

Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)”

JEAN MONNET CENTRE OF EXCELLENCE



European Constitutionalism and Religion(s)

Co-funded by the Erasmus+ Programme of the European Union

Aristotle University of Thessaloniki
Thessaloniki, Greece

NEWSLETTER ISSUE 1
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The establishment of the AUTH Centre of Excellence

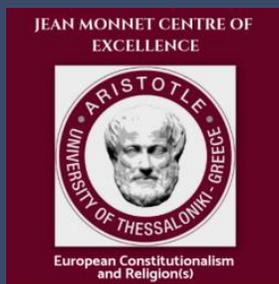
The Jean Monnet Centres of Excellence have been established in order to serve as focal points of knowledge and competence on EU-related subjects.

These centres gather together the skills and technical expertise of high-level experts and aim at developing partnerships between the diverse branches of European studies, as well as creating inter-state activities and bonds with institutions in other countries.

They also seek to attract students studying related subjects, as well as policymakers, civil servants, civil society organizations and the general public.

After a competitive procedure in which applications from university institutions all over the world were assessed by the European Commission, the Aristotle University of Thessaloniki was granted permission to establish a Jean Monnet Centre of Excellence. According to independent reviews, this decision was based on the long tradition and quality of European studies at the Aristotle University, the completeness of the submitted proposal and the capabilities of the team that will carry out the Centre's work.

The Academic Coordinator of the Centre of Excellence “European Constitutionalism and Religion(s)” is Mrs Lina Papadopoulou, Associate Professor of Constitutional Law at the AUTH.



State – Church Agreement about the management of Church Property

The proclaimed 'Agreement' between State and Church: an evaluation of several positive and negative elements

Konstantinos G. Papageorgiou
Associate Professor of the AUTH Law School

The recent issue of the modernization of State-Church relations in Greece has two fundamental dimensions: on the one hand, constitutional review and on the other, the bilateral agreement on the regulation of issues of mutual interest. It is important to mention that the initial fierce reactions that followed the sudden announcement by the Prime Minister and the Archbishop not only caused those who had put together the agreement to backtrack but also seem to have created gloomy prospects for its future. In any case, since the topics addressed are multiple and complicated, we will confine ourselves to only three, though very crucial, points of the joint announcement.

Perhaps the most incomprehensible aspect of the "intention to reach an agreement" is the State's method of paying the clergy's salaries. The general outlines of the latter agreement have been publicized, causing considerable consternation. Regrettably, it has been forgotten that the whole matter was well settled within the framework of the implementation of earlier laws, which provided that the State's related expenditure was offset by the collection of 35% of gross quarterly parish revenues. The institution of the parish levy, which had been in existence for about 60 years, was abolished on 1.1.2004 by the concise Article 15 of Law 3220/2004. As the draft report on the arrangement is not, curiously, particularly enlightening, I think it should be borne in mind that the abolition of this most burdensome financial obligation for the Church took place about two months before the parliamentary elections of the same year... In our opinion, the reinstatement of the parish levy would be the most financially and socially acceptable solution for the smooth continuation of the State's payment of the Orthodox clergy's salaries. A significant gain for the Church is the official acknowledgement by the Prime Minister himself that repeated expropriations of large amounts of monastic property in the past was legally based on the fiscal need to cover the state payment of clergy's salaries, amongst other things. It should be emphasized that, until now, although it was a common belief that monastic property was granted for the above reason, in fact no explicit legislative provision has been made to provide for it – a fact that left the State's obligation to pay Orthodox clergy salaries clearly out of date.

Finally, another noteworthy aspect of the issue is the reactions of the clergy to the loss of "public official" status (as is the correct term in the case law of the Council of State, and not the term "civil servant"). It would be wrong to think that the objections of the clergy stem only from their holding the status of civil servants, as the sacrifices made by a large number of clergymen above and beyond the call of duty are well known. Let us rather reflect on their direct refusal to submit to the full jurisdiction of their respective metropolitans, as well as the long history of autocratic behaviour displayed by some of the latter.

Further reading:

What is changing between Church and State?:

<http://www.ekathimerini.com/234491/opinion/ekathimerini/comment/what-is-changing-between-church-and-state>

Nikos Maggioros: an important incentive

Nikos Maggioros, Associate Professor of Canon and Ecclesiastical Law in the Department of Religious Studies of the Aristotle University of Thessaloniki, who is a member of the Jean Monnet Centre of Excellence, made the following statement in an interview:

This is a very important initiative on the part of the Church and the State to resolve the issue of ecclesiastical property and the payroll of the clergy. In the past, several similar efforts have been made, without the expected results, but it seems that this agreement will provide a solution to the issue, provided that the agreement is legally binding.

The State recognizes that since its inception it has expropriated most of the Church's property and in return has vowed to legally secure the pay of the clergy. A joint management body has also been set up to administer ecclesiastical property issues dating from 1952 onwards. It is an agreement that goes beyond earlier inhumane terms of State-Church separation, and could be a starting-point for a more comprehensive settlement of issues of common interest. Constitutional revision has nothing to do with this agreement, and it seems that the status quo is maintained by it.

Regarding the payroll of the clergy, Mr. Maggioros pointed out that priests should not seek civil servant status without good reason. Mr Maggioros concluded by pointing out that when we talk about religious issues that are governed by theology and legal science, we should clearly explain the related aims and agreements.

Further reading:

Tsipras says deal reached with Church on its assets, payment of clergy:

<http://www.ekathimerini.com/234413/article/ekathimerini/news/tsipras-says-deal-reached-with-church-on-its-assets-payment-of-clergy>

Greece Church agreements to take 10,000 priests off payroll: <https://www.bbc.co.uk/news/world-europe-46122997>

The case of *Molla Sali v. Greece*: the decision of 19 December 2018

Aris Askitis, Lawyer, Masters in Law Student at the ATh Law School

The judgment of the European Court of Human Rights (ECtHR) of 19 December 2018 (Application No. 20452/14, ECtHR, Grand Chamber) concerns the first case before the Court on the mandatory application of Sharia law to inheritance disputes among the Greek Muslims of Western Thrace. The subject of the dispute was the mandatory – following a decision by the Greek Supreme Court – application of the inheritance provisions of Holy Muslim Law (*Feraiz*) to the succession of Greek Muslim citizens, despite the legal drafting of a will before a notary in accordance with the Civil Code, before the entry into force of Law 4511/2018. As a result of the then compulsory application of the sacred law, the applicant was deprived of 3/4 of the estate of her deceased spouse, to the benefit of her living brothers.

Applying the *iura novit curia* principle, the Court limited the scope of the legal characterization of the issues raised before it, and focused exclusively on examining – for the first time – the infringement of Art. 14 of the European Convention on Human Rights (on the prohibition of discrimination) in conjunction with Art. 1 of the First Protocol to the Convention, thereby avoiding the examination of any infringement of Art. 6 and the overall compatibility of Sharia law with the provisions of the ECHR. The matter at issue was not the multifaceted nature of the violation based on the applicant's sex or religion and minority status; rather, the Court confined itself to examining the discrimination suffered by the applicant as a result of the law being applied on the basis of the religion of the deceased, and the discrimination caused by comparing the ability of a Muslim Greek citizen to inherit property by means of a will with that of a non-Muslim Greek citizen, making use of the broad interpretation of the ECJ's principle of non-discrimination.

According to Strasbourg's assumptions (paragraph 151), and contrary to the settled case-law of the Greek Supreme Court on the validity of the Treaty of Athens, no international treaty implies an obligation to apply the Sharia law while the mufti's jurisdiction itself is emphatically absent from the current treaties and in particular the Treaty of Lausanne. Respect for the religious freedom of a minority does not require any favourable religion-based arrangements, but the voluntary adoption of such conditions presupposes their application in the light of the principle of non-discrimination. Therefore, respect for a person's religious conscience cannot be understood as including the automatic waiver of his rights enshrined in international treaties, nor can the State impose the application of a separate legal regime for the protection of minority identity without the minority individual expressing his/her decision to follow or refuse such a practice or favourable arrangements. The deprivation of this conscious choice violates the negative aspect of the right of the individual to self-determination, which is the cornerstone of minority protection, and no international or bilateral treaty justifies the obligation to subject a person to a particular minority regime against his or her will. As a result, since, under the provisions of the Civil Code, there is no prohibition on a Greek Muslim having a will drawn up by a notary, the compulsory application of Sharia law to his succession results in discrimination, as compared with the situation of a non-Muslim citizen, and the proportionality of his limited right is not objectively justified. On the contrary, the interpretation of the law itself and the divided opinions of the courts on the compatibility of the sacred law with the principle of equal treatment and international human rights standards creates legal ambiguity, in breach of the rule of law itself – despite the government's contention that compliance with the country's international obligations was a legitimate aim in limiting the applicant's right.

The discussion about reviewing the constitutional provisions which govern the State – Church relationship and religious freedoms

Victoria Kalogeratou, Undergraduate Law Student of AUTH

The religious tinge of the Greek Constitution is apparent even in its preamble, which states 'in the name of the Holy and Consubstantial and Indivisible Trinity'. The basic provision regulating State–Church relations is, of course, Article 3, which states that 'The prevailing religion in Greece is the Eastern Orthodox Church of Christ'. Religious freedom is guaranteed and regulated mainly by Article 13, whereas more specific aspects of this 'religious constitution' are to be found in Articles 16 (the purpose of education is, inter alia, the development of religious consciousness), 33 (the Christian form of the oath of the President of the Republic) and 59 (a religious oath for Members of Parliament), as well as in Articles 14, 18 and 105.

In the context of the current review process, the subject of State – Church relations was discussed by the Parliamentary Constitutional Review Committee on November 29, 2018, where the parties' different approaches to State – Church relations were identified (see details of the meeting held on 28.11.2018: the debate on Article 3 from 02.17.00 Greek time, and the meeting held on 29.11.2018). In particular, the SYRIZA parliamentary group proposed explicitly affirming the religious neutrality of the Greek State, while maintaining a prevailing religion. It was proposed that the Interpretative Statement should declare that 'the term "prevailing religion" is not an acknowledgement of an official state religion and does not have any adverse effect on other religions and more generally on the enjoyment of the right to religious freedom'. The SYRIZA group further proposed that Articles 3, 13, 33 and 59 should be revised. Article 13 adds the obligation to swear a political oath in the case of state officials, public functionaries and servants (while in other cases the individual obliged to swear an oath may choose freely between a political or religious oath, as happens today in the case of state officials).

The New Democracy party proposes a revision of Article 59 so as to introduce an oath or affirmation for Members of Parliament. In the debate, the Opposition speaker, Mr Tassoulas, said there was no need to revise Article 35, and therefore opposed it, since religious freedom was already fully enshrined in the Constitution. He also stressed that there was no need for separation but for the rationalization of Church-State relations not by the Constitution but by common law.

The Movement for Change party (KINAL) agreed on the need to reflect the distinct roles of the State and Church and the religious neutrality of the State, and advocated full transparency in the exploitation of ecclesiastical property. However, it called the SYRIZA proposal 'deliberately vague'. The River party (TO POTAMI) favoured the idea of a clarified interpretation of the Constitution. With regard to State – Church relations, the River party proposes a demarcation of the said relations in order to elucidate the distinct role of the Church in a social environment of religious freedom. Even though it recognizes the historical contribution of Orthodoxy, it stresses that the State ought to be religiously neutral and that the imminent legal review should fully safeguard religious freedom. In the view of the River party, the State has to oversee places of worship and the formation of churches, mosques, synagogues and any other place of religious worship. (Articles 35 and 135, and Article 16 par 2 of the Constitution). The River party MP, George Mavrotas, stressed that 'the first two words of Article 3, "prevailing religion", should be given their true meaning, which concerns the religion's important historical role or the fact that it is held by the majority of the population, and does not correspond to an official state religion'. He also noted that: 'The interpretative statement within the Constitution may assist constitutional jurisprudence.'

The Communist Party of Greece (KKE), in turn, favoured the full separation of State and Church. The special speaker of KKE, Yannis Dellis, suggested abolishing specific laws on religion, banning clergy from teaching in schools, establishing civil marriage as the only form of marriage recognized by the State, and recognizing religion as a private institution.

The Independent Greeks reiterated the fact that they fully adopt the positions of the Orthodox Church of Greece. The Union of Centrists expressed the view that Article 3 must remain as it is and that the proposed formalities should be rejected, highlighting its intense opposition to the 'institutional diminution' of the Church's role and claiming that 'no one under the guise of modernization can bring the Official Church to the same level as the thousand other denominations that exist'.

2018 Annual scientific meeting of the European Consortium for Church and State Research, 15-16.11.2018

The Academic Coordinator of the Jean Monnet Centre of Excellence "European Constitutionalism and Religion(s)", Lina Papadopoulou, participated in the annual scientific meeting of the European Consortium for Church and State Research, which was on the theme of "The legal status of old and new religious minorities in the European Union". The meeting took place at the old monastery of Certosa di Pontignano in Siena, Italy on 15-16 November 2018.



European Consortium for Church and State Research, 15-16.11.2018



European Consortium for Church and State Research, 15-16.11.2018

Conference on the theme "Blasphemy and Multiculturalism"

On 23-24 November 2018, the Conference on "Blasphemy and Multiculturalism" took place in Athens. The Conference was organized by the Sociology Department of the Panteion University and the Religious Studies Department of the AUTH, under the auspices of Professor A. Paparizos (Panteion University) and Professors Chrysostomos Stamoulis and Christos Tsironis (member of the Centre of Excellence), both of whom teach at the AUTH.

The Academic Coordinator of the Jean Monnet Centre of Excellence "European Constitutionalism and Religion(s)", Associate Professor at the AUTH Law School, Lina Papadopoulou, gave a lecture on "whether the criminal prosecution of blasphemy is an unacceptable restriction of freedom of expression".



Blasphemy and Multiculturalism, 23-24 November 2018



Blasphemy and Multiculturalism, 23-24 November 2018

International conference on “Human Rights and Cultural Diversity”, 26-27.11.2018

On 26-27 November 2018, the Conference on “Human Rights and Cultural Diversity” took place at the University of Macedonia in Thessaloniki. It was jointly organized by the UNESCO Chair on Intercultural Policy for an Active Citizenship and Solidarity of the University of Macedonia and the UNESCO Chair on Education for Human Rights, Democracy and Peace of the Aristotle University of Thessaloniki, in collaboration with the UNESCO Chair on Women, Peace and Security of the University of Macedonia, the Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” of the Aristotle University of Thessaloniki Law School, the Constitutional Values Observatory of the Jean Monnet Centre of Excellence of the University of Macedonia and the Jean Monnet Centre on “the European Union’s Education, Training, Research and Innovation Policies (EduTRIP).

The main themes of the international conference were: (a) integration and tolerance – Human Rights as a guide; (b) culture, diversity and Human Rights; (c) religious diversity and the role of the State, and (d) the role of intercultural education and intercultural dialogue.

The speakers included Prof. Alexandra Xanthaki, Associate Professor of Law at Brunel University Law School in the UK, Gabriel Toggenburg, Legal Adviser to the EU Fundamental Rights Commissioner and EU Commissioner for Human Rights in Vienna. There were also eminent scholars and experts from the University of Macedonia, the Aristotle University of Thessaloniki, the Democritus University of Thrace, the Panteion University and the University of Piraeus.

The Academic Coordinator of the Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)”, Associate Professor of the AUTH Law School Mrs Lina Papadopoulou, gave a lecture on the subject “religious divergence and the role of the state”.



19.20-20.50 Fourth session:
Interculturalism – The role of Intercultural Education and Intercultural Dialogue.

Chair: Dimitrios Skidas, Professor, University of Macedonia, Jean Monnet Chair on EU Budgetary Governance and Audit

Keynote speech - Preparing Youngsters for an Inclusive and Sustainable World: Global Agendas for the development of Intercultural Skills
Fatini Asderaki, Associate Professor, Jean Monnet Chair on European Union's Education, Training, Research and Innovation Policies, Department of International and European Studies, University of Piraeus

Teaching Democracy and Tolerance in European Schools: The Case of Greece
Anastasia Kaidioli, Assistant Professor, School of Philosophy and Education, Member of the Board of Directors of the UNESCO Chair on Education for Human Rights, Democracy and Peace, Aristotle University of Thessaloniki

Current trends for intercultural dialogue in the EU
Despina Anagnostopoulou, Associate Professor, Department of International and European Studies, UNESCO Chair of Intercultural Policy on an active citizenship and solidarity, University of Macedonia

Discussion

20.50-21.00 Closing remarks

Under the auspices of the Research Committee



RESEARCH COMMITTEE



EduTRIP

Administrative coordination:
Ms Antonia Koumpfali, Bachelor on Social Policy and Administration

Under the auspices of the Research Committee of the University of Macedonia



UNESCO/JM/UN/WRM AW/18 2018

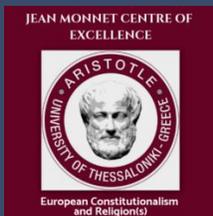
INTERNATIONAL CONFERENCE
HUMAN RIGHTS AND CULTURAL DIVERSITY

26-27 November 2018
University of Macedonia,
Conference Room, 1st Floor
Egnatia 156, Thessaloniki

UNDER THE AUSPICES OF THE RESEARCH COMMITTEE OF THE UNIVERSITY OF MACEDONIA

In collaboration with:

UNESCO Chair on Women, Peace and Security, University of Macedonia
Jean Monnet Centre of Excellence for European Constitutionalism and Religion(s), Aristotle University of Thessaloniki
Jean Monnet Chair for Policies on Education, Training, Research and Innovation of the European Union (EduTRIP) University of Piraeus
Jean Monnet Centre of Excellence of the University of Macedonia, EU Constitutional Values Observatory



Seminar on “Hate speech in Greece and Europe”, 28.11.2018 – 2.12.2018

The Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” organized a lecture by the Dean of the Law School, Professor Elissavet Symeonidou-Kastanidou, on “Penal provisions for dealing with manifestations of racism and xenophobia”, which took place in the Law School of the AUTH.

The lecture formed part of the 28-hour seminar on “Hatred rhetoric in Greece and Europe”, which was held from 28 November until 2 December 2018. This seminar was an initiative by the Jean Monnet Centre of Excellence “Research on the Critical Issues of European Integration” of the University of Macedonia and was organized in collaboration with the Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” of the AUTH Law School, and was funded by the Jean Monnet Action, Erasmus+ Program.

The poster features the logos of the University of Thessaloniki and the Jean Monnet Centre of Excellence at the top. The main text is in Greek, detailing the seminar's focus on penal provisions for racism and xenophobia, the speaker's name (Elissavet Symeonidou-Kastanidou), and the date and location (November 28, 2018, 7:00 AM, Room 112 of the Faculty of Law). It also includes the Erasmus+ logo and a note about co-funding by the European Union.

Διάλεξη

Ποινικές διατάξεις για την αντιμετώπιση εκδηλώσεων ρατσισμού και ξενοφοβίας

Ελισάβετ Συμεωνίδου Καστανίδου, Καθηγήτρια Κοσμήτωρ Νομικής Σχολής ΑΠΘ

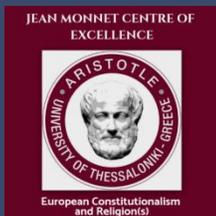
Τετάρτη, 28 Νοεμβρίου 2018, ώρα 7.00 μ.μ.

Αίθουσα 112 «Κωνσταντόπουλος», 1^{ος} όροφος Νομικής

Co-funded by the Erasmus+ Programme of the European Union

An analysis was made of the relevant provisions of the European Convention on Human Rights and the case-law of the ECtHR, as well as the reports by agencies dealing with international conventions and pacts (CERD, ICCPR), EU and Greek legislation and the case-law of the Greek courts. The Academic Coordinator of the Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)”, Associate Professor of the AUTH Law School, Mrs Lina Papadopoulou, gave a lecture on the subject “The constitutional basis and evaluation of the penal treatment of hatred rhetoric”.





Inaugural meeting of the Jean Monnet Centre of Excellence for the new beneficiaries, 29.11.2018

The Centre of Excellence “European Constitutionalism and Religion(s)” of the ATh Law School participated in the inaugural meeting of the new project beneficiaries which was organized by the European Commission’s Education, Audiovisual and Culture Executive Agency (EACEA) in Brussels on 29 November 2018. The beneficiaries of the Jean Monnet Project (Centres of Excellence, Chairs, Modules, Networks and Projects) participated in the meeting. The beneficiaries’ proposals had been selected in July 2018 as part of the EAC/A05/2017 call for proposals.

Throughout the project meeting, information sessions and working groups were held, and support and guidance were provided to the beneficiaries in order to facilitate the operational and administrative implementation of their projects. Finally, the meeting provided the opportunity for networking and creating collaborations between the beneficiaries.



Δευτέρα, 17 Δεκεμβρίου 17.30-20.00 Αίθουσα 112 (Κωνσταντινούπολος), Νομική ΑΠΘ

Κα. Παπαδοπούλου Τριανταφυλλιά, Αν. Καθηγήτρια Συνταγματικού Δικαίου Νομικής Σχολής ΑΠΘ, “Άρθρο 3 του Συντάγματος: Ερμηνεία και Αναθεώρηση”

Κος. Παπαγεωργίου Κωνσταντίνος, Αν. Καθηγητής Εκκλησιαστικού Δικαίου Νομικής Σχολής ΑΠΘ, “Το υπηρεσιακό και μισθολογικό καθεστώς των ορθόδοξων κληρικών στην Ελλάδα”

Κος. Σταυρόπουλος Γεώργιος, Πρόεδρος της Εθνικής Επιτροπής για τα Δικαιώματα του Ανθρώπου, Επίτιμος Αντιπρόεδρος του Συμβουλίου της Επικρατείας, “Το μέλημα των Ορθοπεδικών από το φως της πρόσφατης απόφασης 660/2018 Ολομ. του ΣτΕ”

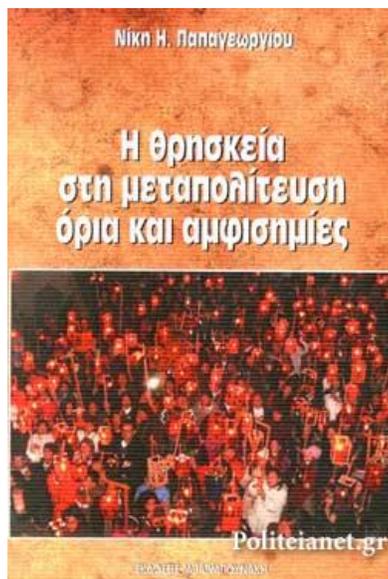


Event on the theme “Religious freedom in dispute? Greece 2018”, 17.12.2018

The Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” of the ATh Law School supported the organization of the event entitled “Greece 2018: religious freedom in dispute?” by the Thessaloniki European Law Students Association, under the auspices of the National Commission on Human Rights.

During the course of the event, Mr Georgios Stavropoulos, President of the Greek National Commission for Human Rights and Honorary Vice-President of the Council of State, referred to the school subject of RE in the interpretative light of the recent decision 660/2018 by the plenary session of the Council of State. Mrs Li na Papadopoulou, Associate Professor of Constitutional Law of the Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)”, gave an extensive analysis of Article 3 of the Constitution, paying close attention to its interpretation and the possible ways of reviewing it. Finally, Mr Konstantinos Papageorgiou, Associate Professor of Ecclesiastical Law at the ATh Law School, referred to the service and salary provisions applying to the Orthodox Clergy in Greece.





Niki Papageorgiou, *Religion in the post-junta era: limits and ambiguities*, 2018

A recent release by the publisher Barbounaki is this monograph by Niki Papageorgiou, Associate Professor of Sociology at the AUTH School of Theology. The author sets out with the admission that the acceleration in the modernization of Greece during the post-junta era has had an impact on the field of religion, whose chief expression continues to be the Orthodox Church. The Church continues to retain its institutional and symbolic significance, which may be perceived both in its privileged links with the Greek State and the position it holds in the consciousness of Greek citizens as a bearer of Greek Orthodox Identity.

Nonetheless, both the promotion of a modern secular state and the changing living conditions of Greek citizens are gradually reducing the influence it has on public, political and urban life and eroding its pervasive influence in everyday life. At the same time, the gradual change in both the domestic and international environments highlights the importance of fostering an emerging pluralism, which 'breaks' the uniformity of the Greek religious landscape. (From the blurb on the back cover).

Author: Niki Papageorgiou

Title: Religion in the post-junta era: limits and ambiguities, ISBN13: 978960267260

Publisher: BARBOUNAKI

Date of release: August 2018

Book: [Orthodox Christianity in 21st Century Greece: The Role of Religion in Culture, Ethnicity and Politics](#)

by Professor Vasilios N. Makrides and Professor Victor Roudometof

Ashgate Publishing Ltd, 2013



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