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Morality and Tradition in Postcommunist Orthodox Lands: on the Universality of Human Rights, with Special Reference to Romania*

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Introduction

All international documents related to human rights postulate the universal character of their statements. This claim to universality, however, is rooted in a particular perspective on the human being. It is a perspective originating within the Judeo-Christian tradition, with its unprecedented affirmation of the inherent value of every human individual, by virtue of being created in the image and likeness of God.¹ Moreover, the idea of human rights is a result of the western, Latin interpretation of the Christian tradition.² It is a predominantly juridical interpretation, with a strong emphasis on the individual human being, which eventually led to an individualistic and secular understanding of human nature and human rights. Human rights are therefore centred on – and hence most suitable for – a free, independent rational agent (Descartes, Kant), capable of building and maintaining social structures based on free contracts between supposedly equal rational subjects/agents endowed with similar rational capacity and common sense (Rousseau). Along similar lines of argument, Rawls identifies three major specific historical developments accounting for the nature of the modern western discourse on agency and morality, and therefore human rights: the Reformation and its consequent pluralism; the development of the modern state with its central administration; and the development of modern science beginning in the seventeenth century (Rawls, 2000, p. 5f). The concept of human rights can thus be seen as the result of a certain world-view, with a certain history and with a specific trajectory. At the same time, however, as a result of contemporary social, political and economic conditions, it also seems to have a universalistic appeal.

The questions I would like to raise here are related to the implications of such a claim as to the universality of human rights if one comes to this issue from within the framework of a different discourse on anthropology, one made out of a different fabric from the one that originated it. In other words, is it possible, and if so how easy is it, to implement this kind of system of human rights within societies that not only come from a different interpretation of the same Judeo-Christian tradition, but also have recently been through the unprecedented trauma of the political totalitarianism of communist regimes?³ In this respect, methodologically, my work falls within the area of conceptual analysis rather than

*An earlier version of this paper was first presented at the Annual Meeting of the American Political Science Association, 28–31 August 2003.

claiming scientific status based on quantitative analysis, although a short survey of already available data will be used as a starting point.

The first thesis I would like to assess is related to Huntington's cultural determinism. This thesis asserts that the closer the former communist countries of the East are traditionally, spiritually and culturally to the traditions and the systems of values of the countries of Western Europe, the easier it is for them to learn and to implement the new vocabulary of human rights. In order to assess such a claim, I shall begin with a brief comparative presentation of various recent reports on the violation of human rights in Eastern Europe.

A Brief Evaluation of Human Rights in Eastern Europe and the Balkans

Following the collapse of the Iron Curtain, although at a varied pace and with various degrees of commitment, virtually all member states of the former communist bloc expressed an interest in implementing democracy and a human rights programme similar to that prevailing in the rest of the European continent. Indirectly, the present study seeks to appraise to what extent Huntington's thesis of cultural determinism holds true with regard to how this aspiration worked out. I shall ask if a pattern can be traced as to how the violation of human rights varies both in intensity and in the types of rights that are being violated, in relation to two particular factors: on the one hand, the level of materialistic communist indoctrination; and, on the other, the character of the dominant religion of the countries assessed. This is because both these factors have led to a specific anthropology in the region, which is not only distinct from the predominant anthropology of the West, but which may also differ among the countries of the former communist bloc themselves.

An Ideological and Cultural/Religious Divide in Europe? On the Validity of Huntington's Theory

Particularly in the aftermath of 11 September, Huntington's theory of the cultural and ideological division of the world has become well known.⁴ It is quite easy to argue that his thesis is valid to a large extent in relation to regions like Europe, the Middle East or Asia, with radically different cultural and religious roots. Can one, however, apply such a theory to countries and regions with rather similar cultural and religious origins, yet which have experienced different interpretations of them, as well as passing through different recent ideological experiences? Is Huntington right in saying that Europe was and will continue to be divided along religious borders, with Catholicism and Protestantism on one side and Orthodoxy on the other?⁵

To begin answering such questions, I shall first look at the process of learning and implementing human rights in Eastern Europe. The method used will be one of comparing the concrete achievements of a number of countries of the region, which are reflected in reports offered by standard international agencies for monitoring human rights. The countries to be compared are chosen according to two criteria: varying degrees of ideological indoctrination during the communist period; and different majority religious groups. According to the first criterion, countries in decreasing order of intensity are: Russia (with the longest communist experience), Romania (which may even have experienced the most intensive communist ideological indoctrination), Bulgaria, Serbia, Poland and Hungary. According to the second criterion Russia (85 per cent), Romania (86.5 per cent), Bulgaria (83.5 per cent) and Serbia and Montenegro (78 per cent⁶) are predominantly Orthodox countries, Poland is Catholic (95 per cent) while Hungary is a

Table 1.

	Bulgaria	Hungary ¹⁰	Poland	Romania ¹¹	Russia	Serbia ¹²
Freedom of expression and the media	X, 8		X, 1	X, 7	X, 12	
Freedom of religion, religious intolerance ¹³	X, 39	X, 2	X, 3	X, 22	X, 35	X
Freedom of association and peaceful assembly	X, 8	X, 1	X, 3		X, 5	
Independence of the judiciary and fair trial	X, 10	Excellent progress acknowledged	X, 8	X, 8	X, 5	X, 9
Torture, ill-treatment and police misconduct	X, 20	X, 6	X, 6	X, 10	X, 12	X, 5 ¹⁴
Conditions in prisons and detention facilities	X, 4	X, 3	X, 2	X, 4	X, 5	
Intolerance, xenophobia, racial discrimination and hate speech	X, 18	X, 8		X, 3	X, 10	X, 10
Women's rights ¹⁵	X, 4	X	X	X	X	X
Children's rights	X, 10					
The mentally ill or disabled	X, 39					
Right to privacy	X, 4		X, 1			
Asylum seekers	X, 4	X, 2	X, 1			X, 5
Homosexuals' rights						
Free trial and detainees' rights		X, 3				
Conscientious objection					X, 8	
International humanitarian law					X, 10	X, 7
Displaced persons					X, 6	

Note: X means that the country concerned has problems relating to that particular area of human rights; the number following represents the number of cases singled out and/or the particular negative issues/assessments raised in the report.

mixture of Catholic (67.5 per cent) and Protestant (25 per cent).⁷ The main monitoring organisation used is the International Helsinki Federation for Human Rights, through its *Human Rights in the OSCE Region: Europe, Central Asia and North America, 2003 Report (Events of 2002)* (dated 24 June 2003).⁸ I also consult the annual reports for 2002 of the US State Department's *Country Reports for Human Rights Practices* for certain topics.⁹

Table 1 presents the countries assessed, the categories of rights abused and the level or intensity of abuse reflected in the number of concrete cases presented and the particular critical issues raised in each country's report.

There are many conclusions one can draw from this study. Of particular relevance here

is that certain patterns of variation are visible among the countries assessed according to the two variables mentioned above, namely, various levels of former communist indoctrination and various religious backgrounds (interpreted both in terms of the number of formal members and in terms of commitment). Thus Hungary, without an overwhelmingly predominant religious denomination, with a more mixed religious texture and with the lowest level of religious commitment (thus with the highest level of secularism), and having experienced the most 'liberal' form of communism, seems to have the best scores in terms of 'learning' and implementing an effective human rights regime. Next comes Poland, the most religious country in Europe (54 per cent attend weekly mass), where the Catholic Church, a faith with universal and juridical tendencies, played a significant role as an opponent of communist indoctrination. Bulgaria, Russia, Romania and Serbia still seem to face major difficulties in learning and implementing human rights. Their worst results, which show the greatest difference from the results in Hungary and Poland, are related to 'freedom of religion, religious intolerance' and 'torture, ill-treatment and police misconduct'. Bulgaria, Russia and Serbia have problems with 'intolerance, xenophobia, racial discrimination and hate speech'. Bulgaria is singled out as having problems with 'women's rights', 'the mentally ill or disabled' and 'children's rights', while Russia and Serbia have major problems with 'international humanitarian law'. The only area where all countries studied scored relatively similar negative marks is 'women's rights'; this may be the result of the low social and political status accorded to women during communist times.

The study so far seems to prove at least the partial correctness of Huntington's theory. He is right in arguing that different cultural backgrounds lead to different attitudes on similar issues like democracy and human rights. What we still need to assess is if he is right in stating that such differences cannot be overcome. I shall now attempt to find out why there are such differences between these countries. First I shall try to assess the nature of the influence of atheistic communist indoctrination in this context. Then I shall try to assess the implications of the large-scale return to religion in the area and what the influence of the predominantly Orthodox understanding of these issues is. All this will be in order to ascertain what can be done to ensure that the countries studied here move steadily along the road to democracy and human rights, and thus to show that the second part of Huntington's thesis is wrong.

Teaching the 'New Man' the Vocabulary of Human Rights: On the Legacy of Communist Totalitarian Ideology

Creating the 'New Man' and the 'Multilaterally Developed Socialist Society'

Communism was a trap of history, and as with any trap, it is easier to fall into it than to get out of it. (Boia, 1993)

'Man eats and thinks': there is no more mystery in this statement than in the statement 'the tree grows and burns'. (Chernyshevsky, *What is to be Done?*)

In contrast to the West, the prevalent anthropology in Eastern Europe is inevitably influenced by the recent fierce programmatic ideological battle waged by the communist regimes against the idea that the individual is of supreme value, for the sake of creating the 'New Man'.¹⁶ As so well argued by Alain Besançon, it was Lenin, inspired by writers like Chernyshevsky, who first called for the production of the 'Revolutionary Man' who, like Chernyshevsky's Rakhmetov, was expected to be rooted in the certitudes of science, a science that is valid not only for the natural world but also for the moral and the

metaphysical worlds, thus being the most reliable and, indeed, the only framework of reference (Besançon, 1977). ‘“Man eats and thinks”: there is no more mystery in this statement than in the statement “the tree grows and burns”’ (Besançon, 1977, p. 109). Everything can be – and should be – reduced to materialism, hence everything can be explained and understood: ‘freedom is necessity understood’. Anthropology is science, and therefore morality and ethics are science: ‘This is scientific morality. It is simple and complete. It offers an answer to all important questions of life’ (Besançon, 1977, p. 110). Man can follow this morality. All he needs is determination, self-renunciation and knowledge. When he fails, nothing is considered to be lost. There are always two crucial tasks ahead of him: reeducation of himself and the reeducation of society in the spirit of the new science. This means action, continuous action; but in order for one to act, there is an intrinsic need for the ‘perfect life’. The New Man can not emerge unless the perfect economic, social and political environment is secured. Ideological communist jargon spoke of ‘the imperative call for the creation of the “Multilaterally Developed Socialist Society” and “Progress towards Communism”’.¹⁷ To achieve this, it was essential, according to Leninist/Stalinist thought, to start with the total destruction of the old social order and cultural institutions that surrounded (and protected) the individual, since these stood in the way of his emancipation as a ‘New Man’. Mikhail Heller rightly interprets this to be the process of culturally stripping the individual naked and atomising him so that he becomes defenceless and mouldable by the state in all aspects of his life.

The goal of Lenin and the Communist State was the creation of a citizen belonging to the State and the formation of a man who considered himself a small cell in the State organism. The two main vectors to accomplish this goal are reality and consciousness. According to Marx, any change in objective reality automatically produces a change in human consciousness. As one Marxist has written: ‘Marxist scholars have observed that human beings are much more adaptable than was earlier assumed’. Transformation of the real world means, first and foremost, the destruction of the old state, economic and social systems, with one of the most powerful blows inflicted on society. The human relations that make up the society’s fabric – the family, religion, historical memory, language – become targets, as society is systematically and methodically atomised, and the individual’s chosen relationships are supplanted by others chosen for him, and approved by the state. Man remains alone, face to face with the state Leviathan. Only by melting into the collective, by becoming a mere drop of the ‘mass’, can a man save himself from his terrifying loneliness (Heller, 1988, p. 29f).

The New Man was thus supposed to be a self-less, collectivist entity that would exist solely to serve the higher goals of the Party – the only vehicle that could carry the whole of humanity towards communism. Yet, as Heller rightly notes, the result was the opposite: atomisation, isolation and the total destruction of any individual worth and individual initiative (Boia, 1999). Moreover, as the 1989 revolutions proved, all former European communist societies experienced, to various degrees, the destruction of societal trust and societal texture rather than reaching the perfect ‘communist’ state. As various surveys show, lack of trust both at interpersonal and at societal levels is still very high in these societies even today.¹⁸ This in turn has led to civic, economic and political collapse.

Consequences of Communist Ideology

Communist parties fought an uncompromising ‘ideologising’ battle aiming to shape the

content of people's minds and to dominate their language and thought. This enterprise had a serious and long-term influence on people's mentalities, as demonstrated *inter alia* by the cruelty and murder characteristic of communist regimes. Although these regimes boasted that they had managed to implement and to secure social and economic rights, in reality the total collapse following the end of the communist era proved such a claim to be untrue. In his article 'The advisability of applying the liberal solution in the East', Vasile Boari comes to the following conclusions:

The obsessive preoccupation and strategy to mould the 'new man' were built upon premises and principles overtly anti-liberal. All the fundamental values of liberalism, namely freedom, individuality, private property were banned, annihilated, exiled. Freedom as 'grasped necessity' and as an attribute of society, collectivism, general, abstract and inefficient interest, were all ostentatiously promoted in their place. Even happiness was 'depersonalized' and a plea was made for the cause of a collective happiness which did not exist in reality. The obstinate promotion of collectivism resulted mainly in the fact that individuals were no longer responsible for their acts. And the fear of responsibility is associated with the fear of freedom, as Hayek notes in *The Constitution of Freedom*. The harmful effects of this phenomenon are quite obvious today. Most people in the East are simply afraid of assuming their destiny (and essentially their freedom, earned after decades of communist terror); they would rather continue to display a submissive attitude and wait for those in power to offer them happiness and welfare on a silver plate. Those who assume their freedom do so in a way that has nothing to do with responsibility or with 'orderly progress'. (Boari, 1998)

In Romania, as Dumitru Hurezeanu has rightly observed, 'the breaking of the oppressive political lid led to an almost frenetic individualism. The zeal in the search for and the building of an image is almost shocking; the Romanians' eccentricity betrays internal unclear and unresolved anxieties' (Hurezeanu, 1993, p. 14). In his article 'Anatomia unei catastrofe' ('Anatomy of a catastrophe'), analysing the consequences of Marxist indoctrination, Horia Patapievici also identifies 'identity crisis' as the most negative of these (Patapievici, 1994), and as the main reason why Romania is at the 'bottom of the heap' – to use Tony Judt's recent controversial phrase – among the countries seeking integration in the larger democratic European family (Judt, 2001).

In the light of the above, I would suggest that it is not surprising that countries where an ideology of this kind was stronger and more violently imposed are the ones in which it is now harder to implement a proper understanding of human identity and therefore, indirectly, a proper human rights regime. There is an undeniable link between the prevailing mentalities rooted in decades of violent communist indoctrination and the difficulty of promoting and building democracy with its inherent human rights principles.

Having looked briefly at some aspects of the legacy of communist indoctrination affecting the implementing of human rights, let us now move to religion, concentrating on Orthodoxy as the prevailing religion in South-Eastern Europe and a distinctive element in the mental fabric of that region. Looking at some of the main characteristics of Orthodoxy, I shall attempt to evaluate its influence on issues related to the implementation of human rights and democracy in Eastern Europe.

Religion and the Implementation of Human Rights in Eastern Europe

'The Return of the Oppressed', or 'Against Prophecy'

The beginning of the twentieth century was dominated by a general scepticism regarding both the role and the future of religion in modern society. It was a time when Western European thought took to an extreme the consequences of exacerbated epistemological positivism, with Marx, Freud and Nietzsche – the 'masters of suspicion' as Paul Ricoeur has called them (Ricoeur, 1970) – announcing with great emphasis the retrograde character, futility and imminent disappearance of religion. Strongly influenced by Feuerbach's anthropological theology, Marx was the first social theorist who saw religion as the main factor opposing progress and social change. 'Religion is the opium of the people'; 'it is only the illusive sun that revolves around man as long as man does not revolve around himself', said Marx in 1844.¹⁹ From his perspective, the society of the future, of the 'New Man', would be one where differences of class together with religion would be eliminated. Moving further in the same direction, Nietzsche in 1885 announced, through his madman in *Also Sprach Zarathustra*, the death of God and the birth of the *Übermensch*. Not long after, Freud claimed to have given the final blow to religion and to the religious man: *The Future of an Illusion* (1927), the work in which he specifically discusses the role and the future of religion, ends in a cynical tone with programmatic action claims: 'Religion would thus be the universal obsessional neurosis of humanity' and it should therefore be eradicated (Freud, 1927). From Freud's perspective, religion was a mental infantilism, an obsessive neurosis that needed treatment, just like any other neurosis. The religious man was therefore going to be a candidate for mental institutions, together with all other ill people. Persistent religion within modernity was to be seen as a symptom of a social illness, while estrangement from religion meant the beginning of the healing process. Communist (and for that matter, modern) society, involved in the process of increasing rational domination of existence in all its forms, was in a position to perform and to 'favour' this 'healing' process. This was nothing less than a sign of the appearance of the true 'New Man'. Communist society seemed to be freeing itself from religiousness, to be moving towards self-sufficiency and to be founding itself on the eminently rational and autonomous character of its members. This was the dream that was proved to be thoroughly false by the events following the anticommunist revolutions in Eastern Europe.

However irreversible the influence of Marx, Nietzsche and Freud over modern man may seem, an analysis of the last decade shows a rather different picture. It involves what Anthony Giddens has called 'the return of the oppressed' – that is, the reassertion of the religious factor that has been programmatically oppressed for such a long time in European culture. Virtually all countries freed from state atheistic indoctrination have exhibited an unprecedented return to religion. The Romanian Orthodox Church, despite its highly compromised recent past, still enjoys the highest level of institutional trust among Romanians, with over 44 per cent attending weekly liturgy. Over 50 per cent of the Polish population attends Mass once a week. The Serbian Orthodox Church has played a prominent role in the recent history of the former Yugoslavia, while the Bulgarian and Russian Orthodox Churches can exercise strong leverage on political developments in their countries (cf. Tismaneanu, 1999, p. 34).

Here I want to look at those features of the Orthodox faith which may have an influence on people's attitudes towards democracy and human rights.²⁰ These, I would suggest, are related to the Orthodox understandings of humanity and otherness, nationality, and tradition. I shall now look more closely at these doctrinal elements in turn, in the hope that this study, while highlighting differences between the western and eastern interpretations

of Judeo-Christianity, will also help us to understand better what needs to be done if the process of European integration is to be successfully furthered.

Let me begin by briefly introducing the different trajectories Judeo-Christianity has taken on the European continent.

Eastern and Western Christianity: the Same Origins, Different Understandings

As noted above, the fall of the Iron Curtain has not yet overcome the ideological differences between the West and the East. In Europe today, we still have two rather different systems of values which, although having the same Judeo-Christian origins, have followed different trajectories: the western trajectory, under a Latin influence with prominent juridical features, led to a different set of values than the eastern trajectory, under a Greek influence with more prominent philosophical features.²¹

What lies behind the western system of values, reflected in the liberal democratic approach to societal life and human rights, is a culture based on the declaration and affirmation of the supreme value of the human being. Both for Christianity in its Latin form, from the time of Augustine, through Thomas Aquinas and culminating with Descartes, and also for secularist, antitheological thought culminating with Nietzsche and his *Übermensch*, the most treasured values have been centred in the individuality of each human being. The assertion of the supreme value of the human individual was seen as originating in God, but such was the temptation of affirming it that in the end the individual replaced God himself. Humanism as a world-view is thus the offspring of the western half of Christendom. The political values generated by this perspective on life are mainly related to the affirmation of the freedom of the autonomous individual as the ultimate authority over his or her life. Values and traditions have little role to play in the process of democratic policy making. The state exists in order to offer to the individual freedom and unlimited possibilities for development. One main criterion used in drafting policies is based on the principles of 'rational choice': a minimal morality that reasonable people can share, despite their explicable divergent religious and ethical convictions (John Rawls).²² What is therefore important is the individual himself or herself, not the individual's system of beliefs, ethics, nationality or religion. Within this context, the concept of human rights – understood exactly in these terms, as rights individuals have by the sole virtue of being human – finds its proper place. How different the views developed on such issues in the eastern Christian tradition are is the next question I shall address.

Orthodox Theological Reflections on Human Identity: Communitarian versus Individualist Understandings of Humanity

The Orthodox Church officially separated from the Catholic Church in 1054 over a number of theological and political issues. However, as a result of the higher proximity of Orthodoxy to Greek philosophy, the eastern interpretation of the fundamental teachings of the early church was distinct from the western interpretation almost from the beginning of the Christian era. At the same time as Augustine and debating similar doctrinal issues, the Eastern Cappadocian Fathers already reflected a different approach in their teaching, with different results. In an attempt to explain, for instance, how it is possible for God to be One and Three at the same time, Augustine's classic analogy was that of the human individual who is one and yet has three main characteristics (reason, volition and sentiments), while the Cappadocians spoke of three separate individuals, who are three persons who nevertheless share in the same humanity. Moreover, from the Orthodox perspective, man was created in the *image* of God, and is called to achieve the *likeness*

of God, who is ultimately a mystical relational being. This is what the Orthodox tradition calls *deification*, becoming 'god', the ultimate goal of man. From the very beginning, then, the emphasis in Orthodoxy was on the relational rather than rational dimension of human identity, with its implicit mystery, and over the centuries this teaching developed to produce an understanding of the human being, which is distinctive for the Orthodox tradition.

Modern Orthodox theology, that which has shaped contemporary Orthodox thinking most, is dominated by the 'personalist' theology of members of the Russian diaspora, particularly theologians and philosophers like Nikolai Berdyaev, Sergei Bulgakov and Vladimir Lossky. Reacting to the liberalism and the 'reductionist' anthropology of the West, dominated by the individualist Cartesian self and epistemological positivism, such thinkers saluted the existentialists' concern to reaffirm the irreducibility of human beings to nature or biology, and implicitly their fundamentally mysterious character. However, to overcome existentialist immanentism, they returned to their Eastern theological tradition and rooted the transcendental character of man in the fundamentally transcendental and ultimately mystical character of God. Modern Orthodox theologians thus opposed the modern Cartesian self to the theological category of *person*, whose origin and destiny are in the mystery of God. According to Lossky, the human person (as well as the divine) represents the 'irreducibility of man (and God) to nature'. In its ultimate, theological sense the *person*, as a reality distinctive from the individual, is non-definable and non-conceptualisable other than in an apophatic, mysterious way; it is not reducible to nature, to biology.²³

The problem with the Cartesian understanding of the self is that it led to a perception of man as a *substantialist*, self-sufficient rational subject, an individual who lacked relationality. Contemporary Orthodox anthropology has swung to the opposite extreme, combining a one-sided reading of the Orthodox tradition (emphasising the fundamentally *apophatic*, unknowable character of God and therefore the fundamentally mystical dimension of the church)²⁴ with strong existentialist influences regarding the irreducibility of the concept of *person* to that of *nature* (*ousia* in Greek). The problem with most contemporary Orthodox anthropological thought therefore is that it can all too easily lead to a purely relational definition of man, one that ultimately lacks identity and substantiality. In other words, borrowing Colin Gunton's categories, one can say that while Cartesian anthropology tends to sacrifice the 'Many' for the sake of the 'One', contemporary Orthodox anthropology is in danger of sacrificing the 'One' for the sake of the 'Many' (Gunton, 1993). Moreover, in taking *nature* as somehow separate from and inferior to the notion of *person*, Orthodox anthropology opens up the danger of another dichotomy, whereby the spiritual aspect of our existence is raised over against the material: to be truly human means to be a spiritual, ecclesiological, eschatological being uprooted from, and ungrounded in, any physical environment. Such a dichotomy is in danger of leading to a concept of personhood, which lacks any analogical correspondent in the natural, physical realm – that is, in the realm of sociology, politics or economics. As the Romanian Orthodox theologian Ioan Ica Jr. puts it, quite self-critically and with a good dose of wit directed towards the usual stereotypes with which the West is criticised by his fellow Orthodox theologians:

Thus the person becomes a category (an eastern category!): strictly theological, liturgical, contemplative; not also political, social, active (as in the *western* personalisms: pathetic, protestant and activist, which seem not to be preoccupied with the person, but only with the individual!). And this dualism (between the 'history of salvation' and the 'social history of the human being') has had in the past and still has in the present, as it will have in the future, incalculable

and disastrous historical and social effects. A Christianity which is exclusively eschatological–liturgical–contemplative risks abandoning societies to all kinds of tyrannies and dictatorships, individualist and collectivist alike, as has all too often happened even during our own century Whether we like it or not, the person is both an eschatological and a historical reality, both theological and political. (Ica, 1993, p. 384)

A reductionist approach to anthropology such as the one identified here by Ica has significant implications that are well reflected in the daily life of societies where Orthodoxy is the predominant religion. Despite offering foundations for a relational understanding of human identity with its intrinsic mysterious character, it leads to damaging results; in the first place, to a large-scale separation of religious life from the praxis of daily life. If the human being is essentially a spiritual, ecclesiological being, and if the spiritual side of life is being fulfilled through participation in the mystical life of the church – that is, in the ritual – the result is often a radical separation of the sacred from the profane, with neither having a bearing upon the other. Moreover, the spiritual takes precedence over the material, the *eschaton* over history; hence both matter and history become unimportant; and this is a dangerous perspective in relation to building a democratic society that requires active ethical involvement. There is an inherent risk in thinking that politics, social issues, ethics and economics have no ultimate value and that therefore it does not matter how one approaches them.

A second problem with this type of anthropology is that it places little if any value on the human individual, individual initiative or, ultimately, individual responsibility. What is important is the community to which one belongs, the only ‘true community’ being the ecclesiological one, that is, the Orthodox Church with its tradition and rituals. The attempt to save and heal relatedness and rootedness – crucial features of human and societal life – is laudable, but there is always a danger in putting the ‘many’ over against the ‘one’. The human being is valuable, but his or her value is fully affirmed only while he or she participates in the life the church. One’s value is closely connected to one’s identity, and one’s identity is given by participation in the communal fellowship of the church, with its traditions, its ethical codes and, as we shall see below, its national roots. An anthropology of this kind is certainly different from that of the West, and therefore concepts of human rights as they are developed in western liberal thought and practice may well seem alien to it. Moreover, this understanding of human identity and community is linked in Orthodoxy with issues related to national identity and tradition. Since these are important elements in any discussion of democracy and human rights I shall now look at this link more closely.

Orthodox Reflections on Tradition and National Identity: Nationalism as an Ecclesiological Foundation

Some of the main differences between western and eastern Christianity are seen in ecclesiology, particularly in the teachings about the relationship between the church and the state or the secular power. Catholicism by definition believes in and affirms the universality of the church, thus operating with an inherent rejection of connections with nationality or ethnicity. Protestantism places the individual in front of God through faith alone, regardless of national or ethnic identity. Both the history and the contemporary teaching and practice of Orthodoxy, however, seem to point in a different direction, presenting us with a strong link between Christian–ecclesial identity and ethnic identity, between religious tradition and national identity. Moreover, there seems to be a different type of relationship between the church and the state, a fact well noted in the following quotation:

... the religious history of the Christian West leads quite rapidly to the separation of the spiritual from the temporal. As Hungarian, Polish or Czech intellectuals like to underline, this separation, which is actually at the foundation of the idea of pluralism, is lacking in the Byzantine or the Russian model, which are characterised by thorough *caesaropapism*, that is, a forced union between the spiritual and the temporal – in short, between ideology and politics. Hence the long tradition of submission of the Orthodox Church to the Russian (or Serbian, or Romanian) state and its refusal to become a social force, unlike the resistance posed by the Catholic and Protestant Churches in Central Europe in the last forty years in Poland and the GDR, as well as in Slovenia, Ukraine and Lithuania. (Kotek, 1990, p. 8)

The questions I wish to ask in this section are related to the truth of this assertion. Can one indeed conclude that the tradition and the teaching of the Orthodox Church, with its Byzantine roots, lead to an ideology that is or can become a hindrance to the process of democratisation of the region? What are those teachings and how do they (tend to) manifest themselves within the contemporary geopolitical context?

To try to answer these questions I shall focus on a particular national Orthodox Church, the Romanian Orthodox Church (ROC), considering particularly its role in and relationship with the modern Romanian national state, as well as its claim to be the crucial factor in the formation and the preservation of what it often calls *Romanitate*, ('Romanianness'), or the essence of being Romanian.

From the perspective of Orthodox canon law, there are at least three important distinctive Orthodox teachings concerning the church with a direct influence on the way in which the church relates to the secular political power and to national identity: autocephaly, autonomy and synodality (*sinodalitate*) (Statutes, 1949). These teachings are rooted in the Byzantine tradition and are presented as correct interpretations of the Scriptures, but they became prominent only with the birth of the national states in the nineteenth century. In 1885 the ROC became autocephalous, that is, became 'its own head', thus separating itself from the authority of the Ecumenical Patriarchate in Constantinople; it became a full Patriarchate in 1925. The principle of autonomy refers to the fact that the church, as an ecclesiastical and spiritual body, is the unseen charismatic community of the saints, and as such is always independent of, and separated from, the state and political power. The state is not allowed, in principle, to dictate the church's doctrines or interfere with its traditions or inner life. All church matters are to be decided within the church and the main governing principles of the church are centred on the third concept mentioned above: synodality. In theory this simply means that no authority is given to any single person, but all decisions are to be taken in agreement by all the bishops, monastics and representatives of the clergy and laity from local to regional and (by virtue of the principle of autocephaly) to national level. Regional bishops gather together in synodal meetings in order to decide on ecclesiastical issues and to elect the representatives for the National Synod (*Sinod Național*). The National Synod decides on doctrinal and ecclesiastical matters at national level as well as electing the patriarch as *primus inter pares*. (In its origins, the role of the synod was exclusively related to the performance and the celebration of the Eucharistic meal (Yannaras, 1991, pp. 120).)

However, with the proclamation of Christianity as *religio imperii*, the religion of the Empire, the church was forced also to adopt a visible, historical presence; it became not only a mystical entity, but also a socio-religious organisation existing in a particular socio-political context (see Stan, 1952, p. 355). Throughout history the dynamic between Church and Empire – between *sacerdotium* and *imperium* – has been dominated by

another three characteristically Byzantine traditions: the model of ‘symphony’ (*symphonia*), ‘nomocanonism’ and ‘economy’ (*ekonomia*). The model of symphony goes back to Constantine in the fourth century, and it refers to the harmony that needs to be cultivated and preserved between *sacerdotium* and *imperium*. Because God ordains both, they must seek harmony. The emperor, the representative of God, calls the synods (councils) of the church; and the church has various powers, particularly juridical powers. Byzantine theocracy was supposed to be the result of a harmonious, symphonic cooperation between two different entities that were, however, the ‘two arms of God’ on earth: the emperor and the head of the church. What in fact happened was the submission of the church to the authority of the emperor, with all the advantages resulting from such a situation. This is called ‘caesaropapism’: the pre-eminence of the emperor over the church, the domination of the civil power over the religious. This was the case until the end of the Byzantine Empire in 1453, and in various forms and at different levels of cooperation it has continued into present times.²⁵ The theory of symphony was invoked, for instance, to justify even the submission of the ROC to, and its cooperation with, the recent atheist communist regime. How it was possible to adapt the teaching of the church to the atheistic ideology of the communist regime can be partially explained using the concepts of nomocanonism and economy. The first refers to the tradition established by the Edict of Milan in 313, when it was decided that imperial legislation relating to religion should be integrated with the legislation relating to the empire. As acknowledged by contemporary Orthodox theologians, this tradition ‘was preserved, without interruptions, until our own times’. ‘Today it is the prime reason why the church must respect the laws of the state with regard to religion and religious issues’ (Stan, 1960). In predominantly Orthodox societies there is always a tendency towards integrating and building symmetry between the laws of the church and the laws of the state, and this can become a real hindrance to pluralism, a fundamental condition for the implementation of democracy and human rights.

Moreover – and this is also important for our study – as a Belgian scholar has rightly observed in his recently published doctoral thesis, ‘the principle of nomocanoncity links the autonomy of the church with the suzerainty of the state. The principle of territoriality results from the principle of nomocanoncity, from the parallelism between the administrative territoriality of the church and the administration of the state’ (Gillet, 2001, p. 67). In other words, with the birth of the nation-state, this principle is one of the main teachings of the Orthodox ‘tradition’ that leads to the juxtaposition of nationality with religious identity; as we shall see below, this is a development with potentially damaging consequences for the process of building a viable democracy.

A certain degree level of harmony (symphony) as well as a certain level of juxtaposition of ecclesial and political matters may well be acceptable, but it is difficult to see how these can be justified when the state and its politics are overtly atheistic, as was the case under communism. During that period, Orthodox theologians made appeal to another concept that they claimed came from the tradition of the church, namely ‘economy’. The principle of economy, explains the Romanian Orthodox writer Ion Bria, is the link that regulates the dynamic relationship between ‘tradition’ and ‘renewal’, which is in fact the main *raison d’être* of the notion of symphony (Bria, 1989, pp. 355–60).²⁶ Economy is the principle by which the church adapts to new situations without losing its tradition. In practice, however, as the communist era proved, this principle actually became merely an excuse for submitting to the authority of an abusive state. The consequences were ambivalent. On the one hand, influential theologians like Staniloae were glad to see that, regardless of the compromising price paid, the church did survive communism and thus ‘the Romanian people preserved, through their church, the fundamental continuity of their spirituality’

(Staniloae, 1990). Another Romanian churchman, risking perversion of the notion of genuine sacrifice, has even been quoted as saying 'we had the courage not to become martyrs'. (Paquetteau, 1992, p. 624). On the other hand, others, particularly lay Orthodox intellectuals like Andrei Plesu (1996), Horia Roman Patapievici (1998) or Theodor Baconski, have criticised the compromises of the communist period as unacceptable; they have called for repentance and renewal, but so far these have happened only on an individual basis.

The consequence of the kind of attitude towards tradition and political power described above is, on the minimal positive side, mere survival and the preservation of tradition. On the negative side, however, are both the issue of surrender to political powers, and the even more dangerous organic connection established between religion and nationalism, between faith and ethnicity. These negative features are likely to have damaging effects on the future of countries like Romania which are enrolled in the process of European and Euroatlantic integration while at the same time experiencing a massive return to religiosity.

The link between religion and national identity in Romania was consolidated in the nineteenth century, with the birth of nationalist ideology and the national state, particularly in the context of the fight against the Ottoman Empire. It was subsequently developed and strengthened both during the period of extremist fascist nationalisms in Europe and during the period of nationalist communism in Romania. In nationalist discourse describing the nation's origins and justifying its unity and origins, the elements invoked were invariably the same: continuity of territory, language, tradition and religion, the last two referring solely to the ROC. Although achieving its purposes in assisting with the formation of the modern Romanian state, in the long run such discourse became counterproductive. Analysing in depth this particular link between national/ethnic identity and religion in Romania, Gillet rightfully asserts that the main results were the constant temptation of phyletism – that is, of integrating ethnicity into the question of religious identity – and, consequently, ethnic exclusionism (Gillet, 2001, pp. 169f)

The language of the ROC, both official and popular, is impregnated with material, often obviously anachronistic, which aims to prove the ancient 'bimillennary' connection of the Orthodox faith with 'Romanian' identity (Staniloae, 1992, pp. 159f). Such a connection has generated an 'ancient law', the Romanian *Legea Strămoșească*, which is supposed to prove the indestructible and indissoluble link between our faith, our tradition and our territory. This 'law' is also called sometimes the 'Romanian Law' and sometimes the 'Orthodox Law'; it is an unwritten religious and moral code that is supposed to encompass rules for social and religious behaviour. Such 'law' must be observed, preserved and moreover defended by any 'true' Romanian. There cannot be any other law proper to the Romanian people but this law, which has always preserved the 'national identity' of Romania throughout history. This kind of perspective on ethnicity combined with the thesis of 'bimillennary continuity' leads modern commentators to radicalise the juxtaposition of the Orthodox faith with national identity and to state that 'to be Romanian means also to be Orthodox' and vice versa. Staniloae argues repeatedly – perhaps most importantly in his *Reflecții despre spiritualitatea poporului român (Reflections on the Spirituality of the Romanian People)* – that there cannot be any 'normal' separation of the two, and that any such separation is merely accidental or the result of instability on the part of the individual or aggression from another religious group (often called a 'sect', which in this case can include even denominations such as Roman Catholicism) (Staniloae, 1992). A brief presentation of the implications of such an approach to ecclesiology and nationalism for our study of the role of the Orthodox faith in the process

of building democracy, and, implicitly, of promoting and respecting human rights, is the subject of the following section.

Orthodoxy and Human Rights: a Difficult but not Impossible Construct

In the West the prevailing secularism and its inherent understanding of pluralism, democracy and human rights are the result of a history of the dynamic relationship between *sacerdotium* and *imperium*, between the religious and the political, which had a different trajectory from the one in the East. From times of total identification as well as radical antagonism in the Middle Ages, the relationship was shaped by the Renaissance, the Reformation, the Enlightenment, the French Revolution and the birth of national secular states, and the result is now a significant level of secularisation, reflected in the separation of the religious from the political, with little or no connection at the level of defining issues like nationality, ethnicity or religious identity. In the East, as was briefly argued above, the same dynamic led in the end to a peculiar relationship, one in which the state and the church were always separate entities yet strongly interconnected. Without significant influences from the western Renaissance, Reformation or Enlightenment, the territories in the East, particularly the Balkans, when faced with the wave of nationalism resorted to their religious identity in order to free themselves from the Ottoman Empire. At the same time, they sought separation from the ecumenical patriarch who during that period was a subject of the sultan, yet also both head of the ecumenical church and an 'ethnarch', the political 'leader' of the Orthodox peoples who were under Ottoman occupation. When coupled with the Byzantine doctrinal/theological tradition discussed above, this historical context led to the generation of a strong circular link between the ethnicity and the religion of each of these peoples: nationality was defined through being Orthodox, and religious identity was defined through national/ethnic identity. Once strongly established, this link precluded the radical secularisation of the West, leading to osmosis between religious and ethnic identities with potentially damaging effects for the process of democratisation with its implicit pluralism and concern for human rights.

We may agree with Gillet's conclusion, then, that

the Orthodox Church defines an ecclesiological equation state–nation–confession (that is, religious identity), and is thus different from any other Christian churches. The assimilation of nationalism at the level of ecclesiology makes the Orthodox Church an original confession within Christianity. Orthodox nationalism implies a conception about church and state which cannot be imagined in the absence of the ethnic element. The church cannot separate nationality, which is belonging to a particular ethnic nation, from belonging to Orthodoxy. To be of Romanian nationality implies being Orthodox. (Gillet, 2001, p. 269)

This approach leads to a tendency on the part of the Orthodox Church to cultivate an ideology of exclusion, which is opposed to the concept of pluralism as promoted in the West, and is thus capable of jeopardising these countries' efforts towards European and Euroatlantic integration. From this perspective, one has to agree with Gillet's conclusion that there is an 'Orthodox ethic' that is opposed to democratic pluralism.

As I shall argue below, however, this would be an interpretation that leaves out some important elements in the picture. Albeit rather isolated and often ostracised, there are Orthodox clergy and lay intellectuals who develop a different, positive attitude towards human rights, pluralism and democracy. Most notable is Metropolitan Nicolae of Banat (the western part of Romania), who cultivates an excellent atmosphere of cooperation with

other religious groups, as well as fruitful relations with secular society, culture and politics.

There is a mass-scale return to religion in Orthodox countries, and religion has much positive potential. In the final part of this article, still concentrating on Romania, I would like to argue that Orthodox religiosity and tradition can indeed play a constructive role in the process of European integration with its associated implementation of a thorough human rights regime; and, moreover, that it can provide a significant complementary response to some of the possible dead-ends into which questions of individual rights and morality can lead. This will be possible, however, only if our religiosity is prepared to undergo a significant process of renewal. What is required is not a renunciation of the core values and doctrines of Orthodoxy, but rather the rediscovery of the essence of Orthodoxy and new ways of approaching it. These would include, I shall suggest, a new understanding of tradition, one perhaps more informed by a discussion of tradition within the predominantly reflexive character of modernity, in ways suggested by, for example, Anthony Giddens (1990, p. 37). A new, fresh reading of the Scriptures and their fundamental teachings will also therefore be required, particularly in relation to identity and otherness. In other words, our religiosity should be separated from blind mysticism and self-sufficiency. It needs to rediscover its universality and to gain a correct understanding of ecumenism. This should mean a moving on from mere ritualism and traditionalism and a reflexive individual appropriation of the fundamental teachings that make up the fabric of the Christian faith.

Joining Europe and its Human Rights Regime: the Need for a New Understanding of Religiosity

The final part of this article does not claim to be anything more than a list of suggestions reflecting my personal understanding of the positive role religion can play in the particular context of Romania, a highly religious postcommunist country, programmatically committed to the path of European and Euroatlantic integration. I shall build my argument, however, on certain works by social scientists interested in the role of religion in contemporary society and by (Orthodox) theologians that I think can offer important suggestions for new ways of approaching and interpreting the main teachings of Christianity.

Reflexivity vs. Traditionalism: 'Sham Traditions'; Anthony Giddens

The British sociologist Anthony Giddens is one of those who discuss the understanding of tradition and its role within the context of modernity, or what he calls 'late modernity'. Although none of his works deals directly with religion, the analysis of contemporary society he offers provides us with essential information about the context within which religious life is lived (Giddens, 1990, 1991).²⁷ His social theory is thus relevant for our discussion, especially as it offers the necessary framework for a reconsideration of the nature of tradition as it is described in contemporary religious discourse in Romania.

Giddens calls the contemporary social condition 'late modernity', seeing it as an inevitable 'radicalisation' and 'generalisation' of modernity (Giddens, 1990, p. 3). 'Late modernity', just like classic modernity, is a dynamic phenomenon founded on 'reflexivity'. Where it differs from classic modernity is in the circular character of this reflexivity. In classic modernity, observes Giddens, knowledge is a result of a reflexive, linear engagement of the knowing subject with the object of knowledge, this engagement being the one that generates both social theory and social action/practice. The notion

Giddens uses is that of 'providential reasoning', a secularised way of knowing nature that may lead in an intrinsic and self-sufficient way to a more secure and more rewarding existence for the human being (Giddens, 1991, p. 28). As a result of the gradual elimination of all external reference systems, however, over time this reflexive phenomenon has become circular, a development that has led to the routinisation of life and to the disappearance of meaning: 'thought and action are constantly refracted upon one another ... reflections upon reflections' (Giddens, 1990, p. 38). In other words, as Mellor correctly observes, in postmodernity 'the reflexivity of social modern life stands in the fact that social practices are constantly examined and "reformed" in the light of information that comes exactly from those practices, thus continually altering their character' (Mellor, 1993, p. 114). In Giddens' words, 'Modernity is constituted in and through reflexively applied knowledge, but the equation of knowledge with certitude has turned out to be misconceived. We are abroad in a world, which is thoroughly constituted through reflexively applied knowledge, but where at the same time we can never be sure that any given elements of that knowledge will not be revised' (Giddens, 1990, p. 39).

A first consequence of this fact is the disappearance of meaning: 'Personal meaninglessness – the feeling that life has nothing worth while to offer – becomes the fundamental psychic problem of late modernity' (Giddens, 1991, p. 9). History loses its sense, teleology often being reduced to ecology. Reality, including personal reality, is ultimately socially constructed, and therefore it does not benefit from any constant element. This leads to the profoundly disturbing character of the contemporary world, one of its essential features being what Giddens calls 'radical doubt' (Giddens, 1991, p. 21). Doubt becomes the main instrument in approaching existence as a whole.

As far as traditions and faith are concerned, these also inevitably become subject to doubt, being monitored and revised regularly according to the social practices that are also in a continual change: 'Tradition is a means of handling time and space, which inserts any particular activity or experience within the continuity of the past, present and future, these in turn being structured by recurrent social practices' (Giddens, 1990, p. 37). Late modernity, just like early modernity, has a fundamental aversion towards tradition. Turning towards the past – a defining feature of tradition – is opposed by the multitude of opportunities for change that characterise the modern orientation towards the future. The reflexive character of modernity necessarily involves 'rolling social life away from the fixities of tradition' (Giddens, 1990, p. 53). Considering these conditions, Giddens suggests that it is an illusion to believe we still have access to a 'pure', 'unaltered' tradition. What is left is only a 'pretense tradition', a 'sham tradition'. It is a 'tradition' that loses its normative character, remaining only a simple element of social reality that belongs to a certain sector, from a multitude of other 'lifestyle sectors', as Giddens calls them (Giddens, 1990, pp. 37f).

What does this mean, and what are the consequences for people claiming to adhere to a certain 'unchanged' (bimillennial) religious tradition? From the perspective of Giddens' study, we may say that a preminent orientation towards the past coupled with an obsessive concern with 'keeping the tradition unaltered' often runs the risk of leading one into sheer disappointment. In fact, as we have seen above, there is a chance that what ends up being kept is nothing more than a 'sham tradition', which often leads either to legalism or to fundamentalism. What ought actually to happen is a permanent reflexive reconstruction of faith and of Christian practice, in the light of the past (under the inspiration of tradition), certainly, but always located in the present and oriented towards the future. Only such an approach could constitute a beneficial, constructive approach to tradition and faith, a real insertion of it in those lifestyle sectors that could have the capacity of giving ultimate meaning to the contemporary man. This is where the limitation of Giddens'

assessment of tradition appears. It seems that he has not understood, or that he has underestimated, the extraordinary potential of reflexively appropriated traditions, the potential to offer exactly that normative framework so necessary for the structure of contemporary human identity, lost in the multitude of roles, of lifestyle sectors that an individual has to integrate.

Unfortunately, the Romanian Orthodox Church does not seem prepared to take steps along the lines just suggested. This is where the examples of the Catholic Church or of some of the Protestant churches should at least be mentioned. Their preaching, oriented towards different categories in society such as children, families, the elderly or the young, and their scriptural study programmes with people of different age groups or professional categories, are indeed the result of this kind of reflexive monitoring of tradition. Change in the content is not required, but a minimal adaptation is vital, so that modern man and woman can relate in a significant way to the message of the church. If, as the social scientist Peter Berger says, men and women are strangers, homeless in the social 'universe', then the church should be their home (Berger, 1974, 1979).

Rediscovering Religiosity: Individual Worth and the Value of the Other: a Possible Complement to Western Individualism?

Spirituality vs. Mysticism (Staniloae vs. Lossky): Universalism vs. Nationalism as Ecclesiological Foundation

Another area in need of change in the religious life of Romania is the one related to spirituality and the mystical dimension of the Orthodox faith.

At the grass-roots level, the prevailing popular attitude towards religious life is still one deeply embedded in mysticism and blind ritualism. Without denying the crucial role played by the mystical dimension of religion, particularly in the aftermath of a dry, pseudo-scientific era of 'dialectical materialist Marxist' indoctrination, I still believe that an overwhelming emphasis on ritual and the mystical aspect of the religious life will continue to prevent religion from becoming a real agent of social and moral change. In fact, in response to Lossky's evaluation, noted above, of the Orthodox tradition and the Orthodox Church as a pre-eminently mystical tradition, the important contemporary Romanian Orthodox theologian Dumitru Staniloae argues for a more balanced approach.²⁸ From his perspective, the tradition did put a high emphasis on the *apophatic*, mystical dimension of the faith, yet this was always balanced with a positive, *cataphatic* dimension. That is to say, any mystical experience is expected to produce a visible positive change in the life of the faithful. In his theology, therefore, there is significant room for a positive approach to the individual, who for Staniloae is, albeit paradoxically, both a rational subject and a relational 'I', a relational being linked with the Other, with the Creation and ultimately with the Creator Himself. Moreover, Staniloae's perspective on the individual is one that situates the individual within the ontological framework of Love. To the Cartesian '*cogito ergo sum*' Staniloae replies with a fourteenth-century Eastern Father's '*amo ergo sum*', 'I love therefore I am'. If God as the Ultimate Reality is a 'Three-Subjectivated Personal Reality' governed by interpersonal love, the highest goal of the human being is to build himself or herself both as an individual and in loving relationships with other human beings (Rogobete, 2001).

Without going into any further detail here, I would suggest that such an approach offers religious people an excellent basis for a constructive and balanced anthropology. On the one hand, the individual in his uniqueness as a rational and responsible agent is affirmed, while on the other, such rationality is embedded in the larger context of interpersonal relationships. It is thus an anthropology that would not indulge in self-fulfilment and self-sufficiency (ethnic or religious), but would rather invite to an opening up (in a

sacrificial way?) in order to meet the 'Other', regardless of religion or ethnicity. This would lead in turn to an ecumenical attitude in accordance with the true universality of the Christian faith, replacing the potentially destructive placing of nationalism and ethnicity at the foundations of religious identity.

Before moving to the concluding section of this work, I would like briefly to highlight the positive potential existing within the Orthodox tradition, if properly (reflexively?) appropriated, regarding the impasse sometimes generated in the West, as a consequence of extreme liberal individualism, on human rights issues. In a way which recalls the main lines of criticism followed by communitarian political thinker such as MacIntyre, Taylor and Sandel, the Orthodox tradition offers good foundations for maintaining that the human agent is neither uprooted from a particular culture and tradition nor a merely rational and value-free being. The self is a socially, culturally and religiously embedded relational human being and his or her rights should be discussed not only in isolation but within these coordinates as well. It would therefore be a mistake to try to ignore cultural and traditional values and behaviour, particularly in countries where such issues are highly valued and especially when there is not much to replace them with. We should remember in this context, as Nowlin correctly observes, that there is no agreement, for instance, upon the concept of 'morality' even within a group of western states such as those that ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms (Nowlin, 2002); a consideration that brings us back to the question of the universality of human rights posed at the start of this paper.

Conclusions: on the Universality of Human Rights

The starting-point of this paper was the question of the universality of human rights as claimed by all relevant international documents and treaties. My concern in this paper has been to assess whether this claim can be applied to countries with different cultural and religious background from those of the western countries that generated the idea of human rights. I have referred in particular to Eastern European countries from the former communist block that are committed to building democracy and a genuine, functional human rights regime with the purpose of joining the larger European family of democratic countries. I have looked at the ways in which two determining factors have influenced this process: former Marxist indoctrination and the present-day mass-scale return to religion, particularly in its Eastern Orthodox form. I shall now articulate a number of conclusions, which I hope will become starting-points for further studies of this important issue both for the nations directly involved and for the policy-makers in the various international organisations, governmental and non-governmental alike that have an interest in this region.

My overall conclusion is that, in the light of the new geopolitical and economic situation and considering the fact of increasing European integration, it is *pragmatically expedient* for all concerned to accept the proposition that human rights are universally valid; once this has been accepted, there is room for further constructive East–West debate on how to fine-tune the content of the human rights discourse to ensure that its application will be as acceptable as possible to people from as wide a variety of cultural and religious traditions as possible. However, as argued here, there are difficulties in putting such a claim to universality into practice; a fact that shows that Huntington's thesis of cultural determinism is to a certain extent correct. In other words, I suggest that it is true that the closer the former communist countries are traditionally, spiritually and culturally to the traditions and values of the West, the easier it is for them to cultivate and protect democracy and human rights. I have argued that the more intensive the process of

indoctrination with Marxist ideology, with its attempt to create the 'New Man' who would give up any individuality for the sake of a utopian, selfless society, the more difficult it is for citizens of those countries to learn the vocabulary of human rights understood in western, individualist liberal terms. I have also argued that the same is true with regard to the religious life of these countries. Those which find it hard to implement a human rights regime – Romania, Serbia, Bulgaria, Russia – are those where the prevailing religion is Orthodoxy, which has a different anthropology and a different perspective on church, tradition and national and religious identity from those of the churches of the West. In different ways, and using various (and radically opposed) means, both Marxism and Orthodox teaching and practice in their vulgar form tend to undermine the value of the individual, to play down individual responsibility and to juxtapose religion/ideology with nationalism and implicitly with individual identity. Questions are thus raised about individual worth, freedom and pluralism, which are all marks of genuine democracy and foundations for a proper human rights regime.

I have also argued that there is, nevertheless, hope for the future, and to this extent I believe Huntington's thesis to be too radical. 'If Marxism is dead, the working class movement is dead and ... the author does not feel very well either', as Neil Smith once said (see Harvey, 1993, p. 325); religion is back on the stage and is here to stay! We are therefore faced with the necessity of seeking out and recuperating the resources for promoting the ultimate value of the human being and therefore the universality of human rights, of pluralism, of freedom, which are inherent in the Christian religion and in the Judeo-Christian tradition in all its various forms. In this task the writings of social scientists like Giddens and Berger on the one hand, and of theologians like Staniloae and Zizioulas on the other, are important.²⁹ They offer penetrating insight into what it means to be a *homo religiosus* in late modernity and suggest ways in which this role can enrich rather than hinder the affirmation of the intrinsic value of humanity and of the whole of creation alike.

The Orthodox tradition is one of higher awareness of the relational dimension of humanity than that of western Christianity. When properly understood and appropriated, it can contribute teachings complementary to those arising out of the western individualist and secular culture; the latter can sometimes run into the danger of ignoring the value of community, tradition and commonly shared values. For this to happen, however, Orthodoxy as it is now commonly understood and practised in Eastern Europe needs to undergo a long and difficult process of change.

Notes

- ¹ As far as the long-debated issue of the origins of the notion of 'human rights' is concerned, I agree with Jack Donnelly's argument that it originates in the culture of the West, and that claims that 'non-Western societies have long emphasized the protection of human rights' are based on a confusion of human rights with human dignity: 'A concern for human dignity is central to non-Western cultural traditions, whereas human rights, in the sense in which Westerners understand the term – namely, rights (entitlements) held simply by virtue of being a human being – are quite foreign to, for example, Islamic, African, Chinese and Indian approaches to human dignity' (Donnelly, 1982, p. 303). On the religious origins of human rights, see Perry (1998). The thrust of his argument is that human rights are 'ineliminably' religious.
- ² The influence on western thought of Augustine, for instance, with his individualistic interpretations of the doctrine of God, is well documented. See for example Taylor (1994, pp. 127–43).
- ³ The 'World Value Survey' conducted between 1990 and 1997 (WVS) shows an obvious gap between the former communist countries of Eastern Europe block and the countries of Western Europe, particularly in areas like tolerance and intolerance, with significantly lower levels of

tolerance among the first group. Sandu (2002) shows that the former communist countries form the group with highest levels of intolerance, a cluster of predominantly Protestant countries display the highest levels of tolerance, and a group where Catholicism is the predominant religion falls in the middle (Sandu, 2002, p. 1). However, somewhat contradicting the above, from Sandu's perspective the former communist countries, unlike the western countries, 'form the only category of countries where a high level of religiosity, a set of strong religious convictions, contribute directly to the reduction of intolerance' (Sandu, 2002, p. 26). Moreover, in what I suspect is an attempt to show the superiority of Orthodoxy over against other religions, he argues that the Orthodox faith generates more tolerance than other religious groups (Sandu, 2002, p. 30). In this paper I propose to challenge this kind of claim.

⁴ Since the events of 11 September 2001 there have been are countless books, articles and academic papers engaging with Huntington's work, as a search on 'Huntington' on the web easily reveals.

⁵ For a study of a similar division along religious borders in Europe on the issues of building democracy, see also Bogdan (1990). Bogdan's conclusion is radical and one-sided, arguing that the Orthodox Church was always throughout its history a hindrance to the process of the democratisation of the state and the implementation of pluralism.

⁶ Source: http://www.legacyrus.com/library/USStateHR/Religion/us_state_dept_report2003/Serbia%20and%20Montenegro.htm.

⁷ Countries like Armenia (predominantly Armenian Apostolic Orthodox (95 per cent in 2003)), or Azerbaijan and Uzbekistan (predominantly Muslim) could have been used as examples of the even larger cultural gap between the European and Asian cultures.

⁸ Source: www.ihf-hr.org, 7 August 2003. 'The International Helsinki Federation for Human Rights is a self-governing group of non-governmental, not-for-profit organizations that act to protect human rights throughout Europe, North America and Central Asia. A primary specific goal is to monitor compliance with the human rights provisions of the Helsinki Final Act and its Follow-up Documents. In addition to gathering and analyzing information on human rights conditions in OSCE participating States, the IHF acts as a clearing house for this information, disseminating it to governments, inter-governmental organizations, the press and the public at large. The IHF is even-handed in its criticism of human rights violations with respect to the political systems of states in which these abuses occur.'

⁹ Source: <http://www.state.gov/g/drl/rls/hrrpt/2002/c8697.htm>.

¹⁰ The preamble to the Report states: 'The UN Human Rights Committee commended Hungary for the substantial progress it had made in strengthening democratic institutions within its jurisdiction and for steps taken towards establishing and consolidating a human rights regime. It noted in particular, the establishment of a framework for minority protection and minority electoral representation.'

¹¹ The preamble to the Report states: 'According to APADOR-CH (Romanian Helsinki Committee, IHF member), 2002 brought no substantial progress in the field of civil rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and Additional Protocols and interpreted by the European Court of Human Rights in Strasbourg.'

¹² The relatively good scores here may be misleading, since they may reflect weak human rights monitoring practices. There has certainly been a serious lack of formally registered monitoring organisations in Serbia.

¹³ Here I have incorporated material from the US Department of State's *International Religious Freedom Report* for 2002 Source: www.state.gov/g/drl/rls/irf/2002/.

¹⁴ The Report states: 'Torture could not be statistically gauged, firstly because of reluctance of tortured people to report such malpractice, and secondly because of the general social climate in which more faith was placed in the police, than in individuals' testimonies. Besides, most victims of torture feared reprisals and did not trust the state's proclaimed intention to protect them.'

¹⁵ Here I have incorporated material from the US Department of State's *Country Reports for Human Rights Practices* for 2002. Source: <http://www.state.gov/g/drl/rls/hrrpt/2002/c8697.htm>.

The section on women in this report notes that 'societal violence against women was a serious and common problem'. In Bulgaria, for example, 855 cases of the abuse of women were recorded.

¹⁶ The term 'Man' is used here in its original communist sense, when political correctness was not an issue.

¹⁷ This phrase is a typical example of the 'wooden language' of the communist ideologists, a phrase repeated at any ideological meeting and in any ideological book produced by the Communist Party's propaganda machinery.

¹⁸ See for instance the very high percentages relating to lack of trust, both at personal and at institutional levels, in recent surveys conducted in Romania. According to Sondaj (2002), 60 per cent of respondents did not trust their fellow human beings.

¹⁹ Marx in the introduction to 'A critique of Hegel's *Philosophy of Right*', in Marx and Engels (1957, pp. 37–38).

²⁰ Malina Voicu shows, on the basis of quantitative research, how religiosity in Romania can be a strong factor of traditionalism (Voicu, M., 2001), while Bogdan Voicu takes this further, arguing that such religiosity makes Romania a 'pseudo-modern society' (Voicu, B., 2001).

²¹ I argue this elsewhere, following Max Weber's thesis about the cultural and religious conditioning of human behaviour – from economic to civic behaviour (Rogobete, 2002a).

²² Such views value the individual, yet lose the relational dimension of human life and thus truncate its wholeness. Communitarians like Michael Sandel, Alasdair MacIntyre and Charles Taylor therefore argue for the need to reassess the value of community, tradition and religion.

²³ For a detailed analysis of contemporary Orthodox anthropology and of Lossky's work, see Rogobete (2001).

²⁴ Lossky's most influential book, in which he presents the West with the teachings of the Orthodox tradition, is *The Mystical Theology of the Eastern Church* (Lossky, 1973). The first edition appeared in French in 1944 and the English version in 1957.

²⁵ For a brief historical overview of this issue, see Gillet (2001, pp. 18–29).

²⁶ This same influential author, the representative of the Romanian Orthodox Church at the World Council of Churches and other ecumenical organisations for over 30 years, asserted after 1989 that the communist period had been for the Orthodox Church one of an 'unbalanced symphony': from the side of the church there had been the good will to build harmony, whereas the aim of the state had been domination through a kind of *cesaropapism*. See also Gillet (2001, p. 71).

²⁷ See also Mellor (1993). This article represents the starting point of the presentation that is to follow.

²⁸ For a detailed comparative analysis of Lossky and Staniloae, see Rogobete (2002a).

²⁹ Regarding Staniloae, there is a paradox in his role as a contemporary theologian, a paradox arising out of the contrast between his excellent theoretical theological construct centred on the affirmation of the infinite value of the human being and his dangerously reductionist discourse on Romanian and Orthodox identity. For a very creative and open-minded perspective on Orthodox issues related to human and religious identity, see Zizioulas (1981).

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