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Disentanglement of Church and State: The Grand Duchy of Luxembourg

The discussions about the position of religions in the face of secularisation, their financing, the fundamental values of the rule of law or the strengthening of a constitutional culture are indicative of the changing vision of the relationship between religion and the state.

In the Grand Duchy of Luxembourg, the changed social conditions, including secularisation, triggered a rethinking of this relationship. A survey in 2008 found that between 1999 and 2008, the percentage of people identifying themselves as catholic fell by 12.7 points, while the number of people identifying themselves as non-religious increased by 13 points. It was seen as a clear proof of the erosion of the dominant position of the Catholic Church in Luxembourg.¹

A repositioning and updating of the system were considered necessary. This included constitutional modifications as the Constitution of 1868 contains several articles enshrining the relationship between state and church. Besides Articles 19, 20, 21, 26 and 110,² Articles 22 and 106 should be noted. Article 22 states that the intervention of the state in the appointment and installation of religious leaders, the method of appointment and dismissal, the right of each to correspond and to publish their acts, as well as the relations of the church with the state, are the subject of agreements to be submitted to the Chamber of Deputies for the provisions requiring its intervention. Article 106 provides that the salaries and pensions of ministers of religion shall be borne by the state and shall be regulated by law.

Starting in the 1980s, the procedure of unilateral recognition was abandoned in favour of conventions. On 15 June 1982, an agreement was concluded between

1 Monique Borsenberger and Paul Dicks, “Religions au Luxembourg. Quelle évolution entre 1999–2008?,” *Les Cahiers du CEPS/INSTEAD. Population & Emploi* 2 (2011).

2 “Constitution du Grand-Duché de Luxembourg 1868,” <https://legilux.public.lu/eli/etat/leg/constitution/1868/10/17/n1/jo>. Article 19. La liberté des cultes, celle de leur exercice public ainsi que la liberté de manifester ses opinions religieuses, sont garanties, sauf la répression des délits commis à l’occasion de l’usage de ces libertés. Article 20. Nul ne peut être contraint de concourir d’une manière quelconque aux actes et aux cérémonies d’un culte ni d’en observer les jours de repos. Article 21. Le mariage civil devra toujours précéder la bénédiction nuptiale. Article 26. Les Luxembourgeois ont le droit de s’associer. Ce droit ne peut être soumis à aucune autorisation préalable. L’établissement de toute corporation religieuse doit être autorisé par une loi. Article 110. Aucun serment ne peut être imposé qu’en vertu de la loi; elle en détermine la formule. Tous les fonctionnaires publics civils, avant d’entrer en fonctions, prêtent le serment suivant: Je jure fidélité au Roi Grand-Duc, obéissance à la Constitution et aux lois de l’État. – Ainsi Dieu me soit en aide.

the government and the Protestant Reformed Church of Luxembourg. Over 15 years later, conventions were ratified again, two with the Archdiocese,³ one with the Jewish community, one with the Protestant Church and one with the Hellenic Orthodox Church. This was followed by agreements with the Anglican Church, with the Hellenic Church and with the Romanian and Serbian Orthodox Churches of Luxembourg.⁴

The Luxembourg system distinguishes between conventioned and non-conventioned communities. Three principles guide the relationship between the state and religious communities: they are separate from one another, relations are regulated by law, and the pension and remuneration of ministers of worship are borne by the state and regulated by law.

Political Initiative: The Creation of a Reflection Group

On 7 June 2011, the Luxembourg Chamber of Deputies organised a debate on the relationship between the government and religious groups. Minister François Biltgen defended the principle of ‘open neutrality’, the necessary condition for maintaining the intercultural and interreligious dialogue. Communalism was to be avoided. Religious values could not take precedence over secular values.

3 Loi du 10 juillet 1998 modifiée portant approbation de la Convention du 31 octobre 1997 entre le Gouvernement, d'une part, et l'Archevêché, d'autre part, concernant l'organisation de l'enseignement religieux dans l'enseignement primaire. Loi du 10 juillet 1998 portant approbation de la Convention du 31 octobre 1997 entre le Gouvernement, d'une part, et l'Archevêché, d'autre part, portant refixation des cadres du culte catholique et réglant certaines matières connexes. https://www.stradalex.lu/fr/slu_src_publ_leg_mema/toc/leg_lu_mema_199808_66/doc/mema_1998A13181.

4 Convention of 31 October 1997 – Jewish communities of Luxembourg, approved by the Law of 10 July 1998; Convention of 31 October 1997 – Protestant Church of Luxembourg, approved by the Law of 10 July 1998; Convention on the recognition of the Protestant Reformed Church of Luxembourg, the granting of legal personality to the latter and the determination of functions and employment remunerated by the state of 15 June 1982, approved by the Law of 23 November 1982; Convention of 27 January 2003 Anglican Church of Luxembourg, approved by the Law of 11 June 2004; Convention of 31 October 1997 Hellenic Orthodox Church, approved by the Law of 10 July 1998, in the Addendum of 27 January 2003 making this Convention applicable to the Serbian and Romanian Orthodox Churches, Ecumenical Patriarchate of Constantinople.

https://www.stradalex.lu/fr/slu_src_publ_leg_mema/toc/leg_lu_mema_199808_66/doc/mema_1998A13181;

<https://gouvernement.lu/dam-assets/fr/actualites/articles/2015/01-janvier/20-cdp-accord/Convention.pdf>.

A motion concerning the creation of a reflection group was adopted. This group met between March and August 2012, organising hearings and meetings both with actors from the political field and with religious communities, organisations defending secularism or advocating humanist ideas. On 3 October 2012, a substantiated report on the relationship between the government and religious and philosophical communities was handed over to Minister François Biltgen.⁵ This report took stock of the status and funding methods of philosophical communities in Europe and then focused on Luxembourg, concentrating on the historical, legal, and financial aspects.

The experts concluded that the system was technically working properly. At the same time, it was noted that it was increasingly subject to criticism. The system was rigid, outdated and lacked transparency. It was based on the principle of recognition without question or recognition based on a negotiated convention. The system of recognition through conventions was described as inflexible: it did not allow responsiveness to societal changes.⁶

The report stressed the importance of respecting some basic principles, including positive and negative freedom of religion, the principle of autonomy of organisations, the neutrality and impartiality of the government, and equality and non-discrimination of citizens and religious communities.⁷ The experts highlighted a number of problems.⁸ The legislative framework clearly favoured the Roman Catholic Church.⁹

The experts suggested unambiguous recognition criteria. Recognition could take place in phases. In a first phase, via the registration of the community con-

5 Francis Messner, Jean-François Husson and Caroline Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg* (Luxembourg: Ministère d'Etat Luxembourg, 2012), <https://gouvernement.lu/dam-assets/fr/actualites/communiques/2012/10-octobre/03-rapport/rapport.PDF>

6 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 73.

7 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 74.

8 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 119.

9 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 119.

cerned; in a second phase, the recognition itself via a convention.¹⁰ Equal access to funding for communities by municipalities, either by abolishing the obligations arising from the 1809 *décret impérial*,¹¹ or by extending them in a new legal text, could also be achieved. To eliminate inequality, the system of recognition and funding needed to be extended to non-denominational philosophical communities.¹²

Regarding the preservation of churches for catholic worship, the declining use, and the reduction in the number of priests was pointed out. Change of use, or profane use needed to be considered. The group of experts also examined the educational system and the legislative changes. Primary education is organised under a law of 10 August 1912, amended by a law of 10 July 1998. Article 22 states that education proceeds with respect for the religious, moral, and philosophical views of others.¹³ Basic education curricula pay attention to moral and social education and religious and moral education.

The law of 10 May 1968 reforming secondary education provided a course in religious and moral instruction and a course in secular ethics. After amendments made by the law of 10 May 1968 and by the law of 16 November 1988,¹⁴ the regula-

10 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publics et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 95.

11 "Décret impérial (N° 5777.) concernant les Fabriques. Au palais des Tuileries, le 30 Décembre 1809," <https://data.legilux.public.lu/filestore/eli/etat/leg/dec/1809/12/30/n1/jo/fr/html/eli-etat-leg-dec-1809-12-30-n1-jo-fr-html.html>.

12 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publics et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 97.

13 Loi du 10 juillet 1998 portant modification des articles 22, 23 et 26 de la loi modifiée du 10 août 1912. Article 1er. La loi modifiée du 10 août 1912 concernant l'organisation de l'enseignement primaire est modifiée comme suit: 1) L'article 22 est remplacé par les dispositions suivantes: « L'enseignement primaire a pour objectifs de faire acquérir aux enfants les connaissances et compétences de base leur permettant d'aborder des apprentissages et études ultérieures, de développer leurs aptitudes et de les élever dans un esprit de paix, de dignité, de tolérance, de liberté, d'égalité et de solidarité qui constitue le fondement de notre société démocratique. L'enseignement se fait dans le respect des opinions religieuses, morales et philosophiques d'autrui; <https://data.legilux.public.lu/filestore/eli/etat/leg/loi/1998/07/10/n6/jo/fr/html/eli-etat-leg-loi-1998-07-10-n6-jo-fr-html.html>.

14 "Loi du 10 mai 1968 portant réforme de l'enseignement secondaire titre VI. Art. 48. L'enseignement secondaire comporte un cours d'instruction religieuse et morale et un cours de morale laïque. . . ». Art. 49. Le programme de l'enseignement secondaire moderne: . . . l'instruction religieuse et morale, la morale laïque, . . . " "Loi du 16 novembre 1988 portant modification des articles 48 et 49 de la loi du 10 mai 1968 portant réforme de l'enseignement, titre VI: de l'enseignement secondaire et des articles 14 et 38 de la loi du 21 mai 1979 portant 1. organisation de la formation professionnelle et de l'enseignement secondaire technique. 2. organisation de la for-

tions of 10 August 1991 laid down clear objectives and guidelines.¹⁵ According to the experts, provision could be made for the extension of denominational education to all conventioned religions. Religious subjects could be replaced by an approach that, in a non-denominational way, introduced pupils to various doctrines. Classical religion classes could also be replaced by general cultural and religious courses.¹⁶ The committee paid attention to philosophical/moral guidance. The absence of guidance for those who could not find themselves in the offering was a concern. Adequate solutions should enable these people to be able to benefit from moral or religious assistance in accordance with their convictions.¹⁷

The different treatment of life stances and, more specifically, the observation that within the communities covered by a convention, the Roman Catholic Church enjoys a privileged status, were emphasised. Attention was also drawn to the increase in religious pluralism and secularisation.¹⁸ Minister Biltgen expressed the wish that adjustments should be made with special attention to equal treatment and respect for human rights.¹⁹

mation professionnelle continue.” Mémorial A n° 23/1968, Mémorial A n° 63/1988. <https://legilux.public.lu/eli/etat/leg/memorial>.

15 “Règlement grand-ducal du 10 août 1991 concernant les lignes directrices du programme, la durée et l’organisation du cours d’instruction religieuse et morale ainsi que la formation des enseignants chargés de ce cours. Règlement grand-ducal du 10 août 1991 concernant les lignes directrices du programme, la durée et l’organisation du cours de formation morale et sociale ainsi que la formation des enseignants chargés de ce cours.” <https://data.legilux.public.lu/filestore/eli/etat/leg/rgd/1991/08/10/n6/jo/fr/html/eli-etat-leg-rgd-1991-08-10-n6-jo-fr-html.html>.

16 Messner, Husson and Sägesser, *Rapport du groupe d’experts chargé de réfléchir sur l’évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 117.

17 Messner, Husson and Sägesser, *Rapport du groupe d’experts chargé de réfléchir sur l’évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 108.

18 Messner, Husson and Sägesser, *Rapport du groupe d’experts chargé de réfléchir sur l’évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 3.

19 “Publication du rapport du groupe d’experts chargé d’étudier les relations entre l’Etat et les communautés religieuses voire philosophiques au Luxembourg, le débat est lancé,” https://me.gouvernement.lu/lb/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2012%2B10-octobre%2B03-rapport.html.

Changed Parliamentary Majority in 2013, Liberal Mobilisation and Political Compromises

Elections, following the dismissal of Prime Minister Jean-Claude Juncker (christian social), were held in Luxembourg on 20 October 2013. Xavier Bettel (social liberal) replaced Juncker as prime minister after forming a coalition between his Democratic Party, the Luxembourg Socialist Workers' Party, and the Luxembourg's ecologist political party. The new coalition announced several reforms. One of these questioned the current relationship between the state and religious communities. In addition, there were also plans to organise an official, non-religious civil ceremony for the national holiday.²⁰

The entanglement between church and state clearly came under intensified pressure. On the budgetary front the possible expansion of the number of denominations was an area of concern for the government. On the broader societal level there was the debate about sexual abuse within the Roman Catholic Church, the growing attention to ethical issues, including the debate about euthanasia legislation. Other initiatives also pointed to a changing state of mind.²¹ The demand for reform has been there for a long time. In 2007 alliances, in favour of the separation of church and state, were formed.²² Citizens were informed about the possibility of being debaptized and in 2010 a petition, was launched focusing on the separation of church and state in Luxembourg.²³ An Alliance of freethinkers, Humanists, non-believers, Atheists and Agnostics was considered.²⁴ This Alliance of Humanists, Atheists and Agnostics (AHA) was founded on 13 May 2010, as a non-

²⁰ "The formation of the government 2013." <https://gouvernement.lu/en/dossiers/2013/gouv-2013.html>.

"Programme gouvernemental," <https://gouvernement.lu/dam-assets/fr/actualites/articles/2013/11-novembre/29-signature/Programme-gouvernemental.pdf>.

²¹ A bill for the legislation of same-sex marriages was enacted by the Chamber of Deputies in 2014. As of 1 January 2015, it became officially legal for same-sex couples to marry.

²² "Trennung von Kirche und Staat in Luxemburg." There were three issues that united these different organizations: the financing of faith communities, religious education in public schools, and the political influence of the Catholic Church; <https://hpd.de/node/3099>.

²³ "Pétition no 307 pour la séparation de l'Eglise et de l'Etat." The petition was officially accepted by the Committee on Petitions in 2011. Ordinary petition n°307 declared admissible by the Committee on Petitions on 12-07-2011; <https://wdocs-pub.chd.lu/docs/exped/184/241/128430.pdf>.

²⁴ AHA Lëtzebuerg (Allianz vun Humanisten, Atheisten und Agnostiker zu Lëtzebuerg. <https://www.aha.lu/>.

profit association.²⁵ It serves the interests of atheists, humanists, sceptics, and agnostics in the Grand Duchy and explicitly supports secular viewpoints.²⁶

The assertive profiling was clearly noticeable. In the spring of 2011, as part of the worldwide Atheist Bus Campaign, there was a campaign with the slogan “Just reliéis chosen? Stéi dozou!” (‘Why should I stand by my non-religiosity?!’) asking people to manifest themselves as non-believers.²⁷ The campaign provoked heated reactions. In 2012, the AHA organised various public actions during Easter, including information about leaving the church.²⁸ This was done analogously to similar events in Germany, and with allusions to the Easter Bunny, as *Huesefest* (‘Bunny Festival’). In 2013, AHA Lëtzebuerg, referring to the expert report on the future relations between the state and the religious communities, criticised the standstill (Did Juncker deliberately sweep it under the famous carpet?) and asked the political parties to make clear commitments to the financial separation of state and religion, as well as to the immediate introduction of neutral values for all pupils.

AHA’s demands on political parties in the context of the parliamentary elections of 20 October 2013 were made public.²⁹ Proposals for the adaptation of religious instruction were examined. In 2014, AHA, together with the Ligue Luxembourgeoise de l’Enseignement, the Liberté de Conscience, Maison de la laïcité, the Fédération générale des instituteurs luxembourgeois and the Syndikat fir Erziéung a Wëssenschaft am OGBL organised a seminar “Erziehen ohne Religion”.³⁰

Following the preparation of a referendum in 2015, a bill circulated on the desirability of maintaining Article 106 of the Constitution, which provides for the payment of the salaries of ministers of religion by the state.³¹ The constitutional requirement was hardly considered compatible with the widespread idea of the

25 AHA is a member of the European Humanist Federation and the International Humanist Federation.

26 “Konkret handeln.” <https://www.aha.lu/images/PresseSpiegel/Kulturissimo20110609nr99p9.pdf>

27 During December 2012, AHA Lëtzebuerg received her 4,000th request to leave the Catholic Church via the platform www.fraiheet.lu.

28 “Trennung von Kirche und Staat: Jetzt!” <https://www.aha.lu/index.php/news/pressemitteilungen/44-juncker-wahlen-elections>.

29 “Revendications de AHA aux partis politiques dans le cadre des élections législatives du 20 octobre 2013,” <https://www.aha.lu/index.php/news/pressemitteilungen/273-revendications-de-aha-aux-partis-politiques-dans-le-cadre-des-elections-legislatives-du-20-octobre-2013>.

See also “Nationalwahlen 2013. Di 6 konkret Fuerderungen vun AHA fir d’Wahlen vum 20. Oktober 2013 am Resumé.” https://www.aha.lu/images/Pressemitteilungen/2013-10-14_Courrier.pdf

30 <https://www.aha.lu/index.php/themen/trennung-kirche-staat?view=article&id=196>.

31 “N. 6738. Session ordinaire 2014–2015. Proposition de loi portant organisation d’un référendum national sur différentes questions en relation avec l’élaboration d’une nouvelle Constitution,” <https://wdocs-pub.chd.lu/docs/exped/176/320/137159.pdf>.

separation of state and church. At first, there seemed to be a political consensus to submit four proposals to the population. In the end only three questions remained (lowering the voting age to 16, the right of foreigners to vote and limiting to ten years the maximum period during which someone can continuously be part of the government). The fourth question of the referendum, namely the question relating to the financing of ministers of religion, in the light of a possible agreement on that matter, was not upheld. The non-binding referendum was held in Luxembourg on 7 June 2015. The three remaining proposals were rejected.³²

The majority and opposition reached an agreement on a new constitutional provision. This new article 117 stipulated that in religious and ideological matters, the state respects the principles of neutrality and impartiality by virtue of the principle of separation. The law regulates the relationship between the state and religious communities and their recognition. Within the limits and forms set by law, agreements to be approved by the Chamber may specify the relations between the state and recognised religious communities.³³ Luxembourg's constitutional lawyer Luc Heuschling said that there was no clear separation: it was a text open to many interpretations.³⁴ Regarding 'neutrality,' Heuschling stressed that Article 117 contained a false assumption, namely the idea that the state was 'neutral'. This is incorrect: the state is not ideologically neutral. The state guarantees human rights and democracy, which it defends and demands also vis-à-vis religions. The Venice Commission, charged with promoting constitutional law and democratic order in Europe, also paid attention to the possible reforms, citing, among others, the Commission consultative des Droits de l' Homme (CCDH) of the Grand Duchy.³⁵ In an opinion issued in

³² The withdrawal of that question suggests that the Roman Catholic Church was afraid of the revealingly low number of supporters the ballot would expose and therefore forced themselves into negotiations.

³³ "Commission des Institutions et de la Révision constitutionnelle. Procès-verbal de la réunion du 21 janvier 2015, P.V. IR 10. Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg. L'Etat luxembourgeois et la laïcité. Avis 1/2015." <https://ccdh.public.lu/dam-assets/avis/2015/Laicite.pdf>.

³⁴ "Keine absolute Trennung von Kirche und Staat." https://www.wort.lu/de/politik/keine-absolute-trennung-von-kirche-und-staat-54c288960c88b46a8ce520f0?utm_internal_campaign=magnet_related_articles.

³⁵ "CCDH. L'Etat luxembourgeois et la laïcité. Avis 1/2015." Pour renforcer la prise de conscience de l'importance de la relation «droits de l'homme-laïcité », la CCDH s'exprime pour une inscription claire et précise du principe de laïcité dans la constitution au même titre que l'article 1er de la constitution énonce que « Le Grand-Duché de Luxembourg est un État démocratique, libre, indépendant et indivisible ». <https://ccdh.public.lu/dam-assets/avis/2015/Laicite.pdf>; "Commission européenne pour la démocratie par le droit (commission de Venise) Luxembourg. Proposition de révision portant instauration d'une nouvelle constitution. Rapport de la commission des institutions et de la révision constitutionnelle (6.6.2018)," La CCDH estime que dans l'article 117 tel que

2015, the CCDH called for the Constitution to be supplemented by a clear and precise inscription of the principle of secularism.

Amongst other, AHA made itself heard in the discussion on the forthcoming revision of the Luxembourg Constitution, focusing on a review of the existing agreements between the religious movements and the government, a review of the existing funding mechanism, the introduction of a “value course” and a strict separation of church and state.³⁶ The debate was opened. A far-reaching reform and political compromise between the government and the religious communities seemed inevitable.

New Conventions

On 20 January 2015, Prime Minister, Xavier Bettel (also Minister of Religious Affairs), together with his colleagues Claude Meisch (Minister of Education, Children and Youth) and Dan Kersch (Minister of the Interior), presented the new agreement³⁷ between the Luxembourg government and the religious communities.

The Luxembourg government considered the religious authorities to have a public mission but argued that an update was imminent. *Ad hoc* adjustments had led to inequalities. There was also a budgetary problem and the need to move towards the proper and transparent spending of public funds. It was stressed that, in return for funding from the budget, the conventioned denominations should provide spiritual assistance to anyone who requests it.

Emphasising the need to ensure respect for constitutional rights and freedoms, public order and democratic values, the promotion of human rights and equality of all citizens, it was also pointed out that in view of sociological and demographic developments, it was necessary to add Luxembourg’s Muslim Community to the list of conventioned religious communities.

proposé se pose une question d’interprétation du terme « reconnaissance », pour autant qu’il soit prévu que l’Etat peut reconnaître des communautés religieuses. L’utilisation de ce terme pourrait laisser penser que l’Etat se prononce implicitement ou explicitement sur la légitimité de telle ou telle croyance religieuse, voire lui associe un jugement de valeur.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2019\)001-f](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2019)001-f).

36 „Annäherung zwischen Regierung und Kirchen?“ <https://www.aha.lu/index.php/news/pressemitteilungen/55-regierung-kirche>;

“Réflexions sur l’accord entre le Gouvernement et les communautés religieuses.”

<https://www.aha.lu/index.php/news/pressemitteilungen/57-reflexions-accord>;

“CCAL - Organisation des neuen gemeinsamen Werteunterrichts.”

37 Convention entre l’État du Grand-Duché de Luxembourg et les communautés religieuses établies au Luxembourg; <https://gouvernement.lu/dam-assets/fr/actualites/articles/2015/01-janvier/20-cdp-accord/Convention.pdf>.

The Agreement

The agreement, concretised in the form of conventions (containing common provisions and specific provisions for each religion), governs the relationship between the State of Luxembourg and the Roman Catholic Church, the Israelite Community, the Protestant Church, the Muslim Community, the Anglican Church, and the Orthodox Churches. The conventions concluded on 26 January 2015 have a duration of 20 years.

The agreement sets the annual financial support for each religious community. The amounts of the existing financial envelopes were phased out. Overall, the state's financial support for religious communities would drop from €24.6 million in 2014, to €8.3 million, including €6.75 million for the Roman Catholic Church (compared to the envelope allocated in 2014 of €23.72 million).

A new course “value education” was introduced in primary and secondary schools, replacing the subjects of “moral and social education/training” and “religious and moral instruction”, the aim being to gradually lead the students to confront their experience and questions of life with answers derived from philosophical and ethical reflections, as well as from religious and cultural traditions.

A fund for the management of religious buildings of catholic worship was established. This fund would take over the responsibilities and functions of the church council and be solely responsible for the management of the buildings entrusted to the fund and for the management of all assets transferred to this fund. Co-financing by municipalities was excluded. The criteria guiding the recognition of the philosophical/religious denomination are the extent to which the denomination demonstrates social relevance, proves embedding in society and demonstrates a positive contribution to society.

Eligible denominations must respect and guarantee constitutional rights and freedom, public order and democratic values, the promotion of human rights and gender equality and equality. They exclude any member who acts or calls for an act contrary to respect for public order, human rights, and equal treatment. As Francis Messner emphasises, the Grand Duchy of Luxembourg applies the principle of *do ut des*. The support from the public authorities depends on the respect of the common values and the provision of spiritual care.³⁸

38 Francis Messner, “La réforme des cultes au Grand-duché du Luxembourg en 2015.” *Revue du droit des religions*, no 1 (2016), <http://journals.openedition.org/rdr/1081>.

Structure of the Agreement in Detail

The agreement is divided into three parts: provisions common to all denominations, provisions specific to a denomination and a section devoted to the duration of conventions and revocation. The common provisions apply mainly to organisation and functioning. Freedom of organisation is guaranteed (Article 2). However, there is an obligation to submit the appointment of religious leaders for approval (Article 3). Under Article 4, religious communities agree not to hire their employees at the expense of the state budget, as of the date of adoption of the agreement. From that date, all employees recruited by the religious community will receive a traditional employment contract. However, the state (Article 5) does guarantee to staff hired by religious communities before the entry into force of this agreement the provisions on salaries and pensions agreed at the time. Staff members are to assert their pension rights no later than upon reaching the age of 65 (Article 6). The allocation of the financial envelope itself, the advance payments scheme and the possible suspension of payments are part of the general conditions (Articles 7 and 8).³⁹

Conventionalised denominations must keep accounts in due form. Their accounts are audited by a company auditor, or by a commissioner (for accounts not exceeding €500,000). The accounts and the audit must be submitted to the competent minister.⁴⁰ Each convention simplifies and regulates administrative and financial relations between the government and religious authorities, aims for transparency, sets a budgetary envelope, and provides for transitional measures for staff (including clear pension arrangements). The convention with the Roman Catholic Church provides for the introduction of a common values education course and the installation of a Council of Conventioed Religions.⁴¹

39 “Convention entre l’État du Grand-Duché de Luxembourg et les communautés religieuses.” Article 7. La présente convention fixe pour chaque communauté religieuse un soutien financier annuel qui sera viré pour le 31 janvier au plus tard de l’année en cours. Le montant de ce soutien financier est fixé en fonction de l’importance des communautés religieuses. Il sera adapté aux variations de l’échelle mobile des salaires. Le montant du soutien financier sera viré progressivement au culte concerné dès qu’il dépassera la somme des traitements, charges patronales comprises, des ministres du culte concerné pris en charge en vertu du régime prévu à l’article 5. Art. 8. Le paiement de l’enveloppe budgétaire prévue à l’article précédent peut être suspendu si les communautés religieuses ne respectent pas les principes énoncés à l’article 2.

40 Article 11. Les comptes et le rapport du réviseur d’entreprise respectivement du commissaire aux comptes doivent être transmis jusqu’au 30 juin de l’exercice subséquent au Ministre des Cultes.

Convention.

41 Article 17. “§3. Dans le contexte du développement curriculaire, le Ministère de l’Education nationale, de l’Enfance et de la Jeunesse entend mettre en place de nouvelles procédures qui garantiront la participation étroite de la société civile. Il va de soi qu’un futur Conseil des Cultes

Values Education

Religious education in public schools was organised in consultation with the archdiocese, which determined the content of the courses and proposed the school-teachers. This arrangement disappeared and a common values education course was introduced with effect from the 2016–2017 school year in the secondary schools.⁴² The programmes for this were defined by a national programmes commission and validated by the minister, who had, however, committed to involve the Council of Conventioed Religions, among others.

At a meeting on 18 November 2013, the representatives of the religions that had signed an agreement decided to create a council. This council acts as an official interlocutor with the government.⁴³ An updated version of the *Internal Procedure* was adopted in 2018.⁴⁴ Freethinkers, atheists, humanists and agnostics are not represented. The Alliance of Humanists, Atheists and Agnostics (AHA) always defended the position that church and state should be separated, and that the state should not subsidise religion.⁴⁵

The convention laid down the overall objective of the course, and defined how the objectives, competences, contents, and methodology would be defined and validated. The course would be part of the classical curriculum. The article also laid down which teachers would oversee the course.⁴⁶

comptera parmi les acteurs à être consultés régulièrement sur les questions philosophiques et religieuses.”

42 The new course replaced the existing “formation/éducation morale et sociale” and “instruction religieuse et morale” classes from the start of the 2016/2017 school year in secondary school and from the start of the 2017/2018 school year at elementary school.

43 <https://web.cathol.lu/1/services/centre-jean-xxiii-formation-recherche-dialogue-et-documentation/conseil-des-cultes-conventionnelles-ccc/reglement-d-ordre-interne.html>.

44 Règlement d'ordre interne. Adopté à l'unanimité lors de la réunion du 14 juin 2018. <https://web.cathol.lu/1/services/centre-jean-xxiii-formation-recherche-dialogue-et-documentation/conseil-des-cultes-conventionnelles-ccc/reglement-d-ordre-interne.html>.

45 Moreover, AHA felt that the recognition and funding of their philosophical community could have acted as a justification for the funding of religions, and they did not want to find themselves in such a position where their demand for “zero” funding of religions would become untenable, unjust, or at least incoherent.

46 Article 17. Le cours commun sera intégré dans le plan d'études comme branche régulière. Il sera assuré, en application du cadre législatif actuel de l'Education nationale:

- dans l'enseignement fondamental, par un enseignant ou, le cas échéant, par un chargé de cours de la réserve nationale des suppléants;
- dans l'enseignement secondaire, par les enseignants des deux branches actuelles et, à moyen terme par des enseignants spécialisés.

Article 18, §1. of the Convention, stated that the Convention of 31 October 1997 on the organisation of religious education in primary schools, which came into force through the amended law of 10 July 1998, was terminated by mutual agreement with the entry into force of the laws organising the common course on the teaching of values, subject to respect for the general principle of law *pacta sunt servanda* and to the possibility of taking over the current religious education teachers and lecturers. A transitional period of three years is provided for (Article 18, §2). Teachers who wanted to work within the church organisation were offered the option of making this transition, while retaining certain rights. This (phasing-out) framework was limited to 40 full-time equivalents (Article 18, §3).⁴⁷

Reform of Church Patrimony and Impetus for a Church Policy Plan

The experts' report referred to the burden of the (real estate) patrimony. It also pointed to the declining use of the churches. A staffing problem required regrouping. The 274 parishes evolved into 57 parochial communities.⁴⁸ Article 20 of the convention stipulated that a new fund would replace the so-called '*fabriques d'églises*'.⁴⁹ This fund was charged with managing the patrimony of the Roman Catho-

47 Article 18. – §1. . . . garantit leur rémunération et leur carrière actuelle; crée des perspectives professionnelles grâce aux procédures de validation des acquis de l'expérience et grâce à une offre de formation continue; encourage les instances responsables d'ouvrir l'accès à une formation aboutissant au concours de recrutement des instituteurs de l'enseignement fondamental, respectivement des professeurs de l'enseignement secondaire; aboutit à un emploi dans le domaine de l'Education nationale; tient compte dans ces démarches du cadre législatif et des conditions générales en vigueur du statut respectivement du fonctionnaire ou de l'employé de l'État. Convention.

Art.18. – §3. Aux enseignants désireux de continuer leur engagement au sein de l'Eglise catholique il sera offert la possibilité de maintenir leur statut conventionnel et contractuel au service du culte catholique en dehors du cadre scolaire, et ceci jusqu'à un maximum de 40 unités ETP. Ce cadre est non renouvelable et viendra à terme avec le départ à la retraite des enseignants en application du cadre législatif actuel de la Fonction publique. Convention.

48 Le grand nombre d'églises affectées à l'exercice public du culte au Luxembourg – une situation analogue prévaut dans les autres États européens – ne correspond plus à la sociologie religieuse de ce pays et cela pour deux raisons. La première tient au tassement de la pratique religieuse. . . . La deuxième raison est liée à une baisse sans précédent des vocations religieuses qui a entraîné le regroupement des deux cent soixante-quatorze paroisses en cinquante-sept communautés pastorales. Rapport groupe d'experts, 105.

49 Article 20. – §1. Il sera créé par la voie législative un Fonds de la Gestion des Édifices Religieux du Culte Catholique, dénommé ci – après le Fonds, qui reprendra les charges et les fonctions ac-

lic Church and governed by a board of directors whose members were appointed by the archbishop.

The *fabriques d'églises*, in charge of managing the assets of the Roman Catholic Church, were established in accordance with Article 76 of the Organic Articles of the law of 18 Germinal Year X (8 April 1802).⁵⁰ The imperial decree of 30 December 1809 on the *fabriques d'églises*,⁵¹ taken on this basis, sets out the rules for the organisation and operation of these establishments, which will qualify as public institutions at the end of the nineteenth century.

However, the decree of 30 December 1809, experts said,⁵² contained a series of articles that testified to a bygone vision of man and society. There was also a problem towards representation of certain local authorities, the problem of the co-optation and, finally, there was the observation that the system only benefited the Roman Catholic Church.

If, according to Article 37 of the decree of 30 December 1809, the *fabriques d'églises* are responsible for covering all operating and investment costs,⁵³ then, according to Article 92, the municipalities should intervene in case of insufficient

tuellement assumées par les fabriques des églises et qui bénéficiera du même régime fiscal. Le Fonds reprendra notamment les fonctions de fournir aux frais nécessaires du culte, de payer l'honoraire des prédicateurs de l'avent, du carême et autres solennités, de pourvoir à la décoration et aux dépenses relatives à l'embellissement intérieur de l'église et de veiller à la conservation et à l'entretien des édifices affectés au culte catholique. Convention.

50 Loi du 18 germinal an X (8 avril 1802) modifiée relative à l'organisation des cultes.

Section IV. — Des édifices destinés au culte. Art. 76. — Il sera établi des fabriques pour veiller à l'entretien et à la conservation des temples, à l'administration des aumônes. Art. 77. — Dans les paroisses où il n'y aura point d'édifice disponible pour le culte, l'évêque se concertera avec le préfet pour la désignation d'un édifice convenable. <https://www.legirel.cnrs.fr/spip.php?article527&lang=fr>.

51 Décret impérial du 30 décembre 1809 concernant les fabriques des églises. Chapitre I: De l'administration des fabriques. (Articles 3 à 35). Chapitre II: Des revenus, des charges, du budget de la fabrique. (Articles 36 à 49). Chapitre III: De la régie des biens de la fabrique. (Articles 55 à 88). Chapitre IV: Des charges des communes relativement au culte. (Articles 92 à 102). Chapitre V: Des églises cathédrales, des maisons épiscopales et des séminaires. (Articles 104 à 114). <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000479171>.

52 There is a confused application and unequal treatment between the Roman Catholic Church and the other conventioned religions.

53 Article 37. Les charges de la fabrique sont,

1. De fournir aux frais nécessaires du culte . . .
2. De payer l'honoraire des prédicateurs de l'Avent, du Carême et autres solennités;
3. De pourvoir à la décoration et aux dépenses relatives à l'embellissement intérieur de l'église;
4. De veiller à l'entretien des églises, presbytères et cimetières; et, en cas d'insuffisance des revenus de la fabrique, de faire toutes diligences nécessaires pour qu'il soit pourvu aux réparations et reconstructions, ainsi que le tout est réglé au paragraphe III.

<https://legilux.public.lu/eli/etat/leg/dec/1809/12/30/n1/jo>

income (for the expenses listed in Article 37).⁵⁴ However, Luxembourg municipalities are not only responsible for the maintenance of buildings used for catholic worship and the accommodation of their ministers but also for ancillary costs such as heating and electricity.

The report of the commission of experts calculated that, for the year 2010, the cost to be borne by the municipalities was €9.9 million. The cost of interventions by local authorities to cover the deficits of churchwardens was estimated at €13.6 million in 2015. Compared to 2014, this represented an increase of €1.8 million and €3.8 million more than in 2013.

Messner talks about a system where the *fabriques* were not subject to a specific legal regime, but rather to extra legem practices generated by circumstances, by the relative financial affluence of the communes and by the social weight of the Catholic Church.⁵⁵

The group of experts calculated the total annual cost of interventions in favour of the churches. It amounted to €34,948,748 (data from 2012 and, for local authorities, data from 2010). Of this, 71.8 percent was borne by the central government and 28.2 percent by the municipal authorities. If one considers expenditure on the care of monuments, pensions, and education costs, one arrives at just under €58 million.⁵⁶ There were also certain tax exemptions. The experts pointed out that this cost was not known and that their status as a tax expenditure was not clear.⁵⁷

54 Article 92. Les charges des communes relativement au culte, sont,

1. De suppléer à l'insuffisance des revenus de la fabrique, pour les charges portées en l'article 37;
 2. De fournir au curé ou desservant un presbytère, ou, à défaut de presbytère, un logement, ou, à défaut., une indemnité pécuniaire;
 3. De fournir aux grosses réparations des édifices consacrés au culte.
- <https://legilux.public.lu/eli/etat/leg/dec/1809/12/30/n1/jo>

55 Francis Messner, *La réforme de l'organisation paroissiale au Luxembourg*. Revue du droit des religions [En ligne], 3 | 2017, mis en ligne le 03 février 2020. <http://journals.openedition.org/rdr/891>; DOI: <https://doi.org/10.4000/rdr.891>.

56 Messner, Husson and Sägesser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 69–70. L'ajout des €0.4 millions des monuments historiques et des €3.7 millions de pensions porterait le total des interventions à €39.1 millions et à €57.7 millions avec la prise en compte des traitements des enseignants de religion catholique (€17 millions) et de leurs pensions (€1.3 millions). Enfin, signalons que les dépenses budgétaires génèrent des recettes fiscales au titre de l'impôt sur le revenu (de l'ordre de €6.5 millions au niveau des retenues à la source) ou de la TVA (plus de €500, 000 pour les seules dépenses extraordinaires des communes).

57 Messner, Husson and Sägesser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 66.

The municipalities were advised to put the whole thing on point administratively – organisationally and to investigate who owned the properties. Under no circumstances could the municipality still intervene financially in the costs related to a building belonging to the Fund. From 2017, the Roman Catholic Church had to take responsibility for housing parish priests and maintaining churches and parsonages.⁵⁸ Provision was made for the conclusion of an agreement between the Ministry of Higher Education and Research and the Seminary – Centre Jean XXIII. Specific funding was to allow assignments in the field of training and research to be undertaken.⁵⁹

A law of 13 February 2018 on the management of religious buildings and other property belonging to the Catholic Church, as well as on the prohibition of the financing of religions by municipalities amends or deletes many previously existing provisions.⁶⁰ Chapter 1 provides more information regarding the establishment of a fund for the management of religious buildings and other property of the catholic cult.⁶¹ Chapter 2 (Article 9) abolishes *fabriques d'églises*.⁶² Chapter 3 establishes the status. Chapters 4 and 5 make some general provisions. Everything the factories own belongs to this fund: the buildings, land and financial assets.

58 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 166, 177–185.

59 Article 19. Convention, Google. <https://gouvernement.lu/dam-assets/fr/actualites/communiqués/2012/10-octobre/03-rapport/rapport.PDF>.

60 Loi du 13 février 2018 sur la gestion des édifices religieux et autres biens relevant du culte catholique, ainsi que sur l'interdiction du financement des cultes par les communes.

<https://legilux.public.lu/eli/etat/leg/loi/2018/02/13/a142/jo>

61 Article 2. Le Fonds est de plein droit le successeur à titre universel des fabriques d'église, supprimées conformément à l'article 9. Les dévolutions patrimoniales qui s'en suivent ont lieu en exemption des droits de timbre, des droits d'enregistrement, de succession et de mutation par décès et des droits de transcription.

Le Fonds a pour mission:

1° d'assurer, en tant que propriétaire, la gestion des biens meubles et immeubles. . . ; 2° de répondre des dettes et des charges contractées par les fabriques d'église . . . ; 3° de pourvoir, à l'exception de tous frais de personnel visés par la loi du 23 juillet 2016 réglant le montant et les modalités d'octroi du soutien financier annuel à l'Église catholique, arrêtant les exemptions en matière d'acquisition d'immeubles affectés à l'exercice du culte catholique et portant . . .

Le Fonds est propriétaire des immeubles, connus sous la dénomination de « biens de cure », qui sont énumérés à l'annexe I avec l'indication de leur dénomination, de leur nature, de leur numéro cadastral et de leur contenance. Loi du 13 février 2018.

62 Article 9. Les fabriques d'église régies par le décret modifié du 30 décembre 1809 concernant les fabriques des églises sont supprimées. Loi du 13 février 2018.

Vie et Société

The introduction of a common values education course was planned as part of the government programme for the 2013 to 2018 legislature. The consequences of expanding the curricula with religious instruction for new denominations was a source of concern (organisational challenges and cost). Separate philosophical education was also seen as an obstacle to learning to live together in a highly diverse community. In an opinion issued on 6 May 2008, the Luxembourg Council of State posited that wanting to integrate all conventional religious denominations into the educational system, with identical rights, could first pose significant problems in terms of school organisation but would also, entail risks of communitarian drift in schools and in society.

The new course was introduced in stages. First, the introduction of a values education course pilot project in one educational institution (*Lycée Ermesinde*). Then, after evaluation, the course was rolled out to more schools. The course was introduced at the start of the 2016/2017 school year in general secondary education and in technical secondary education. The introduction in primary education was planned for the start of the 2017/2018 school year. An offer to take over staff members was provided. The necessary training courses were organised.⁶³

The law of 24 August 2016 introducing the common course in secondary and technical secondary education⁶⁴ regulated the introduction in secondary school and several staff-related technical matters (Article 5) including the takeover and an introductory training. On 11 July 2017, the Chamber passed the law on the introduction of the course in primary education.⁶⁵ Article 12 provided for specific transitional measures linked to taking an initiation course.⁶⁶

Finally, the law of 2 August 2017 on the organisation of the reinstatement of religious teachers and religious lecturers regulated technical and practical modal-

⁶³ <https://gouvernement.lu/dam-assets/fr/actualites/articles/2016/02-fevrier/04-meisch-cours/Dossier-de-presse.pdf>

⁶⁴ Loi du 24 août 2016 portant introduction du cours commun « vie et société » dans l'enseignement secondaire et secondaire technique et modifiant, <https://legilux.public.lu/eli/etat/leg/loi/2016/08/24/n4/jo>

⁶⁵ Loi du 2 août 2017 portant introduction du cours commun « vie et société » dans l'enseignement fondamental et modifiant, <https://legilux.public.lu/eli/etat/leg/loi/2017/08/02/a695/jo>

⁶⁶ Article 12. Le cours « vie et société » est assuré par les instituteurs ou leurs remplaçants, à condition d'avoir participé à une formation d'initiation au cours « vie et société ». L'initiation porte sur les objectifs, les contenus et les principes didactiques et méthodologiques du cours « vie et société ». Convention.

ities regarding competences and employment modalities of the teachers.⁶⁷ Article 28 of the law opened the possibility of funding a limited pool. This intervention is subject to strict conditions and these will not give rise to a replacement under the funding mechanism at the time of the termination of the employment relationship between the Archdiocese and the teachers concerned or the retirement of the employee.

The objective of the course is to help pupils find their way in society and teach them to communicate with others. Young people needed to have full access to the culture in which they live. The course had to provide access to the plurality of values, cultures and world views, and teach young people to reflect on these responsibly, critically, and constructively. The school plays a mediating role and must guarantee tolerance and mutual understanding.⁶⁸ The European Global Education Network Europe (GENE), which brings together ministries and agencies working in the field of education, awarded a certificate exemplifying quality in global education for the introduction of the *Vie et société* course.⁶⁹

A New Constitution

A new constitution, effective from 1 July 2023, was approved.⁷⁰ The constitution was amended to modernise terminology and adapt texts to the actual exercise of powers and functioning of institutions. Among other things, the proposed revision clarified that following the introduction of the new chapter, Articles 22 and 106 (salary and pensions) of the current constitution may be repealed.⁷¹

The 1868 constitution was recast, and several articles included in the 1868 version were dropped (Articles 22, 26, 106 and 110). In addition to a new Article

67 Loi du 2 août 2017 portant organisation de la reprise des enseignants de religion et des chargés de cours de religion, <https://legilux.public.lu/eli/etat/leg/loi/2017/08/02/a696/jo>

68 <https://vieso.script.lu/de/infos>

Site du ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse. Publications. Enseignement fondamental – Matériel pédagogique – Éducation à la citoyenneté.

<https://men.public.lu/fr/publications/education-citoyennete/information-generales/vie-societe-complement-plan-etudes.html>

69 https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/05-mai/17-gene-vie-societe.html

70 Constitution du Grand-duché de Luxembourg. Publication 19/01/2023. Applicabilité 01/07/2023. <https://legilux.public.lu/eli/etat/leg/constitution/1868/10/17/n1/consolide/20230701>.

71 Document No 7700. Chambre des députés. Session ordinaire 2020–2021. Chapitre VII. – De certaines dispositions relatives à l'administration de l'Etat.

<https://wdocs-pub.chd.lu/docs/exped/0114/122/229221.pdf>

24,⁷² a new chapter (Section 3, Article 120) deals with and enshrines the relationship between the state and religious communities. The principle of separation, the regulation by law of the relationship and the use of conventions were enshrined.⁷³ The text stipulates that the relationship between the state and religious communities will be regulated by laws. Conventions to be approved by the Chamber, within the limits and forms established by law, regulate everything in detail. The reference to god in the oath formula (Article 110; 1868 Constitution) was dropped. The new Article 22 states that no oath may be imposed except by virtue of the law, which determines the form of the oath.

Unbundling: A Slow Process

Views on church-state relations may vary in Western European countries but public support for the separation of church and state is widespread. The criticism focuses on the entanglement of the church and state, the inadequacy of regulation, and the lack of transparency of the system.

In France, separation was realised with the law of separation of church and state of 1905. The Netherlands reformed the system in 1983. In Belgium, the recognised philosophies are subsidised by the government. The recognition in Belgium of liberal humanism as a philosophy of life was formalised in 1993, and the subsequent structuring and financing act of 2002 ensured a broader expansion. Two study groups were commissioned by the Belgian Ministers of Justice in 2002 and 2009, to examine the situation and to formulate recommendations. A thorough debate and a review of the system were proposed. The political world was not blind to the problem, but not everyone believed it was all that pressing. More-

72 Article 24. La liberté de manifester ses convictions philosophiques ou religieuses, celle d'adhérer ou de ne pas adhérer à une religion sont garanties, hormis les infractions commises à l'occasion de l'exercice de ces libertés. La liberté des cultes et celle de leur exercice sont garanties, hormis les infractions commises à l'occasion de l'exercice de ces libertés. Nul ne peut être contraint de concourir d'une manière quelconque aux actes et aux cérémonies d'un culte ni d'en observer les jours de repos.

Constitution du Grand-duché de Luxembourg.

73 Article 120. Les églises et les communautés religieuses sont séparées de l'État. La loi règle les relations entre l'État et les églises et communautés religieuses. Dans les limites et formes déterminées par la loi, des conventions à approuver par la Chambre des Députés peuvent préciser les relations entre l'État et les églises et communautés religieuses.

Constitution du Grand-duché de Luxembourg.

over, the fragmentation of the competences in this area between the different levels of government made it difficult to carry out a thorough reform.

The unbundling in the Grand Duchy of Luxembourg shows that a new relationship is possible. In line with the government programme, the agreement adapted the relationship between the state and religious communities through new conventions, introduced a common moral and civic course and reformed the relationship between congregations and local authorities. Commentators spoke of a secular government in Luxembourg and saw it as one more step towards secularism in the Grand Duchy.⁷⁴

The reform of the system in Luxembourg also triggered a new approach for the AHA. Given that it seems unlikely that the state will completely renounce the funding of religions and given that the AHA wants to avoid the ‘camp of non-religious persons’ not having enough value in the ecosystem of beliefs and convictions to merit financial support from the state, the AHA wants to be a spokesperson for the interests of non-religious people in Luxembourg. The AHA had never thought of formalising this representation of the non-religious.

74 Caroline Sägeser, “Un gouvernement laïque au Luxembourg,” *Centre Interdisciplinaire d’Étude des Religions et de la Laïcité*, accessed 1 February 2024, <https://o-re-la.ulb.be/analyses/item/758-un-gouvernement-la%C3%AFque-au-luxembourg.html>; s.n. “État et cultes: un pas de plus vers la laïcité au Grand-Duché,” *Le quotidien*, accessed 1 February 2024, <https://lequotidien.lu/a-la-une/etat-et-cultes-un-pas-de-plus-vers-la-laicite-au-grand-duche/>.