

Religion and Constitution of Georgia

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The term of Constitution is Latin word and means - establishment, ascertaining. This term was used as far back as ancient age in the legislation of the Rome Empire. In ancient time in the slavery and feudal community the word "constitution" expressed the orders by the emperors and the different rules set by them but it at that time did not bear the meaning of the main law of the government. The origination of the constitution is the result of the Bourgeois Revolution that originated new the societies and the governmental institutions. The first constitution was written in 1787 here in the United States of America and since the right this period many scientist-lawyers have attempted to assume its concept; Right as a result of such discussions and changes of the opinions during the time it was defined and finally formed as the notion of the constitution. It obtained the strength of the main law of a country by which the territorial settlement of a country, the bases of the rules of a society, the legislative state of the citizens and other such significant principles should be defined which would be a bases for a state for the performance of the existence and functioning.

The constitutional development in Georgia has quite interesting history. The first constitution was adopted during the Democratic Republic of Georgia on 21 February 1921 before this time the constitutional acts performed this function among which the act of Independency issued on 26 May 1918 is the most significant. By the indicated document the political form of Georgia, the domestic and foreign policy principles and so forth were defined for the first time. Though in the same year due to the occupation of Georgia by Soviet Russia, the adopted constitution was not remained in force. Despite this we can say that the constitution made in 1921 was the perfect and refined model of the main law of the government that was based on the experience of the world's constitutions and at the same time foresaw the historical, cultural and other characteristics characterizing Georgian reality. After occupation of Georgia by the Soviet Union the Soviet Socialistic Republic of Georgia adopted 4 constitutions in different times, but to review that as the modern and democratic model is not wise because the soviet formation did not know such notions as the private property, the division of the government among deferent bodies of the management and so on.

As a result of the national movement that started in 80-90s of 20th century Georgia managed to get rid of 70 year reining of Soviet Russia and on 9 April 1991 the act of the restoration of Independence of Georgia was adopted. In 1992 the new parliament elected on 24 August 1995 adopted new constitution that is still I force with different additions and amendments.

Matters of the religion and faith belong to the deepest fields of the soul of a human and it is connected inseparably to inviolability of a person's merit and honor. The respect of the religion rights of a human by the government is necessary, ignoring the religion rights of a human and his discrimination on the bases of religion faith is the rejection of the main principles of a democratic state according to which the source of the government is people. This principle obliges the government to care for its citizens and not to infringe their rights. We meet the decrees about inadmissibility of discretization and pursuit on the ground of religion in the constitutions of about all countries including in the supreme law of Georgia. The 19 article of the constitution of Georgia states full freedom of faith and belief that on the bases of the inner faith gives opportunity to a person take decision independently about his religion adherence or reject it at all. At the same time the constitution considers it inadmissible to pursue or discriminate a person in any manner due to his religious faith.

According to 9th article of the constitution of Georgia the state of Georgia demits the special role of Orthodox Church of Georgia in the history of Georgia and its independence from the state. The relationship between the state of Georgia and its Orthodox Church is defined under the constitutional agreement that should fully correspond to the internationally adopted principles and norms of the Law in the field of the rights and main freedom of a person.

It is true that the state gives the equal terms to all the religions but at the same time acknowledges the special role of Orthodox Church in the history of Georgia due to its great dedication to State system of Georgia, the culture, the traditions, the national originality and the spiritual development and declares church independent from the state or in other words the state does not intervene in activity of church that refers to the organizational formation of church, the service and so forth. Also to provide church independency declared by the constitution the state considers the possibilities of constitutional agreement between the state of church. The constitutional agreement should fully correspond to the Norms and principles of the International Law acknowledged worldwide.

The mentioned does not mean that the constitution belittles other religions and makes them be in the deferent legislative space Orthodox or for instance Mussulman or Jews. It simply attempts not to lose the great history and meaning of Orthodox religion. The equality of each religion to each other is necessary because the idea of the God is the central idea for each religion and due to the fact that the majority of the population of Georgia is the Orthodox the representatives of the minority should not be belittled.

Consequently to the above mentioned the freedom kept by the constitution is spread on any person and not only on only the citizens of Georgia. A person can to use the freedom of the faith and belief individually as well as collectively. Freedom of the faith and belief can be performed collectively by preaching of the religion and outlook of the faith, by teaching of the religion and outlook, the performances of rituals and so forth.

Though we can consider the fact as the discrimination of the religion when the children at schools are taught religion with books called "History and Culture of religion", and if we

consider the plot of those books it should be titled "History and Culture of Christianity". In this case the rights of the children that are representatives of religious minority are infringed. It would be better the history and culture of different religions were depicted in that books, that will enable the underage children with not formed reasoning to make their independent choice in reference to the religion belongings.

In different countries there are different methods of the religion education and it oscillates from getting confessional education to total elimination of religion from the school policy. For instance religion education in the public schools is compulsory there is not considered teaching all the religions and after 14 the children make their own decisions. To the mentioned age the parents decide for the children about their religion education. The same happens in Austria. In the USA the program of the public schools not only teaches all the admitted religions but also the state cares for the equal status of the representatives of all the confessions.

Discrimination of freedom of faith, confession and honor is inadmissible it revelation of them does not harm the rights of others. Despite the fact that on the bases of this decree the state can limit the freedom of faith, confession and honor, it should justify each such case.

The state should compare the rights and interests that in precise conditions oppose to each other. On the bases of such comparison the state should ascertain the side the rights and interests of which deserve more defense in the precise case.

You will agree that freedom of confession in the base of the Independent state. Religion is connected to a person's identification his ego. If the freedom of faith is infringed in the country defense of other rights or democratic development of the country is impossible. Despite the fact that the freedom of faith is set under the constitution in Georgia and the state and religion are separated under the bases of "Concordat" the freedom of the faith as the fundamental right of a human is threatened by the discrimination of legislation about religion minority, also threatens religion extremism that is characteristic to the Georgians with different confession to each other.

Used material:

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