

Religious and Human Rights for Democratic Serbia

POLICY MEMO

ON IMPROVING THE PARTICIPATION OF CHURCHES AND RELIGIOUS COMMUNITIES IN SOCIAL AND POLITICAL LIFE OF SERBIA

The nongovernmental organisations, Belgrade Open School and the Christian Cultural Centre, supported by the Delegation of the European Commission to the Republic of Serbia, conducted the Project “Strengthening Religious and Human Rights for Democratic Serbia”, in the period December 2008 – February 2010. This policy paper is one of the Project’s results.

Religion, society and politics in contemporary world

Issues of the position and the role that churches and religious communities have in social and political life are being revised and re-asserted nowadays, after a long period during which they were considered settled. They are as complex as religion itself, contemporary social and political life and public sphere in which churches and religious communities and other actors act. State and nation, the division in politics between left and right, and other until recently indisputable conceptual frameworks of political life are being radically changed and questioned. Christian democratic parties, actors of, up to now, the most successful attempt of articulation and expression of faith-based values in democratic politics, are also passing through significant changes, which have left marks on their programmes and activities. In the last decades, examples of successful political articulation of religious teachings are appearing in countries that do not have a majority of the population which is Christian. Revival of the social and political importance of religion is taking place all around the world, partly as a result of crises of identity in a number of communities caused by globalisation; hence some prominent thinkers consider the possibility of “clash of civilisations”, which is, bearing in mind interreligious dialogue, opposed by the idea of their cooperation.

Problems in relations between churches and religious communities and other actors, but also between religion and politics, come from opposing conceptions of how to manage these relations. In the past, political communities had religious foundations, which often caused a certain symbiosis of churches and religious communities with public authorities. A dichotomy of spiritual and profane authorities existed, but these institutional frameworks of a traditional person’s life were harmonised in an ideal sense, with the division of their functions. Frequent divergences from this ideal were treated as excesses, not challenging it on the conceptual level, neither in Christian nor in Islamic world. In the modern era, traditional concepts were radically criticised, and the religion’s influence has significantly decreased since the 18th century. In discussions of religion in plural societies one may often hear the prejudiced view that churches and religious communities are adversaries of modernisation and unprepared for serious dialogue with its advocates, finding only a traditional, value-homogeneous society, highly hierarchised by social strata as the only natural form of social organisation. Sometimes, churches and religious communities have fallen in line with conservative social actors, but they have also sometimes adjusted to the spirit and rules of the modern age. This has been called by some theoreticians the “transformational acceptance” of modernity.

Today, the most widespread alternative concepts of relations between religion and politics are those based on the idea of secularism – the foundation of a political community on a

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non-religious basis. In societies in which authorities defined secularism as negative attitude towards churches and religious communities, their institutional relations were forbidden, which was followed by ideological and theoretical conflicts. Some parts of the world faced tragic consequences of such policies. Radical confrontation and the mutual exclusion of these aspects of human existence lead to disregarding the needs of large part of population to reconcile and harmonise those aspects within their personalities. Human personality is recognised as the highest value by largest part of traditional religious teachings and secular systems of ideas. On the other hand, in some countries secularisation is considered as protection of churches and religious communities from political influence.

A number of churches and religious communities claim that religion has been marginalised, discriminated and suppressed from the public to the private sphere. They also stress that faith is by its nature a private issue and a free choice of an individual, not a state, but it is always practiced publicly and its suppression from the public sphere is religious proscription, inadequate for a democratic and pluralist society. The public sphere itself is often seen as only consisting of the state, which neglects a number of social actors and relations that are at least partly autonomous from state authorities. It is, therefore, important to clarify what exactly belongs to the sphere of the private, the state and the public and if these spheres overlap in some areas.

Attitudes, which are not based on religious teachings, have often aligned churches and religious communities with conservative political forces. This has weakened their influence on actors of successful social changes and strengthened predispositions towards atheisation of modern societies. Churches and religious communities have sometimes reacted to these situations with self-isolation, i.e. retreat from public life and more or less severe condemnation of contemporary society. Sometimes, however, churches and religious communities have avoided the risks of social conservatism and have invited their believers to take an active and equal part in changes, together with other actors, without exclusiveness, but undoubtedly and openly advocating their religiously founded values and aims, as members and activists of political parties and civil society organisations that were often not institutionally connected to churches and religious communities.

Legal studies and practice have lead to the formulation of various models for the arrangement of relations between churches and religious communities with the state and other actors. Almost all schools of legal thought agree that the state is exclusive carrier of sovereignty, and that internal, canonical, religious law has to be synchronised with its legal system. A state-church law is a separate segment of the state's legal system in some countries, regulating registration, finances, property, media and publishing rights of churches and religious communities, religious education, the presence of religious symbols in public institutions, the relation between a marriage made under religious ceremony and marriage as legal category, the relation between religious and state holidays, the status of diplomas and academic degrees gained on religious educational institutions in the system of public education, the dress code in religious and public institutions, the specifics of clergy testifying in court, religious oaths made by state functionaries, religious propaganda, question of proselytism, etc.

Three types of models of relations between churches and religious communities and state exist in various democratic societies, but many actors often attempt to present a model they find appropriate as the only appropriate for democratic standards. Each one has its own limitations, and can and should be adjusted to specific society and its problems, normatively and in the sphere of implementation. *Model - Separation of the state from churches and religious communities*, founded in France, is based on the principle of Laïcité, i.e. the absence of any interference and official contact of churches and religious communities with the state. This model's main discrepancy is the state's take-over of ownership of religious

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facilities, which raised a dilemma concerning the rights and obligations for maintaining these facilities and building new ones. The domination of the state over churches and religious communities also exists in Turkey, where religious education is financed and controlled by the state (only for Sunni Muslims), while religious officials educated in public schools do not have the right to be employed in the public sector. Both countries are becoming conscious that a complete separation of the spiritual from the public sphere is impossible. Once existing militant laicism, motivated by hostile position of the state towards churches and religious communities and a tendency to eliminate them from public sphere, grew into so called management laicism, in which the state conducts part of the duties relating to citizens' religious needs. The principle of clear institutional partition of state from churches and religious communities in USA was not followed by suppression of religion from public or even political life. The US Constitution strictly forbids the establishment of a state religion, but also determines the right of citizens to practice faith freely. Religion is deeply involved in political life and in a number of institutions (slogans on banknotes, anthem, oaths and inaugurations of state officials, etc), which are usually not seen as endangering the secularity. *Model – State Faith or State Church* includes keeping certain institutional relations of state with churches and religious communities, such as the status of state church and legal strength of its canonical law (Greece), or overlapping of certain state and religious legislative and executive functions and positions (Great Britain). Sweden has abandoned this model recently. *Model of cooperative separation of state and churches and religious communities* was established in Germany, Austria and Belgium, aiming to overcome the limitations, misconceptions and extremities of two previous ones. Some of its elements have also been implemented in Spain and Italy. Tasks of joint interest for the state and churches and religious communities are conducted in cooperation to which each side decides whether to participate. This model is part of a long-term European trend of arranging social relations by the involvement of all interested actors in solving social problems, which implies the existence of institutional dialogue on all levels (including EU) providing results that can influence the process of policies' development and concrete steps of decision makers.

Faith, society and politics in modern Serbia

Questioning of the secular model in the countries of its origin has lead to the formulation of the concept of "post-secularism", as an appropriate description of current conditions. Some think that Serbia is not such a society, since it did not formulate even the secular model through continuous democratic development. Democracy in ex-communist countries was significantly late in comparison to Western countries, and radically discontinued in the mid 20th century. Earlier non-democratic systems were religiously founded, while communism openly opposed religion from the positions of radical atheistic single-party dictatorship. This system significantly differed from Western-type secularism, hence conditions after its disappearance have been defined by some authors as *pre-secularism*.

The communist system was better accepted by the population in ex Yugoslavia than in Eastern Europe, and after its disappearance the state violently crashed. The role of religion in ethno-genesis of Southern-Slavic nations enabled authoritarian regimes at the end of the 20th century to manipulate religious sentiments, which was not adequately responded by churches and religious communities due to their several decade long marginalisation. Important determinants of conditions in Serbia are still the consequences of armed conflicts and the ideological vacuum which arose after the disappearance of communism in ex Yugoslavia. A large number of citizens inadequately recognise religious teachings or the role of churches and religious communities and other actors in contemporary democracy.

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In Serbia rule of law and the implementation of legislation are unsatisfactory, legislative changes do not have the expected effects, political responsibility is weakly rooted, human rights in public are highly politicised and mechanisms for their effective protection are underdeveloped. Reforms in a number of segments are radical and simultaneous, which makes their adequate implementation and acceptance of their results hard for the majority of citizens, especially in the economic and social area, due to institutions' lack of experience in the functioning of social-market economy. Citizens' interest for politics is low, despite the domination of politics over society and the large expectations from politics. Youth activism, including believers, is not developed and is not theoretically well-founded, which makes the stabilisation of political life and the ideological profiling of political scene through usage of developed democracies' experiences more difficult. The democratic system and social structure are still unstable and political traditions weak, hence political parties are still looking for their position on the political scene and take positions that are not harmonised with their programs or are extreme. The issues of countries' strategic orientation and events from the past, around which there is no consensus, ties political actors' energy. Most of them formulate attitudes according to patterns barely known in surrounding countries and in the wider world (for example anti-globalist right and anti-globalist left), which makes cooperation with actors from other countries more difficult. Some actors deny any modernising potential of churches and religious communities, uncritically adopting and repeating stereotypes formulated in other societies on their incompatibility with democracy, neglecting the reality in Serbia. The role of religion in the development of Serbian and some other nations in Serbia and neighbourhood is the reason of larger presence of national/ethnic component in traditions of churches and religious communities, making them often close to ethnic parties. This is supported by the unsolved status-related questions of certain territories and national/ethnic groups in Serbia and its surroundings. These tendencies carry a certain risk for interethnic, inter-religious and political relations in multicultural communities, especially in politically turbulent times, leading part of the population to be suspicious of the basic mission of churches and religious communities. Some actors explain the attitudes of churches and religious communities as proof of their political determination, judging them without attempting to find common ground with them, while some others tend to monopolise putting forward churches' and religious communities' attitudes in the public sphere. This, together with the increased social relevance of religion, is often described as proof of clericalisation, despite relevant debate and scientific researches on defining clericalism and its social preconditions. Some actors, with a strong presence in the media justify the expression of anti-theist attitudes directed against any public presence of churches and religious communities by supposed clericalism. This strengthens the impression of conflict between churches and religious communities and civil society, which is not true, but is based on strong prejudices.

There is no clerical tradition in Serbia, but there is a tradition of the influence of politics and authorities on churches and religious communities, as well as of their instrumentalisation, which churches and religious communities cannot always efficiently stop. Connecting to political parties or authorities can seriously jeopardise the basic mission and the identity of churches and religious communities, as well as their relation to a large number of believers and can even cause internal divisions among them. Contacts of public authorities with churches and religious communities are often of protocol nature, politically motivated, with weak institutional cooperation on solving real problems, although legislative framework enables it. Churches' and religious communities' role as legitimate actors of social life, having the right to advocate for and fulfil their interests, is not fully recognised, neither by themselves, nor by other actors. This makes difficult establishing an institutional framework for public dialogue, coordination and graduation of particular interests and achieving

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consensuses on general ones. This type of communication is underdeveloped in Serbia in general, regardless of churches and religious communities. The institutional relationship between churches and religious communities and public authorities is often seen as relationship between faith and politics in the public sphere, which makes the regulation of relations of churches and religious communities with other actors more difficult. Insufficient mutual understanding, fear of the other and unknown, and irrational and aggressive motives and approaches in public debates on churches' and religious communities' social role also support absolutisation of particular interests. The models of relations between the state and churches and religious communities in democratic societies, especially the cooperative model, are not well-known even by actors actively involved in these issues.

The mass media are among the most powerful social actors, but often they do not have the capacities for reporting appropriately on religion and the participation of churches and religious communities in social life. Such weaknesses are due to the process of transition, the politicisation of media, the lack of tradition of media participating in democracy, and exposition to media market turbulences, which tempt editorial staff to sensationalism and the supporting of stereotypes. Due to insufficient experience of equal participation in public life, churches and religious communities are often unprepared for fully using all the potential of the mass media for communication with other social actors and broad public, even though the mass media is a very important tool for transmitting messages to believers.

Positive steps taken include possibilities given to churches and religious communities (Law on Churches and Religious Communities 2006) for conducting their basic mission, as for the activities that follow – building of places of worship, education, publishing, etc. The democratic political framework, the activities of churches and religious communities within this framework, and more frequent communication with authorities and actors of civil society have contributed to the firm high social reputation of churches and religious communities and the gradual weakening and overcoming of mentioned obstacles and divisions.

How to improve the conditions for the participation of churches and religious communities in social and political life in Serbia?

It is necessary to initiate institutionalised, continuous *dialogue* of competent representatives of churches and religious communities, ethnic communities, authorities, civil society and other relevant interested structures and actors on all levels, with the participation of decision makers and the public, as authentic, open, fair and constructive discussion on relevant and concrete issues and problems, aiming to solve questions and issues for the benefit of all actors and society in general. Dialogue should be directed towards overcoming existing misunderstandings and preventing new ones, affirming common values and mutual respect. Preconditions of successful dialogue are realistic and concrete aims, known and clear rules and procedures, full equality of participants' rights and obligations, their firm foundation in their own background and ideas, mutual knowledge and acceptance, overcoming prejudices, not imposing one's own understandings, and acceptance of one's own mistakes and weaknesses. With the purpose to support dialogue between churches and religious communities, and other actors, the *inter-religious body* is to be established, which would initiate this dialogue, conduct it and increase relevance of its results by its reputation.

The quality of dialogue and rights and freedom of faith and its practice should be strengthened by informing the public on contemporary models of relations between churches and religious communities and public authorities and on possibilities of their adjustments to the needs of Serbian society, through cooperation of churches and religious communities, political actors and experts in legal studies and social sciences. Serious expert and public discussion should be conducted immediately on the topics: *Religion between private, public*

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and state; Religion in the modernisation processes; Religion and the media; Potentials of the model of cooperative separation of churches and religious communities and state on scientific gatherings, in media, in publications and regular activities of relevant institutions and organisations.

Authorities should always have an equal attitude towards all churches and religious communities and provide them with equal opportunities through adequate legal framework and appropriate and efficient institutions. Churches and religious communities could establish a dialogue with political actors with whom they have not had close political ties, or even basic contact, soothing the impression held by some of the public about their political favouritism and stressing their general political neutrality. This could open new fields for cooperation in solving specific social problems based on an up to now unrecognised closeness of attitudes and values (for example social justice). Social actors that express anti-theistic attitudes, directed against churches and religious communities and their presence in public life could decrease the impression of some of the public of their general anti-theistic positioning, but also these social actors could establish dialogue with churches and religious communities on difficult issues and also on the agreeable questions they can agree. Civil society organisations that have developed cooperation with churches and religious communities should be initiators of such dialogue, enabling the overcoming of prejudices and disputes that prevent productive communication and cooperation.

Churches and religious communities could, without formal connection to political parties and organisations, support the engagement of their believers in the public sphere. This would, without churches' and religious communities' direct politicisation, provide room for religiously founded attitudes, ideas and interests in public sphere. Churches and religious communities could contribute to the strengthening of social cohesion, expressing even larger solidarity and care for wide circle of vulnerable, in the best tradition of religious asceticism. They could define their own role and position in society within their own institutional structure, and inform believers and public on that in the best possible manner.

The nongovernmental organisations, Belgrade Open School and the Christian Cultural Centre, supported by the Delegation of the European Commission to the Republic of Serbia, organised the Conference "Churches and Religious Communities and Civil Society for Empowerment of Human Rights and Democracy in Serbia". The conference was held from 25 to 28 March 2009 in Vrnjacka Banja. The initial version of this document resulted from the presentations and discussions within the working group that covered the theme „Churches and Religious Communities in Social and Political Life“. The working group moderator was Proto-Presbyter Professor Radovan Bigović, PhD, and the introductory notes were provided by Professor Darko Tanasković, PhD, Professor Sima Avramović, PhD, and Proto-Presbyter Professor Zoran Krstić, PhD.

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