Morality and Tradition in Post-communist Orthodox Lands: On the Universality of Human Rights. With Special Reference to Romania

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Argument

The idea of human rights is primarily the product of the Western European and North American cultural, religious and historical background. I would like to assess the implications of human rights’ claim to universality and universal applicability when one addresses these issues from a different background. In other words, I would like to ask in what ways the process of implementing a human rights regime in Eastern Europe is influenced by two factors: on the one hand, by the recent experience of totalitarianism in its communist form; on the other, by the fact that certain Eastern European societies come from a particular interpretation of Judeo-Christianity, i.e., the Eastern Orthodox tradition.

The first thesis I would like to argue is that the closer the Eastern European countries are traditionally, spiritually and culturally to the traditions and the value systems of the countries of Western Europe, the easier it is to learn and implement the new vocabulary of human rights. The argument will be supported by an assessment of the violation of human rights in Eastern Europe and the Balkans. The study will show how the anthropology and the approach to religion and tradition specific to this area of Europe influence the discourse on human rights. Two aspects will be assessed: first, a specific anthropology, generally resulting from the programmatic ideological battle led by the communist regimes against any notion of individual worth, for the sake of creating “The New Man”, a collectivist entity that would exist solely to serve the higher goals of the Party; secondly, the different interpretation of Judeo-Christianity which led to a different approach to religion and traditionalism. Given the massive return to religion since 1989 (94% of the population), special attention will be consecrated to Romania and the way in which humanity, religion and tradition are understood.

This will lead into the second thesis of the argument: if religion/religiosity and tradition, particularly in their Eastern Orthodox form, are to play a constructive role in the unavoidable and irreversible process of European integration with its implied human rights regime, religiosity has to undergo a significant process of renewal. This would include a new understanding of tradition, one more informed by Anthony Giddens’ discussion of tradition within the predominantly reflexive character of modernity. In other words, our religiosity should be separated from blind mysticism. It should rediscover its universality and search for a correct understanding of ecumenicity. This should mean separation from blind ritualism, traditionalism and fundamentalism and a reflexive individual appropriation of the teachings that make up the universal fabric of the Christian faith.
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, on the 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 centered on - 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.³ Hence, human rights can be seen as the result of a certain world-view, with a certain history and with a specific trajectory. However, at the same time due to contemporary social, political and economic conditions, they also seem to have a universalistic appeal.

The questions I would like to raise here are related to the implications of such a claim 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 than the one that originated it. In other words, is it possible, and how simple is it to implement such a system of 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?

Therefore, the first thesis I would like to assess is related to Huntington’s cultural determinism and asks whether one can assert that the closer the Eastern former communist countries are traditionally, spiritually and culturally to the traditions and the systems of values of the countries of Western Europe, the easier it is to learn and to implement the new vocabulary of human rights. In order to assess such a claim, we will begin with a brief

¹ In regards to the long debated issue of the origins of the notion of Human Rights, 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, Jack, “Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights”, The American Political Science Review, Volume 76, Issue 2 (June 1982), 303-316, p. 303. On the religious origins of human rights, see Perry, Michael, The Idea of Human Rights. Four Inquiries, Oxford University Press, Oxford, 1998. The thrust of his argument is that Human Rights are ‘ineliminably’ religious.
comparative presentation of various recent reports on the violation of human rights in Eastern Europe.

1. 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 in various degrees of commitment, virtually all member states of the former communist block expressed an interest in and commitment to democracy and to the implementation of a human rights regime similar to the one governing the rest of the European continent. Indirectly, the present study seeks to appraise to what extent Huntington’s thesis of cultural determinism is true in relation to this process. In other words, we shall ask if a pattern can be traced as to how the violation varies both in intensity and in the fields that are being violated, according 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 causes lead to a specific anthropology in the region, thus not only making it distinct from the predominant anthropology of the West, but also potentially drawing another cleavage, this time within the former communist block itself.

1.1. An Ideological and Cultural/Religious Divide of Europe? On the Validity of Huntington’s Theory

Particularly on the aftermath of 9/11, Huntington’s theory of the cultural and ideological divide of the world is well known. It is quite easy to argue that his thesis is valid to a large extent in relation to countries and regions like Europe and the Middle East or Asia, with radically different cultural and religious roots. Can one apply such a theory to countries and regions coming from rather similar cultural and religious roots, yet having had various interpretations of them, as well as passing through recent different 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? To begin answering such questions, we will first look at the process of learning and implementing human rights in Eastern Europe. The method used will be one of comparing 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 compared are chosen according to two criteria: 1. various degrees of communist ideological indoctrination during the totalitarian period, and 2. different majority religious groups. Hence, according to the first criterion, in decreasing order we have Russia (with the longest communist totalitarian experience), Romania (arguably the second if not even the first in terms of communist ideological indoctrination), Bulgaria, Poland and Hungary. Regarding the second criterion Russia (85%), Romania (86.5%), Bulgaria (83.5%) are predominantly Orthodox countries, Poland is Catholic (95%) while Hungary is a mixture of Catholicism

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4 Since the events of 9/11 there are countless academic works, journal articles and academic papers engaging with Huntington’s work. A simple search on ‘Huntington’ on the web could provide enough support for this assertion.

5 For a study of a similar divide operated along religious borders in Europe on the issues of building democracy, see also Bogdan, H., Histoire des pays de l’est. De origines à nos jours. Paris, Perrin, 1990. Bogdan’s conclusion is radical and one-sided, arguing that the Orthodox Church was always throughout its history a hindrance in the process of the democratization of the state and in the implementation of pluralism.
The main monitoring organization 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), Date: 2003-06-24’. The Annual Reports for 2002 of the US Department of State’ Country Reports for Human Rights Practices were also added for certain topics.

Thus Table 1 below contains 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.

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6 Countries like Armenia – predominantly Apostolic Orthodox (95%, 2003), or Azerbaijan and Uzbekistan, predominantly Muslim, could have been used as examples of the even larger cultural gap, this time between European and Central Asian cultures.

7 “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.” Source: www.ihf-hr.org , 07.08.2003.

8 Source: http://www.state.gov/g/drl/rls/hrrpt/2002/c8697.htm
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<th><strong>TABLE 1:</strong></th>
<th>Bulgaria</th>
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<tr>
<td>Freedom of expression and the media</td>
<td>X, 8</td>
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<td>X, 7</td>
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<td>Freedom of religion, religious intolerance</td>
<td>X, 39</td>
<td>X, 2</td>
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<td>Freedom of association and peaceful assembly</td>
<td>X, 8</td>
<td>X, 1</td>
<td>X, 3</td>
<td>X, 5</td>
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<tr>
<td>Independence of the judiciary and fair trial</td>
<td>X, 10</td>
<td>Excellent progress acknowledged</td>
<td>X, 8</td>
<td>X, 8</td>
<td>X, 5</td>
<td>X, 9</td>
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<td>Torture, ill-treatment and police misconduct</td>
<td>X, 20</td>
<td>X, 6</td>
<td>X, 6</td>
<td>X, 10</td>
<td>X, 12</td>
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<tr>
<td>Conditions in prisons and detention facilities</td>
<td>X, 4</td>
<td>X, 3</td>
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<td>Intolerance, xenophobia, racial discrimination and Hate speech</td>
<td>X, 18</td>
<td>X, 8</td>
<td>X, 3</td>
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<td>Women’s rights</td>
<td>X, 4 (855)</td>
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<td>Rights of the child</td>
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<td>The mentally ill or disabled</td>
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<td>Right to privacy</td>
<td>X, 4</td>
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<td>Asylum seekers</td>
<td>X, 4</td>
<td>X, 2</td>
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<td>Homosexuals’ rights</td>
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<td>Free trial and detainees rights</td>
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<td>Conscientious objection</td>
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<td>X, 8</td>
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<td>International humanitarian law</td>
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<td>X, 10</td>
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<td>Displaced persons</td>
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There are many conclusions we can draw from this study. What is relevant for our work is that one can clearly notice certain patterns as well as a gradually increasing distance between

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9 The Report has in its preamble the following: ‘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.’

10 The Report has in its preamble the following: ‘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.’

11 The relatively good scores can be misleading, since they can reflect weak hr monitoring practices.

12 X means that the respective country has problems related 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.

13 The results of the US Department of State’ International Religious Freedom Report for 2002 were added. Source: [www.state.gov/g/drl/rls/irf/2002/](http://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.’

the various countries assessed according to the two variables mentioned above, namely, various levels of former communist totalitarian indoctrination and various religious backgrounds and commitments. Thus, Hungary, with a more mixed religious texture (without an overwhelmingly predominant religious denomination), with the lowest level of religious commitment (thus with the highest level of secularism) and having experienced the most ‘liberal’ form of the communist era, seems to have the best scores in terms of ‘learning’ and implementing a genuine human rights regime. Following comes Poland, the most religious country of Europe (54% attend weekly mass), where the Catholic Church was for the most part both a significant opponent of communist indoctrination and a religion with universal and juridical tendencies. Bulgaria, Russia, Romania and Serbia still seem to face major difficulties in learning and implementing human rights. Their worst results, which represent the greatest differences compared to 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 was singled out as having problems with ‘women’s rights’, ‘the mentally ill or disabled’ and ‘child’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 the one of ‘women’s rights’, and this can be seen as a result of the low status women received during the communist times.

However, the study so far did prove part of Huntington’s theory to be right. He is right in arguing that different cultural backgrounds lead to different attitudes on similar issues like the ones related to democracy and human rights. What we still need to assess is if he is right in stating that such differences cannot be overcome. Thus, in what comes next I will make an attempt to understand why there are such differences between these countries. In other words, in what ways did, on the one hand, the former atheistic/communist indoctrination influence this process? On the other hand, what are the implications of the massive return to religion and how the predominantly Orthodox understanding of it is influencing such issues? All these questions are for the sake of another, final one: what can be done in order to prove the second part of Huntington wrong: i.e., to ensure that the road to democracy and human rights taken by most of the countries studied here is an irreversible one.
2. TEACHING THE ‘NEW MAN’ THE VOCABULARY OF HUMAN RIGHTS: ON THE LEGACY OF COMMUNIST TOTALITARIAN IDEOLOGY

2.1. Creating the ‘New Man’ and the ‘Multilaterally Developed Socialist Society’

‘Communism was a trap of history, and as with any traps, it is easier to fall in it than to come out of it.’ (Lucian Boia)

“‘Man eats and thinks’: there is no more mystery in this statement than in the following: ‘the Tree grows and burns.’” (Cernishevsky, What Shall be Done?)

Compared to the West, the prevalent anthropology of Eastern Europe is one inevitably influenced by the recent fierce and programmatic ideological battle led by the communist regimes against any notion of individual worth, for the sake of creating The New Man. As so well argued by Alain Besançon, it was Lenin first who, inspired by writers like Cernishevsky, launched the call for the production of the ‘revolutionary Man’. Such a ‘New Man’ was expected to be, like Cernishevsky’s Rahmetov, a man rooted in the certitudes of science, a science that acts not only upon the natural but also upon the moral and the metaphysical world, thus being the most certain and, indeed, the only point of reference. “‘Man eats and thinks’: there is no more mystery in this statement than in the following: ‘the Tree grows and burns’”. 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.’ Man can follow this morality. All he needs is determination, self-renunciation and knowledge. When he fails, nothing is lost. There are always two crucial tasks ahead of him: re-education and the re-education 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’. It is what in ideological communist jargon became “the imperative call for the creation of the ‘Multilaterally Developed Socialist Society’ and ‘Progress towards Communism’.” To achieve that, 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 were against his emancipation as a ‘new man’. Mikhail Heller rightly interprets this to be the process of culturally stripping the individual naked and atomizing him so that he becomes defenseless and moldable by the state in all aspects of his life. In his own words:

"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

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16 The term ‘Man’ is used here in its original communist sense, when political correctness was not an issue.
18 Besançon, ibid. 109.
19 Ibid, 110.
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 atomized, 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."20

The New Man was therefore 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: atomization, isolation and a total destruction of any individual worth and individual initiative.21 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 societal levels is still very high in these societies even today.22 This in turn led to civic, economic and political collapse.

### 2.2. Consequences of Communist Ideology

The ‘ideologizing’ battle fought by the Party without any reserve, with its attempt to fill the content of men’s minds and to dominate their language and thought - the number of killings and the cruelty of the communist regimes are the saddest proofs - has had a serious and long-term influence on people’s mentalities. Although the totalitarian era boasted to have managed to implement and to secure social and economic rights, in reality the total collapse following the end of the totalitarian era proved such a claim to be untrue. Vasile Boari, in his article ‘The Advisability of Applying the Liberal Solution in the East’, comes to conclusions that fit well in our study: ‘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

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21 According to communist psychology, as Lucian Boia notes, individualism is not defining for the individual; it is a manifestation of the conflict between the individual and society and therefore it must be eliminated. Boia, L., *Mitologia științifică a comunismului*, Bucuresti, Humanitas, 1999, particularly the chapter ‘The New Man’.

22 See for instance the very high percentages in terms of lack of trust, both at a personal and societal level, in surveys conducted in Romania: lack of trust in another human being is over 60 % according to *Sondaj de Opinie*, The Gallup Organization, Open Society Romania, 2002.
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".23

In Romania, as D. Hurezeanu rightly observed, ‘the breaking of the political oppressive lid led to an almost frenetic individualism. The zeal in the search for and the building of an image is almost shocking; their eccentricity betrays internal unclear and unresolved anxieties.’24 Patapievici, in his article ‘Anatomy of a Catastrophe’ analyzing the consequences of Marxist indoctrination, also identifies ‘identity crisis’ as the most negative result, becoming in turn the main reason beyond most of the other failures which place Romania at the ‘bottom of the heap’ – to use Tony Judt’s recent controversial labeling - among the countries seeking integration in the larger democratic European family.25 In light of the above, I would suggest that it is not surprising to see why countries where such an ideology 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 the decades of violent communist totalitarian indoctrination and the difficulty of promoting and building democracy with its inherent human rights principles.

Having seen briefly some aspects of the legacy of communist indoctrination for the question of implementing human rights, let us move now to religion, the other distinct element of the collective mental fabric of the East compared to Western and in this case Central Europe. Since at this point we will concentrate on Orthodoxy, as the prevailing religion of Eastern (South Eastern) Europe. By looking at some of its main characteristics, we will attempt to evaluate its influence on issues related to the implementation of human rights and democracy in this region.

3. RELIGION AND THE IMPLEMENTATION OF HUMAN RIGHTS IN EASTERN EUROPE

3.1. ‘The Return of the Oppressed’, or ‘Against Prophecy’

The beginning of the 20th century was dominated by a generalized skepticism 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, “the prophets of suspicion” announcing with great emphasis the retrograde character, the futility and the imminent disappearance of religion. Strongly influenced by L. 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 1844.26 From his perspective, the society of the future, of the New

Man, will be one where differences of class and religion will be eliminated. Moving further in the same direction, in 1885, Nietzsche announced, through his madman from “So Said Zarathustra”, the death of God and the birth of der Übemensch. 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 construed directly on the role and the future of religion, ended in a cynical tone with programmatic action claims: ‘Religion would thus be the universal obsessional neurosis of humanity.’ 27 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 the 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 ascending process of rational domination of existence in all its forms, was prepared to perform and “to favor” this ‘healing’ process. This was nothing less than a sign of the appearance of the true ‘New man’. Communist society seemed to turn towards freeing itself from religiousness, towards being self-sufficient and being founded on the eminently rational and autonomous character of its members. This was the dream proved to be intensely false by the events following the anti-communist revolutions of Eastern Europe.

However irreversible the influence of Marx, Nietzsche and Freud over the modern man may seem, an analysis of the last decade shows a rather different picture. It is what Anthony Giddens so eloquently called the return of the oppressed, the return of the religious factor that has been programatically oppressed for such a long time in the European culture. Virtually all countries freed from state atheistic indoctrination made 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 percent attending weekly liturgy. Over fifty percent of the Polish population attends Mass once a week. The Serbian Orthodox Church had a prominent role in the recent history of the former Yugoslavia, while the Bulgarian and the Russian Orthodox Churches have strong leverage to influence the politics of their countries. 28 The specific questions I will raise here are related to those elements of the fabric of the Orthodox faith that could have an influence on the people’s attitudes towards democracy and human rights. These, I would suggest, are related to the Orthodox understanding of humanity and otherness, nationality, and tradition. In what follows, I will take such doctrinal elements in turn, hoping that this study, while highlighting differences between the Western and Eastern interpretations of Judeo-Christianity, would also help us understand better what shall be done if the process of European integration is to be truly an irreversible one. Let us begin with briefly introducing the different trajectories Judeo-Christianity has take on the European continent.

3.2. Eastern and Western Christianity: The Same Origins, Different Understandings

As already seen above, the fall of the Iron Curtain has not yet overcome the ideological differences of 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, followed different trajectories: one, in the West, under a more Latin/juridical influence, led to a different set of values than the one in the East, with its more philosophical influences coming from the Greeks. \(^\text{29}\)

Let us therefore take the two sides of Europe in turn, starting with a brief evaluation of the West. What lies behind its system of values reflected in its 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, anti-theological thought culminating with Nietzsche and his Übermensch, the most treasured values were centered in the individual human being in its individuality. Although originating in God, such was the temptation of affirming the supreme value of the human individual that in the end it replaced God himself. Humanism as a world-view is therefore the offspring of the Western half of the Christendom. The political values generated by this perspective on life are mainly related to the affirmation of the ultimate freedom of the autonomous individual. The individual is the only master of her life. Ultimate 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 invincible principles of rational-choice: a minimal morality that reasonable people can share, despite their explicity divergent religious and ethical convictions (John Rawls). \(^\text{30}\) What is therefore important is the individual herself, not her system of beliefs, her ethics, her nationality or her religion. Within this context, the idea and the concept of human rights - understood exactly in these terms as rights individuals have on the sole virtue of being human - find their proper place. How different the views of the East are on such issues is the next question we shall address.

3.2.1. Eastern Orthodox Theological Reflections on Human Identity: Communitarian vs. Individualist Understandings of Humanity

The Orthodox Church officially separated from the Catholic Church in 1054 A.D. over a number of theological and political issues. However, due to the higher proximity to Greek philosophy, the Eastern interpretation of the fundamental teachings of the Early church separated it from the Latin one almost from the beginning of the Christian era. At the same time as Augustine and debating similar doctrinal issues, the Eastern Cappadocian Fathers’ teaching already reflected a different approach with different results. Attempting to explain, for instance, how it is possible for God to be One and Three at the same time, while Augustine’s classic analogy was that of the human individual who is one and yet has three main characteristics (reason, volition and sentiments), the Cappadocians referred to John, George and Michael, who are three persons yet sharing the same humanity. Moreover, man was created in the image, and called to achieve the likeness of God, which was ultimately a

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30 Such views value the individual, yet lose the relational dimension of human life and thus truncate its wholeness. Therefore, communitarians like Michael Sandel, Alasdair MacIntyre or Charles Taylor argue for the need to reassess the value of community, tradition and religion.
mystical relational being. This is what the tradition calls *deification*, becoming ‘god’, the ultimate goal of man. The emphasis was therefore from the very beginning on the relational dimension of human identity with its implicit mystery, a teaching developed over the centuries that became the main and almost unique distinct characteristic of the human being for the Orthodox tradition.

Modern Orthodox theology, that which has influenced contemporary Orthodox thinking most, is dominated by the *personalist* theology of the Russian Diaspora, particularly by theologians and philosophers like Berdyaev, 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 existentialists’ concern to re-affirm the inherent transcendent nature of man, his irreducibility to nature, and implicitly her 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 transcendent and ultimately mystical character of God. Thus, Orthodox modern theologians opposed the Cartesian modern self with 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 distinctive reality from the individual, is non-definable and non-conceptualizable other than in an apophatic, mysterious way, namely, that it is not reducible to nature, to biology. 31

Therefore, in combining a one-sided reading of the Orthodox tradition (i.e. emphasizing the fundamentally *apophatic/unknowable* character of God and therefore the fundamentally mystical dimension of the Church) 32 with strong existentialist influences regarding the irreducibility of the concept of person to that of *nature*, contemporary Orthodox anthropology has swung to the opposite extreme. That is to say, if the problem with the Cartesian self was that it led to a perception of man as a *substantialist* self-sufficient subject, an individual who lacks relationality, the problem with most contemporary Orthodox anthropology is that it all too easily leads to a purely relational definition of man, one which ultimately lacks identity and substantiality. In other words, borrowing Colin Gunton’s categories, 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’. 33 Moreover, taking nature as somehow separate from and inferior to the notion of person, Orthodox anthropology opens up the danger of another dichotomy, where the spiritual aspect of our existence is raised over against the material. To be truly human, therefore, means to be a spiritual, ecclesiological, eschatological being uprooted and ungrounded from 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, i.e., in the realm of sociology, politics, or economy. As Ica Jr., a Romanian Orthodox theologian, quite self-critically and with a good dose of wit puts it:

31 For a detailed analysis of contemporary Orthodox anthropology and of Lossky’s work, see Rogobete, Silviu, *An Ontology of Love. Subject and Supreme Personal Reality in the Thought of Dumitru Staniloae*, Iasi, Polirom 2001 ch. 3 (the Romanian publication of my thesis written in English for the title of PhD, Brunel University, UK, awarded in 1998).

32 Lossky’s most influential book where he presents the West with the teachings of the Orthodox tradition is called *The Mystical Theology of the Orthodox Church*, London: James Clarke & Co. Ltd., 1973 (first edition in French in 1944 and Engl. 1957).

Thus the person becomes a category (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 to abandon societies to all 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 an historical reality, both theological and political.”

Such a reductionist approach to anthropology as the one also identified by Ica Jr. 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, the damaging side is that, in the first place, it leads to a massive 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 participating in the mystical life of the church, i.e., in the ritual, this leads to an often radical separation of the sacred from the profane, with no bearing of one 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 economy have no ultimate value and therefore can be done and dealt with in whatever way one chooses.

Secondly, this interpretation of anthropology places little if any value on the human individual, individual initiative and ultimately individual responsibility. What is important is the community to which one belongs, the only ‘true community’ being the ecclesiological one, i.e., the Orthodox Church with its tradition and rituals. Although rightly attempting to save and recuperate relationality and rootedness – crucial features of human and societal life, there is always the danger of putting the “Many” over against the “One”. The human being is valuable, but her value is fully affirmed only while participating 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, ethical codes and, as we will see below, with its national roots. Such anthropology is certainly different from that of the West, and therefore concepts of human rights as they are developed in Western liberal thought and practice could at times seem alien. Moreover, as this understanding of human identity and community is linked in Orthodoxy with issues related to national identity and tradition - important aspects when discussing democracy and human rights - in what follows it is this link that we will assess.

3.2.2. Eastern Orthodox Reflections on Tradition and National Identity: Nationalism as Ecclesiological Foundation

One of the main differences between the Western side of the Christendom and the East is related to ecclesiology, i.e., the teachings about the church. Catholics by definition believe in and affirm the universality of the Church, thus operating with an inherent rejection of

connections with nationality or ethnicity. Protestant Churches place the individual alone in front of God alone by faith alone, regardless of national or ethnic identity. For the Orthodox Church, both its history and its contemporary teaching and practice seem to point in a different direction, presenting us with a strong link between Christian identity and ethnic identity, between tradition and nationalism. Writing about the history of the relationship between the Church and political/secular power, J. Kotek affirms: ‘the religious history of the Christian West lead rather 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, lacks from the Byzantine or the Russian model, characterized through Cesaro-papism, i.e., 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, Democratic Germany, as well as in Slovenia, Ukraine and Lithuania’.  

The questions we will ask in this part of the work are related to an analysis of the truthfulness of such an assertion. In other words, can one indeed conclude that the tradition and the teaching of the Orthodox Church, with its strong Byzantine roots, leads to an ideology that is or can become a hindrance for the process of democratization of the region? What are those teachings and how do they (tend to) themselves manifest within the contemporary geopolitical context? To answer such questions, due to their very nature we cannot discuss in general terms but have to concentrate on a particular national Orthodox Church. We shall thus focus on the Romanian Orthodox Church, particularly considering 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 ‘Romanianess’, i.e., the essence of being Romanian. From the perspective of Orthodox canon law, there are at least three important distinctive Orthodox teachings related to the church with a direct influence on the way in which the church relates to the secular political power and implicitly to national identity: autonomy, autocephaly and synodality (sobornicity).  

Rooted in the Byzantine tradition and with claims of rightly interpreting the Scriptures, these teachings became prominent only with the birth of the national states in the 19th century. The Romanian Orthodox Church became autocephalous, that is, ‘became it’s own head’ thus separating from the authority of the Ecumenical Patriarchate in Constantinople, in 1885, being a Romanian Patriarchate since 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 it is always independent and separated from the state and form political power. In this respect, church and state (political power) are separated, the latter not being allowed to dictate or interfere with the content and the traditions of the former. However, the church not only is a mystical entity, but it is also has a visible, historical presence, thus being a socio-religious organization that exists in a particular socio-political context. In this second instance, throughout its history, the dynamic between the Church and Empire - between Sacerdotium and Imperium - was dominated by another three elements characteristic to the Byzantine tradition: the model of symphony, nomocanonism and the teaching about iconomy. The model of symphony goes back to Constantine in the 4th century AD, and it refers to the harmony that needs to be  

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35 Kotek, J., La Nouvelle Europe centrale: histoire de l’Europe kidnapée, actualité de l’Europe libérée, ULB, Bruxelles, 1990, p. 8

36 ‘The Statutes for the organization and the functioning of the Romanian Orthodox Church’, Biserica Ortodoxa Romana, LXXVII, 1949, 1-2, pp. 1-48, special supplement.

cultivated and preserved between *sacerdotium* and *imperium*. Since God ordains both, they must seek harmony. The Emperor, the representative of God, calls the 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 of two different entities that are, 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 led to what is today labeled as *cesaropapism*, i.e., the preeminence of the Emperor over the Church, the domination of the civil power over the religious. This was the case until the end of the Empire in 1453, and in various forms and at different levels of cooperation, it was continued into present times. The theory of symphony was invoked, for instance, to justify even the submission and cooperation of the Romanian Orthodox Church 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 *iconomia* (*economy*). The first refers to the tradition established by the Edict of Milan in 313 AD, when it was decided that imperial legislation related to religion should be integrated with the legislation related to the Empire. As acknowledged by contemporary Orthodox theologians, this tradition ‘was preserved, without interruptions, until our own times’. ‘Today (i.e., 1960), it is the prime reason the Church must respect the laws of the state in regards to religion and religious issues.’ Therefore, 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 Gillet rightly observed, ‘the principle of nomocanonicty links the autonomy of the Church with the suzerainty of the state. The principle of territoriality results from the principle of nomocanonicty, from the parallelism between the administrative territoriality of the Church and the administration of the state.’ 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, which also, as we will see below, is a fact with potentially damaging consequences for the process of building a viable democracy.

Nevertheless, if one can understand a certain level of harmony (symphony) as well as a certain level of juxtaposition of ecclesiastical and political matters, how can such a symphony be justified when the state and its politics are overtly atheistic, as was the case of totalitarian communism? During that period, Orthodox theologians made appeal to another concept which they claimed came from the tradition of the church, namely *economy*. The principle of economy, Bria explains in *The Destiny of Orthodoxy*, is the link that regulates the dynamic relationship between ‘Tradition and Renewal’ which is at the foundation of the notion of symphony. Economy is the principle by which the Church adapts to new situations without

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40 Gillet, op. cit., p. 67.
41 Bria, I., *Destinul ortodoxiei*, București, Institutul Biblic si de Misiune al BOR, 1989, pp. 355-360. The same influential author, the representative of the Romanian Orthodox Church at the World Council of Churches and other ecumenical organizations for over thirty years, after 1989 asserted that the communist period was for the Orthodox church one of an ‘unbalanced symphony’, when from the side of the church there was good will to
losing its tradition. In practice, however, as the communist era proved, this principle actually became merely an excuse to submit 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 the compromising price paid, the Church did survive communism and thus ‘the Romanian people preserved, through their Church, the fundamental continuity of their spirituality.’ Risking perversion of the notion of genuine sacrifice, another theologian even said that ‘we (the leaders of the Church) had the courage not to become martyrs’. On the other hand, particularly lay Orthodox intellectuals like Andrei Plesu, HR Patapievici or even Teodor Baconski in a more moderate voice, criticize this period as unacceptably compromising, thus asking for repentance and renewal which to the date of the writing of this paper has not happened other than in isolation.

The consequences of such an attitude towards tradition and the political power are, on the minimal positive side, a thin survival and preservation of the tradition. On the negative side, however, with damaging effects in terms of the future of countries like Romania which are enrolled in the process of European and Euroatlantic integration while at the same time experiencing such a massive return to religiosity, 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. Thus coming back to the link between religion and national identity in Romania, this is mainly rooted in the 19th century, with the birth of nationalist ideology and the national state, particularly in the context of the fight against the Ottoman Empire. Moreover, it was developed and strengthened both during the European extremist fascist nationalisms and during the nationalist communist totalitarianism in Romania. In order to justify the nation’s unity and origins, the elements that created the texture of the nationalist discourse were invariably the same: continuity of territory, language, tradition and religion, the last two referring solely to the Romanian Orthodox Church. Although achieving its purposes in the assistance offered for the formation of the modern Romanian state, in the long run such discourse became counterproductive. Analyzing 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 filetism, i.e., the danger of integrating ethnicity in the question of religious identity, and, consequently, ethnic exclusion.

Both official and popular language of the Orthodox Church is impregnated with elements and theories, often obvious anachronisms, trying to prove the ancient, ‘bi-millenary’ connection of the Orthodox faith with ‘Romanian’ identity. An ‘ancient Law’ – Legea Strămoșească, is postulated, and it is supposed to prove the indestructible and indissoluble link between our faith, our tradition and our territory. This Law is also called The Romanian Law or the Orthodox Law and it is an unwritten religious moral code that stipulates social and political behavior. It must be observed and preserved by any “true” Romanian. Moreover, it must also be defended by any “true” Romanian. There can not be any other Law proper to the Romanian people but the Romanian Orthodox Ancient Law, the one that has always saved the ‘national
being’ of Romania through history. Such perspective on ethnicity combined with the thesis of ‘bi-millenary continuity’ leads modern commentators to radicalize the juxtaposition of the Orthodox faith with national identity, thus stating that ‘to be Romanian means also to be Orthodox’ and vice-versa. Staniloae argued repeatedly - perhaps most importantly in his ‘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 sect, which in this case can include even denominations such as Roman Catholicism). 46

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.

### 3.3. Eastern 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 than the one in the East. From times of total identification as well as radical antagonism in the Middle Ages, passing through the Renaissance, Reformation, Enlightenment, the French Revolution and the event of the birth of national secular states, the result is now a significant level of secularization, 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 secularization, one where the state and the church were always separate entities yet strongly interconnected. Without significant influences from the Western Renaissance, Reformation, or Enlightenment, the territories of 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 an ‘ethnarh’, a subject of the Sultan, yet also both head of the ecumenical Church and the political ‘king’ (millet) of the Greek Orthodox peoples which were under Ottoman occupation. When coupled with a doctrinal/theological tradition of Byzantium such as that assessed above, this historical context led to the birth of a strong circular link between ethnicity and the religion of each of these peoples: nationality was defined through belonging to the Church and Church / religious identity was defined through national/ethnic identity. Once strongly established, this link precluded the radical secularization of the West, leading to an osmosis between religious and ethnic identities with potentially damaging effects for the process of democratization with its implicit pluralism and concern for human rights.

As concluded by Gillet, we can also say that ‘the Orthodox Church defines an ecclesiological equation state-nation-confession (i.e., religious identity), thus being different from any other Christian churches. The assimilation at the level of ecclesiology of nationalism makes the Orthodox Church an original confession within Christianity. Orthodox nationalism implies a conception about church and state which can not be imagined in the absence of the ethnic element. The Church cannot separate nationality, which is, belonging to a particular ethnic

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nation, from belonging to orthodoxy. To be of Romanian nationality implies being an orthodox. 47 Such an attitude leads to a tendency of the Orthodox Church to cultivate an ideology of exclusion, opposed to ideas of true, genuine pluralism as cultivated and promoted in the West, thus jeopardizing the countries’ significant efforts towards European and Euroatlantic integration. From this perspective, one has to agree with Gillet’s conclusion that there is ‘an Orthodox “ethic” which is contrary to democratic pluralism. However, as I shall argue below, this would be a one-sided interpretation. Albeit rather singular and often ostracized, there are voices within the Orthodox clergy, as well as amongst Orthodox lay intellectuals, who cultivate and develop a different, positive attitude towards human rights, pluralism and democracy. Most notably 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.

Therefore, given the massive return to religion in Orthodox countries (and my concern here is Romania), as well as being aware of the positive potential of religion, what I would like to argue in the final part of my work is that religion/religiosity and tradition, particularly in their Eastern Orthodox form, can still play a constructive role in the process of European integration with its implied implementation of a thorough human rights regime. Moreover, it can become a significant complementary response to some of the possible dead-ends into which questions of individual rights and morality can lead. However again, this will only be possible if our religiosity is prepared and willing to undergo a significant process of renewal. Not renunciation to its core values and doctrines is required but rather a re-discovery of its essence as well as new ways of approaching it. This would include, I will suggest, a new understanding of tradition, one perhaps more informed by Anthony Giddens’ discussion of tradition within the predominantly reflexive character of modernity. 48 It will therefore also require a new and fresh reading of the Scriptures and its fundamental teachings, particularly in relation to identity and otherness. In other words, our religiosity should be separated from blind mysticism and self-sufficiency. It should rediscover its universality and it needs a correct understanding of ecumenicity. This should mean separation from blind ritualism and traditionalism and a reflexive individual appropriation of the fundamental teachings that make up the fabric of the Christian faith.

4. JOINING EUROPE AND ITS HUMAN RIGHTS REGIME: THE NEED FOR A NEW UNDERSTANDING OF RELIGIOSITY

The final part of my work 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 post-communist country, programmatically enrolled on the way to European and Euroatlantic integration. I will build my argument, however, on certain works of both social scientists interested in the role of religion in contemporary society, as well as (Orthodox) theologians that I think can offer significant proposals for new ways of approaching and interpreting the main teachings of Christianity.

47 Gillet, op. cit., p. 269.
4.1. Reflexivity vs. Traditionalism: ‘Sham traditions’, Anthony Giddens

It was the British sociologist Anthony Giddens who, among others, questioned the understanding and the role of tradition within the context of modernity, or what he calls ‘late modernity’. Although he does not have works dealing directly with the religious phenomenon, the analysis of contemporary society offered by Giddens provides us with essential information with regard to the context in which religious life exists. 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 and claimed by the contemporary religious discourse in Romania.

Giddens calls the contemporary social condition a “late modernity”, seeing it as an inevitable “radicalization” and “generalization” of the modernity project. In this way, ‘late modernity’, just like classic modernity, is a dynamic phenomenon founded on reflexivity. What differs from classic modernity is the circular character of reflexivity. In classic modernity, Giddens notes, 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 secularized knowledge of nature that may lead in an intrinsic way to a more secure and more rewarding existence for the human being. Due to the gradual elimination of all the exterior reference systems, over time a circular development of this reflexive phenomenon took place, a development that led to a routine of life and to the disappearance of meaning: “thought and action are constantly refracted upon one another … reflections upon reflections.” In other words, as Mellor correctly observed, in post-modernity “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.” 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.”

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.” 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

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49 See, for example: Giddens, A., The Consequences of Modernity, Cambridge, Polity Press 1990, Giddens, A., Modernity and Self Identity, Self and Society in Late Modern Age, Cambridge Polity Press 1991 (republished in 1998). Also, see P. Mellor, Reflexive Traditions; Anthony Giddens, High Modernity and the Contours of Contemporary Religiousity, in Religious Studies, nr. 29, 1993, pp. 111-127. This article represents the starting point of the presentation that is to follow.
50 Giddens, A., The Consequences, p. 3.
51 Giddens, A., Modernity and Self Identity, p. 28.
of the contemporary world, one of its essential features being what Giddens calls “radical doubt”\(^{56}\). Doubt becomes the main instrument of approaching existence as a whole.

Thus, regarding traditions and faith, these are inevitably put under the incidence of 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.”\(^{57}\) 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 characterize the modern orientation towards the future. The reflexive character of modernity necessarily involves “rolling social life away from the fixities of tradition”\(^{58}\). 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”\(^{59}\), as Giddens calls them.

What does this mean, and what are the consequences for people claiming to adhere to a certain ‘unchanged’ (bi-millennial) religious tradition? From the perspective of Anthony Giddens’ study, we may say that the pre-eminent 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 to actually happen is a permanent reflexive reconstruction of faith and of Christian practice, truly, in the light of the past – under the inspiration of tradition, 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 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 one has to integrate. Unfortunately, the Romanian Orthodox Church does not seem prepared to take these steps. This is where the examples of the Catholic Church or of some of the Protestant ones should at least be mentioned. Their preaching and sermons, oriented towards different categories like children, families, the elderly or the young; the study programs of the Holy Scriptures with different age groups or profession categories, are indeed a result of such a reflexive monitoring of tradition. Change of the contents is not required, but a minimal adaptation is vital, so that the modern man and woman can relate in a significant way to the message of the Church. If, as another contemporary social scientist, Peter Berger, said, men and women are strangers, homeless in the social ‘universe’, then the Church should be their home.\(^{60}\)

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\(^{59}\) Ibidem, p. 37-38.

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.

4.2. 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

At the grass-root 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 can 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, to Lossky’s evaluation of the Orthodox tradition and the Orthodox Church as a preeminently mystical tradition as it was seen above, Dumitru Staniloae - an important Romanian contemporary Orthodox theologian, replied by arguing for a more balanced approach.61 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. Thus, in his theology there is significant room for a positive approach to the individual, who for him 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 14th 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 inter-personal love, the highest goal of the human being is to build herself both as an individual and in loving relationships with other human beings. The human subject as a rational agent is affirmed, yet only within the larger context of interpersonal relationships.62

Without going into any further detail here, I would suggest that such an approach offers the religious people an excellent ground 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 inter-personal relationships. It is thus an anthropology that would not indulge in self-fulfillment and self-sufficiency (ethnic or religious) anymore, but rather open up (in a sacrificial way?) to meet the ‘Other’, regardless religion or ethnicity. This would lead in turn to an ecumenical attitude in accordance with the true universality of the Christian faith, thus replacing the potentially destructive placement of nationalism and ethnicity at the foundations of religious identity.

Before moving to the concluding chapter of this work, I would just briefly like to highlight the positive potential existing within the Eastern Orthodox tradition if properly (reflexively?)

appropriated, regarding the West’s impasse generated by the sometimes extreme liberal individualism governing the issues of human rights. In an almost similar key with the main lines of criticism raised by communitarian political thought (A. MacIntyre, Ch. Tayler, M. Sandel, etc.), the Orthodox tradition offers good foundations to maintain that the human agent is neither disembodied from a particular culture and tradition nor a value-free merely rational 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 behavior, particularly in countries where such issues are highly valued and especially when there is not much to replace it with, as there is no agreement, for instance, upon the concept of morality even within such a group of Western states as those who ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms. And this brings us back to where we started: to questions related to the universality of the idea of human rights as it was conceived and developed in the West, which in fact prompts us to draw the final conclusions.

CONCLUSIONS: ON THE UNIVERSALITY OF HUMAN RIGHTS

The starting point of this paper was one related to the universality of human rights as claimed by all international documents and treatises dealing with this issue. The overall concern was to assess if such claim can be applied to countries and cultures of different cultural and religious background than the ones of the West that generated the idea of human rights. We asked this question referring in particular to Eastern European countries from the former communist block that are enrolled on the way to building democracy and a genuine, functional human rights regime with the purpose of joining the larger European family of democratic countries. Moreover, we have looked at the ways in which two determining factors influence this process of democratization namely, former Marxist indoctrination and present day massive return to religion, particularly in its Eastern Orthodox form. In the light of this work, we are now prepared for a few conclusions which we hope will become starting points for further studies of this important issue both for the nations directly involved and for the policy makers of various international organizations, governmental and non-governmental alike that have an interest in this region.

The overall conclusion is that, due to the new geo-political and economical context, and also due to the irreversibility of the declared goal of all the countries studied in this present work to integrate in the larger family of Europe, the idea of human rights can claim ‘universality’. It is also an universal idea in that respect for the human being is, at least at a declarative level, the goal of any of the governments of these countries. However, this present work demonstrated the difficulties of putting such claim to universality in practice, showing that to a large extent, Huntington’s thesis of cultural determinism is right. In other words, the study has proved true the thesis that the closer the former communist countries are traditionally, spiritually and culturally to the traditions and the system values of the West, the easier it is to cultivate and to protect democracy and human rights. As it was also hopefully proved here, the stronger 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 an utopist, selfless society, the more difficult it is to learn the vocabulary of human rights understood in Western, individualist liberal terms. The same is also valid related to the religious life of these

countries. The countries that find it hard to implement a human rights regime are those like Romania, Bulgaria, Serbia or Russia, where the prevailing religion is Orthodoxy. This, as it was seen, is due to a different anthropology and a different perspective on the church, tradition and national and religious identity, compared to the Churches of the West. Although in various ways and using various (radically opposing) means, both Marxism and the prevailing Orthodox teaching and practice 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. Hence, questions of individual worth, freedom, pluralism, which are all marks of genuine democracy and foundations for a proper human rights regime, are jeopardized.

However again, as it was argued here, there is hope for possible corrections, and this proves Huntington’s thesis to be too radical. ‘If Marxism is death, the working class movement is dead and … the author does not feel very well either,’ as Neil Smith once said, religion is back on the stage and is here to stay! Therefore, one must seek and recuperate 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 to Christian religiosity and Judeo-Christian tradition in all its various forms. This is why authors like Giddens, Berger or other social scientists on the one hand, and theologians like Staniloae, Zizioulas, on the other, are important to be discovered / revisited. They offer good, sometimes excellent insight into what it means to be a homo religiosus in late modernity that would enrich rather than hinder the affirmation of the intrinsic value of humanity and of the whole of creation alike. Moreover, coming from a tradition of higher awareness of the relational dimension of humanity, the Eastern Orthodox perspective, when properly understood and appropriated, can be a complementary teaching to the one resulted from the western individualist and secular culture which can sometimes run into the danger of ignoring the value of community, tradition and commonly shared values. For that to happen, however, Orthodoxy as it is now commonly understood in the East needs to undergo a long and difficult process of change.

64 Regarding Staniloae, there is a paradox in his role as a contemporary theologian, paradox resulting from his excellent theoretical theological construct centered 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, J., L’Etre Ecclesial, Labor et Fides, Geneva, 1981.
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