

The Church-state Relationship in Bulgaria: Historic Overview and Current Developments

In the overall picture of the Balkan peninsula during the post-communist years, Bulgaria has been described by foreign human rights observers as an enclave of religious and ethnic tranquility. Its treatment of the various religious and ethnic groups has been pointed out as a model of the vociferously proclaimed Western standard of tolerance. This conclusion may fail to pay attention to an important reason for the lack of conflict, such as the general dissatisfaction of Bulgarian people with the economic situation, which makes them utterly indifferent toward everything except their bread. It may also fail to include (deliberately or not) the total neglect and hostility toward gypsies in Bulgarian society, where only the psychology of gypsies, accounting for their uncaring about a decisive voice in public debate and consequent submissiveness to public power, gives grounds for dismissing the problem as undisturbing. Nevertheless, it is still a facile observation that Bulgaria was not torn apart by any of the bloody conflicts that ravaged , and continue to do so, many of its neighbors. This paper sets out as its task to explore the plausibility of the observers' conclusions and give an explanation and analysis of the current situation through a look back into the historical development of religion and church and its relationship with the state in Bulgaria. It will try to provide arguments for the ultimate conclusion that the deferential position granted to the Bulgarian Orthodox Church as a result of the on-going public debate regarding the Law on Religions from 2002 corresponds to the needs of the people and the current level of development of democracy in Bulgaria.

I. Historic Overview

During the period from its creation as a state in 681 and the adoption of Orthodox Christianity in the 860s and 870s, Bulgaria was a pagan country. The cults of Slavic and Bulgar tribes – the two main ethnicities – co-existed without apparent difficulty. By the

second half of the 9th century, however, the emphatic establishment of Christianity as the civilizational choice of most of Europe made the Bulgarian khan Boris increasingly aware of the necessity to integrate his country with the European Christianity-defined community that was being formed. The deepening of the controversies between the Constantinople and Rome Patriarchates made it distinctly clear that a choice had to be made and this choice proved to be a difficult one. Due to its geographical proximity to the supreme Byzantine Empire, Bulgaria naturally belonged to its orbit of cultural influence. There was a fear, though, that accession into Christianity as a dependant on Byzantium would provide for a further infiltration of Greek language and way of life in Bulgaria, which were already quite pervasive, and lead to the loss of independence.

In the course of the next few years there was active correspondence between the Bulgarian ruler and both the Roman Pope and the Constantinople Patriarch in which Boris sought to bargain the most favorable position for the future Bulgarian church. His constant sway toward one or the other direction has led some authors to suggest that “the precise form of Christianity to be adopted was indifferent.”¹ This, however, is not precisely true, because, although a great rival of Byzantium on the battlefields, Bulgaria was inherently closer to its cultural heritage than it was to Catholic Europe’s. The thin line between conscious acceptance and appreciation of Greek culture and a helpless dependence upon it was what produced Boris’ indecisiveness. In the end, precisely this archetypal bond with Eastern European mentality and values, determined by the domination of the Slavic ethnic element in the Bulgarian population, might have been the ultimate reason that inclined Bulgaria to the Orthodox Church. There were a number of immediate, more “wordly” acquisitions as well – the Constantinople patriarch, unlike the Roman, guaranteed independence to the Bulgarian church and sanctioned the use of Slav language in church liturgies. Moreover, there was a considerable difference in the ratio of state-church power that acceptance of Orthodox Christianity provided. In the Byzantine-dominated world, this ratio is defined as caesaropapism, whereas in the Catholic-dominated world it is defined as papocaesarism, meaning that in the former case the system allows for a dominating role of the monarch and a subordinate role of the spiritual leader.

¹ A. P. Vlasto in his article “Entry of the Slavs into Christendom: An Introduction to the Medieval History of the Slavs”, which can be found at http://www.serbianna.com/features/entry_of_slavs/bulgaria1.shtml

Until the end of the 9th century Christianity in its Greek version was firmly established in the Bulgarian lands, through relentless persecution of lingering paganist sentiments. Furthermore, the invention and immediate introduction of the Cyrillic alphabet helped dispel the well justified fears that adoption of Orthodox Christianity would become another channel for the political assimilation of Bulgarian people by the superior Byzantine culture. The new alphabet supplanted the use of the Greek and served as a foundation for the development of Old-Bulgarian literature in the years 893-927, which were later dubbed “The Golden Age” in Bulgarian history – when the country was at the peak of its cultural, territorial and political might and a worthy rival of the Byzantine Empire in Southeastern Europe.

During the Medieval Ages, Bulgaria didn’t fail to give its contribution to religious zealotry and intolerance. The heresy of Bogomilism began its spread in the middle of the 10th century and never disappeared completely until the fall of Bulgaria under Ottoman rule. Its main postulates advocated a dualist concept of the world (the human body was created by Satan, only the soul was a creation of God); rejection of “most of the dogmas and rites of the church as a human superstructure without the authority of Christ”²; rejection of the Old Testament; return toward the initial forms of Christian communities; and simplicity of religious practice. Most disturbing in Bogomilism was its negation of church authority, which made it dangerous to social order. Its initial spread “affected” mainly the lower social strata of the population, but later on, especially in the 12th century, a number of aristocracy members were reported to adhere to it. The persecutions and executions of the leaders of Bogomilism did not affect its growth and it found followers as far West as France and Italy. Nowadays, many of its proponents argue that Bogomilism, being the first to question the divine descent of clerical authority, was the harbinger of European Renaissance.

By the beginning of the 15th century Bulgaria no longer existed as an independent political entity. The Ottoman invasion made it, together with the other peoples in Southeastern Europe, a part of the infidel “raya” (cattle) in the boundaries of the Ottoman Empire, deprived of human, religious, and political rights. Bulgarian aristocracy was

² Vlasto A.P. “Bosnia and the Bogomil Heresy”
http://www.serbianna.com/features/entry_of_slavs/bosnia.shtml

liquidated, Bulgarian administration was eliminated, and the Sultans, who, for a long time, made no difference between the individual peoples inhabiting the Balkans, deprived the Bulgarian church of its autonomy and made it subject to the dominion of the Greek Constantinople Patriarchate. Although in the initial stages of the Ottoman conquest there had been cases of mass forced conversion to Islam, Bulgarian population was allowed a certain form of autonomy in the conduct of everyday life in town communities, in which a kind of freedom of religious worship was not completely inconceivable, especially in the years of the decline of the Empire. Through the development of an extensive net of monasteries Bulgarian language and Christian religion lived on and helped for the preservation of the Bulgarian ethnic consciousness, which in the middle of the 19th century crystallized in the formation of the Bulgarian nation.

The political liberation movement was naturally preceded by an impulse toward educational and religious independence. In 1870 a “ferman” by the Sultan proclaimed the restoration of the autonomy of the Bulgarian church. The church is often, and rightly so, described as a “crucial factor” for the subsequent liberation of Bulgaria in 1878. Undoubtedly, the military win was made possible by the unequivocal Russian support, but it was the church that, in the words of Tocqueville, “worked with the minds” of people to prepare them for independence and helped exhibit the best features of Bulgarian national spirit, which were never again so clearly present as in the years before the liberation – an aspiration toward honest development, love of freedom and democracy. These sentiments were clearly reflected in the predominant desire of the ordinary people for the establishment of a republican form of government after the liberation. The resulting constitutional monarchy was a product of the rulings of the Berlin Congress and the preferences of the conservative part of the intelligentsia that in the end turned out to prevail over the liberals.

In the first Bulgarian Constitution after the liberation, Orthodox Christianity was declared the dominant religion. In this period the Bulgarian Orthodox Church was officially endorsed by the state which retained its confessional character. In spite of the prevailing liberalistic spirit of the epoch, the principle of separation of church and state was far from being widely accepted in Europe. Its allegedly privileged position, however,

did not mean that the Orthodox Church was free from government intervention, even on the contrary – its policies were thus more closely controlled by the state.

The Church became a major participant in the struggle of the state for unification of the Bulgarian nation, which at the time was believed historically to include Macedonia. Macedonia remained in the boundaries of the Ottoman Empire after the liberation of Bulgaria. In the following years, the chief influence in Macedonia was exerted by the church, which was competing for the right over the national consciousness of the Macedonians together with the Greek and Serbian Orthodox Churches. All of them achieved partial success, being granted permission to appoint their respective religious leaders in various parts of Macedonia, but none of them was decisively predominant in the period. The ideal of unification, with which the Bulgarian people was living, caused its participation in a number of wars in the beginning of the 20th century – the two Balkan Wars and the First World War. All of them ended catastrophically for the economy of the state and the self-confidence of its people. The ideal wasn't achieved even after Bulgaria's entrance into the Second World War again on the side of Germany and the fall under communist rule and the Soviet-dominated sphere of influence rendered it completely unfeasible once and forever. This is a reality which Bulgarian statesmen after the fall of communism were wise enough to accept by being the first country in the world to acknowledge the independence of Macedonia in 1992.

In the era of communism the church did not enjoy a favorable position. Religious rights and freedom of religious practice were drastically curtailed by the all-reaching arm of the state. There was a formal law on religious denominations, created in 1949, amazingly not replaced until last year, but its prescriptions remained only “on paper”. Secularization was indeed conducted, not in the name of liberalistic ideals of religious freedom and pluralism, but in the name of Lenin's dictum that “religion is an opium for the peoples.” The main Christian holidays, Christmas and Easter, were erased from the state calendar and celebration was carried on by families under the fear of being reported to the National Security by a “benevolent” neighbor. The traditionally religious Bulgarian people was turned into an atheistic multitude in the course of one generation, and this atheism, in my view, is one of the chief reasons for the lack of involvement and activity in politics in the larger parts of the population. Toward the end of communism, among

the many “contributions” of the Party to resolving ethnic conflicts in Bulgaria was its artificial attempt to create them where they did not exist. In the so-called “Revival (*vazroditelen*) process” members of the Turkish population were forced to change their names into Bulgarian and to convert their Muslim faith. This policy created an outburst of opposition from Bulgarian Turks, resulting in their emigration in Turkey. It worsened Bulgaria’s generally favorable relations with Turkey. In the long run, the Turkish population’s desire for vindication resulted in the creation of the Movement for Rights and Freedoms, known as the “Turkish Party”, whose behavior on the political arena stirred many controversies.

II. Current developments

1. Statistical Data

Before an analysis of the new legal framework for religious beliefs and institutions, established by the Constitution of 1991 and the Law on Religions of 2002, can be made, it is necessary to take a closer look at the religious demography of Bulgarian population in order to acquire a notion of the general religious climate and the possibility of religious tensions.

According to the 2002 International Religious Freedom report of the U.S. Department of State, “approximately 83.6 percent of citizens are Orthodox Christians and approximately 12.1 percent are Muslims, while the remainder includes Roman Catholics, Protestants, Jews, Gregorian-Armenian Christians, Uniate Catholics, and others. (...) A total of 30 denominations are registered officially with the Government.

Some religious minorities are concentrated geographically. The Rhodope Mountains (along the country's southern border with Greece) are home to many Muslims, including ethnic Turks, Roma, and Pomaks (descendants of Slavic Bulgarians who converted to Islam centuries ago under Ottoman rule). At the western extreme of the Rhodopes, there are greater numbers of Pomaks, and on the eastern end, more ethnic Turks. Muslim ethnic Turks and Roma also live in large numbers in the northeast of the country, primarily in and around the cities of Shumen and Razgrad, as well as along the Black Sea coast. There are comparatively large numbers of Roman Catholics in Plovdiv,

Assenovgrad, and in cities along the Danube River. (...) Many members of the country's small Jewish community live in Sofia, Ruse, and along the Black Sea coast. However, Protestant groups are dispersed more widely throughout the country. While clear statistics are not available, evangelical Protestant church groups have had particular success in attracting numerous converts from among the ethnic Roma minority, and these churches tend to be the most active denominations in predominantly Roma-inhabited areas.”³

2. The debate over the legal status of the Bulgarian Orthodox Church

The years following the fall of communism in 1989, have been marked by a restoration of religious freedom. The legal framework was provided for in the Constitution of 1991, whose article 37 guarantees the inviolability of the “freedom of conscience, the freedom of thought, and the choice of religion and of religious or atheistic views.”⁴ It establishes the limits to religious freedom, restricting its practice if it is “to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others.”⁵ This declaration in compliance with all major international agreements in the sphere of human rights is indispensable to Bulgaria’s desire to become a member of the democratic world. More interesting and important, however, is article 13 of the Constitution, which apart from the separation of religious institutions from the state, proclaims that “Eastern Orthodox Christianity is considered the traditional religion in the Republic of Bulgaria.”⁶ The unclear use of the word “traditional” is at the heart of the debate concerning the legal status of the Bulgarian Orthodox Church. Should the text be construed as a principled declaration, or, if we adhere to the theory of the normative nature of all constitutional texts, does it mean to prescribe a privileged legal status for the Bulgarian Orthodox Church in a future law?

The difficulty of the situation is augmented by the still on-going split in the Orthodox Church that occurred in 1992. An independent faction separated itself claiming that the current Patriarch Maxim of the Bulgarian Orthodox Church is illegitimate because he was a member of the former National Security and was installed by the communist party as a mere puppet. The alternative synod demands to be recognized as

³ This report is available online at <http://www.state.gov/g/drl/rls/irf/2002/13925.htm>

⁴ An English translation of the Bulgarian Constitution can be found at <http://www.constcourt.bg/>

⁵ Ibid.

⁶ Ibid.

the official Bulgarian Orthodox Church under the same name and for this reason up to date still hasn't applied for registration as a religious institution. The government, in keeping with the doctrine of impartiality toward religious institutions, has been careful not to take side in the conflict and leave the opposing factions to resolve it themselves. The split and the arguments over the role the Bulgarian Orthodox Church should be granted in the legal framework has also been the main reason why the outdated 1949 law was still in force until 2002. The necessity of a new law was clearly seen, in order to address the problem with the registration process of religious institutions which, as the report of the U.S. Department of State points out, "is selective, slow, and nontransparent."⁷

The drafters of the 2002 Law on Religions, which was finally adopted by the National Movement Simeon II majority in Parliament obviously entertained the latter understanding of the constitutional text. The crucial role of Orthodox Christianity is declared both in the preamble and in article 10 of the law. In their desire to solve the year-long rivalry between the two hostile synods, the legislators establish in paragraph 2 of the same article the Bulgarian Orthodox Church as a legal person *ex lege*, thus exempting it from the process of registration which is required of all other religious institutions. This article has attracted strongest opposition by foreign human rights observers monitoring Bulgaria's legislation in its preparation to become a member of the EU. Both the reports of the Council of Europe (prepared in June 2003 by religious freedom experts) and the report of the Commission on Security and Cooperation in Europe (issued in October 2002) draw attention to the extensive public debate that the new Law has brought about. It is necessary to point out here, however, that this debate, although intense, is not extensive to the point of involving the majority of the population. Protests against the law have been numerous indeed, but forwarded exclusively by members of some of the religious institutions that are concerned about their rights. As a whole the largest part of the population remains indifferent toward religion in general and the settlement of the relations between the state and the religious institutions in particular. Precisely this indifference the creators of the new law claim to have sought to address and amend by adding the explicit texts regarding the acknowledging of the traditional role of Orthodox Christianity in Bulgarian history.

⁷ This report is available online at <http://www.state.gov/g/drl/rls/irf/2002/13925.htm>

Further critique of the law points out that article 7 is also incompatible with Bulgaria's commitment to the European Charter of Human Rights. This article establishes the limitations to the free exercise of religion by religious institutions. Their activities cannot be aimed against "national security, public order, people's health and the morals or the rights and freedoms of persons"⁸. Among the sanctions included are financial fines and cancellation of registration. The experts argue that the lack of clear definition of the actions that constitute such encroachments gives room for subjective interpretations and the possibility for state interference with religious freedoms. Furthermore, the fact that the violations will be registered by the Directorate "Religious Denominations", which is an organ of the government, according to the experts is another reason for concern. The same Directorate is also given the right to state its opinion to the court before the registration of separate religious denominations.

A group of 50 opposition members of Parliament challenged the compatibility of the law with the constitution before the Constitutional Court. Their claim regarded the mentioned above controversial article 10, as well as the articles concerning the procedure for registration of religious denominations.

The decision of the Court disallowed the claim that article 10 contradicts the Constitution on the grounds that it is a mild expression of an existing factual situation reflecting the essential place of Orthodox religion in the formation of Bulgarian national consciousness and other important events in Bulgarian history. The constitutional judges draw attention to the fact that many Western European countries – such as Great Britain, Norway, Sweden, Denmark, Italy, Greece, Malta - with indisputably democratic systems of government proclaim a dominating role of a certain religion either in their constitutions or laws on religion using much more emphatic terminology than the one used in the Bulgarian law. It must be also noted that paragraph 3 of the same article unequivocally states that "Paragraph 1 and 2 cannot be the basis to grant privileges or any advantages [to the Bulgarian Orthodox Church] over other denominations."⁹

Regarding the debate over the exemption of the Bulgarian Orthodox Church from registration by granting it the status of a legal person with the law, the Court observes

⁸ An English translation of the law available at http://www.cesnur.org/2002/bulgaria_law.htm

⁹ Ibid.

that in the claim the statement for incompatibility with the Constitution is confined only to the freedom of association; it does not touch upon the exercise of a religious denomination through oral or written words. The Court feels it necessary to emphasize that “the mechanical reducing of the freedom of association to the question of legal subjectivity fails to respond to the spirit of the Constitution and over-simplifies and substantially vulgarizes the constitutional idea of the freedom of association.”¹⁰ The judges further explain that the status of the Bulgarian Orthodox Church does not place other religious institutions in a disadvantaged position, because all denominations registered under the previous Law on Denominations automatically acquire status of legal entities and do not have to undergo the process of registration once again. Responding to the claim that the requirement for registration itself is an infringement upon the right of free exercise of religion, the Court asserts that the registration is a possibility, not a requirement – the right can be freely exercised in a community without this community being registered as a legal entity. This necessity, however, occurs in the event that the community would like to possess real estates, or engage in any other legal relationships, because in the legal realm all entities are required to follow a set of unified rules, aimed at the maintenance and proper functioning of that legal realm. Only the state has the prerogative, through its legislative body, to determine the conditions upon which a community, regardless of whether it is religious or not, can acquire the status of a legal entity.

The decision of the Constitutional Court from July 15, 2003 disallows all claims for incompatibility of the law not only with the Constitution, but with all international agreements on religious rights which Bulgaria has ratified. This, however, is one of the most controversial decisions in the short history of the Court, because de facto only 5 of the 12 judges voted in favour of the decision. 6 of them opposed it, but under Bulgarian Constitution an absolute majority of 7 judges is required in order to pronounce a law anti-constitutional.

¹⁰ The text of the Court decision from July 2003 is located at <http://www.constcourt.bg>. An official English translation is not available, so I have tried to translate the cited parts to the best of my knowledge.

In an interview for one of the most influential daily newspapers in Bulgaria, “Sega”¹¹, the author of the bill Borislav Tsekov provides further defense of the new law. Emphasizing the practical aspect of the problem, he states that the law gives clear guarantees against the infiltration of religious sects in Bulgaria, whose dissemination among the illiterate parts of the population, on one hand, and the dissatisfied by the harsh economic conditions, and often desperate, parts of the population, on the other hand, has been a disturbing tendency during the recent years. He holds that the main aspiration and purpose of the law is to provide adequate basis for the unification and strengthening of Orthodox Christianity, so that it can regain its deserved place as the traditional pillar of Bulgarian spirit and start fulfilling its social role. His opinion is that underlying this commitment of the government not only in the public sphere, but in the legislation, is a necessary part of this process. He doesn’t see a violation of anybody’s religious rights in the clauses of the law, that have been already discussed, and as a matter of objectivity it is hard to argue that the law will be a vehicle for the unleashing of authoritarian practices by the state over certain religious groups. Such fears have been expressed by members of religious minorities – especially the Alternative Orthodox Synod, as well as Protestants and Eastern faiths. Having in mind Bulgaria’s record of religious toleration, or restated in other words - indifference toward religion, this is an unlikely proposition, and even if sporadic cases of personal vandalism occur, the law, which provides an earnestly democratic framework for religious freedom, compatible with all theoretic principles of liberal democracy, should not be blamed.

As an evidential support for the development of toleration in Bulgaria, a few examples from the U.S. State Department Report on International Religious Freedom can be cited. The Ministry of Education has included a course on world religions in the high school curriculum. Although still optional and not available at all schools, it indicates a commitment on the part of the state to put the principle of impartial treatment of religious denominations to work. In the second place, optional classes in Islamic religion in primary schools were started on a pilot basis, proving that the government is not only committed to the principle of impartiality, but shows concern for religious and ethnic minorities. In this line of thought, it is useful to mention that a daily news program in Turkish language has been running on the Bulgarian National Television for a few years

¹¹ The interview is located at <http://www.segabg.com/18122002/p0050002.asp>

now. The report also mentions that in 2002 the Prime Minister personally ordered the registration of the Church of the Nazarene. These examples help support the statement that even in the presence of legislative texts that arguably favor a particular religious institution – in that case, the Bulgarian Orthodox Church, no grounds for fear of a biased treatment of the other religious institutions can be found.

These examples can also serve to draw a more general conclusion regarding the present-day religious climate in Bulgaria. The differing opinions on the law of 2002 show that the debate is still centered around the nature of the separation between church and state, although the separation itself is out of question, and the fundamentals of religious tolerance, and not on specific problems in the application of the principle. That is why cases, such as the pervasive in the American public agenda claims of religious communities for educational rights, are unlikely to emerge in Bulgaria in the next few years. Bulgarian liberal democracy, still in its childhood, is, in the words of Orwin, “less perfect” nowadays, with partial remainders of state-endorsed religious convictions. The main question at present is will there be a compromise between the state and the Orthodox church in the name of a blind adherence to the impartiality principle (a compromise that may very well lead to the Nietzschean death of the state; not in a literal sense, though), or will religion be allowed to reinvigorate the political process in Bulgaria and create an attitude of active involvement, especially in the young generation where the predominant sentiment in the recent years has been one of widespread disillusionment. Religious convictions do have a contributive value in public debate in a society like the Bulgarian, shattered by years of state-enforced inculcation of false substitutes for the values of liberal democracy. In the fortunate absence of strong fundamentalist convictions, vigorously opposed to the very essence and principles of the liberal polity, we can freely allow the moderate religion-based points of view to circulate in the public realm as an important corrective for the unwarranted indulgence of political power against diversity.

The approach that I propose to solving the problem is a synthesis between the theses of Macedo and Waldron. It introduces a strong state, committed to fostering liberal values in its citizens, but at the same time a conscientious state, recognizing that, given the historical framework of Bulgaria, it would be folly not to use the chance to revive

political activism through the powerful influence religion still – hopefully – can exert on people’s minds. Bulgarian statesmen are unconsciously using this approach in their desire to make our democracy “work better”, by reviving the dormant impulse for active political citizenship, buried under the heritage of skeptical atheism left by communism, as long as they still have time before liberalism becomes too westernized and democratized. I wouldn’t go so far as to enlist atheism (that is, atheism interpreted as the antonym of all the values the Bulgarian church has always fostered in its laity, which at the same time happen to be the principle values of our liberal democratic society today) as the main reason for the distortion of civic values in our society, because other more important factors such as the slow economic development and the nontransparent and corrupted decisions of the political class exist, but clearly it is one of the shaping factors of a joyless reality that is characterized by very high rates of emigration of young population out of the country. In the effort to protect and develop the slowly emerging feeble civil society in Bulgaria reasserting the role of Orthodox Christianity can prove to be a useful tool.