

## Abstract

“Postcommunist Believers in a Postmodern World” deals with the current condition of church-state relations in the country of Bulgaria. This study explores the postcommunist changes in Europe which led to the creation and adoption of the Confessions Act of 2002, a set of new legal definitions for the practice of religion in Bulgaria. Focusing on Bulgaria’s postcommunist period, this paper describes the role of the state in the evangelical revival and the Eastern Orthodox crises during the stages of adoption. This research analyzes the failure of the new legal provisions to resolve the problems faced by Christian communities throughout Bulgaria as well as the tensions created for the practice of freedom of religion and human rights. The conclusion of the paper is a call toward a new democratic paradigm for the practice of religion in Bulgaria.

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### Postcommunist Believers in a Postmodern World

*“First they came for the communists, and I did not speak out—  
because I was not a communist;  
Then they came for the socialists, and I did not speak out—  
because I was not a socialist;  
Then they came for the trade unionists, and I did not speak out—  
because I was not a trade unionist;  
Then they came for the Jews, and I did not speak out—  
because I was not a Jew;  
Then they came for me—  
and there was no one left to speak out for me.”*

*Rev. Martin Niemoller, 1945*

The quest of faith is a pilgrimage toward identity based on one's individual experience of freedom. Respectively, corporate identity is based on the way a given community defines, motivates and experiences freedom. When the boundaries of freedom are set by a particular group to serve exclusively its own interests, the rest of society is bound by the created limitations. Thus, when all are not free to experience freedom, it is inevitable that the quested identity reflects the set limitations while the faith reacts against them.

Such phenomenon forms the present reality in the country of Bulgaria located on the Balkan Peninsula. Bordering Romania, Yugoslavia, Macedonia, Greece, Turkey and the Black Sea, Bulgaria is the place where three continents (Europe, Asia and Africa), three major religions (Christianity, Islam and Judaism), ten Balkan states and over 100 ethnic minorities have historically clashed culturally, economically and politically. As a result, during its 1,300-year history, Bulgaria has suffered countless battles and two yokes under the Byzantine and Ottoman empires. With three Balkan Wars, two World Wars, the Fascist Regime and 50 years of

Communist totalitarianism, the twentieth century has left its mark on the mentality of modern-day Bulgarian.

For the Protestant community which was established in Bulgaria in the nineteenth century, the Bulgarian context has provided incessant opposition which has stretched from the political sphere into Bulgaria's religious and cultural life. The Eastern-Orthodox Church has stated its claim as the sole agent responsible for the historical preservation of the Bulgarian nation. Regardless of the on-going schism in its structure and leadership, the Orthodox Church has held a monopoly over Bulgaria's cultural and religious trends and has vehemently opposed any alternative forms of religious practice.

Based on these historical and political factors which are shaping Christianity in postcommunist Bulgaria, this research will explore the processes and dynamics which have led to the proposition, acceptance and implementation of Bulgaria's Confessions Act of 2002. Following an account of the chronological order of events, this analysis will reveal the inability of the new legal definitions to resolve the problems and limitations which Christian communities throughout in Bulgaria have been experiencing in their own practice and expression of faith. The limitations of the new law, as well as the tensions it has caused to the practice of freedom of religion and human rights in democratic Bulgaria will be identified and analyzed. The research will then call for a timely resolution and a new paradigm for religious tolerance among postcommunist believers.

### ***Postcommunist Europe***

On his first official visit to West Germany in 1989, Russian Prime Minister, Mikhail Gorbachev informed Chancellor Kohl that Moscow was no longer willing to use force to prevent democratic transformation of its satellite states. On November 9, 1989, a member of the East German government held gave a press conference to announce the immediate implementation of a new travel law. At 10:30 that same night, the border was opened. This marked the Fall of the Berlin Wall and the end of the Cold War ("The Fall of the Berlin Wall").

Germany's unification caused the clash of two political extremes within the boundaries of one nation, which had been kept apart for half-a-century. The continent was introduced to a new set of opportunities where the vision for a unified Europe materialized. A new set of dilemmas surfaced as well. In the midst of economical, political, social, cultural and simply human points of diversity, religion remained central during for the process that culminated in the emergence of the European Union. The official motto of the European Union, "United in Diversity," which is similar to the American "E Pluribus Unum," asserted unification without mentioning God as the newly accepted constitution announced that Europe draws "inspiration from the cultural, religious and humanist inheritance" (Anderson).

Today, European religious dilemmas are just as relevant in Eastern European countries awaiting acceptance into the European Union. The postcommunist reality has clashed with the emerging religious awareness which has followed decades of enforced atheism as each of these countries has developed a mechanism to work through the religious tensions. Russia announced the formation of an Interreligious Council as an advisory commission to the Russian President (Kremlin Councils). The Council consists of representatives from leading traditional religions who work toward the establishment and support of a dialogue between them through "internal and external peacemaking" (Declaration).

The Czech Republic has been contemplating a law that attempts to put the church completely under the jurisdiction of the state (Markov). Such a law reflects the Communist past (Krause) as it finds the church unprepared for freedom (Machajdik). Similar is the situation in Slovakia where the president recently recommended that parliament not pass a religious law which would have helped the restitution of properties taken from the Catholic Church by the Communist government (Religia BG, October 19, 2004).

Similar developments occurred on the Balkan Peninsula. Romania established a Protestant association called Romanian Evangelical Alliance, which unites over 1.5 million members nationwide (Borisov). As early as 1996, the First Balkan Evangelical Conference

assembled in Belgrade. Among other theological and ecclesial issues, the conference called for preservation of peace where it exists and the establishment of peace where there is none (Hope for the Balkans). As Bulgaria prepares to enter the European Union in 2007, the country is faced with religious tensions and issues of similar character.

### ***Postcommunist Protestant Revival in Bulgaria***

On November 10, 1989, a day after the border between East and West Berlin opened, the Bulgarian Communist leader of over 30 years resigned and change toward democracy began (Lalkov, 62-63). For those of us, who lived in the final days of Communist Bulgaria, the Fall of the Wall was a modern-day miracle. Emerging from severe Communist persecution and surrounded by the Balkan religious wars, the country of Bulgaria suddenly experienced a time of liberation. Before our very eyes, began a national spiritual revival despite a collapsing economy and political insecurity.

The industrial policy of the Communist government in the 1950s produced farmland nationalization and urban industrialization. These dynamics initiated a nationwide migration to the cities and forced the development of unsustainable manufacturing industries. Unsuitable for the rapid and unplanned transition toward a capital market, the Communist economy collapsed creating economic chaos in Bulgaria between 1994 and 1996. With growing poverty and corruption, today the country suffers 20% unemployment which has forced a third of Bulgarians to live below the poverty line with an average monthly income of approximately \$100 (World Bank). Poverty is highest among ethnic minority groups such as Roma and Pomacs, the elderly and unsupported children. For the past ten years, over one million Bulgarians have left the country in search of a better life (Geshakova). In the prolonged economical crisis and desperate macroeconomic situation, the spiritual revival became an answer for many.

Evangelistic meetings in towns and villages began immediately in 1989 since the church was no longer underground. Despite the pressure and constant media attacks, the Protestant movement grew rapidly. In the first five years of democracy, a number of Pentecostals churches

exceeded membership of a thousand. Many Muslim and Roma communities were reached with the Gospel. The Mission for Christian Upbringing alone reported ministering to over one million Bulgarians. As Communism left even its strongest supporters hopeless, Protestantism was able to give thousands of Bulgarians hope and encouragement.

A second period of revival followed as the twenty-first century approached. In Bulgaria, the second half of the 1990s experienced the recognition of freedom as a motivating force in both the person and the community. In the midst of the deepening socio-economical crisis, the Protestant movement confronted issues such as religious tolerance, human rights, church tradition, legislation and social transformation. Soon strategic steps were taken toward church planting, membership growth, ministry training and Christian education. All of these factors formed a religious environment in Bulgaria which demanded a new democratic paradigm for ministry amidst the typical Balkan milieu of explosive numerical growth and severe opposition.

In 2003, the Protestant community in Bulgaria became a prime example of such perplexity when the National Statistical Institute reported that the number of non-Orthodox Christians in Bulgaria was only 42,000 (NSI). The Protestant movement which had reported approximately 13,000 members in 1975 (Grothusen, 564) had grown to 55,000 in the 1980s despite persecution of the Communist Regime (Lausanne Committee). By the end of the twentieth century, various agencies reported that the number of Bulgarian Protestants had reached (GCN) and exceeded (Elliott) 100,000 members. This number was confirmed by the report of the Bulgarian Helsinki Committee which noted that while the 1992 census taken by the Bulgarian National Institute of Statistics registered only 21,878 Protestants, the number of 100,000 published by Protestant denominations was more probable (Bulgarian Helsinki Committee, 1999).

In 2001, the Bulgarian Church of God presented statistics showing 32,000 members with 250 ministers in over 400 congregations nationwide. In 2003, the Bulgarian Assemblies of God reported 550 churches, over 50,000 members, 150 national pastors and one Bible school with 173

students. Combined with the membership of the remaining Protestant denominations, these statistics documented over 100,000 Bulgarian Protestant believers in a nation of eight million (Cup & Cross).

Dr. Stephen Penov, a professor at the Sofia University and a member of the Bulgarian Academy of Science who served as a parliament expert on human rights and faith confessions, in a recent interview confirmed that the members of classical Protestant churches in Bulgarian exceed 60,000 while new Protestant denominations have a membership of approximately 50,000. The Catholics in Bulgaria are approximately 70,000 strong and almost 6,000,000 identify as Eastern Orthodox (Religia BG, July 31, 2004).

### ***Church and State (1991-2001)***

Despite its rapid growth in the past 15 years, the Protestant movement has reached approximately 1% of the Bulgarian population. Within the movement itself, the results have been considered an incomplete success resulting from the ongoing processes of infrastructural reformation and lack of leadership training which has been strongly affected by the country's instability. The Orthodox Church's influence on Bulgarian culture has been restrained by similar limitations escalating from the ongoing schism within its structure (Ignatov, 7-14).

The positive effect of the postcommunist pilgrimage of Bulgarian Christianity has provided enlightenment of its strengths and weaknesses. The limitations which are must be overcome include lack of a functional paradigm for ministry in the emerging postmodern context in Bulgaria, combined with the devastated economy and socio-cultural damage caused by the Communist totalitarianism. The struggle to adequately respond to the need for true spirituality within the Bulgarian nation has created tension between denominations and religious formations. This atmosphere of conflict has been recognized by political and ultra nationalistic parties which have used the forces of media and public opinion against "inconvenient" religious formations.

Since freedom of religion was required of the countries seeking membership in the European Union, the Bulgarian government took legal measures to provide solutions to the

existing problems among religious denominations. All prior theoretical approaches concerning legal definitions and practices of freedom of conscience and religion were destroyed during the Communist Regime. Since the fall of the Regime, Bulgaria has lacked the legal and cultural context which can guarantee the individual and corporate experience of freedom (Kostov, “Article”).

Freedom of religion in postcommunist Eastern Europe often appears to be “the missing commandment” (Muler, 7). The same was true for the seven Bulgarian governments and various government agencies, which struggled with conflicting situations and even denominational schisms under pressure from the European Union to revise the 1945 Communist Law of Religion. It was no surprise when the newly accepted legal model quickly failed to respond adequately to the current needs and problems of Bulgaria’s religious communities.

In 1999, when the first draft of the new law was proposed, the Bulgarian Helsinki Committee announced that “restrictions of religious freedom in Bulgaria take place both in the framework of the law and in violation of the existing legislation.” Some major points of variance with international norms were the restriction of religious freedom on the basis of “national security,” political formations “along religious lines” and “restrictions on a number of vague grounds or on no grounds.” The Act also maintained the Directorate of Religious Affairs, created by the Communist Regime, reconfirming its authority to controls the process of granting or denying registration to new religious formations in the country (Bulgarian Helsinki Committee).

At the same time, the Organization for Security and Cooperation in Europe (OSCE) correctly noted the danger of denying registration when another group of the same confession and/or with the same name exists (Durham, 5.3). Today, these two factors are the reasons for schisms within both the Bulgarian Orthodox Church and the Bulgarian Muslim community.

In July 2001, a conference dealing with the drafting of the new law of religion appealed to the Bulgarian Parliament with a declaration stating:



“... the new law concerning the religious sphere must reflect the constitution and international legal requirements in full and provide for:

1. Support the realization of the right to believe without supervision of religious activities.
2. Strengthening of the fundamental character of the right to believe and its need for adequate protection.
3. Prohibition for the state to rank all values concerning faith and religion.
4. Separation of religious communities and their institutions from the state, along with non-discrimination and pluralism.
5. Equality and simplicity in the registration procedures.
6. Precise and contemporary terminology in accordance with international standards” (Zakluchitelna Deklaracia).

### ***The Confessions Act of 2002***

In the period from 2001 to 2002, three drafts were proposed to replace the Communist Law of Religion which had been the sole guideline for the practice of state and church relationships in Bulgaria since 1949. The draft which received most attention was crafted by Borislav Tzekov, a lawyer from the “Novoto Vreme” political formation. In an interview for the *Sega* newspaper, Tzekov defended the new proposal declaring that it was opposed only by “approximately fifty people protesting in front of the Parliament and by a third category people - a small group which is abundantly financed by the most hostile to the Orthodoxy sects” (Tzekov).

On December 12, 2002, the Center for Religious Freedom in Bulgaria submitted a detailed preliminary analysis of the proposed legal modifications to the Bulgarian Parliament. The reaction of the Center represented the opinion of the Bulgarian Evangelicals, the Bulgarian Alternative Synod and a number of other denominations and religious formations supported by a membership which greatly exceeded the number quoted by Tzekov. In the report, the director of the Center, Viktor Kostov, indicated that, the Tzekov Bill fails to:

“meet the requirements of the highest-ranking Bulgarian legislature on the issues of freedom of religion – the Constitution and the ECHR [European Convention on Human Rights] through a series of enactments, it makes the individual and absolute nature of the right to freedom of religion void, introduces religion-based discrimination, neglects the recommendations of the Experts from the Council of Europe for the approach for drafting a bill on religious matters, and presents a registration system which turns into a state permission for faith” (Kostov, *Analysis*).

On December 18, 2002, eighteen religious and non-governmental organizations submitted a petition to the President of Bulgaria insisting on “an emergency meeting, where we can express our critiques, reservations and recommendations and request that you exercise your right for veto over the submitted draft, as we are convinced, that the draft must be submitted to the Council of Europe for further expertise” (Genov). Such a meeting never took place.

On December 20, 2002, the Tzekov Bill was passed by the Bulgarian National Assembly, published by the State Newspaper on December 29 and became effective on January 2, 2003 as the Bulgarian Confessions Act (Zhelev). Despite numerous warnings, the law was constructed similar to the Russian Religions Act of 1999 implementing the provision of Article 13.3 of the Bulgarian Constitution, which maintained that “Orthodox Christianity is the traditional religion of Bulgaria.” Ivan Gruikin, director of the European Legal Center, characterized the speedy developments surrounding the new law as advancing political advertisement, rather than concern for religious freedom in the country (Gruikin, “Aktualni”).

Another point of major contradiction was the fact that the newly accepted law was prepared, presented and implemented in cooperation with the Directorate of Religious Affairs. In the words of its director, Dr. Ivan Zhelev,

“The main goal during the nine months as director was the preparation of the new Confessions Act. I do not think that we have any other results in this period, but after all, the main goal was to defend the positions of the Bulgarian Orthodox Church and respectively to convince the heretics to return to it” (Zhelev).

A similar evaluation was given by the Prime Minister of Bulgaria, Simeon Saxe-Coburg Gotta (Stanovishte):

“The traditional religion in the Republic of Bulgaria is the Eastern Orthodox confession. Through defining the Eastern Orthodox confession as traditional religion in the Republic of Bulgaria, the constitution is recognizing one given agent that has proven its right to exist and its historical role in the establishment and recognition of the Bulgarian government as well as its contemporary place.”

It was not a surprise that immediately after these events, the Parliamentary Commission of the European Union sent emissaries to establish a post monitoring status (Monitor) and

address the various religious freedom and human rights concerns identified by experts within and outside Bulgaria (Bulgarian National Radio).

***Religious Freedom and Human Rights Concerns (2003-2004)***

The following list is a summary from interviews, opinions, papers and analyses by various religious, political and legal experts. This recapitulates the religious freedom and human rights concerns in Bulgaria relating to the practice of the Confessions Act of 2002.

A. Status of Religious Confessions

1. The Confessions Act presumes, but does not explicitly define traditional and non-traditional religious confessions - a term employed by the Communist Regime in Bulgaria to describe religious groups and beliefs. The difficulty arising from the use of such terminology as a denominational description is discussed later in the paper.
2. It designates the Bulgarian Orthodox Church as a traditional religious confession. The special privilege granted to the Bulgarian Orthodox Church by itself creates inequality between the religious confessions, which contradicts the Constitution of Bulgaria (Krastev, II.1), Article 9 of the European Convention, as well as other international agreements and regulations. Furthermore, the act allows the Bulgarian Orthodox Church to act independently from the state (Mladenova). This not only contradicts its historical traditions, but it allows the Orthodox Church to reform itself even to the point where it has little to do with the structure, function and identity of the religious formation described in the law.
3. The Act does not address the religious needs of minority ethnic groups (TrinityM)

B. Registration of Religious Confessions

1. All denominations, with the exception of the Bulgarian Orthodox Church, must register with the Sofia Municipal Court.

2. The Act makes no provision of the requirements which the court uses to grant registration (Commission, 2).
3. It is not clear what type of limitations or ban of religious activities are to be applied for reasons constituted by the Act (Mladenova).
4. The Act makes no provision concerning procedures in cases where the court fails or refuses to register a religious group. This gives the court undefined control over the existence of a given confession (Stephanova, 4).
5. There is no procedure for cases in which the court's decision may be influenced by public opinion.
6. The role of the Directorate of Religious Affairs in the registration process is mentioned, but not clearly defined (Gruikin, "Aktualni").
7. The lack of experts on all confessions existing in Bulgaria within the Directorate's structures also remains unaddressed. For example, "there is no Muslim expert," says Mustafa Alish, rector of the Muslim Institute. The lack of expertise has allowed the registration of Hananef-Sunit Confession, when such does not exist in the country (Alish).
8. Registration is granted only to organizations with an enforced centralized structure. This requirement is against the traditions and bylaws of many of the confessions in Bulgaria and creates new problems on the local level (Gruikin, "Aktualni").

#### C. Relationship between Church and State

1. The opinion of the Directorate of Religious Affairs is presumed as expertise on religious groups and denominations.
2. The Bulgarian Government provides financial support for the traditional confessions, mainly the Eastern Orthodox Church.
3. There is no concern with the tendency by certain municipalities to enact regulations preemptively that may be used to limit religious freedom if a perceived need arises.

4. The coexistence between the state and the Eastern Orthodox Church, called “symphony” in the Byzantine tradition, is enforced as a rule on Protestant confessions (Kostov, Article). This contradicts the traditions of virtually all Protestant denominations which historically have declared separation of church and state (Mladenova).
5. The very fact that the law purposes to solve the problems within the Bulgarian Orthodox Church is based on the presumption that the church is not a sufficient agent in solving its own problems, and therefore assistance from the state is necessary as it possesses the power to create the needed legal supplements (Gruikin, *Prechki*).
6. The Confessions Act allows “unfettered government interference in the internal affairs of all religious denominations” (Parliamentary Assembly, I.1).
7. The Act enforces the registration of religious communities and organizations. However, once registered, they are guided through specific predefined channels where the state has liberty to execute maximum control. The implementation of the said control mechanisms raises the question of the actual existence of religious liberty and freedom of conscience under the new Confessions Act (Krustev, I).

#### D. Religious Activities

1. Public worship is prohibited without denominational registration.
2. There is no category concerning foreign missionaries and their activity on the territory of Bulgaria.
3. There is no provision for chaplaincy or pastoral care in the army, prisons, hospitals and care institutions.
4. Formation of political parties along religious lines is prohibited. This may “exclude religious communities from important policy debates in civil society on issues such as abortion, euthanasia, cloning, family and social policies, which also have a direct relation to the values they defend” (Parliamentary Assembly, I.6).

5. Denominational hospitals, social centers and educational institutions are encouraged, but done so without creating actual opportunities and concrete mechanisms for their realization (Gruikin, “Aktualni”).

#### E. Religious Freedom

1. The Confessions Act does not provide an atmosphere which discourages discrimination and harassments against “non-traditional” religious minorities.
2. Neither definite procedures (delays, appeals, nature and role of the Directorate of Religions), nor substantive criteria for registration are outlined clearly in the Act.
3. The Act fails to recognize explicitly the freedom of conscience, as well as the right not to believe, and does not clarify the rights of the believers within unregistered religious communities (Parliamentary Assembly, I.2).
4. The Act regulates the right and practice of belief, while the right and practice of personal convictions of Communist or atheist types are not regulated by such legal document (Kostov, “Svobodata”).
5. The Act implies a limitation clause as it demands that, “Freedom of religions shall not be directed against national security, public order, people’s health and the morals or the rights and freedoms of persons under the jurisdiction of the republic of Bulgaria or other states” (Article 7.1). Such reading is problematic, as it enforces standards not found under Article 17 of the Vienna Convention (Commission, 3).

As the new law was speedily implemented, the Council of Europe insisted that the arguments for “national security” and “political goals” (Article 7) should be excluded from the text. Another serious concern was that the role of Directorate of Religious Affairs was an attempt for government interference and control over the business of the denominations. The Council of Europe regarded the existence of a “state church” and the recognition of its “special role in the life of the state” as incompatible with the European Convention of Human Rights (Petrova, “Savetat”).

Religious freedom and human rights advocates warned that the state's attempts to establish a totalitarian order in the church after fifteen years of democratic transition are unacceptable tendencies, which may create constant tensions between denominations, government and non-government institutions and may lead to further religious and political conflicts. Unfortunately, their warnings were unheard.

### ***Church in the Hands of an Angry State***

It was during the development of this research, that such forewarnings were realized. On July 21, 2004, in a preplanned action upon the Chief Prosecutor's order, the police stormed through 250 churches, detaining clergy from the Alternative Synod in a controversial raid to restore proprietorship of the official Bulgarian Orthodox Church (News.bg, "Arestuvat").

Father Pissarov, priest at the Dormition of the Mother of God Orthodox Church in Sofia, locked the doors to prevent police from entering the sanctuary. The Special Forces team first scattered the citizens who were protesting around the church and then pulled open the temple doors after tying them to their vehicle. Although the priest was unarmed and did not resist arrest, five policemen held him on the ground directly under the crucifix while others were kicking him in the face with their army boots. Father Pissarov was hospitalized with a serious concussion, broken teeth and torso injuries (Pissarov, Personal Interview).

The conflict followed a decade of schism within the Bulgarian Orthodox Church, a split between the traditional Orthodox confession led by Patriarch Maxim and an Alternative Synod formed by decedents who had left the denomination accusing the patriarch of serving the former Communist regime since his appointment in 1971. The argument was triggered by a real estate dispute. According to Justice Minister Stankov, the police actions were proper and were based on the charges of illegal possession of property. Sofia City Prosecutor, Boiko Naidenov, announced that the decision for police involvement was taken when the Orthodox Church turned to the authorities for help against "people that impede the functions of the church." Naidenov cited the

Confessions Act of 2002, which allows the use of force against “people that abuse the heritage of the religious community” (Novinite, “Bulgarian Schism”).

The leaders of the Alternative Synod immediately appealed to the Parliament for help, but received a contradictory response. “Bulgaria should not allow religion and policy to be mixed,” Parliamentary Speaker Ognyan Gerdzikov said, while pointing out that the Prosecutor's order for the raid was legal but proper measures were not used (Novinite, “Religion, Policy”).

“This is not the way the unity of the Bulgarian Orthodox church should be restored,” commented former President of Bulgaria, Petar Stoyanov. Two Bulgarian ex-prime ministers, Phillip Dimitrov (1991-92) and Ivan Kostov (1997-2001) stated that the actions of the state were in violation of basic human rights and religious freedoms. Kostov explained that current problems emerged from the Confessions Act of 2002 and called for its immediate revision (News.bg, “Inokentii”).

Outside Bulgaria, the issue was addressed by the United States Helsinki Commission. “Bulgarian authorities have abandoned neutrality and chosen sides, potentially endangering religious freedom,” said the Commission’s Chairman Christopher Smith. He urged the Bulgarian Government to “end this embarrassment, lead by example, and honor its OSCE human rights commitment toward religious freedom” (Smith). In Bulgaria, the appeals sounded slightly different. A newspaper title read, “The State Started a Religious War before the Terrorists Were Able to Hit Us” (Petrova, “Darzhavata”).

The controversies remained unsolved and became sharper and deeper after the July raid. The Eastern Orthodox Church strongly defended the actions of the police, as the government backed the Church in its attempt to reunite all dioceses and the properties belonging to them. “There is one Orthodox Church in Bulgaria .... This is clearly written in the new Confessions Act,” stated Father Saraev a priest from the Rodopi region (Saraev). Other Orthodox ministers, however, see the schism and heresies as products of the autocratic period of the Orthodox Church



under Communism. They claim that the current schism only strengthens the Church and liberates it from its previous antagonistic existence (Pissarov, “Clirat”).

The opinions of political representatives also remain controversial. In an interview for bTV, the director of the Confessions Commission, Luchezar Toshev, explained that the Confessions Act could not and did not aim to solve the schism within the Orthodox Church. He described the use of police in church business as incompatible with any European style of democracy (bTV, July 22, 2004). In response, Parliamentary Speaker, Ognyan Gerdzhikov, stated that, “the fact that the church has an autocephaly status does not mean that the confessions must not be dealt with normatively” (bTV, July 25, 2004). This statement was largely opposed by legal experts and human rights activists who deemed the law to be more problematic than problem solving (Bulgarian Legal Associates).

### *Analyses and Anticipations*

It is obvious that the new Confessions Act is already failing to respond to the social and spiritual needs of Bulgaria’s postcommunist context. It also is unfortunate that its malfunctions prevent an atmosphere of religious freedom, pluralism and tolerance where everyone can experience the right to believe. Thus, the Bulgarian Confessions Act of 2002 cannot and should not be the legal text operating in Bulgaria when the country is accepted into the European Union.

The Act’s terminology does not dictate nor defend religious freedom as it should. The totalitarian term “confession” is used both for the right to believe and the religious institution which facilitates the expression and practice of this right (Kostov, “Svobodata”). The interpretation of the law has already given opportunity for exercising legal influence within the structures and functions of religious formations. As such, the Act has shown itself insufficient and even harmful for the existence and practice of religion in Bulgaria. None of the traditional confessions has experienced positive results from the practice of the Act (Gruikin, “Aktualni”), as it remains the only Bulgarian law that regulates convictions and conscience. In this sense, the Act introduces and enforces discrimination.

The statements made by the authors and supporters of the Confessions Act, that its principles of establishing state religion are not a precedent in Europe but have been implemented and practiced in many Catholic and Protestant European countries, are also invalid. The reason is simple and obvious. None of the referenced countries has endured half a century of Communist Regime or has operated in a postcommunist context, where not only politics and economy, but the very mentality of the people has been flooded by totalitarianism, creating a contemporary reality without Western European equivalent.

The mentality of the Church is no different. Forced to be unconcerned with politics under Communism, the Church remains distanced from culture and society to the point of an inferiority complex. In the totalitarian context, the role and functions of the Church were imposed and strictly regulated by the government. As a result, today the church is failing to recover and reclaim its Biblical identity and is becoming simply a state institution with predetermined interest confined to strictly regulated areas of social life.

The Confessions Act of 2002 attempts to return to an older autocratic style of government, turning the postcommunist Bulgarian context into a postcommunist regime for the religious communities. In the journey toward democracy such an approach is without excuse. The state cannot and must not attempt regulatory interference with the rights of the church through predetermined legality and pressure of public opinion. The government cannot and should not allow tradition to dictate special privileges for any denomination. When the state fails to be the initiator of actions against discrimination and oppression, the Church must and should assume this role.

Surprised by the complexity of freedom and burdened by its unresolved past, today the Bulgarian Church is failing to recognize its internal strength and its influence in the surrounding world. But how does a Church resolve the past which continues to be enforced by the present government in politics, economy and even religion? Only after the historical atheistic ideology is

identified and removed can the idea of human rights, freedom of conscience and freedom of religion become meaningful in Bulgaria.

### ***Toward a Christian Paradigm***

The struggles surrounding the Bulgarian Confessions Act are not over. On October 18, 2004, after the unfortunate police actions, the oppositional Democrats for Strong Bulgaria presented Parliament with recommendations for changes to the religious law. Less than a week later, perhaps as a response, the government announced the formation of a new special confessions commission. The commission will combine representatives from several government departments among which are internal affairs, finances and health. The idea strongly resembles Kremlin's Interreligious Council, but unfortunately does not include representatives from religious denominations.

The search for a democratic paradigm which integrates religious freedom and freedom of conscience is not finished. Religious pluralism in Bulgaria will occur, unfortunately, in the forming postmodern context. The time has come for the Bulgarian Church to rediscover its identity by revisiting its Biblical theology. Common theological presuppositions presented within the faith of all Bulgarian Christians will lobby religious tolerance and create a healthy environment for the implementation of a new paradigm for ministry which will successfully incorporate interdenominational partnership. The first step toward such a paradigm may have been made as Orthodox, Catholic and Protestant believers came together on October 23, 2004. In an "Universal Character of the Christian Church" round table discussion, they considered the possibility of the establishment of a religious community where Christians from various denominations can come together to worship in freedom from fear and according to their religious convictions.

## *Epilogue*

In conclusion, please allow me to say that I am not a political figure and I do not have the power to change the laws in Bulgaria. I am not a legal expert and I do not have the knowledge to draft a more suitable legal paradigm for the practice of religion in my home country. I am not a publicist and I cannot influence public opinion. I am not even an Orthodox priest and I can very easily satisfy my internal urge for justice by saying, “This is none of my business.”

I am just a simple preacher from Bulgaria belonging to a church which has suffered half-a-century of Communist persecution and I am simply asking the question “Is it true that if I don’t speak now, when they come for me, there will be no one left to speak.” I saw this conference as an opportunity to speak against the factors which threaten religious freedom in my home country and manipulate the Bulgarian people to return to another totalitarian regime. Therefore, today I present the case of all Bulgarians who desire religious tolerance, democratic pluralism and equality for all and I ask for your prayers, support and active participation in the process which will guarantee religious freedom for postcommunist believers in postmodern Bulgaria.

## Works Cited

- Alish, Mustafa. "Rektorat na Vsishia musulmanski duhoven isntitu: terorizma niama religia." June 9, 2004. <<http://news.bg/article.php?cid=7&pid=0&aid=146343>>.
- Anderson, David E. "European Union Debate on Religion in Constitution Continues." May 26, 2004. *The Pew Forum on Religion & Public Life*. June 29, 2004 <<http://pewforum.org/news/display.php?NewsID=3453>>.
- Borisov, Ivo. "Rumania: Ostra nuzda ot finansova i duhovna pomosht," *Evangeliski Vestnik*. June 30, 2004. <<http://www.evangelskivestnik.net/statia.php?mysid=32>>.
- bTV. "Zakonat za veroizpovedaniata ne moze da reshi curkovnia spor." July 22, 2004.
- bTV. Interview with Parliamentary Speaker Ognyan Gerdzhikov. July 25, 2004.
- Bulgarian Helsinki Committee. *Religious Freedom and Church-State Relations*. October, 1999. <<http://www.bghelsinki.org/special/en/relig.pdf>>.
- Bulgarian Legal Associates. "Registraciata na veroizopvedaniata i tehните podelenia po novia zakon za veroizpovedaniata." October 25, 2004. <[http://bulgarianlegalassociates.com/bg\\_human\\_registraciya\\_veroizpovedaniya.html](http://bulgarianlegalassociates.com/bg_human_registraciya_veroizpovedaniya.html)>.
- Bulgarian National Radio. July 1, 2004. <[http://www.bnr.bg/RadioBulgaria/Emission\\_Bulgarian/News/0806-18.htm](http://www.bnr.bg/RadioBulgaria/Emission_Bulgarian/News/0806-18.htm)>.
- Commission on Security and Cooperation in Europe (CSCE). *Bulgarian Law on Religions: Problematic Law Out of Step with OSCE Commitments*. Washington, DC: OSCE, 2003.
- Cup & Cross Ministries International. "100,000 Protestants in Bulgaria." September 10, 2004. <<http://cupandcross.com/news/indexer.php?news=/news/2004-05/20040910.html>>.
- Declaration of the Interreligious Council in Russia*. October 18, 2004. <<http://www.russian-orthodox-church.org.ru/ne909101.htm>>.
- Durham, Cole. *Freedom of Religion or Belief: Laws Affecting the Structuring of*

- Religious Communities*. Organization for Security and Co-operation in Europe Review Conference, September, 1999.
- Elliott, Mark. "Analysis of World Christian Encyclopedia Figures for Post-Soviet Christians." *East-West Church Ministry Report*. 9.3 (2001).
- "The Fall of the Berlin Wall." June 29, 2004.  
<<http://www.dailysoft.com/berlinwall/history/fall-of-berlinwall.htm>>.
- GCN. EP: Sofia, 1994.
- Genov, Ivan. "Zakona za veroizpovedaniata –mezdu realnostta I mediinite iziavi." *Trud* January 13, 2003.
- Geshakova, Julia. "Bulgaria: Population Declines Sharply As Young Seek Future Abroad." Radio Free Europe. August, 2002.  
<<http://www.rferl.org/nca/features/2002/08/27082002142636.asp>>.
- Grothusen, Klaus-Detlev. *Bulgarien*. Guttingen: n/a, 1990.
- Gruikin, Ivan. "Aktualni problemi na religioznite obshnosti v Bulgaria." *Oshte Info*. July 2004. <<http://oshte.info/doc/other/015.htm>>.
- - -. *Prechki za uprazniavaneto na pravoto za veroizpovedanie na novia zakonoproekt. Diskriminacionni textove*. Sofia: European Legal Center, 2002.
- Hope for the Balkans*, First Balkan Evangelical Conference. Belgrade, 1996. October 18, 2004. <<http://www.ad2000.org/blkdecl.htm>>.
- Ignatov, Pavel. *Bezkravnoto gonenie na curkvata. Totalitarnata darazava sreshtu Boziata curkva v Bulgaria 1960-1991 g*. Sofia: Lik, 2002.
- Kostov, Viktor. *Analysis of Three Bills on the Freedom of Religion in Bulgaria Introduced in the 39<sup>th</sup> National Assembly*. May 27, 2002.
- - -. "Article on crisis prosecutors vs. alt. synod." E-mail to Dony K. Donev. July 23, 2004.
- - -. "Svobodata na suvestta I novia zakon za veroizpovedaniata." Sofia:

- European Legal Center, 2003.
- Krause, Bettina. "Czech Religion Law Reflects Communist Past, Say Churches." January 29, 2002. *Adventist News Network Bulletin*. October 18, 2004.  
<<http://www.churchstate.org/news020129b.html>>.
- Krastev, Ivan. "Proekta za zakon za veroizpovedaniata – niakoi osnovni problemi." Sofia: European Legal Center, 2002.
- Kremlin Councils, Council for Interaction with Religious Organizations. June 30, 2004.  
<<http://kremlin.ru/eng/councils.shtml>>.
- Lalkov, Milcho. *Rulers of Bulgaria*. Sofia: Kibea Publishing Company, 1995.
- Lausanne Committee for World Evangelization. *Christian Witness to Nominal Christians Among the Orthodox: Report of the Consultation on World Evangelization Mini-Consultation on Reaching Nominal Christians among Orthodox*. Pattaya, Thailand: 16-27 June, 1980. January 26, 2004.  
<<http://www.gospelcom.net/lcwe/LOP/lop19.htm>>.
- Machajdik, David and Juraj Kusnierik. "The Church in Central Europe: Not Prepared for Freedom." *East-West Church Ministry Report*. 8.1 (2000).
- Markov, Peter. "Curkvata v Chehia – vrasthane kam komunizma?" *Evangeliski Vestnik*. June 30, 2004. <<http://www.evangeliskivestnik.net/statia.php?mysid=26>>.
- Mladenova, Ludmila. Polina Bogdanova and Pastor Tzanko Mitev. "Prieha zakona za veroizpovedaniata." 1: January, 2003. <[http://bgbible.sdabg.net/vestnik/xm-1\\_1.htm](http://bgbible.sdabg.net/vestnik/xm-1_1.htm)>.
- Monitor*, "Evropa prouchava spazvame li religioznite prava." 2003:6/3.
- Muler, Jörg P. "Freedom of Religion - The Missing Commandment?" *Human Dimension Seminar on Constitutional, Legal and Administrative Aspects of the Freedom of Religion. Consolidated Summary*. Warsaw: Office for Democratic Institutions and Human Rights, 1996.

*News.bg*. "Arestuvat sveshtennici t sinoda na Inokentii." July 21, 2004.

<<http://news.bg/article.php?cid=7&pid=0&aid=144262>>.

- - -. "Inokentii potarsi podkrepa v parlamenta." July 22, 2004.

<<http://news.bg/article.php?cid=10&pid=0&aid=144323>>.

*Novinite*. "Bulgarian Schism Triggered by Estate Row." July 25, 2004.

<[http://www.novinite.com/view\\_news.php?id=37382](http://www.novinite.com/view_news.php?id=37382)>.

- - -. "Religion, Policy Should not be Mixed." July 25, 2004.

<[http://www.novinite.com/view\\_news.php?id=37373](http://www.novinite.com/view_news.php?id=37373)>.

*NSI (National Statistical Institute) of Bulgaria 2003 Census*. July 1, 2004.

<<http://www.nsi.bg/Census/StrReligion.htm>>.

Parliamentary Assembly. "New Bulgarian Law on Religion known as the Confessions Act 2002." Doc. 10065. February 9, 2004.

Petrova, Diana. "Savetat na Evropa iska promeni v zakona po veroizpovedaniata."

*Mediapool*. June 10, 2004. <[http://www.mediapool.bg/site/bulgaria/2003/06/10/03\\_100603bg.shtml](http://www.mediapool.bg/site/bulgaria/2003/06/10/03_100603bg.shtml)>.

- - -. "Darzhavata zapochan religiozna voina predi da ni udariat teroristite."

*Mediapool*. July 22, 2004. <[http://www.mediapool.bg/site/bulgaria/2004/07/22/01\\_220704bg.shtml](http://www.mediapool.bg/site/bulgaria/2004/07/22/01_220704bg.shtml)>.

Pissarov, Hristo. "Clirat propoviadva antagonism." October 7, 2004.

<<http://www.oshte.info/004/00104/10/0710/10.htm>>.

Pissarov, Hristo. Personal Interview. July 23, 2004.

Religia BG. "Okolo 150 mil. sa iztocheni ot BPC prez 2002 godina zaiavi D-r Stefan Penov." July 31, 2004. <<http://www.religiabg.com/?p=oldnews&id=1514>>.

- - -. "Presidentat na Slovakia e protiv restituciata na curkovna sobstvenost."

October 19, 2004. <<http://www.religiabg.com/?p=news&id=2551>>.

Saraev, Boyan. "Ostanah sam na boziata niva." Interview for *Standard*. August 31, 2004.



Smith, Christopher. "Bulgarian Police Seizures of Church Properties in Conflict with Religious Freedom Commitments Action Inconsistent with Bulgaria's OSCE Leadership Position." Washington, DC: United States Helsinki Commission, July 27, 2004.

"Stanovishte na Ministerskia savet na Republika Bulgaria po konstitucionno delo № 3 za 2003 g." <<http://synpress.bglink.net/15-2003/15-stanovishte.htm>>.

Stephanova, Nevena and Ekaterina Katrafilova. "Razreshavane na problemite s registriraneto na religioznite organizacii v budeshitia zakon." Sofia: Balkan Center for Law and Freedom, 2001.

The World Bank Poverty Net Document Library (March 1999). October 18, 2004.  
<<http://poverty.worldbank.org/library.view/8616/>>.

*TrinityM Agency*. "Nabludatelka na Evropa smutena ot zakona za veroizpovedaniata." June 14, 2004. <[http://www.trinitym.com/article.php?content\\_id=60&sender=index.php&PHPSESSID=1227a66b15e34039865153ce805f66ab](http://www.trinitym.com/article.php?content_id=60&sender=index.php&PHPSESSID=1227a66b15e34039865153ce805f66ab)>.

Tzekov, Borislav. "Dalaveradjii i sektanti ne iskat zakon za veroizpovedaniata." Interview for *Sega*. December 12, 2002.

*Zakluchitelna Deklaracia*. Sofia: Drafting of New Law of Religion Conference: History, Present and Future, 2001.

Zhelev, Ivan. "Zakonat za veroizpovedaniata – prisznanie za istoricheskata i nastoiashтата rolia na BPC." Interview for *Carkoven Vestnik*. March, 2003.