

# RELIGION, STATE & SOCIETY

## Volume 33 Number 4 December 2005

Editorial	265
Notes on Contributors	271
On the Road towards Religious Pluralism? Church and State in Serbia ANGELA ILIĆ	273
Church-State Relations under the Bulgarian Denominations Act 2002: Religious Pluralism and Established Church and the Impact of Other Models of Law on Religion PETER PETKOFF	315
Religion-State Relations in Turkey, the Prospect of European Union Membership and the Lutheran Doctrine of the 'Two Kingdoms' HAKAN OLGUN	339
Pulpits, Ballots and Party Cards: Religion and Elections in Romania LAVINIA STAN & LUCIAN TURCESCU	347
Orthodoxy and the 2004 Ukrainian Presidential Electoral Campaign ANDRIJ YURASH	367
Book Reviews	387
New Books in the Library of Keston Institute	391
Volume Contents and Author Index, Volume 33, 2005	393

## Editorial

The articles in this issue of *RSS* deal with current developments in religion-state relations in a number of countries. Two of them (by Ilić and Petkoff) focus respectively on the latest draft law on religion in Serbia (March 2005) and the Denominations Act in Bulgaria (December 2002). The article by Olgun looks at the prospects for religion-state relations in Turkey in the light of that country's prospective accession to the European Union. The article by Stan and Turcescu looks at religious involvement in politics in Romania, and the article by Yurash looks at the role of religion in the 2004 Ukrainian presidential election. The broad context of all the articles is the question of how the various countries are orienting themselves as regards the expectations of international legislation and human rights instruments, the criteria for membership of the European Union, and the current arrangements for religion-state relations in other (European) countries.

Ilić notes four different types of arrangement in Europe regarding religion-state relations (as identified by Paul Mojzes, and reordered here into a continuum by me): 1) ecclesiastical absolutism ('only one religious organization is supported by the state'), 2) religious toleration ('religion as such is preferred and supported by the state'), 3) pluralistic liberty ('the state is really indifferent and neutral toward religion or non-religion'), and 4) secularistic absolutism ('religion as such is rejected by the state'). These options stand on a continuum between 'pro-religion' and 'anti-religion' and should remind us that religion-state arrangements can be almost infinitely nuanced. Olgun, for example, argues that secularism as practised in Turkey in fact limits religious rights and liberties in certain ways: 'In the West, "secularism" usually means that the state remains impartial in religious matters. In Turkey "secularism" refers to the fact that the state adopts a hostile attitude towards religion which is not of the type promoted by the state as compatible with the system.' The arrangements in Turkey thus seem to be located somewhere between options 1) and 4) in the list above, which is perhaps best envisaged as circular rather than linear.

Olgun notes that 'Turkey's prospective entry to the EU involves a growing expectation that secularism as it is understood in the West—an impartial attitude on the part of the state towards religion in general—should be practised in Turkey as well'. A good deal of the discussion in this issue of *RSS* is about how religion-state arrangements can evolve in different directions and what the conditions for creative evolution might be. Generally speaking, the development of religion-state relations in postcommunist European countries shows that the model they are aspiring towards is a Western European one. However, some commentators warn that the opportunity to construct a new model of religion-state relations in these countries should not be lost. Petkoff, for instance, is critical of the common (western) assumption that in shaping law on religion one has to choose either a communitarian or a liberal framework.

He invites us to go 'beyond the style of confrontational thinking which only raises the fundamentalism of one principle of jurisprudence against another and inevitably results in fragmented findings'. In Petkoff's view the new Bulgarian law on religion of 2002

represents a particular school of jurisprudence and political philosophy which advocates that liberal values in a society can be introduced and achieved through a programme which has as its logical aim a particular communitarian model of society as the initial stage of a community and character-building process. Only then, after this process has been completed, can a natural discussion of communitarian values lead to the liberal concept, according to which the only true way for such communitarian values to be observed and experienced is by reducing the size of the state to the smallest possible group able to perform its functions.

Ilić argues along similar lines for cultural sensitivity in the formation of legislation for religious freedom:

Although I fully agree that human rights values are universal, we need to keep in mind the fact that the implementation of human rights is always a matter of context . . . The international community at large has been mostly occupied with trying to export western liberal democratic standards and values to transitional countries in Eastern Europe, but, in my opinion, has not left enough room for a culturally relevant interpretation of these standards in a way which is still in line with western expectations. What may seem to the West to be regression rather than progress may not always be so – in such cases specific cultural aspects need to be considered.

Ilić considers, for example, the possibility of two levels of religious freedom in a given country. At the basic level, religious freedom for all would be firmly guaranteed and protected, while at the upper level some positive measures might be taken in favour of only one, or a limited number, of religious organisations.

When the question of granting special status to one particular denomination arises we usually think first of all of those countries where Orthodoxy is the predominant traditional religion. In Serbia, the latest draft law continues to pick out some faiths as 'traditional', with the Serbian Orthodox Church in first place. Successive draft laws on religion have been sent to the 'traditional' religious communities for their comments, but minority religions, and human rights organisations on their behalf, have objected to the fact that they have not been consulted on the drafts, and have expressed the fear that the retention of a hierarchy of religious communities may lead to discrimination against certain smaller and newer religious groups. Meanwhile the most serious critique of the Bulgarian law on religion of 2002 came from the Council of Europe: concern was expressed particularly at the apparent position of privilege established by the law in favour of the Bulgarian Orthodox Church, despite the assertion within the Act that all religions should be equal. Ilić at one point asks whether Orthodoxy is essentially incompatible with the modern western liberal understanding of individual human rights, and as far as church-state relations are concerned, she suggests that Serbia might look to Greece, 'a European Union member-state and fellow-Orthodox majority country, with whom it shares many common cultural and historical experiences', for a possible model.

However, it is not only Orthodox countries which raise the question of how the balance between religious freedom and the existence of a 'traditional' or 'established' religion is to be struck. Petkoff mentions Greece and Russia, but also Spain and Poland; Ilić mentions Ireland and Israel. Petkoff notes that many European countries, both western and eastern, 'would question the appropriateness of the US model of church-state separation, for example, with its liberal, if not secularist, intellectual underpinnings'. In the more local context of the expanding European Union, it is clear that a model of religion-state relations such as that of France, where (in Petkoff's words) 'a radical approach to secular cultural emancipation ... does not take into account cultural diversity and minority rights' is causing alarm bells to ring in other European countries where, by contrast, religious faiths are regarded as part of the 'established culture'.

Both Ilić and Petkoff consider the question whether it is not a sound policy for transitional societies undergoing fundamental change to rely on a religious community with close ties to the nation's historical and cultural past to provide a continuing sense of common values and interests. The important word here is 'common'. Such a policy should not confine itself to exclusive support for any one 'historical' religion. The state should encourage the search for a consensus among religious beliefs and traditions in an attempt to support the common values and beliefs that bind a society together and to discourage religions from regarding each other as competitors or even enemies. Petkoff quotes the chief rabbi of the UK, Jonathan Sacks, who

has recently argued that for cultural diversity to function properly, it requires a background culture which creates a unified culture within which different values can be publicly expressed. In Sacks' view the trouble with pluralism is that it does not possess the resources to cope with actual problems in society. Pluralism endorses mutually exclusive visions of the good, and, by abandoning the concept of a common good, leaves us inarticulate in the face of cultural collision. What is required is a frank recognition that any culture requires a certain common ground between its members if conflicts of interest are to be worked out peaceably.

In this context, we are being invited to think in positive terms about the role of 'traditional' religion, a role which it can play by dint of its nature as 'established' rather than 'privileged'. Referring to John Anderson, Petkoff maintains that 'the traditionally dominant religious institutions will generally argue that what they seek is not privilege but "recognition" of a historical, cultural and religious reality, and that a formal acceptance of their status does not amount to their being given any inappropriate advantages in relation to other religious communities'. Petkoff notes that in Bulgarian legislation on religion 'There appears to be an ambition, similar to the ethos of the Second Vatican Council's *Dignitatis humanae*, to reconcile religious pluralism with the specific intuitions of a particular monotheistic religion and even a particular form of Christianity'; and he explains that he has in mind here 'particularly the balance between preaching the Truth and freedom of religion as a means for arriving at that preaching of the Truth'.

In Petkoff's view, 'separation or non-separation between religion and the state is never absolute'. 'It seems that religious establishment, as a point of focus for creating a background culture, is the essential feature of established religion and, what is more important, this is completely separate from the issue of constitutional establishment or disestablishment.' What is more, 'established religion is capable of providing more

religious pluralism than a secularist polity'. He points out that the model of secular cultural establishment found in France or Turkey, for example, seems to make claims to a total control over the central civilisational paradigm in those societies which equal, if they do not exceed, claims made by 'established' religions in other countries. In Britain the loudest voices opposing the disestablishment of the Church of England come from the minority religions. Petkoff cites chief rabbi Jonathan Sacks and the Muslim thinker Tariq Modood, ascribing to them the view that 'A fairly minimal, open-minded Anglicanism, which stands as an ongoing reminder of the public dimension of religion, is much less a danger to minority religion than an unrestrained, triumphal secularism'.

Two of the articles in this issue of *RSS* focus on the involvement of clergy and churches in the political process in two countries, Romania and Ukraine.

Since 1989, the leaders of the Romanian Orthodox Church have continually advised clergy to refrain from participating in politics, joining parties, running for public office and influencing their parishioners' political options, and finally forbade them to do so in 2004. Stan and Turcescu describe a situation, however, in which clergy consistently and systematically ignore the instructions of the hierarchy in this respect. It is not only Orthodox priests who are politically active. Greek Catholic priests, members of the Lord's Army, and Baptist, Evangelical and Reformed ministers are also involved. But it is the Orthodox Church, claiming the allegiance of some 86 per cent of the population, which has become 'a force to be reckoned with and an indispensable ally for any presidential candidate and political party seeking the support of a large electoral segment'. Indeed, in Romania it is now the political parties which are actively seeking the support of religious actors and symbols, and by 2004 all parties were claiming a special relationship with the churches, tailoring their political platforms to the needs of targeted religious communities, and encouraging their candidates to use religious symbols and perform religious deeds that would make them popular with the electorate. By 2004, indeed, the Orthodox Church had become influential enough to insist that a number of its key demands be honoured before general elections were organised.

An appeal by politicians to religious organisations for support and endorsement has also been typical of postcommunist Ukraine. The presidential campaign of 2004, however, saw a significant development. Yurash contrasts it with the previous campaigns in 1994 and 1999. Up until last year, 'the religious faith of all the presidential candidates has been clearly evident', but in 2004 one of the two main candidates, Viktor Yuschenko, 'pursued the hitherto unusual policy of completely refusing to give electoral or moral preference to any of the churches'.

Meanwhile Yuschenko's opponent, Viktor Yanukovych, forged an alliance with the Ukrainian Orthodox Church-Moscow Patriarchate as part of the explicitly pro-Moscow orientation of his programme. In doing so he

exacerbated the differences between the Orthodox jurisdictions in Ukraine and between the wider Kiev-oriented and Moscow-oriented camps to such an extent that more than a decade's-worth of efforts to minimise the potential for conflict amongst the main groupings within traditional Ukrainian Christianity and to move towards a consensual rather than one-sided conception of religious rapprochement were pretty well nullified.

Yanukovych's political strategy failed, because his appeal to Moscow underestimated the extent to which Ukrainian ethnic self-identification would ultimately

mean majority support for Ukrainian autonomy. To the extent that religion was a factor, it was because the Yanukovich camp misinterpreted the evidence about Ukrainian religious affiliation. Yurash explains:

In fact the role of religion in the 2004 elections confirmed once again the conclusion I reached four years ago, but which has never yet been acknowledged as correct because it does not correspond to what official statistics are taken to indicate. The situation is as follows. The UOC-MP comes out on top statistically because it has the largest number of parishes, monasteries, clergy and other measurables. Nevertheless most actual and potential Orthodox in Ukraine, who together make up the majority of religious believers, identify with an Orthodoxy which looks to Kiev as its centre; some are in autocephalous jurisdictions already (the UOC-KP and the UAOC), but there are many others who may formally belong to parishes of the Moscow jurisdiction but nevertheless aspire after autocephalous status. The organisers of Yanukovich's campaign either did not know this or ignored it. They tried to use the electoral campaign to galvanise the pro-Russian faction among the faithful in Ukraine, and from the outset they overestimated the significance and potential influence of the UOC-MP and the role it could play in this.

The 2002 Serbian census showed that the number of those declaring themselves non-religious was a quarter of that in 1991. At the same time, the number of those belonging to religions not mentioned in the census had increased three and a half times. According to Ilić, these figures testify to the growing popularity of nontraditional religions and new religious movements in the country. Serbia is in fact an ethnically, linguistically, culturally and religiously heterogeneous society, with 63 different religious groups and denominations listed in the 2002 census. It is much less of an 'Orthodox' country than Greece (84.9 per cent of the population as opposed to 95.2). Increasing religious diversity, however, does not necessarily mean increasing religious tolerance. The nurturing of real religious *pluralism*, meaning the 'relatively peaceful coexistence and cooperation of different religious confessions', requires educative work.

Olgun recommends international and cross-denominational learning. Specifically, he suggests that a useful context for creative thinking on the development of religion-state relations in Turkey, a traditionally Islamic country, will be the concept of 'theological laicism' which he derives from the Lutheran doctrine of the 'Two Kingdoms'. Ilić argues for consultation rather than coercion in the field of religious lawmaking. 'International bodies should work together with local experts and religious representatives in finding creative strategies'. Petkoff points out that compromise has already happened: 'communitarian concepts in the foundation of a number of European states have been taken into account, accepted and accommodated in the generally liberal framework of law on religion in the European Union'. He mentions legal concessions concerning the status of Mount Athos as an all-male monastic community and the concordats between the Vatican and the states of Spain, Portugal and Italy.

By the same token, isolationism and religious exclusivism are likely to prove infertile furrows to plough. Stan and Turcescu note that 'While beneficial for the resurrection of religious activity following 45 years of communist rule, the interplay between religion and electoral politics could eventually prove detrimental to

democratisation if the umbilical cord that ties the Romanian political class to the powerful Orthodox Church is not cut'. In Serbia, after the fall of the Milošević regime in October 2000, the government had the clear aim of gaining eventual membership of the European Union for Serbia and Montenegro, but doubt has been cast on the reality of these aspirations by the victory of nationalist forces in the elections in December 2003. The new minister for foreign affairs has stated that from now on the country's foreign policy should be orientated primarily towards Russia, Ukraine and China. Ilić notes that 'One can only hope that Serbia will not follow Chinese and Russian examples in restricting religious freedom.' In Ukraine, the religious neutrality of Yushenko is described by Yurash as 'a consciously secular European respect for all religions as a matter of principle ... I call this "European" because of the well-known predominance in Western European societies of secularism or at least religious pluralism, which means clear separation between the religious and the social spheres'. Meanwhile the Yanukovych camp indulged in scaremongering:

They ... started putting about the idea that an opposition victory would mean massive upheavals and even civil war, that it would just confirm the hegemony of Americans and foreigners, that it would lead to the influx of Catholic and Protestant religiosity hostile to real Slav Orthodoxy, and to Ukrainian Orthodoxy achieving an autocephaly which would be just the first step to a complete breach between Ukraine and Russia.

Yurash sees some hard choices ahead for the Ukrainian Orthodox Church-Moscow Patriarchate, with which Yanukovych maintained his ill-fated alliance:

The UOC-MP could seek to obtain autocephaly, or at least autonomy; it could give up its categorical claims to exclusivity; it could initiate dialogue with the other Orthodox jurisdictions; it could develop its own spiritual values and stop endorsing current salient characteristics of the Moscow Patriarchate such as extreme conservatism bordering on fundamentalism, anticumenism and radical mysticism. If it decides not to pursue any of these possibilities, however, the UOC-MP leadership will in effect be renouncing the goal of integrating itself into Ukrainian society. Just as in the 2004 elections, the end result will be the opposite of what the UOC-MP intended, and this time it will involve individual believers, parishes and even whole deaneries and dioceses leaving the church in order to avoid being marginalised in twenty-first-century Ukrainian religious life.

## Notes on Contributors

**Janice Broun**, an Oxford graduate, is a specialist writer on religion in communist and postcommunist societies. She has had several articles published on Bulgarian religious affairs since the early 1980s, and book reviews on a wide variety of aspects of religious life in Central and Eastern Europe, particularly on martyrs and confessors in the former Soviet Union. She is the author of *Conscience and Captivity: Religion in Eastern Europe* (1988) and of six contributions to *Censorship: an International Encyclopedia* (London, Fitzroy Dearborn, 2001).

**Angela Ilić** is a freelance journalist and researcher and a part-time lecturer at the Novi Sad Theological Faculty. She is a Hungarian citizen living in Belgrade, where she is also involved in the work of the Centre for Tolerance and Interreligious Relations. She has contributed to a number of Serbian journals, and has also had articles published in *Religion in Eastern Europe*, *Frontier* and the *European Journal of Church and State Research*. Her research interests include human rights, minority policies and church-state relations in South-Eastern Europe.

**Hakan Olgun** obtained a BA from Ankara University and an MA and PhD in the history of religions from Ondokuz Mayıs University, Turkey. He is the author of *Luther ve Reformu: Katolisizm'i Protesto (Luther and his Reform: Protesting Catholicism)* (2001). He translated Peter F. Wienre's book *Martin Luther: Hitler's Spiritual Ancestor* into Turkish under the title *Martin Luther: Hitler'in Manevi Atası* (2002). He is the author of a number of articles on the Reformation, the secular state and civil society, and religion and violence. His research interests include religious reforms, the question of religious integration between Turkey and the EU, religious terror and fundamentalism, and the possibility of the protestantisation of Islam.

**Davorin Peterlin** is director of Keston Institute and a research fellow at Regent's Park College, Oxford. He gained a first degree in English and Polish language and literature at the University of Zagreb, an MA in biblical studies at Regent College in Vancouver, Canada, and a PhD in New Testament at Aberdeen University. He has published in scholarly journals in Croatian and English including *The European Journal of Theology*, *Religion in Eastern Europe*, *Religion and Society* and *The Tyndale Bulletin*. His current research interests include the sociology of the New Testament, the use of the Bible in several Slavic-speaking European countries, and the history of Baptists in Russia and the Balkans.

**Peter Petkoff** studied law and theology at Sofia University, Bulgaria. He has worked as a journalist for Bulgarian National Radio and as a lawyer both in Bulgaria and the



UK. He has a PhD from Leeds University on the legal framework of law and religion in Eastern Europe in the light of EU enlargement, with particular focus on Bulgaria. He is now completing a DPhil in theology at Balliol College, Oxford, on contemporary Roman Catholic and Orthodox perspectives on canon law and Christian community. He is an editor of the *Oxford Journal for Law and Religion* and secretary of the Oxford Society for Law and Religion and the Oxford Eastern European Legal Forum. His research interests are law and religion, religion-state relations, multiculturalism, political theology, constitutional theory and comparative law.

**Lavinia Stan** received her PhD in political science from the University of Toronto, and a Killam postdoctoral fellowship immediately afterwards. An assistant professor at St Francis Xavier University in Nova Scotia, Canada, she has published on aspects of postcommunist democratisation such as religion and politics, transitional justice, governmental performance, cabinet stability and social capital. She is the editor of *Romania in Transition* (1997) and the author of *Leaders and Laggards: Governance, Civicness and Ethnicity in Romania* (2003) and of numerous articles in scholarly journals including *East European Politics and Societies*, *Europe-Asia Studies*, *Communist and Post-Communist Studies*, *Government and Opposition*, *East European Constitutional Review* and *Problems of Post-Communism*. She is currently the director of the Centre for Post-Communist Studies at St Francis Xavier University. She and Lucian Turcescu are authors of the book *Religion and Post-Communist Democratization in Romania*, forthcoming from Oxford University Press.

**Lucian Turcescu** received a PhD in theology from St Michael's College, University of Toronto. An associate professor in the Theology Department at Concordia University in Montreal, Canada, he has taught and published on issues pertaining to ecumenism, religion and politics, and patristics. His books include *Dumitru Staniloae: Tradition and Modernity in Theology* (editor and contributor, 2002) and *Gregory of Nyssa and the Concept of Divine Persons* (2005). He has published numerous articles in journals including *Vigiliae Christianae*, *Europe-Asia Studies*, *Modern Theology*, *Communist and Post-Communist Studies* and *East European Politics and Societies*. He is currently the president of the Canadian Society of Patristic Studies. He and Lavinia Stan are authors of the book *Religion and Post-Communist Democratization in Romania* (forthcoming from Oxford University Press).

**Andrij Yurash** is an associate professor at the Ivan Franko L'viv National University, the Ukrainian Catholic University and the L'viv Ecclesiastical Academy and Seminary, and a member of the board of the International Study of Religion in Eastern and Central Europe Association (ISORECEA). His research interests are: religio-political processes, church geography and the sociology of religion in Ukraine past and present; church-state relations; traditions of Eastern Orthodoxy; and interaction between religion and the media. He has been involved in research programmes and has held scholarships in a number of European countries and the USA, and he is the author of more than 80 published articles.