

BOOK 2

The Edict of Milan (313-2013) A Basis for Freedom of Religion or Belief?



Conference

EVERLASTING VALUE AND PERMANENT ACTUALITY OF THE EDICT OF MILAN

On the Way to the Great Jubilee in 2013

Novi Sad, Serbia, May 2nd - 5th 2012



Peace and Crises
Management Foundation



Conference
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ACTUALITY OF THE EDICT OF MILAN
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*The Edict of Milan (313-2013):
A Basis for Freedom of Religion or Belief?*

Belgrade, September 2013
Under the auspices of His Holiness Mr. Irinej, the Serbian Patriarch

EVERLASTING VALUE AND PERMANENT ACTUALITY OF THE
EDICT OF MILAN – ON THE WAY TO THE GREAT JUBILEE IN 2013
BOOK 2 – THE EDICT OF MILAN (313-2013):
A BASIS FOR FREEDOM OF RELIGION OR BELIEF?

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For the publisher

Mirjana PRLJEVIĆ

Chief Editor

Mirjana PRLJEVIĆ

Editor

Marina ĐUROVIĆ

Proofreading

Language Shop

Translators

Aleksandar SEKULIĆ
Bogdan LUBARDIĆ
Dragoljub BOGOSAVLJEVIĆ
Miloš RADIVOJEVIĆ
Marina ĐUROVIĆ

Essay about Roman Emperors prepared by:

Mirjana PRLJEVIĆ
Miloš RADIVOJEVIĆ

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Marko ZAKOVSKI

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H.E. Mons. Stanislav Hočevar

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Mr. Boris Vukobrat

President and Founder of the Swiss Peace and Crises Management Foundation

Dr Johann Marte

President of Austrian PRO ORIENTE Foundation

Professor Dr Darko Tanasković

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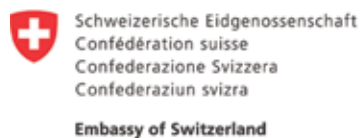
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**President of the Committee for the Construction of
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Mrs. Mirjana Prljević,
International Secretary General, Association
CIVIS and Executive Director, Swiss Peace and
Crises Management Foundation

INTRODUCTION

Your Eminencies, Your Excellencies, respected participants, ladies and gentlemen, welcome to Serbia!

I greet you on behalf of the Peace and Crises Management Foundation and Association CIVIS, where I am the International Secretary General, and today I have the honour and pleasure to open this conference. The theme of this year's conference is *The Edict of Milan (313-2013): Basis for Freedom of Religion or Belief?*

The organisers of this conference are the Serbian Orthodox Church, the Austrian Foundation PRO ORIENTE, the Swiss Peace and Crises Management Foundation and the Association of Non-Governmental Organizations of Southeast Europe - CIVIS. This gathering was planned in cooperation with the Conference of European Churches which has a twenty year long experience in working in the field of religious freedoms.

This is the second conference in the series of markings of the jubilee of signing the *Edict of Milan* by Emperor Constantine the Great in 313. This date is of inestimable value for the Christian world because from that point in time onwards, the persecutions of Christians in the Roman Empire ended. Were it not for this document, endorsed 1700 years ago, perhaps Christianity would not exist in the form in which exists today. The first conference, held in City of Niš last year, thematized the historic perspective of this event.

The organisers then decided that this year's conference should offer a European dimension on the importance of the *Edict of Milan* from an Orthodox, Roman-Catholic, Protestant, Jewish and Islamic theological perspective, as well as open the juridical-political consequences of the *Edict of Milan* and its legal significance for contemporary legislature in the domain of human rights. In the continuation of the conference we shall also consider contemporary challenges from the domain of confessions of faith and beliefs - such as anti-Semitism, Islamophobia, and violation of the human rights of Christians within and outside of the borders of Europe. This conference is the introduction to the final phase of the project, the third year, when we will mark the Jubilee next year - when we embrace the 1700 year since the adoption of the *Edict of Milan*.

Personally, on behalf of the organisers and our dear donors I wish you nice and pleasant stay in City of Novi Sad and Serbia. At the same time we extend our gratitude to all of those who have supported this gathering and to all of you who have responded by being present.

CONCLUSIONS FROM THE CONFERENCE, NOVI SAD 2012

Departing from the Everlasting values and permanent actuality of the *Edict of Milan*, at the eve of the Great Jubilee 2013, the participants of the conference **THE EDICT OF MILAN (313-2013): A BASIS FOR FREEDOM OF RELIGION OR BELIEF?**, organized in the city of Novi Sad (SERBIA) from 2-5 May 2012 discussed different aspects of ways in which the everlasting symbolic message associated with the so called the *Edict of Milan* could be the source of inspiration and the guideline for practical implementation of principle of Freedom of Religion or Belief. The conference was organized and hosted by the Serbian Orthodox Church, His Grace Bishop Irinej of Bačka and the Association of NGOs in SEE - CIVIS, in partnership with PRO ORIENTE Foundation and the Peace and Crises Management Foundation and in cooperation with the Conference of European Churches. It brought together theologians, historians and experts from different religious communities from all over the Europe and even beyond. The participants expressed their appreciation and gratitude for the excellent framework for a fruitful exchange of views in an atmosphere of mutual respect, which the organizers have provided. The following conclusions, offered by the organizers of the conference, may serve as a basis for the future cooperation in promoting freedom of religion or belief.

- » The ideas that in the given historical and social context inspired the Edict of Milan should be taken as the symbolic starting point in a new contextualization of *libertas religionis* for everybody, being a member of majority or minority, according to the realities of our times and the changing world.
- » Churches and religious communities would need to continue to work together on the promotion and protection of freedom of religion or belief as well as to strengthen their cooperation with the civil society in order to unite their voices vis-à-vis the state which is obliged to guarantee the universal fundamental rights to freedom of religion or belief.
- » Fully aware of theological and behavioral differences related to the concept of freedom of religion or belief in various spiritual traditions that ought to be equally respected the participants came to the common assessment that such differences can be successfully overcome only if the dignity of the human person is put in the center of all concerns. In that sense universally accepted international human rights standards should provide the general legal framework for assuring the respect of human rights in the field of the freedom of religion or belief.
- » Different models and experiences of Church and religious communities – state relations could serve as the useful empirical basis in creating the preconditions for constructive partnership between religious and governmental sectors of society with more effective impact of the civil society which in this respect should find with Churches and religious communities the objectively existing common

ground. The participants emphasized the need for establishing of pertinent structural dialogue about all important issues for improvement of concretization in the area of the freedom of religion or belief. On their behalf, Churches and religious communities are ready to take the responsibility for preservation and development of all social values.

- » Different forms and ways of cooperation and consultation between individuals and organizations already engaged in the project *Everlasting Value and Permanent Actuality of the Edict of Milan - On the Way to the Great Jubilee in 2013* as well as welcomed contribution of other actors relevant for the domain of freedom of religion or belief should be intensified in the following period. This is the precondition for decisively achieving new dimension of quality at the next conference that should be held in year to come which is the year of the Jubilee of the *Edict of Milan*. The participants are convinced that by the successful common endeavor at this and previous conference within the same project sound basis has been created for substantial breakthrough towards the real progress in the utmost important and extremely complex sphere of freedom of religion or belief.

Participants of the Conference

Novi Sad, 5 May 2012



His Grace Bishop Irinej of Bačka, Serbian Orthodox Church

Opening speech

Your Eminences and Graces, Sirs Arch-hierarchs, Your Excellencies, Sir Archbishop, Sirs Bishops, Your Eminence Apostolic Nuncio, respected Sir Reis ul Ulema and other respected Sirs of the Islamic faith and community, respected Sir Rabbi and other respected Sirs of the Jewish community in Serbia and from abroad, Your Most Exalted Excellencies, that is, Your Eminences and Excellencies, Mister State Secretary from the Ministry of Faiths and Diaspora of the Government of Serbia in Belgrade, respected Sir Emissary of the President of the Government of Parliament of the Province of Vojvodina, respected Sirs Ambassadors, respected Ladies and Gentlemen Partners and co-organisers of this conference, Most Reverend and Reverend Fathers, Priests and Deacons, respected Ladies and Gentlemen, dear friends, participants and guests at the conference, brothers and sisters, I greet you all with a heartfelt welcome - with sincerity and love - I am warmly thankful that you have taken the time and invested the effort to travel to Novi Sad - some from the relative vicinity and some from afar. It is my prayerful wish that each and every one of you share a full and fruitful participation in this conference and have a pleasant stay in Novi Sad and Serbia, including every blessing from God and every good on your personal life's path and on the way of salvation. I extend these words in the first place as the local Orthodox Bishop, and you may even allow me to extend them in the name of the Catholic Bishop of this same district because both Dioceses are of the exact same geographical circumference, then, as one of the participants in the concordant team of participators in organising and preparing this conference, finally, as the member of the Committee of the Holy Hierarchical Assembly of the Serbian Orthodox Church for the preparation of the celebration of the 1700th anniversary of the *Edict of Milan*.

Firstly I wish to briefly explain why the second conference - out of the three that are planned on occasion of the 1700th anniversary of the *Edict of Milan* - was planned and is being held right here in Novi Sad, and not again in Niš or in some other city. Of course, Niš too is here present through its Bishop and through other guests, but the conference is being held in Novi Sad. In short, here is why: contemporary Serbia was part of the provinces of Moesia and Illyricum - important regions in the Roman Empire. Sixteen Roman Emperors were born on what is today our territory. Not many countries in Europe keep so many traces and monuments of the Greco-Roman culture and art as is

the case with the territory of today's Serbia. But it is especially this part of our country - what was once the Roman *limes*, the border region of the Empire, the region of Pannonia and the Danube river basin, with the city of Sirmium (today Sremska Mitrovica), one of the four major imperial cities precisely at the time of Constantine the Great - that deserves attention and exploration in the context of the broader investigation of Constantine's era and of his role in it. Contemporary Vojvodina and its centre Novi Sad, moreover and in addition, remind us of the rich spectre of peoples, faiths, cultures and traditions: as much as of those in the bygone Roman Empire as in contemporary Europe, especially the European Union. Already at the very moment of recognition of this city as a free city at the time of Austrian Empress Maria Theresa, in the XVIII century, our city - Novi Sad, immediately had five names officially recognised: in the official Latin of the Austrian Empire - Neoplanta; in Serbian - Novi Sad; in Hungarian - Újvidék; in German - Neusatz and in Greek - Neophiton; for inhabitants of the city belonging to all those identities and affiliations did exist. Within the micro-space of today's city core we have the Churches of all Christian traditions and confessions and, moreover still, in the immediate vicinity we have the synagogue, and of course, in the city there is the Islamic shrine. Once there was the Armenian Church, the only one of its kind in the Balkans, but, lamentably, the ex-Communist authorities tore that Church down without any reason. Therefore such a spectre (and I wish to refrain from expressions that are in vogue today, such as multi-ethnicity, multi-culturality and so on: they are well known to all of us) comprised a sufficient reason to make us choose Novi Sad as the place where this conference should be held.

The succinct text of the *Edict of Milan* gives us inspiration and motivation to study it within the context of our epoch and its problems, challenges, legacies, but also its crises, stumblings and abysmal falls. Therefore I think that the *Edict of Milan* is not only a text from the very remote past but, also, a text which may instigate us - in a new creative and responsible way - to reflect today on the problems which the *Edict of Milan*, that is, the Holy Emperor Constantine the Great and other persons, tried to solve (let us not follow the problematic tied to the historical situating of the *Edict* in the context of that bygone era).

According to my feeling, there are two most important themes from the *Edict* which have lost nothing of their freshness, their relevance in this time of ours. The first theme is that of unity in difference. The Roman Empire represented a self-specific unity in difference. And today, in an entirely new way, but in certain ways same as then, this is represented in the European Union and in Europe as a whole, including this whole world of ours on planet Earth engaged in the process of globalisation, which face the question of unity in difference, and this question is not even close to being solved in a manner which would be most useful.

There is a second theme, even more relevant, although it may not seem so *prima facie*, and that is the theme of freedom of faith, freedom of belief, freedom of conscience. That question, long before the French Revolution, in a certain way, at the time entirely new in the history of the world, the *Orbis Terrarum* or *Oecumene*, was solved by Constantine the Great - through the *Edict of Milan*, and the mentioned question is meaningful today. This conference of ours is dedicated precisely to the comprehension and presentation of this question.

The state of the freedom of confession of faith and of freedom of conscience is not such that we could be proud of it. To the contrary, in many cases Constantine's *Edict* would represent a huge and cherished progress today: both in the world and in Europe itself. In this ceremonial and festal moment I wish to refrain from enumerating the regions, very close in the immediate surroundings of Serbia and in Europe, and wider still in the world especially, where the dignity of the human person, human rights and freedom, and primarily the freedom of faith, are not something which is presupposed in itself and given, but are something which one is yet to fight for - and, in some cases this seems even more remote and more out of reach than was the case in the past. Today everywhere and at all times human rights and freedom are underlined, but in practice they are impeached, often ignored and brutally trampled upon, and, in certain instances, this is done in a sophisticated way. Namely, in our times, on many occasions in the name of human rights and together with the rhetoric about their protection, what is deeply threatened and despised are precisely - human rights: and more importantly, behind them, beneath them, the human person and human community. It is upon all of us here gathered to speak out - and here gathered are representatives of all great traditional religions of Europe, in the first place the monotheistic ones, Christians, and beside the Orthodox, here present are Roman Catholics, and Christians from the reformed Churches, then our friends and brothers Muslims and Jews, but here with us are also representatives of science, culture, distinguished intellectuals, especially those who have something to say about this kind of thematic. That is why before us, before the participants of this conference lies a responsible task, namely to theoretically reflect the question of freedom of faith, freedom of belief, freedom of conscience in the light of the legacy symbolised by the text and spirit of the *Edict of Milan* - but with the goal to make our theoretical discussion bear fruit in terms of practical application in Europe and the world. It is as we are here listening closely to the wise ancient proverb: Here is Rhodes, jump here. *Hic Rhodos, hic salta*. It is up to us to respond to this call in the name of God and in with God's help.

Thank you.



**His Grace Andrej, Bishop of Remesia,
Vicar of His Holiness Mr. Irinej,
the Serbian Patriarch
Serbian Orthodox Church**

Opening speech

Your Eminences Bishop Irinej of Bačka, Metropolitan Emmanuel of France, President of the Conference of European Churches, and Archbishop Stanislav Hočevar from the Roman Catholic Church in Belgrade, Reverend Monsignor Milan Žust from the Pontifical Council for Promoting Christian Unity, Your Grace

Bishop Porfirije, Esteemed Representatives of the Serbian Governmental Boards, Excellencies representing the diplomatic corps and missions to Serbia, Esteemed Presidents of the respected and prominent Foundations, of Church Commissions and Ecumenical Councils, very honoured high representatives of the Jewish faith and of the Muslim Council, Reverend fathers, ladies and gentlemen, dear brothers and sisters!

It is with joy and elation to greet this remarkable conference and all of you assembled today in this wonderful town of Novi Sad, to greet you on behalf of His Holiness the Patriarch of the Serbian Orthodox Church Irinej, who could not come personally today to our conference, but who has delegated me as one of His Assistant Bishops to convey to all of you, his respect and most cordial compliments. Though he is not here with us today physically, His Holiness sends his blessings and ensures you of his frequent prayers to God, sending to all of you his love and his gratitude that we have come together by the invitation of His Eminence the Diocesan Bishop of Novi Sad and Bačka, and by the organisation of the Serbian Orthodox Bishop's Assembly Commission, by the Association of Non-Governmental Organisations of Southeast Europe - CIVIS, by the Ecumenical Foundation PRO ORIENTE, the Swiss Peace and Crises Management Foundation, and of course, by the Conference of European Churches.

Please allow me to recall the huge support of His Holiness, our Patriarch, for all the previous meetings on the same theme of the *Edict of Milan*, just on the way to the great Jubilee next year in 2013, which celebration will be held in Niš, Serbia, the birthplace of Constantine the Great.

His Holiness welcomes this common studious reflection on the theme of the *Everlasting Value and Permanent Actuality of the Edict of Milan*, especially as it deals with the Edict as a basis for freedom of religion and belief, and as it expresses a common hope to that

we may and can trust. We are very pleased that you have accepted the invitation to this meeting with its various constructive and useful sessions.

The Churches and all religious communities are called, in view of the coming kingdom of God, to be a sign for the future unity of humanity. Our modern secular society and torn world, however, hears this present appeal of separated Christians and also of separated religious communities, with scepticism, pointing out secular means of unification, which may often appear more effective.

God, however, has already begun, in our history, His work of collecting and assembling. His mystical work, which is for the most of us still hidden, will reach its perfection once when this work is finally revealed at the end of all times. The goal of the ecumenical search for full communion and for peaceful und fruitful coexistence shall be achieved on one side when all Churches recognize the Church as the one Body of Christ and on the other side, when all religions in their peaceful coexistence, respect each other in diversity and friendly exchange of different interests and beliefs. Let us all seek together in the one spirit to become the one people of God our Creator and Father. From the Churches and religious communities, the people of today expect a commitment to open this room again and again, so that the spirit of God can work among every single one, among us. Let us all be filled with a common desire that our suffering world finally can hear the good word of God without damage.

In this name, once again with respect and honour, I would like to send out to all of you the blessings of His Holiness Patriarch Irinej and wish you a blessed, rich and successful conference.



**His Eminence Metropolitan
Emmanuel,
President of the Conference of European
Churches**

Opening speech

Thank you very much for giving me this opportunity to address this gathering today.

Your Eminence, Bishop Irinej, Your Eminencies, Your Excellency Apostolic Nuncio, dear brothers from the Roman Catholic Church, from the Protestant Churches, dear Rabbis, representative of the Muslim Communities, the representative of the diplomatic corps Your Excellencies the Ambassador of different countries, Your Excellencies, the representative of the Serbian Government and of the regional Government of Vojvodina, and Presidents of the Foundation PRO ORIENTE, the Peace and Crisis Management Foundation and the CIVIS Association.

On behalf of the Conference of European Churches I would like also to be part of this Celebration and of this gathering in this nice hospitable City of Novi Sad where we have experienced in the past also the warm hospitality of local Bishop and my good friend, Bishop Irinej. On behalf also of His Holiness Ecumenical Patriarch, I would like to greet you all and bring to all his greetings and his blessings for the success of this important event.

To celebrate jubilee is like celebrating an anniversary. I will take the time to return to the events of the past in order to better consider our present, and to consider the situation itself, as well as the directives we may identify for the future. Next year, the *Edict of Milan* will celebrate its 1700 anniversary and its hence as relevant today as it was then. But let us first take a look of the position of the *Edict of Milan*, not only the history of Christianity, but in human history in general. Let me tell you something that I came across, for the sake of the piece of our times: “the teach one may have the free opportunity to worship as he pleases” - *Edict of Milan*, paragraph one. This quote could have been printed in this morning’s newspapers, yet it is taken from the English translation of the *Edict of Milan* in the year of 313. When he proclaimed the *Edict*, Constantine the Great was the pagan ruler. The same hand that signed this freedom of religion and mandate into law, had also signed others carried out executions and prosecutions. Yet, somehow, he had a change of heart. This reality causes us to have hope for peace in the world because the personal and institutional religious inclinations of rulers do not necessarily dictate the ability to act on the behalf of the minority

religions under their jurisdiction. In a Frisians 1:11, we learn that in Him also we have obtained an inheritance being predestined according to the purpose of Him who works all things according to the council of His will. Perhaps, crises concern for humanity, is reflected in the decisions of leaders who do not confess Christianity, yet act according to the council of His will for the greater good of all God's people.

What difference in the historical record has the *Edict of Milan* made? It remains an important milestone in the plan of the development of ideas through XVII centuries. The character and spirit of the *Edict of Milan* is more so an act of recognition of freedom in the pluralism of opinions and confessions rather than just an *Edict* of religious tolerance. There is, within this idea, subtle difference that completed changes of the discussion. Comparing the concept of religious tolerance to pluralism of opinions and confessions is like comparing something which is substandard to us with something which is equal to us. According to the dictionary, the word tolerate, is the right from the Latin word for to bare, so to merely tolerate another, put someone to superior position, that is we are choosing to overlook their forts and bare them.

On the other hand, definition of pluralism is a theory that is more than one basics substance or principal. If we had a view that there is more than one basics substance or principal, we see a greater value for individual identity and choice. Quite often, we quote the following phrase of the famous *Edict* acknowledging to each person the possibility to, and I quote, "worship", in his or her manner divinity that is in the heavens. The wisdom in this concept provides humanity with an oddity to war, prosecution and hatred, it must be emphasized that acknowledgment of the existence of more than one basic substance or principal does not constitute synergism, but allows others to determine for themselves what substance and principal holds meaning for them. The contentions caused by viewing others as needing to be tolerated or even to be more tolerant are damaging to the human respect needed to live in peace. For this reason, we see that the Governments of our planet consecrate a regress of increasing amount of intention and intensity of such issues.

And I will mention here only as an example the Commission of Religious Freedoms of the Secretary of State in the United States, the very existence of such a body must concern us in two ways. On the one hand, the existence of such Commission serves as recognition of the need to expertise individual subject in view of the global implementation of human rights; on the other hand, it is these flipside name the existence of such a Commission which speaks to violations against religious freedom which had become more and more prevalent. These violations of religion rights constitute in an allowable dimension of this contemporary geopolitical issue. Think with me about this: do religious rights exist because Governments, leaders or Commissions declare that they do, or do they exist whether or not, they are recognized by Governments, leaders or Commissions? Did not the freedom to fall once all conscious merge in God

within, when God told Adam and Eve not to eat the fruit, but they did so anyway, God did not control their thoughts or actions through threats, imprisonment, prosecution or executions. Reflected within the frame of the Christian theology, we find not only freedom of personal choice, but how to approach another who does not think the ways we did not do. This theology can inform and support international relations in that to recognize another and approach them with deep respect. For with inter-religious freedom we discover not only the expression of this freedom, but also the interpersonal dimension that reveals the interesting links that unite humanity, creation and the states.

His Holiness the Ecumenical Patriarch Bartholomew, in the footsteps of the Apostle Andrea has spoken truth with regards to religious freedom, as understood from a purely individual perspective. He has stressed the idea of freedom and the religious freedom cannot be taking into consideration as an isolated manner. They can be diploid only with inner relational atmosphere. The Patriarch Bartholomew insists that we cannot truly be free unless we are part of a community of free persons. Freedom is never alone but always social. In turning wants back, in refusing to share is to lose freedom. And freedom is expressed in socialization. It is due to this kind of commitment to our vision of the Orthodox Church will recognized on 12 May when the Ecumenical Patriarch receives the Medal of religious freedom awarded by the Roosevelt's Stitching Foundation for commitment in favour of the reconciliation through interfaith dialogue. For its part the Ecumenical Charter emphasizes the importance of religious freedom by stating: "We commit ourselves that every person can freely choose his or her religious Church or filiations as a matter of conscience". This commitment is also one of the commitments of the Conference of European Churches to which religious freedom is an allowable right.

It seems important to me to recognize how Christianity is related to the *Edict of Milan*, not only as an object but especially more so as a subject of this freedom brought by Saint Constantine the Great. Therefore, it is only appropriate that values Christian families reinvest in the field of freedom in order to give a stronger sense to its scriptural ethological sources that are summed up perfectly in the phrase of Sir Maximums the Confessor: "Created in the image of God man are free by nature." At the crossroads of these two approaches where individual freedom cannot be developed except in a relational of form it is solidarity that response more properly to the changes of our contemporary world. At the European level, the first of this changes has been crystallized the information of the multicultural pluralism reinforce to within the European Union with the free movement of people. Migration from outside Europe also comes in to play as a dynamic reconfiguration of the distinctive European identity. However, tensions that merge from European pluralism should not cause us to lose us sight of our commitment to peace, to religious freedom and dialogue.

Dear friends, allow me on behalf of the Conference of European Churches once again to congratulate you for organization of such an event, and I would like to express my heartfelt gratitude to Patriarch Irinej's blessings for this gathering, to Bishop Irinej and to all the people who contributed to coordination and execution of this conference. I assure you that we are with you all as participants and we stand with the Serbian people in their work to world's piece and religious freedom, we support your efforts, in the spirit of friendship and prayer. I am convinced that our dialogue today will allow us to deal even further in the conditions of the religious freedom posed by the *Edict of Milan*. Admittedly, 1700 years have passed since its proclamation, nevertheless, its relevance continuous to be felt since religious freedom is still violated with increasing intensity. In the *Edict of Milan*, the base of freedom of religion or belief, or divinely inspired Declaration of humanity's God or their state. Either way, for the sake of piece of our times, let us work toward a day when each one may have the free opportunity to worship as he pleases.

In the spirit of the all rights of all Romans, peace be with you all.

Thank you very much.



H.E. Bishop Aleksandr Isejin, Russian Orthodox Church in Azerbaijan

Opening speech

I wish to convey to all of you the blessings and greetings of His Holiness the Patriarch of Moscow and All Russia Sir Cyril. His Holiness the Patriarch of Moscow wishes for good fruits, for a fruitful outcome of the work of this conference, and for its success.

The Orthodox Church ascribes the highest mark to the significance of the *Edict of Milan* for the relations between the Church and the state and for the question of freedom in general. In the Russian Church, and otherwise in the Orthodox Church as a whole, Emperor Constantine has the title, status - not only of a holy one but also the title of being co-equal to the Apostles – isapostolic - in virtue of his contribution, and in every Russian city there is a Church dedicated to the Saints Constantine and his mother Helena, and again, in every Russian Orthodox Church, as obligatory, there is an icon of Emperor Constantine and Empress Helena. The events of the XX and XXI century have demonstrated that the *Edict of Milan* is not only a legacy from the past, for they have also actualised that old document, showing that it can be instigative or encouraging for the solving of problems in our time too. It very impressive that the festivities - which have commenced the marking and celebrating of the 1700th anniversary of the *Edict of Milan* - are in progress here in Serbia and that they are evolving in such a fashion. It is also important to note here that the current head of the Serbian Orthodox Church, Patriarch Irenaeus, was for decades the Bishop of the City of Niš in which Emperor Constantine was born. In that fact we may glean some sort of sign, given in advance, that this conference is to be successful, and with this thought I conclude - conveying, once again, the prayerful wishes of the Patriarch of Moscow Sir Cyril for the success of this conference.

Thank you.



**Professor Dr Bogoljub Šijaković,
Representative of the Government of the
Republic of Serbia**

Opening speech

Your Eminences and Your Excellencies, high representatives of the traditional Churches and religious communities, diplomatic representatives and members of the academic community, respected guests from abroad!

I have the exceptional honour on behalf of the Government of the Republic of Serbia and especially the Ministry of Faiths and Diaspora to greet you all most wholeheartedly and to extend a specially warm welcome to our guests from abroad and to wish you all a pleasant stay in Serbia and Novi Sad, expecting that the conference which carries such an important and obliging theme must be successful.

The lingual formulations of the *Edict of Milan* are characterised by a most demanding combination of expression: on the one hand they are simple and universally understandable, on the other hand they are deep and mentally stimulating. The words through which Emperor Constantine “gives freedom to Christians and everybody” refer us to the core of freedom. When it is said that “everyone may follow the religion of his liking” then we find ourselves at the core of conscience without which there is no moral consciousness. The words according to which everyone may freely believe “as his heart wishes” speak of the essence of faith, for it is in the heart. These simple and deep words move many themes. Today all of us already know that religious freedoms - both individual and collective - should be understood not only as the rights of believers but also as the responsibility of the state for the realisation of the rights of believers. Namely, it is the duty of the state, both in the public sphere and in the cultural and political ambience in general, to guarantee the practice of religious freedoms in everyday life, for they are fundamental and structurally important for every modern society. They are fundamental and structural for the concept of human freedom itself. By virtue of the latter the neutrality of the democratic civic state in regard to religion is demonstrated in a positive way, and it is important to stress that on this occasion, for this motivation is contained within the words of the *Edict of Milan* as well. Therefore we have the duty to secure a legal and social environment for the freedom of faith. But allow me as a believing Christian to say this as well: not only is the state responsible for the practice of our religious freedom but we also are responsible for the world which we live in. And perhaps it could be said: the stronger and more noble our faith becomes - the greater is our responsibility for the world we live in. In that case, within this co-responsibility of

the state towards religious freedom and of believers towards the world we live in today lies one important aspect of the *Edict of Milan*.

I desire to once again wish you success in the work of this conference. I wish that all of you leave Serbia with the best memories and to visit us again. Serbia has a heavy and complicated past and present. But with faith in God difficulties are much lighter and easier to bear, hence, the success of this conference is guaranteed by that token.



**Mr. Milorad Đurić,
Provincial Secretary for Culture and Public
Informing of the Autonomous Province of
Vojvodina Government**

Opening speech

Your Eminences, Your Graces, representatives of ecclesial communities, Your Excellencies, ladies and gentlemen, I have the outstanding honour to greet you on behalf of the Government of the Autonomous Province of Vojvodina and the President of the Government of Vojvodina, Dr. Bojan Pajtić, and to express my pleasure that such an important gathering chose the City of Novi Sad and Vojvodina for its host. Today we speak not only about an important jubilee for we again turn to the ever living message of the *Edict of Milan* which, during the passage of centuries, never lost its meaning, because the questions of tolerance, freedom and finally those of brotherhood - some 14 or 15 centuries later - were formulated in a similar manner through the messages of the French Revolution too, and the latter also has strongly influenced the culture and social life of Europe.

Vojvodina is a pluralistic community in which side by side live representatives of various peoples and religions, so we always take her as a good example of how that difference is to be articulated, and let us be forgiven for sometimes taking that as a good example. That is not only a question of Vojvodina but of Europe as well: I think, and in fact I am deeply convinced, that it is a question of the contemporary world. For, as the technology of communication makes its advances and as the processes of globalisation progress so the world follows suit becoming more connected and complex. The times of the rule of the principle "Whose realm, his religion" have passed, and today we have the situation that most states in the world are pluralist and are not monocultural. On the other hand, we are witnesses to a growing influence of the Church in the whole world. If we bond these two things it becomes clear that the messages of the *Edict of Milan*, in fact, are growing in relevance. It is thenceforth important that each and every one of us have the freedom of determination in favour of that identity which he or she desire and that we are all equal in that freedom, that is, that all of us are members of mankind, which is what binds us together despite the differences.

In closing, I once again extend my gratitude for being invited to participate in this conference and for the possibility to convey the messages of the Government of the Province, and those of political organisations generally, in the light of marking this significant jubilee. I wish you all the best and much success in the work of the conference.



Dr Johann Marte,
President, PRO ORIENTE Foundation
Austria

Opening speech

How good it is that we are meeting up a second time on the way to the Great Jubilee, how good it is that we are coming together in the country where East and West were united in a person who, by granting and maintaining religious freedom, this basic human right created a turning point for the history of the world.

His Allholiness Ecumenical Patriarch Bartholomaios stated that the multiplicity of culture, confession and religions in Europe has its roots in Carnuntum, the Roman capital city near Vienna where in 308 A.D. the fundament for Christian European culture was laid. In the name of the four emperors who divided the Roman Empire among themselves in Carnuntum, Emperor Galerius announced three years later in Nicomedia the *Edict of Tolerance* that Emperor Constantine the Great spread throughout the whole Empire and put into practice.

Gerhard Feige, the Roman Catholic Bishop in Magdeburg, compared the political revolutionary change in the IV century with the historical change in 1989, from the point of view that the number of Christians in Constantine's day were probably as many as in present - day Eastern Germany. That is, also a minority. This offers me two points to understand:

1. Despite the minority at that time, the lack of religious freedom and the resulting persecution of Christians are apparently comparable to the negative results in state and social politics under the communist regime before 1989;
2. The presentation of religious freedom resulted in a time of peace and enormous thrust towards development. At that time, and as we all know, also in Europe.

Because of the increasing restrictions of religious freedom, especially in the Near East – Europe not excluded – in so many countries throughout the world, the jubilee of the so-called *Edict of Milan* renews a very good opportunity to thematise religious freedom and civil rights, to quote His Holiness Patriarch Irinej. It would be grave evidence of incompetence if what Constantine recognised 1700 years ago and by means of courageous decisions put into practice, would not succeed today, and could not be achieved also today.

My most sincere thanks to the Serbian Orthodox Church, also to the Association of Non-Governmental Organisations of Southeast Europe - CIVIS and its president Mr. Boris Vukobrat for inviting PRO ORIENTE to take part in the further conference *Everlasting Value and Permanent Actuality of the Edict of Milan - On the Way to the Great Jubilee in 2013*. Many thanks also to Mrs. Mirjana Prljević and Mrs. Bojana Mazarak Popović for their experienced professional preparation of the conference, also for raising the necessary funding.

I wish the conference every success.

Thank you.



Mr. Boris Vukobrat,
Founder and President, Peace and Crises
Management Foundation, Switzerland

Opening Speech

Dear guests, welcome to our conference, this time with a stressed European aspect of the understanding the messages and the values of the *Edict of Milan*.

I think that religious issues according to their civilizational importance exceed the scope of the Church. That is why I believe that the dialogue among the representatives of different religions is of prime importance for the harmonious development of human society.

Starting with the implementation of the roundtable in Strasbourg in June 2008 on the topic *The Role of Churches and Religious Communities in Sustainable Peace Building in Southeastern Europe*, continuing this way bringing our views together, we also accepted the three-year project to commemorate the Great Jubilee, 1700 years of the *Edict of Milan*, which started with the conference in February 2011 in Niš.

Today, in Novi Sad, I would like to emphasize that the Christian values are the exponent of, not just the former, but also the future great civilizational achievements.

The great French Statesman, Charles de Gaulle, longed for Europe from the Atlantic to the Urals.

My deep belief, although it may seem utopian, is that just these Christian values will be the force that will unite Europe from the Atlantic to the Pacific. Peace and Crises Management Foundation is not only initiating, but also wholeheartedly realizing it, giving its full support to this belief.



DAY I

FREEDOM OF RELIGION OR BELIEF
IN THE EDICT OF MILAN FROM THE
THEOLOGICAL PERSPECTIVE



FREEDOM OF RELIGION OR BELIEF IN THE EDICT OF MILAN
FROM THE THEOLOGICAL PERSPECTIVE

Moderator:

Professor Dr Darko Tanasković

Faculty of Philology

University of Belgrade



His Grace Andrej, Bishop of Remesia, Serbian Orthodox Church

The Edict of Milan - A Basis for Freedom of Religion or Belief?

The Tolerance Edict of Milan, or as it is also called the *Edict of the two Emperors*, was passed in 313, while Emperor Constantine ruled the Roman Empire in the West, and Emperor Licinius the East. The Edict is a legally release for the Christians and all people in general to be free to choose one religion or faith, exercising it as they want to. Revealing here is the culmination of religious freedom providing on one side the right of Christianity to exist next the official Roman polytheistic religion, and on the other side respecting the freedom of choice in respect to all existing religions.

The *Edict of Milan* is certainly a confirmation of the *Tolerance Edict* by Emperor Galerius issued two years before on his deathbed in Sardica, even though the *Galerius Edict* was written in a manner somehow averse to Christianity.

The Latin text of the *Edict of Milan* is preserved in the works of the famous ecclesial writer Lactantius (*De mortibus persecutorum* 48), while the Church Father Eusebius of Caesarea in his *History of the Church* quotes as well the Greek translation of the mentioned *Galerius Edict* (in the 8th book, Chapter 17) as the *Edict of Milan* in the Book 10, Chapter 5. By the way, wherever authors wrote about the life of the Emperor Constantine and the era of ancient Christianity in general, they always mentioned the *Edict of Milan*.

Christianity thus became an allowed faith, and members of the Christian faith were invited to pray for the Emperor and the Empire. In Milan the town itself, the entire Christian people, especially the Christian clergy were granted all those privileges that had been recognized to officials of other religious faiths.

So the persecution of Christians ended in 313 when Constantine of the West and Licinius of the East proclaimed the *Edict of Milan*, which established a policy of religious freedom for all.

The two Emperors were considering everything that affected the public welfare and security, granting to the Christians and others full authority to observe that religion which each preferred; no one should ever be denied the opportunity to give his heart

to the observance of the Christian religion, or to that religion which he should think best for himself, *so that the Supreme Deity may show in all things His usual favour and benevolence*. To Christians was given free and unrestricted opportunity of religious worship.

Moreover, in the case of the Christians especially, the sacred places where they were previously accustomed for assemblies, had to be restored to the Christians without payment or any claim of recompense and without any kind of falsification or cheating. Those, moreover, who had obtained sacred places by gift, likewise had to return them at once to the Christians. And those who had purchased them or even secured by gift, should appeal to the state authorities for any recompense. All property was ought to be delivered at once to the community of the Christians without delay. And since the Christians had been owners not only of sacred places in which they were accustomed to assemble, but also of other property, all was ordered be restored to the Christians, without any hesitation or controversy.

It seems, from the theological point of view, that the State authorities came to a surprisingly recall of the clear commitment of early Christianity to a submission to the authorities, as quoted in Epistle of Paul to the Romans in Chapter 13, where we read:

1. *Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God.*
2. *Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves.*
3. *For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and he will commend you.*
4. *For he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer.*
5. *Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also because of conscience.*
6. *This is also why you pay taxes, for the authorities are God's servants, who give their full time to governing.*
7. *Give everyone what you owe him: If you owe taxes, pay taxes; if revenue, then revenue; if respect, then respect; if honour, then honour.*

These verses in their biblical authority had been considered for centuries as *locus classicus* of the *New Testament* doctrine of the state. The reception of Paul's Epistle to the Romans into the canon of the *Bible* was of central importance not only for the

Christian understanding of the state, but for the principles for the political practice and for political behaviour in general.

But only a few years, after Paul had written these verses of Romans 13, this apparently positive view of state powers, did not help the Christians of Rome to avoid severe persecution and suffering. However, this text has gained much popularity and historical significance, even though it is very difficult to explain how the same Apostle Paul who suffered so much, could call the God-given civil authorities as *διακονοι θεου*. So, along with this call for subordination of the Christians to state authorities, as a matter of the obligation of conscience, Christians experienced as soon by these same authorities persecution. Even its highest representative, the Emperor himself, gave the order, to burn the Christians as living torches by the roadside. Paul himself died a martyr's death in connection with these events. The life of Christians was two centuries long under the shadow of persecution. Until the accession of Constantine, the Church lived anywhere with martyrdom.

The Church Fathers did not neglect the problems of Romans 13. The records of Paul's State affirmation never stopped, not even in the post-apostolic times, or in times of severe persecution of the Church (as we see in the *Epistles of Clement to the Romans* 60.4 to 61.3, or in the *Martyrdom* of Polycarp; see also Irinej of Lyon and Origenes). It is surprising that this principle of subordination was of importance in the Church of the martyrs. Especially in the mouths of the martyrs, the Reference to Romans 13 was a Christian argument for the fundamental loyalty to the civil authorities. The aged Bishop of Smyrna Polycarp answered to the proconsul: I appreciated to answer you because we Christians have been taught to honour the divinely ordained powers and authorities (Mart Pol 10.2). The same witness we find also in the Syrian and Sicilian martyr acts.

Regarding the position of the Christians to the Roman Empire Romans 13 was more an instruction and motto to political loyalty in a very specific situation. *The Christians know that their citizenship is in heaven* (Phil. 3,20, Heb 13,14), and consequently, political loyalty appeals to a dutiful life with which Christians honour the Lord.

Paul gives in Romans 13 a generally positive interpretation of the Roman world order, especially since he would soon appear as a missionary in the Capital of the Empire. And Paul was not only for a short visit to Rome, but the Church of Rome was the base for further missionary work in the whole West of the kingdom. In Rome, Christians had not only contacts to brothers and enemies, but also to the many state officials and offices, to the Senate and the Imperial Court. The Apostle wanted to preserve the Church from ill-considered steps of political protest. Therefore, he insisted on the respect for the state institutions, suspending behaviours that would destroy love and peace of the community and disavow Christianity before the world.

The Apostle appeals to the Christians and to all other citizens to act loyal to state authorities and perform the duties as they are expected to perform them. For Christians, it is not necessary to invent a new political system. The Gospel calls to behave responsibly in the existing circumstances. The appeal of the Apostle to love does not demand the destruction of the political order, but is based on the Sermon on the Mount by Jesus and pointing in the direction of a political ethics.

Paul calls all Christians to stand the tension between the still existing world and the future new creation and not to shorten anything. Under the motto *distance and tolerance* Paul's instructions for life of Christians among the state authorities, can be understood best. The Christian Churches already belong to Christ, they belong to the eschatological Lord of the world. The relationship to the state is a matter of Christian conscience (δια την συνειδησιν).

A very dangerous misunderstanding of Roman 13 arises if we assume that Paul would have sanctioned blindly and ideologically existing socio-political conditions, whatever they might be. No, Paul wanted to say that human power, no matter how it is used, such as it is, is used by God. Human power, by nature, is always God-given power.

We can assume that the all three Emperors of the early IV century, at the time when the *Edict of Milan* was passed, learned from the moral capacity of the Christians, approved in the hardest times of persecution.

The Christian tradition exposed an understanding of freedom, for which the relatedness of mutual responsibility and accountability is almost constitutive. Christianity wanted to develop a social model of communicative and cooperative freedom. Freedom is a relational concept, whose key feature is the reciprocity.

*

Christianity calls us today to a conscious reconstruction of society as criteria for the construction of a culture of life, of solidarity and sharing, in life-promoting non-violence and respect for the integrity of all life. Churches and religious communities can be drawn into ethnic and national conflicts, and thus become, often even unwillingly, a problem factor rather than a tool of peace.

For the inter-religious initiatives, the central obligation remains to accept the plurality of religions. The dialogue is not only an exchange of thoughts and ideas, but a giving and taking in the broad sense. In our common search for the truth, our self-examination can lead us to a dialogue of conscience and from there to a dialogue of mutual forgiveness and tolerance.

For the public discussion, the experience of interreligious dialogue is of highest importance, as it appears particularly that religious differences and contrasts, as

indicated just before, can become factors of intensifying social conflicts. In the context of inter-religious encounter and dialogue we are called to be committed to withdraw any moral and ethical legitimacy from the use of force as **responses to conflicts for the sake of political, economic, cultural or even religious objectives.**

In addition to the appeal for peace and interfaith understanding, it is necessary in this sense to clarify the problem of the relationship between religion and violence. From the theological perspective, violence is a manifestation of evil. Animals for example, even the worst ones, have **an instinctive resistance not to kill members of their own species.** In every human, violent behaviour is an ability, which can be activated at any time. The religions are invited to interpret the origin of this potential for violence in human nature and to formulate rules that restrain the use of force.

The spirit of the *Edict of Milan*, however, points today to the urgent overwhelming of mutual institutional boundaries. The experience of an increasing awareness of religious pluralism with its importance for public life is an urgent challenge, to open by this awareness a greater mutual understanding and intensive cooperation among people of different faiths.

If dialogue is understood as a response to the commandment of love by the Lord, then between the inter-religious dialogue and the Christian witness can be no contradiction at all. Through dialogue we do represent sincerely our own beliefs, backgrounds and traditions, but we declare also our readiness to open up to strangers and others, even to stand up to questions, to make changes if necessary. The culture of dialogue does not require our own life-determining truth, but it expects our humility to respect others and bear misunderstood truths. Christians contribute to the deepening of this culture by their spiritual insight which sees the dialogue as a symbol of life in community which is both a gift and a calling.

The divine blessing was not only given to the people of God in the *Old Testament*, but integrated in the promise of God were all families of the earth, the whole inhabited earth, including the entire creation of God, and, consequently, including people of other religions and faiths. When God says to Abraham in Genesis 12 *to go forth into the land that God will show him*, we see how God sends Abraham on his way to an unknown destination, detached and apart from all that served as the basis of his life, from his family and familiar social environment. Abraham's obedience, the *Bible* describes with the word *faith* (Gen 15,6). The way of Abraham is an archetype of the true kind of faith in God and His promises.

Among the wide range of positions regarding the dialogue of religions there exists also a fear that inter-faith encounters open gate and door to syncretism and relativism, or highlight the creation of a world religion, with the aim to build up the economic, social

and cultural globalization, for the sake of those who regard the Christian ecumenism as obsolete and outdated, seeking to establish, by macro-ecumenism, a worldwide union of religious communities.

On the base of the mentioned issues and in the spirit of the *Edict of Milan*, however, it should be possible for the Churches and religious communities to agree on the structure of a human community. The different religious groups play here an irreplaceable role. Regardless of the differences of the various existing truths, the inter-religious encounter in the future, should particularly focus on the question of a community that will be constantly characterized by religious pluralism. This is a special call for the ecumenical movement and for the interfaith initiatives to promote the interests of the whole human community.



**Fr. Piotr Mazurkiewicz,
General Secretary of Commission of the
Bishops' Conferences of the European
Community**

Edict of Milan and Religious Freedom¹

The 1700th anniversary of the *Edict of Milan* that put an end to the persecution of Christianity in the Roman Empire, provides an opportunity to reflect upon the issue of religious freedom in Europe. In January 313, shortly after the ending and ultimate failure of the persecution initiated by Diocletian and Galerius (303-304), the Emperor Constantine held council with the Emperor Licinius in Milan. The decisions taken there are known from the rescript which Licinius ordered to be published in Nicomedia in June the same year. We know the Latin text of that letter by the two Emperors as transmitted to us by Lactantius, who included it in his work *On the Deaths of the Persecutors*, which reads as follows:

When I, Constantine Augustus, as well as I, Licinius Augustus, fortunately met near Mediolanurn (Milan), and were considering everything that pertained to the public welfare and security, we thought, among other things which we saw would be for the good of many, those regulations pertaining to the reverence of the Divinity ought certainly to be made first, so that we might grant to the Christians and others full authority to observe that religion which each preferred; whence any Divinity whatsoever in the seat of the heavens may be propitious and kindly disposed to us and all who are placed under our rule. And thus by this wholesome counsel and most upright provision we thought to arrange that no one whatsoever should be denied the opportunity to give his heart to the observance of the Christian religion, of that religion which he should think best for himself, so that the Supreme Deity, to whose worship we freely yield our hearts, may show in all things His usual favour and benevolence (48, 2-3)².

1 In the present paper I make ample use of a book by Hugo Rahner, *Kościół i państwo we wczesnym chrześcijaństwie*, Instytut Wydawniczy PAX, Warszawa 1986 (Kirche und Staat im frühen Christentum; English translation: *Church and State in Early Christianity*, translated by Leo Donald Davis, San Francisco, Calif., Ignatius Press, 1992), containing a selection of primary sources pertaining to the historical period under examination as well as an interesting discussion of the main challenges in Church-State relations in that era.

2 1. Licinius vero accepta exercitus parte ac distributa traiecit exercitum in Bithyniam paucis post pugnam diebus et Nicomediam ingressus gratiam deo, cuius auxilio vicerat, retulit ac die Iduum Iuniarum Constantino atque ipso ter consulibus de resituenda ecclesia huius modi litteras ad praesidem datas proponi iussit: 2. 'Cum feliciter tam ego [quam] Constantinus Augustus quam etiam ego Licinius Augustus apud Milanum cinvenissemus atque universa quae ad commoda et securitatem publicam pertinerent, in tractatu haberemus, haec inter cetera quae videbamus pluribus hominibus profutura, vel in primis ordinanda esse credidimus, quibus divinitatis reverentia continebatur, ut daremus et Christianis et omnibus liberam potestatem sequendi religionem quam quisque voluisset, quod quicquid <est> divinitatis in sede caelesti. Nobis atque omnibus qui sub potestate nostra sunt constituti, placatum ac propitium possit existere. 3. Itaque hoc consilium salubri ac reticissi ma ratione ineundum esse credidimus, ut nulli omnino facultatem abnegandam putaremus,

The Emperors decided to “grant to the Christians and others full authority to observe that religion which each preferred”, concluding that in the choice of religion even imperial power might not prohibit anything. Everybody has the right to make one’s own individual free decision. In addition to declaring universal religious freedom, the decree clearly ordered the discontinuance of religious persecution and an irreversible restitution to the Christian communities of their requisitioned properties and meeting places.

As evident from the document, these were political motives that drove the two Emperors to issue an *Edict of toleration*: seeking that which promotes the public welfare and benefits the state. The point was, on the one hand, to use religion as a factor helping to preserve the unity of the empire, and, on the other hand, to win the favour of “the Supreme Deity” for the Emperor’s undertakings. *In hoc signo vinces*: this is what Constantine allegedly heard in his vision, following which he had the sign of Christ placed on his army’s banners. Clearly, it was the need for a divine helper in battle that paved the way towards Christianity for him.³ His personal faith remains a mystery to us.

Universal toleration announced in the interest of the Empire gave everybody, irrespective of their religion, the right to a free decision on the matter. “Let none use that to the detriment of another which he may himself have received on conviction of its truth; but let everyone, if it be possible, apply what he has understood and known to the benefit of his neighbour; if otherwise, let him relinquish the attempt. For it is one thing voluntarily to undertake the conflict for immortality, another to compel others to do so from the fear of punishment”, we read in the *Vita Constantini*.⁴ However, the Emperor must have soon noticed that to put an end to religious conflict in the Empire is one thing, but to rule according to a toleration formula so broadly defined was quite another. For what he needed was not so much genuine religious freedom as rather the Catholic Church as an instrument with which to pursue a unification policy. “Having had full proof, in the general prosperity of the Empire, how great the favour of God has been towards us”, Constantine declares, “I have judged that it ought to be the first object of my endeavours, that unity of faith, sincerity of love, and community of feeling in regard to the worship of Almighty God, might be preserved among the highly

qui vel observationi Christianorum vel ei religioni mentem suam dederet quam ipse sibi aptissimam esse sentiret, ut possit nobis summa divinitas, cuius religioni liberis mentibus obsequimur, in omnibus solitum favorem suum benivolentiamque praestare. 4. Quare scire dicationem tuam convenit placuisse nobis, ut amotis omnibus omnino condicionibus quae prius scriptis ad officium tuum datis super Christianorum nomine <continebantur, et quae prorsus sinistra et a nostra clementia aliena esse> videbantur, <ea removeantur. Et> nunc libere ac simpliciter unus quisque eorum, qui eandem observandae religionis Christianorum gerunt voluntatem. Citra ullam inquietudinem ac molestiam sui id ipsum observare contendant. 5. Quae sollicitudini tuae plenissime significanda esse credidimus, quo scires nos liberam atque absolutam colendae religionis suae facultatem isdem Christianis dedisse (*Edictum Milanense*, Lactantius, *De Mortibus Persecutorum*, XLVIII [Fritzsche, Lactantius, Opera, II, Leipzig, 1844, pp. 288-289]; For English text: Translated in University of Pennsylvania. Dept. of History: Translations and Reprints from the Original Sources of European history (Philadelphia, University of Pennsylvania Press [1897?-1907?]), Vol 4:, 1, pp. 28-30.

3 Cfr. J. Vogt, *Upadek Rzymu*, Państwowy Instytut Wydawniczy, Warszawa 1993 (*Die Spätantike der Niedergang Roms – Metamorphose der Antiken Kultur*, English translation: *The Decline of Rome: The Metamorphosis of Ancient Civilisation*, translated by Janet Sondheimer, New York: New American Library, 1967), p. 101.

4 Eusebius of Caesarea, *The Life of the Blessed Emperor Constantine*, II, 60, www.fordham.edu/Halsall/basis/vita-constantine.asp

favoured multitude who compose the Catholic Church.”⁵ It should be emphasised that this concept has not a Christian pedigree, but was a simple continuation of the Roman approach, according to which being a Roman citizen, fidelity to the state incorporated in the person of the Emperor and adherence to truth defended by the Emperor were nearly synonymous.⁶ *Sua cuique civitati religio* - Cicero wrote.⁷

It seemed to many that the time of religious persecution had ended definitively, and a blissful era of a Christian Empire had begun. It soon turned out, however, that the life of Christians in the “new world” was not problem-free. The Emperor’s favour made the bishops swarm around him in an attempt to gain access to privileges for themselves. “Not one of the Bishops was wanting at the imperial banquet”, we read in Eusebius’s account of the feast hosted by the Emperor on the occasion of his vicennalia “... Detachments of the body-guard and other troops surrounded the entrance of the palace with drawn swords, and through the midst of these the men of God proceeded without fear into the innermost of the imperial apartments, in which some were the Emperor’s own companions at table, while others reclined on couches arranged on either side. One might have thought that a picture of Christ’s kingdom was thus shadowed forth, and a dream rather than reality.”⁸ However, even as early as that, Eusebius had already noticed a danger in that situation, thinking that pagans and clandestine heretics, who, “intimidated by the Emperor’s threats, disguising their real sentiments, crept secretly into the Church,”⁹ had also taken advantage of that opportunity. The problem of opportunism kept resurfacing in successive decades of “official” Christianity. In their petition addressed to the Emperor Theodosius, the Luciferians present it with sarcasm: “These honourable Lords Bishops, who once in the rule of Constantius first defended the immaculate faith and then condemned it with a heretical writing, have now once again returned to the Catholic profession of faith: as soon as they noticed that the Emperor, too, had again sided with the Catholic Bishops! Where, therefore, is the faith and veneration due to Christ if the Bishops, depending on the inclination of the earthly Emperor, today turn from Catholics into heretics, and tomorrow from heretics into Catholics once again.”¹⁰ Opportunism, however, is a temptation already known to the clergy in the *Old Testament* (cfr. Am 7, 10-17) and constantly accompanying God’s servants, as we are reminded, for example, in the English expression: “to behave like the Vicar of Bray”.

⁵ Ibidem, III, 17.

⁶ Cfr. B. Dumézil, *Chrześcijańskie korzenie Europy*, Wydawnictwo Marek Derewiecki, Kęty 2007, (*Les racines chrétiennes de l’Europe. Conversion et liberté dans les royaumes barbares Ve - VIIIe siècle*, Librairie Fayard, 2005), pp. 57-58.

⁷ Cicero, *Pro Flacco*, 28, 69, after: B. Dumézil, p. 61

⁸ Eusebius of Caesarea, III, 15.

⁹ Ibidem, III, 66.

¹⁰ *Petition of the Luciferians to Theodosius*, 52, after: H. Rahner, p. 71.

Constantine was convinced that spiritual unity was required in order to preserve the unity of the Empire. He was not, however, a person capable of appreciating the finer points of theology. The Emperor perceived disputes on fundamental issues, such as the Eternal Word being “of one substance” with the Father, as a “point so trivial and altogether unessential”, a dispute over “some trifling and foolish verbal difference”, typical of the common people, “rather characteristic of childish ignorance, but inconsistent with the wisdom of priests and men of sense”.¹¹ For, from the point of view of political authorities, it was not the content of the Christian faith that mattered, but its unity, and any theological disputes presented a threat to the spiritual unity of the state.

The unity of the Empire was to be guaranteed (or at least strengthened) by a Church made uniform in terms of faith and administration and playing an auxiliary role to the state.¹² For this reason, the first and fundamental thing for Constantine was to recognise himself to be the Bishops’ “fellow-servant” in the service of God.¹³ As he put it himself: “You are Bishops whose jurisdiction is within the Church: I also am a Bishop, ordained by God to overlook whatever is external to the Church”.¹⁴ Eusebius, who was very enthusiastic about this declaration, says: “But he [the Emperor] exercised a peculiar care over the Church of God: and whereas, in the several provinces there were some who differed from each other in judgment, he, like some general Bishop constituted by God, convened synods of His ministers”.¹⁵ With time it turned out that the “*emperor-episkopos*”, insensitive to the finer points of theology, tended to regard anything that threatened to break up the unity of the empire as “matters external to the Church”, i.e. the ones over which he enjoyed exclusive jurisdiction.¹⁶ It was for this reason, for example, that he banished the “rebellious Bishops” who wanted to remain true to the Nicene Creed after the Council of Antioch in 330. Consequently, in 335 Athanasius of Alexandria goes into exile, and Constantine writes to the Council at Tyre: “Meantime should any one, though I deem it most improbable, venture on this occasion to violate my command, and refuse his attendance, a messenger shall be despatched forthwith to banish that person in virtue of an imperial edict, and to teach him that it does not become him to resist an Emperor’s decrees when issued in defence of truth”.¹⁷

One of the telling examples of the pressure exerted by the Emperor on the Bishops and on the content of the Catholic faith is the council convened by the Emperor Constantius in Milan in 355. Its goal was to force the Western Bishops to condemn

11 Eusebius of Caesarea, *The Life of the Blessed Emperor Constantine*, III, 71.

12 Cfr. H. Rahner, p. 55.

13 Cfr. Eusebius of Caesarea, *The Life of the Blessed Emperor Constantine*, III, 17.

14 Ibidem, IV, 24. As interpreted by Raffaele Farina, this statement means that the bishops have power within the Church, and the emperor has power over the Church (*L'impero e l'imperatore cristiano in Eusebio di Cesarea: la prima teologia politica del Cristianesimo*, Zurich, 1966, p. 240).

15 Ibidem, I, 44.

16 Cfr. H. Rahner, p. 61.

17 Eusebius of Caesarea, *The Life of the Blessed Emperor Constantine*, IV, 42.

Athanasius of Alexandria. It was soon transferred from a Church to the imperial palace, in which Constantius, hidden behind a purple curtain, listened to the deliberations. It was during this council that he demanded: “Whatever I will, be that esteemed a[n] [Ecclesiastical] Canon”.¹⁸

Taken together, these developments made at least some of the Bishops realise that the Church had found itself unexpectedly held in slavery by a Christian Emperor. A very subtle slavery, guaranteeing a place on the Emperor’s sofa in return for subjecting oneself to his will. That awoke a peculiar longing for the time of open persecution and the freedom of the martyrs’ era. At that time it was clear who was for and who against Christ; and torture, fire and sword were unable to deprive His disciples of their freedom. “But nowadays”, St. Hilary of Poitiers writes, “we have to do with a disguised persecutor, a smooth-tongued enemy, a Constantius who has put on Antichrist; who scourges us, not with lashes, but with caresses; who instead of robbing us, which would give us spiritual life, bribes us with riches, that he may lead us to eternal death; who thrusts us not into the liberty of a prison, but into the honours of his palace, that he may enslave us: who tears not our flesh, but our hearts; who beheads not with a sword, but kills the soul with his gold; who sentences not by a herald that we are to be burnt, but covertly enkindles the fire of Hell against us. He does not dispute with us, that he may conquer; but he flatters us, that so he may lord it over our souls. He confesses Christ, the better to deny Him; he tries to procure a unity which shall destroy peace; he puts down some few heretics, so that he may also crush the Christians; he honours Bishops, that they may cease to be Bishops; he builds up Churches, that he may pull down the Faith; he constantly has Your Name in his words and on his lips, but does everything to prevent the belief that You are God like the Father...”¹⁹.

I think that the yearning of the Fathers of the Church for the period of persecutions was not about longing for the past but rather longing for the previous clarity of the issues and the sense of freedom which allowed them to reject the offer of a comfortable life which was thereafter repeatedly made to them.

In those times of a “subtle slavery” there was no want of Bishops who found the spirit of martyrdom in themselves. For instance, stenographic records of a hearing of Pope Liberius by Emperor Constantius were preserved. The Emperor demanded from him the denial of any relations with Athanasius. Left alone to defend himself, the Pope responded: “My standing alone does not make the truth a whit the weaker. According to the ancient story, there are found but three men resisting a decree”.²⁰ On another occasion, Basil a Bishop from the East, required by an Emperor’s official to give up the

18 St. Athanasius, *Historia Arianorum* 33 - www.synaxis.org/cf/volume27/ECF00015.htm

19 St. Hilary of Poitiers, *Against Constantius* - www.salvemariaregina.info/SalveMariaRegina/SMR-163/Saint%20Hilary.html

20 Teodoret, *The Ecclesiastical History, Book II, Chapter XIII, Conference between Liberius, Pope of Rome, and the Emperor Constantius*, http://christianbookshelf.org/theodoret/the_ecclesiastical_history_of_theodoret/chapter_xiii_conference_between_liberius_pope.htm

Nicene Creed once all others did and had surrendered, surprised him with his answer. “No one has ever yet spoken thus, and with such boldness, to Modestus” – the prefect said. “Why, perhaps”, said Basil, “you have not met with a Bishop”.²¹

Another unfailing defender of the freedom of the Church was Saint Ambrose, the Bishop of Milan. He was the first one to attempt to lay down this structure of Church-Empire legal relations in such a way that neither the Church nor the Empire should deter each other’s development.²² “We render to Caesar the things that are Caesar’s, and to God the things that are God’s” - he was urging. “To Caesar tribute is due, we deny it not; the Church is God’s, and must not be given up to Caesar, because the Temple of God cannot by right be Caesar’s. (...) For the Emperor is **within** the Church, not **over** the Church”.²³ The duel between Bishop Ambrosius and Emperor Theodosius who was led by the former to make a public penance and the legendary scene where the Bishops turns the Emperor out of the chancel became a symbol of new relations. “Let him listen to the words of a free-spoken Bishop...”²⁴ – Ambrose directs at the Emperor. And the free-spoken voice declares: “But it is neither the part of an Emperor to deny liberty of speech, nor of a Bishop not to utter what he thinks. There is no quality more amiable and popular in an Emperor than to cherish freedom even in those who owe him military allegiance. For there is this difference between good and bad rulers, that the good love freedom, the bad slavery. And there is nothing in a Bishop so offensive in God’s sight, or so base before men, as not freely to declare his opinions.”²⁵

In this brief discussion on the subject of religious freedom in the decades following the adoption of the *Edict of Milan*, an invocation of the recognition of Christianity as the official religion of the Empire needs to be mentioned. On 27 February 380 in Thessaloniki Emperor Theodosius acting on behalf of both Emperors issued a decree which made the faith of the Catholic Church the law of the state. This was further confirmed by Emperor Justinian in his code where we read: “We desire that all peoples subject to Our benign Empire shall live under the same religion that the Divine Peter, the Apostle, gave to the Romans, and which the said religion declares was introduced by himself, and which it is well known that the Pontiff Damascus, and Peter, Bishop of Alexandria, (...), embraced; that is to say, in accordance with the rules of apostolic discipline and the evangelical doctrine, we should believe that the Father, Son, and Holy Spirit constitute a single Deity, endowed with equal majesty, and united in the Holy Trinity (...). We order all those who follow this law to assume the name of Catholic

21 Gregory of Nazianzus, *Oration 43. Funeral Oration on the Great S. Basil, Bishop of Caesarea in Cappadocia*, 50 <http://people.ucalgary.ca/~vandersp/Courses/texts/cappadoc/gnazor43.html>

22 Cfr. H. Rahner, p. 82.

23 St. Ambrose, *Sermon: against Auxentius on the giving up the Basilicas* (A.D. 386), 35-36, http://www.tertullian.org/fathers/ambrose_letters_03_letters21_30.htm#52

24 H. Rahner, p. 110.

25 St. Ambrose, *Letter 40*, 2 - http://www.tertullian.org/fathers/ambrose_letters_04_letters31_40.htm#letter40

Christians, and considering others as demented and insane, We order that they shall bear the infamy of heresy; and when the Divine vengeance which they merit has been appeased, they shall afterwards be punished in accordance with Our resentment, which we have acquired from the judgment of Heaven.”²⁶ Continuation of the Roman policy of “religious unity” also led to cases of forced conversion. Generally, however, it encourages people to change their religion by favoring those who have voluntarily accepted the faith of the Emperor and disfavoring those who did not. In this sense, the conversion became a kind of obligation only to those who wanted to maintain or improve their social position, starting a service for the Emperor. But there was in force a minimalist definition of “conversion”, reducing it to merely formal adherence to a particular rite. Those who were reluctant were threatened by confiscation of goods and exile, which reduced them to the status of wanderers with no recourse to the Roman law. The Romans’ sense of realism with regard to the principle of confidentiality resulted, however, in that they refrain from the pursuit of religious unity at the expense of the stability of the Empire. Just as with the conversion of the good taxpaying Gentiles to the Emperor’s *religio*, were it to expose the finances of the Empire at risk.

Hugo Rahner suggested in his comments to the *Codex* that this was a document which announces the advent of new times. Although Theodosius himself does not wish to play the role of a Caesar and master of the form of faith, in the way Constantius once did, and in principle subordinates the Empire to the profession of faith whose purity is guaranteed by the Roman Pope and successor of the unforgettable Athanasius of Alexandria; nevertheless he invokes the “Heavenly inspiration” that his imperial heart received and in this way we are already standing at the door of Caesar’s state Church where it will be the Emperor enlightened by “Heavenly inspiration” who will have the upper hand. The Greek East translated this view into a deed of historical significance and thus the Church was thrown to the uncertain mercy of the Emperor. Meanwhile the West, which sometime before had wanted naively to surrender itself to the rule of the state, stepped back from this road for its own good and for the Western freedom of spirit. One year after, the two fronts that had been already showing fractures in Sardica drifted apart.²⁷

I have not referred to those words in order to engage in polemics about the differences between the East and the West but rather to give an introduction to the commentary provided by Pope Benedict XVI concerning the alliance of throne and altar, the note on which I would like to end my address. In line with the teaching of the Second Vatican Council, politics belongs to the lay area of life, for which mainly lay people should take responsibility. If we look into the source of the change from the previous position

²⁶ *Codex Justinianus I*, 1

(English text : <http://uwacadweb.uwoy.edu/blume&justinian/Code%20Revisions/Book1rev%20copy/Book%201-1rev.pdf>).

²⁷ H. Rahner, p. 84.

of the Church on that count, next to the evangelical statement about the separation of what is God's and what is Caesar's (Mt 22, 21) – with great probability one can say that it is the negative historical experience of the Western Church that drove the change. As Pope Benedict XVI emphasizes, the Church was always losing out from the alliance of throne and altar, regardless of the ruler's intention: "The Christian empire attempted at an early stage to use faith in order to cement political unity. The Kingdom of Christ was expected to take the form of a political kingdom and its splendor. The powerlessness of faith, the early powerlessness of Jesus Christ, was to be given the helping hand of political and military might. The temptation to use power to secure the faith has arisen again and again in varied forms throughout the centuries, and again and again faith has risked being suffocated in the embrace of power. The struggle for the freedom of the Church, the struggle to avoid identifying Jesus' Kingdom with any political structure, is one that has to be fought century after century. For the fusion of faith and political power comes at a price: faith becomes the servant of power and must bend to its criteria."²⁸

In the period of persecutions one dreamt that the time would come when those in power would look on Christianity with a friendly eye. History teaches us nevertheless that identity and clarity of testimony would always suffer if too close relations of altar and throne were forged at times when the authorities were favorably disposed and hopes raised for some privileges. It is almost natural for the authorities to apply a quasi-magic interpretation to the words: *in hoc signo vinces*, not the one compatible with the spirit of Christian theology.²⁹

28 Benedict XVI, *Jezus z Nazaretu*, Wydawnictwo M, Kraków 2007 (Benedict XVI, *Jesus of Nazareth: From the Baptism in the Jordan to the Transfiguration*, Ignatius Press, 2008), p. 46.

29 "One would like to say - writes Benedict XVI - that the motive of the action against Jesus was of a political nature (...). However, this look at the figure of Jesus and His work in political terms is contradictory to a reading of exactly what was in him the most important and new. In fact, Jesus by his kerygma separated the religious dimension from political one, and this separation transformed the world and is really an important part of his new road" [Joseph Ratzinger – Benedict XVI, *Jezus z Nazaretu. Część II*, Kielce 2011, (*Jesus of Nazareth: Holy Week: From the Entrance Into Jerusalem To The Resurrection*, Ignatius Press, 2011) p. 183-185].



H.E. Bishop Dr. Michael Bünker,
General Secretary of Community of Protestant
Churches in Europe (CPCE)

Freedom of Religion in the Edict of Milan from a Theological Perspective

The series of religious edicts issued during the latter stages of the Roman Empire, which not entirely appropriately are also referred to as the *Edicts of toleration*, beginning with that issued by Galerius and posted at Nicomedia on 30 April 310 and culminating in the *Milan Agreement* of Spring 313 and the associated accord of religious

freedom, give grounds to consider the history of tolerance in Europe and to address contemporary challenges concerning the implementation of the fundamental right to freedom of religion in a plural world. This exercise cannot be undertaken without self-critical introspection, for it is a well-known fact that upon its own release from the era of persecution Christianity itself quickly became the persecutor. Christianity was adopted as the state religion under Theodosius I (379-395), and as early as the confrontation with the Donatists at the start of the V century Augustinus (354-430) demanded, with reference to Luke 14:23 (*cogite intrare*), that the state actively combat heretics. Should it fail to do so, the state would render itself guilty of the “most shameful indulgence” (*ignominiosissima indulgentia*),¹ for the persecution of dissenters by the Church is a *iusta persecution*: whereas the ungodly persecute dissenters out of cruelty, the Church does so out of love.² The legal manifestation of this stance appeared in the Code of Justinian (*Codex Iustinianus*) in 529 AD, which formed the basis for the subsequent Law against Heretics, which then persisted for centuries.

With this backdrop in place, I now invite you for a short stroll through the heart of Vienna. We set forth from the Stephansplatz in the city centre towards the Fleischmarkt (meat market), where the Cathedral of the Greek Orthodox Metropolis stands. Immediately opposite, an inscription on an old townhouse reads: “This house will crumble, yet Joseph’s name never; for he bestowed tolerance that fames him forever”. The verse refers to Joseph II (1741-1790), whose tolerance legislation granted non-Catholics - the Lutherans, Calvinists and Orthodox Christians - the right to practice their religion in private. His mother, Maria Theresia (1717-1780), reviled his intention as “tolerism” and viewed it as nothing other than indifference and arbitrariness. She

¹ Augustinus, Contra p. Don. 31,59f.

² Augustinus, Ep. 185,11.

was firmly of the belief that the state absolutely must protect its religion and enforce its claim to truth against dissenters and non-believers, where necessary even by means of external force. In the explanation of his *Patent of Toleration* from 13 October 1781 Joseph develops two lines of argument: on the one hand he declares his conviction of the “damaging effect of any coercion of conscience”, on the other his belief in the “great reward” that a state can gain from “true Christian tolerance”.

Tolerance and the ensuing freedom of religion and conscience have their roots certainly not only in the anti-religious mindset of the French Revolution. The theoretical basis was developed by thinkers who were consciously committed to their belief and Christian heritage. The first impulses towards the definition of human rights emerged from the fledgling states of the USA, such as Virginia and Pennsylvania, and were set in writing there as early as the 1770s. Even in France it was during the early stages of the Revolution, before religion and faith came under any form of attack and instead were still practised unquestioningly, that first mentions were made of inalienable human rights, which then culminated in the *Declaration of the Rights of Man and of the Citizen* on 26 August 1789. So the postulation that enlightenment and human rights could only triumph because of the anti-religious stance of their proponents is quite false. Certainly the new values had to be wrestled from the Churches, but this movement was not originally born from religious ambivalence and certainly not from a rejection of religion.³

Even if the reformers were not conscious of the concept of tolerance and were not talking of religious freedom, they rejected nonetheless the medieval Law against Heretics which had prevailed until that point. “Heretics should be fought with words and never with fire”, said Martin Luther.⁴

Certainly the concept of tolerance was also endorsed in the XVI century, but at that point predominantly by peripheral groupings within the reformation, spiritually minded Baptists such as Balthasar Hubmair (1485-1528) and Sebastian Franck (1499-1542/43), or individual Humanists like Sebastian Castellio (1515-1563), for example. Even if the term “tolerance” in its modern meaning is found for the first time in one of Luther’s letters⁵ this does not change the overall picture of that age or the fundamental evaluation of the Reformation: “The reformers were therefore in no way advocates and inventors of religious and political tolerance.”⁶ It was only during and after the experiences of the Thirty Years’ War that the modern concept of tolerance evolved. The regulation of the Peace of Augsburg of 1555 had proved to be unsustainable. In

3 Hans Joas: *Die Sakralität der Person. Eine neue Genealogie der Menschenrechte*, Frankfurt/Main, 2011, 23ff (translator’s note: title = “The Sacredness of the Person. A New Genealogy of Human Rights”).

4 WA 6,455,21f (translator’s note: “WA” = “Weimarer Ausgabe” and refers to the Weimar edition of Martin Luther’s works).

5 WA Br 9,438ff (12.6.1541).

6 Martin Honecker: *Einführung in die Sozialethik*, 701 (*Introduction to Social Ethics*).

this context one must cite the proponents of the modern doctrine of natural law, the Protestants leading the way. Hugo Grotius (1583-1645), Samuel von Pufendorf (1632-1694) and particularly Christian Wolff (1679-1754) laid the theoretical foundations for the modern concept of tolerance, which was then incorporated into the relevant state legislation. The state is responsible for all of its subjects and therefore not only has the right to tolerate – or precisely to not tolerate – other religions as dominant, but it is obliged to be tolerant. Johann Wolfgang von Goethe neatly summarised the inadequacy of tolerance in the sense of mere endurance, that “to tolerate is to insult”,⁷ and instead promoted recognition in terms of acceptance: “Tolerance should really only be a temporary attitude leading towards recognition.”

At the very latest in the light of experiences made under the various criminal totalitarian regimes of the XX century Churches have opened themselves to the idea of human rights and not only accepted them as state law, but have also ascertained their theological basis and therefore (re-)adopted the concept as their own. Dietrich Bonhoeffer (1906-1945) was one of the first to see this connection. At the height of the despicable rule of the National Socialists Bonhoeffer identified “a kind of confederation” between the values of secular humanitarianism and those of Christianity.⁸ The Protestant Churches, in common with the others, consider human rights as resulting from the unique dignity of humankind, which itself is based on humans’ creation in the image of God⁹ (Genesis, 1:17). However, human dignity is derived not only from the theology of Creation, but also from the doctrine of salvation. This dignity remains ultimately inviolable and indelible despite human sin and must be appropriately cemented in law because justice is granted to humankind by the grace of God only through Jesus Christ. “Protestant theology identifies the consistency and incontrovertibility of human dignity as stemming predominantly from the justification of sinners by grace alone”.¹⁰ Thus according to Protestant understanding human rights are accorded to all humans on the basis of the dignity given to them by God and realised by Jesus Christ once and for all. They are not in any way subject to compromise by any state action, instead being enforceable “fundamental rights” of every individual, which present the state with a duty to act on behalf of this principle. Admittedly, human rights are not Gospel and they are not explicitly identifiable within God’s law. In theological terms they are attributable to Divine Providence, and as such they are also respected in their secular form; for there is no Christian monopoly on the justification of human dignity and human rights. They might “require justification” on the one hand, but they are also “open to justification” on the other. This plural perspective can justify the universal applicability of human rights above and beyond any religious and cultural boundaries

7 Johann Wolfgang von Goethe: *Maximen und Reflexionen*, Nr. 875 (*Maxims and Reflections*).

8 Dietrich Bonhoeffer: *Ethik*, 342-344 (*Ethics*).

9 CPCE: *Human Rights and Christian Morality*, 2009.

10 Gesetz und Evangelium, LT 10, 145 (*Law and the Gospel*).

and facilitate their further development. As far as the Churches are concerned their faith justifies human dignity, it leads them to stand for tolerance as ethically imperative behaviour and also to fight for the respect of human rights. In the *Ecumenical Charter of European Christians* (*Charta Oecumenica*) dated 22 April 2001 the Churches outlined the following principle for living together in a religiously, ethnically and culturally homogeneous Europe: “On the basis of our Christian faith, we work towards a humane, socially conscious Europe, in which human rights and the basic values of peace, justice, freedom, tolerance, participation and solidarity prevail.”¹¹

Furthermore, therefore: “We commit ourselves to recognise the freedom of religion and conscience of these individuals and communities and to defend their right to practise their faith or convictions, whether singly or in groups, privately or publicly, in the context of rights applicable to all [...]”¹²

I would like to conclude with another historical reference to Vienna: In 1782, a year after Joseph II’s *Patent of Toleration*, Wolfgang Amadeus Mozart had been commissioned by the Kaiser to compose a German singspiel, which, to the dismay of Viennese society, he set in Turkey. Unbeknown to Mozart, behind closed doors the House of Habsburg was actually plotting a new war against the Ottoman Empire. So it was in this rather tense atmosphere that the premiere of “The Abduction from the Seraglio” was then celebrated. The libretto was based on the work of a reformed writer, who had only just been able to publicly declare his faith a few months previously as a result of the state’s new toleration. The opera’s core message was that matters of faith and heart cannot be compelled. Most offensive of all was that this message should be spoken not by a Christian voice, but proclaimed by Bassa Selim.

So tolerance remains an ethical duty demanded from us in interpersonal relations. We expect more than just toleration, however, from the state, more in terms of freedom of religion as a legally enforceable right based on the inalienable dignity of every human being.

¹¹ *Ecumenical Charter of European Christians*, Section 7.

¹² *Ecumenical Charter of European Christians*, Section 12.



**Mr. René Gutman,
Chief Rabbi of Strasbourg,
Conference of European Rabbis**

Judaism¹

Excellencies, Your Eminences, the representatives of the Muslim Community, ladies and gentlemen, let me first thank you for inviting me to participate in such an important and large conference dedicated to the *Edict of Milan*. I would like to thank the Serbian Government, the personnel of PRO ORIENTE, the Peace and Crisis Management Foundation, the Association CIVIS and the Conference of European Churches, on the extremely carefully prepared and organized conference. I would also like to thank your Orthodox Bishop and my Orthodox Rabbi on very personal regard, and on your hospitality.

In line with the Agenda of the conference, which provides time for discussion, I would like to read the following excerpts from the book *The Dignity of Difference* by Rabbi Jonathan Sachs, which I consider to be an excellent prelude to further analysis and discussion regarding the messages and values of the *Edict of Milan* (*The Dignity of Difference* is Rabbi Jonathan Sachs's radical proposal for reconciling hatreds. The first major statement by a Jewish leader on the ethics of globalization, it also marks a paradigm shift in the approach to religious coexistence. Sachs argues that we must do more than search for values common to all faiths; we must also reframe the way we see our differences, *Editor's note*).

Judaism has a structural peculiarity so perplexing and profound that though its two daughter monotheisms, Christianity and Islam, took much else from it, they did not adopt this: it is a particularist monotheism. It believes in one God but, not in one exclusive path to salvation. The God of the Israelites is the God of all mankind, but the demands made of the Israelites are not asked of all mankind. There is no equivalent in Judaism to the doctrine that extra ecclesiam *non est salus*, 'outside the Church there is no salvation'. On the contrary, Judaism's ancient sages maintained that 'the pious of the nations have a share in the world to come'. Indeed, the *Bible* takes it for granted that the God of Israel is not only the God of Israel. He is also the God of Abraham's contemporary, A'lelchizedek, king of Salem, not a member of the covenantal family but still a 'priest of the Most High God'. He is acknowledged by Jethro, Moses' father-in-law and a Midianite priest, who gives Israel its first lesson in government - the appointment

¹ This text is unauthorized. The text is a transcript of the speech held at the conference.

of heads of thousands, hundreds, fifties and tens. Two of the *Bible's* heroic women, Tamar and Ruth, are not Israelites. The first is a Canaanite, the second a Moabite, yet each has a place of honour in Israel's history and both are ancestors of its greatest king, David. How does such an idea arise and what does it imply?

The three-letter words of the genetic code are the same in every creature. CGA means arginine and GCG means alanine - in bats, in beetles, in bacteria. They even mean the same in the misleadingly named archaeobacteria living at boiling temperatures in sulphurous springs thousands of feet beneath the surface of the Atlantic ocean or in those microscopic capsules of deviousness called viruses. Wherever you go in the world, whatever animal, plant, bug or blob you look at, if it is alive, it will use the same dictionary and know the same code. All life is one. The genetic code, bar a few tiny local aberrations, mostly for unexplained reasons in the ciliate protozoa, is the same in every creature. We all use exactly the same language. This means - and religious people might find this a useful argument - that there was only one creation, one single event when life was born.

Unity in heaven creates diversity on earth.

The same applies to civilizations. The essential message of the Hebrew *Bible* is that universality - the covenant with Noah - is only the context of and prelude to the irreducible multiplicity of cultures, those systems of meaning by which human beings have sought to understand their relationship to one another, the world and the source of being. Plato's assertion of the universality of truth is valid when applied to science and the description of what is. It is invalid when applied to ethics, spirituality and our sense of what ought to be. There is a difference between physis and nomos, description and prescription, nature and culture. Cultures are like languages. The world they describe is the same but the ways they do so are almost infinitely varied. English is not French. Italian is not German. Urdu is not Ugaritic. Each language is the product of a specific community and its history, its shared experiences and sensibilities. There is no universal language. There is no way we can speak, communicate or even think without placing ourselves within the constraints of a particular language whose contours were shaped by hundreds of generations of speakers, storytellers, artists and visionaries who came before us, whose legacy we inherit and of whose story we become a part. Within any language we can say something new. No language is fixed, unalterable, complete. What we cannot do is place ourselves outside the particularities of language to arrive at a truth, a way of understanding and responding to the world that applies to everyone at all times. That is not the essence of humanity but an attempt to escape from humanity.

So too in the case of religion. The radical transcendence of God in the Hebrew *Bible* means that the Infinite lies beyond our finite understanding. God communicates in human language, but there are dimensions of the divine that must forever elude us. As

Jews we believe that God has made a covenant with a singular people, but that does not exclude the possibility of other peoples, cultures and faiths finding their own relationship with God within the shared frame of the Noahide laws. These laws constitute, as it were, the depth grammar of the human experience of the divine: of what it is to see the world as God's work, and humanity as God's image. God is God of all humanity, but between Babel and the end of days no single faith is the faith of all humanity. Such a narrative would lead us to respect the search for God in people of other faiths and reconcile the particularity of cultures with the universality of the human condition.

On the other hand, we are also members of a particular family with its specific history and memory. We are part of a 'thick' or context-bound morality (represented, in Judaism, by the Abra-hamic and Mosaic covenants) which confers on us loyalties and obligations to the members of our community that go beyond mere justice. We have duties to our parents and children, friends and neighbours, and die members of society considered as an extended family.



**Professor Mohammed Jamouchi,
Former Representative of the European
Commission for the Muslim Council for
Cooperation in Europe vis-a-vis the EU**

Freedom of Religious Confession of Faith in the Edict of Milan - From a Theological Perspective

From the Edict of Milan to the Respect of Human Dignity

The diversity which characterizes mankind has always been poorly received. Intolerance towards the “other” today is the cause of great suffering.

Kofi Annan

Your Excellencies, Eminencies, Graces, Ambassadors, Professors, dear brothers and sisters, dear friends,

When we read the Gospel we notice that peace always served as the sign of recognition between Jesus and his disciples. Today, after 2,000-3,000 years, each and every one of us still desires peace, both in himself and among those that surround him. Accordingly, nothing prevents us from sharing that “sign” with all: peace be with you, “salam”, “shalom”. Those who live in peace must use the opportunity which is given to them, for dialogue, and for creating a brighter future. Without unity we cannot initiate anything, nor can we speak of progress.

What can we learn from the *Edict of Milan* today? Can the revolution in Iran, or the protests that are currently unsettling some of the Arabic countries, be better understood in the light of the English or French revolution? In other words, to what measure should we consult or explore history in order to finally reach the solution to the problems we face today?

Is it appropriate to consult and explore history without reference to contemporary sciences such as sociology which, in essence, is very congenial to it? In other words, how is it possible to understand the events in a given society in a certain era without deeper insight into the historical context?

Introduction

The Edict of Milan: A Basis for Freedom of Religion or Belief? is the title of our symposium, and I concur with it since, according to my opinion, it teaches us to

respect other communities, and - *in fine* - it calls us to labour for the common good and communion of the whole of mankind. Allow me to also try to answer the question previously posited by recurring to another question: Do we perhaps have some sort of lasting solution? - in other words, is the *Edict of Milan* still lasting?

To speak of the freedom of confession of faith demands that we should previously separate several things.

First, we must distinguish the meaning which the freedom of confession of faith, endorsed on that occasion, has at the moment of origin of the *Edict* itself, on one hand, and its implementation into reality, on the other hand. Furthermore, we must bear in mind the interpretation offered by the ecclesial authorities of those times. That presupposes religiosity and the officialisation of religion. Finally, we must convince ourselves in regard to the importance which the freedom of confession of faith has for the one who believes.

The Epoch of Constantine the Great

Conquests, the great movements of peoples and travelling merchants have always carried with themselves new beliefs which mingled with the ones already existent locally. In most cases the new deities managed to gain their places in the local shrines - under the condition of believing in and respect of those deities which were believed in earlier. As we know, the Apostles refused to comply with that (1 Thess. 1, 9-10).

Such a practice was common in the polytheistic world. If someone were to confess faith in the existence of one God, at the same time giving to that God the greatest significance, the chances for misunderstanding would increase.

In the Roman empire of Senators and Emperors the official religion, as well as all other beliefs, was regulated exclusively by the state authorities which were the only ones invested with the right to allow them or not, to give permission or ban them. According to Roman law, Christianity is pure superstition - *superstitio* - hence, as such, represents a danger to the state, wherefrom persecution issues naturally, and not only out of religious but also out of ideological and dogmatic motives. The pagan God lives in the statue, the Christian God is inexpressible, that is, a God without a statute is close to being non-existent.

The *Edict of Milan*¹ gives every citizen of the Roman Empire the right to freely honour and celebrates the God that he happens to believe in. Accordingly, the passing of the mentioned Edict meant most to those whose security was at stake until that time. By giving to Christians the right to freely confess their religious beliefs, without the duty

¹ Versions of the *Edict* are preserved in Eusebe de Cesaree, *Histoire ecclesiastique*; Lactance, *Sur la mort des persecuteurs* (De Mortibus Persecutorum), 48, 2-12,

to respect the Emperor as a deity,² the *Edict of Milan* - more or less - signified the complete and lasting termination of persecution of Christians. Still, the endorsement of the mentioned Edict instigated a slight “complaint of conscience” of Christians, and the latter came about because of the awareness in relation to 300 years of persecution against Christians, on the one hand, and the sudden change in the conscience of the Emperor, on the other hand. He allows free confession of faith to all. *Liberta religionis* becomes universally obligatory throughout the whole Empire. The official recognition of Christianity turns the latter into *religio licita*. Gifted with the capacity to be informed and by political wisdom, Constantine, by passing the *Edict of Milan* on 13 June 313, creates a fertile ground for the promotion of Christianity into the official religion of the Empire, which is to ensue after his time. He does this being careful to avoid that those that were persecuted until yesterday, as of today, become the persecutors. The question which would best describe the mentioned thematic could be the following: “Should the intolerant ones be tolerated?”³ Looking at it all, with a little retrospect toward the success that the “Church of Constantine” shall reap, perhaps the reason for the latter should be sought in Constantine’s triumph in the Battle of the Milvian Bridge, which transpired only one year before the declaration of the Edict came about. In terms of significance for the future destiny of Christianity, it seems that the mentioned triumph is little less important than the importance which the person and works of Apostle Paul have for Christians.

In the year 380 Theodosius will complete what was begun by pronouncing Christianity to be the official faith of the Empire.

“To give to Christians too, as to all, freedom and the possibility to live the faith of their own choice”. “To glorify God who is in the Heavens”.

It goes without saying that the polytheistic system has fewer difficulties in accepting new deities than is the case with exclusively monotheistic religions. Is the problem, then, in monotheism itself or in its officialisation?

From tolerance to freedom of confession of faith

It is well known that sometimes we understand what we have had only when we lose it. The exploration of history, in several instances, demonstrates what was lost by abandoning the ideas of the *Edict of Milan*. Let us approach a reflection which imposes itself naturally: What happens when a political regime uses a religion imposing the latter without considering that that, in itself, might harm the other?

2 The Emperor no longer has the need to be worshiped, but, rather, for his authority to be respected: “One should pray for the Emperor, not to the Emperor himself”.

3 John Rawls, *A Theory of Justice*, Harvard University Press, Harvard, 1971.

I propose that we explore history and, in a wide sweep, travel through her great chapters - particularly those which concern Western Europe and France.

Soon after the institutionalisation and acceptance of religious confession political dictatorship, hidden underneath the cloak of religious intolerance, appears both within (against other beliefs) and outside (against other religions) the community.

In the function of prevention, during the passage of time, *Edicts on Tolerance* were pronounced (in relation to Calvinists in France; in relation to Catholics in England; and in relation to both in Poland). These were devised by Protestant and Catholic thinkers of the age (Voltaire's *Encyclopaedia*; Hobbs; Hume; Locke). After that Napoleon's Concordat opened the way for the possibility of recognizing several cults. Finally, the existence of laic systems allows everyone to conduct their own religious customs.

For centuries the Christian Church was the pillar and foundation of European culture.⁴

The Prince's faith becomes the faith of his people which, verily, did halt the religious wars, but, it did not contribute to the question of tolerance. Freedom of choice was excluded: it was insisted that belief be the same for all. The goal was to believe in what the Prince believes - according to the words of the Augsburg peace treaty (*cujus regio, ejus religio*). Princedoms, dukedoms and kingdoms later on, always were religious as of belief. The state in the contemporary sense is a young concept (merely two centuries); only later will the system of recognized religions develop (Napoleon's Concordat). Still, such a Decree on the freedom of confessing faith has not prevailed in Europe, nor is it particularly widespread today.

Freedom of reason. The collapse which religious uniformity experienced in the West led to the so called religious wars in which all sides blatantly manifested their intolerance. The reason for the lack of tolerance, perhaps, lies in the fact that the very idea of tolerance was foreign to that age.

At the end of the XVI century in some countries the freedom of "conscience" (spirit, mind) begins to be accepted: this is not the freedom of confession of faith, nevertheless, this is a success. Both in the XVI and XVII century, despite the 1598 Edict from Nantes during the rule of Henry IV, we do encounter a significant amount of discrimination turned against religious thinkers and philosophers. Even such a great mind like Erasmo, who preaches ecumenist ideas, lived to see these not only rejected but condemned. Apart from minor exceptions his ideas will come to life much later. Erasmo will influence the Roman Catholic intelligentsia, which will greatly reduce the brutalities which the faithful suffered during the XVII and beginning of the XVIII century. However, it is

⁴ This tendency is encountered in the debate on the place that belongs to Christianity in the Preamble of the Constitution of Europe, the latter being discussed during inter-religious debates relating to the following theme: *Basic misunderstandings*.

presupposed that each dukedom has its own religion. Those who did not accept that were considered to be second rate citizens⁵ (without civil or political rights).

Have we learnt something by gaining insight into the time when reciprocal intolerance ruled: namely, that the authorities are mistaken when they persecute a given religion?

In the XVII century a great number of religious conflicts, in terms of threats to others on account of religion, brought about the *de facto* recognition of the freedom of reason. Although this is a freedom to think differently than others, it is still not the freedom of the confession of faith or the expression of the latter. We are not allowed to express it - not even through our behaviour. Nevertheless, even that might be regarded as an evolution, But the importance of it itself is still very small in comparison with what we have today. The sentence "Do not be the centre of scandal" best describes the situation we are speaking about.

In the struggle between the temporal and the spiritual the sovereign remains a believer but not as a tolerant one. Still, we presuppose that he was not indifferent towards religious questions.

From then onward, and later, the sovereign will have to seek his legitimacy in his everyday surroundings, not only in divine right: man is born free and his social surroundings cannot negate the natural laws of individuals. We accept a given person independently of his philosophical or religious convictions. We speak of tolerance in society because we are convinced that it has contributed to economic and commercial progress.

In principle, humanism seeks "happiness for mankind" and strives to replace the "city of God" with an earthly one. Tolerance of other religions is something which is present in all of those who wish to see a citizen in an individual - despite what he may believe in: we wage this militant struggle for tolerance in the name of pragmatism, that is, economic and commercial prosperity.

From then onward, tolerance ceases to be something which merely suffers resistance passively *or* the possibility of other confessions of faith to be recognised, for it becomes the freedom of the confession of faith. It was thought that the authorities are causing damage when they prohibit a certain religion. On account of experience the proof was drawn that we cannot live just from convictions (Spinoza).

⁵ In all states - except Frederick's Prussia - no matter which the standing religion is, those who do not comply with the majority are second rate citizens. The United Provinces also are an exception because they do allow more freedom for the marginalized, especially in Amsterdam - but, due to economic interest. This state where Calvinism is dominant becomes open to many in virtue of its "civic tolerance".

Although for our contemporaries tolerance is closely tied to simple “allowing or banning”,⁶ such an understanding is far removed from the significance that tolerance had for those who preached in the favour of it, in the XVII and XVIII centuries. If tolerance is understood in such a manner that it is to allow everything, then it cannot contribute to the realisation of true freedom.

Clause 10 of the *Universal Declaration of Human Rights* from 1789 is marked by the idea of tolerance, while Clause 18 of the Convention of 1948 reminds us of the freedom of confession of faith and the right to change one's faith. The latter fact, ever since the commencement of the so called “Arab spring”, has caused intensive debates and could lead to the alteration of the view of those who still think that the change of faith is an illegal act. By accepting to relinquish its dominance, the text *Gaudium et spes* - i.e. its declaration on the freedom of confession of faith⁷ as based on human dignity (*dignitatis humanae*) - has overcome the idea of tolerance.

According to Paul Valéry the idea of tolerance appeared as late as the end of the XVI century. In the XVII century it is transformed into the reaction against religious conflicts which kept disturbing the XVI century in Europe. It holds a more inferior position in relation to charity (love). Branded as something sectarian,⁸ it is reduced to a simple definition, it presupposes at least two mutually amicable sides, it is not at all objective nor does it stand for equality, as is the case with honesty. It is not something produced as the fruit of agreement nor is it the result of some public contract, rather, it is the result of dominance. In the historical sense it is something susceptible to change and not of lasting worth. From the theological perspective, only divine love -which originates from His divine nature - is eternal. Therefore, tolerance was considered to be a sinful distortion against love, and often enough it was imposed: both upon Christians and Muslims.⁹ equally. In being satisfied with toleration only, the believer escapes his duty to “love”. Tolerance is therefore the cause which distances believers from the adequate understanding of the message of God which has been given to them *via* the messenger.

Secularisation. Since that time the accent was gradually placed on the individual as such, on state affiliation and on secularisation - which lead us to view the human individual as an actor playing his role in the political project of a given nation, not, however, as an agent or believer of some religion. Things went so far that it was regarded as beneficial to society to exterminate those who believe, including the rooting out of religious signs from public space.

6 André Comte-Sponville claims that tolerance is better than nothing: the minimum in virtue; for Locke it is something that we cannot prevent, therefore we should “... terminate the struggle against something which cannot be avoided”.

7 The *Aggiornamento* of the Second Vatican Council allows us to steer away from the dictum that “Outside the Church there is no salvation”.

8 See the famous *A Letter Concerning Toleration* by John Locke in which he reflects on the power, limits and meaning of religious tolerance.

9 “God is love”; one of the divine attributes of Allah is *al Wadud*.

Civility. Mostly in Arabic countries, but also in some other countries, the idea of the “civic” was portrayed in a negative light. By refusing to officialise one religion at the expense of others, the idea of civic society leaves space for the adherents of other confessions of faith, as well as to those who claim otherwise, to live in harmony.

Let us recapitulate. Whatever the intention of the lawgiver, when comparing the *Edict of Milan* with the edicts on tolerance as specific of the XVII century, we do see that it was ahead of its time. The forgetting of values of the *Edict of Milan* gave impetus to the approaching times in terms of strengthening the tension between princes and the clergy, between kings and the pope. From the time when Constantine - during the First Ecumenical Council in Nicaea - intervened as “external bishop” until the fall of the Bastille, from the *Edict of Thessalonica* until the French Revolution, the relations between the secular and spiritual authorities vary between mutual interference, cesaropapist ambitions and the desire for theocracy.

In aiming to destroy the heresy of Arius, present from the time of the Nicene Council, Theodosius proclaims Christianity to be the official faith, thus mixing religious and political questions.

This brief overview partially indicates the fact that after the *Edict of Thessalonica*, and after the officialisation of one exclusively monotheistic system - the uniformity of which, both in terms of culture and cult, lasted for several centuries - events took a different direction. However, should we blame monotheism, the officialisation or the interpretation of it? Still, let us notice that the “privatisation” of faith on behalf of the believers does not presuppose the end of dogmas - far from it.

In ending this historical overview let us return to the *Edict of Milan* which, in any case, may still inspire us. Besides, it did inspire the title of my intervention which, otherwise, could have been entitled more simply as: *From the Freedom of Belief to the Freedom of Belief*.

It is very important to study the less known details inscribed on the margins of these large chapters.

The officialisation of monotheism?

It is certain that we are better acquainted with what is written in grand lettering in the chapters of world history, which are not so important in comparison with what is usually considered as marginal and is thus passed over. That is the reason why we have problems in understanding the precepts of Moses, as well as those of the Gospel, Apostolic ones and those of the *Qur'an*.

As once did king David, so does Jesus too enter Jerusalem - like a victor, and the Jewish people do receive him as a king. Still, the time for the establishment of the Kingdom of his Father on earth had not yet come. Even less so may we speak of his intention to depose Herod. He is intent on deposing evil rather than being crowned himself. He lets Pilate know that the rule which he wishes to manifest is not only his own, and he reminds the governor that without the approval of his superiors he cannot realise any of his decisions. But, regardless of the said, Christians rulers did not wait for long before ascribing to themselves the title *Pontifex Maximus* - used by the Roman Emperors. Such a celebration of oneself and, on the other hand, the celebration of the Lord, will be worked out in the "two cities" conceptualised by Augustine of Hippo (St Augustine, *The City of God*, XIV, 28, 1).

The conversation between Jesus and Pilate teaches us that rule is something that is given, delegated (Jn. 19, 10-12). As far as the following saying goes, namely: "Give therefore to the Emperor the things that are the Emperor's, and to God the things that are God's" (Matt. 22, 21) - it has taught us for centuries that we need to find a way to balance the relation between faith and civic duties which Christians, and Muslims too, have to fulfil.

After the persecutions that the first Christians experienced,¹⁰ and after the last Roman Emperor from the West, we enter the period of the beginning of the middle ages (VI and VII century) - which surely was difficult for the Roman Church. This period, however, is not very well known to us. The monasteries and spiritual communionship are of great significance for the life of Christianity and the Church of that age. That Church: the Church of the Apostles (Peter and Paul), saints (Irenaeus and Ignatius) and of the martyrs carried the whole burden of the quest for the Gospel ideal of the earliest times. Those who were unable to identify with power, with the officialisation of one religion (which had hitherto been marginalised): those who -after seeing the new believers - were unable to find what they regarded as fundamental, decided that only through reclusion, isolation and complete surrender to prayer and asceticism, might they find encouragement to remain loyal to the Gospel.

The preachers of Islam ceaselessly repeated that "... we need to invest maximum effort in the struggle against one's own ego". The intention is to preserve one's own flock before new territories are conquered. Hence, amongst the first messengers of the word, serving with the caliphs, there were quite a few teachers who kept counselling others that the *message of peace* must be spread through the word, persuasion and by warning those who had - by becoming enslaved to passions - fallen into some other kind of idolatry. At the same time, the spiritual teachers of Islam unanimously promoted the idea that the community of the faithful is not expected to be the founder of the state.

¹⁰ In the Semitic languages the word martyr also depicts a witness (of the prophetic word?). There were those who thought that their loyalty to Christ is demonstrated through a sublime act: by martyrdom.

With the development of monotheism the idea of the exclusivity of Divine being grew as well.¹¹ Do some of our problems originate in this officialisation of monotheism?

Comparative theological reflections

Neither Jesus in Jerusalem nor the Apostles later in the Mediterranean area, even less so in Rome, were in an ideal position to establish the Kingdom of God on earth. While Muhammad was completing his spiritual task (the foundations of faith) in Mecca, having finished the latter by establishing a lasting task (the foundation of a Muslim society), that is, within the specific atmosphere in Medina - his mission too was marked by ascents and falls, by the happiness and the sadness of those who thought that they must, that is that they can, secure a right veritable inheritance.

The *Qur'an* does recognise the monotheist religions connected to the people of the Book. But Allah does not allow to be compared with any other gods. Therefore, polytheism is forbidden and is not tolerated. However, according to the tradition of polytheism, Rome is not ignorant of the concept of many gods, hence, it is able to embrace new deities with less resistance. There another cultural ambience (*Stimmung*) and another level of consciousness (*gestalt*) reign. These religious-political relations are beyond comparison.

Muhammad first sorted out the relations between Muslims themselves, between Muslims and Jews who already had a united nation, conceding to them the right to their own religion. Likewise, he summoned the Bishop of the city of Najran, inviting him to serve the Easter Liturgy in the mosque. After returning to Mecca Muhammad pardoned and released the local idolaters and refrained from enforcing Islam as a religion upon the former. We know many examples of people who,¹² by recurring to the basic principles of Islam, stood up publically in the defence of Christians.

A clear distinction must be drawn, therefore, between the basic message of Islam and the endorsement of it: between the damage which the interference of politics has brought upon Islam and its actualisation in history: between the basic message and the confession of faith.

Theology of the protected minorities

In view of social and moral unity religion labours to maintain a strong bond so as to prevent rifts and divisions. The status of Muslims was determined by Muslim layers

11 "You shall have no other gods besides me" (Ex. 20, 3); "I believe in one God the Father, Creator of heaven and earth" (*The Creed*); "There is no other god except God" (a dogma of Islam).

12 The caliph 'Umar ibn al-Khattab guaranteed the security of the Christians of Jerusalem: he protected their lives, Churches, altars, he did not mistreat any of them, nor did he coerce anyone on grounds of religious belief. In 1860 the Emir Abdelkader took the Christians of Damascus into protection, taking ground in the messages of Islam and respecting "human rights".

from the angle of the equality of all men. In an Islamic country the members of other confessions, protected under law, may believe and think freely.¹³

Islam (both Sunni and Shia) rejects radically, both in theory and in practice, those members (*ahzab*) who were on the verge of provoking civil war, the possibility of the appearance of sects (*firaq*) - who are capable of diminishing the importance of dogmas and of creating new beliefs (*milal*) - allowing, on the other side, differing opinion (*ikhtilafat*), considering the latter to be something good and useful (*rahma*). The entirety of the Sunni social milieu is geared towards the protection and preservation of togetherness, however, never rejecting the advantages which open dialogue and exchange of ideas may bring along. Accordingly, a given closed system encounters difficulties when it needs to accept a foreign body, particularly from within its own system. Still, such a presence effectuated the passing of special regulae in relation to it. Non-Muslims in a Muslim country, marked with the status of the protected ones (*ahl adh-dhimma*), will become part of a special legal system which has its special rules systematized in legal acts known as the “rules applicable onto the protected ones” (*akham ahl adh-dhimma*). “People of the Book” and, accordingly, their followers - were respected inasmuch as their role was perceived to be of importance in the revelation of that time. In return for this kind of protection they had the obligation to return a particular tax (*jiziya*). Despite the fact that persons were viewed through the filter of religious affiliation, and having in mind that the civil code of law was not actual, non-Muslims were accepted into the highest administrative functions in the state. This theological insight does not reflect in detail the whole state of affairs which allowed for future evolutions.

Unity in difference

Can we partition a particular community into smaller groups? Can we accept to “... tear the unified clothing - devoid of the yarn of Christ”, or do we need to communicate despite the fact that we are different? We have seen that the *Edict of Milan* was passed with the aim of making progress, a step towards peace - today, we would speak of “good governance” which would allow the empire to reach unity through the officialisation of religious freedom. The spiritual authorities represented by the official clergy (Bishops and Roman Catholic Cardinals, Mullahs and Ayatollahs with the Shia) and theologians (Protestant and Sunni) had always strived towards the realisation of faith and confession of faith. In the times of the ancient regimes “the alliance between throne and altar” is a real alliance, for it was believed that the foundation of the unity of one given nation rests primarily in the unity of faith which, in itself, should prevent further divisions and conflicts.

¹³ “Nor will you worship what I worship” (*Qur’an* 109, 6) as: there are no obstacles to belief! (*Qur’an* 2, 256), or “Wilt thou [Muhammad], then, force men to become believers?” (*Qur’an* 10, 100) for “... if Allah had enforced His will, He would have made you all one people, but He wishes to try you by that which He has given you. Vie, then, with one another in good works” (*Qur’an* 5, 49).

But, difference is specific to human beings (*Qur'an* 11, 119), and the outcome of it we shall discover on the “Day of Resurrection” (*Qur'an* 16, 124). Islam bonds the faith in God with Messengers: those who spread messages, and with inner revelations, as well as with acceptance of the other (*Qur'an* 2, 285) - simultaneously branding fanaticism and the rejection of the other.

Is it not true that intolerant attitudes are tied to the ambition that we may have certain knowledge of the *Truth* and with misunderstandings which we encounter in relation to the theme of *True religion*? Is it not so that many drafts on toleration are at the same time our own confession of the incapacity to stop destructive and damaging conflicts?

Protestant theology has given us theological foundations.

If, from a moral perspective, tolerance was generally regarded as a virtue to the extent in which it aims to prevent conflicts allowing for peace, then, is it not possible that it is the first step towards the foundation of a unique culture of respect?

In praise of respect

There is something better than tolerance. There is the respect for the other and his difference. There is the desire for gathering around common values which might be shared with others while presupposing different points of view.

In the context of our theme let us define respect as “... the taking into account of the dignity of a given item, one person or idea, namely, regardless of our personal involvement or connection of any sort, yet, we still take it into regard”. The essence of religious respect is reflected in the awareness that the other, living or not, is called into existence by God and divine charity. This in itself suffices for us to love our neighbour, for by loving the works of the hands of God we, at the same time, love Him as well, giving Him praise and gratitude. Man must be respected (*Qur'an* 17, 10). “Do not judge!” is the key commandment to which we wish to point in our exposition. However, Love does not tolerate nor has it ever tolerated, it does not judge nor has it ever judged. Allah, the Lord, is the only one who judges and who will judge, in the end. Looking from the aspect of the theology of love, tolerance is coloured with the bad, because to tolerate means to allow for a deficit in the love for God: it is a step backwards, a defeat. If viewed through a religious and moral prism, it is clear that respect is superior and, by that token, more desirable than tolerance.

Concluding with the XVI century, the concept of “tolerance” is primarily connected with politics, later on with law until, in the end, it becomes a moral axiom. Jesus and Muhammad never said “tolerate each other” but “love one another”. No matter if we are believers or are not, something more important than a nuance is at stake - we have at hand a completely new system of values.

The respect for the individual and his convictions - in the legal sense - arrives only with the pronouncement of the *Universal Declaration of Human Rights* in 1948. The theme of human dignity becomes more frequent from the moment of the appearance of monotheism.¹⁴ But, even when the freedom of confession of faith is allowed, the question of dignity still remains unsolved. Not so long ago (200 years) all the states had official religions: the state without an official religion is the product of the modern age. Today, the freedom of faith is one of the basic rights in democratic systems.

Challenges for the freedom of confession of faith in Europe

The greatest challenge which the freedom of confession of faith faces in Europe is to get used to communal life - protecting the common good at the same time, because in one territory we have many officialised confessions (many religions, confessions and philosophies, including the possibility of not belonging to any).

Importance should be given to what others believe; we also need the other to accept the fact that our own voice also matters. After so much bloodshed during religious conflicts, since we have spent so much ink writing on toleration, we must become capable of something new, we must find a way for cohabitation realising new agreements. The thing at hand is working out a new model of communal life: the thing is to redefine kindness grounded in the respect for others. As to myself personally, I hold the opinion that the question of communal life in Europe¹⁵ is even wider - closely connected to religious education which is still not sufficiently developed.

Conclusion

Several scenarios are in conflict. The possibility that there are several truths and that everybody views truth in his own way introduces an all-pervasive relativism which suits some but not others. Even less appealing is the viewpoint that only one truth exists, which, as a whole, belongs to none because it is inaccessible, but, a part of it belongs to each and every one. In any case, is it a serious thing not to allow the other to have the right to the freedom of faith (belief) and of striding towards truth¹⁶ On the other hand, do we wish to have any relation with the other without the freedom of faith (belief)? In the end, let us be aware of the fact that the freedom of confession of faith must not lead to oblivion in regard to responsibility.

Bearing in mind that truth does surpass us, it is necessary to admit that different visions are possible. Speaking about transcendence, which surpasses us, we have the

14 Ex: "God created man according to His image": *Qur'an* "Breathing a soul into Adam"; *Qur'an* 17, 70: "Indeed, We have honored the children of Adam, and carried them by land and sea, and given them of good things and exalted them far above many of those whom We have created".

15 The Council of Europe, *Living together as equals in dignity*, 2008.

16 "I (Jesus) am the Way, Truth and Life"; "the religion of Allah is Islam (subservience)".

full right to ask about the importance that theology has in relation to the given theme. Human knowledge remains subjective, incomplete and imperfect - devoid of ideas. For a long time theology was enslaved to the princes. However, the Gospel summons us to obedience and the *Qur'an* calls us to subservience to God. The first mystics (monks, Sufis...) soon understood the above said - from the very moment they commenced teaching us in prayer. This should not be regarded as the truth, but as one opinion among others.

Thank you for your attention.

DISCUSSION

Rabbi Isak Asijel

Shalom. Salaam aleikhem. Peace to all. Isak Asiel, Rabbi of the Jewish Community in Serbia.

All of these morning lectures were very intriguing to me. I think this is a topic that concerns us all, and of course, our future. This moment, where we are sitting at this table, is a moment which should have happened a long time ago. The fact is that there have been many opportunities throughout history, but unfortunately, somehow we have managed to miss them.

The issue that worries me is the year 212. The Jewish people got civil rights in Rome according to a special law. They were the only group in the Roman Empire which was under no obligation to make sacrifices to Roman Gods. And that was quite in accordance with one of the commands from the *Bible*: *You shall have no other gods before me*. If we think more about it, that ancient society was a pretty tolerant society, because the Biblical idea, monotheistic idea, as you explained very well, was a direct challenge to the entire system of values which existed in the Roman Empire. So, *there is one God, all your Gods are nothing*. In the year 313, the *Edict of Milan* was signed. In 315, the Jews started to feel on their own skin the decrease of rights, which they had until then, so from monotheistic people they were reduced to a pagan cult. The Synagogue had become a *place for devil worshipers*, and they were declared as *people of god killers*. That situation lasted until the beginning of the 19th century.

The question which we have encountered here is: How is it possible that from the beginning of the IV century until the XIX century all other freedoms were repressed, in religious sense, and that we had to wait until the laicistic or secular period? As was presented here number of times, the connection between the throne and faith is an unhealthy connection. You, Mr. Jamouchi, said that ahead of us is a big challenge of finding new models of coexistence. And that is the thing where I see the beginning of this conference and generally of our time. We should be very grateful because we are in this historical moment, that we can sit around a table and share our common tradition, and truly find possibility of true cohabitation. We have so much to see about the way we should not take, and realise how every idea easily falls into its opposite – totalitarianism. Thank you.

Academician Vojislav Stanovčić

Thirty years ago, I published a study about five religious learnings: I have started with Moses and moved on to Confucius, Buddha, Christ and Muhammad. I have found common values in all of those religions, though most of these religions avoided peace, and almost always had some reason to start a war – the Crusades war, religious wars or extermination of some nation by another nation and similar situations. But the set of all these common principles which exist behind those five religions, we can see them implemented in the European Union as well: we can see them in the light of these principles, primarily Christian principles.

The European civilization is based on Christian values and on the rule of law. The rule of law has its roots in the time of Plato, Aristotle, and even Moses. Thus, it has a long tradition. These two elements are very important. Now, when we start thinking, the European Union was under the pressure of several European countries who wanted others to admit that the European Union is based on Christian values. It was smart not to admit this, because there are numerous groups in Europe that are atheist, or they belong to other religions. Also, it is very important to mention the process of the evolution of religion, as the gentlemen from the Arabic countries previously mentioned. The evolution of religion would be very useful and good, but it would have to be reformed, to exclude the use of force, to exclude the use of propaganda for some religious war, because all the religions in the world would have to adjust to that.

Therefore, some elementary principles presented by Confucius and Buddha, independently from each other, may be formulated in one sentence: *Don't do to others what you don't want done to you*. This could represent a base for an entire legal system. Jesus Christ went even further, in humanistic and in utopian sense, and I will tell you why. He formulated the following commandment: *all that you wish someone else gave or did to you, give or do to that person too*. Emmanuel Kant, a great German philosopher and ethicist, has analysed and then concluded that what Confucius and Buddha helped to limit with law, was to impose the obligation not to do things that you do not want others to do to you. This cannot be imposed to a Christian learning as a legal logic or legal norm: *you must give to other the thing you expect others to give to you*. So, that is one thing.

The second thing, if I may add in the end, is that for the rule of law is, apart from the mentioned expression *convivencia*, we also have an expression *consociation*. Althusius, a German philosopher who lived in Mahen near the border, and observed what is happening in the Netherlands, and on their provinces he built this *consociation* from the smallest to the greatest communities for construction of the state structure. Thus, the rule of law is an ideal theory, and I cannot find a single legal order which corresponds adequately to that clean theory. England started first. Cicero took over the ideas from

Plato and Aristotle. Cicero was a Roman, but he studied in Athens and studied the works of Plato and Aristotle. You all know that Cicero wrote the *State and Laws* similar to two other works of Plato, but he did not copy Plato. He presented a single rule for the Romans: *Non sub homo set sub lege* – *Under the law, but not under the man*, and then, 20 years after *Magna Carte*, in the year 1235, a supreme Judge from England, Hanry Debrehton, has incorporated a similar rule into the British law, but he included God as well. So, he said like this: *non sub lege set sub deus non sub homo set sub deus et lege*. That is the very foundation of this European rule, the rule of law. This is why the European Union has incorporated this principle as well.

In the other hand, let us say that in such a heterogeneous value, freedom, liberty and equality are not very easy to harmonize, because the French revolution has introduced a slogan of victory *liberte, egalite, fraternite* in 1789. But, in 1808, French Revolutionary Guard would take all the male citizens of Madrid who were on the streets at night, and brought them in front of the Revolutionary Guard squad which shot them - in the style of pure execution. In one of my books, *Power and freedom*, I presented exactly that illustration. There is no freedom because these people shot to death those who are completely innocent, there is no equality, only distorted rules, and therefore there is no brotherhood between those who shoot and those who were shot. Thus, there are a lot of similar values in the European Union which contradict in some other values. Also, I wish to mention this topic was discussed at the International Congress of Political Sciences in Seoul. That is all, thank you.

Archbishop of Belgrade, Stanislav Hočevar

Thank you, I know that time is valuable, so I would try to be as short as possible. Before I begin, I salute you all cordially, especially the officers because I think that this time of fellowship and dialogue is so precious. I will present just a few thoughts.

This is why I personally expected big meetings in the past, because today we see how important it is to discuss together. If my desire is to be a bit cynical, I could say that when I saw who will be discussing issues here today, I already knew the historical approach of each of the speakers. Such historical selectivity is necessary among us, because each of us is observing issues from their own perspective, which is normal. Here is why I think that this Anniversary should be used to observe the history and all major anthropological, philosophical and theological areas or terms from a more integral perspective. The task of this discussion was a theological presentation of freedom. Now, at the end, I do not have some big synthesis of what freedom is. Nevertheless, the issue of freedom is a major issue, regardless of whether it is about 1700th anniversary of the *Edict of Milan*, or our, as was mentioned repeatedly, cohabitation or a model of cohabitation. That is why I believe that we must come to some structural dialogue, where we all will constantly have the possibility to express

our experiences and knowledge, because until we ensure such structural dialogue, we will hardly live in freedom. That is why I think that this anniversary and this seminar or symposium is now so important, because it will allow us to really have a possibility to listen to each other and thus reach an integral view. Thank you.

Dr Mutlaq Rashid Al-Qarawi

Thank you for the invitation to this assembly. I have a minor comment to the words of Bishop Irinej about the unity and diversity. I would like to explain the difference between those two words: *diversity and conflict*. We Muslims believe that the meaning of diversity brings us to one aim. We accept it too. But conflict, by its meaning, in many ways leads to many aims. And we cannot find other aims if we use this concept. We believe that we are all human beings, especially, if we start from the family. The difference is in our lives. All our children may differ. And our scientists have big or wide differences. And, now, as this discussion includes the members of different religions, we also have different views, with which we have not or we are yet to reach our aim, or even better than that. That is what we believe within our Islamic religion, and we hope that all human beings and all the religious scientists think that they indeed contribute to the development and peace within these frameworks, just as we are told in Koran. Thank you.

His Eminence Metropolitan Emmanuel

Thank You, mister Chairman, I just want to make one point, if I understood Professor Jamouchi correctly, he mentioned secularism, and he said that he was against it, that is what I understood, if I am correct. The point is that I would like to make a difference between what we call secularism, (*o'laïcité*) and something which is present all over the world. We have a secular state in America, which does not have the same meanings *laïcité* in France. Where we live and what we call *laïcité* in Turkey, is something completely different - *la laïcité à la Turquie*, which is not something to be desired, especially when it comes to religious freedoms. I would like to put an accent to a different type of *laïcité* as a system which was enabled by the law delivered in 1905 and which was adopted in France, and which means equal distance from every religion, but in the same time, protection of the rights of the religious minorities or communities, which is something that we need in some states, instead of having one religion that is dominant and we do not have a freedom for other religious communities. This is the basis on which the European law of today is based and especially the new Treaty. Dr Michele Weninger has worked for many years as a member of the Commission in the President's Office and he can tell you more about his experiences. Of course, all of us who also work and live in Brussels, we can say that the new treaty of the European Union has given us a new perspective when it comes to the application of Article 17, which gives a possibility to the

communities and the Churches to establish a permanent, transparent and continuous dialogue with the authorities. This is the basis. In the other hand, application of this secular way of getting the rights in the country, gives it even bigger importance.

Revd. Mr Patrick Roger Schnabel

Thank You. First of all, I would like to thank the organizers of this very interesting conference, I enjoyed the morning session very much. I won't exceed the five minutes; in fact, I would like to use just a portion of my time for this afternoon's discussion.

When we are discussing the Constantine era, we must realize that we live in post-Constantine era. We have pluralism in all our societies, and we do not have such a close union, even though we do have state Churches, we no longer have the close union with a unique altar - thrownment. Now, our question is, what do we do with this heritage of the Constantine era and post-Constantine era, and I would like to refer to the phrase that His Eminence Metropolitan Emmanuel has used. In the respect of the laic statement concerning the same distance to all the religions, I want to use this phrase to start a discussion about how post-Constantine era should look like. In Germany we have quite a different approach to the relationship of the State and the Church then our neighbouring France. We would not argue so much about the distance, but about the same immediate proximity of the state to all religions. It is basically the same, but with a different approach, which in fact is the role of the neutral state that guaranties freedom to all the religions. I, as a German, and this I always mention, we need to find a way for such same proximity, not for the same distance. Just because religions are so available to the society, you cannot observe the friendship between the state and the society in such a way in which you talk about distance. You can talk more about the fact that you realize what religion can contribute to the society and then, the state as a moderator, may use all possible ways to support the religion and its goals towards the society, while having in mind the equality for all, big and small, traditional and Newcomers. Thank you.

Mr. John Kinahan

Thank you. I would like also, as Patrick, to thank the organizers, and not only to the organization, but also to the people who have been in charge of the preparation of this conference which is going on very well. I would like to follow on Patrick's words, about the topic which was discussed on one of the morning sessions, when Fraters Pieter said that the state can enslave the Church. I refer to the part about the dangers of the relationships we have seen. It is about the speakers who have reminded us on how sometimes the relationships can be very close and can be dangerous for the society. Therefore, with regard to the post-Constantine age in which we are, I think that it would be good for us, as representatives of the Churches and religious communities, to

think about the lessons we can learn from the past, by doing something in the present. For example, Patrick has referred to the need for equal treatment of the citizens and closeness towards the religions, both new and old. In the past, we have seen negative consequences from one religion. That is how one religion attempts to use the state to remove all other participants from the territory, and this could be bad not only for the participants, but also for the faith in matrimony. I think we should begin from the fact that our religions were at one moment non-traditional in our own states. Accordingly, I think it would be helpful for us to have a discussion about how we can learn from our past in order to make a constructive contribution to the society we are living in today.

His Grace Andrej, Bishop of Remesia

I would like, in relation to the similarities and differences, to refer to an influence which we have developed after the *Edict of Milan*, on the struggle between the Church and the state, while the Church is searching for *cynannellee*, which implies a symphony between the Church and the state, the state is striving to caesaropapism. We have seen that in the Byzantine history. Until the XI century, the Emperor had great influence over the lives of the Patriarchs, although we have seen that in the XI century, just in the moment when the Roman Catholic Church and the Orthodox Church have split, the Emperor was the one who tried to keep the unity with Rome, while the Patriarch of Constantinople was the one who insisted on the principles of the orthodox ecclesiology. So, it becomes very interesting when we try to find the answers in the situation in which we are today, how will Orthodox, Jews, Muslims and members of other religions, search for a model, based on which we will not forget the important differences in the history of the western geneses of the state-Church relationship and the relationships that are created by the Orthodox Church. We have the same development later in the Russian Church. The Russian Orthodox Church, until the October revolution was under caesaropapism. As you maybe know, the Russian Church has no Patriarchs, they have Synod as authority. So, all of these are problems that we have to consider if we are trying to find common future models, and see how the history infected the thoughts of the Orthodox Churches. Then, in the West, you have the theory of two thoughts, which is something unthinkable for the Eastern Orthodox Christianity, what could be something like a division of powers, where the Church people take authorities which are clearly given to state authorities. Such a thing has never been recorded in the history of the Orthodox Church, but in the West, this was something quite common. You see how Bishop takes over the holly, secularized duties in the western history. This is very important to note, for the sake of discussion, that there are actual differences and actual similarities.

Professor Dr Radovan Bigović †

Your High Grace, Your Graces, ladies and gentlemen, of course it is a great joy for me to be given the opportunity to be a participant in this important and significant meeting. This topic is, in our environment, in Serbia, very important and pretty substantial. Not many meetings or thorough discussions were organised on this topic.

I think that big dilemmas still exist, in the first place because we are here, one is the, being the theological aspect of human rights and human freedoms, where it has one meaning of the term. Quite different meanings of these very terms are given to these terms in the civil society or NGO sector. It is probable that in the categories of state law, these terms have yet a third meaning. In my opinion, a question that imposes itself is whether the question of human rights should be observed in some of their metaphysical or ontological dimensions of freedom or whether they should be observed in political-legal sphere of the other, therefore as something that mainly stands opposite to the state. That is how human rights were defined in the beginning, as opposing to the state and positive law. Another question is, if we are to compare it, then we will come to a paradoxical situation, say, for example civilian interpretation of human rights and freedoms leads, in essence, to a religious, not to say Christian understanding of human rights and freedoms. That is one thing. The second thing, in the same way how Churches and religious communities today more or less all agree about the necessity to respect the human rights and freedoms, but if we are to ask a question: *are the Churches and religious communities prepared to respect such human rights and freedoms inside themselves*, then we would, of course, be faced with a completely different reality. As it seems to me, the biggest problem in this respect, are the so called, and not what they are called: basic and elementary human rights and freedoms. All Churches and religious communities in Serbia are in a big dilemma when it comes to the question of human rights and freedoms which are concerning of third and fourth generation, from one simple reason, because from a theological aspect, these human rights are questioning those elementary and basic rights. Or to rephrase, those human rights somehow question the thing from which the human rights are derived, for example in Catholic tradition that is just human dignity. And these are all these problems. Serbia, as well as other countries in Europe today, is a laic country, so at least officially, there is a separation between the Church and the state, but I think that one model exists in reality, which is not specific only for Serbia. That is a model of cooperation. So, they are autonomous in relation one to another, each has its jurisdictions, but from the other side, there is cooperation on many issues which are of general and public importance. Therefore, the laic or secular model that once existed here, no longer exists, which *a priori* implied some kind of hostility. During the communism, we had one laity which was *a priori* antireligious and anti-ecclesiastical and has absolutely disabled the possibility of speaking about the religion in any other way, but only in

a negative way. Respectively, there was endeavour to completely expel religion from public life. It is very interesting that here today, in one sector of civil society, there is a similar interpretation inherited from the past, that essentially the Church and religious communities cannot engage in public life. You can pray to the God as much as you want in private surrounding, in your cells, in the Church yards, in temples, but the Church does not have a right to act publicly. Whenever it tries to perform certain public activity, then it is understood as an attempt of the Church to take over the political sphere and so on. All this is absolutely not true because in Serbia you do not have any example that any Church dignitary or member of another religious community took any state or public function. So, indeed, the separation model of the state and the Church is present, but it seems to me that cooperative model today has a big number of supporters in Europe itself. It seems to me that this issue is very important, and I would like to finish with that, so on some widest plan on which we are, as were the Christians in the era of the *Edict of Milan*, we need to be prepared for one creative dialogue between Christian and religious understanding of human rights and human freedom, and in the essence, the life itself on the one side, and on the other side secular Europe and secular views on life, on human rights and human freedoms. Because, even though we are using the same terms, those terms often have different meanings and I think there is space for dialogue, because, as H. G. Metropolitan Emmanuel said, not every laity or secularism is anti-Christian and antireligious. There are such types of secularism, of course, as we have had during the communist era, so maybe we can even talk about some kind of, let's say, Christian secularism and the question is whether it would be a modern secularism if there was not Christianity. Well, thank you for your attention.

His Eminence Metropolitan Emmanuel

I have just one additional comment. I do not agree entirely with my brother Andrej, but I would like to add something about the situation in Byzantium. The Eastern Roman Empire is the correct name, because the name Byzantium was given by Westerns, but that name was never used in the Eastern Roman Empire. So, what do we have there? We have a so-called *symphony*. Symphony is not just a symphony in music, but the symphony between relations of the Church and the state. This is the idea, and this is what was coming during that time of the Empire, the symphony between the Church and the state. When we have disagreement, then we have problems too, which brings absolutely nothing good, Andrei, as was the case with the split and schism between Eastern and Western Christianity. I think that the questions concerning the Emperors have been more pro-Roman Catholic or pro-union with Rome, after the Synod of Florence and the Synod of Leones, but especially the Synod of Florence. And the second time when the Empire started to fall apart and when they asked for help from the pope. Now it is very late to deal with the XV century and not earlier. That is how we see it.

However, the question now is: *how do we see these relations?* I do not know whether you knew, but many countries now use the double-headed eagle, and you know very well that it basically comes from the Roman Empire. That was the eagle, the double-headed eagle that represented the Church and the state. Now, in some countries, we have deposed eagle with only one head, if I am correct, it is called *makeaol* (eagle of Hoencolern, *note from the editor*). And I think it is a better explanation, it is wiser. Instead of using both, because it often happened that one head ate the other. But, of course, didn't we already see such examples? I think that we are trying to introduce a symphony in the state whose aspect is very theoretical. I do not know whether you have seen many states where we see that symphony, not only throughout history, but even nowadays. I think that relation always goes below the limit, where, if we are all doing for the benefit of the state, than we are doing in the name of the Church too, and that is trying to strengthen the power of the state, so we have the papal-caesarism. That is it. I just wanted to give a comment about these relationships, which, of course, affect religious freedoms within the relations which are present in every society, and in every country. Thank you.

OKR'in Katrin Hatzinger

First of all, I would like to thank the organizers for gathering us all here to be present here in Novi Sad, and I think it is already a great achievement that you managed to bring us all here and gather such a diverse audience. The discussion, so far, achieved a lot. I want to return to the very beginning, to the opening of this conference by Bishop Irinej, because he referred, today, to two main messages of the *Edict of Milan*, and one of them is the idea of unity and diversity what is something he also underlined, and that is very valuable for all of us who today live together in Europe. Picking up on some of other speaker's comments here, I think that they are also worthy because these issues also concern the big crises of European integrations we are facing right now, the economic crises, social crisis, but also to a certain extent, the spiritual crises. I would also like to point out that we, as members of the Churches or Church leaders, have the responsibility towards the overarching network of states, but also religions, to maintain this idea of unity and diversity, and also to implement it in our own countries. I believe and hope that tomorrow, during the conference we will pay attention to the comparison of the cooperation of the states and the Church, also, while referring again to historical context of the *Edict of Milan*, after which maybe we will draw certain conclusions, for the sake of our contribution as the representatives of the Churches and the civil society to the common life in Europe. Special attention should be devoted to the issue of how to keep this unity and diversity in our lives, in such heavy circumstances with which we are faced with.

Professor Dr Darko Tanasković

I would like to use what was just said in terms of returning. I would like to bring back your attention to the beginning of today's conference, I think that in those opening presentations, of course in later contributions also, there were many encouraging elements which should not be disregarded. And that is showing now in this discussion as well. I would like to remind you all of what Professor Bigović said, hopefully more will be discussed on that topic tomorrow. I think that our conference will fulfil its purpose only if we manage to exceed a purely theological perspective and dimension of conversation about similarity and diversity, of course, not eliminating these dimensions because we cannot cancel them. It is about different religions and confessions, and if with any theological dialogue we manage to overcome the fundamental difference in some doctrinal, dogmatic postulate, there would be no words about different religions and different confessions. The scripture, what was written, has sense only if it is constantly converted into life, after all, the living Christ is the only one that makes sense, but not that single historical Christ who saved the humanity once and redeemed it with his life.

Therefore, I think the next thing we need to do is to engage into conversation that we will probably have tomorrow in a very detail manner, concerning those similarities and diversities which are of course evident, and to find a way to overcome the current situation which is a consequence of theological differences on the one hand, but much more of pure historical development and the psychological dimension, which acts as a mortgage, exists in the heads of people, including theologians, and which never has much to do with the original religious learning of which we are talking about. Of course, I am not advocating for any kind of fundamentalism, in the sense of returning to the original sense of the announcement, because that return to the original sense of the announcement is always suspicious. Today, no one can be sure what fundamental truth is, and even what the truth is. However, I would like to point at something what is not mentioned so much, but it seems to have been floating in the air. Namely, repeatedly were mentioned human rights, human freedom and dignity of human personality. That is something that seems indisputable to me when it comes to any religion or any Church and religious community, regardless to how the issue is problematized or how it is rationalized in a theological way. It was said that there is co-responsibility for human rights and human freedoms, especially religious freedoms and their full realization, in simple terms, the co-responsibility of the Churches, the civil society and the state. Now, in this area I believe that the most may and must be achieved. For me, the basic problem is the existence of a still deep mistrust between the civil society taken together, on the one hand, and the Churches and religious communities on the other hand. Of course, when someone generalizes something, he is wrong by definition. Every generalization is wrong by one part because it has to neglect many aspects of reality. However, this conference, as the previous one, were organized, as far as I understand it, with the idea

to find the similarities and diversities that represent a common denominator which could contribute to the idea that civil society, through the patterns of its behaviour and across different NGO and other organisations on the one hand, and the Church and religious communities on the other, could build a common front, I deliberately use this term, from which on they could approach the State, while taking into account the dignity of human personality. Namely, our discussions today have shown that the state is mostly the one that on one way or another, both throughout the history and today, brings into question the human freedoms and the dignity of human personality. If they could release themselves from the hypothesis which, in mutually distrust, pressure them, which is not an easy task, I think that civil society and the Churches and the religious communities could relatively easily find a mutual terrain for affirmation of human rights, freedoms and dignities of human personality. I am not saying this just like that, nor because I think that we should appear with some planned and required ontological optimism, I am merely stating the facts.

If we are to analyse, and here we have many better experts for that than I am so excuse me if I make a mistake, if we are to analyse the social learning of the Church and religious communities, i.e. major religions, the so called social doctrine of the Church, we will see that there is a high degree of congruence in basic postulates or at least in the most of basic postulates between the major religions and the Churches and religious communities. I remember when a document issued by the Synod of the Russian Orthodox Church about the doctrine, i.e. the social learning of the Church was translated into Italian and English. And when *Compendium of Social Doctrine of the Catholic Church* was translated on Russian language, then those texts were presented reciprocally in Moscow and Rome. There was an assembly, Professor Bigović knows because he participated as well, together with some participants we have here, I think Konrad-Adenauer Foundation has organized that assembly in Belgrade, and there it was confirmed that almost 80% of the material relating to social learning and social doctrine of the Church, was congruent between those two great confessions, the Catholicism and the Orthodox. If we are to observe the general approach to the dignity of life, the approach to life itself, then we see and know, from international assemblies, that representatives of Islam, Judaism and Christianity easily find a mutual language when it is needed to support certain initiatives, which I would not evaluate right now, but the fact is that there is a high degree of similarity and perceptions. But it is blurred with differences which, on the basis of theological differences throughout history, really burdened the historical, psychological and social relations among the members of major religions and Churches, so it sometimes seems that impediments are fatal. I think that civil society, Churches and religious communities, if they succeed to release from that mortgage of distrust, and here everyone needs to do their part of the job, they could find an objective common base for action. Not something abstract, but something very, very objective.

And what is the first thing that needs to be done, I wonder. I am speaking from the point of experience in Serbia, and from the time which I spent as an ambassador of Yugoslavia and later Serbia, to the Holy See in Vatican, and through my dealings with Islam throughout the years. But primarily, let us say that we are speaking from our experience gained here on the Balkans and in Serbia. In simple terms, on the one hand, the Churches and religious societies are suspicious of civil sector, mostly because they see the civil sector as an agent of secularism. And it is difficult for them to release from that. On the other hand, the civil sector, NGOs and other organizations of this type, they still have and are burdened with their need to fight against clericalism, so in that alleged fight against clericalism, they take a distinct anti-ecclesiastical and even anti-spiritual attitudes in general. I was a witness, as we all were here in Serbia, and I saw how tremendous was the reaction of the people from whom such reaction could not have been expected, of the people who claim to be democrats and liberals, caused by an attempt, a shy attempt of the Church to present its opinion about the draft of religious law that was related to the issue of discrimination. That is how the quills of people who are known as apostles of democracy and liberal opinion were sharpened, of people who respect the human rights, what indicated to the still underdeveloped reflex which I call the reflex of Bolshevik. The *reflex of Bolshevik* does not need to be typical only to communists and former communists. The reflex of Bolshevik exists in the totalitarian mind, and there are many totalitarian minds, I am afraid, on the side of civil society as well, and of course, but certainly somewhere in the Churches and religious communities. Then, the state indeed is under no obligation and does not feel obliged to be responsible for the human and religious rights, simply because it is not forced. That is what I briefly wanted to say based on my experience from previous conferences and the present one. I hope that here we could make a constructive step to make the year 2013 – the year symbolically marked by the *Edict of Milan*, a year when the civil society and the Churches would start to cooperate on these issues we are discussing here. Regardless of all the similarities and diversities, in fact just because of the existence of these similarities and diversities, because we are interested in a man, a citizen in particular. Thank you.

Mrs. Jelena Jablanov Maksimović

Thank you very much, thank you for the opportunity given to the Foundation to participate in this assembly. Professor Bigović and Professor Tanasković have, somehow, reached a very good conclusion. Simply, I feel obligated to make a comment from the point of view of somebody who deals in practice with these problems which appear in relation to the civil society on the one hand, and the Church and the religious communities on the other. I am glad because Professor Tanasković said that something should be done and that this assembly really should be used for, I cannot say strategy, but for some kind of step to simply overcome that problem, for the he called *mortgage*

distrust to be removed. Konrad-Adenauer Foundation has been observed by the society in Serbia as a neutral partner, a neutral organization which cooperates with the Churches and religious communities, and for the last ten-eleven years, since we came here to Serbia, we are trying, in all possible ways, to offer a neutral discussion platform. There are various problems, before most, the distrust, as Professor Tanasković mentioned, on both sides, and I do not evaluate and speak about the type of such distrust and why such distrust exists, but simply, when we organize an assembly and when we want to hear different opinions, certain parties simply do not appear. Therefore, people who criticize, who speak about clericalization of the Serbian society and those who claim that Serbia has a state-owned Church, I cannot think of all the quotes at this moment, but those are the two most striking, such critics do not appear, simply because they do not want to talk about it. Maybe it should be influenced from several sides in order to overcome this problem. Thank you.

Academician Vojislav Stanovčić

We heard a lot of things, but there is something that was, in my opinion, missed. It is about one term, one important category, one process, and that is ecumenism. That is something what is a road of approaching between eastern or Orthodox, and western or Catholic route of Christianity. But, there are certain changeable categories. First of all, there are differences and similarities between those two learnings. There is also one little thing for which laics do not know what it means, and which represent theological difference between the Catholicism and the Orthodoxy. I believe that it is a good idea, because a good idea may be the seed from which fruits can grow. I censured a paper which was about that idea. I recommended to our Ministry of science to publish this paper. I was there when this paper was defended, I heard the comments of the entire commission, and I think that it has values which could be transformed from an idea to a process, an effort to reach the rapprochement. On the other hand, it makes me wonder if the two Churches which are so divided for nearly 1000 years, is it possible to reach harmony with other learnings, other religions and the Christianity. I am in favour of the idea that everyone should respect their own; that everyone has the right to choose their religion, to confess it, to practice it, but then it should be carried out in a tolerant manner. So we could, like some complex societies did, such as perhaps the USA which has all the races, religions, colours, and where the first law that was brought was the law whereby the Church and the State were separated. It is a law that was written and brought by Tomas Jefferson, when he was the Governor of Virginia in 1784. On the Tomas Jefferson ledger writes that he was an author of the Declaration of Independence, the founder of the University of Virginia, and that he was a writer of the law on the separation of the Church from the State. He never said that he was twice a President of the USA. Thus, with some kind of tolerance and reasonable view of certain facts, it is possible for more religions to approach each other. And then, religions are

one thing, and Churches another. Churches are organizations which have their own hierarchy, which have their own resources, which have their own property, money or other capital. Accordingly, they can, in certain cases, use the entire religion as their own ideology. And that is a process. This is what I wanted to say. Thank you.

Fr. Piotr Mazurkiewicz

Thank you. I believe, taking into consideration the difference between the Western Church and the Eastern Orthodox Church, that there is a difference that rooted us, especially during the history. I think that the symbol of this is also our understanding of the role of the Emperor Constantine. He was never considered as a Saint in the Western Church. He was recently canonized. But on the other hand, I was also, I mean in the same way, surprised when I saw the Icon of the Constantine, the same way as when I saw the Icon of the Charles the Great, who in Exalt Château was treated as canonized. Therefore, from this point of view, there are important people who have played an important political role and in this sense, who have also created a good position for the Church and that was recognized. But the question is, is this really sanctity or some kind of heroism, but in a secular meaning. But, somewhat, in the Western Church, since the beginning, indeed we have used two different words for difference between the Church and the state, which came from the Roman vocabulary, and in that sense there was the word *proestas* - the power, which referred to the people of the Parliament. And that was the real political power for delivering of political decisions; and the word *actoritas* which referred to the Senate, which had the right to authorize the decisions, but not to make its own decisions. And *proestas*, in the history of the Western Church, was directly related to political power whereas *actoritas* were directly related to the Pope. So, there was an understanding that there were two different authorities, but at the same time, with different rulers on the same territory. In the entire history of the Western civilization, there was some kind of competition between these two institutions. For the Western Church it was easier, because quite soon the Western Empire ceased to exist, which created some kind of vacuum where the authority of the Pope and the Church could have been evaluated freely. So, when the new Western Empire appeared, the authority of the Pope was already quite strong. And these are historical circumstances which played an important role. I would not like to much emphasize these differences, because, at the end, they were directed. It is very clear what the teachings of the Orthodox Church are, and what are the teachings of the Western Churches, and it is clear that the corpus is the same. So, to be honest, in the same time, these learnings are the same according to the text from the *Bible*, and they differ because there are two competent institutions. I would say that the western civilization, which played an important role, is also facing challenges and wonders: does the political power look on the religion as something which is positive, which plays both a positive or a negative role in the social and political life. Metropolitan

Emmanuel evoked this here; that is a fact even when we are talking about the France, even if we are talking about French Catholics who are afraid of the important role they are playing in public life, even though they are the members of the Church. I am coming from a very specific culture with a specific tradition, because in Poland we have never had religious wars. And the first act of tolerance, religious tolerance, was in Poland. And for this reason, our understanding of religious freedom in public life is always positive. So, the religion is something which is for the benefit of the society, and also for the benefit of the state. And the question is: which stream will prevail in the Europe of today, is it the religion that will be treated as something positive in general, or will it be treated as something which is dangerous and negative. In this case, the question is how we can differentiate the relations between the religion and the state. I remember the research conducted by a German Professor Martin Polak, who tried to elaborate novelties that consider the closeness between the state and the Church in different European countries. On the top of these novelties was Germany; my country was in the middle. But when I think about perception, probably many people think that relations between the Church and the state are very close in Poland. But that is because in Germany this is the question of institutional relations. In Poland, the religion is playing a very important role as a social factor. So, the legal position of the Church, Catholic Church is not so high. But Church is fighting to play an important role in the society. In closure, one of the most important cases last year was the so-called laic case before the Court of Strasburg. When there was a judgment that concerned the presence of crucifix in schools in Italy, we overcame this problem, and we have one case like this one, but it was possible due to the cooperation between certain Western countries, mainly Catholic, and some countries with Orthodox tradition. It is very clear that the impact of countries with Orthodox tradition would not be sufficient for winning this case. So, there is a similarity which is now playing an important role, and I hope that we will be able to cooperate for the future of the Church and for the future of Europe. Thank you.

Professor Dr Radovan Bigović †

I for one, totally agree with what Professor Tanasković said about the necessity to establish a creative dialogue between the Churches and the religious communities and the civil society, especially in this region, because there was not much of this dialogue, or it was burdened with many problems, first of all with numerous prejudices. The Church needs a dialogue, not only with the civil society, but with the intellectuals, with the intellectual elite, with culture deputies, and so on. Therefore, it is probable certainty. In my opinion, there is a more essential problem reflected in the fact that we have a state, we have civil society, we have that, so called, public sector, which is a metaphysic paradigm on which the overall public life is resting, which is reduced to this: man is the measure of all things. That human rights and freedoms are based on the human nature

itself, therefore, on the human nature that is emancipated and, therefore, separated from God, on human reason that is deprived from myth and religion, because it is completely exempt from that. Here was also heard about the neutrality of the State, of a modern state. Modern state is not neutral. On the contrary, the modern state has that type of world view, and it favours it in its legislation and in all other possible ways. Exactly that type of view has been incorporated in every Constitution. So, that is what may be derived from, tentatively, a laic or secular world that is deprived of all kinds of religiosity. Religious people, Christian, Islamic, Judaic religion, simply have no option, because the state favours this secular world which brings into question the Christian values. Actually, the idea is that there should be no believers who would impose their values to others, unbelievers, agnostics etc. But on the other hand, not to allow the vice versa situation. That a completely anti-religious or anti-Christian point of view, which has no domination and which is to deprive others from the right of public action and public speaking. That is the essence of all. Can you imagine a man, for example a believer, for him the respect for the human rights and freedoms, in the first place, represents a transformation of the human nature itself. Because the cause of all violations of the human rights, unfortunately, lies in the fact that our human nature has fallen, it is sinful, and that our human nature has an element of evil which brings into question all human rights. And if you want the protection of human rights, you must remove the evil from yourself, and win our fallen human nature back. And in public sector, in education, in culture, it is not just in civil sector, and everywhere we are witnessing quite the contrary situation. Freedom is interpreted as realization of one's own will, of course with one limitation, if you do not bother others, if it does not harm the others. Therefore, everything that comes to my mind, if it does not harm others, it is approved. Does this have something to do with the Christianity or not? That was my punch line. So, somehow we need to establish equality of these points of views. They also want that look at the world to be equal with so called secular looks at the world.

That is what I wanted. To point out the problem, which is, in my opinion, much deeper and about which we should be talking, because one should have in mind that when it comes to human rights, we know that they are, sometimes, ideological. It is very well known that human rights, when we speak about individual human rights and freedoms, or basic rights and freedoms, when that Universal declaration was adopted, that this issue was forced in the West and of course was directly or indirectly directed towards the Eastern bloc. The Eastern bloc, the eastern world, the communist world stands opposite to these individual rights that were violated in communism, and of course, the citizens were completely deprived of these rights and freedoms, including the freedom of conscience and religion, they because they have forced economic and cultural rights. Truth be told, that might just prove to be a good thing, because a balance between these individual and economic rights was created.



DAY II

INSTITUTIONAL CONSEQUENCES
OF THE CHURCH-STATE RELATIONS
(313-2013)



Moderator:

OKR'in Katrin Hatzinger
Head of Brussels Office,
Evangelical Church in Germany (EKD)
Senior Church Counsel



Moderator:

Mag. Elizabeta Kitanović
Executive Secretary for Human Rights and
Communications of the Church and Society
Commission at the Conference of European
Churches (CEC)



Professor Dr Klaus Martin Girarde,
University of Saarland, Department of
Ancient History, Germany

Libertas religionis for everybody (312 AD)

Constantine the Great's Principle in Religious Policy and its Consequences

The presentation time at hand is extremely short considering the complexity of a topic which requires scientific professionalism and a discussion of research with arguments based on a proper analysis of sources. Therefore, I am only able to present in more or less short theses what I have already published somewhere else or what I am going to publish soon. Please keep in mind that I talk to you as a specialist in ancient history, not as a Church historian, a theologian or a politician. The following remarks intend to explain that the *Edict of Milan* from 313 AD does not exist and never has existed. Actually, this has been known in historical research since the end of the XIX century. The document incorrectly even called the *Magna Charta Libertatum* for the entire Christianity, a letter of the Emperor Licinius dating from summer 313 in Nicomedia, Asia Minor, was indeed only concerning the East of the Roman Empire. I would also like to point out that the idea of *libertas religionis* for everybody is not a Christian heritage but a principle introduced by the Roman Emperor Constantine in the end of 312 for reasons of political order. It was absolutely situational. I will also demonstrate that a historical continuity, in the sense of the history of ideas, leading to the modern human right of religious freedom does not exist.

Here are – in 12 points – my propositions on these topics in a nutshell:



The only remaining image of Constantine with the Labarum*

Gold multiplum/2 Solidi (unique specimen) RIC VII 451 Nr. 207 (Siscia) of 326 (unfortunately not described in detail by P. Bruun: without any reference to the Labarum with a Christogram, or rather with a disapproving reference, 451 note 207).

Numismatic Collection of the National Museum Belgrade, Inv. No. RCW 156/26 (= RCW 6168)

Photo: Nebojša N. Borić

K. M. Girardet, *Der Kaiser und sein Gott. Das Christentum im Denken und in der Religionspolitik Konstantins des Großen.* Berlin, 2010, 57 and 94.

Point 1. Since the reign of the Emperor Diocletian 284/85, the system of government in Late Antiquity shows the distinctive characteristic that several Emperors ruled the enormous Roman Empire together for some decades. At the beginning of Constantine's reign, there were, between 306 and 312, four Emperors and one usurper with the name Maxentius. Since 305, the senior Emperor was Galerius, who died in 311. Since the end of 312, the Roman Empire was governed by three Emperors: Constantine ruling over Italy and North Africa as well as all territories to the west; Licinius ruling over the Balkans up to the Bosphorus, with Sirmium as main residence; and Maximinus Daia ruling between the Bosphorus and the Euphrates as well as over Egypt.

Point 2. Since the reign of the Emperor Gallienus, the Christian religion had governmental admission and religious freedom from 260 to 303 (Eus. HE VII 13); in these decades, each parish was regarded as a *corpus*, a corporation under public law, which could possess property. With a 5 to maximum 10 percent proportion among of the Roman population, Christians were not more than a politically marginal minority. In this context, it is particularly relevant that almost no Christians could be found in the ruling classes of the army, the administration and the civil society. Just to give you an example: among the hundreds of provincial governors between 284 and 312, not one single Christian is known to date.

Point 3. From the very beginning, Christians refused to join the pagan cult community of all Roman citizens which was for political reasons considered absolutely necessary by the imperial government. Therefore, in 303, a systematical persecution of Christians all over the Roman Empire was ordered by Diocletian and his co-rulers. Only the intensity of measures differed in the respective parts of the Empire. The most ardent persecution took place in the East where Christians formed a somewhat bigger minority than in the West. The Manichaeans were prosecuted as well. Even back in the year 197, the term *libertas religionis* could be found in the work of the Christian apologist Tertullian in the discussion with the persecutors of Christians. Obviously it was this author who coined the term – because in the entire remaining Latin literature of Antiquity, it appears only in his work and there only once (apol. 24, 6). More than hundred years later, during the Great Persecution of Christians under Diocletian, the Christian scholar Lactantius argued in the same sense, but without using the term (especially Lact. div. inst. V 13 and 19). Almost all modern historians think both authors pleaded for universal religious freedom as a principle, for pluralism, for a parity of religions and a general religious tolerance and would, thereby, have established a tradition of thought reaching to the present day. But this is clearly wrong. For Tertullian and Lactantius, only Christianity was *religio*, and exclusively for this they demanded *libertas*; they considered all non-Christian cults as *superstitio* (superstition), not as *religio*. In other words: the idea of religious freedom for everybody is not a Christian heritage.

Point 4. Already in 306, the Emperor Constantine, by this time still a pagan, stopped the Great Persecution in the western part of the Empire (his dominion) and granted religious freedom to the Christians (Lact. mort. pers. 24, 9). In the same year or little later, the pagan usurper Maxentius decreed the same for Africa and Italy (Eus. HE VIII 14, 1 f.; Opt. I 18; Aug. brev. coll. III 18, 34; contr. part. Donat. post gest. XIII 17). *De facto*, general religious freedom was thereby brought about by both rulers in the West of the Roman Empire. A decisive factor might have been not religious considerations, but the political understanding that a significant potential for riots and unrest could be eliminated by this measure. In 311, surely because of the same perception, the pagan Emperor Galerius restituted together with Licinius the religious freedom for Christians in the Balkans and in the East of the Empire (Lact. mort. pers. 34; Eus. HE VIII 17). The result of this measure was that finally the principle of religious freedom was implemented in the entire Roman Empire; this freedom, however, was not granted to the Manichaeans. But after a short break, the eastern Emperor Maximinus Daia continued the persecution of Christians until 313.

Point 5. Convinced by the Christian interpretation of a cruciform solar phenomenon called halo (Eus. VCI 28 ff.) and for some other reasons, Constantine as an individual converted to Christianity in Trier in the year 310/11. He turned his back on pagan gods like *Apollon* or *Sol invictus* and chose the Christian God as his helping deity in military and political matters. One year later, directly after his victory over the usurper Maxentius at the Milvian Bridge near Rome, he proclaimed, now being the senior Emperor, also in the name of Licinius a comprehensive declaration on religious policy in the end of 312 (Eus. HE IX 9, 12; 9a 12; X 5, 2– *Handout* Texts No. 1a and b, 2a). Because of the Christians, who were still being prosecuted in the East, he proclaimed the principle of religious freedom for all citizens of the Roman Empire. Furthermore, he ordered the restitution of all Christian parish property which had been confiscated during the persecution; this had already been realized in the Western half of the Empire. At the same time, he started massive support measures for the Christians. The text of the proclamation from the end of 312 is lost. But another, somewhat later Greek document for the religious policy of Licinius in the East refers to it in the summer of 313. Literally it says: because of the understanding that religious freedom ought not to be denied, it has been ordered already before (i.e. in the end of 312) that also Christians shall benefit from it (Eus. HE X 52 – *Handout* Text Nr. 2a). The Greek term used here is without doubt a translation of the Latin original in Constantine's proclamation from the end of 312: *Libertas religionis* for everybody. In this Constantinian original, dating, as I said before, from 312, the principle was formulated and proclaimed for the very first time in history. Nevertheless, it is never cited in scientific literature.

Point 6. The political motif of the converted Emperor Constantine as an eminent politician is not hard to guess: considering the majority situation in the Empire – 90 to 95 percent non-Christians, 5 to 10 percent Christians – the proclamation of *libertas religionis* for all citizens from the end of 312 was supposed to put one fact straight. The existence of a Christian Emperor, the new freedom for the Christians and, most of all, the massive support for the Christian religion did not mean a threat to the freedom of the other religions. Therefore, Licinius's document from the summer of 313 from Nicomedia in Asia Minor (Lact. mort. pers. 48, 2. 6. 10; Eus. HE X 5, 8. 12 – *Handout* No. 2b, c, d) emphasizes once again the aspect of public order and security: *securitas publica* and *quies publica*, and these are literally the terms used in the document, should be restituted and kept by *libertas religionis* for everybody in the East as well.

Point 7. The *Edict of Milan* from spring 313 does not exist and never has (existed). This means the famous 1600-year anniversary proclaimed by the Roman Bishop Pius X in 1913 was an inappropriate celebration. Besides, the term is never to be found in ancient literature. It was invented by the Vatican bibliothecarian Cesare Baronio, the author of the famous *Annales ecclesiastici*. From the historical perspective, the following facts are proven: The program of *libertas religionis* for everybody, which Constantine had proclaimed by the end of 312, was adopted at the imperial conference in Milan in February/March 313 by the pagan co-ruler Licinius with the option to implement it in the East after the extinction of the Eastern imperial colleague Maximinus Daia who was still continuing the persecution. After the victory, Licinius, writing from Nicomedia, informed the Eastern provincial governors in the summer of 313 about Constantine's new religio-political principle from the end of 312 and also ordered the restitution of the parish possessions, which had already been realized in the West. The respective document of Licinius, written also in the name of Constantine, as protocol required, with a reference to the meeting in Milan is available in a Latin and a Greek version (Lact. mort. pers. 48, 2-12; Eus. HE X 5, 2-24). It exclusively concerned the East of the Empire. Therefore, it is historically incorrect to call the text a *Magna Charta Libertatum* for the entire Christianity as has been done in historical research until today. Above that, it is a remarkable fact that the support of the Christian religion, which has been massively promoted by Constantine in the West since 312, was not adopted by the pagan Emperor Licinius in the Balkans and in the East. Only after Constantine had defeated and dethroned his colleague in 324, also the Christians in these parts of the Empire could benefit from this support.

In the remaining time, I would like to address briefly some further religio-political consequences of Constantine's declaration in the end of 312.

Point 8. After the beginning of Constantine's sole reign in 324, the Christianity in the East received the same intensive support as the parishes in the West. Here as well, *libertas religionis* was preserved as there were no legal measures against paganism. But occasional closings or even destructions of sanctuaries are testified. On the other hand, Constantine actively practiced "de-paganisation" of public life; for example, he banned sacrifices from all magisterial acts (Eus. VC II 44) and had all imperial effigies removed from the sanctuaries (Eus. VC IV 16). Nevertheless, *libertas religionis* did not exist for Christian heretics (like Donatists, Arians, or others).

Point 9. But during the rule of Constantine's sons, an anti-pagan legislation started between 337 and 361, including the closing of sanctuaries and the ban of sacrifices. These measures were based on the Christian claim to absoluteness. A Christian author like Firmicus Maternus strongly demanded an oppressive extinction policy against paganism from the Christian Emperors. From this point, we cannot speak of *libertas religionis* any more, particularly as also the systematic fight against the inner ecclesiastical, theology-based opposition continued.

Point 10. A short break was the so-called "pagan revival" between 360 and 363, when the Emperor Julian, who had converted to paganism, tried to fight back the influence of the Christian religion. But since 364, the Christian brothers Valentinian I and Valens ruled the Empire. The support of the Christian religion set in once again. Like Constantine, Valentinian declared *libertas religionis* for everybody (CTh IX 16, 9 from 371; compare Amm. Marcell. XXX 9, 5; Soz. HE VI 7, 1 ff. and 21, 7), but he enacted laws against Christian heretics and Manicheans. Nevertheless, with the reign of the Emperors Gratian and Theodosius I between 378/379 and 395, the ancient history of *libertas religionis* for everybody came to a definite end: heresies of whatever kind were banned in 379 (CTh XVI 5, 5), the Nicean version of the Christian religion was declared state religion in 380 (CTh XVI 1, 2 and 25); all pagan ritual acts became illegal in 391/92, and even entering sanctuaries was prohibited (CTh XVI 10, 10 and 12). Only Judaism was not yet affected.

Point 11. For a comparatively short moment in world history, *libertas religionis* indeed existed in Antiquity, though with some limitations. But by the end of the IV century, the era of religious uniformization and coercion in faith began. It lasted more than 1300 years. In 1529, the so-called "Speyerer Protestation" publicly declared for the first time the reformatory reference to a freedom of conscience which is only bound to the word of God. But the end of religious uniformization did not start before the XVIII century, and it was driven by the Enlightenment as well as the *Declaration of Human Rights in America* (1776) and in France (1789). The *Universal Declaration of Human Rights* in 1948 with Article 18 and, based on this, for example the *Basic Law of the German Federal Republic* in 1949 with Article 4 as well as the *Charter of Fundamental Rights of the European Union* in 2007/2009 with

Article 10,1 were the following steps. By their guarantee of religious freedom, they have brought the liberation process to a successful result which is generally accepted all over the European-oriented cultural world.

Point 12. Concerning the principle of religious freedom, the fathers and mothers of the Enlightenment, the Human Rights and the modern Fundamental Rights have not referred to the Constantinian *libertas religionis* for everybody, but to the works of the great thinkers of the pagan Greek and Roman Antiquity. Therefore, a historical continuity (as the title of this conference might suggest) between the Constantinian *libertas religionis* and the year 2012/2013 does not exist.

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Source material for the presentation

1. Letter of the Emperor Constantine, also in the name of Licinius, end of 312 from Rome, addressing Maximinus Daia
 - a. *Eus. HE IX 9, 12*:
(Directly after Constantine's victory at the Milvian Bridge, 28 October 312) „... both Constantine himself and with him the Emperor Licinius... drew up a full and most complete decree on behalf of the Christians“, and sent it to Maximinus Daia.
 - b. *Eus. HE IX 9a 12*:
Constantine and Licinius had decreed (end of 312) universal religious freedom “and had granted it to all their subjects by edicts and laws”.
2. Letter of the Emperor Licinius (*litterae Licinii*), also in the name of Constantine, from Nicomedia, on 13 June 313, addressing the eastern provincial governors:
 - a. “Perceiving long ago (i.e. end of 312) that religious freedom (lat: *libertas religionis*) ought not to be denied, but that it ought to be granted to the judgment and desire of each individual to perform his religious duties according to his own choice, we had given orders that this decision shall be kept also in the case of the Christians and their faith and religion”.
 - b. *Lact. mort. pers. 48, 2*:
“After we – I, the Emperor Constantine, as well as I, the Emperor Licinius – fortunately met in Milan and conferred about everything concerning welfare and public security (*quae ad commoda et securitatem publicam pertinerent*)“, etc.
 - c. *Lact. mort. pers. 48, 6*:
“Now that you (i.e. a provincial governor in the East) can clearly see that this – i.e. “free and unrestricted religious freedom (*libera atque absoluta colendae religionis suae facultas*)” – has graciously been granted to the Christians, you understand that also all other people are given the free and unrestricted permission to serve their religion or cult for the sake of peace in our time (*pro quiete temporis nostri*)... This has been done by us to avoid the impression that anything has been detracted from any honorary service (honori, i.e. a priesthood) or any religion by us.”
 - d. *Lact. mort. pers. 48, 10*:
Restitution of confiscated property to the Christian parishes for the sake of “public peace” (*quies publica*).



Revd. Patrick Roger Schnabel,
Institute for Ecclesiastical Law
University of Potsdam
Germany

Legal Interpretation of the Edict of Milan

Your Excellencies, ladies and gentlemen,
brothers and sisters,

The organisers have given me a difficult task.
For in order to assess the legal implications of
the so called *Edict of Milan*, we have to answer
one important question first:

1. Do we interpret it from the legal context in which it was originally situated,
or rather
2. Do we interpret it from our modern legal perception of freedom of religion?

As the question posed to me is open and broad enough to cover both aspects, I will attempt to address them both. In doing so, we will be able to first understand what it meant in its time, but also to judge what we can learn from this ancient act for our times today.

First one clarification: By “this act” I refer to the agreement between Licinius and Constantine, reached in Milan and granting religious freedom to the Christians and all others. This agreement did not constitute an edict, i.e. a law for the entire Empire, but it has been translated into imperial orders (constitutions) for the parts of the Empire controlled by the respective Augustus. Two of these constitutions have come down to us, one in Latin by Lactantius (in the form of a letter addressed to the Governor of Bithynia, posted at Nicomedia on 13 June 313), and one in Greek by Eusebius (apparently posted in Palestine in the autumn 313). The imperial letter was a common form of legislation in Rome. It was binding only to the provinces it addressed. If there were others than the two we know of, we cannot say with any certainty. We will come back to this question later on.

But now let us look at the main questions at hand: I will proceed in chronological - and logical - order and start where it all began: 313 A.D.

Legislation pertaining to religion is and has always been a political instrument. And if ever there was a case to prove it, you find it in the Roman legislation of the IV century pertaining to the Christian faith.

And if it was politics by law, we need first to look at the political situation of the decades around the year 300.

Christianity has never been endeared to Roman society, but - despite our common perception of that early period of our faith - persecution has, by and large, not been systematic and Empire wide. There have been persecutions, but on the whole the Church was well able to spread and prosper. It developed a grade of organisation and institutionalisation that found its equivalent not in the pagan religion, but in the organisation of the state itself. A hierarchy was set up, property acquired, new members won. From what we know about the number of clergy and other data of the Church at that time, some 30,000 people will have been Christians within the capital, Rome, itself. And while the Senate was the institution most bound up with the pagan religion, more and more of Rome's upper classes, women in particular, sympathized with or even adhered to the Christian faith. Eusebius even reports that the Emperor Philippus Arabs had been a Christian. And even if we do not give much credence to this evidence, he was certainly tolerant towards Christians.

But then, within the reign of Diocletian, a real and severe and broad persecution began. Diocletian was bent on preserving the ancient power of Rome, and he saw Christianity as a threat to the unity of the Empire.

And then, suddenly, Galerius - on his deathbed - ended that persecution and made Christianity a *religio licita*. We might be inclined to view the events at Milan as the turning point in history, but it was only a consequence and only possible because of this law issued two years earlier. The text of that law, however, does not lend much credibility to early Christian aims of a late conversion of an Emperor afraid of his soul. Christianity is still *stultitia*. It has, grudgingly, to be tolerated, if people, despite better arguments, persist in adhering to it. Put bluntly, Galerius accepts defeat. The latest and almost last efforts to eliminate Christianity from the Roman world have failed. The Augustus accepts this, but no more. It has been said that his edict ended one period, without, however, beginning another.

This great historical task was indeed left to the two Augusti meeting at Milan.

They were heirs - and undertakers - of the Diocletian system of power sharing. The battle for universal power was already under way. And it was Constantine who had it in his mind to become sole Emperor of a reunited Roman world.

But that Empire would be quite different from the old one. Power and with it the centre of power had already begun to shift to the East. Constantine was farsighted enough to understand this. And in the East, Christianity was a far greater power than in the West. A lot of turmoil and unrest in those parts had been due to the persecutions of Christians, who were already a significant social power. Augustus Maximin Daia had ignored the *Edict of Toleration* issued by Galerius, and styled himself as a fervent enemy of the Christian faith.

In being generous toward this new religion – very much unlike Maximin – Constantine could endear himself to the Christians without having to implement a lot of changes within his own territories in the West where there were neither as many Christians nor as fierce a conflict between the old and the new religion.

Historians are divided in their perception of Constantine's personal creed. Some see in him the first Christian Emperor, even a saint. Others draw into doubt even any personal belief in the new religion on his part. The former invoke as evidence that Constantine presided over Synods and paved the way for Christianity to become state religion within less than a century from the end of the last severe wave of persecutions. The latter draw upon his personal conduct – that he introduced a very severe penal system, that he murdered wife, son and quite a few more relatives, that he was only baptised on his death bed, and by an Arian Bishop.

The truth, I think, lies somewhere in the middle. Apparently, his Christianity was not what we would view as Orthodox from today's point of view. However, Orthodoxy was only beginning to be defined, and Constantine no doubt had some influence on what became the accepted doctrines of the Catholic Church. Nevertheless, he never forbade or even persecuted the old pagan religion; and at the same time that he presided over the Synod of Nicea, he was *Pontifex Maximus* of that old religion. For Constantine the *summus divinitas* would at some point be represented by the pagan monotheism of the *sol invictus* cult, at some by the triune God of Christianity. He would introduce Sunday as the official holiday for adherents of all faiths, equally acceptable to all – for some as the day of resurrection, for some as the day of the Sun God.

He took, however, a keen interest in the Church and its development – while it was clear that he only had the old religion continue without any personal commitment. His aim was the unity of the Roman Empire, and the Church was one means by which the statesman Constantine meant to achieve and preserve it.

This attitude was, however, no hypocrisy or political shrewdness. On the one hand, Christianity had surely become a power that he could not neglect and monotheism in general terms was more appealing to the intellectuals of his time than the old pantheon. On the other hand, however, Christians were still a minority and the

Church split up in many conflicting groups. It was Constantine helped make it into the Church that could be the pillar of the Empire – he did not find it such when he began to take interest in it. So his choice was not self-evident, but a political wager.

And it was this courage and farsightedness that helps us understand his motives and actions. He was not making politics for one generation alone, but for the future. He was counting on a role for the Church that he himself could not be sure to witness.

In 313, when the *Agreement of Milan* was reached, he was acting strategically both considering the balance of power between the Augusti and Caesars of his time, and considering the long-term future of the Empire. In his Western dominions, there was no real need for the *reglements* of the agreement – and we might even assume that it has never officially been promulgated there. At least, the only two constitutions that came down to us – that of Lactantius and that of Eusebius – were issued in the East.

And to the East Constantine did look. There is plenty of evidence for that: He hellenised Roman law. He built his capital in the East. He favoured Christianity. But never did he offend the sensibilities of the West and the old elites. He seemed to sense that their time had come and that there was no need for fight. Power was shifting from the West to the East. Christianity was better organised and had moral superiority. There was need only to steer, not to row.

And steer he did: It was undoubtedly Constantine who was behind the *Milan Agreement*. Some have claimed otherwise. But Licinius was not much interested in the Christians, and later he even ordered new persecutions. But neither was he dogmatically against them - or under political pressure to persecute them like Maximin, in whose dioceses the old religion was still powerful - and a considerable economic factor. So he was willing to acquiesce in the *Milan Agreement*, as this would, he had reason to assume, help him both within his own realms and in the fight against Maximin.

Next to political reasons, I think, we might safely assume that Constantine was a religious person. He did believe what the texts of the *Edict* state: That the Emperors had a duty towards the deity and that the wellbeing of the Empire relied on good warmanship as well on the prayers of its citizens. He himself did, after the battle at the Milvian Bridge, believe in the power of the Christian God, but he did not mind under which name the divine was worshipped as long as it was indeed worshipped and religion did not lead to unrest and upheaval.

And we might also safely assume that he was a ruler interested in the rule of law. The persecutions and dispossessions directed against the Church had been illegal. There was, in his eyes, no crime - and therefore no need or justification for punishment.

He did, however, not go so far as to include restitution for individual victims of persecutions.

Nevertheless, the core legal element of the *Milan Agreement*, the restitution of ecclesial property, was at core the act of the just Emperor. He saw to the restitution of dispossessed Church property as well as to the compensation of pagan buyers.

But it was not only the restitution of property that made the difference to the edict issued by Galerius only two years before. It was the tone. Then, as we saw, the persecutions were stopped and Christianity accepted only grudgingly, only in defeat. Here, the emperors seek, as it has been said, to win Christianity for the Empire and the Empire for Christianity.

Because, even though the agreement, by token of the two actual legal texts we know, was introducing religious freedom for all, only the Christians are specifically named. They were the focus of the agreement. Pagans and Jews already enjoyed freedom of religion, others were not relevant. The Christians were the power too strong to suppress, and - in the vision of Constantine - too important to ignore.

Having reached this point, I would now like to turn to the second question. Was freedom of religion granted in a way consistent with our modern understanding of the term?

Let me state two premises. The first would be:

1. A fundamental right is not granted, but guaranteed by the state,
2. And a fundamental right is not guaranteed for the sake of political aims, but for its own sake.

The latter statement, of course, reaches only so far as the basic guarantees go. All else, that is, all additional, supportive measures, may still be subject to political reasoning. We must be honest enough to admit that there is still a difference of the intensity with which some religions are supported by the state or else viewed with some suspicion. Religion is and always will be a societal factor politics cannot ignore. And in the moment any social phenomenon comes within the sphere of the political, it naturally also becomes subject to politicising.

However, the state itself will have to guarantee *the basic rights related to the free confessing and exercise of religion* to everybody irrespective of other considerations. In this respect, the state has to be neutral. By virtue of the rule of law, politics come second to fundamental rights.

Having said that, and considering what we have established about the contemporary setting of the *Milan Agreement*, we will have to admit that it was not, of course, the beginning of religious freedom as we understand it.

And it could not have been. Even though Rome was an empire in which the law counted, it was also a premodern state and the Emperors were only partially subject to the law. That was the ideal of the Roman Republic – but ever since Caesar and Augustus in the Roman principality system the Emperors had at least an ambivalent relation to this old idea and ideal. Thus, an imperial constitution had always an element of the arbitrary, however much goodwill might have been behind it and however much a man like Constantine might have been driven by the ideal of the just Emperor, responsible to administer law and justice.

As for politics pertaining to religion: These were clearly driven by political reasoning alone. It was not *choice* in matters of religion Constantine had in mind, but an end of a potentially dangerous religious conflict and – in the long run – the establishment of a close link of Church and State.

And for this reason and purpose, Constantine never thought of religious freedom for all beliefs. He himself soon became a fierce opponent of what he perceived as Christian heretics. It was the *Catholic* Church and its hierarchy he was granting freedom and on whom he went on bestowing privileges. He was not yet clear what that Orthodox faith and the Catholic Church really was, but he was all the clearer that there was an urgent need for unity in faith and order.

And while he never openly confronted the old religion, and only prohibited those rites that were either immoral or dangerous to the public order, he not only put the Church on equal footing with paganism, but favoured it visibly. Just think of the Churches he built: I name St Lateran as just one prominent example. Or think of the legal status of priests: They got the same exemptions from public duties as their pagan counterparts, but the episcopal courts were granted even greater liberties. If the parties in a law suit were Christian, if one of them asked the case to be transferred from a public to an ecclesial court, this wish had to be granted, even while the verdict was already being read out. If somebody wished to free a slave of his, he could do so in front of the Bishop with much less bureaucratic hassle than in front of imperial officials. If somebody wanted to leave money or property to the Church, the strict rules of making a will under traditional Roman Law were waived and an oral testament sufficed.

These changes to the legal system both benefited the Church and showed Constantine's general inclination toward Hellenistic legal practise, which was much less systematic and formalised.

But back to my starting point. What can we say about religious freedom in the *Milan Agreement*? If you look at the text itself, the *Milan Agreement* seems to be a very early example of fully fledged freedom of belief. But if you take into account the historic context and Constantine's later conduct, it was nothing such. To the contrary, it was the real turning point for the Christian Church, and the beginning of the Constantine age, which was not marked by freedom of religion, but by the union of throne and altar that Theodosius established before the end of the century.

Some have argued that Constantine freed the Church from persecution, but bound it with golden ties to the state. But again, this statement is a statement from the perspective of the XXI century and - as such - as wrong as the assumption that a III century Emperor could have been interested in religious freedom for its own sake. This was simple not the way one would have looked at things at the time.

Constantine was *Pontifex Maximus* of the old religion and therefore naturally assumed also the role of *summus episcopus* of the new religion. Constantine was bend on restoring imperial unity, and therefore aspired to universal monarchy. Constantine was eager to restore peace to the Empire, and therefore accommodated Orthodox Christians and the adherents of the old religion alike. Constantine was aware of the weakness of the West and the strength of the East and therefore built Byzantium as the new Rome. Constantine needed a strong partner for his endeavours and therefore supported and privileged the Catholic Church and supressed heretics and dissenters. Constantine was quite aware of the strict moral quality and absolute and uncompromising monotheism of the Christian belief and therefore never became a Christian until the hour of impending death.

And Constantine was proven to have had the true political scent. That is why an age has been named after him, that is probably the longest period in human history to be so characteristically shaped by the religio-political decisions of one single man.

This is our heritage. But our future, although shaped by it, will be different. For us, religious freedom is not a means to an end, but a value in itself. This is very much in line with the basis of the Christian faith: If believing means to consciously accept Christ as Lord, the choosing is constitutive. And if the choosing is essential, the possibility of the wrong choice must be accepted. The modern state cannot and must not interfere. The question of truth is, as far as the state is concerned, suspended. And the religions have no worldly power to enforce doctrines, they need to rely on their power of conviction - *non vi, sed verbo* - if you allow a Protestant to end with a Lutheran precept.

Thank you for your attention.



H.E. Mons. Stanislav Hočevár,
Archbishop of Belgrade and Metropolitan
Roman Catholic Church

Important Questions regarding the Tradition of Making Agreements between States and the Holy See

Your Eminences, Excellences, respected leadership of this gathering, brothers and sisters, ladies and gentlemen! To all of you I wish a pleasant, successful and blessed day filled with these more than important reflections.

I am honestly thankful to the previous speakers who have indicated all the extraordinary complexity - either of the person of Emperor Constantine, or the era in which he was living and acting, or the importance itself of his historic decisions. During all the years I have spent in Belgrade it was this precisely which had very much instigated my thought. I had always felt that we need to discuss these questions more intensely **together**.

At the beginning of my exposition I need to extend an apology! Namely, originally it was not planned that I would join you as speaker, for I was to be a participant in the discussions only. Therefore, I shall proceed more freely in expounding those questions which are of importance to me in connection to the tradition of making agreements between the states and the Holy See.

I repeat: the preceding speakers have enabled us to conceive more deeply all the complexity of that thematic. I shall approach this question neither historically nor legalistically but - if I may say so - as a pastor who lives in a pluralistic society and thus feels a great need for the rapprochement of the whole society and the whole region: for mutual co-existence, for cooperation and intimacy in communication. It is for these reasons that I beseech you to receive my considerations in that spirit.

First of all, I cannot speak explicitly in the name of the Vatican, as is written in the title heading. All I have to say I shall utter as the pastor of the Catholic Church. Amongst us we have His Excellency the Apostolic Nuncio who is well able to speak competently on those matters. Likewise, I would wish that we discern the Holy See as the highest power of the Catholic Church from the Vatican taken as a state.

As a pastor, I am therefore interested only in the question of the relation between the Church and the state. I always thought that the celebration of the 1700th anniversary

of the *Edict of Milan* is an opportunity to face those very significant and challenging questions. That is why I wish that all of us contribute to that **institutional dialogue**, that is, through new ways and agreements in regard to the relations between Church-state, between Church and society.

The reasons why I like to think about the latter are the following: the Emperor Constantine, since he was also the *Pontifex Maximus*, surely could not make an overly rapid transition to Christianity. His wisdom rests precisely in the fact that he made the mentioned transition in a measured pace. But that itself gives us an encouragement - as was underlined by my predecessor - to think about that reach legacy - now and here. This is the great importance of gatherings like this one. That is even more so for us living in the East of Europe where different models of co-existence or state-Church relations were born. More or less we are familiar with the so called "Catholic", "Orthodox" model, and also with the model posited through the experience of the Islamic community of believers. Although we are living in a region where, in the past, all these models were known to be confronted, today, therefore, in terms of responsibility we need to think more intensively about that, and to seek appropriate pathways for the future. Herewith lies the third reason: the European continent has entered into a new phase of its history. The so called "Europisation" is indeed a remarkable event. The fact that for so many decades we have seen no wars, which in itself is almost incomparable in relation to the past, is a positive sign for us. This Europisation of Europe in the context of globalisation, therefore, is a great challenge for us too. None of us should remain immune to strong contemporary tendencies toward connecting, at the same time, staying away from our own concrete role in regard to what our identity shall be in that reality of ours.

The second thing I would wish to say is that the Catholic Church surely does have its own long standing experience in that domain of constituting state-Church relations. The grounds for constituting good relations, surely, are theologically very objective. The essence of the faith in the Holy Trinity speaks precisely about the importance of relations. To be a person, to be an individual, means precisely that - to have relations. If each person in God is so originary, yet living in communion, then this means that it is possible to constitute communion in difference, difference in communion. The Church, therefore, is the mystical body of Jesus Christ. He is named as the Great Pastor of the family of mankind. This precisely is the reason why the Catholic Church is named as *Catholic: kat-holos* - namely, she is called for all: she wishes and needs to be open to the confession of the whole truth about God, man and mankind. That is why within the Church there is one unified **doctrine**. That is why the highest teachership exists for it is to guarantee the authenticity of doctrine. We say that the Church has a strong and rich doctrine, which in fact means that she has received this gift from her Founder. She received it for the whole of mankind.

Therefore, she is responsible for the whole of man and for the whole of mankind in its bodily, rational and spiritual dimensions. Therefore, she always needed to strive to see that the whole of mankind does live in positive mutual relations. The Church and mankind must admit that the pure relations have been tarnished due to pre-Original sin, our personal sin notwithstanding. This is how the fact that we are humans as historical beings, beings on their way, beings seeking a goal - is joined, as of necessity, by the fact of pedagogy/education of mankind. The Church is on the way, mankind is on its way, and hence, we need to enrich ourselves by means of the legacy received. This legacy does contain the facts of wars, chaos, and dependency. The communion of differences, therefore, has been joined by the fact of our constant conflict, misunderstanding, jealousy, hatred, egotism...

The Church, therefore, considers it to be a special gift, a gift of human maturity, if despite the mentioned conflictuality we manage to reach communicative understanding. That is something very positive. That is to say, understanding is primarily geared at protecting the reality of relations in the person itself, in the community of the family and in the community of the whole of mankind. Without relation there is no advance, no growth. Secondly, by means of communicative understanding we strive to protect the reality of authentic universal values: my predecessor spoke of these in a very clear manner. Namely, without insight into these values that are given to us by birth, there is no human dignity: dignity of us as individuals, nor is there, in that case, dignity of the community of the human family. It is not without reason that those who govern the society are referred to as “ministers”. They are in service of the “mystery” of the communionship of the family of mankind. As ministers they are obliged to serve what they have received as task and as the way of progress.

What is needed further on is continuity, continuity in the sense that these agreements are **legally defined**, hence, they are not susceptible to any regime of rule which has a limited mandate. The values of relation and values of communionship must not be exposed to the mercies of the wills of individual ministers, or governments, or institutions of the state. Values are a constant in all situations.

This precisely is the reason why the Catholic Church has tried to develop a social teaching which, above all else, is the fruit of an integral rationality. It springs forth from ancient Greek Philosophy and Roman Law. It is not without reason that we proclaim that in these great philosophies the light of the Gospel is already present. The social teaching of the Church is so presented that it may serve all people, whether they are believers or whether they belong to different religious communities or Churches. In our time, which the current Pope, Benedict XVI, discerns to be under the rule of the “dictatorship of relativism”, such rationality, this social teaching and thus the social agreements themselves, gain even more significance. As I said,

the agreements are, therefore, made with the Holy See as the ultimate teachership and leadership of the Church. And precisely in all these agreements we need to have as present the dimension of rationality or givenness of the human person as a transcending being in its core. The history of all these agreements - and once these were “concordats”, when the Catholic Church had primacy - is very adaptable. In order to have the Catholic Church allow all to have the dignity of relations, thus proceeding to further maturation, she endorses “partial agreements”, namely, in those domains where the Holy See and states have found consensus. Thus we see that it is precisely the states in the area of South-East Europe where she promotes such gradualist gestures.

Allow me to finish, and this is why I desired to join the discussion - I nurture a great desire to see us - as members of different Churches and communities of faith, and as society as such - succeed in finding appropriate models for communicative understanding and co-existence.

The celebration of this jubilee is so important to me precisely because, enriched by a great past and open to dialogue, we have the opportunity to reach the “structural” dialogue - here and now.

Thank you.



OKR'in Katrin Hatzinger,
Head of Brussels Office,
Evangelical Church in Germany (EKD)
Senior Church Counsel

Cooperation between Church and State - the German model

Excellencies, ladies and gentlemen, dear brothers and sisters.

It is a great pleasure and honour for me to address you today with an overview on the cooperation between Church and State in

Germany providing a practitioner's, namely a lawyer's perspective in this very interesting exchange.

When addressing the issue of Church-State relations in Germany one quote cannot be left out illustrating the relations in a very comprehensive and accurately manner: "the free, secularized state (...) depends on foundations that it cannot guarantee itself." It was the former judge at the Federal Constitutional Court, Ernst Wolfgang Böckenförde, who indicated that inter alia the religious foundations of societies and the ethical orientation provided by religions are important prerequisites for any political community.

Fact and Figures

In Germany with a population of around 82 million citizens, roughly two-thirds are Christians: around 24.6 million people belong to the Catholic Church and 24, 1 million to the Evangelical Church in Germany (EKD). About 1.3 million people are Orthodox Christians. Another third of Germans are either non-denominational or belong to another religion. These include, for instance, members of the two other monotheistic religions, the Muslims (estimated between 3.8 and 4 million) and the members of the Jewish communities (roughly 104.000 – Federal Statistics Office 2010).

The Catholic Church in Germany is made up of around 11,483 parishes and 27 dioceses. The dioceses are legally and economically independent. They are organized in the Association of German Dioceses (Verband der Diözesen Deutschlands - VDD). The Plenary Assembly of the German Bishops' Conference coordinates functions and takes decisions on behalf of the Catholic Church in Germany. The President of the German Bishops' Conference is currently Archbishop Dr. Robert Zollitsch.

The Evangelical Church in Germany (EKD) is a union of 22 Lutheran, Reformed and United regional Churches (Landeskirchen) which all have a distinctive character and are shaped through their specific confessional tradition. The fact that we have this diversity of regional Churches dates back to the time of Reformation in the XVI century and the principle of *cuius regio, eius religio*. At the time the Protestant noblemen in power established a new order for the Church life on their respective state territory based on the Lutheran or Reformed confession.

The highest legislative body of the EKD is the Synod – the Church Parliament (126 members: lay and ordained who are elected for six years). The Synod debates and passes resolutions on Church laws, adopts the EKD budget and discusses the work of EKD in general. The Council of EKD comprising 15 members is the executive body between the sessions of the Synod. It is made up of lay and ordained members. Its chairperson is the highest representative of EKD: currently Präses Dr. Nikolaus Schneider. In the Church Conference the governing bodies of the 22 member Churches are assembled giving advice on the overall work of EKD.

The main mandate of EKD as an umbrella organisation is to assist its member Churches effectively by performing the common tasks they have entrusted to it. EKD gives the territorial Churches a common voice in their relationship to the state and the society and in ecumenical relationships.

Both Churches have an official representative at the seat of the Federal Government in Berlin, but are also represented *vis-à-vis* the European Union. Since 1990 EKD has established an own representation in Brussels monitoring EU - legislation and doing advocacy work. EKD is currently the only Protestant Church being represented with an own office in Brussels. My team consists of 9 staff Members while in our Berlin office there is a staff of 25. At the end of my presentation I will enter more into detail about our work *vis-à-vis* the world of politics.

Before touching upon the very special relationship between Church and State in Germany I just want to direct your attention to the fact that the number of Church members in Germany is slowly but surely decreasing in both majority Churches. This is first of all due to demographic changes, but also due to people leaving the Church for different reasons (e.g. monetary reasons: Church tax; protest against the morality of the Church etc.). Moreover, the anti-religious approach in the times of the communist regime in the German Democratic Republic expressed in a sort of state driven atheism still has an impact today. Many people took a distance to questions of religion and belief as Christians were facing discrimination and sometimes even persecution. As a consequence the Church affiliations differ a lot in Western and Eastern Germany and it proves to be a great challenge to win the people back again. In Eastern Germany only 25 percent of the population belong to a Church at all.

Ecumenical cooperation between both majority Churches is self-evident and takes part on all levels of Church structures. In times of manifold challenges to the Churches' role in society due to a growing pluralism, changes in demography, but also political pressure it is more important than ever to stand and act together as Christians.

The relationship of Church and State in Germany and its legal basis

The first democratic constitution in Germany, the Weimar constitution led in 1919 to a separation of State and Church. Since then the German State-Church system evolves around three principles: neutrality, tolerance and parity.

A) Neutrality

According to the Federal Constitutional Court, the state must regard itself as a “home for all citizens”, independent of their religious or philosophical beliefs (*inter alia* BVerfGE 93, 1). Therefore, the state cannot identify itself with a particular religion or philosophy, but must remain neutral and tolerant towards all faiths and philosophies. There is no State-Church, Article 137 (1) Weimar Constitution (WRV).

Neutrality is to be understood in the sense of “non-intervention”. Nevertheless, the state is not indifferent to religion or generally rejects any value orientation. Quite to the contrary, its neutrality is implemented in a positive way in a diverse network of relations to Churches, legal agreements (concordats and Church-State treaties) and with cooperation taking place in various fields of common interest. So there is no strict separation between State and Church as we know it for example from France, but a mutual beneficial togetherness.

B) Tolerance

The principle of tolerance obliges the State to maintain a room of positive tolerance, i.e. providing sufficient space for the religious needs of society.

C) Parity

The principle foresees that the state treats all religious communities equally.

Before providing you with concrete examples on this cooperation, I would like to take a closer look on the legal basis of the relationship between State and Church in Germany:

The most important provisions governing the relations between Church and State are found in Article 4 Freedom of faith, conscience and creed¹ of Germany's

1 Article 4 Basic Law

(1) Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.

(2) The undisturbed practice of religion shall be guaranteed.

(3) No person shall be compelled against his conscience to render military service involving the use of arms. Details shall be regulated by a federal law.

constitution, the Basic Law, and in the articles of the Weimar Constitution (WRV), which are an integral part of the Basic Law under its Article 140. For historical reasons, the constitutional provisions governing the relations between Church and State are based on the organization of Christian Churches; however it is important to note that they also apply to all other religious and philosophical organizations. It is also worthwhile mentioning that the German constitution avoids the term “church” consciously and deliberately to signal that the notion of religious freedom also applies to non-Christian beliefs.

Article 4 (1) and (2) of the Basic Law guarantee every individual freedom of religion and mirror the above mentioned three basic principles. Every person has the right to freely profess a religion and to join a religious organization. However, everyone also has the right not to profess a religion, to leave a religious organization or to change one’s faith. Article 4 contains not only an individual, but also a collective right allowing religious institutions to refer on it.

The freedom of religious assembly is the right to form associations based on shared religious or philosophical beliefs. It is part of the freedom of religion guaranteed under Article 4 (1) of the Basic Law. It is also protected under Article 140 of the Basic Law in conjunction with Article 137 (2) of the Weimar Constitution.

While the right of religious freedom is unconditionally guaranteed, it is limited by the basic rights of others and other fundamental constitutional values; lawmakers may not otherwise limit the freedom of religion in any way.

Both big Churches have the status of *public law cooperations* in Germany. Those religious organizations which were recognized as corporations under public law when the Basic Law entered into force have a constitutionally guaranteed status. Other religious organizations may be granted this status upon request if certain conditions are met (Article 140 of the Basic Law in conjunction with Article 137 (5) of the Weimar Constitution). One of the big challenges for the future will consist in solving the question how to accommodate Muslim communities in the existing legal structures.

The so-called “Church tax” (*Kirchensteuer*) for corporate bodies under public law is collected with the regular state tax by the state tax authorities from all registered members of these denominations. The right to levy taxes is guaranteed by Article 137 (6) WRV in conjunction with Article 140 GG. The rate of the Church tax is between 8 and 9 percent of the individuals wage and income tax liability.

A very prominent feature of the relationship between Church and State in Germany is the so-called right to self-determination. The right of self-determination for religious and philosophical organizations means that they are independent of the

State and may manage their own affairs autonomously, within the limits of the law that applies to all (Article 140 of the Basic Law in conjunction with Article 137 (3)² and (7) of the Weimar Constitution). The right to self-determination is not granted by the state, but merely acknowledged and guaranteed. Finally this special Church autonomy derives from religious freedom and is reflected for example in the areas of labour law or data protection law where the Churches enjoy exemptions due to their special status. In individual labour law this means that the Churches can require their employees to be Church members. It also means that the Churches are free to set up special loyalty obligations based on their ethos and that the secular labour courts have to respect the standards of the Church in assessing the contractual obligation of loyalty. In collective labour law the right to self-determination so far allows for a special system of coming to collective agreements between employees and employers in the setting of independent commissions. Their structures are not subject to the public co-determination laws. The right to strike in Church run institutions is prohibited as a strike would be contrary to the principle of the “community of service” which is the inherent theological foundation of the independent Church labour law. A fundamental opposition between employer and employee does not fit into this concept.

Several landmark decisions of the German Federal Constitutional Court have confirmed the legal independence of the Churches. In general, no litigation at state courts is possible in the internal affairs of the Churches. But there are some developments indicating that state courts are more and more ready to interfere. At a time where Church-related social service providers are operating on a market competing with private service providers there is a huge public debate stirred by some labour court judgments, criticism of trade unions and some political parties to reform the labour law of the Churches, for example by introducing a right to strike.

Areas of cooperation

In Germany the welfare organizations Caritas and Diakonie of both big Churches employ more than 1 million employees in the field of social services mirroring the right to self-determination. These activities are the concrete and tangible illustration of the being of the Churches and acts of living charity: working with poor, elderly, disabled, migrants, refugees and other marginalized groups, providing for shelter, counselling and other forms of support. In applying the principle of subsidiarity the state gives priority to independent agencies, and thus also to the Churches and their

2. Article 137 Weimar Constitution

(3) Religious societies shall regulate and administer their affairs independently within the limits of the law that applies to all. They shall confer their offices without the participation of the state or the civil community.

welfare organizations by providing the framework for allowing them to fulfil their tasks for the common good.

The education system in Germany is another area of cooperation. Education is the responsibility of the 16 federal states (*Bundesländer*), and each state can decide how to organise religious education. According to Article 7 (3)³ of the Basic Law religious instruction in public schools with the exception of non-confessional schools is to be a standard subject. Religious education is to be conducted in accordance with the guidelines of the religious communities, i.e. the confessional teaching of the relevant religion determines the content of the teaching.

Other areas of cooperation concern the theological faculties at state universities and at educational institutions run by the Churches (there is even a Catholic University in Germany - University of Eichstätt), whose courses and qualifications are recognised by the State. Both Churches run a significant number of private schools in Germany, but also Kindergartens. In these areas the Churches receive state funding like other organizations.

Moreover the state guarantees pastoral care for soldiers, but also in public hospitals and prisons. The state also organises and finances the pastoral care integrated into the Federal Armed Forces, although the question how the actual care is provided remains within the responsibility of the Churches. Finally the Churches have a special public mandate due to their special status. So in the broadcasting committees supervising the work of television and radio channels in Germany, both majority Churches represent a relevant social group and therefore their representatives are members of the respective committees. Both the Catholic and the Protestant Church are assigned by State-Church treaties time-slots in television and radio programmes allowing them to spread the gospel in the media. Finally it is worth mentioning that the area of development aid has over the past decades evolved as another field of constructive cooperation, i.e. that the states provides funding for development cooperation for Church aid agencies acknowledging that the Churches are thanks to their widespread networks familiar with the concrete needs *sur place* and can implement the projects together with their local partners.

Finally the cooperation between Church and State is mirrored in the political sphere as well. As mentioned before both German majority Churches have representatives in Berlin working *vis-à-vis* the German Government. Contrary to the situation in Brussels, Churches are consulted by the respective ministries and/or the Bundestag

3 Article 7 Basic Law

(3) Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenets of the religious community concerned. Teachers may not be obliged against their will to give religious instruction.

when legislation is prepared which could conflict with the Churches' status or if an area is touched upon where the Churches have a special expertise (social law, family law, asylum law, data protection law, tax law etc.). There are regular meetings on the working level as well as between Church leaders and ministers.

In Brussels the situation is a bit different as we are operating in a highly secularized environment where the Churches are only one player among many others. Therefore we are still proud that in an ecumenical endeavour Churches successfully advocated for a "Church article" and that is was implemented in Article 17⁴ of the Treaty on the Functioning of the European Union which foresees in paragraph III "an open, transparent and regular dialogue" between the Churches and the European institutions. So for the first time the "specific" contribution of Churches to European policy making is officially recognized in the European treaties. This is a motivation and an obligation at the same time and calls us in the time of the economic, but also political crisis of Europe to stress the achievements of the European Union for peace, stability and prosperity in our countries.

The EKD office in Brussels has many tasks. On the one hand, the office is a device for interest representation trying to make sure that the special Church-State relationship as depicted above is also respected in the EU legislation. On the other hand, the existence of the office expresses the Churches' "mission to go public" by raising the voice of those who do not have a lobby of their own and by doing advocacy work on their behalf: refugees, the vulnerable and the marginalized.

Furthermore the office informs Protestant Church bodies and institutions on current European developments, organises educational trips of Church groups to Brussels and issues a newsletter on European topics from a Protestant perspective. Since last fall my office is moreover offering a special service to our member Churches and our welfare organizations: we are informing and counselling on access to the EU funding and on networking with the EU partners.

By regularly organising public events bringing together Church leaders and European opinion leaders to debate topics of mutual interest, and reflecting on current issues from an ethical and political perspective, the EKD office endeavours to make the Churches' particular contribution and public presence visible in Brussels as well.

4 Article 17.

1. The Union respects and does not prejudice the status under national law of Churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organizations.
3. Recognizing their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these Churches and organizations.

Let me finally underline the importance of ecumenical cooperation also and especially in a European context. We are grateful for the valuable exchange and mutual support with and by our ecumenical partners, especially the Church and Society Commission of the Conference of European Churches (CEC) and COMECE. The challenges of the future can only be tackled if we stand together.

Thank you very much for your attention.

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Rev. Rüdiger Noll,
Director of the Church and Society
Commission of Conference of European
Churches (CEC)

Cooperation between the Churches and the EU Institutions¹

Thank you very much and good morning to everyone. Let me first say that I want to join the choir of all those who are thanking the organizers of this meeting. I must say that before coming here I was a little bit sceptical where this meeting is going to go, but then we are getting somewhere and that we are relating to each other. I would say is due to as setting which you as the Serbian Orthodox Church, Your Eminence, and you as CIVIS have provided for us that make it so enjoyable to actually relate to each other, that we are getting somewhere.

Let me say secondly that I am a really shy person and I feel totally intimidated to speak here about the cooperation of the Churches with the European Union because there is so much expertise in this room and there are so many people who could speak at least equally as good as I can about the relationship between the Churches and European institutions. So, take it what I am going to say as my contribution which is open for discussion, criticism and change and amendment.

The topic you have given me is the topic of cooperation between Church and State. Well, what Article 17 says and I would come to this, is dialogue. Cooperation is actually already a big word because it means that you are really working together on certain issues. Article 17 at this stage speaks only about dialogue, but I personally like the word of cooperation, and it was very much reinforced by the until recently president of the European Parliament, Jerzy Buzek. He kind of was very strong and saying as an opposite word to separation of Church and State, separation of Church and European institutions... cooperation would be probably the appropriate word.

What I want to present to you probably comes across in three chapters. In the first chapter I want to look at the bases on how this cooperation is working, in the second chapter I want to give you some of the mechanism and some of the themes on which we actually working, and in the third chapter I want to perhaps formally open some questions. In the Ecumenical movement we speak about challenges and in the

¹ This text is unauthorized. The text is a transcript of the speech held at the conference.

Ecumenical movement we say there are no problems there are only challenges, but so what I am saying at the end, we will have to see what opened questions, problems or challenges. I will leave it to you to decide.

Now, in this meeting from the very first moment His Eminence Metropolitan Emanuel, as well as Michael Bünker, the Bishop of Austria, they all referred to the Article 17, we have always referred to it, all the speakers this morning have referred to it, but we have never read it. So I want to read it out because I think we need to look at it very carefully. And I am reading it out now: “The Union (meaning the European Union) respects and does not prejudice the status under national law of Churches and religious associations or communities in the member states.”

Second: “The Union equally respects the status under national law of philosophical and non-confessional organisations.”

And three and this is usually the sub article to which we relate to is “Recognizing their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these Churches and organisations.” I was keen on reading out the whole article because as negotiations between Serbia and the European Union about accession will start hopefully rather soon, one of the insurance I want to give to Serbia is that the European Union insists negotiations due to this regulation will not interfere in the Church-state set up of Serbia. This is the theoretical basis, in practice there would be many areas where this would have to be negotiating and how it works. But I am saying this because, when we had this big wave of membership, accession to membership in 2004, where ten East European countries kind of joined the European Union, we often were faced with the argument now we have to change, we have to become like the European Union, we leave our own identity. No, this article is the protection against that.

Secondly, as you Your Grace has mentioned that other life stances are recognized as Belgium as well, they also recognized in the European Union, so this is why in relation to Article 17 in Brussels we always use a term like “communities of faith and conviction” which also includes the humanists. They are not all in the same basket but here they are recognized under the same article.

And now I am coming to the third part of this article, the one we are always interested in. And here I want to emphasize how this article is framed. It speaks about recognizing their identity, recognizing the identity of Churches, religious communities and communities of faith and conviction, and their special contribution. I am emphasizing this because so much debate when these texts were drafted was put on the question of whether God or Christianity would be mentioned in the preamble of it, and that was made the lacmus test of whether the European Union

recognized as a Churches. Here in this article it is clearly said that the Churches and religious communities have their own identity and it is recognized that they have made and are making a special contribution to what we would call in general the European project. And due to that there is a dialogue and this dialogue is described as an open one, and I find it interesting what do we mean by open? Is it open in terms of number of the participants who is participating in it, but dialogue is also open in the sense that you do not know at the beginning of a dialogue what the end result might be? I find this an important statement. This dialogue is transparent, it does not happened behind closed doors, it is accessible also to others in our society. And when we these days in Brussels speak about transparency what is often meant is those what dialogue in the institutions have to be transparent. I would want to turn in the wrong I believe also the institutions have to be transparent for civil society to make its contribution. And last but not least is dialogue is regular, which means it is not one of event, and I would describe a dialogue as an back and forth sort of thing, not one talking to the others and the others goes away with it, but the regular sort of exchange in this type of dialogue.

I also want to emphasise that this very same article you find in the *Lisbon Treaty* and another place with the same wording for civil society that makes me believe that Churches are recognized by this treaty as part of civil society but because they have their own paragraph they are recognized as a distinctive part of civil society. Opts to that I think puts us into relations. What I find very important to emphasise is that this article of this open, transparent and regular dialogue for me stands out of the provision for religious freedom which you also find in the EU Charter of Fundamental Rights, but my reference point is always the Article 9 of the European Human Rights Convention because this is the legally sort of finding act, so that means when we are speaking about freedom of religion and beliefs, as I would say in our office, part of it is not only freedom from something but freedom for something. So part of what the role of states is to provide this space in which religion can make a positive contribution to society. This is what this dialogue is supposed to be about.

And here I want to come back to some terminology which was used yesterday and also today because for me making of this contribution is not a question of numbers, it is not a question of whether you are established religion or a recognized religion, the criteria for me would be which positive contribution you make to society and to developments, what is your positive contribution? And I am saying this in gains the background that also Article 10 in this treaty on the Functioning of European institution where says:

“In defining and implementing its politics and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.”

That means, in whatever this dialogue is looking like there cannot be an element of discrimination against minority communities, that does not say. So, for me translated in ecumenical language it would mean what this article calls for is equal opportunities to participate in this open, transparent and regular dialogue. That does not mean that all have the same sort of starting point and have same sort of treatment. That depend indeed of historical developments, traditions and the contribution they are making to, what I would call, the common good.

And with this I come to some terminology which we have used yesterday. When we looked on the article on freedom of religion or belief, we think and I was amazed about disagreement we had in the room yesterday, where we were clear that the other side of the same coin is the plurality. We have to accept the plurality in our societies. And then we looked at some terminology what does it mean to address and to live in this plurality? One term I heard yesterday was tolerance, it means that we are asked for tolerance. Yes, we are asked for tolerance. But I do not like this term, I do not like it because tolerance means I tolerate you, you can do what you want but I tolerate you. But what I want to say is, I tolerate you but I also care about you. And then we came to something more that you introduced yesterday, the issue of mutual respect. I like this term much more but I also have difficulty with it because I am not sure that I respect everything what is happening in other religions. There are certain elements I would be very critical of, but I still would respect others as religious communities making their contribution. So, Father Piotr cited Voltaire this morning, when I was Human Rights Secretary of CEC there was one big saying on my wall and there is probably less much translation what Father Piotr quoted this morning, because Voltaire said: "I might totally disagree what you are after, but I would still strive for you to be able to make this point". That was on my wall when I was Human Rights Secretary. So when I look on plurality as a result of freedom of religion and belief, the attitude I am looking for is and the area I am looking for is participation. What do we need is the possibility for participating in this public discourse for the common good. And for me this is not a question of number, this is more the question of the quality of our contribution.

With that I come to the other side of this dialogue and its bases and also many speakers have quoted the Qatar Ecumenical already. Again, I want to give one quote which has been quoted yesterday already where it says: "We as Churches", meaning Roman Catholics and all member Churches of CEC, "we are convinced that the spirit of heritage of Christianity constitutes an empowering source of inspiration and enrichment to Europe." And there are later chapter where we speak about inter-religious dialogue so, I take the liberty to include Muslims and Jews also in this quote. So, we are inspiring source so we need to see how we inspire Europe and European project. And that again leads me to dialogue. This Qatar Ecumenical is almost often

quoted as this is minimum consensus which we have in Europe on certain issues. I do not think that this is strains of, the main strains of the Qatar Ecumenical. I think its main strains is, and that has been referred to yesterday, that it works and operates on a model of unity and diversity, knowing that we would be very different diverse in our theological approaches. We still say, what unites us is stronger than what divides us. And therefore the contribution of the Qatar Ecumenical is offering language in conflict situations. And if we now go back to the Article 17 and we are asking ourselves what is the specific contribution Churches and religious communities give to Europe, one is certainly that we stand in for imaginary lines in our societies but we have other groups who also do that, the real strains is if we as Churches and religious community could give an example to Europe on what unity in diversity or reconcile diversity means. Actually what it means translated is, how do we deal as religious communities with diverging opinions and conflicts? If we could be an example in this one for Europe, I think we would have to render very specific and good contribution.

Having said all this, I will just mention it very quickly how do we have handled this dialogue in Brussels, His Grace has already mentioned the summit meetings of 25 religious leaders, the last one we had last year was basically on, well promoting democracy and human rights triggered by the Arab Spring. This year we will probably talk about inter-generational issues and justice. We have as CEC and Commission together twice a year dialogue seminars with European institutions when we look on a seem of common interests, so the last one was on religious freedom, before that we looked on Roma integration issues, the next one will be on social market economy. We have meetings with the incoming EU presidencies and look what are their priorities and what our priorities and can we cooperate on some of those issues. We participate in consultation processes and Katrin is right, it happens much more often in Germany than on the European Union level but sometimes also the institutions come to us and say, can you help us in drafting that and looking at the issue like this, we just had it in the area of data protection where we were actually more approach then we went, but these are exceptions to the rule model used to say, but what is most important and I believe is, that we have working relationships on almost the daily basis with responsible in the institutions that maybe the members of the parliament or maybe civil servants in the institutions, that maybe representative of governments comings to Brussels. I am saying this because sometimes our member Churches think if they do a resolution at their Synod they send it to us and say, give it to the European institution, this would change the world. I believe to deal with the European institutions it means to be at the right time with the right suggestions on the level with right person with the just drafting the text. And I believe that this is a very professional job which my colleagues try to do and to perform as different offices in Brussels. Just to mention the themes we are dealing with, human rights,

life sciences, stems research, Church-state relationships, education, relationship to other continents how do we shape the process of globalisation in which the European Union is one of the key important players, we look on issues like the environment as mentioned before, peace and security, how much do we invest in preventing war and use of violence, we look on, Katrin has mentioned that for Germany, the social issues are really at stake if we would not address a socially issues in Europe today we would not have done our homework as Churches.

I am giving this list of issues to show that Churches have a much bigger concern and area of interest where they have the positive contribution to make than many would in governments or also in the European institutions would admit, so we are not limited to the issue of Church-state relationships. We are actually working on basically the whole portfolio where the European Union is trying to shape the future of Europe.

I am coming to my third point and I would be very quick. Some questions and perhaps challenges I wanted to give. My first point is to say, we need to be very clear that dealing and cooperating with the institution is on the ground that the Churches and religious communities have a positive contribution to make. Your Grace I got very big ears this morning when you said that after 9/11 all of the sudden the Belgium government intensified its relations. This also happened on the European level. And I am afraid this is on the folio of them perceiving religion often as part of the problem rather as part of solution. That needs, that parody needs to be changed. When we looked on our discussion yesterday we have seen that a freedom supposedly after the *Milan Edict* we have much learn this morning again can easily turn into dominance, attempts to dominate. Again, for me, this dialogue is not about numbers where the one who have more numbers have more rights to be in this dialogue. It is about contribution which is happening there. Father Piotr made it very clear in his presentation yesterday, dialogue in cooperating does not mean that we can be used or misused by the institutions. So this is why we need to be very reflective on which is our kind of contribution we want to make. So that we are not misused for political purposes giving a religious blessing for something which is decide politically totally somewhere else.

And my last point and we have addressed also yesterday as the relationship between dialogue and choice. Yes, we are all religious communities, we believe we have to choose, I would still believe that we only have to choose in dialogue with each other, nobody has to choose at the sense that he can go away with it, and that would for me shape the way of how we relate to the institutions in the sense of not saying, we know it all you just have to implement it for us. But that indeed this is a dialogue in an open, transparent and regular form when we do not know, we know where we stand and we have to be very firm where we stand. But we do not know at the beginning of the dialogue what the end of the dialogue is, because then we do not need the dialogue. Thank you.



Mgr Athenagoras Peckstadt, Bishop of Sinope

The relation between Church and State in Belgium as experienced by the Orthodox Church

Introduction

Freedom of religion is one of the fundamental freedoms of our democracy. In previous centuries, people were supposed to automatically adhere to the religion of the sovereign at the time, and many were being persecuted for their faith. A strict separation between Church and State is an absolute condition for real freedom of religion.

Usually, Europe is considered to be the most secularised continent of the world, but a perfect separation between Church and State exists only in a few EU member states. Up to this day, the old entanglement between ecclesiastical and secular authority can still be felt in many countries.

The political influence of religion is also increasing inside the EU institutions, although the EU has been established as a strictly secular project. In the *Treaty of Lisbon*, Article 17 has been integrated into the dialogue between the EU institutions and the Churches. This is used as a pretext for an annual *summit* of religious leaders and the leaders of the EU institutions. The Presidents of the European Commission, José Manuel Barroso, and the Council of Europe, Herman Van Rompuy, employ special high officials charged with relations with Churches.

Church and State relationship in the Belgian context

In this argumentation, I want to focus on the example of my homeland. For some years the situation in Belgium is indeed, somehow different. Our government has recognised the *free-thinking philosophy*¹ apart from religions. People increasingly talk about a dialogue between the state and *philosophical traditions*.

¹ The free-thinking philosophy of life is based on a group of common principles, filled in and experienced by each individual in a unique way. Free-thinkers honor the principle of free investigation, firmly reject dogmas and arguments of authority in the construction of their beliefs and do not recognize any other moral authority besides that of man himself. Man creates and bears his moral values. Important values are equality, solidarity, fraternity, respect for diversity, the emancipation of mankind, freedom of judgment, tolerance, and the separation of Church and State.

Well, then, the relation between Church and State has been laid out by the Belgian Constitution. Important principles are the separation between Church and State, and the freedom of religion. The principle of religious freedom can be filled in positively and negatively. To put it in a positive way: any Belgian is free to adhere to and experience any religion. Formulated negatively means that no one can be forced to adhere to a certain religion. These are the Articles 19 and 20. The principle of freedom of religion also implies that the authorities can never question anyone about his religion, thus, this question cannot be asked at population censuses. The result of this is that there are no official statistic numbers about how many people exactly adhere to which religion.

Let us analyse these articles briefly. The Belgian Constitution guarantees the freedom of worship, the free public practice thereof, including the freedom to express ones opinion in any way (Article 19). Nobody can be forced in any way to participate in acts and ceremonies of a religion or to observe its resting and holidays (Article 20). Another article stipulates that every religion is free in its internal organisation. The state has no right to interfere in the nomination or the installation of the ministers of any religion (Article 21). This article also stipulates that the civil wedding has priority over the ecclesiastical wedding.

Separation of Church and State means that the state and the Church each arrange their own businesses and do not prescribe rules for each other. The main point of this separation is therefore the organisational and governmental maintaining of the separation of these two magnitudes. The State officials do not interfere in the Church and the Church ministers do not interfere in the State.

Thus, the aforementioned articles of the Belgian Constitution guarantee the freedom of worship, both on the level of expression of the faith, including the right not to participate in any worship. The state cannot interfere in the doctrinal content of religions, nor with their organisation. That means that the Church is allowed to appoint bishops at any time, not being obliged to ask or obtain the permission of the civil authorities. It is in this light that it is generally assumed that the ministers of the religions are in no case public servants, that the public services have no influence whatsoever on their appointment, nor at their deposition. Article 181 of the Constitution reads: "The salaries and retirement pensions of the ministers of the religions are at the expense of the State; the necessary amounts for this are annually extracted from the state budget".

The peculiar freedom granted to the religions by the Belgian Constitution via Articles 19, 20 and 21 is indeed being complemented in Article 181 by a regulation of the grants for the ministers of the religions and the representatives of the *organised free-thinkers*. This system is actually founded on the Concordat of 15 July 1801, which had been concluded by Pope Pius VII and Napoleon Bonaparte. In fact, it has

existed since the French Revolution, when grants were provided for the payment of the ministers of the Roman Catholic Church as a compensation for the confiscation of the goods of the Church. So, this arrangement had been introduced at the time of Napoleon, and extended to the Protestant religion. Later on, the Belgian state, on the grounds of the civil usefulness of the religions, extended this system to the other religions and to non-confessional *organised free-thinkers*. The same applies to the Orthodox Church, which was officially recognised in 1985.

Article 181 dwells on the funding of the recognised religions and non-confessional *organised free-thinkers*. At this moment, the authorities finance six religions – the Roman Catholics, the Jews, the Protestants, the Anglicans, the Orthodox, the Muslims – and *free-thinking philosophy*. The fact that the authorities pay – among other things – the salary of the ministers of these religions, implies that the separation between Church and State is not absolute. It is therefore better to call it a co-operation between Church and State. Apart from the compensation for the confiscation of the goods of the Church, young Belgium wanted to underline the civil usefulness of the religions. When a religion is recognised, then not only the salaries of the ministers are being paid, but there are more advantages: the authorities take care of the housing of the ministers, the maintenance of the buildings and other general costs. The recognised religions also get radio and television broadcasting time and the permission to appoint religion teachers at state schools, who are paid by the Ministry of Education. The Ministry of Justice pays the salaries of the army and prison chaplains.

The large majority of this money is passed to the Roman Catholic Church. Until now, this is still the largest religion in Flanders. But its adherence is shrinking. In Flanders, the number of practising Roman Catholics is estimated at 15 percent. In Wallonia this number is even lower, at about 11 percent.

Because of this, now and then voices are raised to distribute this government money in another way, or even to abolish it altogether. In this way, the civil usefulness of religions would be denied.

So, there is a relation between Church and State, and therefore there are contacts, which are stipulated by law. Apart from that, one can speak of a pluralistic approach, given the fact that several religions and also cultural liberalism have been recognised by the authorities.

More than a material relationship

Since the events of 11 September 2001, there is much ado about the dialogue between political and religious leaders. The Orthodox Church – and most particularly the Ecumenical Patriarchate – had always seen a special role for religions in the enabling

people to reconcile and live in peace. This can only be by a regular dialogue between political and religious leaders. Thus, His All-Holiness the Ecumenical Patriarch Bartholomew has shortly after the tragedy of 11 September 2001 organised an important meeting of which the motto was: "The Peace of God in the World: Towards a Peaceful Co-existence and Collaboration Between the Monotheistic Religions". This gathering was co-presided by the Ecumenical Patriarch and the President of the European Commission Romano Prodi.

At the initiative of a Brussels Minister, an inter-religious platform has been established, known by the name *Hopeful Brussels*. It is a forum for meetings of leaders from various religious and philosophical traditions. Hopeful Brussels "tries to bring about cooperation and dialogue between the representatives of the various traditions, allowing them to exercise their moral authority, as well as carrying out their values of tolerance and mutual respect to their respective supporters". By the establishment of it, "the Brussels authorities, religions and philosophies of life underline the fact that they share a number of goals, values and convictions and that these common values constitute the basis of their cooperation".²

Finally, in 2009, the Interreligious Council was established at the federal level: the Belgian Council of Religious Leaders. The solemn presentation of it took place in the buildings of the Federal Parliament and in the presence of Princess Mathilde and a representative of Prime Minister Yves Leterme. It is a fact that our society has also evolved on a religious level. The raise of Islam is not alien to that, while as many experience precisely the vitality of Islam as a threat. This happens at a time when interest in meaning and spirituality again revives. Indeed, the growing understanding that religion in our secular society has a social value.

Recently, I read in the weekly review *Tertio* how Flemish Minister, Geert Bourgeois,³ thinks about the dialogue between religion and the authorities.⁴ The minister stated that the principle of separation of Church and State obliges the authorities to treat religions in an equal way. "Neutrality does not mean that the authorities cannot have relations with ecclesiastical or philosophical organisations. Neutrality does not resist against giving support to Churches or philosophical institutions, nor against the funding of their civil activities. Neutrality does not exclude dialogue and consultation". The minister further stated that "dialogue and consultations between the authorities and religion/philosophy raises at least three questions":

1. Dialogue with whom (with which religions)? (Answer: with the recognised

2 See opening text: www.hoopvolbrussel.be

3 Geert Bourgeois, *Dialog met religie helpt overheid doelen bereiken* (*Дијалог са религијама помаже властима да постигну циљеве*), *Терцио*, година 11, бр. 529-530 (31. март 2010), стр 5.

4 Geert Bourgeois, *Dialog met religie helpt overheid doelen bereiken* [Dialogue With Religions Helps Authorities To Achieve Goals], in *Tertio*, 11th year, Nr. 529-530 (March 31, 2010), p. 5.

religions, who determine their representation themselves); **2. About what and for what purpose?** (Answer: about the statute of the ministers of the religion and funding – but possibly also about the place of religion and life stance in the public sphere, schools and broadcasting time); **3. How to organise dialogue?** (Religions better discuss this among each other first – about form, frequency and content of this dialogue). It is remarkable that Geert Bourgeois considers that the conversation between government and religion “cannot however continue to be restricted to material matters. It can deal with civil questions to which politics alone cannot give an answer”. Examples of this are the problem of individualism, ethical questions, tolerance and harmony, but also the ecological problem.

All these problems are matters which are addressed by the Orthodox Church. The last one is, however, an issue which is particularly close to the heart of the Orthodox Church. The protection of the environment is one of the priorities of the Ecumenical Patriarch Bartholomew. For the last two decades, the tocsin has frequently been rung at an ecological level. Let us think about the climate change, the loss of biodiversity, the pollution and exhaustion of natural resources. The Ecumenical Patriarchate has been concerned about this problem for over 30 years, and since 1989, has therefore proclaimed 1 September (the first day of the ecclesiastical year) a Day of Prayer for the Protection of the Environment. Since then, grand symposia⁵, are being held each year on the water, with the participation of political and religious leaders, scientists, people from business life... Because of this noble concern, the Ecumenical Patriarch Bartholomew has been awarded the title of the “Green Patriarch”.

All this demonstrates that religions can indeed play an important part in the working of a better future, where harmony and respect prevail.

The Official Recognition of the Orthodox Church

Belgium is rather unique to the Orthodox world. Historically, it has little or nothing to do with the Orthodox Church, and yet it has officially recognised Orthodoxy, and has provided many opportunities! With the election of His Eminence Panteleimon Kontogiannis as Metropolitan of Belgium (in 1982), things have steadily changed very much concerning the situation of the Orthodox Church in Belgium. Mainly, he did not sit especially as regards the recognition of the Orthodox religion. Previous contacts with diverse persons, that had been initiated by his predecessor, Mgr Emilianos Zacharopoulos, were reinforced. Metropolitan Emilianos had already worked at a plan for recognition, together with a group of Orthodox legal experts and with politicians.

⁵ See: www.rsesymposia.org

The result of the tireless and efficient efforts of Metropolitan Panteleimon was that the recognition was already a fact in March 1985. Work had to be continued on the implementation decrees that were signed in 1988. They stipulated that “it is the Metropolitan-Archbishop of the Ecumenical Patriarchate of Constantinople who is the representative organ of the entirety of the Orthodox Church”.⁶ Mgr Panteleimon was very pleased by this decision. After all, it is precisely in line with the Orthodox ecclesiology, where one single Bishop is responsible for the faithful of a certain area. This was possible after the approval thereof by the representatives of the various Orthodox jurisdictions in our country. Of course that recognition brought a lot of work and concerns with it. There was the creation of the Church Councils. In 1989 Orthodox religion courses were allowed in official education in the Flemish [Dutch-speaking] Community of Belgium. In 1997 this course was allowed in the French Community of this country. An Orthodox Theological Institute dedicated to Saint John the Theologian was established, and this shapes future teachers of religion education in Dutch and in French. During 2001-2002 school year, the Orthodox Church in Belgium answered for 1495 teaching hours each week, without making a distinction by origin. At this moment, the Orthodox Theological Institute “Saint John the Theologian” is housed in a building of the Metropolis of Belgium (Ecumenical Patriarchate), i.e. the Greek school “Kestekidion”, which was recently renovated. At the beginning of 1994, radio and TV broadcasts were added to this. On 3 February 1996, His All-Holiness the Ecumenical Patriarch Bartholomew dedicated the first Orthodox Chapel at an airport, namely in Brussels. Meanwhile, a second one has been dedicated. Ministers are also being remunerated, and this provided the opportunity to extend the group of Orthodox clergy in our country. When Metropolitan Panteleimon was elected Metropolitan, the Archdiocese of Belgium counted eight clergymen. Nowadays, there are more than thirty.⁷

We see that the official recognition of the Orthodox Church has stimulated the definitive implantation of it in its own soil.

The Orthodox Church has indeed a vocation to play a positive, constructive part in the civil life. Religion should not strive to dominate the state. Its part only implies to point out at the state to stick to its own function, not to exceed its authority. A Russian philosopher put it in this way: “The function of the state does not include turning society into a paradise, but to prevent it from becoming hell”⁸ The state has as its first task to contain violence, to guarantee the freedom of gathering, to respect the freedom of conscience.

6 Royal Decree of 15 March 1988, Chapter I - Article 1.

7 Athenagoras Peckstadt, *Onze Metropoliet 25 jaar bisschop* [Our Metropolitan, Bishop for 25 years], in *Het Kruis* (3rd year), N°16, Bruges, 1999, pp. 3-7.

8 Ignace Peckstadt, *Een open venster op de Orthodoxe Kerk* [An Open Window on the Orthodox Church], Uitgeverij Averbode, Averbode, 2005, p. 284.

Organisation of the Orthodox Church in Belgium

Since the Law of 17 April 1985, the Orthodox Church has been recognised by the Belgian State as an official Religion (cf. *Belgian State Gazette* of Saturday 11 May 1985 – year 155, nr. 91).

The Royal Decree of 15 March 1988 (cf. *Belgian State Gazette* of Thursday 31 March 1988 – year 158, nr. 63) provides the organisation of the Church Councils of the Orthodox religion.

This Royal Decree determines among other things that the relations with the civil authorities are being assured by a representative body of the entire Orthodox Church in Belgium. It also arranges the organisation of the administrations which are proper to the Orthodox religion, based on the territory of the province. It nevertheless allows for the establishment of several Church Councils on the territory of a single province, or of a Church Council on the territory of more than one province.

The representatives of the different jurisdictions present in Belgium have signed a joint Declaration, which stipulates that the Metropolitan-Archbishop of the Ecumenical Throne is the representative of the whole Orthodox Church in Belgium. The 1st Article of the same Royal Decree of 15 March 1988 formulates it in the following way: “The Metropolitan-Archbishop of the Ecumenical Patriarchate of Constantinople or its substitute is recognised by us as representative organ of the whole body of the Orthodox Church” (Chapter I – Article 1).

This representation is in line with the role of the Ecumenical Patriarchate in the family of the local Orthodox Churches. Besides, this is apparent from the decision of the IV Pan-Orthodox Pre-Conciliar Conference which convened in June 2009 at Chambésy. The Regulations clearly state that “the Chairman [of the Episcopal Assembly] is ex officio the first among the Bishops of the Ecumenical Patriarchate [...and] presents the common position of the Orthodox Church in the region to government, society and to other religious organizations”.⁹

The Extraordinary Law of 13 July 2001 (Article 4) *concerning the transfer of diverse competences to the Regions and the Communities* has fundamentally changed the system of competences concerning religions. Since then, the regions are responsible for the Church Councils and the institutions which are charged with the management of the *temporalia* of the recognised religions, with the exception

⁹ See: Règlement de fonctionnement des assemblées épiscopales dans la Diaspora Orthodoxe (IVème Conférence Panorthodoxe Préconciliaire – Chambésy, 6-13 juin 2009), Article 4, § 2. or Rules of Operation of Episcopal Assemblies In the Orthodox Diaspora, as published online at the website of the Greek Orthodox Archdiocese of America: <http://www.goarch.org/archdiocese/documents/chambesy/rules> (viewed on 18 April 2012), Article 4, §2.

of the recognition of the religions and of the salaries and retirement pensions of the ministers of the religion. These last three are still part of the competences of the Federal Government.

The distribution of the competences is defined – schematically – in the following way:

1. Matters belonging to federal competences

- » The recognition of the religion;
- » The salaries and retirement pensions of the ministers of the religions.

2. Matters belonging to regional competences

- » Guardianship over the Church Councils;
- » Control of the works and the permission for these works;
- » Control and permission for real estate transactions;
- » Control of budgets and accounts;
- » Permission for donations and legacies when the juridical amount of exemption is being exceeded;
- » Recognition of parish communities and legislation on this subject.

Considering the fact that the *free-thinking philosophy* is mentioned nowhere in the extraordinary law of 13 July 2001, one can assume that this has stayed entirely a federal responsibility. This situation should be eliminated, if an equal treatment of religions and life stances is desired. Besides, this is the intention of a task force that has been initiated by the Minister of Justice, following the example of the Committee of Wise (Wo)Men. The mandate of this task force “consists in formulating concrete proposals which tend to observe the constitutional principles of equality and non-discrimination, and to adjust the different systems better at each other”.¹⁰ This task force is charged with the reform of the legislation concerning religions and non-confessional philosophical organisations.

It is a fact that the legislation concerning the recognition, the organisation and funding of the religions has become very complex. As ecclesiastical authority one is confronted with diverse regulations, depending on the different regions. Adding to this that quite some orthodox parishes have been recognised with a jurisdiction over several provinces and even several regions. All these defaults, as well as the unequal treatment of the ministers will hopefully be resolved by the various committees that on behalf of the government have been established concerning these matters.

10 Letter of the Co-Presidents, the Professors Michel Magits and Louis-Léon Christians.

The Orthodox Church in Belgium has lived through a positive development since it has been officially recognised. This is why the Orthodox hierarchy and faithful are particularly grateful to the Belgian State. In each Orthodox Church in Belgium people pray “for our King Albert and Queen Paola, for the Government of this country and those who dwell therein, let us pray to the Lord”, but also: “for our faithful and Christ-loving Kings, for their House and for the Government of our land. Give them, o Lord, a peaceful reign, in order that we too, in this peace, may live a calm and quiet life, in all piety and modesty”.¹¹

Apart from the existence of well-organised parishes in all greater cities of the country, but also on places with concentrations of Orthodox faithful (such as in the former mining basins), our Church had also the opportunity to develop at the level of religious education: first in the Flemish [Dutch-speaking] part of the country (since 1989), and later on also in the French-speaking part of the country (from 1997 on). And since 1994 it is also present at the public broadcasting companies with a regular “guest program”.

Conclusion

The Orthodox Church in Belgium is experiencing an ever increasing social activity, with mainly an interest and effort for the younger generation, visits to houses, hospitals and to those who are in need. The ministers of the Orthodox Church are tirelessly and continuously available for the solution of all possible pastoral and social problems.

Also, thanks to its official recognition, the Orthodox in Belgium has grown to be an organised entity, next to the other religions and life stances of our country. Since then, it is represented by the Metropolitan-Archbishop of the Ecumenical Patriarchate or his deputy at each special happening and at ceremonies. It maintains good contacts with everyone and is strongly conscious of the fact that our society has a need for such a dialogue. This accounts equally for a dialogue with the authorities, with the other religions and life-stances, but equally with other partners.

Nobody will deny that our pluralistic, multicultural and multi-religious civil society has even more need of consultation and dialogue, if it wants to succeed in its aspirations of tolerance and harmony. Therefore, the relation between religions and civil authority must not be merely restricted to material questions. After all, there is much to do about the relation between the Government, religion and the public space. The tension can be felt in the streets and can be read in newspaper columns. Religious symbols, clothing prescriptions, requirements for integration and all kinds of cultural habits, raises questions from many people. A new, guiding vision seems necessary.

¹¹ This intercession and this part of a prayer are both quoted from the Divine Liturgy of Saint John Chrysostom.



Dr Mutlaq Rashid Al-Qarawi,
Asst. Undersecretary for Technical
Coordination, Foreign Relations and Hajj,
Ministry of Awqaf and Islamic Affairs,
Kuwait

Report held in the form of power point presentation
 - in the book is presented in the form of thesis.

Moderation in Islam

Moderation - Fundamental and need

Who are we? Eve - Adam - The People.

What are we? What do we need?

Moderation does not mean the center or halfway between the two edges.

What's the meaning of Moderation?

Moderation means every high value

Moderation means Goodness

You are the best of people ever raised up for mankind; you enjoin Al-Ma'rûf (i.e. Islâmic Monotheism and all that Islâm has ordained) and forbid Al-Munkar (polytheism, disbelief and all that Islâm has forbidden), and you believe in Allâh. *Al Imran: 110*

قُلْ اَبِ نُوْنٌ حُوتٌ وَرَلُّنُمْ اِنْعَ نُوْفَنَتُو فِوْرُغُمْلَابِ نُوْرُمْلَتِ سَا نَلِلْ تَجْرُخُ اَقْمُ رِيْحُ مُبْتَنُكْ

(110): نَارِمَع لَأ

Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. *Almaeidah:2*

نَاوْدَعْلَاوْ حُثْلَا اِيْلَا عَاوْنَوَاغْتِ الْوُطُوْقُ تَلْ اَوْرَبِلَا اِيْلَا عَاوْنَوَاغْتُو

(2): قَدِيْ اَمْلَا

Moderation means Justice

Allâh commands that you should render back the trusts to those to whom they are due; and that when you judge between people, you judge with justice. *Alnisaa: 58*

لَدْغَلْ اَبَاوْمُكْحَتْ نَأَسْ اِنْلَا نَنْيَبْ مُتْمَكْحَا اَذَاوْ اِطْلَهْ اِيْلَا اِيْتَا نَامْلَا اَوْدُوْتْ نَأْ مُكْرُمَايْ قَلْلَا نَأْ
 (58)ءَا سَنَلَا

Moderation means Tolerance

Let them pardon and forgive. Do you not love that Allâh should forgive you?
Annoor: 22

مُكَلِّلًا رَفَعِيْنَا أَنْ تُبْخِتَ الْإِثْمَ أَوْ حَفْصَ يَدَايَا أَوْفَعِيْلًا (22) رونا

Moderation means Love

Allâh does not forbid you to deal justly and kindly with those who fought not against you on account of religion nor drove you out of your homes. *Almomtahanah: 8*

مُؤَرَّبَتْنَا مُكْرَايِدْنَا مَكُوجِرْخِيْ مَلَوْنِيْدَلَا يِفْ مَكُولِتَاقِيْ مَلَنِيْدَلَا نَعْلَلَا مُكَاثَنِيْ اَل
(8) قنحت ممل

Moderation means Peace

Allâh calls to the Home of Peace (i.e. Paradise, by accepting Allâh's religion of Islâmic Monotheism and by doing righteous good deeds and abstaining from polytheism and evil deeds) *Younos: 25*

سنوي مالتسلا راد لىلَا وُغْذِيْ قُلَلَاو (25)

In a world after September 11 A lot of things have changed, many concepts have been replaced. New alienations have been formed.

Among these rough waves Islam has remained comprehensive and moderate. This is the challenge - But did moderation concept disseminate? Adopting moderation in this stage is considered penetrating the silence wall and stirring the circle of thought.

O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. *Alhujrat: 13*

مي حرلا نم حرلا لىلَا مسب

نارجحلا اوفر اغتيل لى ابقو ابوغش مكنانل غجو لىثن اوركذنم مكنان قلخ ان اس انلا اهي اى
(13)

In The name of Allah, the Most Gracious, the Most Merciful - Thus we have made you a moderate nation - H.Q 2-143

اطسو هم مكنانل غج لىلَا

Moderation in Islam means to Goodness in everything.

Moderation in Islam means the Goodness

You are the best of peoples ever raised up for mankind. *Al Imran*: 110

(110): نَارِمَع لَآ سَآنَلِل تَجْرُخُأُمُّ رِيَخ مُتْنُك

Thus We have made you a just (and the best) nation. *H.Q*: 143

(143): قَرْقَبِل أَطَسَو مُمُّ مَكَانَ عَجَ كِلْ ذَكَو

Moderate in the Worship

And offer your Salât (prayer) neither aloud nor in a low voice, but follow a way between. *Alisraa*: 110

(110): ءَارَسِإِلَا. أَلِيْبَسَ كِلْ ذَنْ نَيِّبَ رَغْتَبَاو أَبْ تُفَاخْتِ أَلَوَ كِتَبَ أَلَصَبَ رَهَجَتِ أَلَوَ

Moderate in Justice

Surely, We have sent down to you (O Muhammad صلى الله عليه وسلم) the Book (this *Qur'ân*) in truth that you might judge between men by that which Allâh has shown you (i.e. has taught you through Divine Revelation), so be not a pleader for the treacherous. *Annisaa*: 105

نَيِّنِيْءِإِخْلِلْ نُنْكَتِ أَلَوَ ءَلَلَا كَارَأْ أَمِبْ سَآنَلَا نَيِّبَ مُكْحَتَلْ قَحْلَابْ بَاتِكَلْ كَفِيْلْ إِنْ لَزْنَا أَنْ إِيْصَخْ (105) ءَاسَنَلَا. أَمِيْصَخْ

Moderate in Behavior

When you are greeted with a greeting, greet in return with what is better than it, or (at least) return it equally. *Annisaa*: 86

(86): ءَاسَنَلَا. أَمُوْدُرْ وَأَافْنَمَ نَسَحَابْ أَوِيْ حَفْ ءُيْ حَتَبْ مُتِيْ يُّحْ إِذْأَو

And be moderate (or show no insolence) in your walking, and lower your voice. *Luqman*: 19

(19): نَامَقَلْ. اِكْتَوَصْ نَمَ ضُضْغَاوْ كَفِيْشَمَ يَفْ بَصْنَقَاوْ

Moderate in the food

and eat and drink but waste not by extravagance, certainly He (Allâh) likes not *Al-Musrifûn* (those who waste by extravagance). *Alaaraaf*: 31

(31): فَاَرَعَالَا. نَيْفِرْسُ مُلْأَبْ حُيْ أَلْ هُنْإِ ءَ أَوْفِرْسُتِ أَلَوَ أَوْبَرَشَاوْ أَوَّلْكَوْ

Moderate in the expenditure

And those who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes). *Alfurqan*: 31

(67) :ن ا ق ر ف ل ا . ا م ا و ق ا ك ل ذ ن ي ب ن ا ك ف و ا و ر ت ق ي م ل و ا و ف ر س ي م ل ا و ق ف ن ا ا ذ ا ن ي ت ل ا و

Moderate in the place

Moderate in the time

Guard strictly (five obligatory) *As-Salawât* (the prayers) especially the middle *Salât* (i.e. the best prayer - 'Asr') [1]. And stand before Allâh with obedience [and do not speak to others during the *Salât* (prayers)]. H.Q: 238

(238) :ر ق ب ل ا . ن ي ت ن ا ق ل ل ا و م و ق و ا ي ط س و ل ا ة ا ل ل ا و ت ا و ل ل ا و ا ي ل ع ا و ط ف ا ح

Moderate in the Tolerance

So turn away from them (O Muhammad ﷺ), and say: *Salâm* (peace)! *Al-Zoukhrof*: 89

(89) :ف ر خ ز ل ا . م ا ل س ل ق و م م ن ع ح ف ص ا ف

Conclusion

Moderation isn't a motto that can be chorally repeated.

It's the duty of the present and future provisions whether we are individual or nation. It's a contribution that stops the consumption of energies and orientates us towards works self construction and life with development giving and valuable contributions.

It is a common term.

Thank you.

DISCUSSION

Professor Dr Darko Tanasković

Yesterday I was hoping, and today I am sure that our conference will make a small step forward in understanding the meaning of the *Edict of Milan* in the modern era. Namely, in the very title of our assembly, not accidentally, stands one question mark: *The Edict of Milan: the basis for freedom of religion of belief?* And question mark. Today it is very clear that this question mark is the thing about which we need to gather together and have a conversation. I would like, in a short discussion about the things for which I admit that I am not fully competent, to try to say something on what Mr. Patrick Schnabel said in his conclusion, about that issue of authentication of the *Edict of Milan*, the issue historiographically and convincingly presented by Professor Girarde. Namely, Constantine's deed, whether we like it or not, is our heritage. And it is mentioned here. I would like to, somewhat, defend, or even better, highlight the positive symbolic, while at the same time, I would like not to bring into question the factual and positive historiography, because it would have no sense, due to the facts convincingly presented by Professor Girarde, which are widely known. The Professor gave a very comprehensible and for us very useful synthesis in his points. I think that it would be very interesting to read his full Article. Professor Girarde correctly and scientifically distanced himself and claimed to be presenting a view of a historian, and I think, that was very useful for our assembly. I point this out, because, in relation to texts such as the *Edict of Milan*, one often loses the connection between the text and the context. Mr. Schnabel pointed out that we must not lose the connection between the text and the context, because then it leads to unhealthy mystification. In my opinion, it is not necessary to mystify anything, I am against mystifications, which does not mean that I am always against some mysticism. Mysticism does not need to be harmful, on the contrary. Namely, showing that there is no real historical continuity between the years 313 and 2013, in a certain way it makes a favour to this assembly and reinforces the idea that instigated the convening of this meeting. We all know that *libertas religionis* relatively quickly represented freedom only for Christians, and that it was followed by the persecution of those who were not Christians, and in that sense, observing the continuity, in a historical way, would be false. That historical discontinuity is actually very instructive, it lasted for 1000 years, but we should do everything not to get in a new discontinuity, which, I am afraid, would not last for 1,000 years, but much shorter, and that the mankind would pay a costly price. However, there is one conceptual, I would say if allowed, metaphysical continuity related to the *Edict of Milan*, and I think that is where we should be looking for the purpose of our

gathering. And that is not in the domain of mysticism. Namely, if you remember the beginning of our assembly, His Grace Bishop Irinej, who is known as someone who expresses himself precisely and wisely chooses the words when speaking, said that one should strive for practical implementation of those values which we observe on the fundamentals that are symbolized by the *Edict of Milan*. He did not accidentally said “symbolized by the *Edict of Milan*”, considering exactly that historiographical controversy about the *Edict of Milan*, and subsequent mystification about the *Edict of Milan*. Namely, I would not want to talk much longer because this is a discussion, and not a presentation. I think that in this case there is an important positive symbolism, and not a positivistic historiography on which I think the historians would also agree. In fact, what is the moral of the story? That respecting of reality and the interests of the state, which means of all the citizens of the state in the past, or the citizens of the state today, require the greatest possible interest for achieving the freedom of religion, *libertatis religionis*. *Libertatis religionis*, freedom of religion, no matter on how it was realised after the Constantine’s age, in his time, as is clearly visible from the documents, was established because of the public safety, *securitas publica*, and to establish peace, *proquite temporis nostres*. I think that we, for the sake of *securitas publica*, and for the sake of *proquite temporis nostris*, and for our own future, must rely on the lessons from that time, not bring into question that it was strategic and utilitarian, and we must not forget, as sociologists are perfectly aware, that morale is based on utilitarian values. Morale was later sacralised, as to some extent mystified the *Edict of Milan*, but in a positive way. Morale is, as we know, based on utilitarian values. Morale was created so that people could live together in a community. So, at that time it was Rome, and Rome was at that time the world. It is no coincidence that the *Pontifex Maximus* does not address with *Urbi et Orbi*. Rome was at that time the world. Today the world is much wider than Rome. However, I am afraid that, if the world is to sink into, I will be free to call, with reserve, some kind of a new paganism, one sort of atheism which has a tendency towards antitheism, as we mentioned yesterday, and that there is a great danger from such new paganism. I think that is the reason why the state, today as well, has a great interest to respect this *libertas religionis* for all, but perspectival on way which of course will be above that use that was after Constantine’s age. Because of that, I think that our gathering has a full justification, and I think that it is exactly this critical review of the historiographical basis of the *Edict of Milan* that has essentially given a significant incentive to our common quest for the realization of those ideas which pragmatically stood in the basis of the decision concerning the granting of freedom to the Christians in order for us all to have freedom in the future.

Thank you.

Fr. Piotr Mazurkiewicz

Thank you very much. I think that this what we are doing here right now is very useful. That we discuss about historical facts and the meaning of those facts, trying to be as objective as possible. And also, I wish to point out the importance of the idea introduced by the previous speaker, Professor Tanasković, about continuity and discontinuity. I would not like to refer directly to the *Edict of Milan*, but to another concept which was introduced here. The question: *if there really was discontinuity in the sense that only enlightenment like Doux Deus et machina introduces into living culture, the idea of human rights and religious freedom.*

I would like to refer to the historical experience that I best know, and that is the history of Polish–Lithuanian Commonwealth. Due of the fact that Polish–Lithuanian Commonwealth was the biggest state in the Europe of that time, so it is worth to know the history and the knowledge of that time. So, there was a debate between the Polish thinkers and the Teutonic order concerning the manner of converting people. Subjective perspective pointed to the union of nations. This controversy caused, at the Krakow Academy, the Pope Vladimirius to elaborate the entire theory about the religious tolerance. And then, with the group of Lithuanians who converted into Catholicism through this theory of religious freedom, and for the benefit of this theory, as a member of the Polish delegation he attended the Synod of Constance in 1415. So, we have the theory of tolerance and practical tolerance. This also led to the situation that in this region here, more as we are in the moment, that Transylvania was chosen as the first act of religious tolerance in Europe. And then, in 1573, we had a Warsaw Confederation with religious tolerance for all. In this tradition also was present an expression which often was prescribed to Voltaire, but was pronounced for the first time by the Polish chansonnier Jan Kochanowski: “I would give my own hand to convert you, but if you would be with anyone who would like to prosecute you, I will give my other hand to be cut off in defence of you”. That was more than a hundred years before Voltaire that a voice ruffled the public like that. Then we have the whole school of szalamchta, with the rights of the nations, and the whole Spanish tradition that will come in that form in Latin America. And I think that it is very important not to be partial while reading history and not to repeat that myth which was elaborated after the enlightenment, saying that before the enlightenment we heard that we have the dark myth of age. That is from historical point of view totally not true.

Thank you.

Professor Dr Klaus Martin Girardet

First of all, I wish to say that the symbolic character of Constantine's religious freedom is in fact something that can be accepted today as well, the symbolic character of *libertas religionis*. We have to take into consideration that the political circumstances in later antiquity are not comparable to our time. And so, *libertas religionis* with *quies tempores* and *quies publica* may be a message we can accept. The other questions, the enlightenment and so on, is there a Christian motive for the thing you presented here? I am not sure. There is? Ok. Thank you.

Reverend Mr Patrick Roger Schnabel

Thank you, Professor Tanasković, for the points you presented. What we are doing from the historical point of view is establishing of a context of revitalization of the text we know as the *Edict of Milan*, but there are always two possibilities of interpretation of that text. One implies the return to the original settings and that is the historical method. But the text continues to live in other periods, and that is something we can learn about from the Jewish thoughts, from Jewish philosophy. Look what Derrida says about how the text acquires new meaning when it is put into a different context. And here is also Esma Ditašević who offers a historical and critical approach to the discrepancy from the original context.

What I mean is, if we are to take the *Edict of Milan* and the text contained therein, and change the question marks into exclamation marks in the part that refers to the situation in 313 and if we are to look what we can make out of the ideas of religious freedoms in our time, then there is something that can be learned from the two ways of looking at the text through historical setting and through a modern setting, and I think it is very legitimate for us and maybe seemingly fast to do, because that is what we theologians mostly do. We could not make much use of the *Bible*, for example, apart in the context from 2000-3000 years B.C. We need to re-contextualize the text to give it the today's meaning. Why should not we do that with the *Edict of Milan* for the sake of understanding the religious freedoms as guarantees of the state, which are deeply rooted in our concept of human dignity as a gift from God? Then may say that the religious freedom of today is something quite different from the religious freedom of that time, not that it obviously has roots in other times and thoughts and that we need to re-contextualize and reinterpret them for outside so as to give them a new sense (new meaning).

Thank you.



DAY III

THE PRESENT CHALLENGES
FOR THE FREEDOM OF
RELIGION OR BELIEF



THE PRESENT CHALLENGES FOR
THE FREEDOM OF RELIGION OR BELIEF

Moderator:

Rev. Rudiger Noll
Director of the Church and Society Commission
of the Conference of European Churches (CEC)



Mr. John Kinahan,
Forum 18, Oslo, Norway

Present Challenges for Freedom of Religion or Belief – Christian Aspects

What is religious freedom, and why should Christians care? Much of today's legal foundation of human rights rests on the 1948 *Universal Declaration of Human Rights* (UDHR). But the origins of what we now call freedom of religion or belief go back many centuries, as this conference has reminded us. As we have also been reminded, human rights are not just of historical interest. The UDHR recognises that “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.

That statement was based on the horrors of the Second World War, which Novi Sad and Serbia tragically experienced. While a student in the 1980s, I met one of the survivors of the 20 July 1944 bomb plot against Hitler. That former German army officer told a small group, over coffee and cake by the River Danube which flows through this city also, that he faced a choice when he realised what the Nazi regime was doing to “others” such as Jews, Poles, Russians, homosexuals, Jehovah's Witnesses – our neighbours as he noted Jesus described them. That choice was either to stop being a Christian or to join the bomb plot. “Everything else was relatively easy”, he said.

In his case, “everything else” meant his family being put in concentration camps, he himself being under a death sentence in hiding, many friends being horribly murdered, and living with the guilt of failure to stop the Holocaust and the war. His words challenge me about the need for Christians to always practically love “others” – all “others” - whoever we identify them as.

The UDHR states that human rights are for all. Article 18 states: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” This freedom is wide-ranging, including the right to be atheist and to criticise any or all religious or philosophical beliefs. For example,

it includes conscientious objection to military service. This right is violated by Armenia currently holding 52 Jehovah's Witness conscientious objectors in jail for terms of between one and three years. It is also violated by obstacles to the property rights of the Serbian Orthodox Church and other communities, as Centre 9 (www.centar9.info) in Belgrade has documented.

Religious freedom is inextricably intertwined with the rule of law and other fundamental freedoms, such as the freedoms of speech, of association, of the media, of expression and of movement. A police raid on a meeting for worship, for example, is also a violation of freedom of association.

Take Uzbekistan in Central Asia, whose President Islam Karimov has never faced a free election. Forum 18 (www.forum18.org) has documented that the government imposes total control of society including the public face of the majority Muslim religious community, and engages in torture, arbitrary arrests, bans on meeting for worship, arbitrary jailing, police raids, the overt incitement of religious hatred of minorities on state-run mass media and other violations against members of both the majority Islamic community and minority religious communities of Baha'is, Christians, Jews, Jehovah's Witnesses and Hare Krishna devotees. All religious activity without state permission is a crime, as is sharing any religious beliefs with anyone. State violations of human rights, along with widespread poverty, have fuelled the appeal of terrorist groups and increased the prospect of violent instability.

Let's look at one of the human rights linked with religious freedom. The UDHR's Article 5 states that: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Torture in Uzbekistan is "routine", to quote the UN Committee against Torture. People detained by the police or NSS secret police for exercising religious freedom can be threatened with overt or implied threats of sexual violence. Forum 18 has found that – for very good reason - it is unusual for victims to document their experiences publicly, for fear of state reprisals, because of the traumatic nature of their experiences, and because of strong social pressures against women in particular. Cultural traditions of "honour" can destroy a woman's good name if she is thought to have been the victim of sexual violence, or even if she has been alone with male officials unrelated to her.

In a fairly typical incident - the month, location, belief involved and details of which are confidential - female religious believers detained during a police raid were threatened with having their clothes forcibly removed, being tortured with electricity, and then pictures of them being raped by male criminals being made public. This leads to a climate of fear, where the authorities do not need to use a specific threat of torture to enforce their will.

Angren is an Uzbek city with around 60 percent of Novi Sad's population. Last October Angren's Baptist Church that the authorities allow to exist was raided during its Sunday morning service by the police Criminal Investigation and Struggle against Terrorism Division. Seven teenagers aged between 13 and 15 were present, and the police confiscated the consent letters parents must write allowing their children to attend the Church. Later, two schoolgirls were summoned for questioning at a police station, and threatened that they would be in police records and thrown out of school if they kept coming to Church and did not write statements against the Pastor. They stopped going to Church and wrote the statements – and I hope that none of us here would want to criticise those girls for doing that.

Torture is not the only possible punishment used by oppressive regimes. For example, Azerbaijan regularly increases punishments for exercising religious freedom. From December, Criminal Code Article 167-2 has banned: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" – i.e. without passing compulsory state censorship.

The Conference of European Churches (CEC) Human Rights Manual for European Churches is a practical response to CEC discerning that - quote - "Churches see the struggle for human rights as a gospel imperative". It is safe to suggest that, if the authors were Azeri, the State Committee for Work with Religious Organisations would ban the Manual. A group like CEC's authors working "according to a prior conspiracy" can be punished by fines of between 7,000 and 9,000 Manats (equivalent to between 74 and 96 times the monthly minimum wage), or imprisonment for between two and five years. Most authors would think very hard indeed about what they wrote, faced with those penalties. One official defended state censorship by saying: "If we allowed publications freely there'd be anarchy. Books have influence." The ideas in CEC's Human Rights Manual can indeed be dangerous for oppressors.

Among Azerbaijan's other human rights violations, all exercise of freedom of religion or belief in association with other people without state permission is banned, and all "Islamic religious entities" are forced to belong to the Caucasian Muslim Board. Both break the binding international human rights standards Azerbaijan has promised to implement, as no state has any authority to require permission for human rights to be exercised, or to decide how religious communities organise themselves.

Some people only talk about the religious freedom of people of their faith, or seem to be engaged in a kind of race to insist that their group is the most persecuted. One hears talk of "Islamophobia" and "Christianophobia". Should we also speak of Baha'iophobia or Jehovah's Witnessophobia, as in different parts of the world followers of both these faiths experience serious denials of religious freedom?

Similarly, some conflate the serious threats to religious freedom that Christians and others face in many parts of the world with the consequences of changing social assumptions in Western Europe. Is it really very wise or Christian to bracket together what people face in countries like Azerbaijan or Uzbekistan with what one sees in Western Europe? Is it reasonable to see direct state attacks on basic human rights, including torture, as the same thing as what one priest friend described as “the loss of automatic state favouritism towards Christianity”? Indeed, it is noticeable that some of those who have been most vocal in promoting Christianophobia and the like are mainly interested in Western Europe. And they pay little attention to even their co-religionists in places such as Belarus, Central Asia, or the South Caucasus who experience severe violations of freedom of religion or belief – let alone the plight of other people.

Naming particular kinds of intolerance and discrimination – for example against women – can indeed be helpful. But the “phobias” encourage a view that those who put forward the claims only of their own group – no matter how legitimate – are only motivated by self-interest and not by any principled concern. The “phobias” also take up time that would be better spent focusing the attention of the international community on the severe violations of religious freedom that continue against people of all religions and beliefs. Indeed, the “phobias” run the risk of caricaturing the reality that governments, worldwide the worst violators of human rights, normally target followers of any religion or belief which they see as outside their control – not just the followers of one religion or belief. Not to recognise this is to deceive oneself about the reality of the world. As former UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir commented: “When I am asked which community is persecuted most, I always reply ‘human beings’”.

An illustration of this truth is Kazakhstan, whose government claims it promotes religious tolerance with Congresses of leaders of world and traditional religions. Azerbaijan makes similar claims. But both governments promote intolerance of people exercising freedom of religion or belief. Kazakhstan’s passage of two repressive new laws in October was preceded by officials and state-funded NGOs holding public meetings and media campaigns praising so-called “traditional religions” and attacking so-called “non-traditional religions”. As an Ahmadi Muslim, who wished to remain unnamed for fear of state reprisals, put it to Forum 18, this was to “prepare the public for a discriminatory new law”.

The laws, among other things:

- » Ban meetings without state permission for worship or other religious activity;
- » Empower state officials to check a group’s ideas for it to gain permission to exist;

- » Impose compulsory censorship of religious literature and objects, also restricting where they can be distributed.

The laws limit the interlocking freedoms of religion or belief, assembly, association, and expression. For example, officials now have the power to censor and ban books as varied as the Catechism of the Catholic Church and Richard Dawkins' *The God Delusion*.

New security threats are claimed as the laws' reason. Kazakhstan does face threats, with bomb attacks claiming lives. Yet as a study published by Cambridge University Press *The Price of Freedom Denied* by Brian Grim and Roger Finke shows, restricting religious freedom fuels social tensions and violence. They also find that where religious freedom flourishes, democracy and development goals such as wider availability of health care and educational opportunities for women benefit. Human rights are part of the solution, not part of the problem – as Northern Ireland's experience demonstrates.

Despite claims that new security threats are the reason, Forum 18 has documented that Kazakhstan's laws have been in preparation since at least 2009. As the Norwegian Helsinki Committee and others have documented, these laws are part of wider state attempts to control society. This has seen the jailing of activists leading striking oil workers, a 2011 presidential election in which Nursultan Nazarbaev allegedly won over 95 percent of the vote on a nearly 90 percent turnout, and the jailing for 15 days of opposition politician Bulat Abilov for taking part in a demonstration disputing this result.

Muslim and Russian Orthodox Churches and prayer rooms in prisons and social institutions are now being closed. One care home staff member told Forum 18 that "faith is often a help for people in difficult times. There was no harm in what the imam and the Orthodox priest did". Orthodox Bishop Gennady of Kaskelen stated that this took away "the last consolation from those people who, for health reasons, find themselves in a desperate, helpless situation". Also, the Muslim Board is to be taken over by the state. Elsewhere, the state has begun closing religious communities with less than 50 formal members.

The laws were enforced before they came into legal force. Police and secret police officers raided a meeting of an officially registered Protestant Church, as under the new Religion Law it cannot meet outside its legal address – even though the secret police had stopped the Church meeting there. During the raid a 17-year old woman was hit by a policeman, leaving her unconscious. No action seems to have been taken against the policeman responsible, even though a Public Prosecutor's Office official was a witness. Elsewhere, the Military Affairs Directorate of one Almaty

district wrote to religious communities ordering them to “provide information on citizens on record as followers of non-traditional religions and radical religious views”. But the military officials were unable to explain what these views were when asked by Forum 18.

People at this conference will be able to name many other religious freedom issues. In the countries Forum 18 covers these include but are not limited to: in Russia Muslim readers of the works of theologian Said Nursi and Jehovah’s Witnesses are targeted with literature bans and criminal prosecutions under “anti-extremism” legislation, with Hare Krishna devotees being the latest target. Protestants and Jehovah’s Witnesses have also been experiencing raids on their meetings for worship; in Armenia there are 52 jailed conscientious objectors and minority groups are bullied by a dominant Christian Church linked to national identity and a compliant state apparatus; Belarus is harassing a Catholic priest for running popular pilgrimages, and denies freedom of religion or belief to political prisoners of conscience; Turkey continues to allow no independent legal status for religious communities; and Tajikistan has an almost complete ban on religious activity by children up to the age of 18, and mosque closure campaigns.

Why should Christians care about everyone’s freedom of religion or belief? There are many reasons, such as the statement in Genesis 1:27 that humanity is “made in the image and likeness of God.” This sharply contrasts with contemporaneous Mesopotamian creation accounts, in which humanity is made as a kind of slave labour for gods. Fr Vladan Perišić of Belgrade’s Orthodox Theological Faculty has in the CEC *Human Rights Manual* written on the patristic foundations for defending everyone’s human rights, for people “have inalienable natural rights no matter whether they are religious or not”. Baptist prisoner of conscience Thomas Helwys around 1610 argued for religious freedom for all, as a king is “a mortal man and not God, and therefore has no power over the immortal souls of his subjects”. The Second Vatican Council’s declaration *Dignitatis Humanae* notes that commitment to Christianity as “the one true religion” demands religious freedom for all, as: “The truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power”.

One reason has a personal name: Jesus Christ. The Incarnation has extraordinary implications, for everyone and for all of Creation. God became a human being, living a fully human life. Christ’s humanity tells us that everyone has the potential to bear God, and so has an incalculable value which no-one can take from them. Christians are therefore committed to work for the human dignity of everyone – including the dignity of oppressors, such as the Uzbek officials who put a Muslim prisoner’s wife on trial to “show who is boss here”, or the Kazakh official who told

Forum 18 that human rights agreements “mean nothing to us”. Liberation is for all - both oppressor and oppressed.

Oppression is doomed to ultimate failure. Our faith tells us that Jesus’ resurrection means that everything that serves death and not life has no future – however great its temporary triumphs may be. So Christians are called to work for the end of the oppression of anyone, whoever they are – even if the oppressors claim to be Christian.

One of the principal drafters of the UDHR, René Cassin, a French Jew who lost many relatives in the Holocaust, said: “Now that we possess an instrument capable of lifting or easing the burden of oppression and injustice in the world, we must learn to use it.” Christians are committed to following another Jew, who in *Luke 4:18* quoted from Isaiah 58:6 to proclaim part of his mission as “to let the oppressed go free”.

Attacks on freedom of religion or belief - perhaps especially against people we see as different - challenge us about our love of God and neighbour which, Jesus told us, are the greatest commandments. So when we think about religious freedom, we must recommit ourselves to putting into practice Jesus’ command to love God and all our neighbours – most especially those neighbours who live in lands where the state actively violates human rights.

The German theologian Dietrich Bonhoeffer put that point this way, writing in his prison cell in August 1944 before he was martyred for his part in the failed bomb plot against Hitler: “The Church is only the Church when it is there for others”.

If we are to truly live as Christians, those words of Bonhoeffer’s must be seen to be a reality in our lives as Churches and as individual believers.



Mr. Adem Zilkić,
Reis-ul-ulema of the Islamic Community
of Serbia

Islamophobia and the New Realities of the Contemporary World

Résumé

In the introductory part, after the words of introduction, we offer an analysis of what is islamophobia: both conceptually and phenomenologically. We uncover the forms of islamophobia and attempt to give an answer to the question whether it is an objectively grounded phenomenon or, rather, a carefully planned construction of the Western European mind so that it may serve as an alibi for attacks against Islam, for military interventions into Muslim states in order to govern their economy and politics and, moreover, to rule their cultural, religious, identity and mental substrates. In the second part of the paper the author sketches the structure and peculiar nature of the Western European mind in relation to the realities and absolutisation of its own representation of the world, and in regard to the lack of recognition of the Other in the system of its references.

Within the context of searching for an answer to “what is to be done?” (on both sides respectively) the author posits the thesis according to which - apart from this phobic West, prone to ignoring the other, producing hostility and fear - there exists that other West, which is far more mindful and lucid: prepared to converse and to recognize the Other in the system of its references. This Other West should be recognized and dialogically engaged by Muslim intellectuals, leaders of faith, politicians and ideologues, who are seeking new perspectives of relating: in order to thereby contribute to the overcoming of the situation in which islamophobia is becoming a state of spirit and the measure of the relation towards Islam and Muslims.

Key words: islamophobia, Islam, Muslims, the West, Western European mind, the Other, new realities, new perspectives of relations.

Introduction

From the moment of gaining self-consciousness and becoming the subject of history the Western European mind strives, by its powers, to circumscribe all the world and the realities within that abide in it: near and far, its own and foreign, friendly and unfriendly, physical and metaphysical, immanent and transcendent. It strives to

wholly possess the powers of language, thought and knowledge by means of which it rules the world and its historical existence: it determines its goal and pertains to demiurgically marshal its destiny. In the final count, these powers do not aim merely to name the world and the realities within it, not to solely think and know them. They desire to change and shape their nature anew: to create them according to its own measure and to thus rule over them, which is here taken to signify the ontological grounds for creating a new and unique world which is, absolutely and without exception, ruled by the powers of the Western European mind. Such a world, today, allows for only one creator and one master, whose all-mighty throne is envisaged to be found exclusively in the West.

The greatest part of this demiurgic language of modern thought and science, relating to Islam and Muslims, has also been devised in the intellectual workshops of the West. A part of it is, now almost baroque, the conceptual imaginary comprised of words-monsters such as “Islamism”, “Islamic terrorism”, “Islamic fundamentalism”, “militant political Islam”, “radical Islam”, Jihad in the (travestied) meaning of “Islamic holy war”; and also the here thematized syntagm islamophobia. When considered more carefully, it becomes clear that these words originate from the same matrix and that they possess the same semantic code, and the latter emerges as distanced from and above the standards and truths of the world it treats. More correctly speaking, in this language there is not much that corresponds to what Islam truly is, even if the same may not hold as entirely true for Muslims and their “Muslim world”. Therefore, such a language wholly transcends the reality of the world which is thereby pondered upon and “named”. For, in fact, what is at hand is a project grounded on the concept of self-absolutisation of one own’s values, and on coarse ignorance, non-recognition and deletion of the reality of the world of the other.

Understanding the concept

Islamophobia is a neologism which probably appeared in Great Britain in the late 80s. It literally signifies an unfounded and sickness-conditioned fear of Islam and Muslims. At the very beginning this word is connected with fear of the other, especially with fear from what is coming as exterior to the European and Christian worlds of culture, therefore, it also connotes xenophobicity. And the Muslims (and Islam) are here understood as the utterly other, since they are nationally, and religiously, and culturally, and even humanly, entirely foreign, hence, as such, in the last instance they can only be evil and nothing else. The West European media, especially the media of Great Britain (*The Times*, *The Daily Telegraph* and the *BBC*) have contributed considerably in making this word, at a very early date, become one of the key ingredients of every emotion and representation about Islam and Muslims. In a short period of time islamophobia went through a multitude of mutations, hence also through different and multiformed definitions.

It is far from an easy task to speak today about a sensitive and complex question such as islamophobia. This task is even more demanding for Muslims who are not the subject but the object of this negative phenomenon. As is the case with many other social phenomena which appear as the result of the “contact” between two or more religions and cultures, the possibility of using formulations which spring from prejudices and stereotypes is relatively significant. In order to avoid traversing the subjective approach to the question of islamophobia, we shall try to place this phenomenon into the wider context of ethnocentric and xenophobic tendencies which may appear in any society or community, especially in times of rapid changes and the global economic crisis. It is perhaps ironic that today, in a world which is registering a fast development of information technologies and other means of communication, we notice the growth of more and more intensive individualisation, on the one hand, and more and more feeble knowledge of individuals and communities which are living in our neighbourhoods, on the other hand. It is sad that despite the multifarious and multitudinous possibilities of communication between people and groups, there is less and less real and good willed communication between people. It is lamentable that people are looking at each another with anxiety and umbrage, and that in the other they see a challenge and threat rather than a brother or one’s neighbour who needs to be known better and with whom one should cooperate in view of a common advantage.

Islamophobia - reality or fiction

Almost no reasonable person among Muslims - having elementary moral scruples and a valid intellectual standpoint, who is today committed to reflecting the situation of the contemporary world and the relations within it between peoples, religions, cultures and religious systems - can avoid the following question: is islamophobia a realistically grounded phenomenon or is it a carefully planned construction coming from a part of West European political reason in order to serve as a verification of the demonization of Muslims, functioning as an alibi for unrestrained attacks against Islam, for military interventions into Muslim states and for putting them under economic, political, cultural and mental control?

It is an undeniable fact that certain ground-points do exist which, in the Western World, do encourage the generation of some sort of fear from Islam and Muslims. Muslims must come to an understanding of that and choose an intelligent and prudent attitude towards it in order to themselves avoid contributing to fear becoming the phobic state of spirit. For more than one millennium Muslims and Christians have shared the longest borders and Islam had expanded, to the utmost, its living space toward Christianity and at its expense; it is evidently a spiritually and doctrinally superior faith with regenerative civilizational powers which cannot be demeaned, and which may make it historically relevant once again; Islam is a fascinatingly

simple faith, in the basis of which rests a pure principle of monotheism, and even today it is most accepted and most rapidly spreading; the Muslim population is young, growing and biologically very vital, whereas the Western European one is old and spent; Muslim countries are gifted with significant natural wealth, etc. All of that, not without reason, burdens the West which is conspicuously spiritually and morally depleted, somewhat disorientated and frightened and, so it seems, for the first time in its history insufficiently certain in regard to its powers. Still, there is nothing which may justify islamophobia, unless we are to understand it as nothing else but a disease. Perhaps the Western European world might strengthen itself additionally thus reaching some new transformation, precisely, in view of a more direct and spiritually more valid encounter, not only with itself but also with Islam and the worlds of culture of the East, thus securing a more certain future for itself, and today - in the global world which it governs - this means for the whole Planet.

In our world, in which danger and insecurity are inbuilt as the ontological principles of existence, it is wise to bear in mind that variant of thought which anticipates danger and indicates at possible threats. It is therefore intellectually legitimate to presuppose that islamophobia is partly a planned political and ideological construct, and that, as such, it serves as a justification for transformed political relations and twisted perceptions of Islam and Muslims. By recurring to the latter the aim is to justify the image of Islam as a religion and culture which does not share common values with other cultures, and, as such, is not under their influence, nor does it itself influence them; the aim is to present Islam as inferior in relation to the West and Christianity, as barbaric, irrational and primitive; as aggressive, menacing - as such that it supports terrorism thus contributing to the clash of civilisations; as a dangerous ideology utilised with the goal of realising political and militant ends. Islamophobia should serve as an alibi for discrimination and exclusion of Muslims from the ruling societies, as well as for the majority of, otherwise totally illegitimate, military and political actions of the Western European states in the Muslim world.

Islamophobia - as manifested through multifarious ideas and acts, from the tragicomic injunction against stoning in cases of adultery, as in the small Canadian town of Herouxville (in which no Muslims reside, the possibility of implementing a suchlike penalty being minimal), over the unreasonable act of publically torching the papers of the Muslim Holy Book, the *Qur'an*, in the USA, to the malicious connecting of God's emissary Muhammad (let peace and the blessing of God be upon him) with the problems of terrorism in some European countries - has come into existence as a consequence of a great number of causes. These causes may be divided in the external ones - those which come from the outside of Muslim communities and societies, and internal ones - those which come from the inside of Muslim societies.

Certainly one of the main causes of islamophobia is the negative presenting of Islam and Muslims in the media of the West. Sometimes it seems that the media in some Western countries are competing as to who will, more and faster, accuse Muslims and implicate them in connection to tragic events. The example of the first reaction of the big media establishments of the world to the horrifying massacre in Norway from July last year is sufficiently fresh and vivid in itself as evidence as to who are the “bad guys” in the consciousness and sub-consciousness of westerners. The other, and by far more complex cause of islamophobia in the West, lies in the crisis of identity which is manifesting itself intensively in certain countries. It seems that this crisis came into existence as an reaction to trans-national integrations: namely, as a desire to affirm national affiliation and particularity, hence, as resistance to the deletion of all traits which define nations and cultures - within the unstoppable process of integrations into economic and political unions which the contemporary civilisation is striving towards. In this resistance to “fusion” into unions one can discern the desire to affirm what one nation or culture are, and what they are not and should not be. When we speak of Western societies it seems that the most adequate category is the one of the “other”, of that which is not domestic or local, precisely Islam taken as faith and Muslims taken as community. Therefore more and more often bans of displaying Muslim markings in these countries do appear: bans which are being justified by the re-call to preservation of national legacy and tradition and, parallel to that, by finger-pointing the “alien” element - the most convenient incarnation of which are Islam and Islamic civilisation and culture. This kind of approach to preservation of local legacy and tradition exacerbates even further the excommunication and marginalisation of Muslim communities which, on their part, react by trying to more vividly express their specificities in the hope that in this manner they might preserve their identity in countries where they represent a minority. Such exclusivist tendencies, not seldom, lead to conflicts with acutely unwanted consequences affecting both sides. The next external cause of islamophobia is the inadequate and subjective presentation of Islam and the intellectual tradition of Islam by some European islamologists and orientalist. The best example of the partial and subjective presentation of Islam is the overstressing of the political and social aspect of Islam, with the simultaneous cover-up of its spiritual and moral doctrine. In conjunction to that, we see that out of Islamic law are selected those teachings and practices which are most unacceptable to European culture and civilisation, which are portrayed as the key particulars without which Islamic society is impossible. Not rarely these are certain sanctions from the Islamic penal code (*hudud*) which are seldom used in the Muslim countries where this law is to be found.

The causes of islamophobia may also be found within the Islamic community. We may freely admit that some Muslim immigrants do not sufficiently understand the

laws and culture of the countries into which they arrive and thus they do additionally burden their position in those countries. It is here that the role of Muslim scholars and representatives gains in significance, for they, in certain cases, do not write enough nor do they write and speak of others adequately. As an example we may consider those Muslim intellectuals who often write about the deficiencies of Western states while the self-same deficiencies are present in the home countries. Doubtlessly, one of the causes of islamophobia is the terrorism which some marginal Muslim groups have endorsed as a means of struggle for the realisation of their goals. Some Muslim countries are passive in regard to this problem and are not doing enough in order to help suppress this global pestilence. It is not beneficial to Muslims to blame others for the majority of their problems and we, as religious leaders, must strive and we do strive to change this for the better. The lack of Muslim trans-national institutions, or their disfuncionality, additionally burdens the position of Muslim minorities in the West, for it is not a seldom occurrence that Western governments have no one to talk to on the level of attempting to overcome the problem of islamophobia.

In search of new perspectives of relations

Searching for possibilities of overcoming the dangerous production of “hostile images” and seeking space for hope, the contemporary Catholic thinker Hans Küng warns “... hostile images are not eternal ideas, they are not unchangeable necessities. They can be shifted, not only from “Russians” onto “Arabs”, for they can be corrected: when enemies become friends (France-Germany). They can become redundant (communism). They can, even, be overcome by concentrating on great common tasks (in view of the atomic danger or ecological crisis) and thus dissolve in one worldly destiny - within a responsible community which would embrace Islam too” (Küng, 2004: 31).

Due to the burning issue of having the need to recognize all the spiritual and intellectual potentials which mankind possesses, in order to harness them in the function of overcoming the deep crisis which the contemporary world and man have reached, one of the most important questions is the possibility of a true encounter, mutual respect and dialogue between cultures, their religions, spiritual and intellectual traditions. Within such a context of special importance is the relation between the West and the Muslim world, between Christianity and Islam - not only due to the shared long history of encounters, significant intellectual similarity and historical-morphological conditionings, but also because of significant sacral-geographic concentrations and interlacing, and the obvious mutually fated connectedness. Without a dialogue with Islam, according to the view of Hans Küng for example, it is not possible to build a more peaceful and certain future of ours: Who wishes to understand the contemporary world he, at least on an elementary level, needs to understand Islam in a more reasonable

fashion. The level of knowledge that many of our contemporaries have achieved in regard to Islam is distorted and has not passed much further on in relation to the level of medieval times.

The image - the communication conditioned by the latter - which the West projects about Islam corresponds better to the blinded ones, those who are bereft of wisdom and unreasonable, than to those who are reasonable and gifted with mind (*Qur'an*) for it is based on resentment and the logic of passions, devoid of reason, which is clearly seen not only in the fervent discourse which is spread both from one side and from the other side, but also in political practices and militant actions which, before the eyes of the whole world, are being executed on an almost daily basis with unheard of brutality and hatred, cynicism and audacity.

It is therefore necessary to change perceptions: those of the West towards Islam, but also those of the Muslims towards the West. When the relation of Muslims towards Europe is at hand, existentially considered, it is epistemologically and ethically productive to bear in mind that Europe is a polyhydic reality, irreducible to just one of its faces, no matter how dominant the latter may be in relation to her historical and contemporary perspective.

To that Europe - for which one could not say that she is sufficiently wise, lucid and reasonable: the one xenophobic and long-time islamophobic, the one which is self-betraying in its own root, which in the other, in his cultural, ethnic, religious and political otherness sees a danger for itself and its own worlds of culture - another Europe is opposed: of open spirit, universal values and dialogue, the Europe of respectful recognition of the Other in the system of its references, which through its spiritual, intellectual, moral, religious and cultural potentials may contribute to the building of common foundations for a more certain future of our world. This Europe knows that it has not surfaced from the ocean like Aphrodite for it has enriched itself from many different sources, including the world of Islam (Lewis, 1993: 128). This is the Europe which combines the powers of loyalty to the axial values of ancient Greece, Rome and the East of the revelation of God, including the universal ideas of referential traditions of world cultures. In such Europe the East and West are not confronted and do not deny one another, for they comprise a unity of the same and are mutual presuppositions to one another.

In this tentatively anticipated future there would be less place left for misunderstandings and hostilities, fundamentalisms and terrorisms, for fears and hatreds, for islamophobia and xenophobia. Yet, this is a dream that will be dreamt for a long time still by those prone to dreaming about better and more certain future of the world and man.

With a greeting, I wish to believe in a better tomorrow!



Professor Dr Bogoljub Šijaković,
Faculty of Orthodox Theology
University of Belgrade

Secularism, Rationality, Identity

Refraining from the attempt to give a scholarly presentation, on this occasion, I shall strive to offer certain impulses for reflection and, partly, an analysis of several important concepts in their mutual interconnectedness, such as secularism, modern scientific rationalism and identity. In the analysis of these concepts

I am interested to stress insufficiently highlighted moments. That is, we usually approach secularism from the negative side, yet I would wish to underline an aspect of secularism which is positive in regard to religious rights; following that, we usually approach rationalism from the positive side as if it were some universal good of modernity, of the Cartesian era, despite the fact that this rationalism (the ascent of scientific knowledge) had its expressions in the world wars in the XX century, on the basis of technological development and military industry: hence, we should not overlook the negative aspects of rationalism; finally, I shall draw attention to the problem of the crisis of identity and the problem aspects of this concept which is particularly important today. (In my exposition I refer to some of the essays which I had published in the following book: *Ogledanje u kontekstu: O znanju i vjeri, predanju i identitetu, crkvi i državi*, Belgrade, 2011).

1.

We need to discern two real moments within the concept of secularism: the secularity of the state and the secularity of society. The secularity of the state signifies that the state distinguishes between the sacral and the secular in order to maintain itself within the domain of the secular - leaving the domain of the sacral to the Churches and religious communities. This precisely is the way in which the state, through the endorsement of good laws and rule of law, shows that it does respect religion as the manifestation of human freedom and traditional culture which are part of the identity of the person. Therefore, the secularity of the state is not opposed to the practice of religious freedom for this real moment of the secularity of the state serves to enable the practice of religious freedom in a legal and cultural sense. The secularity of society is something completely different in terms of its state of affairs, character, ideology etc.

Also, we need to make another important distinction here: the one between the secularity of civil society and secularism taken as ideology. The secularity of civil society is one moment in the history of social development and in the history of political ideas. And, no matter how we understand it, the secularity of civil society should presuppose the mentioned secularity of the state which leaves the domain of the sacral to the Churches and religious communities. However, secularism taken as ideology (and the latter is still present, particularly in post-communist societies and, so to speak, obligatorily connected to atheism, sometimes to an intolerant, even aggressive atheism) is orientated towards the destruction of traditional identities: towards the mythologization of science and scientific rationality, and, it is turned toward individualistically understood rights and individualistically understood human community, sometimes leading even into a real existential solipsism.

2.

Science has, so to speak, won over the monopoly over reality: it is claimed that one reality only exists, and the latter is described by the sciences. Therefrom the trust in the omnipotence and absolute authority of science is produced. Rationality has proclaimed itself to be the instance which legitimizes everything else yet, at the same time, it refuses to prove its own legitimacy. This ethically neutral rationality is nothing else but a perfected capacity of adaptation with the aim of survival and domination, that is, an instinct embedded within the very basis of the biological sphere of existence. Therefrom springs forth the contemporary crisis of rationality which philosophy has been speaking of for a long time, and precisely this refers us to new modalities of the encounter between faith and knowledge.

Today it has become relatively familiar to hold the viewpoint that the propositions of religious experience need to receive recognition in view of their evidently epistemic status. We can no longer label the propositions of religious experience as “irrational” presupposing that human knowledge is “rational”. One needs to possess and develop a “musicality” for faith, for the religious, in order to have the epistemic (cognitive) potential of religious propositions revealed, as is held today by Jürgen Habermas (v. J. Habermas, J. Racinger, *Dijalektika sekularizacije: o umu i religiji*, tr. D. Stojanović, Dosije, Belgrade, 2006). Rationality and scientific knowledge have shown their limitations. Neither does science exhaust the limits of human knowledge nor are the limits of science the same as the limits of our existence. Since religion is a step forward over the limits of human knowledge, that is, the possibility of expanding the limits of human knowledge, and also the possibility of the realisation of human existence - we need to acquire the sense of hearing for the melody of theology.

The relation between faith and knowledge becomes actualised not only on behalf of this theoretical aspect but also because of the growingly important practical aspect:

namely, the basis of the contemporary secularised society has been problematized. When we speak of the values which ground the democratic secular state, more and more frequently the well-known lawyer Böckenförde is quoted: “*Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann.*” – “The free, secularised state lives from presuppositions which it, itself, cannot guarantee.” (Ernst-Wolfgang Böckenförde, *Die Entstehung des Staates als Vorgang der Säkularisation*, in: *Säkularisation und Utopie*, Ebracher Studien, Ernst Forsthoff zum 65. Geburtstag, Stuttgart, 1967, pp. 75-94 = E.-W. Böckenförde, *Staat, Gesellschaft, Freiheit: Studien zur Staatstheorie und zum Verfassungsrecht*, Frankfurt am Main: Suhrkamp 1976, pp. 42-64, 60). This means that the fundamental values of the community are not created by the state for they are found within the moral and religious sphere, hence, faith traditions and ethical traditions are socially obligatory. If no value system were existent as the normative presupposition of the state, which the state itself is not capable to produce, then democracy would turn into a procedure of the technology of ruling, which is in fact what happens in places where the ideals of life are suppressed within a community. Therefore, these are the reasons why today we endorse the goal of rehabilitating religiosity: both in the domain of the *critique of scientific rationality and in questions of the value self-regulation of society*.

In that sense, it is very important that today we reach a creative encounter between science and religion, an essential connectedness and commingling between science and religion. At times we rightfully feel that our life world, our *Lebenswelt*, is devoid of meaning and that is rushing into ruin. Religion is necessary to us so that we may restore the meaning of existence to the world: so that we may even think that the role of man is to save and ennoble the world we live in. We need religion in order to preserve and build our capacity for good, and that is the point of origin to our innate differentiation between good and evil, a differentiation which is the basis of moral consciousness, in virtue of which every ethical theory receives its meaning in the first place. Without faith it is difficult to defend our capacity to posit the good as the goal of freedom, to realise freedom and will by choosing the good, and it is precisely this which comprises the authentic human way of existence and this precisely is the way of salvation, the way to which science is obliged to give its irreplaceable contributions.

3.

Our time is often characterized as the age of the “crisis of identity”. The crisis of identity is one of the results of secularism and scientific rationality, and of the individualistically understood way of human existence. The crisis of identity has become the catchword of our age. Contemporary social changes, in fact, represent the transformation of various identities - individual, collective, national, religious,

political. Not seldom, the mentioned transformation of identity, today, is conducted as the construction of identity and as the *inscenation* of identity. Related to that, also, is the often accepted *theatralization* of our social and even intimate behaviour, overbearingly exported by the media.

What is identity? The problem of identity is scrutinized by many sciences: mathematics, logic, psychology, sociology, philosophy, theology, anthropology, history, linguistics, politicology, culturology, all the way to criminology. Each of these sciences in itself develops varying approaches and theories, types of identity notwithstanding. The span of this catalogue may range from the long-time clear logical and mathematical problem of identity all the way to the complex and still insufficiently clear problem of personal identity. Within the spiritual sciences we find a real diversity in types of identity. National identity which is, on one side, grounded in the common language, history, culture, and, on the other hand, represents the integrity of a people taken as the system of its general self-preservation. Cultural identity presupposes tradition as the handing-over, *paradosis*, memory, social integration, educational institutions. Institutional identity which is given by the state and/or the Church in a particular manner. Political identity includes political strategies too, within which one can also place the struggle for political identity, i.e. the struggle for recognition, which many are forced to lead even today. Also related to the problem of identity is the phenomenon of release from history, of the emptying of history and introduction of the relativistically conceptualised perspectivism in viewing history, even where the facts are utterly obvious.

Behind all social identities - as their transcendental condition - lies the personal identity, the individual identity which, of course, itself includes the social moment. Personal identity, taken as the identity of the subject, is comprised of the body, soul, mind, memory, character as set of personal marks, roles and values. Personal identity is characterized by self-observation, self-consciousness, self-constitution and self-assertion, conscience and self-respect - by cognitive, psychological and moral aspects of the person. At the same time, personal identity is both a constant and a dynamic category: personal identity is simultaneously given as ability, capacity, *dunamis*, and, at the same time, it is built through socialisation, individuation, and identification - gradually retaining its constancy in time, which is the foundation for the sense of personal continuity. Personal identity exists in the dynamic between individual givenness and social constituting, even social constructing which has the ambition to relativize the stable natural identity. Personal identity exists in the dialectic of similitude and difference: identity is what makes us particular individualities and, at the same time, similar to others (both identity and difference simultaneously characterize the person). Here from we may introduce another theme, and that is the problem of the absolutization of otherness: if otherness is absolutised, and that is

the tendency of our time, then we reach the problem of caesura and the impossibility of communication with others.

4.

The exposition on identity may be connected with the problem of dialogue, which is here present to us also and which is experienced ever anew in similar conferences. Dialogue is meaningful if the participants in dialogue come forward with their clear, explicit identity. We all know - even from our own experience from the significant number of conferences that we participate in - that there is a danger that the dialogue transforms itself into a simulation of exchange of ideas and that especially those dialogues which, in counter-distinction to this one, are organized by structures of power represent, in fact, a form for the distribution of power in which it is ascertained who has what sort of position in the structures of power. The discourse on identity should direct our attention to the fact that dialogue is a structure of language and mind, that dialogue is a structure of the person, and that as human beings we are dialogical beings and that therein lies our identity, and, therefrom, that that difference within ourselves does not contradict our identity.

Because of all of that, in addition, theology and humanist science should commit themselves to a phenomenological analysis of existential states and situations in which appear the problems and phenomena in regard to which we speak, phenomena of religion notwithstanding, and try to universalize these phenomena. Besides, freedom - and the core of it is religious freedom - is freedom if and only if it is universal and valid for all. Therewith rests the enduring value and lasting actuality of the *Edict of Milan*.

DISCUSSION

H.E. Orlando Antonini, Apostolic Nuncio

Thank you, I will only read to you certain parts of the message of the Pope Benedict XVI, because of the word you mentioned on the past conference held in Niš in 2011, about the religious freedoms. It is like the synthesis or our vision of the religious freedom, in the sense of the freedom of the religion, freedom of conscience, freedom of believing. Some parts only. This is the essence: the right to religious freedom is rooted in the very dignity of the human person whose transcendent nature must not be ignored or overlooked. God created men and women in such a similar form. For this reason, each person is endowed with sacred right to full life, in the spiritual meaning as well. Without acknowledgment of its spiritual being, without openness to the transcended, we leave the human person to itself to find the answers of the heart's deepest questions about the meaning of life, faced to appropriate lasting of the Edict of values and principles and even forced to experience the authentic freedom and to be a part of the society. The transcendent dignity of the person is an essential value of Judeo-Christian wisdom. Again, thanks to the use of reason it can be recognized by all. The dignity is understood as the sacred pass from transcendental to material and to seek the truth must be acknowledged as universal good indispensable for the building of the society directed to the human fulfilment. Respect for essential elements of human dignity, such as the right to live and the right to religious freedom, is condition for tomorrow's legitimacy of every soldier, moral and legal norm.

Another point, it could be said that among the fundamental rights and freedoms rooted in human dignity, religious freedom enjoys a special status. Where religious freedom is accepted, we witness the strengthening of the human dignity which is respected at its roots in ethos and institutions of the people. On the other hand, whenever religious freedom is denied and attempts to hinder people from professing their religion or faith and force them to live according to it, the human dignity is injured, and the results opposite to justice and peace are evident, which are grounded in the rights of the soldier order established in order to cast the light of supreme truth and supreme goodness.

Religious freedom is in this sense also an achievement of a sound political and juridical culture. It is an essential good. Each person must be able to freely exercise the right to profess and manifest individuality in its religious community or faith in public and in private, in teaching, in practice publications, during worship and

individual celebrations. There should be no obstacles; it seems to me that this is very important. There should be no obstacles if he or she eventually wishes to belong to another religion or not to declare at all. In this context, the international law is a model and essential point and reference for the states. Insofar it does not allow the delegation for religious freedoms, of course as long as they adhere to public order. International order in that way recognizes the rights to religious nature which has the same status as the right to live and the right to personal freedom, as proof of the fact that they belong to the essential core of human rights. Exactly to those universal and natural rights which human law can never deny. Religious freedom does not concern only the hereditary believers but the entire family of the people from the Earth, and humans with hearts. It is an essential element of the constitutional state. It cannot be denied without encroaching in all fundamental rights or freedoms in the same time, since it is their synthesis and keystone. It is a litmus test for the respect of all human rights.

And allow me one final quote. Religious freedoms are the origin of the moral freedoms. Openness to truth and perfect goodness, openness to God is rooted in the human nature. It confesses the full dignity of each person and individual and guarantees a full mutual respect between people. Religious freedoms then should be understood not just as immunity from coercion but even more fundamentally as the ability to choose in accordance with the truth. Freedom and respect are inseparable. Indeed, in exercise, the real individuals and social groups are bound by the moral law to consider the rights of others. They are on duty on statutes and for the benefit of all. Freedom which is a style for those indifferent to God, becomes an auto-tune and does not guarantee full respect for others. The will which believers, radically incapable to seek the truth and to seek goodness have no objective reason or motives for acting safely, to them transient and mixed interests are imposed. They do not have the identity to specific things and they deliver decisions which are truly free and conscious. As a result, they are demanding respect of the wills of others that detached them from their own deepest being. The illusion that moral relativism provides the key for peaceful coexistence is in fact the source of division and denial of human dignity which will then in the next century possibly need another *Edict of Milan* (These are my words, not the Pope's).

In the end, we can see the need to recognise the two fallen dimension with unity of a human: the religious dimension and the social dimension. In this regard, it is inconsiderable that believers should have to suppress a part of themselves, of their faith, in order to be active citizens. It should never be necessary to deny God in order to enjoy certain rights. So, this vision, dear friends, is the synthesis of the historical experience through centuries, at least of the Catholic Church. Maybe in century's scene, the Catholic Church did not understand fully what we have in our DNA, and the Holy Spirit through the events of the history helps us to understand

better and to go deeper in the understanding of the word of God. Now, all this visions have their logic in a precise conception of the society and of the state because we are talking about the state but a state that may be a secular state or a confessional state. And if you want the secular state, it would imply only the previous 200 years, the entire history and even the today's governments and states were confessional states and this was the reason why the confession of the religions had so much time to better understand the situation. Now, this vision is the framework of a secular state and not a confessional state, and we should be aware of that. The vision of Catholic Church and I think the Orthodox Church as well, the Christianity in general, is that framework, because we think about the society that is not theocratic. Because if there is a confessional state, how you can determine that there should be no obstacles if a person eventually wishes to belong to another religion or profess to none at all? In a confessional state this is very difficult. But we think that is the case because this is our DNA, which we certainly should be aware of. We rely on the Christianity in our DNA, as to Matthew 21.21 that defined the difference between Caesar and God. In our DNA we have the difference between politics and religion. History helps us to better understand where we are now. But in the long history, cultural traditions have no such kind of vision as the visions - theocratic visions of society with which we can tackle? We are all here the representatives of the religious communities, so we know very well that Christianity, as identity of DNA, deals with the relationship between the state and the Church. Our Muslim and Jewish friends, if I am not mistaken, I think they have a more theocratic approach than a real one. So we have to deal with it. We have to see where we can meet, because otherwise I think this will be very difficult, and many difficulties will follow our mutual understanding. Thank you very much.

Mr. John Kinahan

Our associates have helped us in many ways to understand, and perhaps to understand again, the religious freedoms as something that represents a contribution to common good. Often, we are thinking about the problems in relations to religious freedoms and indeed we need to determine concrete violations, problems, but we must never lose the goal from our sight. Freedom of religious belief is a way that enables the individuals and religious communities to contribute to the common good and to contribute in many ways we have heard, in the sense of peace, theological issues, and in relation to many other social issues. And I think that actually focusing on freedom of religious belief as a positive contribution is the way in which Churches and religious communities can contribute to the common good and can enable others to do so as well. In a very particular way, this could be a very fruitful approach to this topic. And I thank our associates for helping us to look on this in a very particular way, in a different social and state context.

Reverend Patrick Roger Schnabel

I would like to return, for a moment, because I do not think that religious freedoms should always be connected, as it occasionally happens, to the contribution of Churches and religious communities to a certain society and state. Especially in our Christian tradition, we are very eager to contribute, but religious freedom, as the German Constitutional Court always stated, is not based on any political goal and exactly that includes the expectations of some society's contribution to the common good. These might be religions and there are religions that do not inspire making of any contributions, they build temples, do worships and that is it. And religious freedom must be based on them as well. Let me say that the privileges of other religions that contribute, must be based on the principles of parity, but religions cannot expect and they should not be bound up together, in the sense that you are starting to be privileged if you contribute. Religion is valuable in itself and if somebody decides to worship only in private without making any social contributions based on their religion, that must be respected as well. That is only my point of view, but I wanted to emphasise that.

Mr. John Kinahan

I just wish to briefly say that I fully agree with Patrick. We must never instrumentalize it.



PROFESSIONAL CONTRIBUTION TO THE CONFERENCE

Mag. Elizabeta Kitanović,

**Executive Secretary for Human Rights and Communications of the Church
and Society Commission at the Conference of European Churches (CEC)**

Religious Freedom and European Union

Within the human rights system there is no hierarchy of rights. Human Rights are universal. One's rights are equally important as the rights of the others. Only if we give credit to the universality concept, can we have the credibility to defend our own interest in whatever right we address in the public or private arena. The Conference of European Churches has closely monitored the violations of freedom of religion and belief due to the very many recent events. The Conference of European Churches would like to underline the importance of the respect for all human rights and their universality and religious freedom for all people, nations, and governments all over the world. Christians truly have belief in what was said in Genesis 1.27: "So God created man in His own image, in the image of God He created him; male and female He created them". We find similar principles in the *Universal Declaration of Human Rights*: "All human beings are born equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."¹ Freedom of religion or belief is guaranteed by several International Human Rights Instruments as well.

Churches have been preaching and practising the concept of justice, due their own historical development. For the Conference of European Churches member Churches, it was always clear that religious freedom is the fundamental right of every person living on the earth recognising at the same time *forum internum* and *forum externum* within the religious freedom principle. This means that, whether as an individual or in the community, this right is exercised and granted by International Human Rights Law. In terms of the legislative framework, when we come to the European Union human rights system, we have the EU Charter of Fundamental Rights which became legally binding in 2009 with the adoption of the *Lisbon Treaty*.

The *Lisbon Treaty* underlines that the inspiration for the European Union is drawn from the "cultural, religious and humanist inheritance of Europe".² In Article 10 of the TFEU³ it was stipulated that in defining and implementing its policies, the Union will combat discrimination based on... religion or belief. In Article 13 respect for religious rites and cultural traditions was underlined. Finally Article 17 invited the Churches, religious communities and philosophical and non-confessional

1 Article 1 *Universal Declaration of Human Rights*.

2 Gerhard Robbers, *Religion-Related Norms in European Union Law*, collected by Christine Schmidt-König, Update: December 2010. Trier University, 2001.

3 TFEU - Treaty on the Functioning of the European Union.

organisations to an “open, transparent and regular dialogue” with the European Institutions. In the Charter of Fundamental Rights of the European Union one can find the protection of religious principles in Chapters: II (Freedoms) and III (Equality). And finally the Chapter on Freedoms Article 10 says: “Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.”⁴

Even if the legislative framework is very clear still the part on implementation stays. Human Rights in general are the area where the Churches have permanent work to do: whether to defend their own interest or to advocate for the rights of others. Currently the European Union is working to revive the EU Charter of Fundamental Rights. Last autumn the Commission came up with a proposal⁵ for its implementation and the Council of the European Union⁶ recently brought out their conclusions on the role of the Council of the European Union in ensuring the effective implementation of the Charter of Fundamental Rights of the European Union.⁷ That means that *fundamental rights are fully taken into account when drafting legal acts and throughout the legislative procedures* as well the use of the already existing tools in this regard.

At the same time, the accession process of the European Union remains, adding its 49 signatures to the ECHR. The EU commitment towards human rights and democracy in the world was also stated in the EU Human Rights Annual Report presented by the High Representative and Chief of the EEAS, Baroness Catherine Ashton, for the period of 18 months from July 2008 to December 2009.⁸

In its report, the EU opposed the death penalty in all circumstances, especially stoning as a legal punishment, rape as an instrument of war and at the same time urged the UN to adopt a worldwide moratorium on female genital mutilation etc. The EU has its human rights dialogue with a certain number of countries as part of the packet of the EU neighbourhood policies. Those dialogues are not enough, in the sense that they will change the situation immediately, and therefore a long-term strategy should be applied in terms of advocacy.

4 Gerhard Robbers, *Religion-Related Norms in European Union Law*, collected by Christine Schmidt-König, Update: December 2010. Trier University, 2001.

5 Communication from Commission: *Strategy for the effective implementation of the Charter of the Fundamental Rights by the European Union* Brussels 19.10.2010 (COM (2010)573 final).

6 Note the difference between the European Council and the Council of Europe.

7 Council of European Union, Brussels 11 February 2011 6387/11.

8 http://www.eeas.europa.eu/_human_rights/docs/2010_hr_report_en.pdf

How does the European Union operate in terms of human rights?!

- A) The European Parliament addresses human rights through the sub-committee on human rights of the Foreign Affairs Committee;
- B) COHOM working group helps the Council of the EU to make and coordinate its human rights policies. The WG meets monthly. The Council decisions are brought in by unanimity by the 27 member states.
- B) The European Commission has its share in the implementation of the human rights policies, including assistance under the EIDHR;
- Γ) The EU Fundamental Rights Agency provides the European Institutions with the human rights developments on the side of the 27 EU Member States.

Recent violations of Religious Freedom or Belief and the EU action

The death of the Coptic Christians in Alexandria caused by the suicide bombing (1 January 2011), the interruption of the Christmas Liturgy⁹ in the Northern part of Cyprus (25 December 2011), the killing of two Iraqi Christians in Mosul (22 November 2010), the series of the attacks targeting the Christians where also innocent civilians died in Baghdad (10 November 2010) the attack on the Syriac Cathedral in Baghdad where 50 worshippers have been killed (31 October 2010), the assassination of the Minister¹⁰ in Pakistan related to religious matters and the death sentence for blasphemy¹¹ were the very recent violations of religious freedom or belief which occurred in the world and were the tragic events which the European Institutions addressed on several occasions. The chief of the EU Diplomatic Service and High Representative, Baroness Catherine Ashton and members of the European Parliament addressed the principle of the violation of religious freedom or belief. The European Parliament came up with a resolution on the situation of Christians in the context of freedom of religion¹² where the EP *Urges governments and authorities in all countries concerned to continue their efforts aimed at protecting vulnerable religious communities, including Christian minorities, against violent attacks and to do their utmost to bring the perpetrators of such acts to justice.*¹³

In this regard, the Committee of Ministers of the 47 member States of the Council of Europe unanimously adopted the *Declaration on religious freedom*¹⁴ and a recommendation (1957 (2011)) - Violence against Christians in the Middle East - where the Assembly recommends to the Committee of Ministers to monitor the

9 In the village Rizokarpaso and Agia Triada.

10 Salmaan Taseer, Governor of Punjab (4 January 2011).

11 Case of Mrs. Aisa Bibi.

12 The Resolution was adopted on 17 January 2011.

www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2011-0058&format=XML&language=EN

13 Ibid.

14 The Declaration was adopted by the Council of Europe on 21 January 2011.

www.coe.int/NewsSearch/Default.asp?p=nwz&id=13750&lmLanguage=1

governmental and societal restrictions in terms of religious freedom, coming up with measures against states which knowingly fail to protect religious denominations etc.

In its communication of 21 February 2011, the Council of the European Union under the headline “Intolerance, discrimination and violence on the basis of religion or belief” stated that the *Council expresses its profound concern about the increasing number of acts of religious intolerance and discrimination, as epitomised by recent violence and acts of terrorism, in various countries, against Christians and their places of worship, Muslim pilgrims and other religious communities, which it firmly condemns. Regrettably, no part of the world is exempt from the scourge of religious intolerance.*¹⁵

The European Union stays committed to support the field of intercultural and interreligious dialogue and its engagement to promote religious tolerance and human rights protection.

The *EU action plan to promote and protect freedom of religion or belief* is still on its way to being developed. The CSC would welcome more transparency about the production process of this document and would like to contribute to its developments and continues to monitor the process.

The Churches should underline and closely monitor the implementation of the human rights clause in economic and trade agreements. The question is whether in the trade and economic agreements we first pose the question about our values and then we discuss trade or we firstly discuss trade and then ask about European values as a part of the economic and trade agreements and their implementation?! There is no simple response to these questions, but Churches have a role to play and give their contributions to the solutions from their socio-ethical perspective, in order to strengthen the concept of justice, peace and integrity of creation.

Very often in the public debate we focus on human rights in the External Action Service, but we have a lot of work to do as well in terms of religious freedom or belief on the side of the European Union and to witness to our own values for ourselves and to avoid double standards. We ask the other to fulfil criteria that we sometimes cannot fulfil ourselves in Europe.

European Union’s internal human rights policy

In terms of the EU policy on freedom of religion or belief, it is important to mention its internal dimension. The *EU Fundamental Rights Agency* has a mandate to work on the protection of fundamental rights on the side of the European Union and to

15 www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/119404.pdf

help the implementation of the Charter of Fundamental Rights. The EU FRA is on its way to addressing the debate for the next meeting of the EU Fundamental Rights Platform 2012 – the balance between fundamental rights with an emphasis on religious freedom and anti-discrimination. The violation of religious freedom or belief in the European Union takes other forms than in the neighbouring countries. Usually human rights activists demand more tolerance, combating hate speech, non-discrimination on religious grounds, allowing the existence of religious symbols in the public sphere, or re-definition of Church-state relations, or freedom of religion or belief in conjunction with the right to education, right of assembly, property rights, parental rights and conscientious objection, access to places of worship etc.

If the EU Member States violate human rights as basic European values the *Council may decide to suspend certain rights of that Member State, including its voting rights within the Council*.¹⁶

In the Commission 2010 Report on the Application of the EU Charter of Fundamental Rights¹⁷

The first step that the EU has to do related to the Charter of Fundamental Rights is to explain to the EU citizens how and in which circumstances the Charter could be used. *The Charter protects individuals and legal entities against actions by the EU institutions and bodies which are in the conformity with the fundamental rights*.¹⁸

The CEC member Churches have different needs in regard to human rights and religious freedom or belief. Some Churches are still struggling with Church-state relations in the post-communist countries; others are forced to deal with property rights and restitution laws, such as the Serbian Orthodox Church; some others advocate for the full implementation of religious freedom and fundamental rights in prisons all over the Europe, such as IPCA; some advocate for the minarets initiative in Switzerland, for example; some try to access places of worship, such as the Church of Cyprus; other Churches make claims to have legal personality as it is the case in Turkey; some Churches advocate for religious freedom in Cuba, such as the Czech Churches do; other Churches defend human rights and advocate for religious freedom and democracy, as for example in Belorussia etc.

These are only a few of the cases that the Conference of European Churches member Churches deals with in terms of human rights and religious freedom or belief.

Some Churches even have problems with the concept of universality of human rights; however, they still recognise international law and international human rights law

16 Human Rights and Democracy in the world/ Report on EU action.

17 http://ec.europa.eu/justice/policies/rights/docs/com_2011_160_en.pdf

18 <http://www.consilium.europa.eu/showPage.aspx?id=1&lang=EN>

as the supreme instruments and mechanisms that were established by International Organisations such as the United Nations, Council of Europe, Organization for Security and Cooperation in Europe and the European Union.

What the Conference of European Churches member Churches could do in terms of advocacy vis-à-vis the European Union?!

Here are some proposals:

- » They could raise awareness on the local, national, regional, European and global level about the prosecution of the religious minorities;
- » They could advocate for the implementation of the human rights clause in the economic and trade agreements of the EU and third country nationals through their respective Governments;
- » They could advocate for a strong external policy of their respective countries and to build into it a strong policy on freedom of religion or belief as a part of their foreign policy, as some countries do, for example United Kingdom;
- » They could organise trainings on the universality of human rights and religious freedom or belief;
- » They could establish living letters of people prosecuted on the basis of their religion or belief;
- » They could strengthen the cooperation between the Church and civil society in the human rights area;
- » They could play an active role through the ecumenical organisations and strengthen the common understanding of the violation of religious freedom or belief;
- » Each Church should find its own way, according to its own strength to advocate for human rights and religious freedom or belief;
- » Monitoring the EU human rights dialogues and the implementation of the human rights guidance with certain countries would be one more option;
- » Implementation of the European Parliament's and the CoE resolutions on freedom of religion or belief could also be monitored etc.

The Religious freedom or belief is the right where there is constant work to be done.

The Church and Society Commission of CEC will continue to monitor and advocate for human rights and religious freedom or belief in all international organisations (United Nations, European Union, Council of Europe, Organization for Security and Cooperation in Europe) where it is accredited and has its consultative status.

Implementing human rights is not only a politically correct goal which should bring us political benefits. Human rights are about people and for people no matter where they live and this is what we stand for.

Professor Dr Dragan R. Simić,
Faculty of Political Sciences
University of Belgrade

The Order of the Roman Empire at the Time of the Endorsement of the Edict of Milan¹

Searching for borders in space

During the almost simultaneous destruction of two of its greatest rivals, i.e., on the one hand, the commercial civilization of Carthage, and, the last stronghold of the Hellenic world, Corinth, in 146 B.C, on the other, the multi-centennial Roman Empire is reinforced on the perimeters of the Mediterranean sea. And when during the middle of the second century A.D. the Roman legions brake out onto the banks of the Rheine and Danube, eventually erecting the first *castrum stative* in Britain, the state colossus of the Ancient Era will have reached its furthestmost borders in terms of space.

If we agree with the proposition that “order primarily signifies the spatial relations of individuals or things to one another”² then, we also need to briefly say something about the empires-territorial colossuses which preceded Rome. For example, we shall here expound the basic knowledge on three suchlike creations, although there was more in the very remote history which precedes the comprehensively studied millennium before Christ. Otherwise, the exploration of the concealing and falsification of the existence of nations and states-empires within the multi-millennial history of mankind is not at the centre of this discussion. The empires which in terms of time immediately preceded Rome were the following: **Assyria, Persia or Iran and the Empire of Alexander the Great.**

Contrary to the Greeks, all four empires of the Ancient era strived towards proportions in the big: e.g. the Assyrians - in relation to the circa ten million square kilometres of Earth that were known to them, expanded their rule to something close to one million square kilometres. When the builders of the future Persian empire, the Medians, take hold of the Assyrian capitol Nineveh in 607 B.C, in only one century of time, under the sceptre of Emperor Darius, the Persian empire will “cover” almost one third of the hitherto known world - with some five and a half million kilometres.³ A whole multitude of peoples, tribes and races comprised the

¹ This text represents a slightly revised segment from my book *The Order of the World*, Zavod za udžbenike, Belgrade, 1999. The mentioned text is the result of study work on the following project *The Political Identity of Serbia in the Regional and Global Context*. Evidential number 179076 - financed by the Ministry of Education and Science of the Republic of Serbia.

² Ljubomir Tadić, *Nauka o politici*, op. cit. p. 206.

³ *Imperije*, Sedma sila, Beograd, 1940, p. 5.

Persian Empire: what were once empires and great states - Assyria, Babylonia, Lydia and Misir - became reduced to mere provinces - satrapies.

Such gigantic power in terms of physical expansion, however, did not receive an adequate expression in terms of temporal duration. At the end of the IV century, in 330 B.C., Alexander the Great destroyed the Persian Empire, but, he never managed to take it over completely. His Empire was somewhat less in size, encompassing a quarter of the geographically known world. At the apex of its might the Roman Empire, as a “universal state unitary in character,”⁴ engulfed nearly six million square kilometres. In the II century of our era that represented just about one eighth of the entire “known world.”⁵ The inner social order was characterised by a great extent of centralization - the City of Rome was the undisputable centre of the Empire out of which the whole territory of the Empire was efficiently supervised through the governing regions-provinces. Apart from the mighty Praetorian Guard in the City of Rome itself, the greatest part of the army was deployed over virtually endlessly long borders, against other peoples which the Romans arrogantly referred to as barbarians.

After the fall of republican Rome, during the principate, and, especially, during the dominate, the power was entirely within the hands of the Emperor - Caesar August. Although the Senate did exist during the whole period of existence of the empire, i.e. its western part (mid V century), its role was only of a formal nature. The highest magistrate of Roma Aeterna at the same time is *Pontifex Maximus* - the high priest of the state cult: in his person he incarnates the unity of the heavenly (divine) and earthly (political) order. Pagan Rome celebrates and magnifies equally the multitude of gods, including those of “blood and flesh” - as is known, the busts of the *princeps* were displayed next to those of the gods...

Although the eminent representatives of the Roman Stoa “advance further” in relation to Aristotle’s claim that “a Greek cannot be a slave to a Greek” and argue for the equality of all men, the real inner order of the Roman Empire, as well as its relation to other peoples, tell us otherwise. In reality Rome strived towards a universal world state - a “world order” of sorts. In this multi-centennial quest the legions were thwarted only by some other force, by no means by dominant philosophical convictions about the equality of all men, moral norms, old customs or legal duties. The peoples that were subdued - by means of “fire and sword” - had *Pax Romana* imposed upon them, i.e. the imperial peace which was in the interest of the stronger side. Law blindly follows in the tracks of force and justifies its deeds as well as the relations of power. Even the great Roman thinkers on law had no

⁴ Georg Schwarzenberger, *Power Politics*, Stevens, London, 1964, Third Edition, p. 15.

⁵ *Imperije*, p. 6.

illusions about that fact. A poet, even he, perceives discerningly what is decisively influential in human relations:

*But, Rome, 't is thine alone, with awful sway,
To rule mankind, and make the world obey,
Disposing peace and war by thy own majestic way;
To tame the proud, the fetter'd slave to free:
These are imperial arts, and worthy thee.*⁶

It is to be expected, as Virgil honestly believed, that the defeated nations will find relief when their slavery is transposed into written legal clauses of some kind of peace treaty? Still, even Virgil sees clearly that the “legal ornament” only follows the eternal and immutable relation of the stronger ones towards the weaker ones according to the order of power. What they never allowed within their relations with other peoples, the Romans - following the Stoic doctrine on the equality of all men - did allow as a possibility, namely, that outside the real relations of men and peoples, there may exist a preceding, “natural order” and the so called natural law. In that sense Gaius makes the well-known distinction between “civil law as the unique law of a particular state”, on the one hand, and “law the *natural reason* of which is posited for mankind as a whole and which is equal for all men, (it is named *ius gentium*), and law to which all peoples serve”,⁷ on the other hand.

After the unsuccessful persecution of Christians at the hands of Diocletian (“persecution is always a sign of weakness of the persecutor”)⁸ Galerius, in 311 A.D. through the *Edict on Toleration*, puts an end to further persecutions directed at this faith. In this way the state, albeit unwillingly, admitted that it is powerless to eradicate the adherents of Christianity. In the *Edict* important statements were pronounced relating to the relation between Christianity (Church) and the secular authority (Roman State), and these have importance in regard to our discussion. If the Christians are to have “good sentiments” (*ad bonas mentes redirent*) redirected towards them, Galerius asks of them to respect three demands of the Roman state: “not to venture into any action contrary to the established order; to supplicate before their God for (our) well-being and, most important of all, the Emperor reprimands them for gathering in the past people of different kinds and by doing so disturbing the natural dividedness amongst people”.⁹ Although Christianity brought into question the institution of Emperor as *pontifex maximus*, the first demand posited by Galerius - that Christianity should recognise the inviolability of the secular

6 Virgil (70-19 B.C.), *The Aeneid*, quoted according to: *Peace on Earth*, op. cit. p. 74 [Excerpted English translation by John Dryden, from The Harvard Classics, Volume 13, Collier & Son, New York 1909 B.L.].

7 Gaius (110-180), *Rome, The Digest of Justinian*, navedeno prema: *Peace on Earth*, op. cit. p. 125.

8 Bertrand Rasel, *Mudrost Zapada*, op. cit. p. 113.

9 Srđan Šarkić, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, Naučna knjiga, Beograd, 1984, p. 140, 141.

order - shows that self-preservation is the most important task of every order. The polytheistic Roman state was not overly bothered by the fact that Christians, after three centuries of struggle, elevated to the heavens their one and only God - as long as they do not threaten the secular rule of the Emperor.

The second demand, namely that Christians should “pray to their God both for the well-being of the state and for their own”,¹⁰ in fact, represents the affirmation of the words of Christ: “Give therefore to the Emperor the things that are the Emperor’s, and to God the things that are God’s”. From the time of the Edict on toleration, and not from the times of the *Edict of Milan* in 313 A.D. - by means of which Christianity became *religio licita* - regardless of whether he had it intended, the Emperor recognised that he is the highest magistrate of the secular, state order, but not anymore the high priest of the state cult. However, all the way until the IV century the rulers of the Roman state will carry the title of *pontifex maximus*, but nevertheless, the crucial turn in this regard had already been made by the mentioned concessions to Christianity. The two orders, the divine and the secular, are no longer symbolically incarnated in one person: the complex and contradictory relation of simultaneous conflict and cooperation, in different forms of expression, will last until the triumph of the following principle - *cuius regio eius religio*.

In this regard, the way in which Eusebius of Caesarea (“the Christian Herodotus”) - in his famous *History of the Church* - connected the development of the Church with the development of the state - remains interesting. Namely, he claims that behind the temporal synchronicity of the appearance of Christ on earth and the establishment of the principate of Augustus there is more than mere coincidence. Through crushing the “national” states in Egypt and Judaea Rome becomes the empire which strives to realize the world order. After more than one hundred years after the destruction of Carthage, the cosmopolitan civilisation of Rome, very similar to the contemporary American one - which “favours the solid over the refined”,¹¹ - in the fateful battle at Actium in 31 B.C. succeeds in transcending its own national framework and thus affirms itself as an empire. Finally, Eusebius claims that there is an essential, not mere coincidental, synchronicity between the birth of the “empire of the world” and the “Church of the world” - “... for it must have been of a divine and secret power, that straightway at His word, and with the doctrine which He put forth concerning the sole sovereignty of the One God who is over all, at once the human race was set free from the delusive working of daemons, at once also from the **multitude of rulers among the nations**. In fact, whereas of old in each nation numberless kings and local governors held power [...], and in different cities some were governed by a democracy, and some by tyrants, and some by a multitude of rulers, and hence wars

¹⁰ Ibid, p. 141.

¹¹ Fernan Brodel, *Mediteran*, Centar za geopoetiku, Belgrade, 1995, p. 80.

of all kinds naturally arose, nations clashing against nations, and constantly rising up against their neighbours, ravaging and being ravaged, and making war in their sieges one against another, so that from these causes the whole population, both of dwellers in the cities, and labourers in the fields, from mere childhood were taught warlike exercises, and always wore swords both in the highways and in villages and fields - when God's Christ was come all this was changed. For concerning Him it had been proclaimed of old by the prophets, "In his days shall righteousness flourish, and abundance of peace"; and "they shall beat their swords into plow-shares and their spears into pruning-hooks; and nation shall not take sword against nation, and they shall not learn war any more." In accordance with these predictions the actual events followed. Immediately all the multitude of rulers among the Romans began to be abolished, when Augustus became sole ruler at the time of our Saviour's appearance. [...] the destruction of polytheistic error began to be accomplished, and the dissensions of the nations at once to find rest from former troubles."¹²

As we may conclude from the aforementioned, the relation between the Church and the state is contradictory and complex. At times interests coincide and mutually support each other but are coupled with a ceaseless - at one instance public, at another instance and more often so - concealed, but fierce - battle for dominance... In one thing, however, both the Church and the Empire agree: particular peoples, nations are an obstacle to the creation and preservation of the world state-empire. Many gods and beliefs prevent the imposition of only one God to all people and all nations. Both the Roman state and the Roman Church strive towards universalism. The pope Leo I unexpectedly and for the first time openly explicated that which is implicit in the name - "Catholic": *Roma per sedem Beati Petri caput orbis effecta*.¹³

The order which would at the same time suit the Church and the state would be comprised of one God, one Emperor and one Church. The only great authority in the Church who was to reject the mentioned thesis proposed by Eusebius was Aurelius Augustine, who claimed that the institution of the reign of Augustus's principate did not simultaneously signify the establishment of peace for all nations, which is an undisputable argument. Still, Augustine did not question the essential significance of the synchronicity of the appearance of Christ and the establishment of the Roman state as an Empire. A huge number of Christian thinkers and ecclesial authorities never questioned the quoted thesis proposed by the "Christian Herodotus".¹⁴

12 *Preparatio evangelica* 1, 4, 2-5, ed. J. Sirinelli et E. des Places, Paris 1974, Sources chretiennes 206, pp. 118-122, quoted according to: Srđan Šarkić, op. cit. p. 25, 26 [Excerpted English translation by E. H. Gifford from: *The Preparation for the Gospel*, Oxford University Press, Oxford, 1903 B.L.].

13 James Bryce, *The Holy Roman Empire*, Schocken Books, New York, 1961, p. 154.

14 We have in mind John Chrysostom, Gregory of Nyssa, Gregory of Nazianzus, Diodore of Antioch, Theodoritus, Prudentius, Ambrose of Milan, Hieronimus and others...

Many examples show that the Church and the state helped each other, consciously so, in the struggle for dominance which never abates. In the organizational sense, the governing order of the empire almost entirely overlapped with the ecclesial domains - dioceses. The propensity for expansion is common to both of them, no matter if the thing at hand is the winning over of new souls or the conquest of new territories. In both cases rigid organisation and ideological uniformity are needed: in short, if we use the terms of theory of order or theory of system, we are watching an order of iron hierarchy the components of which abidingly follow goals posited forehand by the centre of power in the system.

When, next to the first two demands from the Edict of the Emperor Galerius extended to Christians in 311 A.D. this “five times divine emperor, consul, father of the fatherland, proconsul, high priest, invincible August”¹⁵ [...] objects to the followers of Christ for “gathering in the past people of different kinds and by doing so disturbing the natural dividedness amongst people”,¹⁶ he reveals some differences too in the manner of realizing the world state, that is, the world Church: with the intention to “justify” the rule of people over people and one nation over other nations, he divides them into higher and lower.

On the basis of the previously said, it is not difficult to conclude that the Church has at its disposal more efficient means for expansion: the only important factor, which she lacks in relation to the state, is the monopoly over physical force. That is why the joint advance of secular and spiritual power towards the establishment of “world order” shows itself to be the ideal solution. Although, for instance in the Edict, he complains against Christians in the sense that they fail to divide people into higher and lower, Galerius in fact grasps the essential bond and efficiency of the mutual support between Church and state. Of course, the fact that each of the two mentioned rivals tried to subdue the other and turn him into an instrument - is an entirely different matter.

Although the Church celebrates Constantine the Great as the first “Christian Emperor” - which he was, to an extent - the main reasons why the founder of the city on the Bosphorus, by means of the *Edict of Milan* in 313 A.D. recognized Christianity were not primarily religious in nature. By allowing the freedom of confession of faith and through affirming the inviolability of ecclesial goods Constantine injected fresh blood into the languishing Empire and, in fact, through that concession he strengthens the existent order. To put it in terms of the theory of order, Constantine mollified the destructive action of this faith against the institutions (pacification): he introduced a great number of citizens into the social life and legal structure

¹⁵ *The Edict of the Emperor Galerius* - according to: Šarkić, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op.cit. p. 140.

¹⁶ *Ibid.*, p. 141.

of the state (integration) and, in that way, preserved the existent state of affairs (conservation).¹⁷

Besides, the fact that it was “certainly political goals that were decisive for Constantine,”¹⁸ is seen from the *Edict of Milan* itself, where it is stated that Christianity has been legalized, that it became *religia licita*, “... out of the reason of usefulness and justness”.¹⁹ In the letter to Bishop Anulin Constantine underlines even further the importance (“usefulness”) of religion for the Roman State: “... contempt for the faith, in which the highest respect towards the all-holy celestial might is preserved, obviously does bring great dangers to public affairs”.²⁰ For it is our will to always rejoice and celebrate by faith, since we know that **our state is supported more by faith** than by public services and physical labour or sweat”,²¹ as is stated in a particular law given by Constantius in the year 361.

That the awareness of mutual support is reciprocal is testified to by the letter of pope Celestine to Emperor Theodosius II: “... whatever is done for ecclesial peace and for the respect of our holy faith is done for the security of your Empire (*Imperium*)”.²² Although the time of rule of Justinian I is often referred to as the time of expressed superiority of the state over the Church (so called caesaropapism) - this “kosmokrator” himself never spoke of it in literal terms. The Roman basileus who, more than any others, pushed the borders of the Empire towards the realization of the cosmopolitia, in the letter to the Patriarch Epiphanius, in 537, carefully and peaceably states that “the secular and the ecclesial power do not differ much, nor are the holy things that much different from those which are of public and general interest”.²³

Such a standpoint should not puzzle us if we know that Justinian equalised the concepts of the Roman Empire and the Christian Ecumene. Still, only when he says: “... only God and the Emperor who follows God may rule over it (the Empire) with justice and temperance”, or “... after God, as the common father of all we name him who has imperial power”²⁴ does he reveal the essence of his own understanding

17 Here, in a less strict fashion, we use the concepts utilized by professor Tadić when he reflects on the relation of the order of “integrationist socio-political theory or ideology” and the positivist theory of society and politics; idem, *Nauka o politici*, op. cit. p. 208.

18 *The Edict of Milan*, quoted according to: Srđan Šarkiћ, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit. p. 198.

19 Eusebio, *Historia Ecclesiae*, X, 7, 1-2, ed. Bardy, p. 112-113, quoted according to: Srđan Šarkiћ, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit. p. 204.

20 Srđan Šarkiћ, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit. p. 234.

21 *Theodosius's Codex*, XVI, 2, 16, “Gaudere enim et gloriari ex fide semper volumus, scientes magis religionibus quam officiis et labore corporis vel sudore nostram publicam contineri”, quoted according to: Srđan Šarkiћ, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit. p. 232.

22 Ibid, p. 253.

23 *Novela XCVIII*, 2, 2, from 539, quoted according to: Srđan Šarkiћ, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op.cit. p. 131.

24 Ibid.

of the relation between the state and the Church. As can be seen, for Justinian the whole secular and spiritual order do not presuppose the role of mediator of God's vicar on Earth, between God and Emperor - i.e. the Church. "We have strengthened the current law having the intention of eradicating all inequality and injustice; and, by its means, protecting it in order to keep as safe and unchallenged the other laws of the state, according to which it is we **personally** who have received the imperial rule from God, ...",²⁵ it is said in the Novel CXIII, 3, from the year 541.

In difference to such views as well as the real state of affairs of those relations, John Chrysostom holds the view that the spiritual pontificate has the advantage over the secular power because "that power over-arches the secular power as much as the heaven over-arches the earth, and is more sublime still".²⁶ Even Eusebius of Caesarea, despite his imbalanced laudations offered to Emperor Constantine (*De laudibus Constantini*), thought that the Emperor must not impose his opinion over and against Bishops nor should he pass judgment in ecclesial disputes. It should be noticed that not one bishop, patriarch, pope or ecclesial thinker of that time attempted to deny the "right" and "duty" of the state to use force in defending the "true" faith, in persecuting the Arians, Pelagians and other heretics, to summon Ecumenical councils, give material aid to the Church and her dignitaries... namely, the Church's self-understanding is that of a defender, representative and interpreter of divine order, and "things divine are not at all in dependence of the Emperor (*Verum ea quae sunt divina, imperatore potestati non esse subiecta*)."²⁷ Ambrose is even more explicit in that sense: "The Emperor is inside the Church, not above the Church" (*Imperator enim intra Ecclesiam, non supra Ecclesiam est*)."²⁸

The next question which illuminates the nature of the secular-political order, as well as the confrontation of Church and state, touches upon the relation of the ruler towards the law. In passing, the exploration of the origin of the legal order and law, of course, does not commence in the historical period the ideas and forms of which, in terms of manifestations, we are now thematizing. It was the bards of classic philosophy who, a long time ago, claimed that human society is governed by law, understood as "Reason without desires" (Aristotle) - and even better so than by people of the highest virtue - i.e. the philosophers. "Therefore he who bids the law rule may be deemed as inviting God and Reason alone to rule, but he who bids man rule adds an element of the beast..."²⁹

²⁵ Ibid, op.cit. p. 131.

²⁶ *Second Epistle of Apostle Paul to the Corinthians* (In Epistolam II ad Corinthios 4, hom.V, pg 61, col. 507-508), op.cit. p. 220, 221.

²⁷ *Letter of Ambrose to the Valentinian II*, quoted according to: Srđan Šarkić, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit. p. 216.

²⁸ Ibid, p. 218.

²⁹ Aristotel, *Politika*, 1287a [Excerpted English translation by - slightly altered - Benjamin Jowett's rendering of Aristotle's *Politics* B.L.].

Both Plato and his most talented pupil understood clearly that unlimited power in the hands of one man betrays an effort that surpasses human nature.³⁰ It is interesting that the authorities of early Christianity - both in the *pars orientis* and in the *pars occidentis* - display trust in the original nature of man: however, not trust in the virtue of any man, but of one - the Emperor. The following question then arises: if, as is correctly claimed by the philosopher from Stagira, by means of the law we have, in fact, both God and Reason rule, then what is the purpose of exempting any individual from their action, even if that individual be the one who drafted and/or posited the law? What is in fact at hand is an aporia: how is one to unite the ruler who, as sovereign, is above the law (since according to the definition of sovereignty he is subject to no one, even the laws themselves notwithstanding!), on the one hand, with the role of legitimate governing in accord with the lettering of those self-same laws, on the other hand? In other words, how is one to harmonise the relation of *dominus princeps*, that is, the Emperor (who is totally sovereign, the so called animated law [*lex animate*], the source of all legislation) with the ruler who rules directly on the basis of that law and is thus to be its most reliable protector?

To these dubia poly-ambivalent answers were given by Plato, Aristotle, Xenophon and, somewhat later, Cicero too. From their reflections it follows that the ruler, sometimes, can be the “law that speaks”,³¹ that “to go to the judge means going to justice”,³² or that one man is “law itself”.³³ But no one, anywhere, had explicitly said that the ruler is above the law, as is done by some Christian thinkers.

On the other hand, the Church “allows” the Emperors to break the law. In this regard, apart from the Stoics, most extreme is Musonius the Etruscan who names the king as “animated law” and compares him to Zeus. Origenes, particularly Eusebius of Caesarea and Athanasius of Alexandria, elevate the Emperor above all men and earthly laws.³⁴ The pagan philosophers and Emperors (e.g. Julian the Apostate), except Themistius, think that the ruler should respect the law, or, as the authors of the *Institutiones* quote (relating that emperor Septimius Severus and his son Karakala had said): “although it is appropriate to us to be exempt from the law we, nevertheless, live in accord to the laws”.³⁵

When we speak of relations between the Church and the state significant differences are to be noted between Byzantium and the Western Roman Empire (Holy Roman Empire of the German people). In the Eastern Christianized Roman Empire -

30 Ibid, 1287a.

31 Cicero, *De Legibus*, III, 1, 2, quoted according to: Srđan Šarkiđ, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit. p. 9.

32 Aristotel, *Nikomahova etika*, BIGZ, Beograd, 1985, 1132a 22.

33 Aristotel, *Politika*, op. cit. 1288a 2.

34 Srđan Šarkiđ, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit.

35 Iustinianum, *Institutiones*, II, 17, 8, quoted according to: Šarkiđ, op. cit. p. 11.

the foundations of which rested on the intermingling of the Roman state system, Greek culture and Christian faith³⁶ - the Emperor is not only the highest military commander, highest magistrate and law-giver, but also the defender of the Church and true faith. "He is the one chosen by God and, as such, the living symbol of the Empire given to him by God. Elevated above all that is human and earthly he stands in immediate relation with divinity and becomes the object of a special faith-political cult".³⁷

The supremacy of the state over the Church, which culminated in the era of Justinian I, extended throughout the millennial duration of Byzantium. In the Western part of what was once a united empire, the "Church of St. Peter", torn between monarchism and the ideal of the Roman Republic, kept suppressing the all-pervasive power of secular rulers, demanding that they yield to the laws and to spiritual power.

The Church fathers - Ambrose, Hieronimus and Augustine - contributed crucially to having the Church in the West be founded as an universal international institution, standing against a host of states that grew out of the rubble of the bygone Empire. For centuries the Roman Catholic Church will keep trying, without success, to introduce new life to the "empire", of which Voltaire said that it is neither holy, nor Roman, nor an empire and least of all - that of the German people. By the means of his conquests Napoleon will end this provisorium behind which stood the desire of the Roman Church to renew the toppled Empire. All the way to the bourgeois revolutions the secret of the supremacy of the pontifex over the secular rulers rested in the fact that "he, and he alone, could confer the crown, and had therefore the right of imposing conditions on its recipient".³⁸

As one might see, the leaning and mutual support and intermingling of the spiritual order and its representative on Earth - the Church, and the state, taken as the secular order, transpires simultaneously with the struggle for supremacy... On their side the ecclesial dignitaries and thinkers, using the enormous influence they commanded over the faithful, directly justify the inner social order and political relations and institutions. Although the latter tendency contradicts the teachings of Christ and the saints of the Church, the adaptation to the conditions of the secular order with the goal of realizing the interests of the Church, not those of the faith, went too far in certain cases.

For example, Theodoret of Cyrrhus claims that priests need to subordinate themselves to the holders of secular power: "If someone is a priest, be he a bishop or a monk, he must subdue himself to the one who is in duty to rule" "because He who

³⁶ Ibid.

³⁷ Georgije Ostrogorski, *Istorija Vizantije*, SKZ, Beograd, 1959, p. 51.

³⁸ James Bryce, *The Holy Roman Empire*, op.cit. p.157.

looks after the universal order has appointed some to rule and some to obey”.³⁹ Only *prima facie* is the standpoint quoted completely opposite to the views of Augustine: this saint, who throughout his life was obsessed by remorse for having as a boy “despoiled a neighbours pear tree”⁴⁰ out of mere waggery, condemns every political relation as unnatural, “devilish”. The political, that is, the secular order presupposes the rule of man over man, which is what Augustine condemns as a “devilish” relation.

In opposition to classical thinkers of antiquity, note, at the basis of his understanding of politics abides evil and not the idea of universal good. It is Augustine’s opinion that as long as the *civitas terrene* exists and lasts, man will be facing these unnatural relations in which “men are united like horse and rider”.⁴¹

In difference to the quoted standpoint of Theodoret of Cyrillus, Augustine thinks that the relations of rule of man over man are not given by God. After a thorough examination of both points of view it is clear that the latter differ only inasmuch the necessary and for any society unavoidable relations of rule and subjugation, in one case, are ascribed to the will of God while in the other case they are explicitly removed from the latter... In essence, political relations are not brought into question by Augustine. By arguing in favour of the Kingdom of God (*civitas Dei*) indirectly offers two stances to the individual: first, no matter what the state he lives in is like, he is to conformistically labour in favour of his own salvation, or, second, he is to utopistically, concretely, invest efforts - here and now - in favour of the chiliastic dream. In Augustine, behind the most sharp dichotomy between the secular and spiritual, backed by all the thinkers of the Church until the present, one may, still, discern the need of the Church as institution to adapt to certain demands of the real social order, which is corroborated by the aforementioned theses on the nature of the relation of *sacra auctoritas* and *potestas*.

39 *Interpretatio Epistolae ad Romanos* 13, pg 82, col. 193, quoted according to: Šarkić, *Pravne i političke ideje u Istočnom Rimskom Carstvu*, op. cit. p. 230.

40 Bertrand Rasel, *Mudrost Zapada*, op. cit. p. 134.

41 Joseph de Maistre, *Du Pape*, Geneve, 1966, p. 232.



ANNEX



ПАТРИЈАРХ СРПСКИ

Госпођа Мирјана Прљевић,
међународни генерални секретар
Асоцијације ЦИВИС,
Доситејева 4,
Београд,

22. јула 2010. г.
Београд

ПОШТОВАНА ГОСПОЂО ПРЉЕВИЋ

У вези са Вашим писмом од 19. јула ове године, у коме Нас извештавате о планираном међународном сусрету у Нишу, у фебруару 2011. године, а поводом великог јубилеја – 1700 година од доношења Миланског едикта са радним насловом: “НЕПРОЛАЗНА ВРЕДНОСТ И ТРАЈНА АКТУЕЛНОСТ МИЛАНСКОГ ЕДИКТА – У СУСРЕТ ВЕЛИКОМ ЈУБИЛЕЈУ 2013”, у организацији Асоцијације ЦИВИС, овим Вас обавештавамо да са радошћу дајемо Наш благослов за одржавање истог скупа у просторијама Епархије нишке у Нишу.

С благословом,



ПАТРИЈАРХ СРПСКИ



PONTIFICIUM CONSILIUM
AD CHRISTIANORUM UNITATEM FOVENDAM

Et Civitate Vaticana die 14 March 2012

Prot.N. 408/2012/e

Your Excellency,

Thank you for your letter of 1 March 2012 inviting me to take part in the international conference on the theme *The Edict of Milan (313–2013): A Basis for Freedom of Religion or Belief?* to be held in Novi Sad from 2–5 May 2012.

In expressing my gratitude for your kind invitation, and reaffirming my own deep commitment to the dialogue on religious freedom within the context of this important anniversary, I regret that due to prior commitments I will be unable to take part in the event.

With regard to your inquiry about the possibility of visiting the Vatican, please be assured that Your Excellency is always a welcome guest. While it will not be possible for me to meet with you personally prior to Easter due to health reasons, Reverend Father Milan Žust, SJ, a staff member of our Pontifical Council for Promoting Christian Unity, will be very pleased to be of assistance in arranging your visit.

In renewing my regret at not being able to attend the Conference, I take the opportunity to express my warmest greetings in the Lord.

Yours sincerely,

Cardinal Kurt Koch
President

Copy: Ms Mirijana Prljević

His Excellency
Bishop Irinej of Bačka
Bačka Eparchy
Vladičanski dvor
Gimnazijska 2
21000 NOVI SAD SERBIA

FAX: +381-21-451 830



APOSTOLIC NUNCIATURE
SERBIA

Belgrade, 5th Mars, 2012

Prot. No. 1479/12

Dear Ms. Prljević,

I have the honour to acknowledge the receipt of your kind letter dated 28th February 2012, inviting me to be your guest at the second conference with the title *The Edict of Milan (313-2013): A Basis for Freedom of Religion or Belief?* which will take place in the City of Novi Sad in May 2-5th 2012.

It is with great pleasure that I am giving my full support to this kind of initiative coming from the Association of NGOs in Southeast Europe – CIVIS and I am with you in your effort especially for the improvement of ecumenical dialogue. I'll be present also at this conference as Apostolic Nuncio from the Holy See. May this conference be another innovative opportunity to celebrate with gratitude and joy the great Jubilee in the year 2013.

With sentiments of appreciation and esteem, I remain


Archbishop Orlando Antonini
Apostolic Nuncio

Ms. MIRJANA PRljević
International Secretary General
Association of Non-Governmental Organisations
of Southeast Europe – CIVIS
Dositejeva 4
11000 BELGRADE



Msgr. STANISLAV HOČEVAR
beogradski nadbiskup i metropolit
Svetozara Markovića 20
11000 Beograd, Srbija

Beograd, 16. mart 2012.

Gospođa Mirjana Prljević
Međunarodni generalni sekretar
Asocijacija Nevladinih organizacija
Jugoistočne Evrope - CIVIS
Dositejeva 4
11000 Beograd

Poštovana gospodo!

Pozdrav u Gospodu istorije!

Od trenutka od kada sam upoznat sa projektom triologije Konferencija na temu „Neprolazna vrednost i trajna aktuelnost Milanskog edikta - u susret Velikom jubileju 2013“, smatrao sam ovaj projekat od izuzetne važnosti za sve građane našeg regiona, napose za njihov miran saživot.

Danas, kada je u toku realizacija druge po redu Konferencije: **Milanski edikt (313 – 2013): Osnov za slobodu veroispovesti i uverenja**, koja će se održati od 02 do 05. maja ove godine u Novom Sadu, želim da naglasim da ovaj događaj suštinski unapređuje međusobni dijalog i poštovanje različitosti u regionu. Činjenica da je ovoga puta održavanje konferencije podignut na evropski nivo zvanica čije znanje, iskustvo i dostignuća mogu biti od ogromnog značaja za sve nas, kao i da je inovativnost pristupa koja se ogleda u integralnom dijalogu svih učesnika neophodnih za održanje mira u regionu rado podržavam napore vaše Asocijacije i ostalih suorganizatora na ovom putu. Osobito mi je drago da su nosioci ove konferencije važne institucije Istočne i Zapadne tradicije.

Sa dubokim poštovanjem!



Stanislav Hočevár
+ Stanislav Hočevár
beogradski nadbiskup

Archpriest Stavrophor Radovan Bigović



To a great man, great Christian

17 January 1956 - 31 May 2012

Professor Dr Radovan Bigović was born in Nikšić. He finished Theology in the Krka Monastery. He graduated at two faculties in Belgrade: Faculty of Orthodox Theology and Faculty of Philosophy (Department of Philosophy). He got his PhD at the first faculty in 1993. At the same faculty he was elected Assistant in 1986, Assistant Professor in 1993, Associate Professor in 2000 and Full Professor in 2010. In two mandates he was the Dean of that faculty. In the ministry his title was Archpriest Stravrofor. He was the Provost of St. Archangel Gabriel Monastery in Zemun.

He was a member of the Writers' Association of Serbia, editor of the philosophical and theological library of *Službeni glasnik* of the Republic of Serbia. In addition to his books he published around 100 studies, articles and essays in many magazines in the country and abroad. He was especially engaged with Church and social relations. Married, father of two children. One of the founders of Christian Cultural Centre and its President for many years. He received the *Golden Badge* of the Cultural and Educational Community of Serbia, *Golden pendant* of the Cultural and Educational Community of Belgrade and the *Plaque* for meritorious citizen of Zemun.

*Long-time friend and associate, we thank for his generous support,
thoughtfulness and enthusiasm which he had generously offered,
always emphasizing the importance of the civil society role in inter-religious dialogue*

Eternal Memorial

Deacon Nikola Raonić



3 October 1976 - 20 May 2012

Deacon Nikola Raonić was born in Vrbas. He finished elementary school in Bačko Dobro Polje, and Secondary Technical School in Vrbas. He finished the Institute within the Faculty of Theology in Belgrade, and later the Faculty of Orthodox Theology.

Brother Nikola was a catechist and an officer of Catechist Board of Diocese of Bačka. When Diocesan internet portal was founded he was its administrator and moderator. He worked at the Information Service of the Diocese of Bačka and was a valuable contributor to the *Beseda* Radio from the very beginning. On the red letter day of the Nativity of the Virgin, on 21 September in 2011, he was ordained Deacon, and on 18 December of the same year he became one of the brethren of Saint George in Novi Sad. Since then he worked hard as an officer of the Diocesan Board of the Diocese of Bačka.

Our brother Nikola was the embodiment of spiritual virtue and human joy in the Lord. He was always ready to help, and in difficult times and situations in life to encourage loved ones with smile, song and words of consolation.

*Thank you for your generous support and attention given to the organization
and for the work of our conference, it was of great help for us.*

Eternal Memorial

LIST OF PARTICIPANTS

PARTICIPANTS:

1. **His Grace Bishop Irinej of Bačka**, Serbian Orthodox Church
2. **His Eminence Metropolitan Emmanuel**, President of Conference of European Churches (CEC)
3. **Mr. Bogoljub Šijaković**, Representative of the Serbian Government
4. **Mr. Milorad Đurić**, Provincial Secretary for Culture and Public Informing of the AP of Vojvodina Government
5. **Dr Johann Marte**, President of PRO ORIENTE Foundation
6. **Mr. Boris Vukobrat**, President of the Peace and Crises Management Foundation
7. **Mrs. Mirjana Prljević**, Executive Director of the Swiss Peace and Crises Management Foundation; International Secretary General of the Association CIVIS
8. **Mag. Elizabeta Kitanović**, Executive Secretary for Human Rights and Communications of the Church and Society Commission at the Conference of European Churches (CEC)
9. **Professor Dr Darko Tanasković**, Faculty of Philology, University of Belgrade
10. **His Grace Andrej**, Bishop of Remesia, Serbian Orthodox Church
11. **Fr. Piotr Mazurkiewicz**, General Secretary of Commission of the Bishops' Conferences of the European Community
12. **H.E. Bishop Dr. Michael Bünker**, General Secretary of Community of Protestant Churches in Europe (CPCE)
13. **Mr. René Gutman**, Chief Rabbi of Strasbourg
14. **Prof. Mohammed Jamouchi**, Former Representative of the European Commission for the Muslim Council for Cooperation in Europe vis-a-vis the EU
15. **OKR'in Katrin Hatzinger**, Head of Brussels Office, Evangelical Church in Germany (EKD)
16. **Prof. Dr Klaus Martin Girardet**, University of Saarland, Germany
17. **H.E. Bishop Athenagoras of Sinope**
18. **H.E. Msgr. Stanislav Hočevár**, Archbishop of Belgrade and Metropolitan, Roman Catholic Church
19. **Rev. Rüdiger Noll**, Director of the Church and Society Commission of Conference of European Churches (CEC)
20. **Revd. Patrick Roger Schnabel**, Mtheol, Institute for Ecclesiastical Law, University of Potsdam
21. **Dr Mutlaq Rashid Al-Qarawi**, Asst. Undersecretary for Technical Coordination, Foreign Relations and Hajj, Ministry of Awqaf and Islamic Affairs, Kuwait
22. **Mr. John Kinahan**, Forum 18, Oslo, Norway
23. **Mr. Adem Zilkić**, Reis-ul-ulema of the Islamic Community of Serbia

PARTICIPANTS FOR THE DEBATES FOR THE SESSIONS:

24. **H.E. Orlando Antonini**, Apostolic Nuncio of the Holy See in Serbia
25. † **Professor Dr Radovan Bigović**, Director of Christian Cultural Center and Professor at the Faculty of Theology, University of Belgrade, Serbia

26. **Professor Dr Vojislav Stanovčić**, Academician, Secretary of the Department of Social Sciences, Serbian Academy of Sciences and Arts
27. **Mr. Isak Asijel, Rabbi**, Federation of Jewish Communities in Serbia
28. **Mrs. Anna Hyvärinen**, Finnish Ecumenical Council
29. **Dr. Michael Weninger**, Member of the Board of PRO ORIENTE Foundation
30. **Prof. Erich Leitenberger**, Press Spokesman of PRO ORIENTE
31. **H.E. Bishop Aleksandr Isejin**, Russian Orthodox Church in Azerbaijan
32. **P. Milan Žust S.J.**, Pontifical Council for Promoting Christian Unity
33. **Mrs. Jelena Jablanov Maksimović**, Konrad Adenauer Foundation

GUESTS:

34. **H.E. Mr. Erwin Helmut Hofer**, Ambassador of the Swiss Confederation in Belgrade
35. **H.E. François-Xavier Deniau**, Ambassador of the Republic of France in Belgrade
36. **H.E. Mr. Clemens Koja**, Ambassador of the Republic of Austria in Belgrade
37. **H.E. Mr. Alberto Di Luca**, Ambassador of the Embassy of the Sovereign Military Order of Malta in Belgrade
38. **Mr. Alexander Nikolaevic Konanykhin**, Counsellor (Head of Cultural Section), Embassy of the Russian Federation in Belgrade
39. **Mr. Bozzo Ferdinando**, First Counsellor, Embassy of the Sovereign Military Order of Malta in Belgrade
40. **Mr. Branko Sačar**, Advisor, Embassy of the Sovereign Military Order of Malta in Belgrade
41. **Prof. Dr Ljubiša Adamović**, European Center for Peace and Development, Belgrade
42. **Prof. Dr Yves-Rastimir Nedeljković**, European Center for Peace and Development, Belgrade
43. **Mr. Dragan Milošević**, President of the Committee for the Construction of Constantine the Great Complex
44. **Mag. Srboľjub Ubiparipović**, Faculty of Orthodox Theology, Belgrade
45. **Mag. Vladan Tatalović**, Faculty of Orthodox Theology, Belgrade
46. **Doc. Dr Bogdan Lubardić**, Faculty of Orthodox Theology, Belgrade
47. **Mr. Branko Simonović**, Archdiocese of Belgrade, Roman Catholic Church
48. **H.E.Mr. Ištvan Čete Semesi**, Bishop of Reformativ Christian Church in Serbia
49. **Dr Marko Nikolić**, Researcher, Institute of International Politics and Economics (IIPE)

ORGANIZERS AND ASSOCIATES:

50. **Mrs. Bojana Mazarak Popović**, Secretary General, Association CIVIS
51. **Mrs. Marina Đurović**, Project Coordinator, Association CIVIS
52. **† Deacon Nikola Raonić**, Diocese of Bačka, Serbian Orthodox Church
53. **Deacon Goran**, Diocese of Bačka, Serbian Orthodox Church
54. **Deacon Vladan**, Diocese of Bačka, Serbian Orthodox Church
55. **Mr. Danilo Mihajlović**, Diocese of Bačka, Serbian Orthodox Church, Teacher of Religion
56. **Mrs. Dragana Mašić**, Diocese of Bačka, Serbian Orthodox Church, Teacher of Religion

**The Edict of Milan (313-2013):
A Basis for Freedom of Religion or Belief?
Novi Sad, Serbia: 2-5 May 2012**

AGENDA

Wednesday 2 May	17:00	Arrival of participants to Novi Sad, Hotel CENTAR, Uspenska str. No.1
	18:30	WELCOMING COCKTAIL
	09:00	REGISTRATION OF PARTICIPANTS
Thursday - 3 May	09:30	OPENING OF THE CONFERENCE FREEDOM OF RELIGION OR BELIEF IN THE EDICT OF MILAN (313-2013) Moderator: Ms. Mirjana Prljević, International Secretary General of CIVIS Opening address of organizers and the hosts: <ul style="list-style-type: none"> » <i>His Grace Bishop Irinej of Bačka, Serbian Orthodox Church</i> » <i>His Holiness Serbian Patriarch, Mr. Irinej (message)</i> » <i>His Eminence Metropolitan Emmanuel, President of CEC</i> » <i>H.E. Bishop Aleksandr Isejin, Russian Orthodox Church in Azerbaijan</i> » <i>Mr. Bogoljub Šijaković, Representative of the Serbian Government</i> » <i>Mr. Milorad Đurić, Provincial Secretary for Culture and Public Informing of the AP of Vojvodina Government</i> » <i>Dr Johann Marte, President of PRO ORIENTE Foundation</i> » <i>Mr. Boris Vukobrat, President of Peace and Crises Management Foundation</i>
	11:00	Coffee break
	11:30	MORNING SESSION, I part FREEDOM OF RELIGION OR BELIEF IN THE EDICT OF MILAN FROM THE THEOLOGICAL PERSPECTIVE Moderator: Prof. Dr. Darko Tanasković <ul style="list-style-type: none"> » <i>Orthodox – His Grace Andrej, Bishop of Remesia, Serbian Orthodox Church</i> » <i>Catholic – Fr. Piotr Mazurkiewicz, General Secretary of COMECE/CCEE</i> » <i>Protestant – H.E. Bishop Dr. Michael Bünker, General Secretary of CPCE</i> » <i>Jewish – Mr. René Gutman, Chief Rabbi of Strasbourg</i> » <i>Islamic – Prof. Mohammed Jamouchi, Former Representative of the European Commission for the Muslim Council for Cooperation in Europe vis-a-vis the EU</i>
	13:30	Lunch, hotel CENTAR
	16:30	AFTERNOON SESSION Working groups – Reports/Summary of moderation Differences and similarities
	18:00	Promenade in Novi Sad, Visit of the St. Paraskeva Church and Dinner at the Petrovaradin Castle, Hotel Leopold

Friday - 4 may	09:00	MORNING SESSION, I part INSTITUTIONAL CONSEQUENCES OF THE CHURCH-STATE RELATIONS (313-2013) Moderator: OKR'in Katrin Hatzinger, Head of Brussels Office, EKD <ul style="list-style-type: none"> » <i>Libertas Religionis for Everybody. The Religio-Political Principle of Constantine the Great and its Consequences</i> – Prof. Dr Klaus Martin Girardet, University of Saarland, Germany » <i>Legal Interpretation of the Edict of Milan</i> – Revd. Patrick Roger Schnabel, Mtheol, Institute for Ecclesiastical Law, University of Potsdam » <i>Vatican</i> – H.E. Msgr. Stanislav Hočevár, Archbishop of Belgrade and Metropolitan, RCC
	10:30	Coffee break
	11:00	MORNING SESSION, II (continuation) Moderator: Mag. Elizabeta Kitanović <ul style="list-style-type: none"> » <i>Cooperation between Church and State, Germany</i> – OKR'in Katrin Hatzinger, Head of Brussels Office, EKD » <i>Cooperation between the Churches and EU Institutions</i> - Rev. Rüdiger Noll, Director of the Church and Society Commission of CEC » <i>Church - State relations in Belgium, Testimony of Orthodox Cristian</i> - H.E. Bishop Athenagoras of Sinope » <i>Moderation in Islam</i> – Dr Mutlaq Rashid Al-Qarawi, Asst. Undersecretary for Technical Coordination, Foreign Relations and Hajj, Ministry of Awqaf and Islamic Affairs, Kuwait
	13:00	Joint visit to Kovilj Monastery and lunch (provided transportation)
	19:00	Return to Novi Sad and dinner in tourist resort Ribarsko Ostrvo (Fishermen Island), address Ribarsko Ostrvo 4 (provided transportation)
Saturday - 5 may	09:00	MORNING SESSION, I part THE PRESENT CHALLENGES FOR THE FREEDOM OF RELIGION OR BELIEF Moderator: Moderator: Rev. Rudiger Noll <ul style="list-style-type: none"> » <i>Christian aspect</i> - Mr. John Kinahan, Forum 18 » <i>Islamophobia</i> - Mr. Adem Zilkić, Reis –ul-ulema of the Islamic Community of Serbia » <i>Secularism</i> - Prof. Dr Bogoljub Šijaković, Faculty of Orthodox Theology, University of Belgrade
	10:30	Coffee break
	11:00	MORNING SESSION, II (continuation) General Discussion with Conclusions based on the summaries of moderations Moderator: Mrs. Mirjana Prljević, Association CIVIS <ul style="list-style-type: none"> » Prof. Dr Darko Tanasković » Rev. Rudiger Noll » OKR'in Katrin Hatzinger » Mag. Elizabeta Kitanović
	12:30	DEPARTURE OF THE PARTICIPANTS

THE LIST OF PARTICIPANTS FOR THE DEBATES FOR THE SESSIONS

1. **H.E. Orlando Antonini**, Apostolic Nuncio of the Holy See in Serbia
2. **Prof. Dr Radovan Bigović**, Director of Christian Cultural Center and Professor at the Faculty of Theology, University of Belgrade, Serbia
3. **Prof. Dr Vojislav Stanovčić**, Academician, Secretary of the Department of Social Sciences, Serbian Academy of Sciences and Arts
4. **Mr. Isak Asijel, Rabbi**, Federation of Jewish Communities in Serbia
5. **Ms. Anna Hyvärinen**, Finnish Ecumenical Council, Finland
6. **Dr. Michael Weninger**, Member of the Board of PRO ORIENTE Foundation, Vienna, Austria
7. **Prof. Erich Leitenberger**, Press Spokesman of PRO ORIENTE, Vienna, Austria
8. **P. Milan Žust S.J**, Pontifical Council for Promoting Christian Unity
9. **Mrs. Jelena Jablanov Maksimović**, Konrad Adenauer Foundation, Belgrade, Serbia
10. **H.E. Mr. Alberto Di Luca**, Ambassador of the Embassy of the Sovereign Military Order of Malta in Belgrade
11. **Mr. Bozzo Ferdinando**, First Counsellor, Embassy of the Sovereign Military Order of Malta in Belgrade
12. **Mr. Branko Sačer**, Advisor, Embassy of the Sovereign Military Order of Malta in Belgrade

Working languages of the Conference are Serbian and English.



ANNEX

ROADS OF ROMAN EMPERORS

Roads of Roman Emperors

With a desire to ennoble the second book of our three-year project *Everlasting Value and Permanent Actuality of the Edict of Milan – On the Way to the Great Jubilee in 2013*, we decided to present an Essay on Roman Emperors from our region.

The essay writes about eighteen Roman Emperors who were born in this region, seventeen of which were born in the area of today's Serbia, who left an indelible mark in the history of the Roman Empire. Among them, the most important is Constantine the Great as the most significant religious reformer of that age.

The aspect which we wanted to emphasize is their relation to civil society and the citizens of that time, as well as their manner of solving the issues concerning the religious freedoms.



Maximinus Thrax (Gaius Julius Verus Maximinus Augustus) 235-238

Maximinus Trax was the first Roman Emperor from the Balkans. He was born around 180 in a village in Thrace (today's Bulgaria or European area of Turkey) or at Danube, during the reign of Marcus Aurelius. According to the legend, Maximinus Trax was noticed by the Emperor Septimius Severus, when he defeated 16 legionnaires during a wrestling competition and was faster than a horse during a race. After that,

Trax got a golden necklace as a gift from the Emperor and the opportunity to become a member of the Royal Horseguards. That's what legend says. He was adorned by immense strength, height and speed. He also stood out with courage and cruelty in battles.

First he became a centurion, than a Tribune of the legion, and later, during the reign of the Emperor Alexander Sever, he became a Provincial administrator. In March 235, during the rebellion in a military camp on the Rhine River due to the hesitation of the young Emperor Alexander Sever to attack the German rebels, Maximin Trax killed the Emperor and his mother Julia Mamea (the real ruler of Rome) in their tent and became the new Emperor. That was unheard of in the entire history of Rome, that one half-barbarian who speaks bad Latin became the Emperor. However, Maximinus Trax did not pay any attention to the Senate which was still formally confirming the selection of a new Emperor, but continued to participate in the battle against German Alamanni.

The Roman historians of that era had no sympathy for the barbarian Emperor of low origin. They describe his rule as an era of raw terror and robbery, the era that witnessed the introduction of new taxes and efforts to financially satisfy the army at the expense of all other citizens of the Empire. However, the historians noted numerous Maximinus's successes in battles. He proclaimed his son Maximus for Caesar and his deceased wife for Goddess (which was common at that time). Christian writers accuse him of cruel persecution.

For the first time in history, a document was preserved by which a Roman Emperor has prescribed a General Law against the Christians. The goal of this



proclamation was to remove the Church leaders. However, the historians disagree with the assessment and the claim that Maximinus's reasons were political, not religious. Interestingly, at that time, the Christians were accused of being responsible for all the disasters, with a cheering: "Throw Christians to the lions! Throw them all to the lions!"

Maximinus's disregard of higher classes and the situation in the Empire represented an apparent lack of any kind of diplomatic talent, which resulted in several conspiracies against him, whereas the conspiracy that took place in 235, during the months-long siege of Aquileia on the Adriatic coast, cost him his life. Namely, one day, in Maximinus tent, a group of Praetorians intruded and killed him, together with his son and his associates. Their heads were sent to Rome, to the Senate as a gift. It was written that Emperor's death caused general happiness – with the exception of legions from Thrace that served in the Roman army, which mourned their compatriot and countryman, claiming that they will revenge him eventually.²



Trajan Decius (Gaius Messius Quintus Decius Augustus) 249-251

Trajan Decius was born in Budalija village (today's Martinci) near Sirmium (Sremska Mitrovica). He had a brilliant military career and he was raised to the throne by the army after he defeated Emperor Philip the Arab, in the battle near the city of Verona. Although he was a successful general, he did not have much luck against the Barbarians. Trajan was the first Roman Emperor who was killed in a battle he fought against the Goths.⁸

He is remembered as a great persecutor of Christians.

After he was proclaimed the Emperor and one of two consuls, at the ceremony, Decius swore that he will restore former amenities and religion of the progenitors in Rome. In that respect, he took the name of Emperor Trajan, who ruled a century and a half earlier, and who already has been remembered as one of the most important Roman rulers. At the beginning of his reign, he started extensive works in Rome, such as the construction of public baths, roads etc.⁴ Decius considered a moral and psychological restoration of Rome, as a pagan state, to be crucial. Accordingly, he was awarded the title "restorer of cults". In the year 250, he delivered a special imperial edict which ordered that all Roman citizens, with no exception, have to take part in the rituals to commemorate the "divine" Roman Emperors and their local cults. Special commissions were formed whose task was to supervise the immolation and to issue certificates (libellous) to all who performed immolation, which guaranteed the implementation of their civic duties.

He was known for massive persecution of Christians, and he justified this persecution by the rejection of the Christian people to participate in these ceremonies. The best known martyrs of Decian's oppression were Seven youths of Ephesus, Saint Agata Sicilian, Saint Tryphon, Bishop of Rome the Holy Fabian, Antioch Holy Vavila and Bishop of Jerusalem the Saint Alexander.

He died during a fierce battle for today's Dobrogea in Romania that took place on July 251, after he fell into a trap from which he couldn't save himself.





Hostilian

(Gaius Valens Hostilianus Messius Quintus Augustus) 251

Gaius Valens Hostilianus Messius Quintus was born in the family of the future Emperor Decius Trajan in Sirmium in lower Pannonia, in today's Serbia. The precise time of his birth is unknown, but it is assumed that it was after 230. His mother's name was Herennia Cupressenia Etruscilla. Hostilian was the younger brother of Emperor Herennius Etruscus. In November 251, he died from plague.⁸

When his father came to the throne, Hostilian was respected as a Caesar, but was constantly in the shadow of his older brother Herennius, who was treated as a successor of the throne. At the beginning of 251, Decius set his son Herennius for co-Emperor and Hostilian got the title of *Princeps Iuventutis*, the leader of youth.

During the war against the gothic king Hiva, who marauded the Roman Empire, Herennius and Decius Trajan lost their lives in the battle of Abrittus. The army stationed at the Danube River wanted Trebonianus Gaul to be appointed an Emperor, but the Rome admitted Hostilian's right to the title of the Emperor. Since Trebonianus Gaul was a successful General, the fear of new civil war started to spread. Trebonianus Gaul adopted (affiliated) Hostilian in order to prevent the conflict. The natural son of Trebonianus Gaul, Volusianus had to be satisfied with the title of *Princeps Iuventutis*.²

Hostilian was in Viminacium with his entourage when he caught plague. He died from plague the same year. He was the first Emperor during the period of forty years who had died from natural causes. Trebonianus Gaul became the new Emperor and he ruled together with his son Volusianus.





Claudius II Gothicus (Marcus Aurelius Valerius Claudius Augustus) 268- 270

Claudius Gothicus or Marcus Aurelius Valerius Claudius Gothicus (born on 10 May 213 or 214, died in January 270), known under the name Claudius II, reigned the Roman Empire less than two years (from 268 to 270), but during this short period was a successful and beloved Emperor.

The career of Claudius started in the era of Emperor Decius. He started as an ordinary soldier, and later progressed to the position of military Tribune and the Commander of legions in Illirya. He is remembered as a significant ruler because he invested great efforts to finally calm down the tempest that was raging over the Empire, which was slowly emerging from the deepest crisis it was ever faced with. This Emperor was the founder of the later ruling dynasty, which was established by father of Constantine the Great, Constantius Chlorus. It is believed that this relationship could come from the fact that Claudius Gothicus was Thracian, born in Upper Moesia – Dardania (area between today's Niš, Lipjan and Skopje). It is not excluded that he comes from Niš (Naissus) itself, the city where Constantine the Great was born.²

With diplomatic and military efforts he managed to stop further tearing of the Empire and started to gradually return the separated Roman provinces under the jurisdiction of a single state, especially the parts of Gaul and Syria – the work which will be finished by his successor – Aurelian. After taking over the authority, Claudius *Gothicus* attacked the Germans who have crossed the Alps and started to descend to the Italian valleys. After he defeated them, he earned the title of *Germanikus Maximus*. The title Gothicus he received after his victory against the Goths. Claudius *Gothicus* died of plague in 270 in Sirmium.

He was remembered for ordering the killing of a Christian monk Valentine, who was killed by decapitation. Today known as Saint Valentine, he is celebrated in the Catholic Church as St. Valentine, the day of all the lovers, whereas the Orthodox Church does not connect his name to the celebration of people who are in love, even though his day is celebrated on 30 June.⁸





Aurelian (Lucius Domitius Aurelianus Augustus) 270-275

Lucius Domitius Aurelianus was born in September 214 at a small farm near Sirmium, in lower Pannonia, on the territory of today's Serbia. His father was a peasant, smallholder of a prominent landed gentleman, and his mother was a priestess of a God Sole cult (Sun God). During the reign of Claudius Gothicus, Aurelian became a cavalry leader. He ruled less than five years, but he managed to restore the Empire. He managed to do so because he waged at least one war every year, from which he would come out as a winner. After he regained the Eastern territories (took over the Palmira), he moved with army to the West, to Gaul territories. He defeated the Gauls, and since he managed to unify the Roman Empire, he named himself the "Restitutor of the Roman Empire" (*Restitutor Orbis Romani*).²

Aurelian had a role of a forerunner of the later Roman Emperors-reformers, Diocletian and Constantine. After victories in the East and in the West, he implemented numerous reforms. From the reform of Roman border defence, monetary and religious reforms to administrative reforms.

When it comes to religion, he tried to renew and gather all Roman deities around a new cult, called Sol Invictus – Invincible Sun. For this purpose, he built a new temple in Rome dedicated to this deity, which Roman soldiers celebrated in the form of Eastern (Persian) God – Mithra. There were new priests too, who celebrated the birthday of this God on 25 December. Many scientists indicate the similarities in mythology, liturgy and iconography of Mithraism and Christianity, but it is not known what kind of relation exists between those two religions.⁷ Nevertheless, Aurelian tried to renew the confidence into Emperor's money. Namely, during the decade before Aurelian, Roman money (*Antonianus*) was drastically devalued due to destitution of Empire's treasury, which has resulted in constant reduction of content of silver which was used in mintage process.⁵ Aurelian started to change the character and the organization of the authority. He divided Italy into areas which were ruled by special governors (Corrector). When it comes to the army, he strengthened the discipline and continued the reform of the army by introducing cavalry as mobile units, and by increasing the number of Barbarians who were fighting within the Roman legions.²

In 275, after a new victory over the Barbarians, on a great campaign to Persia, Aurelian died in a camp in Thrace, by hand of his own officers – he was killed by his personal guards – Praetorians. According to the legend, he was murdered because of his secretary Eros, who made several mistakes and feared the anger of his Emperor, and thus came up with a solution for his problem: he made the list of the highest Roman officers who Emperor intended to kill – so Eros distributed the list to those soldiers. The army quickly realized that the murder was a mistake, so in apotheosis the Emperor was proclaimed a “divinity” and raised among the Gods of Roman Pantheon.





Probus (Marcus Aurelius Probus) 276-282

Born in 232, Probus was the first Roman Emperor said to be born in Sirmium. He was decorated in the army and progressed to high command positions. He became the Emperor after a sudden death of Tacitus, who ruled shortly after Aurelian.⁸

The first recorded act of Probus as an Emperor was punishing the survived killers of his countryman and fellow in battles – Aurelian. After that, he moved to battles. He fought against the Alamanni, Franks and Longions for a year, which he chased over the Rhine River, compelling them to waive their prisoners and everything they previously robbed. Then he defeated the Burgundians and mobilized the arrested soldiers into the Roman army so as to strengthen the troops in Britain. After that, he defeated the Vandals as well. As a reward for the three years long warfare and success in battles, Probus took the titles *Germanicus Maximus* and *Gothicus Maximus*. He minted money with title *Restitutor Illirici* – Restitutor of Illirya. In the next stage, he moved to Asia Minor, where he defeated the groups of bandits, outlaws from the Roman rule. Then, in Egypt, after the suppression of revolt, he started building canals, bridges and draining the swamps. Obviously, Probus was the successor of the Aurelian's work. Besides that, he devoted great attention to land arrangement and the spreading dibble of grapevines in Europe – from Gaul to Pannonia. He continued and finished the construction of Aurelian's walls around Rome. During his reign, for the first time, grapevines were dibbled outside of Italy – on the Glavica hill, on Fruška Gora, where today they are still one of the most important vineyards in Serbia. He started growing grapes in Smederevo too, on Zlatno brdo, where a domestic sort of grape-Smederevka was first grown.⁷ Until then, viticulture was an exclusive right of the Southern, Mediterranean parts of Empire.

In 282, Probus gathered an army in Pannonia, in Sirmium, because he was on his way to fight against Persia. However, he was murdered. There are two assumptions about his death. First assumption says that he was killed in an army rebellion after the Emperor ordered the soldiers to work hard on swamp draining, i.e. to dig canals during hot summer days. Soldiers, irritated, killed him by closing him into an iron tower. The murders repented and buried him with all honours. The soldiers built a monument with a sign: *Probus was a good fellow, conqueror of all barbarian people and tyrants*. The second theory claims that the murder happened as a consequence of a new rebellion of the legions in the West, in Norik to be more precise, after which the legions appointed Carus as their new commandant.





Maximianus Herculus (Marcus Aurelius Valerius Maximianus Herculus Augustus) 285-305, 310

Maximianus Herculus was another Emperor born in the area of Sirmium. Unlike its predecessors who ruled for only a few years, Herculus was on a throne for full 20 years. He withdrew from the throne in 305 and left a palace *Felix Romuliana* near Zaječar as witness of his reign.⁸

He was born around the year 250. He acquired military experience under the leadership of former Emperors Aurelian and Probus. Otherwise, he reigned during the period of Tetrarchy (Age of Four Emperors). The tetrarchy was established in 293, which meant that two co-Emperors had one assistant each (Caesars). Maximianus chose Constantius Chlorus for Caesar and they reigned the East of Empire, whereas Diocletian chose Galerius, and they reigned the West, along the Danube. Period of tetrarchy was established by Diocletian, who picked Maximianus for a co-Emperor, because he knew him well, since they were in the army together where they shared the good and the bad. Maximianus proved to be a successful general during his reign. Only a year after he came to the throne, he crushed an insurrection of Gaulic peasants, and during the following years he fought against the Barbarians along the Rhine River. After the promulgation of tetrarchy, he withdrew to his luxurious palace and led a quiet life. And after abdication in 305, Maximianus withdrew to his palace in Sicilia or in Lucania, where he stayed for several years as "Senior Augustus" and enjoyed state privileges, but not the right to rule. Although he was very loyal to Diocletian during the reign, Maximianus actively participated in the dispersal of Diocletian's tetrarchy idea as a regulated system of dedication of power and inheritance. Reign and power were very attractive to him. In the 306, he tried to take over the reign once again, after Praetorians and the Senate appointed his son Maxentius for an Augustus. Maximianus declared himself for the Augustus in 307, and defeated Severus II who was sent by Galerius.⁶ Since he wanted to strengthen his position, he married his daughter Fausta to Caesar Constantine (the son of Constantius Chlorus), who reigned in the Gaulic area and on the River Rhine. After that, Maximianus entered into a conflict with his son Maxentius, from whom he tried to take over the reign in Italy, and after that attempt failed, he escaped to his son-in-law and his daughter in the Gaul. In 308, he held a historic gathering in Curnuntum attended by Diocletian, Maximianus and Galerius. Diocletian managed to convince Maximianus to give up power. However, in summer 310, Maximianus again tried to come to reign because



he decided to oust his son-in-law. Constantine managed to stop Maximianus, who was captured while escaping to today's Marseilles, where he died. It was assumed that Constantine killed him or forced him to commit suicide.²

He ordered for Saint Demetreus to be murdered. After the death of his father, Saint Demetreus inherited the title of Duke, and since he was educated in the spirit of Christianity, he preached Christianity, instead of fighting against the Christianity in accordance with the orders of the Emperor Maximianus. After becoming aware that his lieutenant (deputy) Demetreus was Christian, and that he introduced many people to Christianity instead of diverting them, the Emperor ordered Demetreus to be incarcerated and stabbed with lances while he was praying.⁷



Constantius I Chlorus (Marcus Flavius Valerius Constantius Herculi Augustus) 293-306

Gaius Flavius Valerius Constantius was the Emperor of the Western Roman Empire. He is a father of Constantine the Great and the founder of a dynasty that ruled the Empire until 363. He was born in Dardania which extended from Knjaževac to Veles. The Dardanians are the old Balkans people for whom it is believed that they were the founders of Troy and their allies. Also, it is believed that they were very brutal and good warriors. Their power was at its peak during the III-II century B.C. With his first wife Helena, he had a son Constantine. He divorced her 10 years later so as to become related to Emperor Maximianus, so he married the Emperor's adopted daughter Teodora. This marriage enabled him to advance more easily and to access the highest positions in the Empire. After several years, he was formally adopted by Maximianus.

He started his military career as a Protector (Personal Elite Imperial Guard), then he became a military Tribune, and ten years later he was set for a Governor of Dalmatia Province. In the Diocletian tetrarchy, the best, most capable officers were chosen for Caesars, who could lead legions to border areas instead of Augustus. In 305, Constantius became Augustus instead of Maximianus. However, compared to older Galerius, he controlled a much smaller territory. Besides that, Galerius could influence the appointment of new Caesars, and on the court he was in charge of the security of Constantius's son.

Constantius got sick in 306, after the victory over the Picts who have crossed Hadrian's walls and entered the Roman territory in Britain, and soon after that he died in Eboracum. He was one of the few Roman's Emperors who died of natural causes. Chroniclers contrast his alleged humanity and gentleness to the brutality and primitiveness of other members of tetrarchy, like Galerius and others.⁷

The Christian sources say that he avoided the implementation of Diocletian's edicts concerning the persecution of Christians (from 313 and on), and he satisfied himself with a demolition of several churches. There are some quotes that Constantius had sympathy towards the Christians, but there is a possibility that this claim came as a consequence of tendency to additionally glorify the family of the first Christian Roman Emperor.²





Galerius (Gaius Galerius Valerius Maximianus Augustus) 293-311

He was born in area of today's Gamzigrad, the place where *Felix Romuliana*, the city which was raised by Galerius, was located. The place where he was born was at the time the territory of Dacia, which approximately included today's Romania and Vojvodina. Dacia represented a danger for the Romans because they, unlike other barbarian tribes, were pretty united.⁸

This became especially dangerous during the I century, when king Decebal unified all Dacian tribes and created a powerful state. Because of the invasion to Dacia, Emperor Trajan built a bridge across the Danube River (Trajan's bridge). Dacia was conquered after hard battles, but two centuries later, due to constant intrusions of the Barbarians, the Romans withdrew from Dacia because the natural border on Danube was much easier to defend. To prevent the Barbarians from crossing the Danube, the Romans had demolished the Trajan's bridge. Galerius moved up in the army during the reign of Aurelius, Probus and Diocletian who adopted him in 293 as his son and married him to his daughter Valeria. Galerius's daughter from his first marriage was married to Maxentius.

During his reign, he was stationed on Danube, in Sirmium. He built palaces, triumph arches, termes in the regions under his rule, and he had palaces in Serdica (today's Sofia) and in Saloniki (today's Thessaloniki). In Pannonia he cleared the woods, ordered for the Pelpon Lake (Lake Balaton) to be drained and had one part of Pannonia's province named after his wife Valeria. Around 298 he started to build Felix Romuliana. He had an idea to build a palace as well, which was to be built to look like the Diocletian's palace in Split. The purpose of both palaces was to enable the rulers to enjoy their later years and to become their burial sites and permanent pilgrimage – mausoleum after their death. The palace was built in honour of Galerius's mother Romula, who died in 305, when the construction of the palace was started. To construction gathered masons, builders, artists and skilled craftsmen from all over the Empire.²

In honour of twenty years anniversary of his rule, he wanted to make a big celebration and to withdraw from the place of Augustus. However, he died from cancer, two years before the anniversary. Before his death, he declared his son Candidianus for a Caesar.⁷





Maximinus II Daia **(Gaius Valerius Galerius Maximinus Daia** **Augustus) 305-313**

Maximinus II Daia or Gaius Valerius Galerius Maximinus (born in November 270, died in summer 313) was a Roman Emperor, known under his nickname Daia, which he took in his childhood. He was born in the East of today's Serbia (Šarkamen near Negotin), in the East section of the province Upper Moesia. In his birthplace, he built a palace and that is one of only four Emperor's palaces built outside of Rome. Archaeologists think that he wanted to make this unfinished palace his own mausoleum.⁸

He was a nephew of Galerius, who transformed him from a simple country boy to a legionnaire, then an officer, tribune and Caesar – third man in the Empire. His mother was a priestess of mountain's deities, so he was against other religions. Although of humble origin and education, he was an admirer of wise and educated people. Since he wanted to strengthen his relation to Augustus, he married his daughter to the son of Galerius, Candidianus, who was juvenile at that time.

He reigned in the East (Syria and Egypt), where he stood out by the implementation of orders concerning the persecution of Christians. He ignored the Edict of tolerance which Galerius declared before his death, so Maximinus continued with persecution of the Christians. Lactantius, Christian writer, said that Maximinus, in order to look merciful, had forbid the killing of God's servants (Christians), and ordered to mutilate them. Therefore, they removed the eyes to confessors, cut off their arms or legs, cut off their noses and ears. Maximinus's palace was a home to the members of Galerius family: Galerius son, his wife, and the son of the Emperor Sever II. Daia, in order to strengthen his position, wanted to marry his aunt Valeria, because she was Diocletian's daughter. Since Valeria rejected him, he killed her escort and banished Augusta and her mother into the Syrian Desert.²

In 313, in the fight for supremacy, Daya attacked Licinius whose army was merely a half of Daya's army, but fortune was on Licinius side and Licinius won. Daia escapes across the mountain Taura where he ended his life.

Among famous victims of Daia's persecution are divine Peter Alexandrian and Presbyter Lucian Antiochian.⁷





Flavius Severus (Flavius Valerius Severus Augustus) 305-307

Flavius Valerius Severus was an Emperor of the Western Roman Empire. It is believed that he was born somewhere in area of Naissus. He was of humble origin, from Illyria. During his early career, he commanded the army. When Diocletian and Maximianus Herculus withdrew from the throne in 305, they were inherited by Flavius Severus and Maximinus Daia. Both Caesars were Galerius protégé.

So Constantius I and Severus reigned in the West, while Galerius and Daia reigned in the East.⁸

He served as a soldier in some of the Balkans provinces before his friend Galerius asked Maximianus to name him for Caesar, actually co-Emperor of the West part of the Roman Empire. Therefore, in 305, he became a junior co-Emperor of Constantius Chlorus in the West. After the death of Constantius I in 306, Galerius appointed Severus for Augustus to replace the previous Augustus. However, in October of the same year, Maxentius, son of Maximianus Herculus, declared himself the Emperor of Rome.

When Galerius heard that, he sent Severus to deal with Maxentius. Maxentius offered his father a purple cloak in exchange of leading the army and ensuring a victory against Severus. Meanwhile, Severus took siege of Rome. Cleverly, Maxentius bribed Severus's soldiers who passed over to Maxentius side at the agreed time. Severus managed to escape to Ravenna with a number of soldiers, where Maximianus caught him up, offered to guarantee him security and persuaded him to surrender. Severus was brought to Rome and put in house arrest in Tres Tabernae. He was executed under unexplained circumstances, during the period when Galerius attacked Italy.¹¹





Constantine I the Great (Flavius Valerius Aurelius Constantinus Augustus) 306-337

The greatest of all Roman's Emperors who were born on the territory of Serbia. There is only one record about the birthplace of Emperor Constantine which says that he was born in Naissus (today's Niš).⁸ He reigned for about thirty years which only rare predecessor managed to do. He was born around the year 280 in the family of a future Emperor Constantius Chlorus (who was merely an officer at that time) and mother Helena, woman of humble origin, whom is believed to have been a daughter of a tavern owner and who gave birth to Constantine, but who was never officially married for Chlorus. Namely, because Chlorus married Teodora, adopted daughter of Maximianus, he had to leave Constantine's mother Helena.

As a boy, Constantine lived in the court of Diocletian. There he received his education and followed the Emperor to all travels, and therefore he learned the skills of ruling directly from the ruler. His father died in 306 and the legionnaires declared Constantine for the ruler successor. For the next 18 years, Constantine gradually managed to become a single ruler of the Empire, using craftiness and force. Of course, the most important event that relates to the ruling of Constantine is the adoption of the famous proclamation – *Edict of Milan* for tolerance of all religions, which gave the rights to the Christian Church which were equal to the rights of other religions of that era – Christian Church became accepted as an equal to other religions. In 323, Constantine became a single ruler of the Empire, and in the next year he started the construction of a new capital – Constantinopolis, to take advantage of a period of peace. In 325 he convened the First Ecumenical Council, modelled on the Empire, to unite all the Christians in quarrel. During the period to follow, habits and behaviour of the Emperor started to take oriental style of ruling. The Emperor acted like he is not “from this world”, like he was elected by the havens and like he was above the mortals.

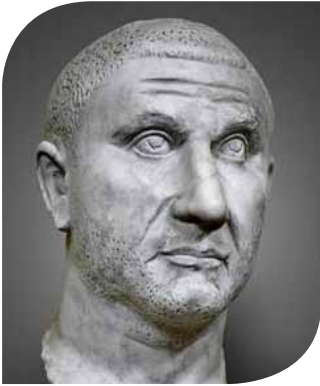
Christian's Bishops helps him in this, whereas some of them were Emperor's biographers.

To first Christian Emperor is, with reason, attributed with immeasurable merits for reforms – administrative,



financial, military – by means of which he managed, together with the Emperor Diocletian, to pull out the Roman Empire from the famous III century crisis, the biggest economic crisis recognised by the history.¹ Controversy related to his life is related to his decision to execute his own son in 326, because he believed that his son participated in a conspiracy. Namely, because of certain gossips that circled saying that his son Crisp and his nephew Litinian are conspiring against him, he arrested them and sent them to Pula, where they were, allegedly, trialled and executed. The reason for such an act was the fact that the Emperor caught his wife Fusta and his son Crisp in flagranti, in fact, Crisp was trying to ravish Fausta. Soon as he executed his son, the empress Fausta was found dead in her bathroom, and it was assumed that the Emperor ordered her murder.²

By the end of his life, Constantine ordered for a Church dedicated to Saint Apostles to be built on the highest hill in Constantinopolis. He had an idea to find all the relics of all 12 apostles, which would be carried over in that Church. He died in 64 and was buried in the same year.⁷



Licinius (Gaius Valerius Licinianus Licinius Augustus) 307-324

Licinius was born around the year 265 in the area of today's East Serbia. As a countryman of Galerius, he was one of main commandants. After several major victories, he became the governor of Danube's provinces, and he was mentioned as one of Galerius representatives in the negotiations that took place in Rome with usurper Maxentius – Galerius's brother-in-law. He was the last tetrarch.⁸

After the consultations in Karnuntum, during the general turmoil for power between six pretenders, Galerius decided to, with Diocletian's support, declare his countryman and a friend from the army, Licinius, an Augustus.³ It is interesting that he was not a Caesar before that. He administrated over the territory of Pannonia and Sirmium. Theoretically, he was also in charge of Africa, Spain and Italy, but Constantine governed these territories. In 313 Licinius married Constantine's sister Constantia and celebrates a victory against Maximinus Daia in the same year. He craved for power, and was relentless, cruel and shifty when it came to power.

He was a signer of the *Edict of Milan*, together with Constantine. To secure support of the Christian Church, he claimed that his ancestor was Emperor Philip, who, allegedly, favoured the Christians, and not Claudius Gothicus, as Constantine considered. However, in 320 Licinius decided to change his approach to the Christians, so he refused to accept Constantine's policy of bringing the Church and the State closer together. Licinius started to clean the State services from Christian people and prohibited Christian's gatherings. During the joint reign with Constantine, a couple of times relations were strained and resulted in battles from which Constantine came out as a winner, although the army of Licinius had outnumbered Constantine's army. For the last time, defeated Licinius was captured in Nicomedia and held captive in Thessaloniki, where he was executed in 325. Constantine had no mercy for Licinus progeny. Thus, Constantine stayed the one and the only ruler.²

There is a legend that connects Licinius to the Serbian history. In old Serbian chronicles, Licinius is mentioned as a "Serb" and the ancestor of the ruling dynasty of Nemanjić. It is not known why Licinius was selected as an ancestor of



Nemanjić dynasty. According to one theory, he comes from the tribe of Tribals, and according to another theory, from the tribe of Sarmats, which are related with Slavs. Byzantines called the Serbs “Tribals” because they lived in the same territory as that old Balkanic tribe.

During Licinius reign, there are records of martyrdom of Saint Vlasius, Bishop of Sebaste and Forty martyrs (also from Sebaste).⁷



Constantius II (Flavius Julius Constantius Augustus) 337-361

Flavius Julius Constantius, in Serbian known as Constantius II, (born on 7 August 317, died in November 361) was a Roman Emperor during the period from 337 to 361. Constantius was the middle of three sons of Constantine the Great and his second wife Fausta. Constantius was born in Sirmium and got a title of Caesar from his father. By the end of his life, Constantine had also declared several of his nephews as Caesars, because he thought that his sons are not good enough to inherit his position, so he wanted to enlarge the number of potential successors of Empire.⁸

Soon after the death of Constantine, in the rebellion induced by his middle son Constantius II, two Constantine's half-brothers, nephews, son-in-law, and other members of family were killed because they could threaten the reign of three brothers: Constantine II (the oldest son), Constantius II (the middle son) and Constans (the youngest son of Emperor Constantine). Brothers divided the reign of the Empire into three parts. However, after less than three years, the oldest son attacked the youngest (Constans). Constans won, took over the territories of Constantine II, but ten years later, as a consequence of Constans' arrogance and hatred towards the pagans, some of which were in his army, Constantine's high officers conspired against him and killed him, after which they appointed General Magnentius for a new Emperor. The only one left was Constantius II who ruled for 24 years and died of natural causes. He was cautious and left nothing to chance, but he always tried to be well informed and know about potential conspiracies. He organized a special system of delivery and securing the roads. He even slept in a special fortress surrounded by a trench which could only be entered across a little mobile bridge, which Emperor himself raised every night.²

He was married three times. However, since he had no children and he needed a helper and a successor, he raised the only surviving cousin Julian, later named Julian the Renegade, whose half-brother (Caesar Gaul) was executed before that. In 361, a civil war started between Constantius II and Julian, when Constantius suddenly died from fever, near the Tars.





Vetranio (Vetranio) 350

Vetranio was man of humble origin, born in Moesia, who served under Constantine I. During the reign of Constans, he became the Magister Militum. He was elected Emperor in 350, but his reign was very short. Vetranio was an experienced soldier and officer. Amian Marcellin represented Vetranio as an uneducated soldier and a naive marionette.⁸

He commanded the troops in Illyria and Pannonia. After the death of Constans, Vetranio found himself in Sirmium. The sister of the Emperor Constantius II, Augusta Constantine (the daughter of Constantine the Great), requested from Vetranio to declare himself an Emperor. He did so in Sirmium, on 1 May 350. Constantine demanded from Vetranio to declare himself an Emperor because Constantius brother Constans was killed by Magnentius, so she thought that Vetranio could protect her.

It seemed that at first Constantius had accepted Vetranio for an Emperor, there was even an official meeting in Naissus (today's Niš), but later, in December 350, he gave up that policy. Vetranio's life was spared and he lived in Asia Minor as a common citizen, receiving allowance from the state. It seems that he committed suicide around 360. The coins with Vetranio's face are relatively valuable and can be found in the area of Serbia. The most important mint at that time was in Siscia.¹⁰





Jovian **(Flavius Jovianus Augustus) 363-364**

Flavius Jovianus, better known as Jovian, was born around 330. He was a Roman Emperor for only eight months from 26 June 363 to 17 February 364. The Augustus Julian died in 361 during a military campaign to Persia. A new Emperor had to be elected. No one wanted – neither the officers, not the best friends. Finally, Jovian was chosen as the only Roman Emperor born in Singidunum (today's Belgrade). He was tall and corpulent, with a happy face, benevolent but with humble education.

He was remembered for inglorious peace concluded with Persian King Shapur II.⁸ After he became the Emperor, one of his goals was to withdraw from Persia, because the Persians have begun to attack frequently after they heard that Emperor Julian has died. That was the reason why Jovian wanted to make peace at any price. The outcome was that all five areas on the other side of the Tigris River, once conquered by Galerius, were returned and submitted without a fight, together with the impregnable city of Nisibis, which withstood the attacks of the Persians for years.

In the other hand, the new Emperor had delivered a decision about the return of the state to Christianity, which included financial help to the Church. Besides the fact that he tried to keep neutral in the disputes inside the Church, he also implemented the policy of tolerance when it came to the pagans, so mintages on coins produced at that time depicted both Christian and pagan symbols. He declared two edicts which are related to regulation of certain religious issues.

After his return from Persia, he spent some time in Antiochy, from where he moved to the West in the winter of 364. One day in the city of Dadastan (Asia Minor) he was found dead in his room. It was assumed that he had died of suffocation or food poisoning.²





Gratian (Flavius Gratianus Augustus) 375-383

Flavius Gratianus Augustus (born on 8 April 359, died on 25 August 383), known as Gratian, was the Emperor of the Western Roman Empire from 375 to 383. He was a son of Valentinian I from the marriage with Marina Severus and was born in Sirmium in Lower Pannonia, in the area of today's Serbia. His father was a founder of the Pannonian dynasty, since he was also born in Pannonia, in a place called Cibalae (today's Vinkovci). He was married

to Constantia, a daughter of the Emperor Constantius

II. Gratian was the sixth and the last Emperor from Sirmium. Gratian's father wanted his son to be taught by the famous rhetorician Ausonius. Gratian, as his friends, was so fascinated by Ausonius that he delivered a law which established the system by which, in all bigger cities of Gaul, all teachers had to be rhetoricians and grammarians. During his reign, the conflicts between the Emperor and the Bishops became more frequent, as well as between the Emperor and the pagan senatorial aristocracy. In 374, he married the daughter of Emperor Constantius II, Constantia, who was almost captured by the Cuads in Pannonia, while she was on her way to Gratian to marry him. She died in 383 and Gratian got married again with a woman named Laeta.

Gratian's father set him for consul while he was still a boy, only to declare him a co-emperor and an Augustus in 367. Valentinian realized that Gratian was not fit for brutal military life, so he held him behind the front lines. Gratian was declared a consul three times. However, his father died in 375 from heart attack and Gratian became a ruler, not only a co-ruler. He continued with the policy of complete abandonment of paganism and he was the first Roman Emperor who gave up the title of the Pagan *Pontifex Maximus*.² He banned pagan cults in Rome, and ordered to move a statue of the Goddess of Victory from the altar in Roman Senat.⁸

The first conflict occurred in the early 370, when Pristilian, a Spanish nobleman, started to preach ascetic form of Christianity in the Southern Gaul. He gained a lot of followers, and even a few influential Bishops. Higinus, the Bishop from Cordoba and the priest Itacius felt a threat for their authority and decided to declare



the Spaniard for a Heretic. The conflict came to the Supreme Court, where Gratian stood on the side of Itacius and his followers. The Bishops have ignored Gratian and bribed Gratian's Magister Officiorum-a Macedonius, to cancel the previously issued order of the Emperor. The issue of the Spaniard Priscilian would not have been resolved for some time, hadn't Magnus Maximus executed him and a few of his followers sometime between 384 and 386.⁹

On 25 August 383, Magnus Maximus, his general, ended Gratian's career. Gratian was going to fight against the Alamanni, who were, possibly, encouraged by Maximus. While Gratian was in a battle, Maximus's units declared him for the Emperor and moved from Britain to Gaul to fight with Gratian. After short clash, Gratian's Moorish cavalry became loyal to Maximus. Gratian ran to the Alps, but was followed and killed near Leon by Andragatius, Maximus's *Magister Equitum*.



Constantius III (Flavius Constantius) 421

Constantius III was another Emperor born in Naissus. He was the most influential General on the court of Emperor Honorius. Although he presented himself as a strict man in public, in private he was much more relaxed.

He was a Christian. He had a successful career as the most important Magistri Militum of the Emperor Honorius, after the death of Flavius Stilicho, a general of Vandal origin, who died in 408. He managed to defeat Gerontius and Constantine III in Gaul in 411 and to throw out Goths from Italy in 412. The success he achieved during the battles against the Barbarians and the usurpers of throne, gave him the opportunity to marry Emperor's half-sister Gala Placidia in 417. Their son Valentinian III, born in 419, was the last significant ruler of the West Roman Empire who ruled for three decades.²

He had brilliant military victories, but he died after only a year at the throne.⁸ Otherwise, Constantius III was proclaimed as Augustus in the West in 421. His status was not recognized in the East. Before his death, Constantius said that he had planned a campaign against Teodosius II and that it was a reason of his disavowal in the East. He died from a disease in September 421.

Although he was not an Emperor over a long period of time, he complained to the lack of privacy and personal freedom.



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ANNEX

PHOTOGRAPHS