



RESEARCH PAPER

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Is Georgia’s “Unique” Approach to Church-State Relations Compatible with EU Integration?

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Abstract

This research paper tackles one of the most controversial issues in Georgian society – the relationship between Church and State. Following a recent statement by the prime minister of Georgia that questioned the “classical understanding” and utility of secularism in the Georgian context, a unique Georgian model of secularism has been put forth, resulting in a stir both within and beyond Georgia’s borders. The aim of this paper is to explore whether realization of this “unique” Georgian model of secularism poses any threat to the country’s European integration aspirations.

To highlight the diversity of approaches to secularism within the EU and its candidate countries, case studies of member countries France and Poland are analyzed along with that of Serbia, an EU candidate country. These case studies help illustrate the EU’s position(s) on secularism and provide insight into whether the Georgian administration’s formulation of a unique Georgian model of secularism is compatible with EU standards. Based on the case studies Poland and Serbia, it seems the EU does not have strict guidelines when it comes to Church-State relations in spite of its clear adherence to secular principles. However, the paper argues that discrepancies from secularist principles could still create problems for Georgia in its attempts toward European integration.

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Religion and Politics in Georgia: Does Secularism Matter?

The relationship and level of interaction between Church and State remains a hotly-debated topic in political discourses around the world. Although religion has been a driving force for progress and social change throughout much of history, the ongoing liberalization and democratization of states has amplified questions about the appropriate place of religion against the growing backdrop of secularism. This modern reality has incited stigma against religion in cases when religious organizations find themselves in positions of power and influence.

There are many examples showcasing the ongoing interplay between religion, state, and politics. The United States, for instance, is a secular state.² Separation of Church and State is entrenched in its constitution³ as are practices such as prohibiting “religious tests” in order for someone to be considered for public office. Separation is not absolute, however; it is common to see U.S. President Donald Trump participating⁴ in public prayer events, and the country’s currency bears the slogan “In God We Trust.” These examples exemplify that even the U.S., one of the most secular states in the world, does not have total separation of Church and State. At the heart of secularism lies the idea of “separation between Church and State.”⁵ In reality, however, its implementation is highly ambiguous and problematic. Secularism is a concept that is often associated with atheism and entrenched forms of anti-religious political expression, and even conspiracy theories targeting the dominant religion or religious authorities in a given country. Secularism has thus often been approached with apprehension and unease in light of this misinterpretation, particularly in countries where religion remains highly public and central to citizens’ lives. Georgia is one such country.

In Georgia, trepidation and anxiety towards secularism is brought up regularly by religious groups who have influence in the political sphere—most notably the Georgian

² Price, R.G (2004) “History of the Separation of Church and State in America”, 27 March 2004. Available at: http://www.rationalrevolution.net/articles/history_of_the_separation_of_chu.htm (consulted on: 10.09.2017)

³ Ibid

⁴ Weaver, H. (2017) *Donald Trump’s Oval Office Prayer Circle, Explained “The man who isn’t an active member of his own church leans deep into evangelical territory”*, 12 July 2017. Available at: <https://www.vanityfair.com/style/2017/07/donald-trump-oval-office-prayer-circle-explained> (consulted on: 10.09.2017)

⁵ National Secular Society, “What is Secularism” Available at: <http://www.secularism.org.uk/what-is-secularism.html> (consulted on: 02.11.17)

Orthodox Church (GOC). Earlier this year, Georgia's prime minister issued a statement⁶ where he said "there is no place for secularism in Georgia with its classic understanding." While this statement was well received by many members of society, the "classical understanding" of secularism criticized by the prime minister—which refers to the separation of Church and State—is already written into the Georgian constitution, which stipulates that Georgia is indeed a secular state.⁷

As concerns the EU, in order to analyze the possible link between secularism and the European Union, one must look at the EU treaties. Due to the fact that neither religion nor secularism are emphasized in the treaties of the European Union, we can argue that the EU is a secular body. Thus, the absence of mention of religion makes the EU secular at the supranational level, however, it does not have a say in religious matters on the national level. According to Article 5 of the treaty on the European Union, which reiterates the competences that the EU has been assigned by the member states under the principle of conferral, "the Union shall act only within the limits of the competences conferred upon it by the Member State in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States."⁸ The EU thus does not have the competences to rule on religious matters on the national level. However, the fact that the EU is secular on the supranational level empowers it to advocate a supranational approach towards any issue, including secularism, *indirectly* on the national level (for instance by issuing non-binding opinions). To what extent the EU has used such an approach is discussed in the paper.

A key challenge for Georgia now lies in seeking closer alignment with the European Union. The EU is a highly-secularized body⁹ that advocates the separation of Church and State and occasionally faces backlash from religious organizations inside the EU itself; e.g., in Poland, which does not have clear separation of Church and State. Moreover, arguably the EU is not inclined to support the membership of any state whose political climate is shaped and guided by religious rhetoric. Accordingly, this research paper asks

⁶ Tabula, (2017) "*According to Prime Minister Kvirikashvili, the secularism with its classic understanding doesn't have a place in Georgia*", 23 July 2017. Available at: <http://liberali.ge/news/view/30599/premier-kvirikashvilis-azrit-saqartveloshi-sekularizmi-tavisi-klasikuri-gagebit-uadgiloa> (consulted on: 09.09.2017)

⁷ Parliament of Georgia, "*Irakli Kobakhidze: Georgia is a secular state*". 26 July 2016. Available at: <http://www.parliament.ge/ge/parlamentarebi/chairman/chairmannews/irakli-kobaxidze-saqartvelo-aris-sekularuli-saxelmwifo.page> (consulted on: 09.07.2017)

⁸ The Lisbon Treaty, "*Article 5*", Available at: <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-1-common-provisions/9-article-5.html> (consulted on: 20.11.2017)

⁹ Oddie, W. (2011), "*The EU has made its secularism clear: Is that now what the judges have done for the UK?*" Catholic Herald, 2 March 2011, Available at: <http://catholicherald.co.uk/commentandblogs/2011/03/02/the-eu-has-made-its-secularism-clear-is-that-now-what-the-judges-have-done-for-the-uk/> (consulted on: 15.09.2017)

a central question: Is the-newly articulated Georgian understanding of secularism compatible with the country's European aspirations?

Methodology

This research paper is a comparative study of Church-State relations. It begins with a brief definition of secularism, both in general and as it is currently conceived of by Georgia's political elites. In addition to exploring the Georgian case, a review of the current state of political secularism in the European Union will be provided. Case studies cover two EU member countries, France and Poland, and one prospective member, Serbia. These comparisons will shed light on the current challenges to secularism the EU faces from within the Union, in spite of its firm secularist stance.

What is Secularism?

Secularism is sometimes stigmatized as a state project set on implementing an anti-religious social program. In broad terms, secularism provides a framework for demarcating and defining a set of behaviors and interactions between the state and religious organizations. Nonetheless, secularism is widely interpreted and holds various meanings in different countries and contexts. According to one of the most common definitions of secularism:

It is the separation of religion and state. It ensures religious groups don't interfere in affairs of state, and the state doesn't interfere in religious affairs. Secularism seeks to ensure and protect freedom of religious belief and practice for all citizens. Secularists want freedoms of thought and conscience to apply equally to all – believers and non-believers alike. It seeks to defend the absolute freedom of religious and other belief, and protect the right to manifest religious belief insofar as it does not impinge on the rights and freedoms of others.¹⁰

This definition of secularism supports¹¹ the liberal democratic principle of enabling the peaceful coexistence of multiple religious views and groups within society. In this vein, secularism is also considered a sustainer of legal equity. While the French concept of secularism calls for "clear separation" between Church and State, it is this very notion

¹⁰ National Secular Society, "*What is Secularism*" Available at: <http://www.secularism.org.uk/what-is-secularism.html> (consulted on: 02.11.17)

¹¹ Pollock, D. (2011) "*Secularism in neutrality towards all religion – including atheism. Its opponents have made it out to be a bogeyman, but secularism is the best guarantee of freedom of religion*". 7 July 2011, Available at: <https://www.theguardian.com/commentisfree/belief/2011/jul/07/secularism-neutrality-religion-atheism> (consulted on: 12.09.2017)

that is being challenged worldwide. Currently, there are many modern, democratic states that adopt the above model of secularism officially but not in practice. In some cases, these so-called “secular” states openly favor one religious group over another. In others, it is the state’s inability to protect religious minorities that speaks of the failure to realize secular principles. At times, there are even secular governments that are actively involved in pursuing religiously-mandated affairs as a means to enhance populist agendas. In fact, states that exhibit loose understandings of secularism tend to be associated with weak governance and inept democratic practices. As democracies rely heavily on the “will of the people”, the leanings of the majority are important. As such, how can secularism satisfy the majority if the majority are religiously inclined and understand the separation of Church and State as a threat to their values? How can states find ways to reconcile the will of the majority with upholding secular values?

The GOC plays a strong and predominant role in Georgia, where many individuals including clergy and public servants advocate against secularism despite Georgia’s constitution declaring the country to be a secular state. First, this paper asks whether the Georgian case is an anomaly or whether the debate on what constitutes an acceptable Church-State relationship is a universal political reality.

Georgian Secularism: A Unique Model?

Prime Minister Giorgi Kvirkashvili’s full statement was as follows:

Our statehood, our church is as interlaced with each other, as Saint Nino’s cross was with her braid. Therefore, despite the fact that the Church and the State are independent, secularism with its classic concept is inappropriate in Georgia and we think that the model that is in our country, is unique in the world.¹²

The statement¹³ triggered a noteworthy buzz among civil society activists and organizations, many of whom responded by claiming that secularism is officially under threat in Georgian society. While it is well-known that the Georgian state has a close relationship with the GOC that includes¹⁴ financing, special property recognition, and exemption from state taxes, the prime minister’s comment about Georgia’s “uniqueness”

¹² ISFED, “*NGOs Respond to Prime Minister’s Statement on Secularity*”. 25 July 2017, Available at: <http://www.isfed.ge/main/1259/eng/> (consulted on: 10.09.2017).

¹³ ISFED, “*NGOs Respond to Prime Minister’s Statement on Secularity*”, 25 July 2017. Available at: <http://www.isfed.ge/main/1259/eng/> (consulted on: 10.09.2017).

¹⁴ Transparency International, “*An overview of public financing provided to the Georgian Patriarchate*”, 24 July 2013, Available at: <http://www.transparency.ge/en/blog/overview-public-financing-provided-georgian-patriarchate> (consulted on: 12.09.2017).

was a digression from classical understandings of secularism. That is a cause for concern, especially as the Georgian constitution upholds¹⁵ the concept of secularism in the classical sense.

The prime minister's statement can be perceived as a clever political maneuver, made shortly before Georgia's municipal elections and intended to gain traction for the Georgian Dream coalition. If so, that only lends more credence to the notion that his view of secularism holds weight with a significant portion of the Georgian electorate. Georgia currently represents¹⁶ one of the five most religious nations in the world. The 2015 Caucasus Barometer survey¹⁷ found that 82% of the population consider themselves members of the GOC, and 94% of those who identify as GOC members believe that religion plays an important role in their lives. In a country where democratic institutions are weak and the majority of the population lacks access to quality education, the GOC is the most trusted institution.

Responding to the prime minister, members of civil society organizations released a joint statement¹⁸ re-emphasizing the needs of Georgian citizens, including democratic development and further integration into the Euro-Atlantic space. These objectives, in their view, will be severely challenged unless Georgia adopts a model of secularism that upholds the principle of separation of Church and State. The GOC enjoys various privileges thanks to the Concordat¹⁹ -- a constitutional agreement between the State and Church - signed in 2002. The document regulates relations between the two parties and recognizes the "historic role" of the GOC, something which is also enshrined in the constitution. However, under Georgia's constitution, the State and Church are also deemed independent from each other.

Nevertheless, the Concordat extends the Church's role²⁰ to spheres traditionally overseen by the state, including education and culture. This was inserted to allow the Church to "jointly care" for the country's cultural heritage. For example, if schools or educational

¹⁵ Parliament of Georgia, "*Irakli Kobakhidze: Georgia is a secular state*". 27 July 2017, Available at: <http://www.parliament.ge/ge/parlamentarebi/chairman/chairmannews/irakli-kobaxidze-saqartvelo-aris-sekularuli-saxelmwifo.page> (consulted on: 09.09.2017).

¹⁶ Minesashvili, S. "*The Orthodox Church in the Democratization Process in Georgia: Hindrance or Support?*" 21 July 2017, P. 6. Caucasus Analytical Digest. Available at: <http://www.css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/CAD97.pdf> (consulted on: 15.09.2017).

¹⁷ Ibid

¹⁸ ISFED, "*NGOs Respond to Prime Minister's Statement on Secularity*". 25 July 2017. Available at: <http://www.isfed.ge/main/1259/eng/> (consulted on: 10.09.2017).

¹⁹ Op.cit. "*The Orthodox Church in the Democratization Process in Georgia: Hindrance or Support?*"

²⁰ Ibid

institutions opt to teach Orthodoxy, the GOC is legally allowed to step in, participating in curricula decisions and select educators. To date, the GOC has signed additional agreements with Georgia's education and justice ministries to realize the Church's powers outlined in the Concordat.

The fact that the first Constitution²¹ of Georgia (1921) advocated for the State and Church to be separate domains independent from each other and for no one religion to have an advantage over any another, adds further strength to the argument that classical secularism is not a foreign concept in Georgia. Indeed, the 1921 constitution strictly prohibited the allocation of resources from the state and/or local government budgets for religious purposes.

Georgia has not upheld that principle as enshrined in the first constitution. According to Transparency International Georgia²², "in the period from 2002 till this day, the government of Georgia has allocated up to GEL 200 000 000 to the Georgian Patriarchate." Transparency also found that financial assistance rendered by the government to religious denominations lacked transparency and that "several administrative bodies have openly admitted that they are not financing religious denominations other than the Georgian Church." In light of the recent statement²³ of the prime minister coupled with growing concern in civil society circles, the chairperson of Georgia's parliament had to reaffirm²⁴ that Georgia is a secular state. However, judging from deed, it seems that Georgia's understanding of secularism in 1921 was sounder than it is now.

The government's 2014 adoption of an anti-discrimination bill is a good illustration of Church-State relations regarding a hotly-disputed issue. The "Law on Elimination of All Forms of Discrimination" has become a turning point and key challenge for Georgian secularism. In particular, the law provides for:

Protection against discrimination on the grounds of race, color, language, gender, age, citizenship, native identity, birth, place of residence, property, social status,

²¹ ISFED, "NGOs Respond to Prime Minister's Statement on Secularity", 25 July 2017. Available at: <http://www.isfed.ge/main/1259/eng/> (consulted on: 10.09.2017).

²² Transparency International, "An overview of public financing provided to the Georgian Patriarchate", 24 July 2013, Available at: <http://www.transparency.ge/en/blog/overview-public-financing-provided-georgian-patriarchate> (consulted on: 12.09.2017).

²³ Op. cit. ISFED

²⁴ Parliament of Georgia, "Irakli Kobakhidze: Georgia is a secular state". 26 July 2016. Available at: <http://www.parliament.ge/ge/parlamentarebi/chairman/chairmannews/irakli-kobaxidze-saqartvelo-aris-sekularuli-saxelmwifo.page> (consulted on 09.07.2017).

religion, ethnic affiliation, profession, family status, health condition, disability, sexual orientation, gender identity, expression, political or other beliefs.²⁵

The Church-State division widened regarding the sexual orientation aspect of the anti-discrimination law. A statement issued by the GOC demanded removal of “sexual orientation” and “gender identity” from the list of prohibited grounds for discrimination.²⁶ The discussion over the law triggered buzz and confusion even among some members of parliament. Initially, Member of Parliament Manana Kobakhidze was in favor of removing from the bill the entire list of prohibited grounds for discrimination, while MP Eka Beselia, chairperson of the human rights committee and presider over the hearing, stated that the bill was “frequently misinterpreted.” It seems that Kobakhidze changed her mind, as she never voiced such a position during the committee hearing. Moreover, Kobakhidze sided with Beselia in telling Orthodox clerics that the bill had nothing to do with “propaganda” of homosexuality.²⁷

Having said this, discussion and adoption of the disputed legislation occurred amidst intense pressure from the GOC. According to a news report, “some priests have warned lawmakers from the Georgian Dream parliamentary majority group that they would face political consequences in case of their failure to heed Patriarchate’s calls against the bill.”²⁸ This threat can be viewed as a clear intervention by the Church in the State’s affairs, which is a violation of secular principles.

It should be also noted that adoption of the anti-discrimination law was a prerequisite for Georgia to achieve visa liberalization with the EU.²⁹ The entire process of adopting the legislation occurred under the supervision of EU officials. This was highlighted by a meeting of the EU Commissioner for Enlargement and European Neighborhood Policy Stefan Fule with Georgian President Giorgi Margvelashvili in Prague on April 25, 2014, where Fule expressed hope that Georgia would “quickly” adopt anti-discrimination legislation in order to move ahead with visa liberalization.³⁰

²⁵ Civil Georgia, “Anti-Discrimination Bill Submitted to Parliament”, 10 April 2014, Available at: <http://www.civil.ge/eng/article.php?id=27121> (consulted on: 04.11.2017)

²⁶ Civil Georgia, “MPs Proceed with Anti-Discrimination Bill Amid Church’s Opposition”, 29 April 2014, Available at: <http://www.civil.ge/eng/article.php?id=27180> (consulted on: 04.11.2017)

²⁷ Ibid

²⁸ Ibid

²⁹ Civil Georgia, “Anti-Discrimination Bill Submitted to Parliament”, 10 April 2014, Available at: <http://www.civil.ge/eng/article.php?id=27121> (consulted on: 04.11.2017)

³⁰ Civil Georgia, “Georgian Church Speaks Out Against Anti-Discrimination Bill”, 28 April 2014, Available at: <http://www.civil.ge/eng/article.php?id=27175> (consulted on: 04.11.2017)

Additionally, as new amendments to the constitution were adopted in September 2017, it is worth analyzing their implications for secularism. Not surprisingly, the new text maintains wording about the particular historical role of the GOC. Thus, the new constitution reaffirms the power that the GOC, as an institution, holds over the State. Furthermore, one of the most controversial points of new the constitution is its definition of marriage.³¹ It is widely believed that, by defining marriage in the constitution as a union between man and woman, the governing Georgian Dream coalition party was seeking to fulfil its pre-election promise.³² Moreover, this constitutional amendment can be regarded as a political maneuver in advance of Georgia's municipal elections, intended to gain support from the country's most trusted institution the GOC - an institution which was also firmly advocating the principal of the above amendment to the constitution.

French laïcité vs Polish Secularism

Secularism has a long history in Europe. In France, secular ideas emanated³³ from the French Revolution, which ignited a progressive movement seeking to secularize the country's institutions. France's secularization culminated³⁴ in passage of a law on December 9, 1905, calling for the legal separation of Church and State. This legal document has not only defined France's notion of secularism but has helped to deeply entrench it in the French psyche. Accordingly, the Republic of France³⁵ neither acknowledges, pays for, nor subsidizes any form of worship. It is important to note, however, that France's 1905 law is particular to France and does not directly impact the policies of any other EU member state. In France³⁶, there are also strict rules over the possession of buildings as well as the attribution of churches made available to the public.

In France's case, the English word "secular" is translated³⁷ as *laïque*, or more commonly expressed as *laïcité*. In English, "secular" is not understood in the same sense as its French counterpart. The principle of *laïcité* as enshrined in the French constitution dictates that

³¹Pertaia, L., "Georgia's constitutional changes explained", 18 April 2017, Available at: <http://oc-media.org/georgias-constitutional-changes-explained/>, (consulted on: 10.10.2017).

³² Sputnik, "Changes in Georgian Constitution", 12 December 2016, Available at: <https://sputnik-georgia.com/politics/20161212/234161593/cvlibebisi-saqarTvelos-konstituciaSi.html> (15.09.2017)

³³ Virtual Museum of Protestantism, "The Law of 1905", Available at: <http://www.museeprotestant.org/en/notice/the-law-of-1905/> (consulted on: 10.09.2017).

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

³⁷ Normandy Vision, (2007), "The concept of aïcité in France", Available at: <http://www.normandyyvision.org/article12030701.php> (consulted on: 10.09.2017).

all religious expression must be kept out of the public sphere. It also denotes that there can be no interference by religious parties in the functioning of the government. Moreover, there can be no involvement of the government in the religious lives of its citizens, nor what forms they may choose to practice or adhere to. According to the CIA World Factbook,³⁸ the religious composition of France is not clear or easily quantifiable on account of its tradition of secularism. In fact, the French government has not officially collected data on its citizens' religious affiliations since the 1872 national census. In France then, the application of *laïcité* first entails that there is no such thing as a state religion and, second, that the marginalization of religion from public life in general (going beyond separation of Church and State) is a legally-binding construct as well.

The French interpretation of secularism as embodied in *laïcité* has a unique historical trajectory and is associated with a specific culture and set of societal characteristics. The same holds true for the Polish interpretation. Poland's particularity lies in its overt religiosity and the importance of religion for its national identity – with Poles historically identifying as a Roman Catholic people. One may argue that Poland's heightened devotion to the Catholic Church occurred³⁹ as an elated expression of "renewal" amidst the collapse of the communist regime. According to the most recent statistics of the CIA World Factbook⁴⁰, the proportion of individuals identifying as Catholic in Poland is estimated at 87.2% (2012). Surveys⁴¹ from the Center of Public Opinion Research (CBOS) and the Catholic Church Institute of Statistics reveal that up to 90% of the Polish population consider themselves "religious" and a 2015 CBOS survey recorded that 50% of the population participates in mass at least once a week. In light of these figures, it should come as no surprise that the Catholic Church holds a lot of leverage in Polish politics.

In stark contrast to the French constitution, the Polish constitution⁴² does not explicitly refer to "separation of Church and State." Rather, five principles are outlined: impartiality; equality of rights; autonomy and independence; cooperation; and bilateralism. In the Polish case, the principle of impartiality forms the essence of the

³⁸ CIA World Fact Book, *France*, Available at: <https://www.cia.gov/library/publications/the-world-factbook/fields/2122.html> (consulted on: 10.09.2017).

³⁹ "Roman Catholic church and Poland", Available at: <https://chnm.gmu.edu/1989/exhibits/roman-catholic-church/introduction> (consulted on: 10.09.2017)

⁴⁰ CIA World Fact Book, *Poland*, Available at: <https://www.cia.gov/library/publications/the-world-factbook/fields/2122.html> (consulted on: 10.09.2017)

⁴¹ Czelny, M., Ordon, M., Zawislak, M. (2015) "Religion and Secularism in Poland, 15 September 2015", Available at: http://www.o-re-la.org/index.php?option=com_k2&view=item&id=1348:religion-and-secularism-in-poland&Itemid=85&lang=en (consulted on: 15.09.2017).

⁴² Ibid

country's understanding and interpretation of secularism. It is characterized by an equal approach towards all beliefs as long as those beliefs pay adherence to the values of the Polish legal system. Under the five principles, the freedom of public expression of personal conviction is ensured and individuals performing public functions also have the right to participate openly in religious celebrations.

In Poland, one of the most visible manifestations of the prominence of the Catholic Church in society is the discernible presence of the cross in public spaces.⁴³ To date, there has been recorded backlash⁴⁴ from non-believers over this matter, as well as demands for religious crosses to be removed from public offices. Such actions in support of secular principles, however, could jeopardize the role of the State vis-à-vis the Catholic Church. Indeed, one such judgment of the Court stipulated⁴⁵ that the presence of crosses in public offices pose no violation of the constitutional principle of impartiality of public authorities in matters of personal conviction, whether religious or philosophical, as "in Polish society, the cross is treated not only as a symbol of the Catholic religion, but it also embodies universal values which derive from the Christian tradition and are also part of Polish material and spiritual culture."

Another instance where the impact of religion on the State is observable is in Poland's recent public debate⁴⁶ about conscientious objection, notably regarding abortion. The most recent case (2014) is that of a doctor at a public hospital who refused to perform an abortion and was consequently dismissed from his functions. Once publicized, the Bureau of the Polish Bishops' Conference expressed support for the doctor, stating that persons exercising, "conscientious objection must be protected not only from legal penalties but also from any negative legal consequences, including disciplinary, financial and/or professional." Although the National Council of Medical Professions has asked the Constitutional Tribunal to examine the constitutionality of the provisions included in article 39 of the Act on Medical and Dental Professions of December 5, 1996, the Tribunal's decision is still pending.⁴⁷

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Ibid

France and Poland in the EU

The case studies of France and Poland are useful because, despite both countries belonging to a secular body, the European Union, the two countries' respective interpretations and implementations of secularism lie on opposite ends of the spectrum. In particular in Poland, there is no legally-binding document calling for separation of Church and State, as there is in France. Moreover, in Poland the Catholic Church continues to exert profound influence on individuals' social, political, and private lives.

As a secular body, the EU requires its members to adhere to its common standards and expectations. The case study of Poland and experience with secularism is indeed a challenge to the EU, which may consequently find itself in an awkward position when attempting to rebuke countries with limited adherence to the European secularistic principles.

However, due to the fact that secularism as such does not fall into the EU's competences, it is unlikely that EU recommendations (which the EU is entitled to issue in cases involving Church-State relations) will have any impact on Poland's domestic arrangements. Nevertheless, we can argue that the Polish approach secularism within the EU's secular body can only be justified by one of the key principles of the EU – pluralism. Most importantly, it could be further upheld by the motto of the European Union – "united in diversity."⁴⁸ Evidently, the Poland with its distinct approach to secularism continues to exist within the EU's supranational body. Accordingly, France and Poland, under the supervision of the supranational EU, are able to coexist due to the EU's dedication to pluralism.

Another example is that of Serbia, which provides further evidence of the EU's approach to diversity, namely in light of secularism. Following the case study of Poland, it is of utmost interest to demonstrate the subject matter from the perspective of an EU candidate state. Moreover, as both Georgia and Serbia belong to the Orthodox Christian world, it is worth discussing to what extent the Church exerts influence in the Serbian case. The Serbian case will help to ascertain whether secularism really matters to the EU, particularly during the EU membership prospective process. Most importantly, the Serbian case study will help to elucidate whether Georgia's Church-State relationship is compatible with EU integration and whether Georgia's chosen course – as voiced by the prime minister – will or will not hinder its aspirations to EU membership.

⁴⁸ European Union, About the EU, “*The EU motto*”, Available at: https://europa.eu/european-union/about-eu/symbols/motto_en (consulted on: 19.11.2017)

Serbian Model of Secularism

In spite of the country's slow and sluggish progress towards the EU, European leaders granted Serbia candidate status at the Brussels Summit in 2012.⁴⁹⁵⁰ According to the Constitution of the Republic of Serbia, the country is a secular state whereby administrative and political power is entirely separated from Church influence. However, this is not the case in reality. Contrary to the constitution, the influence and reach of the Serbian Orthodox Church (SOC), the dominant religious organization in the country, in both church and in state matters is explicit, implicit, and well-received by the majority of politicians and state institutions.⁵¹

The SOC is the largest and most influential religious institution in the country. Public opinion polls consistently express that the Church is the most respected and trusted institution in society overall.⁵² According to the CIA World Fact Book, close to 85% of the population identify as Orthodox (2011).⁵³ Given widespread public support for the SOC, it is an institution which politicians feel compelled to include in decision-making processes.

In Serbia's case, it is claimed that the SOC has representatives and advocates in many official political bodies. For instance:

Priests are members of the Republic broadcasting agency, where they supervise TV programs and serve as a sort of moral advisory within the spirit of orthodox Christianity. They are also members of several University Councils, and National Education Council, tasked with spreading influence of the Church.⁵⁴

This interaction between Church and State is explicit and clearly goes against the country's constitutional clause stipulating separation between the two entities.

⁴⁹ BBC News, (2014) "EU enlargement: The next seven", 2 September 2014, Available at: <http://www.bbc.com/news/world-europe-11283616> (consulted on: 10.10.2017).

⁵⁰ Stojkovic, B., (2012) "Serbia and Secularism", 22 August 2012, Available at: <http://pescanik.net-serbia-and-secularism/> (consulted on: 10.10.2017).

⁵¹ Ibid

⁵² "Serbian Orthodox Church", Available at: <https://www.globalsecurity.org/military/world/europe/orthodox-serbian.htm> (consulted on; 12.10.2017).

⁵³ CIA World Fact Book, Available at: <https://www.cia.gov/library/publications/the-world-factbook/fields/2122.html> (consulted on: 10.10.2017).

⁵⁴ Stojkovic, B., (2012) "Serbia and Secularism", 22 August 2012, Available at: <http://pescanik.net-serbia-and-secularism/> (consulted on: 10.10.2017).

Moreover, “the role of the Patriarch in the Serbian nation is great, because he enjoys a lot of respect from Serbs.”⁵⁵ The SOC and its political allies are able to leverage this fact as a bargaining chip vis-à-vis the Serbian political establishment. A statement from one influential right-wing Serbian politician indicated that “no one should speak after the patriarch.”⁵⁶ This mindset illustrates the power and importance of religion in Serbian politics, in particular the privileged position of the SOC in the public sphere and its ability to guide political decision making.

Indeed, the Church and State find themselves in intimately close quarters over matters concerning morality. In such cases, it is observed that:

Representatives of the church turn into advisors for the politicians, which is positively regarded by the society, as it is widely believed that the Church is a guardian of the national values of Serbia. Thereby, many politicians will go to visit the Serbian Patriarch, when they are facing difficulties in political practice. These visits also contribute to heavy political marketing on television.”⁵⁷

It is an observed public perception that the “Serbian Orthodox Church must have monopoly on the protection of national interests and on determining national priorities.”⁵⁸ This empowers politicians to work closely with the Church and benefit from engagements with the Patriarch or other Church authorities. Additionally, the influence of the SOC is visibly apparent. State buildings and offices are full of religious symbols such as crosses and icons.

The privileges enjoyed by the SOC are evident in a number of areas. Unlike humanitarian organizations, the Church is excluded from tax liabilities and, although their incomes are well-endowed, the state is obligated to provide priests with health insurance and pension funds.⁵⁹ Moreover, “public opinion polls have consistently shown that the SOC enjoys the public’s trust in comparison to governmental institutions, and some observers believe this trend has generally held true for the past 20 years.”⁶⁰

⁵⁵Dragojlo, S., Collaku, P., “Serbian Patriarch’s Kosovo Force Threat Endangers Stability” 4 November 2015, Available at: <http://www.balkaninsight.com/en/article-serbian-patriarch-war-call-threatens-region-stabilit-11-04-2015/1431/165> (consulted on: 15.10.2017).

⁵⁶Stojkovic, B., (2012) “Serbia and Secularism”, 22 August 2012, Available at: <http://pescanik.net-serbia-and-secularism/> (consulted on: 10.10.2017).

⁵⁷Ibid

⁵⁸Ibid

⁵⁹Ibid

⁶⁰“Serbian Orthodox Church”, Available at: <https://www.globalsecurity.org/military/world/europe/orthodox-serbian.htm> (consulted on; 12.10.2017).

The SOC's religious dominance and appeal is also widely visible in the Serbian state education system:

In the year 2000, religion made its first-entry into the Serbian curricula with the introduction of catechism lessons. Since that time, several ministers of education were members of right-wing political parties and explicitly showed their sympathy for religious education. They did not conceal their belief that church dogma is part of a strong foundation of moral up-bringing. On a mission to push theocratic ideals, creationism was strongly promoted to be taught in schools. For example, on 7 September 2004 the Serbian minister of education suspended the teaching of evolution. According to her directives, schools could be allowed to reinstate evolutionary theory in their curriculum only if they balance scientific lessons with lessons on creationism; lessons that would ascribe that the absolute truth about the creation of Earth, all living things and humans can be found in the Bible, and not in science.⁶¹

In contrast to France and similar to Poland, Serbia is a European state in which secularism in its classical sense is neither accepted nor practiced. Nevertheless, Serbia's particular model of Church-State relations has not impeded its aspirations for closely alignment with the European Union. The promotion of Serbia to EU candidate status in 2012 clearly illustrates this. For the EU, however, the situation in Serbia jeopardizes its role as an advocate for secular ideals. All three cases illustrate that, at any given time, either strict separation of Church and State is not a priority for the EU, or it does not play a predominant role in the EU membership arena.

However, for Georgia, adoption of the anti-discrimination bill was arguably a prerequisite for visa liberalization and was thoroughly monitored by the EU. Furthermore, considering the GOC's pressure and call on government to refuse the bill, the adoption of the anti-discrimination law can be further regarded as a test for Georgian secularism in terms of Church-State relations. Having said this, we may conclude that it is less probable the EU has not conceived that the imposed rigid commitment over the anti-discrimination bill would provoke a discussion in Georgian religious society as well as in GOC. Despite, on condition that Georgia would get a visa-liberation with the EU, the anti-discrimination bill was adopted. Thus, arguably the whole process of adopting the anti-discrimination law showcases the debate around secularism the country currently faces. Moreover, it also showed the EU's indirect way of advocating secularism.

⁶¹ Bijana Stojkovic, “*Serbia and Secularism*”, 22.08.2012, Available at: <http://pescanik.net-serbia-and-secularism/> (consulted on: 16.11.2017)

Conclusion

In Georgia's current landscape, it is difficult to imagine discussing the place of religion in society without mentioning politics, and vice versa. Indeed, religion, mainly Georgian Orthodoxy, has become a reliable tool for the country's policymakers to attain popular support. While Georgia may be "unique" in many ways, the country's uniqueness should not extend to its understanding or implementation of the constitutionally-enshrined principle of secularism. Considering the EU has not bureaucratically reprimanded Poland or Serbia for their respective interpretations of secularism does not necessarily exempt Georgia from complications due to its current Church-State dynamic. Furthermore, in this time of political uncertainty in which political actualities and priorities follow one another, populist rhetoric by the prime minister and other public officials can have harmful effects. Moreover, because secularism for the EU arguably means clear separation of Church and State as is exemplified in the case of France, Georgia should be more mindful as it moves along the uncertain pathway towards EU integration.

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