yet it is different from parish to parish. It is a very congregationalist church.

The size of the parish varies from 100 to 20,000 people. There are many parishes where almost all the inhabitants are members of the church. There are also a few parishes where the church members are close to being a minority - specially in parishes in large cities, where there are people of different religions.

87% of the population are members of the Evangelical Lutheran Church in Denmark. Historically there have been close ties between Church and State in Denmark. Paragraph 4 of the Constitution lays down that the Evangelical Lutheran Church is the Danish national Church, and is to be supported by the State. The Danish parliament, Folketinget, is the legislative authority for the church. The Minister for Ecclesiastical Affairs is the highest administrative authority. On behalf of the government, the Minister puts forward legislative proposals which are subsequently discussed and voted on in parliament. By tradition, the parliament (Folketinget) endeavours to reach a broad agreement before church legislation is accepted. A legislative proposal is often prepared in a committee, where representatives of different points of view and of different tendencies in the church are present. Laws in recent years have been marked by a wish to strengthen democracy in the church and to give the parish councils greater economic freedom.

The evangelical Lutheran Church in Denmark (Folkekirken)

Membership: 87% of the population

Baptisms: 80% of all newborn children

Confirmations: 79% of 13-14 year old children

Church marriages: 54% of all couples married

Church funerals: 93% of all deaths

(Statistics Denmark)

Religious Communities in Denmark

Lutherans 4,541,650

Moslems 84,000

Catholics 32,367

Jehovah's Witnesses 16,329

Baptists 5,641

Pentecostals 5,134

Mormons 4,204

Jews 3,320

Apostolics 2,268

Methodists 1,470

Reformed Churches 360

(Statistics Denmark)

The State's moral support of the church is expressed by the fact that the monarch must be a member of the Evangelical Lutheran Church in Denmark.

It costs over 4,000 million DKK a year to fund the church. Most of the money, namely 3,000 million DKK, is paid by church members through the Church Tax. The State gives an annual support to the church of a sum that in recent years has been approximately 500 million DKK or 12 percent of the total expenses of the church.

In return, the church carries out a number of functions that are of a broad social character. That includes such things as functioning as burial authorities, registering births and names, as well as deaths. In addition, the church is responsible for the maintenance of historic churches and church inventory.

The remaining 500 million DKK in the budget is covered by the church's own income. In contrast to other Lutheran churches, the Danish Church has no synod or council to make decisions for it or speak on its behalf. There is no church council to make pronouncements in the public debate on religious issues or deal with questions of a theological nature. It has never been possible to reach agreement among politicians or in the church concerning a Church Council.

It was foreseen in article 66 of the Danish constitution that a constitution for the Danish Folk Church should be established by law. This provision forms a part of the principle of religious freedom and was intended to limit the power of the state over church matters, internal and external. This constitution was never given and the article in the constitution was interpreted in such a way that it was through the continuing legislation that the church was governed. Elements of a selfgoverning system is established through the parish church councils, but the original demand for a separation between church and state was never achieved and the Evangelical Lutheran Church is thus still closely linked to the state.

The interesting and puzzling question is why this arrangement by most Danes is considered adequate and good, at least so good that they do not leave the church in big numbers.

If one looks to the formal declarations it could be said that the Danish church has very little autonomy vis a vis the state. But the fact of the matter is that the Folk Church enjoys a relative broad range of freedom. Encompassing a comfortable majority of the population there is no interest in drawing too sharp distinctions between what is the affair of the state and what is the affair of the church. As long as there is no significant tendency of people leaving the church there are not many prospects for change.

To understand church autonomy in the Danish context it is important to remember the historical tradition, that makes it possible even today that the secular parliament

endorses legislation for the church. Very few within the church see this as an impeachment of the autonomy of the church.

Members of the Council of Danish Churches:

The Anglican Church
The Apostolic Church
The Baptist Church
The Moravian Church
The Evangelical Lutheran Church
The Salvation Army
The Roman Catholic church
The Coptic Orthodox Church
The Methodist Church
The Mission Covenant Church
The Reformed Synod

Religious Freedom

There has been religious freedom in Denmark since 1849, and other Christian communities have thus been able to set up congregations. Now there are more than 15 different Christian denominations in Denmark, and the number is growing, above all because of immigration.

The general provisions concerning the right to freedom of religion are Articles 67, 68 and 70 in the Danish Constitution. We celebrate in these days its 150 years birthday. These provisions are supplementary to the protection implied in Article 77 concerning the right to freedom of expression, article 78 concerning the right to freedom of association and article 79 concerning the right to freedom of assembly. Article 67 states that the citizens are entitled to freedom of worship. This is meant to cover all kinds of worship of (a) God(s). The article is applicable subject to the condition that nothing is taught or carried out which is inconsistent with morality and public order.

Recently discussions have arisen around two other articles in the constitution.

In article 68 it is secured that nobody is obliged to contribute to a religion the person concerned does not affiliate with. As there is a direct contribution from the state to the salaries of pastors and bishops in the Lutheran Church it has been seen as standing in

conflict with this article in the constitution.

Article 69 of the constitution contains a promisory clause which prescribes that matters of religious communities other than the Folk Church are to be regulated by law. As the Folk Church did not get its own constitution this matter was not solved either by legislation but has been handled as a matter of administrative practice. Recognizing a denomination or religious association implies granting it status as a public institution with the right to perform legally binding marriages. Other privileges follow with the status as a publicly recognized association, i.e. tax deductions, state support for cultural purposes etc. The policy of public recognition has been quite liberal. More than hundred religious organizations have been recognized as public denominations. The demands of the Minister for Church Affairs for awarding recognition are mainly directed at securing that the applicant can be held legally responsible, that the applicant will not misuse the status, and that the applying organization can be expected to continue. Until 1998 applicants were screened by the Bishop of Copenhagen, but this task has since been given to a committee of independent councillors.

This system can be experienced as rather bureaucratic. An alternative would be to strip all religious organizations of all privileges including the historical Evangelical Lutheran Church. This implies secularization of all public services which remain under church administration. Such a step necessitates a revision of the constitution, a re-evaluation of the church properties, a reorganization of the state apparatus and a complete reorganization of the Lutheran Church. So far nobody seems to want to go in that direction. Which means that the existing structure is gradually adapted to the changing situations including new European legislation. The present model can be said to represent a mode of pluralism by elevating major religious groups to the status of publicly recognized denominations.

Besides individual religious freedom and denominational pluralism, the Danish system grant an internal pluralism within the State church. It is possible to establish free churches and free congregations and it is possible for a group of dissenting church members to employ their own pastor. The local pastor and the congregation have a wide latitude of freedom of practice as long as they agree. This policy of internal pluralism constantly fuel a discussion of the borders of the church and a few cases have been or are presently dealt with administratively or in the ecclesiastical courts. The state church remains a broad canopy for the large majority of the Danes. Most of the members only use the church to celebrate their Rites de Passage and are not very committed to the creed. This situation almost raises the interesting question if you can have freedom of religion within a church?

Although there is freedom of religion in Denmark there is this special relationship with one special branch of the Christian Church, the evangelical Lutheran. Such an arrangement where you in principle grant equal rights to people of all faiths but give certain privileges to one, can only be understood and explained historically. In old Christian lands freedom of religion does not necessarily mean equality of religion.