

The Current Condition of Church-State Relations in Finland

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The Evangelical Lutheran Church of Finland has traditionally been labelled in two different ways: some speak of it as a state church, while others call it a folk church. Both labels are somewhat misleading and susceptible to propagandistic use. Used in a critically evaluated way, though, they remain useful in that they still give a rough picture not only of the position of the church in Finnish society, but also of the relationship between the church and the state.

In academic terminology, 'state church' refers to a concept in church law where the church and the state are bound to one another both structurally and ideologically. 'Folk church' is more of a sociological and theological term. In a social sense there is a folk church situation in Finland, in that the vast majority of the population belongs to the Lutheran Church. Many churchmen would also add from their own perspective that there is still a situation in Finland where the Lutheran Church carries a special responsibility to serve the nation as a whole.

In order to understand the current religious situation and church politics in Finland, it is important to bear in mind the country's strong state-church oriented tradition. This tradition is so long-standing and influential that the current situation is difficult to understand outside this context. The continuous state church situation has not only been a feature of the legal relationship between the church and the state, but in its time it set the tone for the nature of the state. As in many other countries with state-church systems, the religious homogeneity of the people was seen in Finland as a condition for the success of the state's policies of internal integration.

These days Finland no longer has a state-church structure in the precise sense of the term. The system has been dismantled step by step so as to give greater internal independence to the Lutheran Church. The most decisive downhill shove given to the old-fashioned state-church structure came with the Church Act enacted in 1869. Especially the law's stipulations concerning the Synod and its authority signalled a clear turning point for church-state relations. In terms of self-regulation – in other words, church law – the church took on a decisive and very independent role.

Church law in this respect is enacted in a unique way, using its own legislative system. Its unique features include the fact that the power to initiate adjustments and changes in the Church Act rests exclusively with the church's own legislative body, the Synod.

The Lutheran Church's autonomy in internal affairs is further protected by the

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fact that the national Parliament, which must ultimately ratify church law, has no right to alter the content of the proposals it receives from the Synod: all proposals must be either accepted in their original form or rejected altogether. However, since changes to church law must be presented to Parliament by the Government (cabinet of ministers), the powers of state can stop the proposals of the Synod from reaching Parliament. This has happened on occasion, albeit extremely rarely. On the other hand there is no record of Parliament ever rejecting proposed changes in church law.

In its time the provision in the state agenda that only those members of parliament who belonged to the Evangelical Lutheran Church could vote on issues regarding church law was also intended to protect the church. This provision, however, was discarded when the Church Act was divided into two sections in 1993. All members of parliament can now participate in parliamentary procedures concerning, for instance, changes in church law affecting church-state relations. On the other hand, regulations concerning the church's operations and internal affairs are now determined directly by the Synod.

The Church Act of 1869 did not, however, dismantle all structures of church-state relations. The law still contained a provision which stated that 'final authority over the Church throughout the country is to rest with the national Government'. When we consider the historical conditions of the time, it is clear that His Majesty the Tsar could overrule decisions of the church at will.

It is interesting, however, that following Finland's independence (1917) and the establishment of a republican form of government (1919), the government's final authority over the church was not eliminated. The Constitution Act of 1919 did indeed enshrine the principle of religious freedom, so that the Lutheran faith was no longer officially recognized as the state ideology. At the same time, however, the Constitution Act strengthened the church's powers to independently regulate its own organizational and administrative structure. The question of who should exercise final authority over the church was left for the Synod to consider as a matter of church law. The old semantic form of the law was still left unchanged in 1944, when the current Church Council system was established, decisively moving authority over many practical matters in the day-to-day running of the church from the Ministry of Education to the church's own administrative body.

The phrase in the old Church Act about final authority over the church belonging to the state was not abandoned until a new, restructured Church Act came into effect at the beginning of 1994. Now the church's own administrative bodies (different ones according to the issue in question) exercise the highest authority over the church.

In terms of the relationship between church and state, the new Church Act was a harbinger of rapid developments in a direction that could be interpreted as the church's desire to sever its ties with the state altogether. In addition to dissolving the state's final authority over the church, a further step was taken towards independence in that, contrary to previous practice, the church itself now decides on the creation or dissolution of dioceses and on changes in diocesan boundaries. These decisions are, however, still subject to the approval of the Council of State. On the parish level the new Church Act means that parish boundary issues are no longer submitted to the Council of State, but

settled instead by the Church Council.

Taking small steps in church politics towards a more administratively independent church has also continued since the reform of the Church Act. In the autumn of 1995 the Synod decided to bring diocesan chapter administration entirely under the church's control. Thus, when this law came into force in the beginning of 1997, chapter workers ceased to be state officials, and the maintenance of the chapters and the employment contracts and payroll expenses for all of the workers in these offices gradually became the responsibility of the church.

Even after this change in the status of the diocesan chapters, the Lutheran Church has continued the dismantling of visible administrative ties in accordance with the principle of its internal autonomy.

The most significant change has been the introduction of a new procedure for episcopal appointments. As a result, bishops are no longer appointed by the President of the Republic: the new procedure involves an election consisting, if necessary, of two rounds of voting, after which the winning candidate receives an official letter of appointment from the diocesan chapter.

The administrative level, however, is only one small part of the interface between the church and the state. Another significant area of contact is the system of guarantees for the church's financial position. On the basis of its public rights in state legislation, the church is entitled to collect taxes. In addition to church members, societies and corporations are also required to pay church taxes, with the exception of registered religious organizations and free-thinker societies. Laws concerning church finance are generally passed as general parliamentary legislation, although the Church Act also contains some regulations concerning church taxes. Thus, in the final analysis, it is Parliament rather than the Synod that determines, both indirectly and directly, the content of many laws relating to the church's economic structure.

The state's indirect financial support for the church can also be seen in the fact that Lutheran chaplains working in the Finnish military and in the prison system are on the state payroll. Until 1997 the state also paid for the church's personal counselling services for the hearing impaired. From the perspective of the church's overall economic structure, the right to collect taxes is far more important (though the church must pay a tax collection service fee to the state for this). In its own way this also reflects not only the relationship between church and state, but the social significance of the church in our country as well.

Apart from administrative and economic ties, the contacts between church and state are also seen in the maintenance of a number of cultural traditions of no economic significance. Examples of this include a worship service that takes place as part of the opening of Parliament. Although the centuries-old custom whereby the national government used to decree public days of prayer was discontinued in 2003, the President of the Republic, Ms Tarja Halonen, nevertheless signs an ecumenically prepared declaration on days of prayer as a private individual. This declaration is no longer published in the Statute Book of Finland.

The church itself, in providing certain social services, is nurturing an ongoing

relationship with the state. This is seen most clearly in that parishes continue to take responsibility for maintaining census registration data concerning their members, and for their funeral services. Although the church is no longer officially responsible for maintaining a population register, the situation may well remain unchanged in practice for the foreseeable future. With rare exceptions, parish cemeteries are to remain the usual burial place even for non-members of the Lutheran Church.

The new Burial Act that came into force at the beginning of 2004 puts added emphasis on the Lutheran parishes' overall responsibility for burials. Parishes are placed under a legal obligation to maintain public cemeteries and to establish, if need be, non-denominational burial grounds. Burial charges are to be equal for everyone regardless of whether the deceased was a member of the Lutheran Church. This has been considered reasonable in view of the fact that the Burial Act requires the state, and thereby all taxpayers, to contribute to the costs of cemetery maintenance. Some have felt, however, that the new practice is unfair to members of the church, who may be considered to make a further contribution to the costs of their burial place as payers of the church tax. The connection between church and state has formed a favourable basis for certain other church-political resolutions that have been realized in Finnish society.

Definitely the most significant among these concerns religious education in schools. The Freedom of Religion Act of 2003 confirms the individual's entitlement to religious education. In accordance with the legislation on primary and secondary education, schools provide religious education in accordance with the religion of the majority of the pupils. Such religious education is no longer described as 'denominational' or 'confessional'; it is now referred to as education according to the pupil's own religion. Members of religious minorities also receive education according to their own religion if there is a group of at least three pupils wishing to participate. Non-members of religious communities are entitled, in accordance with the principle of freedom of religion, to replace religious education with a subject known as *elämäkatsomustieto* (ethics and comparative religion).

If the church had no official status in society, it would also be difficult to conceive that church members could enter into an officially valid marital union through a ceremony conducted in church.

Society's weekly rhythm continues to be built on the basis of the church calendar, and public radio stations also broadcast church-based and religious programming. These things, however, cannot be taken as direct indications of a state church system, in that they reflect more practical decisions based on an observation of the religious affiliations within the society.

All in all, then, the church and the state continue to have wide-ranging mutual connections. The most significant contacts no longer pertain to the administrative structure of the church; instead, they reflect the church's special position in terms of economic legislation and church social services in areas for which the state or the local government must carry ultimate responsibility.

Although the relationship between the state and the church has been modified by increasing the powers of official church bodies, the changes have not affected the legal status of the church. The nature of the relationship between the state and the Evangelical Lutheran Church is still defined at the

constitutional level. A new constitution, which was passed in June 1999 and came into force on 1 March 2000, includes the following provisions:

The organization and governance of the Evangelical Lutheran Church are prescribed in the Church Act.

Concerning the procedure for enacting the Church Act and the right of initiative relating to this procedure, the separate provisions of the aforementioned act shall apply.

The provisions of the new constitution differ from those of the previous one in that the founding and governance of other religious communities is no longer referred to. In the opinion of the Synod of the Lutheran Church, other religious communities should also have been mentioned in the constitution, but the Synod's position was not taken into consideration by Parliament when the new constitution was being enacted.

The Constitution Act of 2000, and in particular its provisions concerning the basic rights of the individual, had great significance in the process that led to new legislation on freedom of religion. The proposals of the Committee on Freedom of Religion (1998 – 2001), set up by the Council of State, and the new Freedom of Religion Act (2003), largely based on the committee's recommendations, did not change the relationship between the church and the state. Although the Freedom of Religion Act could not by its nature deal with the legal standing of the Evangelical Lutheran and Orthodox churches, the act nevertheless confirmed the long-established dichotomy whereby the status of these two churches is distinct from that of registered religious communities. The fundamental position of the state in the politics of religion is therefore based on the notion that the existence of a relationship between the state and the church does not hamper the religious freedom of the individual or of registered religious communities.

In spite of the abundant and diversified contacts between church and state, however, it is not appropriate to classify our Lutheran Church as a traditional state church. The most decisive reason for this lies in the great internal autonomy of the Lutheran Church. State authorities cannot become involved in decisions concerning the church's internal affairs. Local parishes thus have broad economic independence and autonomy, as does the Synod.

Another guarantee of the church's internal freedom is the Synod's exclusive authority to determine the church's own agenda and church order, regulating internal affairs. The Synod can also make public statements, formulate initiatives, and define desirable aims in matters of interest to both church and state.

The Finnish model also differs from the traditional state church system in that, in addition to its internal autonomy, the church has an explicit possibility to actively influence matters of state. One of the peculiarities of the system is that the church is not always in a position to have the last word in matters directly affecting it. At the same time, however, it is scarcely conceivable that the relationship between the church and the state could be altered in its fundamental aspects without the church's consent: any attempt to do so would create a profound crisis. That being so, the functionality, development, and flexibility of church-state relations require a broad reciprocal understanding.

Pressures for change

Clear demands for change in the church-state relationship have generally arisen as a consequence of the socio-political atmosphere in the country becoming radicalized. At such historical junctures, critical charges against the church have come flying. This is clearly demonstrated in twentieth-century Finnish history - for example, during the general strike of 1905, Finland's civil war (1918), the Second World War, and later times of social restructuring and pluralistic values. Given that the Lutheran Church has always, as a social phenomenon, been an integral part of Finnish society, it is obvious and inevitable that those advocating major changes in this society have generally challenged the church's place within it and the church's relationship to the state.

All in all, though, changes in the church-state relationship have happened slowly, little by little, without major dramatic turns. Major social transitions and crises have not brought about transformations in the church's role in society. The Lutheran church in the last century has survived the birth pains of a democratic nation, a shattering civil war, a great war threatening to wipe out our national identity, and the pressures of an emerging pluralistic modern society, without losing the basic foundations of its legal and economic status. The church has naturally been confronted with many internal changes that have resulted in structural changes as well, but the church-state relationship has by and large survived unscathed.

In the seventies and eighties, too, streams of change swept through religious and church politics, carving what from the church's perspective look like relatively harmless furrows in the bedrock. The most intense attempt to re-evaluate the church-state relationship climaxed in the report of the parliamentary committee on church and state in 1977. The committee focused its work on the church's internal autonomy and increasing areas of separate responsibility. The goal, in the committee's opinion, was to proceed without damaging the church's basic legal position or endangering its economic basis for operation. Nor did the committee feel that it was endangering society's religious freedom - respect for which was considered to be the central principle of the whole system of church-state relations - by proceeding in this manner.

In fact, plans to change certain details of the church-state relationship to conform to the recommendations of the committee on church and state largely dried up in the eighties. The office of the Ministry of Education did set up a own working group chaired by its own permanent secretary, with the chief aim of establishing who was to be basically responsible for what aspects of the further development of the previous committee's findings. The Lutheran Church also had its own role in this preparation process, which eventually lead to the division of the Church Act into two sections and raised suggestions concerning the legal semantics of who has final authority over the church. These preparations were in fact already under development in church circles, in that they were part of the work of the committee for church law reform.

The proposal for the division of the Church Act, which came from the church's own committee, already contained the most significant changes that actually found their way into practice. Its effects on the church-state relationship,

though, were minor, in that the basic line of the reform was quite cautious. In this regard the Synod's decision in autumn 1995 to take charge of the diocesan chapters should again be highlighted. This decision has somewhat increased the church's administrative independence since the beginning of 1997.

In relation to the state, the Lutheran Church also experienced a new kind of pressure in the early nineties. Society's shrinking economic resources and their re-allocation brought dark clouds into the church's skies as well. Although trends in church politics at the end of the decade became more favourable, the church may have to prepare for being not just a tax collector, but to a growing extent a taxpayer as well.

History does not seem to be repeating itself in that previously the position of the church has been relatively safe from attack under right-wing, non-socialist administrations. Is it pure coincidence that the government of former Prime Minister Esko Aho (a centre-right coalition, 1991 – 1995), in outlining changes in the tax code that shifted more of the state's financial burden on to the church's shoulders, brought about, under the protection of the Ministry of Education, one of the greatest crises in secondary education in the post-war period? This was avoided only through the active opposition of the Lutheran Church.

The Lutheran Church can by no means base its relations with the state on the support of some given political coalition or on promises from the national leaders to protect the church's basic legal and economic standing within society. As far as the Presidents of the Republic are concerned, their positions regarding the place of the church in society have varied over the past decade. President Mauno Koivisto once gave the church to understand that it should prepare for significant changes in its status. His successor Martti Ahtisaari, by way of contrast, expressed the view that the legislative and financial conditions under which the church functions did not require substantial modification, although he agreed with Koivisto that the episcopal appointments could be transferred to the church itself.

Although the current president, Tarja Halonen, initiated a new era in church-state relations on 1 March 2001 in the sense that her duties do not include episcopal appointments, she has nevertheless followed the example of her predecessors in attending church services when state protocol so prescribes. The current president's desire to avoid conspicuous changes in church policy is also signalled by the fact that she attended the consecration of the new bishop of Oulu diocese at Epiphany 2001, even though the appointment itself had been made in accordance with the new procedure.

Conclusions

It is clear that in regulating the church-state relationship there should be some generally accepted principles. These principles ought to rest on a firmer foundation than continuously changing relational factors. The church-state relationship can naturally be changed, but the road of change cannot, in a democratic society, lead in the direction of significantly weakening the social significance of the church. It is also important that any changes should be carried out in cooperation with the church, and not simply according to the dictates of the state, even if the latter is able – e.g. on the issue of taxation –

unilaterally to bring the pressure of an existing crisis to bear on the church.

In the current situation the church also needs its own firm overall strategy concerning matters of religious and church politics, in which the church-state relationship is examined as a whole and which might help the church to prepare for possible changes in this relationship.

The church's own strategy should be built in such a way that its supporting structure does not rest on changing relationships, or on tactical calculations. This overall strategy needs as far as possible to be based on the sort of premises which can be maintained simply by common sense and accepted reason. Factors in the politics of religion which fit this criterion, in a democratic society at least, are those which have content that is agreed upon with broad unanimity. Above all, these include the principle of freedom of religion as it relates to both individuals and groups, and beyond that to national religious diversity.

In democratic nations and national societies like Finland, everyone has the right to expect that the relationship between church and state will not present any obstacle to their realizing and exercising their rights and duties as citizens. The Freedom of Religion Act (2003) confirms these expectations. According to a parliamentary resolution, the act reflects an interpretation of religious freedom that is based on the affirmation of basic human rights. Freedom of religion is defined from the perspective of rights rather than restrictions. In this respect distinct progress has been made in relation to some of the restrictive interpretations of the end of the past century.

Overall, freedom of religion as a basic right should not be examined in the old-fashioned spirit whereby religion is seen as a private matter.. The individual's freedom of religion forms only part of the whole concept of religious freedom. Moreover, the realization of the religious freedom of the individual is only partially dependent on the formal relationship between church and state. It would be a fallacy to assume that individual freedom of religion becomes the better safeguarded the further the state distances itself from the church(es). In fact, the uninhibited exercise of this freedom is dependent on the society's guarantees to protect all basic human rights.

There are good reasons for believing that the current contacts between the church and the state in Finland do not in fact prevent anyone from exercising his or her freedom of religion. From the perspective of religious organizations operating in the minority here, the situation is perhaps more problematic. It is, however, entirely possible that the problems could still be more a matter of general negative attitudes towards minorities than of legal status per se. Although the Lutheran Church and the Orthodox Church have a special relationship with the state, this cannot be seen as limiting the operation of other religious groups. Naturally nothing would prevent the state from declaring support for religious minority groups still more clearly on the basis of a modified law on freedom of religion, or indeed from supporting them economically if they themselves wish to establish permanent ties with the state.

Progress in this direction has recently been made on the basis of the report of the Freedom of Religion Committee (2001): in autumn 2004, the state authorities set up a working group to investigate the implementation of a discretionary system of state subsidies for registered religious

communitiesvaltiovalta Besides the issue of freedom of religion, the distribution of denominational affiliations within the nation is another basic premise for the state's policies on religion. As long as the vast majority of the citizens belong to the Lutheran Church, it is reasonable to maintain the church's current legal position more or less as it is. This is not only a question of the church's position as an association, but of basic support for the uninhibited exercise of the religious freedom of the individual.

Though the Lutheran portion of the Finnish population is gradually declining, no dramatic breaking points can be foreseen at this juncture. In the Lutheran Church's own evaluations of its relationship with the state, theological premises concerning the basic nature and mission of the church are naturally an issue. Their influence concerning the actual changes in church politics is hard to evaluate. It is obvious that in the face of opposition the church has had to present its own premises more realistically and clearly. Wrongly understood Lutheran theology concerning secular powers has mislead some into seeing the state first and foremost as the church's big brother. As long as the secular powers-that-be have had a favourable attitude towards the church, the church has felt no need to evaluate its autonomous and unique relationship with the state. Perhaps that time might be coming, if the church were to look to the future in a yet gloomier light. Then it may be easier to confess that the church has no other theologically sound foundation for its relationship with the state than the traditions of the early church. On that basis the church is fundamentally something entirely different from the state.

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