

PROSPECTS FOR THE PROTECTION OF RELIGIOUS PLURALISM

(Poland, Hungary, Romania, Bulgaria)

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The drastic changes that have dramatically altered the political fabric of Europe raise significant questions as to the future of the interrelationship of religions with states whose political structure is now in flux. A commitment to pluralism, democracy, and respect for religious belief and practice is easily made. The difficult question is the manner in which it is going to be accomplished and secured. Further, given the often strong interaction between nationalistic goals and religious identity, the call for democracy and human rights were and often are in the mutual interest of the religious establishment and those who have nationalistic agendas. Once the immediate goal has been achieved, and religions are free to function, conceivably there is a potential that adherents of a majority religion can use their political dominance to obtain privileges at the expense of minority beliefs. This is especially true due to the long period of abuse perpetrated by states antagonistic to religion. It is not hard to comprehend a desire to return to the status-quo ante and reimpose conditions that existed prior to the establishment of anti-religious regimes and recreate conditions favorable to a majority religion.

Poland

There is no better European example to discuss this issue than Poland. The world marveled at how a coalition of labor leaders and clergy forged a Solidarity movement that brought to Poland, independence, democracy, and human rights via relatively peaceful means. Now the question being asked is what place will the

Catholic church have in a new Poland? This question came to the fore only recently (18 April 1991), when Poland's Bishops, in response to a request by the Senate to comment on a constitutional construct for church and state relations, proposed a closer relationship between the church and state:

We feel convinced that the time has come to reject the mistaken and harmful oversimplification unfortunately rooted in public consciousness which presents the lay character of the state as a fundamental and practically sole guarantee of freedom and equality of all citizens.

"The formula on separation of the Catholic Church from the state should be excluded." "It contains negative association from the period of the totalitarian system, when it was used for the domination of the church by the state" (New York Times, 28-4-91, p. 9, Pismo Okolne, 1991, No. 16, pp. 2-3).

Many critics of the communique saw this as a call for an end of Poland's Constitutional commitment to separation of church and state and the beginning of a trend towards theocracy. The attraction to the church among voters is quite understandable. Not only are there many positive feelings arising out of the Solidarity experience with the church seen as a democratic force, (a 1981 survey showed the church to be the most trusted Polish institution, NYT, Op. Ct.),¹ but more importantly the church is seen as an integral ingredient for Polish nationalism.

¹ *Newsweek* (June 17, 1991) noted that the church has been replaced by the Army as Poland's most trusted institution.

lion) anti-Semitism would be a concern in a new Poland. In conversations with knowledgeable Poles, I began to get an impression that the residue of years of anti-Semitic attitudes on the part of the Catholic clergy and previous Polish governments, coupled with the fact that many members of the Communist Nomenklatura had Jewish last names, gave a rational for an anti-Jewish sentiment. These bureaucrats were often seen as the villains who perpetrated acts against Polish nationalists during the Marxist regime; hence many Poles began to identify ethnic Jews as opponents of a free Poland. The causes of Polish anti-Semitism are many and debatable, nonetheless the fear of an established church in Poland raises the specter that the growth of anti-semitic attitudes is feasible.

This concern has been expressed by forces in the Polish church. The reverend Stanislaw Musial, in what he sees as a "growing anti-Semitic sentiment" called for a reassessment of the Polish role in the holocaust. Speaking to a visiting group he said:

Under the burden of our own sufferings, and in spite of the many cases when we gave assistance to you, even under the threat of death, we have not always helped you, ... (Engelberg, N.Y.T. 7 Nov. 1990).

Recently, Roman Catholic Primate of Poland, Jozef Cardinal Glemp, met with officials of U.S. Jewish groups in hope to defuse the issue. Some representatives refused to meet the Cardinal remembering his 1989 sermon which was felt to picture Jews in a disfavorable light (Steinfelds, N.Y.T. 19 Sept. 1991). The success of this Christian/Jewish dialogue is unknown, but it is clear the controversy that was highlighted over Jewish objections to a convent that operates at the Auschwitz concentration

camp site continues. In fact during the Cardinal's visit a defamation suit was begun based on his earlier statement.

Lack of respect for minority religions may extend beyond a concern for anti-Semitism with the problem exacerbated by Poland's educational policy. Just as the issue of religious education in public schools has been problematical in a variety of European states (Finland, Denmark, Turkey), the Polish experience has demonstrated the volatility of the problem. The Education Ministry in consultation with the Catholic Episcopate in August 1990 allowed for religious education in public schools, without discussing the issue with other minority religions. The teaching of catholic doctrine is now part of the school's official curriculum. The only students exempted from this requirement are those who receive permission with parental consent. The religious teachers became regular members of the faculty although their appointment was by the bishop. There is no need for these teachers to meet the ordinary requirements for teacher preparation. In addition all students participating in the religious curriculum are released from school for three days during Lent, enabling them to attend religious retreats.

At this point grades for religious instruction are not included on the student's official record, but church authorities have sought a change in this ruling. In addition, common prayer conducted by school authorities during school hours may now be regularly conducted in the Polish public schools. The crucifix may hang in classrooms designated for religious education, even though the rooms are regularly used for secular subjects (Polityka Instrukcja, 1990, No. 33, p. 6, translation by U. Bialek). While the Polish Ombudsman protested³ as did the Polish Ecumenical Council, in 1990-91 the curriculum included religious education

3 See Siemienski, Feliks, 1991, "W sprawie Legalnosci Wprowadzenia nauczania religi w szkolach publicznych), *Dzis*, no. 6.

The Ombudsman's criticism was with the law's substance as well as the process of its enactment. She argued that it violated the Polish Constitution of 22 July 1952 and the acts governing the protection of religious beliefs and church/state relations (Art. 155 and 154, 1989). Her objections can be summarized as follows in that it violated:

- 1) Principles of equality (Const. Art. 67,81 and Art. 155).
- 2) Freedom of conscience and religion (Art. 82 (1)).
- 3) Separation of church and state (Art. 82 (2) and Art. 155).
- 4) The education law of 1961 in that schools are to be lay institutions.
- 5) The principle that religious education is to be taught not in public schools but by religious institutions (Art. 18 and 19, Act. no. 154 Relations between church and state).
- 6) The protection of religious privacy (Art. 155 - Art. 2 (5)).
- 7) The principle of state equality to all religious denominations (Art. 155 - Art. 9 (2, iii) including the protection of state aid for religious instructions (Art. 155 - Art. 10 (2)).

despite the fact that the issue was considered by the Constitutional Court. The Constitutional Court later rejected the Ombudsman's petition ruling that the new policy conformed with constitutional requirements. The (U.S.) State Department reports that the Polish Senate's Office of Intervention received a number of complaints of discrimination on the part of students who refused to attend religious class (Country Report, 1990, p. 1238).

The influence of the church, especially with the Pope as its spokesman, has made its way into the political arena. As is seen in many states e.g. Ireland, Italy, etc. the doctrinal influence of majority religions can be powerful tools to sway public discussion often at the expense of minorities. In the Polish instance we see the church infusing its position into the political debate. Church doctrine is used to persuade the majority, inferring that a position contrary to the church would be tantamount to being disloyal to the Catholic Church. So for example "in a survey, almost 60% said they were against enactment of church backed legislation that would have outlawed abortion" (Engelberg, NYT, June, 1991). Perhaps in response, in his visit to Poland in June, 1991 the Pope made a point of referring to the abortion issue in his public pronouncements, "just two weeks after the Parliament postponed acting on a bill that would have outlawed abortion" (Glaser, NYT, 7 June, 1991, p. A13). Among his comments he stated, "Land of my brothers and sisters! How can we continue to destroy the Polish family? We cannot speak here of liberty. This is the kind of liberty that makes man a slave!" Further, he stated, "an unborn child is never an intruder or an aggressor, even if one assumes that he has arrived unexpectedly!" (Op. Ct. at p. A13). Another report has him asking "which human institution has a right to legalize the murder of an innocent and defenseless human being? (RFE/RL Daily Reports HV 105, June 5, 1991)

"Meanwhile a leader of Poland's Pro Femina Women's Organization Anna Jawkowska" is reported to have said "the Pope was talking like an inquisitor" and a leader of the Women's

Parliamentary caucus called the speech "terrifying!" (ibid).

In addition the Papal Nuncio directly met with parliamentarians to influence their position vis-a-vis abortion. The Polish episcopate condemned proposals for a national referendum on abortion. "There are values that a plebiscite cannot determine."⁴ In the communique the bishops "criticize the general principle of the separation of Church and State...." (RFE/RL no. 85, May 3, 1991).

The Catholic Church's increased involvement into the political debate has been viewed with alarm by a number of commentators and often seen as a threat to Polish religious and political pluralism. Magdalena Sroda, Dr. of Sociology, University of Warsaw, stated in the press:

The consequences of the church's involvement into political and public life is a threat to civil libertarians, as well as increasing intolerance towards women, atheists, agnostics, and homosexuals.

She sees this trend as an assault on whoever deviates from the majority view of normative behavior and argues that the Church has gone beyond its appropriate role seeking to create a monolithic view of public policy that conforms with the Church's religious doctrine (*Polityka*, 1991, no. 25, p. 10).

Hungary

Like Poland, Hungary is predominantly Roman Catholic (60% of the population) with strong ties to religious traditions. It has taken steps to reintroduce religious freedom officially attempting to retain a separation of church and state, yet finding this goal strained by the interest of a religious majority.

Section 60 (3) of the Hungarian Constitution states: "the Church functions separately from the State in the Republic of Hungary." Further: Act No. IV of 1990, an act with constitutional force, provides a number of provisions

4 See also the original text of Bishop's statement, *Pismo Okolne*, 1991, no. 18, p.2. The Bishop's full statement makes clear that at stake in the church's opinion is the question of the "right to life". The argument of the statement infers that a plebiscite on abortion ultimately will allow for a popular decision on the question of euthanasia. See also *Pismo Okolne*, 1991, no. 17, pp. 3-4. The Polish press is filled with commentaries regarding the abortion issue, with nearly every bishop making public statements regarding the church's attitude towards the "right to life".

that govern church/state relations (chapter two). Its Section 15 creates a bar to the use of state power in implementing church policy: ([2] No coercive measure of State shall be resorted to with the view of implementing bye-laws or rules of the Churches' own.) as well as providing state equality for all churches, ([3] All the Churches shall be invested with identical rights and liabilities.)

Section 16 permits churches to operate independently and prohibits a state supervisory body (par. 1) as well as permits the prosecution of churches for violation of law (par. 2).

Interestingly the law does permit religious education in public schools:

Section 17 (2) Ecclesiastic legal entities shall have the right to organize - in keeping with the request of students and their parents - religious instruction as a non-compulsory (facultative) subject at educational institutions kept by the State.

The Ministry of Culture in their plan had intended that religious education be made compulsory. This attempt was withdrawn after intense parliamentary debate objecting to its compulsory nature. Free Democrat M.P., Rabbi Tamas Raj, relates how his son, a student of the public schools, was encouraged by teachers to participate in religious education, due to the fact that the number of minority students was so small it would be inconvenient for him not to join his classmates for religious lessons. It should be noted that where there are sufficient numbers Jewish and Protestant education will be permitted in the school.

"In February 1990, full diplomatic relations (were begun) with the Vatican and a Papal Nuncio was accredited to Hungary" (Country Reports, 1990). In August 1991 the Pope visited Budapest. His visit coincided with Hungary's national day, August 20, as well as as the Parliamentary debate surrounding the abortion law. Some critics of the visit noted the immense governmental expense surrounding the events, citing the strain on Hungarian finances in such critical areas as education. The Pope held a mass in "Hero Square" and concern was expressed that this would reinforce the perception that to be a true Hungarian it requires that you be a Roman Catholic. Further some viewed the decision of reducing the price of

meat during the visit as a blatant attempt to tie a popular government policy to the papal visit.

Efforts are now being made to return confiscated church property. This is complicated due to the fact that many of the facilities have been converted to alternative uses. The issue has ramifications for church/state relations that will impact Hungary for, as some see it, at least a decade and will undoubtedly shape the nature of the future of church/state relations in a significant fashion. Prior to the Marxist/Leninist regime the Catholic Church owned considerable property; most of it confiscated by the State. With the return to a market economy and private property, Hungary is attempting to restore church property. In doing so, it is attempting to avoid "reprivatization" as it does not want the restoration of church property to establish full privatization as that will create a precedent for other property. Instead it is using a "functional approach" and has created a joint governmental church committee to operate in the determination of the kind of property and the timing of restoration to the Church. This process has undeniably strained the constitutional intent to separate church and state. For example, where the only public school in a district was once owned by the Church it conceivably can become a religious school forcing students desiring secular education to travel to schools in surrounding areas. The often stated rationale for this decision is that during the prior regime students desiring religious education had to travel, therefore it is only fair to reverse the burden. Perhaps more significantly given the size and nature of the property, it is argued the return of the church property will place the Catholic Church in a privileged position; restoring the favored position the church had during the Hapsburg period. One M.P., Zsolt Nemeth (Fidesz), noted the policy could "restitute historical inequality" towards Catholicism, since the new churches and the churches who owned little property prior to the Marxist regime will be at a disadvantage as they can not benefit from this policy. The problem is also creating considerable other strains on the separation of church and state. Since the churches have no resources to maintain and support, let alone refurbish these properties, the government will be pressured to assume some of the financial burden. This is clear since profit-making property e.g. estates, will not be returned under the policy. In fact churches still receive state subsidies for their religious servi-

ces based proportionately on membership. M.P. Rabbi Raj argues that the law creates a new dependency for religions as they must depend on state support since they are incapable of supporting this newly returned infrastructure. He points out that this government policy is aimed at the past, but does not provide what is necessary for the present and future to ensure the separation of the church and state. He further argues that it was once possible to have resolved this issue simply by offering compensation for the seized property, but that the issue has become politicized creating "tensions", between the parties and the religious establishments.

Hungarian Political Scientist, Prof. Attila Agh, reiterates the dangers; noting that by returning to the previous situation damage is being done to the minority religions, many of them new churches. He sees these efforts as "polarizing" the electorate along religious grounds and as contradictory towards a pluralistic policy. Stating that the separation of church and state is not clear in law and practice, he argues that the ambiguity of the law serves to increase the role the Catholic Church plays in the political arena. As an example, he sees Hungary's low voter turnout as an opportunity for religion to exert influence in governmental policy beyond its actual size. He notes that religious organization is frequently used to sway voters. Since Sundays are the days that the polls open, he asserts that local priests often persuade their parishioners to go from services to the polls, to support church policy via their ballot. He claims that this has a "multiplier effect" giving the church greater influence in Parliament and politics than is actually called for.

As in Poland, Hungary has considerable controversy surrounding the possibilities of a rise in anti-Semitism. Unlike Poland there is a sizable Jewish population living in Hungary: 80,000 (Miller, 1990, *New York Times*). Similarly the 1990 national elections had overtones of anti-Semitic political rhetoric. The two anti-communist parties, the Democratic Forum and the Alliance of Free Democrats, exchanged barbs which many saw as having anti-Jewish connotations. For example, Forum spokesman

Istvan Csurka urged Hungarians to "wake up" to a "dwarfish minority" that was "robbing Hungarians of their true national culture" and used such terms as "rootless cosmopolitans" when referring to Jews (Miller, *ibid.*, p. 74).

One interpretation of the phenomenon is that similar to Poland, where some Jews held high positions in the Communist Party, independence and anticommunism are being converted into anti-Semitism. This coupled with what some view as a growing nationalism that labels non-Magyars and non-Christians as non-Hungarians has led to concern in the Jewish community. The fear has manifested itself in increased interest in Zionism and some migration to Israel. As an alternative some are examining the possibility of creating a minority status for Jews, similar to the protection and privileges now afforded to such groups as Slovaks, Gypsies and Serbs.⁵

While considerable controversy surrounds this solution, it would appear a minority of the Jewish population support this approach. Although M.P. Rabbi Raj believes that this should be an option permitting those Jews who want this kind of protection to receive it, he notes there are other efforts to combat anti-Semitism. Within the Parliament there is a group (approx. 40 members) that has joined to combat anti-Semitic attitudes and policies. Further the B'nai Brith, Anti Defamation League now has a functioning Hungarian affiliate. These efforts are undoubtedly called for as de facto anti-Semitism remains a problem, with many seeing the Jewish influence that has traditionally predominated in urban Budapest as counter to the Magyar culture in the countryside.

Romania

Space will not permit a full discussion of the future of religious liberty in Romania. Nonetheless several developments in that volatile state require mentioning. Beyond question during the Ceausescu regime "the picture (was)... extremely unsatisfactory in every sphere of religious life".⁶ Since the revolution a variety of steps have altered the status of religious freedom including the removal of restrictions

5 See Judith Miller, December 9, 1990, *New York Times Magazine* for an excellent discussion of anti-Semitism in "Contemporary Hungary".

6 See Janice Broun, 1989, *Romania: Religion in a Hardline State*, among others for a detailed account of religious persecution during the Ceausescu regime.

of the importation and publishing of religious materials and the removal of the prohibition of citizens' meeting with co-religionist from abroad (Country Reports, 1990).

Yet the *Law of Denomination and Religious Freedom in Romania* provides some interesting insights as to the future of church/state relations in a post-Ceausescu Romania. While its Article 3 commands that "religious denominations are free, autonomous and independent" and "the Romanian State acknowledges, respects and guarantees" that status, its Article 19 sees an important role for the state in religious affairs (Article 19, in pertinent part):

(the State) will not enact laws, decrees, orders, or instructions which impinge upon the internal life or internal affairs of the religious denominations and will not arbitrarily exercise control over the activity of the denomination but shall act only in accordance with law. The central administrative office of the State for religion will assure the respect of the legal rights of the denominations. It will eliminate all abuses and will mediate upon request, the relationship between the denominations and the relationship between the denominations and the central and local administrative institutions of the State.

Accordingly fourteen religious denominations were godfathered into the new law (Art. 22) allowing new denominations to register with the state (Art. 23). A most peculiar arrangement inviting religious interests directly into the state's political machinery is found in Art. 26:

The patriarch, metropolitan, archbishops of the Romanian Orthodox Church, Archbishop - Metropolitan of the Roman Catholic Church, Archbishop - Metropolitan of the Catholic Church of Eastern Rite, the Catholic Bishop from Alba Iulia, the leader of Evangelical Alliance, and the leaders of each religious denomination, one for each denomination shall by right be senators in the Senate of Romania.

Further, Art. 29, establishes as official holidays "Christmas, when the Lord was born", "Passover, when the Lord was raised", "Pentecost, the coming of the Holy Spirit", etc., and

permits non-Christians to have "equivalent festivities". Its Art. 42 while it permits citizens to change their religion it requires a "written declaration of leaving". Lastly the law permits state subsidies for religion (Art. 58). Whether these provisions will encourage or discourage a religious pluralism is unclear, but certainly their existence lends some doubt as to whether the state can remain neutral in religious affairs.

As for the prospects for a rise in anti-semitism, the U.S. State Department in its 1990 Country Reports notes that "latent anti-semitism rose to the surface as evidenced by the publication of the "Protocols of Zion" and by the appearance of anti-semitic articles in the National Peasant Daily newspaper "as well as other publications." While the extent of the threat is unclear, the synagogue in Oradea was desecrated in February 1990, with the government launching an investigation. (Country Reports, 1990).

Bulgaria

Of the states that have discarded their official antagonism towards religion, Bulgaria, as an example presents considerable historical obstacles blocking the path to religious pluralism. At the outset it is critical to understand that religious preference is closely linked to not only political doctrine, but to nationalistic identity. Accordingly the political culture is virtually inseparable from the religious one.

It is clear that the Bulgarian Orthodox Church is seen as the historical protector of Bulgarian nationalism and culture from a feared onslaught of Islamic influence. Often cited is the role the Church played in keeping the Bulgarian language and culture alive during Ottoman domination. This historical experience has left its mark in the politics of the recent past as well as the present. Central to Bulgarian politics is a perceived concern of the threat of a Moslem (Turkish influence) that would destroy the Bulgarian nation (Sofia interviews, August 1991).

The experience of the Communist regime of Todor Zhivkov was an extreme example of state power imposing its will on a religious-national minority; an attempt to obliterate the influence of "Moslem Turks" within Bulgaria. Despite constitutional protection for religious freedom, "the official position (1984) (was) the-

re were no Turks in Bulgaria, only Bulgarians whose forebears had converted to Islam under pressure, and the state was simply redressing the error" (Perry, 1991, p. 5). The result of the campaign was the closure of nearly all mosques, the banning of Turkish language schools (1960-1970) and perhaps most significantly, in 1984 through 1985, the Bulgarian authorities forced Turks to change their names and accept Slavic alternatives. In this process they were forced to give up their identity cards and accept new ones with their new Slavic names. Reportedly 300 to 1,500 were killed in the governmental efforts (Zang, 1991).⁷

In its September 1987 report on the assimilation campaign, Helsinki Watch drew the following conclusions:

From a human rights perspective, the problem of the Turks in Bulgaria is part of a special category of human rights violations that derive from a systematic policy of suppressing the rights of an ethnic minority.

Such policies are particularly odious because in one fell swoop they violate a number of basic rights, including freedom of expression, religion, movement, assembly and association. There is no protection against arbitrary arrest and inhuman treatment for the members of the targeted group. In the case of the ethnic Turks in Bulgaria, the regime has gone so far as to violate the most basic human right, the right to life. In fact, the events in Bulgaria are better described as "atrocities" than as human rights violations.

The Zhivkov regime (as did the earlier regimes beginning in the late 1940's) did not limit its repression only to the Islamic faith. Protestants and Roman Catholics, small minorities, experienced persecution, but to a far lesser extent than Moslems, yet to a greater extent than

members of the Bulgarian Orthodox Church (Broun, 1989, p. 3).

While the state in its policies was antagonistic to all religions, it clearly gradated its policies in a discriminatory manner, often in a rather subtle manner. Thus while it "conducted an aggressive campaign to promote atheism in the schools", it only permitted the Bulgarian Orthodox Church to have a seminary (Broun, *ibid.*).

Clearly this discriminatory policy was aimed at the eradication⁸ of "Islamic" influence in Bulgaria and went as far as banning Islamic ceremonies including weddings and circumcisions.

Although the Communist Party, now the Bulgarian Socialist Party, still holds considerable power, including, until recently, control of the government (Cohen, 1991, p. 34), which it shared with representatives of the opposition, since the fall of Zhivkov there has been movement to alter governmental policies towards religions and towards respecting the rights of the Turkish minority.

The State formally repudiated the forced assimilation campaign against the ethnic Turkish and Pomak (Bulgarian Muslim) minorities (Country Reports, 1990, p. 1100). Attendance at mosques, for example, is no longer prevented by state security agents, although there remains a shortage of Islamic religious materials (*ibid.*, p. 1105). Yet there remains, if not *de jure* antagonism, a societal discrimination against Moslems, evidenced by discrimination in "housing, jobs, education and health care" (*ibid.*, p. 1107).

The law now allows circumcision but still retains a prohibition for the procedure to be performed outside of hospitals. In practice this law reportedly is not enforced and yet the prohibition still is an irritant for the Islamic community. Although there is now an administrative procedure to permit the restoration of names, and efforts are being made to provide compensation for the victims of "Bulgarization campaign", the effort has created a backlash

7 Recent discussions with academics indicate that the high number may be an exaggeration and that 300 is more likely to allowably reflect the casualties during that period.

8 In the 1990 election the Paarty received 47% of the vote and holds 53% of the seats in the Grand National Assembly - the evidence indicates that the party (nomenklatura) retains considerable influence in the bureaucracy. The election of Oct. 1991 seems to indicate that the Socialists will hold 240 Parliamentary seats. This will mean they will likely lose control of the government but still be able to exert considerable influence including the ability to block legislation.

The Movement for Rights and Freedoms, the Pary that represents the interest of the Bulgarian moslem minority, won 7% of the vote and may now be able to join the majority party, the Union of Democrataic Firces, in forming a government.

among Bulgarian nationalists. When the assimilation decree was revoked (December 31, 1989), it resulted in often violent demonstrations among Bulgarian nationalists in predominantly Turkish areas (Perry, 1991, p. 6).

Helsinki Watch reported that few Turkish and Pomak citizens had taken advantage of this opportunity as the law was seen as burdensome in that it required two witnesses and a hearing (Zang, 1990). The situation has recently changed. It would appear that the procedure has been greatly simplified and that the process is now rather simple and not costly. Yet, it is claimed by governmental officials that some children who do not want Turkish names and would prefer to retain their new Bulgarian identity are being forced to change their names by family (Interview with Director of Religion Mitodi Spasov, August 1991, Sofia).

Given Bulgaria's history intensified by the recent past, it is not difficult to comprehend why religion, seen also as ethnic volatility, intrudes in its politics. Perry reported the following:

In the interview with Ruse Dnes, Popov remarked that, in regions of Bulgaria inhabited partly by ethnic Turks, Slav Bulgarians were threatened by outrages and even death and some non-Moslem Bulgarian children had been forced to leave their schools. He was quoted as saying that "Moslem aggression is starting now, and in some way it must be blocked so that it does not invade Europe..."

In an interview with the official news agency BTA on January 3, 1991, Popov said that he advocated enacting legislation that would prohibit the sale of real estate to foreigners in order to prevent wealthy Turks from purchasing large areas of Bulgarian land (Perry, 1991).

Later, the Prime Minister tempered his statements by assuring the diplomatic community that his government would respect human rights including religious freedom.

The Movement for Rights and Freedom, an advocate for Moslem rights, is seeking Turkish instruction in public schools. The government's

delay in instituting the change in curriculum brought about student strikes (February, 1991) and when the government announced that the curriculum would be changed (March 1991), Bulgarian nationalists occupied schools in Southern Bulgaria in protest (Perry, 1991).

In contrast to this intense public sentiment directed against the Islamic community, the Jewish minority has virtually felt no de jure or de facto discrimination. In fact with pride Bulgarians often point to the protection of 45,000 Jews from the holocaust despite Bulgaria's alliance with the Third Reich, during WWII.⁹ Even during the Marxist regime emigration was permitted to Israel with over 40,000 Jews leaving Bulgaria. Today it is estimated that there are some where between 3,000 - 5,000 Bulgarian Jews with three operational synagogues. (Broun, 1989). Ties with Israel are strong and are growing stronger with Balkan Air and El Al agreeing to regular service between Sophia and Tel Aviv. There appears to be considerable numbers of Israelis, former Bulgarians, who make yearly extended visits to their former homeland taking advantage of the cooler weather and lower prices. President Shamir and other Israeli officials have made several state visits to Sophia, and there is a governmental commitment to the restoration of the synagogue.

Yet, Jewish life has most definitely suffered from the past official policy that was antagonistic to all religions and especially Islamic practices. Religious observance, is exceedingly low, and assimilation is marked by common acceptance of mixed marriage. The attitude by Jews towards circumcision is perhaps the most marked example. Maxim Cohen, Assistant Cantor of Sophia's Synagogue,¹⁰ noted that most Jews do not practice circumcision since the ban on Islamic circumcision in 1984, even though that prohibition is lifted. He seemed to indicate that there is a concern that Jews might be mistaken as Moslems and therefore, there is a reluctance to engage in their ancient hebraic custom. He noted that he has taken young Bulgarian Jews abroad and offered them the possibility for circumcision, but most were reluctant to conform to Jewish practice. (Interview with Cantor Cohen, August 1991).

9 It should be noted that although Bulgarian Jews were spared extermination in the concentration camps, Greek Jews were moved across Bulgaria to camps in Poland.

10 There is no Rabbi for the synagogue, due to the inability of the community to send a member abroad for training. Mr. Cohen has two years training in New York.

How Bulgaria will calm the seas of religious and ethnic tensions is critical for its development as a pluralistic democracy. The Constitution (adopted 12 July 1991) is rather ambiguous as to the status of the relationship of the state to the Bulgarian Orthodox Church and other religions. Its Art. 13 and 37 leave considerable questions as to how that will be resolved:

Art. 13

- (1) Religions are free.
- (2) Religious institutions are separated from the State.
- (3) Traditional religion in the republic Bulgaria is Eastern Orthodox religion.
- (4) Religious entities (communities) and institutions and religious persuasions as well shall not be used for political purpose.

Art. 37

- (1) Freedom of religion, freedom of thought, choice of religion and of religious or atheist beliefs (opinion) shall be unviolable. The State further supports tolerance and respect among believers of different religions and among believers and atheists.
- (2) Freedom of religion and belief shall not be directed against national security, public order, public health and morality, rights and liberties of the other citizens
(Unofficial translation - Professor Eugene Tantchev, Sofia University).

Undoubtedly, the fruits of a policy of antagonism towards religions have left many scars and exacerbated a history filled with religious and ethnic tensions.

Whether this constitutional model will ultimately influence Bulgaria's future is uncertain. Its proclamation of church/state separation is obviously muted by par. (3) that makes the Eastern Orthodox Religion Bulgaria's "Traditional Religion". An explanation that is often given for this rather contradictory statement is that the Constitution is merely recognizing the importance of the Bulgarian church for Bulgarian nationalism. Further disturbing is Art 37 (2) which seems to incorporate Bulgaria's fears of Islamic influence in the nation's affairs. Discussions with the Director of Religion, Metodi Spassov, indicate such issues as the granting of

permission for Moslems to have "call to prayers" cried from Mosques in Sofia, as well as circumcisions at home remain controversial.

Complicating the hopes for religious toleration in Bulgaria, is the increased activity of sects previously not functioning in Bulgaria. The Directorate of Religious Affairs is required to review the by-laws of churches wishing to function in Bulgaria. In the instances of the Mormon church permission was granted only after they agreed to remove the granting of priesthood status to children of 12 years of age, and the Evangelical church sought and after such time and negotiation received permission to establish a high school. The Hare Krishna movement is now actively seeking converts and causing considerable concern among parents who have applied pressure on the government to review its application to function (Interview with Metodi Spassov, Director of Religious Affairs, August 1991.)

Clearly, Bulgaria is now facing the possibility of increased religious pluralism, not only by the Moslem minority, but from new religious forces. The desire to become part of a greater Europe is quite apparent and with it comes pressure and influences from religious traditionally alien to Bulgaria. How the government responds to these new influences is critical.

Conclusion

The strain of a desire to retain nationalistic culture via the strengthening of a nationalistic religion vs. a desire to accept the inevitable changes of an ever increasing pluralistic Europe are obvious but difficult. For states in political flux, like Poland, Hungary, Romania and Bulgaria, the choices will have to be carefully made. While no one single model should be adopted for every single state, the strengths and weaknesses of each model for human rights protection must be weighed. The relationship between religions, their churches and the state undeniably will impact the potential for protection against religious discrimination and assuring religious liberty. The lessons of the past and the present do provide some guidance in this time of dynamic change. As these illustrative examples show, political choices are often tied with the interest of religious and ethnic groups. If pluralism is an essential precondition for a human rights regi-

me, state/church relations must allow for religious diversity and the protection of minority interests.

Without a framework that respects and facilitates religious pluralism, a commitment to human rights may be an impossibility.