
There is no family Policy as such at EU level. The reason is simple. The Member States have never transferred to the EU level the competence to forge a Common Family Policy. Secular legislative competence remains at national level. However, tension can arise at the European legislative level because the EU does have competence in a number of areas that impinge on the citizen in his personal and family life, not least through the exercise of EU competence in social matters, and therefore matters of working life, including in the context of the exercise by the citizen of his or her freedom of movement around Europe. Policy and legislation in social matters, in the area of free movement and in the area of the establishment of an area of freedom, security and justice, then, can impinge upon and affect, whether positively or negatively, the family life of the citizen and the lives of his family both in his own Member State and when he or she moves to another Member State.

Similarly, family issues arise in the context of pluralism within the EU, and the questions of multi-culturalism and religious pluralism, and the freedom to believe or not, raise the broader issue of the role of religion in the European public sphere - issues of real and increasing salience in all Member states, including Malta.

Thirdly, the EU has relations with third states, such as the Mediterranean states not members of the EU, and asks of these, via its agreements with them, not only economic undertakings and obligations, but undertakings as to democracy and human rights. This leads to the requirement that these states adopt the acquis communautaire in such areas as women’s rights, especially to and in employment (with freedom from discrimination) with the impetus coming from the human rights angle, as also from the development policy angle (i.e. the idea being to involve women in education and training and productive work in order to address the question of poverty and economic underperformance, thus also easing the migratory pressures that otherwise inevitably build up).
Fourthly, there are those in Europe who see the Union as having the potential to advance their respective causes. On the one hand, there are those who would wish to use the current Treaty provisions and possibly future Treaty provision to advance women’s rights. Sometimes this can be achieved under current Treaty competence such as through measures, actual and proposed, intended to achieve a better work/family balance, but sometimes also with a view to applying a common approach to the interpretation of what are seen as ‘rights’ but in truth reflect values (some might say a lack of them) such as in the case of the alleged right of a mother over her person meaning also a ‘right’ to abortion. They would argue that religion has no place in a secular EU, bearing in mind that the major religions are “pro-life”. At the other end, are others, including those who, seeing this trend, argued for a direct reference to Christianity in the Constitutional Treaty. These would be motivated by a desire to see Christianity-specific values or a certain balance of rights set out or set down for the whole of Europe. This was resisted. One response to the failure of this attempt to ‘Christianise’ the EU Constitution is to then focus on the national, actually going along with the down-playing of religious values at supranational level - and this may also have influenced those who here in Malta call for the entrenchment of the criminal provisions on abortion in the Constitution - if only to ensure that the full force of state law could be mobilized against any attempt to circumscribe the national margin of discretion for setting the “balance of rights” in their respective jurisdiction.

For the Union then the dilemma is the following. On the one hand, it seeks to provide an area of freedom (especially of movement), security and justice for its citizens, allowing free movement and allowing the movers to move ‘as they are’ with their own beliefs or personal value systems (many would say ‘life-styles), without being subjected to arbitrary discrimination at the very least, as well as to support scientific and social and economic development. At the same time, it has to respect the culture, traditions and values of each ‘people’ of Europe, and of each minority, and the laws and traditions of each society as regards and reflected in ‘public policy’ and essential constitutional guarantees. It is clear that the difficulty arises because there is no agreement on several issues of a religious, moral or ethical nature as reflected in different conceptions then of the content or the balance or hierarchy of ‘rights’ and ‘public policy’.

The European Union has not often faced such matters head on. Nor has it had much opportunity, without the competence to devise a Common Family Policy. But as I said above, the Union has competence in various fields, a competence that can be used to enact measures that do have an impact on the family and therefore that do raise issues of family values. As such values are rooted in religion for millions of European families, the relevance of religion simply cannot be denied.

The Lisbon strategy has an essentially economic aim, that of creating a Knowledge Society, capable of competing as an economic block on the world stage, by the year 2010. This translates into targets such as those relating to the number of women in employment, with flanking proposals regarding flexible working - for women and men - for example through tele-working, job-sharing, parental leave, childcare, and so on. One does not need to cite a Family Policy competence for such measures, as the Treaties themselves require ‘equality between men and women’ and the argument for measures that enable women to balance work and family can be posited and have in the past been posited at EU level on the
principle of equality. Equality of men and women is set out indeed as a Value’ of the European Union in the Constitutional Treaty (Article 1-3) and one effect of treating it as a value in this way is that it features as an ‘objective’ and posits a rule for interpretation of all legislation and other action of the European Institutions. Another effect is that it will feature as an objective of the Union in its relations with third countries, for Article 1-1 says that the Union shall promote peace, its values, and the well-being of its peoples and Article1-3 lists as one of the objectives of the Union that the Union should, in its relations with the wider world, uphold and promote its values. Of course, it is universally accepted in Europe that there should be equal treatment of men and women. However, stating matters from a purely economic or women’s rights perspective does not cover the whole range of issues for millions of families in Europe who seek to be guided also by their family rights and obligations as defined for them by their respective religious or other affiliations. Where a Member State’s people are largely homogenous, then the issue becomes a ‘national’ issue, with the possibility of particular legal argument being raised. But even where the holders of such beliefs, let us say, are in a minority in any Member State or in the Union as a whole the same issue in principle arises as to such beliefs and the respect for them at policy-making level, though here the basis of the argument may be different.

There are contexts in which it is argued that the EU cannot avoid taking a stance on certain sensitive ethical issues forever. For example in the context of free movement, there is always the pressure from many quarters to argue that freedom of movement cannot be said to exist if one cannot be accompanied by one’s same-sex partner, or by one’s family as defined according to one’s law of origin. Others would argue that Union law gives EU citizens the right to move freely in order to ‘receive’ or to provide an ‘abortion service’. Several of these issues are referred to in the papers in this volume. Strong views in this regard will be expressed by some of the papers, and one major point of this report is to explain the strong views held by certain NGOs and even possibly the general population in Malta. They should be taken as first and foremost inspired by a wish to see “Maltese Catholic values” preserved for Maltese society. Of course, those who believe that they are the right values, and that we have an obligation to witness to them and propagate them, also ask how we might do this at European level as well as in all international fora, but most of us accept that this will happen in a secular context.

My principal aim in this part of the paper is to set the background to the rest of the Report and to argue the case that religion must be allowed full play in a multi-cultural context within the bounds of a general Western secularity. I start by highlighting what I would argue is the consensus implicit in the relevant provisions in the Constitutional Treaty. I then refer to an initiative of COMECE\(^1\) to put forward a Family Strategy to balance the Lisbon Strategy from the perspective of family values as inspired by family values drawn from the Catholic religion. I then move on to argue that a major service can be rendered the entire European Union both in its ‘internal’ policy-making and in its ‘external’ policy-making, by the exercise of full inter-religious dialogue at all levels, at Church/Religious Authority level and just as importantly at ‘lay’ civil society level. Such input into decision-making would of course flow in side by side with that of human rights groups, women’s groups, gay rights

\(^{1}\) Commission of Bishops’ Conferences of the European Community.
groups and of all other citizens and groups. But this Report argues the imperative importance of more effective inter-religious dialogue, as the way to more effective moral or ethical input, and a most fruitful and result-oriented and a practical ‘living together’ approach to policy-making that can lead to better law-making and improved input and output legitimacy for the acquis in the making.

**Part II of the Constitutional Treaty**

Article II-70 would provide that everyone has the right to freedom of thought, conscience and religion, including to manifest religion or belief in public or in private, in worship, teaching, practice and observance.

This right is already recognized by the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, by the Charter of Fundamental Rights of the European Union, and by national Constitutions, and all Member States are bound to the observance of these rights, but it is clear that there can be disagreement in Europe about the interpretation of the freedoms and the circumstances leading to legitimate restrictions on the exercise of these freedoms. Decisions on the latter point can be taken at national level. At the same time, Member States do not seem to be doing a very good job of managing the social ramifications brought about by the presence in each of their societies of persons of different religion or value system. This raises the issue whether the EU, its Court, its other institutions, can see themselves as having authority to direct all Member States down one route or another in the pursuit of tolerance, respect and the exercise of human rights. I would argue that the European Union, as responsible for security and justice in and around Europe, must have a role in identifying and advancing best (in the real sense of that which is ‘most good’) practice.

Article II-74 recognises the right, again to be found in the European Convention and the law of each Member State, of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical conviction, but adds the rider “in accordance with the national laws governing the exercise of such right”. Here the Member States have held back. They refer the issue to national law. But is this how it should be left? Debate (and dispute) will go on until a proper and just balance is found within each Member State. If the EU has no magic formula, and the European Convention does not offer one, each Member State has to find it for itself. But best practice in each Member States can be studied and the experiences analysed. To fail to engage in European-level debate on this is to risk internal disquiet of a serious nature for society and individual freedom. There is equally the risk that the EU will be seen as unhelpful in the matter while at the same time having the burden of representing and explaining “European values” to a sceptical outside world. No matter is of more essential concern to a (religious) family than the freedom to practice one’s ‘family religion’ without being made to feel not only that one’s citizenship or identity as a national of the state one inhabits, but also that one’s European citizenship, is in question. This is why both secularity and respect for religion must go hand in hand in forging loyalty to state and to Union.

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Article II-81 then spells out the general anti-discrimination provision: Any discrimination based on any ground, such as...race, colour, religion or belief...membership of a national minority...shall be prohibited.

Article II-82 would then provide that the Union shall respect cultural, religious, and linguistic diversity.

So the Union, and its Institutions, and all Member States even when implementing Union law are bound to respect religious diversity and to allow freedom of religion and of conscience. Clearly, the first imperative is that the Union and its Institutions listen to the ethical input of all the major religions, and of the practitioners of those religions, with a view at the least to ensuring that policy and legislative decision truly ‘respect’ those ethical imperatives and values, but with the equally important objective of arriving at policy and legislative solutions to concrete problems that will, having accommodated religious diversity, and sought ethical soundness and therefore justice, attract greater claims to legitimacy and loyalty.

I now refer to a COMECE initiative to illustrate how one religion has sought to input its family values into EU policy-making. COMECE has not sought to Catholicise the rest of European citizenry. No religious conversion process is attempted. It has sought to promote the value of the family in the context of the Lisbon Strategy in the interests of all families, and all European societies.

COMECE and the Constitutional Treaty


Part III of this document refers to the values provisions in the Treaty. Article 1-2 is cited as embodying a new list of Values of the Union, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Elsewhere the Treaty talks of the ‘rights of the child’ (‘objectives’, Article 1-3) but with no definition of ‘child’. It is also noted that for the first time this Treaty article would enshrine a description of the essential characteristics of a European “society”. Apparently this is an attempt to define the “European Society”. The second sentence of Article 1-2 says that “These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail”. The stated premise is that these are shared values - values commonly understood and shared and applied, hence common in each single society in each Member State and common to all and the basis of a European Society.

But of course, as I have indicated above, the reality is that the various societies in the various Member States may resolve ‘conflicts of rights’ on the basis of different values or different prioritization of rights.

3 See COMECE website at www.comece.org
Debate in the institutions about these differences, even in the context of specific legislation, is unavoidable. Does the right of free movement under the Treaty mean also the right to travel from a non-abortion state to an abortion state for the purpose of securing an abortion? One approach is to say that the Treaty freedom is subject to state law on this. Another would be to say that that state law is adequately served by permitting it to hold its view, but that the right to freedom of movement for such a purpose does not impinge on that law or on public policy or morality in the first state. The counter-argument to this is that the EU system, were it to take this line, would be undermining the proper sphere of the first state. The abortion-seeker would claim a right under Treaty law. The European Court would have to decide whether it could decide such a case in favour of free movement irrespective of the public policy or public morality of the first state by interpreting the Treaty as either being outside the moral sphere or as being on the freedom of conscience side of a conflict of rights or values. Alternatively, it would continue to keep out of the exercise of authority by the state concerned. This report does not engage directly with this question, which remains open to further discussion.

The Treaty would refer to ‘the religious inheritance of Europe’ as a source of inspiration for the entire Treaty, but would this be interpreted such as to resolve such issues in line with the tenets of the major religious traditions of Europe? The status of the churches, religious associations or communities in the Member States under national law is expressly to be respected by the Union, as also is (‘equally’) that of philosophical and non-confessional organizations, as the COMECE document points out. Article 1-52 recognises their identity and specific contribution, so that the Union “shall maintain an open and transparent and regular dialogue with these Churches and organizations”. Here then, for the first time, there would be in the corpus of the text an express provision for “religious input” into EU policy-making. Surely this is to be welcomed from the perspective of ethical input, and a multicultural and pluralist perspective, ensuring a “secularity with values”. The COMECE document regards this as an advance on the current situation under the Treaties. And COMECE interpreted the Treaty as implicitly accepting the “predominant contribution made by Christianity to today’s Europe” arguing that as a matter of historical fact it is Christianity and the Christian message that have built the “inheritance of Europe” from which have developed the “universal values of the inviolable rights of the human person, democracy, equality and the rule of law. It regards the Treaty then as taking an important step in defining the European identity (‘European society’, as I said above) and in expressly attributing an appropriate place to religion4. And as for the future, the COMECE document says that the future is to draw on this “religious inheritance..with Christian values such as solidarity, justice and peace”, but of course such ‘abstractions’ do not necessarily offer a

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guide of themselves to the resolution of difficult ethical issues in concrete cases. Reflection, thought, study and dialogue are always needed if we are to produce real guides for action.

Indeed, as the COMECE document put it: “The Constitutional Treaty perceives two aspects of the human being: individuality and solidarity. Hence the Treaty…corresponds to a Christian image of the human being. In general statements and particular provisions however, individuality and solidarity seem to be disconnected. The Treaty does not link the two sides of human life - personal freedom and social community - which are core elements of the theological understanding of the human being as a person.” In order to foster such a link it will be important, the document says, to precisely monitor the development and application of the Constitutional Treaty and to promote European Policies which are based on the Constitutional Treaty and correspond to Christian anthropology. This applies to all policy areas in which the Constitutional treaty provides for procedure, such as economic and social policy, migration and asylum policy and even security and foreign policy.”

COMECE in the European Public Sphere: Towards a Family “Strategy”

COMECE have therefore advanced a Family Strategy, which it proposed to the Union to ‘balance’ the largely ‘economic’ Lisbon Strategy. Not a ‘Policy’ then, but a ‘Strategy’, proposed in the spirit of the above reading of the Constitutional Treaty, which, though not ratified and perhaps never to be ratified in its current form, in the COMECE view stated the premises on which even the current Union is founded, for it was meant to be very much declaratory of the current Union as it is found, as it has evolved on its ‘path of civilisation’.

The COMECE document, titled “A Family Strategy for the European Union” is subtitled “An encouragement to make the family an EU priority”. It is a proposal document produced by the COMECE secretariat and it usefully details much of what I said in my introduction about the lack of a competence for a family policy, but it also shows that the EU has an impact on the family, especially by defining the rights of its various members.

It was proposed as a ‘counter-balance’ to the Union’s Lisbon Strategy, which is stated as containing a series of social and environmental goals but which “does not really address social relationships” and in which there is mention of human and social capital but no significant mention of the family. Yet according to Eurobarometer, most Europeans say that family life is what they value most in their lives. The thrust of the document is that family life has become weak and needs to be supported. EU policies should focus, in a horizontal way, on promoting more stable families and family situations that permit couples to have their desired number of children and more generally on making the EU the most family-friendly region of the world by 2010.

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5 Cit. p.18.
8 Cit. p.5.
9 Cit. p.4.
The COMECE document sets out some of the headline goals, some or many of which are perfectly achievable under current competence:

- To establish in all Member States a right to temporary part-time employment for citizens wishing to take care of their parents (savings in institutional care would pay for this)
- The promotion of fairer children-friendly policies and regulations, e.g. regarding the management of social housing, reviewing the European directive on parental leave, the provision of child-care in the Mediterranean region to the level set by the Barcelona European Council, while not seeing child-care as the panacea whether in the EU or in the Mediterranean region.
- Promoting fairer regulations and policies on marriage and parenting, including reviewing national best practice to encourage marriage as the starting point for each family; promoting measures to prevent divorce (such as training, financing of marriage counselors), halting disintegration of families, and furthering re-unification of families that are separated by the EU’s external borders, and developing national plans for the better implementation of rules on the reconciliation of professional and family life (addressing gender discrimination, the gender pay gap, and other ills); the promotion of awareness of the equal value of family activities and employment and the equal responsibilities of father and mother for raising the family and equal burden-sharing, and stressing the social responsibility of companies
- Promoting links between generations
- Promoting public support for families in particular need, and the dignity of all children and human beings whatever their abilities, simplifying the bureaucracy associated with adoption, the giving of more attention to situations of family suffering (families living in poverty, families where there is abuse and ill-treatment, and more)
- Promoting family associations and a better representation of families in public life.

Conclusion to Part A.

I have sought to focus awareness on some key issues, pointing out that although the Constitutional treaty has not been ratified, it has served to better articulate the place of religion in the Union, recognizing it as a source of inspiration for the values of the Union and of European society. Even if the Constitutional Treaty is not ratified, the results of the high-level deliberations cannot be ignored, and the principles set out in terms of the place of religion in the Union reflect in my view the essential position in the Western tradition.

The reference to Christianity and Christian values is, of course, clear. However, our tradition, as the Archbishop of Canterbury Rowan Williams has emphasized, is secular, with separation of Church and State, but with an acknowledgement of the importance of religion in the lives of millions of citizens and therefore of the role of churches and confessions in the public sphere.

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10 Indeed, a proposal for a European Parliament Resolution was made by the Committee on Women’s Rights and Gender Equality to this effect as part of the Lisbon Strategy debate. Draft Report on the future of the Lisbon Strategy from the point of view of the gender perspective 19.9.2005, PE\580815EN.doc.

11 Cit. p.10.
Also, it is clear that as part of this tradition freedom of religion must be a reality in all Member States. Respect must be learned and put into daily practice. This practical reality can only come from mutual understanding and openness to ‘the other’ in a spirit of love and humility. We all must inform ourselves better as to what unites us rather than separates us.

The family is a meeting point in all societies - European and non-European - of the religious and the secular. There is a lot of work to be done by all who hold the family dear, and who see it as a unifying force, to ensure that in all the policies that impact upon the family - employment, education, health, the fight against poverty and exclusion, migration and immigration, equality policies - the moral and even religious dimension is at the forefront, for even if the Union is restricted to taking only supportive and complementary action to national action as far as family policy is concerned, it can influence the family for better or worse in the Member States and Neighbouring States through the stronger competences that it does have in the other areas mentioned above. Indeed, it is the reality that any measures adopted at EU level in such areas of competence will only be seen as legitimate in the eyes of millions of citizens in Europe and millions of people in our Neighbours, if they clearly take into account the moral dimension. Each Member State and society should consider what is best practice in the others, and must seriously examine its national rules and practices against the yardstick of human and fundamental rights. We in Malta too must consider how we treat our families of whatever denomination including non-Maltese families that come to live among us and to whom due consideration is due under Christian precept and international law. We must also consider how what we perceive as threats to the family and the rights of the mother, father and child can be protected through our own position in the European Union as members with the capacity to influence others in the Union both as to the development of internal Union policies and the external policy of the Union especially vis à vis our neighbours in the Mediterranean.

The example I have given of the COMECE initiative shows how the Catholic Church perceives the provisions in the Constitutional Treaty, and how it has sought to influence EU policy and law-making with a view to safeguarding Catholic family values. Efforts on the part of the various religions to work together on such issues, with real dialogue at Church/Religious Authority level, and also on the part of civil society as a whole, can lead to better mutual understanding and a wider front for the protection of religious values and ethics, as also for the full play of such values in policy-making, and therefore the enhanced legitimacy and effectiveness of such policies.

Part B. The Other Papers in this Volume.

The aim of this Project was to bring together leading academics and representatives of civil society to research and discuss the Family-related acquis communautaire, and then the role of religion in the public sphere, taking Family Policy as a case-example. This was done in the full knowledge that the EU has no specific competence in the area of family policy, but also of the recognition in the Constitutional Treaty of the importance of values, and hence of religions in a secular pluralist Europe. The idea was to initiate a fruitful debate in predominantly Catholic Malta about such issues, to heighten awareness about the place of religion in the European Union, to indicate what leading (mainly, but not all, Catholic) academics in Malta think, and at the same time to explain the approaches taken in practice
by some leading NGOs in Malta, while noting changes in Maltese society due to the impact of certain societal trends over the last three decades and the multi-culturalisation of Maltese society as it takes its place in a world of ever-increasing mobility of persons and as a Member State of the European Union. The purpose is to present the current state of EU law and policy, and the wider European legal dimension, as well as the current realities and debates in and about Maltese society, and to site the Maltese perspective within the wider European perspective. A major aim is that of dispelling myths, untruths and false impressions and to clarify for the ordinary citizen the context in which it is possible to preserve and live one’s values while constructing an inclusive society under the rule of law.

Religion and The Family - A Maltese Account in the Wider Context

Father Paul Pace situates the Maltese reality into the philosophical, political and social debate as to the role of religion in the public sphere. “Is tolerance enough?” he asks. Our present predicament, he writes, seems to call for a more daring and engaged approach to public life, one that is willing to go beyond tolerant individualism to identify and achieve the common good of all. 12 No wonder that the phrase “common good” is being heard more often in the public debate. At the same time, a religion-based position claiming an important place in the public debate must be able and willing to accept challenge and criticism. The call is for attitudes that go beyond mere tolerance towards a more serious engagement for the common good and deep mutual respect. The Constitutional Treaty, in calling for a structured dialogue between the Union institutions and the Churches and other religious communities and associations would acknowledge the public role of such bodies in the democratic and social development of Europe and its Member States. In the end, attitudes seeking dialogue with those of other views must prevail over “megaphone diplomacy”.

Father Joseph Ellul argues that while personalized forms of religion and made-to measure spiritualities have become popular in secular Western societies it is also true that some forms of mainstream religion with their doctrines and precepts are making a dramatic come-back, especially among the young. Paul Pace had referred to both these phenomena as present equally in Maltese society. Now Father Ellul argues that religion is having a renewed influence on societal issues. A secular pluralist society poses uncomfortable questions to religion, but it must also now be prepared to face uncomfortable answers, for religion is concerned with telling people what they need to know rather than what they want to hear. Modern democratic societies face the challenge of cultural and religious diversity. Yet the modern democratic nation is based on the concept that there is a public domain in which a multiplicity of communities with different traditions can join in the collective enterprise of citizenship. This is not merely democracy. It is plural democracy. While European legislators who uphold the doctrine of secularism take as their point of departure the notion that European societies are still ‘post-Christian’, their same societies have now moved from a post-Christian condition to a multi-religious one. The notion that “the secularization of politics is the only way to build a tolerant world” is gradually becoming a myth. He argues, therefore, for the model of “enriched identity”, that takes as its point of departure the recognition of the cultural and anthropological datum that the host society has developed, the basic identity, but that can and should develop in such a way as to integrate those elements of foreign cultures that can help it grow, develop and mature. He cites Chief

12 See again, Leonce Bekemans, cit n. 5 supra.
Rabbi Jonathan Sacks, who argues that “we each have to be bilingual”. So that we first have to learn the first and public language of citizenship and then we have to learn “second languages” that enable us to dialogue in search of the common good. This learning must, vitally, happen in our schools, in our classrooms, for if we uphold Aristotle’s definition of education as induction into society, then religious – one’s own and that of others – education is the best form of induction into a multi-religious society. He argues for a true community of communities.

Father **George Grima** presents a Catholic perspective of the family and of family rights. He explains that present-day cultural diversity and religious pluralism mean that no one particular voice can be privileged, and that this is why the Catholic Church is finding the language of human rights to be an apposite instrument through which it is able to articulate its social ministry in the public domain. It is through the human rights discourse that a religious institution can be assured a hearing outside its own particular community and tradition. The right of the self to recognition by ‘the other’ in the context of both interpersonal relationships and relationships in the broader society is basic in any system of human rights. The Catholic Church, like other Christian churches, reads and interprets the modern history of human rights in the perspective of a relational view of the self. It is essential to affirm ourselves as being both distinct from and related to each other. The exercise of human rights requires the cultivation and maintenance of social structures of living that are conducive to the development of each and every person, and the mediating role of these structures is precisely one of the central points made by the Church in its interpretation of the significance of the family. Father Grima then explains the approach of the Church’s Charter of Family Rights, set out in the context of the major Papal document, *Familiaris Consortio*, to such ‘practical’ issues as work/life balance, domestic violence, child abuse, abortion and care for the elderly. He argues that situating ‘religious human rights documents’ in a fitting secular framework is precisely the kind of mediation or bridging that religious institutions should try to do in their role as occupying a meaningful position in the public domain. This is why the promotion by the Catholic Church of family rights, taken as the rights of the family as such as well as those of each member within it, is addressed also to law-makers. He proceeds to explain the respective roles of state, society, and civil society, and of ‘religious institutions’ and the family within those. Through it all, he calls for solidarity, and specifically for ‘intellectual solidarity’ where openness to each other’s views and convictions should strengthen rather than weaken our self-identity. As to the COMECE initiative, “A Family Strategy for the European Union”, cited above, Professor Grima comments that it is an initiative that needs further and broader support to become an urgent matter on the public agenda, giving the family the priority it deserves.

Father **Fabio Attard** is a scholar who has worked to co-ordinate the various Catholic church efforts in Malta as directed towards formation of the laity. He writes here on the theme of the family in the Judeo-Christian tradition, placing the institution of marriage within this particular religious tradition. Readers unfamiliar with these religions may be surprised at the way in which marriage is directly associated with man and woman’s relationship with their God, and with His relationship with his followers in the collective, and then the way in which values, and family values in particular, are thereby inspired. It all serves to explain to ‘others’ the spiritual element in marriage as perceived by adherents to these faiths, that is to say how the moral/ethical dimension of the family experience is at the core of the family as
it is encountered in the Old and the New Testament. The paper serves to emphasise the depth of feeling of millions of adherents to their religiously-inspired view of family and family obligations, and their deep-seated conviction regarding the indissolubility of marriage and the sanctity of the life of the unborn child.

Together, the above four papers indicate how the family comes to be perceived as it is in predominantly Catholic Malta, and the challenges to thought and action that do arise as a result of the inevitable tensions in an island state that must be open to the rest of the World and which must itself come to the practice of multi-culturalism. However, they also demonstrate an openness among leading exponents of Catholic thought to the value of ‘the other’. It is in this context that we site the trenchant call by Mario Abdurrahman Farrugia-Borg, the Islamic community representative, to more than mere tolerance, but to true dialogue rooted in a sincere desire to adopt the model of “enriched identity”, as it was put by Father Joseph Ellul in his paper. Let us hope that this will presage concrete dialogue on specifics, including the family and family rights, at a heightened level in the future. In his paper, Mr. Abdulrahman Farrugia-Borg sets out the Muslim view of the multi-cultural society, and points to the need in Europe and all Member States, including Malta, for the launch of a concerted effort by public leaders, religious scholars, academics and civil society to highlight the common message of universal brotherhood, friendship and harmony, which are the main themes of all religions, and the need to ‘work unitedly towards a prosperous, stable and harmonious international community’. In the main, he writes, there is no conflict as regards religion and a secular state.

**European Law and The Family**

The next group of papers sets out the position under European Union law, including by reference to the European Convention for the Protection of Human rights and Fundamental Freedoms (as interpreted by the European Court of Human Rights in Strasbourg), on which the European Court of Justice in Luxembourg will draw for inspiration. Since one main theme of the Project is to identify the possibilities of value-input into the legislative process, one aspect is the inherent values, explicit or implicit in that legislation. It can be expected of EU law that it be relatively ‘value thin’, as it must reflect needs in the light of a common good that spans pluralist societies and states. However, these papers show that values do inhere in the legislation, starting from the predicates of human rights, and also that religious, moral and ethical values operate as a check on outright liberalism at EU level through this ‘thinness’, leaving room for a ‘thicker’ values approach at Member State level.

This European approach is reflected in the European Convention on Human Rights, as Danièle Cop shows in her paper. After analyzing the most recent case-law of the European Court of Human Rights, Danièle Cop turns to the acquis communautaire to show how the family is treated in the acquis in various spheres. Although the approach of the author is clearly on the liberal side of the spectrum, the paper shows how the European Convention, the Charter of Fundamental Rights and the judicial systems that support human rights in Europe (the European Court of Human rights and the European Court of Justice), as well as much of the secondary legislation that has been adopted in the sphere of free movement and immigration (third country nationals lawfully residing in the EU), evince respect for the principles and values of the various societies and communities in the States forming the
European polity. Of course, secondary legislation will be interpreted in accordance with its purpose, and the European Court of Justice has shown a propensity for justice in this regard. The paper then examines the efforts to support a proper work-life balance for Europe’s working population within the context of the Lisbon Strategy, and some later papers in this volume develop this issue. It concludes with some musing about trends in Europe and with a hypothesis as to how a single “European” definition of ‘family’ might look if it were to try to embrace all forms of atypical ‘families’ that have been talked about; it is not clear why such a monolithic or single definition (rather than different apposite solutions for different cases) might be needed or what purpose such a definition might serve and whether any consensus about it, or even about having it, could at all be obtained in practice. However, it is also clear from the paper that (1) the European Court of Justice might at some future time follow where clear preponderance of a real change in societal values across the Member States may lead (but the preponderance can still be said to be on the ‘traditional’ side, although recent more ‘liberal’ trends have emerged in some Member States), and (2) the European Parliament (although it cannot act alone) can be an institution wherein certain groups will seek ‘progressive’ development even at EU level in line with ‘liberal’ tendencies, relying for their arguments on perhaps an isolated non-relational reading of certain individual rights. Hence the relevance of Father Grima’s allusion to the relational concept of human rights and COMECE’s main point about the appropriate reading of such human rights documents against the individual/collective nature of Man.

The last point relating to the European Parliament is clearly highlighted in the paper by Eugene Buttigieg. The paper shows that EC secondary legislation and the caselaw of the European Court of Justice have not departed from the traditional definition of family or marriage, contrasting this line with that taken in recent years by the European Court of Human Rights in Strasbourg. On the other hand, he argues, citing the work of Mcglynn, the European Parliament, the Commission and the Council have shown a more ‘progressive’ stance but without any consensus emerging, although there has been a ‘widening’ of the definition of family for purposes of free movement that still respects, nevertheless, the position of the host state. The entry into the Union of Malta and other ‘conservative’ states is seen, in conclusion, as lessening any chances of any liberal moves at European level.

The theme of free movement and commitment to family life in an essentially ‘economic context’, if not to ‘family law’ as such, is taken up by Ivan Sammut. He suggests that the developments that have come about in the area of free movement of persons following the introduction of judicial co-operation in civil matters cannot lead to outright harmonization of family law but he sees them as presaging an embryonic EU family law, through ‘spontaneous harmonisation’, though the main thrust has been in the area of protection of the rights of the child and of family unity. This is not to say that human rights arguments can be taken as far as some liberals would wish, for the cultural restraints argument remains strong. As for the rest, he argues for a functional comparative law approach to equitably resolve the real human difficulties caused by the absence of harmonization in the family law field. He refers to the ongoing academic work being done in this field to seek to arrive at common principles through a comparative bottom-up approach. There is no current agenda to draft a binding uniform family law. However, the fact that some 15% of marriages in Europe are entered into by persons of different European nationality means that some level of European family law is needed to address the painful fallout of cross-national family
breakdown. The search is for principles in private international law that lead to measures or remedies that are just, appropriate and neutral vis-à-vis the essential differences between the family laws of the Member States.

**Education and Knowledge for Democracy and Citizenship**

Nevertheless, we ignore at our peril, and at the risk of injustice, the fact that all European polities and legal systems, including ours in Malta, are rooted in the democratic secular tradition. Diversity of opinion, belief and non-belief are to be guaranteed by the State, which in turn must listen to all citizens whether these form part of a ‘majority’ or a ‘minority’, including a minority of one. This is the starting point for the paper by Christiane Hellermann. An inclusive society grants fair and equal opportunities to all those lawfully within its territory. Equality means treating different people differently but fairly within the whole. While religious values will shape our love and charity towards the ‘foreigner’ in our midst, Hellermann emphasizes the imperative of principles, ideas and values associated with a democratic, inclusive and non-discriminatory State. Within this construct freedom of belief is vital. She writes that in the context of minority groups and immigrants within each EU Member State it is important to acknowledge different cultural backgrounds and practices without essentialising and totalizing them. Above and beyond diversity is the idea of one civil society - a European civil society. Families are a key component of civil society. Yet, we find the importance of families often neglected in public life and in politics; and this is particularly true of families that do not fit the mould of the ‘traditional family’, and even more of families at the social and cultural margins of society. The message is that all forms of exclusion are bad - for the individuals or groups concerned and for society itself. She argues then, on the basis of human rights and citizenship, for a class/social position-sensitive perspective. The only labels we need and should employ are the labels of poverty, risk, marginalisation, exclusion, and we should seek to work to eradicate these and their causes. Our allegedly homogeneous society excludes the different. Her answer: we should approach family issues from a social (“class” in the sense of social position) perspective. This means universal access to education, health, exercise of human rights, irrespective of social status, profession, gender, religious beliefs, ethnic background and so on. For all families, this must mean access to adequate health cover, education, childcare, gender equality, safety at home and in public, and even financial assistance when needed. Social exclusion and poverty are societal ills. They weaken and damage a society. The answer is support and opportunity for all. This means that emerging policies affecting families must act together with other policies to promote a tolerant and open society based on social coherence and quality as well as social assurance, equality, dignity and respect for difference. Society must be understood as a dynamic process. Both concepts, those of diversity and process, are in straight opposition to the static and monolithic. Even culture and religious belief cannot be seen as unchangeable, but must be seen rather as dynamic changing processes. Flexibility and acceptance become of central importance in the political and daily life of a democratic, inclusive society. Family and parenting are of central political concern, and we can never underestimate the impact of social policy affecting families on the formation and perpetuation of democracy and civil society.

The next two papers take this idea forward. Kay Gretchen speaks of ‘nurturing social ease through knowledge’ with the emphasis on each being open to ‘knowing’ ‘the other’ while
Lina Caruana and Marselle Delicata emphasise the role of education, including education in the family, for citizenship focused around universal values and for political morality. Kay Gretchen argues for a pause in the drive towards social integration in Europe to allow time for mutual knowledge to develop. Some might say the two should be linked in family policy. But Gretchen wishes to see less emphasis on defining values for all, a pause in which (she admits, an unusual strategy) could in time aid in the emergence of social ease. In particular, she writes, the experience of the United States shows that a neutral public stance on values does not decrease, but indeed supports, diverse religious expression. Meanwhile, civil society organizations can help to cultivate the trust needed for civic peace by collaborating in addressing problems common to all, such as drug addiction, unemployment, problems of the aged and so on. The evidence points to a capacity for openness at the cellular level of civilizations; so, she writes, let us nurture this into healthy social relations.

We need to understand each other better. It is important, she writes, to differentiate between Islam the religion and cultures that espouse Islam. And we must learn to think less monolithically, she writes, echoing Hellermann. She cites Geertz, who says: “We live in a bazaar, not a cathedral”. Lest we become too disoriented by this fact, and prone to enmity and discrimination or violence, Gretchen proposes the antidote of knowledge rather than forced tolerance or ‘integration’. She acknowledges that some segments of society will resist this, and this makes the building of social peace on a foundation of understanding a long-term project. Nevertheless, the cornerstones have been laid in various communities throughout the EU. For her, rather than rushing to seek to define European values for families, the best guide for family policies at EU and national levels for the moment is to take a neutral stance towards private values, as these are often coterminous with individuals’ view of the sacred. In the meantime, civil society can build trust, through enlarging and disseminating knowledge, which includes political and cultural values, and by identifying and alleviating the common problems faced by all. In the end, indeed in the beginning, it is dialogue that is needed. She strongly argues that the national curriculum must provide for learning about ‘the other’ and especially by teaching comparative religious studies. But beyond formal curriculum needs, there is the broader issue of the culture of the school for all-round formation. It goes without saying that the media have a responsible role to play for they can support such efforts as are needed or undermine them.

Lina Caruana and Marselle Delicata would likely disagree with Gretchen’s premise. They argue that the search for universal values through education is imperative if we wish to see a new ‘political morality’ in practice at all levels. There is the need to review education for its content of spiritual universals, traditional beliefs and national identity, if universal values are to motivate our day-to-day actions, including our day to day politics. And for political action to be moral it needs to be connected to the world of practice and the concrete (the “transcendence of values”). The transcendence of universal values into human action is a significant perspective to the humanization of society and social cohesion. This is where civil society can play a crucial role. And the positioning of spirituality in education has become a central theme, for the multi-cultural (or better ‘inter-cultural’) process in a globalised world cannot take place if not grounded in a universal spiritual base. It is this main theme that is developed in this paper with reference to education in and for the family, away from the ‘economism’ or consumerist model to the spiritual or the ‘culture of spirituality’. School curricula should respond to this quest for spirituality that is present in all cultures, working on the paradigm of unity in diversity. Citing Torres, they argue that
without a serious exploration of the intersection between cultural diversity, affirmative action and citizenship the democratic discourse per se is at risk. Crucial is the transmission of meaning, value, purpose, dignity and decency to children, all the time linking theory to practice. Civil society can bring cultures and communities together. One task is to rid ourselves of the pain of suppression, in particular, of our own spirituality. We all, together and in dialogue, need to recover the repressed human factor of spirituality.

Education certainly takes centre stage for many of the contributors to this Report. The next paper by Victor Martinelli ties in with a point made by Father Joseph Ellul and is also practically focused, this time on the right to education and the educational needs of the child asylum-seeker - so a third-country national - in particular. His paper has implications more widely for the way in which foreign, or otherwise ‘atypical’ children, are educated here. Apparently, our approach is to ‘treat them without discrimination’, meaning that their specific needs are simply not provided for, leading of course to educational disadvantage and hardly achieving any true intercultural benefit either for themselves or for their fellow classmates, or longer-term for society should Malta in the end become their permanent home. There is a dire need then for good practice, starting with understanding by and training for the educators, within the framework of an inclusion policy. One priority need is for proper instruction in English and Maltese as second languages. For the third country national, education in the culture of Malta is equally vital, even if a number will be moving on to another country. The reader is referred to the full list of concrete and (with professionalism and goodwill) achievable, proposals made by author, and his arguments for their introduction. It is to be hoped that they will be acted upon, for they are of utmost importance not only to the specific group identified by the author but also to other atypical individuals and groups in our society who find themselves the victims of a system that emarginates them.

But let us say that European integration will proceed apace, and no pause will be allowed us (Gretchen), and that we need to be acquiring this knowledge of ‘the other’ even as we come closer as peoples: then what? What lessons have been learned about “Europeanisation”? Mark Harwood’s paper is a study in ‘Europeanisation’ with particular attention to the question of civil society and values. He explains what has come to be meant by ‘europeanisation’, how it impacts on domestic political systems and what consequences it may have for civil society and the values that civil society groups promote. Conceptualising the EU as a multi-level governance system sees the latter as offering countless opportunities and pitfalls for civil society. In particular, civil society groups will sooner or later need to associate with their counterparts and larger Europe-wide groups. This can work to increase influence at European level but it can equally boost one’s influence at national level. Indeed, it has been observed, he writes, that domestic civil society retains its primacy as a determinant in the national political system, for it is domestic civil society that has the ear of domestic governments, MEPs and representatives in bodies such as the Committee of the Regions. And each domestic political system is unique. Yet membership of the EU can mean that what civil society can expect or not expect from the national government can change as a result. On the other hand, the need to better co-ordinate national EU policy means that governments are more likely to incorporate civil society into decision-making. The change in values associated with EU membership remains a nebulous area of research. Collective expectations of national and European institutions change over time, but more
disparate issues such as concepts of family, gender or citizenship often change within a wider framework not exclusively associated with EU membership, making ‘EU-ization’ a component of change but not an exclusive component.

**A Closer Look at Malta**

The former papers sketch the broad canvas against which one would argue that constructive dialogue and policy debate and action on particular issues might take place, with a due sense of urgency.

The next group of papers from NGO activists, educators and writers in Malta is intended to present particular phenomena in contemporary Maltese society and the NGO response as current. Some of them show how some activists, and their organizations, working in fields related to the family, women’s and men’s rights, children’s rights and education see their role in the process of the inculcation and practice of values, sometimes with specific reference to religion and sometimes to religious diversity in the context of family and families. Some also chart value-change in Malta. Others put the Maltese context in the broader EU policy and legislative context. All begin or continue a debate on the particular issue treated rather than end it. Part of that debate will be about the very role of such organizations. The value of a number of the papers also lies in stating the official positions of the represented organizations on the matters in issue, presenting a picture of the current reality of civil society activity in Malta and inviting debate on the future role of civil society engagement. In several cases, they represent the first attempt to site the Maltese debate, both on the issues themselves and on the wider question of the role of civil society, in the context of a European and even wider debate.

With a focus on work-life balance, Anna Borg points to the prevailing social and corporate culture, centred around the ‘male bread-winner’ model. She emphasizes that in order to challenge socially constructed gender roles and the gendered nature of organizations, parallel changes may need to be happening on a personal, domestic, political, social and even on a religious level. Yet, she argues, change has happened and will happen gradually ‘from within’ as women and men make new choices in favour of a higher quality family life. This is a route, if the slower route, to organizational change, for “the socially constructed manifestation of beliefs and values is often unknowingly transferred via individuals to organizations”. This paper goes beyond the normal emphasis on the use that could be made of the mechanism of the collective agreement, with the push coming from the social partners and primarily, perhaps, from the trade union side. For Anna Borg argues that having a family-friendly policy in place, even an agreed one, does not guarantee take-up, so that ways have to be found to put such policies and agreements into practice without penalty to work progression or to financial reward for the worker and with benefit to employer. It seems that it is equally up to men to assert their rights as husbands and fathers, to respect the equality of their partners, to assume the burdens and joys of fatherhood, and to push for organizational change. This organizational change need not detract from the goal-realising objectives of the organization, for it can and should mean searching co-operatively for flexible, innovative and creative work practices that make both ‘life’ and ‘business’ sense.
**Charmaine Grech** also addresses the issue of work-life balance. She explains the policy of the General Workers’ Union. She writes that the Union recognizes the single parent family as ‘family’. Labour market participation of women with family responsibilities affects the concept of the traditional family, paid work and welfare state patterns of organization. She asks how society, including the General Workers’ Union, can help the evolution of working life without compromising family stability. One of the answers to the dilemma, she writes, lies in the creation of a flexible labour market and it is up to all the social partners to promote a flexible working environment that will facilitate the reconciliation of work and family life. It is only through sensitizing people through education that a change in mentality can be achieved, she writes, and there is much work still to be done in this area.

The plight of the teenage mother, and the means of redressing the economic disadvantage associated with teenage motherhood, or indeed with single parenthood at a young age, is the subject of the paper by **JosAnn Cutajar**. Nineteen per cent of all births in Malta take place outside marriage. Implicit in the statistics are changing values, for example that while an unwanted or unplanned pregnancy may well still result in delivery, it does not follow that it will lead to marriage. It is clear that female-headed single parent families are at risk of poverty, and the children are at risk of educational under-performance and under-development. The focus of this paper is again on education, in particular the continuing education and skills acquisition of the young mother, so necessary to prevent poverty, disadvantage and exclusion. Matters do not appear to have improved much since the time in the late 90s and early this decade when many of the statistics used in the study were compiled. One awaits the results of the 2005 census. Yet it is recorded that government has put in place certain measures to assist in the search for financial security (even independence) for single parent families. It is also recorded that society, civil society and family of origin may have become more accepting and supportive, needed qualities in a society that values the right to life of the unborn. Yet, again, the author argues that more needs to be done to motivate and support single parents to continue with their education and enter employment, and a number of wide-ranging recommendations are made.

It is in context here to refer to the paper by **Tony Mifsud**, a leading activist in favour of the rights of the unborn child and Coordinator of the Malta Movement for the Rights, Protection and Development of the Unborn Child. This paper will be of interest to all, but especially to those who are not familiar with the articulation of a Maltese Catholic NGO approach to the issue of abortion. Social policy in the round in Malta (and Tony Mifsud for one, argues, elsewhere in Europe and beyond) should be expected to evolve according to the tenet set out by Cardinal Connell of Dublin, who declared that “The genuineness of our conviction about the right to life of the unborn child must be matched by our willingness to give support to those for whom the prospect of the birth of a child creates difficulties which they feel unable to face”. He argues that all the unborn everywhere should be regarded as “the common heritage of mankind”, calling then for a global policy of humankind’s respect for itself.

The previous paper referred briefly to the Cana Movement, an NGO with a Catholic ethos that works with engaged and married couples, educating, advising and counselling them about marriage and parenthood. The contribution to this Report of the Cana Movement’s representatives, Father **Joseph Mizzi** and **Anna Maria Vella**, clearly indicates how one of the foremost family-oriented civil society organizations, and one with an impact on practically
every engaged couple in Malta and Gozo, sees the current climate for the family as an institution both in Malta and elsewhere. It is also a classic exposition of the way in which it conveys its message, as well of the message itself.

It will have been clear from the preceding papers in this section that a certain tension exists in Maltese society between the traditional and the post-modern view of the family and family roles. The tension arises from the clear wish to retain the value of the close-knit family and the rearing of children into adulthood while reconciling this with the legitimate expectations of, and the various demands made on, each member of the family in the modern world. Adrian Grima writes that literature does not provide a mirror of society and does not pretend to do so either; but it does allow writers to explore the individuals and the community about whom they choose to write and their work often provides insights that one would associate with qualitative research. Writers interpret and evaluate; their work often reflects what they perceive in the real world. He refers us to Maltese post-Independence literature as reflecting the process of secularization within Maltese society that started after the end of the second world war and gathered pace after Independence in 1964. This literature has questioned not only the idealization of the traditional Maltese family, with its religious beliefs and affiliations, but also identification of the individual with the group. He refers to the work in the field of sociology done by the late lamented Anthony M. Abela, who noted that while value change has been a feature in Maltese society, the Maltese remain jealous of, and centred in, their family values. Yet many stories remain untold in Maltese literature, there are many tensions bubbling beneath the surface, and fundamental changes to discourse about the family in Maltese literature can both reflect what is happening in everyday Maltese life and construct and articulate new realities.

Back to the Wider Picture

The last two papers bring the focus back around to the wider picture, within which the microcosm of Malta features and on which stage Malta must play its role. The first of these, by Audrey Gatt, represents a brave attempt to take the wider angle, and to examine from a Europe-wide and intercultural and multi-religious standpoint the controversial issue of the ethics, politics and law of stem-cell research. The paper shows the struggle that awaits those prepared to, or whose duty it may be, to consider all the evidence as it appears and then possibly to re-interpret, re-evaluate, or rethink in the light of interaction with others and in the light of scientific discovery. If European level legislation is at some stage called for in matters impinging on ethics, then we had better get used to the processes of thought and argumentation. So Gatt asks, in the light of background religious positions from Christianity, Islam and Judaism, what stance has been taken in the European Court of Human Rights, the locus where ultimately most of these issues are likely to be determined from the legal perspective of ‘rights’. She argues that, while the European Court of Human Rights is, of course, not a legislature, it has paved the way, through its rulings, for a European ethic on the issue of ‘reproductive rights’. The reality may be more prosaic, and of comfort to all European States in its regard for the diversity of opinion and law in those states and therefore for the status quo, and the freedom to evolve, in and of each state. This would mean that the Court’s rulings could not, in fact, be taken as pre-empting what a European legislature might or might not do, save possibly in leaving the matter open, or a matter of national choice as a matter of subsidiarity, even assuming there were competence
in principle. But Gatt is indeed right to point to the need for further and deeper discussion in Malta on such issues. Her call is not (necessarily) for (any particular) change, but for proper discussion in Malta.

I am certain that all would entirely endorse this call, not least because one cannot possibly hope to influence decision-making at any level outside these islands (and the Cana Movement and the Malta Movement for the Unborn Child clearly hope to be able to do so; their papers refer) unless one has a properly articulated position that makes sense in a pluralist context. In seeking honestly to arrive at the truth for ourselves we may arrive at it for others also. It may well be that the only truth turns out to be the traditional truth of our Faith, but this cannot stop us asking the difficult questions that the progress of human history causes all around us to face. That attitude will simply make us irrelevant, and useless to ourselves, and especially to our young, who ask increasingly to be convinced rather than to be told. In so far as the European Council will continue to address such issues, it has committed itself to doing so “consistently with common fundamental values and ethical principles”. As Maltese, we have an obligation to contribute to any and all debates, and this will require study, thought and open and respectful discussion. Gatt’s (like Soler’s) paper has been left for last because it is an attempt to site in discourse so many of the main and side issues raised in this Report. Malta’s Roman Catholic pedigree is beyond question, as is the adherence of a diminishing but still large majority to the tenets of the Catholic faith. That many of its politicians adhere publicly to such tenets and would see them enshrined in law, is equally clear. But that Maltese society is, and will become more, pluralist and multicultural is just as clear. The theatre for the mediation of different values will, unless it be civil society and Parliament, inevitably be the courts of law. It is equally clear that, in the absence of any option for splendid isolation from the rest of the universe, the law to be applied will need to be secular and respectful of all our international obligations under various Human Rights Charters and European Union Law - hopefully themselves law that we will have helped to shape. It also equally clear that we will retain a large margin of autonomy and discretion at the legislative level in such matters for the foreseeable future, for the European Court of Human Rights, as the regional human rights court, will take a specific and binding line in matters of ethical content only if sure it is acting on a European ‘consensus’. It is this consensus that we can all work towards through dialogue. However, we would ourselves be helping pave the way to a large consensus to which we were in principle opposed (due to its lack of an ethical content to which we subscribed) by failing to fully and effectively participate in any European and wider debates. It is crucial to remember that these debates necessarily take place in a secular context and a level of sophistication is needed to translate religious conviction into ethical argument such as can affect the flow of secular debate.

A similarly brave attempt at bridging the perceived ethical differences between the main religions, or at least contributing to a better understanding as to their respective positions on matters of ethics and the family, is made in the final paper by Chris Soler, who asks whether Christianity, Judaism and Islam are not too often presented in a false light of confrontation of values. With the humility of a lawyer moving in the area of comparative religion and law, he leaves the reader to make the connections.
One thought that came to the editor in the process of reading these two last contributions is that politics being the art of the possible, politicians of all faiths or convictions may be guided in the secular framework by the art of seeking to achieve the achievable by consensus. Nevertheless, it seems clear that the weight of this Report taken as a whole takes a stand, in general, against ‘secular drift’. It calls for more than the taking of religion ‘into account’ as a politically-relevant factor in decision-making. It calls for a role for religion and spirituality in politics and decision-making, grounded on the perceived re-assertion of their values by millions of Europeans of all faiths. Many of the contributors agree that the root cause of misunderstanding, mistrust, suspicion, even fear, of ‘the other’ is lack of knowledge, a lack of knowledge that leaves the field open to exploitation by the fanatic and the extremist. In such a climate of ignorance and irrational fear, it is human rights that become the first victim, as society becomes a forgotten concept, lost in fragmentation, polarization and exclusion. Knowledge and education are the anti-dote and the salvation of society, and the challenge of educating the current and future citizen is an ongoing and urgent one. Civil society can and must play its part in reminding all to aim for the common good through the respect and pursuit of the good of all its parts. Dialogue at this level can point us all in the right direction.

General Conclusions and Recommendations

So, finally, what general conclusions and recommendations would the project coordinator draw from this study?

1. That it be recognized that economism, consumerism, and individualism in all guises may have gone too far, and that the people of Europe are re-discovering their spiritual roots or intensifying their individual search for spiritual meaning. That, therefore, ethics and values need to be better and more fully integrated into policy-making. That religion is a powerful force in this regard and must be given due space in policy and decision-making.

2. That at the same time, there is a need to recognize that the European tradition is for this to happen within a secular framework, but a framework that is fully respectful not only of freedom of conscience but also of freedom of religion and the practice of religion. That this is, or should be, the framework in all of the Member states and in the Union itself. That one major obstacle to real dialogue with our Neighbours may precisely be resistance on their part to contemplating such a framework. That the meeting point nevertheless may well lie in the concept of secularity with respect for and dialogue about values.

3. That the reality of European pluralism, democracy and multiculturalism requires us to develop a model of policy- and decision-making at European level on the lines set out in the Constitutional Treaty, enabling fullest dialogue with Churches, Religious Associations and confessions. That the relevant Constitutional Treaty provisions should either come into force through the ratification of the Treaty or be otherwise brought into operation through the development of structures and working practices that make them happen.
4. That at the same time, this must be understood as more than inter-religious dialogue at the level of the Churches, Religious Associations and confessions on doctrinal issues. It means that inter-culturalism at the level of the people, and therefore of civil society, is key to the practice of the values of mutual respect and solidarity. NGOs have a major role to play in today’s European democracies. They themselves must be living examples of inter-cultural dialogue as well as the locus of dialogue about values and the spring-board for appropriate political action.

5. That education in inter-culturalism is crucial. This must be present at all levels. But the school is the prime site, requiring in the first place education and training of teachers and social workers. Curricula urgently need to be revised accordingly, including religious studies curricula. The concept of citizenship needs to be revised, and incorporate side by side with historical loyalty to the ‘state’ a loyalty to societal values, defining society in the widest terms conceivable, to encapsulate, in a globalised world, all of human-kind. We need to overcome our shyness about such language, for unless we recognize that we are all truly one, and responsible for, and affected by, one another in one global society, our values will appear meaningless to those either not within our borders or who remain excluded within our own societies by being excluded from the sphere of application of the universal values that we profess. That this requires soul-searching and internal change, a new grasp of the meaning of identity, and a willingness to dialogue. That it requires the same from our Neighbours.

6. That the European Union would do well to devise, if not a Family Policy, a Family Strategy through the actors and mechanisms identified above. That this strategy be centred around human dignity and equality. That it be centred also around the concept of family stability and the values of love and respect for each member of the family and the development of the human person. That human rights, even in the context of the family, should be seen in the dual perspective of the individual and the relational and collective aspects. That this means equality of rights and duties and therefore also in all matters pertaining to employment, and appropriate policies on work/life balance for the benefit of both sexes and of the family as a whole. That we should work towards a moral consensus that respects the views of the majority and of all minorities claiming legitimate respect for their respective moral positions. That any definition of ‘family’ should take carefully into account both the general context of the common good and the particular context of individual affective relation, so that true family values be the guiding principle as to what is to be treated as a ‘family’ and how it is to be treated if it is to be respected. That economic objectives, however pressing they may be, be regarded as secondary to the above, and it be recognized that economic and material prosperity for all can only be achieved in a just and sustainable way if they are so regarded.

These are the general conclusions and recommendations that will be further discussed and elaborated upon in a Conference to be held in Malta in September 2006.