

# Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” Aristotle University of Thessaloniki

Newsletter Issue 2  
Jan - Aug 2019



Κέντρο Αριστείας  
Jean Monnet



Ευρωπαϊκός Συνταγματισμός  
και Θρησκεία/ες

## 1. Events organised by the Excellence Centre

- i) Seminar on ‘Religious Freedom - Current Legal Issues’, in collaboration with the Centre of International and European Economic Law, 25 February 2019
- ii) Conference on “Religious Freedom, Church and Constitution: in the context of constitutional review”, 30 March 2019
- iii) Seminar on the theme ‘Religious Education and the Constitution: Convergences and Polarities’
- iv) Guest lecture by Prof. Anna-Sara Lind on the theme ‘Religion and access to social rights: recent developments and current trends from a Nordic perspective’
- v) Guest lecture by Prof. Rosie Harding on the theme ‘Respecting Choices, Beliefs and Values at the End of Life: Dementia’

## 2. Activities and articles by the Centre’s members

## 3. New book release



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## Seminar on “Religious Freedom – Current Legal Issues”

Organised by the Centre of International and European Economic Law, with the support of the AUTH Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)”, Thessaloniki, 25 February 2019

This event took place at the premises of the CIEEL (Ikaron 1, Foinikas, Thessaloniki) and was divided into two sessions. The first session, which was presided over by Mr Vasileios Skouris, Professor at the AUTH Law School and former President of the European Court of Justice, and Mr Konstantinos Papageorgiou, Associate Prof. of Ecclesiastical Law at the AUTH Law School, dealt with the subject of constitutional reform and the issue of religious neutrality. Subsequently, Mr Iosif Ktenidis, Associate Prof. of the AUTH Law School, analysed a number of issues relating to religious freedom and equal treatment, in the light of the WEU case-law. In the second session, which was presided over by Mrs Christina Deligianni-Dimitrakou, Professor at the AUTH Law School and Director of the CIEEL, Mrs Athena Kotzabasi, Professor of Civil Law at the AUTH, focused on religious freedom and its manifestations in relation to family relations. Later, Mrs Aphrodite Dimopoulou, lawyer and researcher at the CIEEL in the field of the European Protection of Human Rights, referred to issues of religious freedom with respect to the legislation of the ECtHR. The workshop was supported by the Jean Monnet Centre of Excellence ‘European Constitutionalism and Religion(s)’. The Centre’s academic coordinator, AUTH Associate Professor Lina Papadopoulou, participated in the second session of the workshop.



The main goal of the workshop was to highlight the legal dimension of current issues which touch upon religious freedom, through a holistic and comprehensive presentation and evaluation of the main legislative and jurisprudential developments at a European and national level.

Proceedings of the workshop *Religious freedom – Current Legal Issues*, Athens– Thessaloniki: Sakkoulas Publications (2019)





## Conference on “Religious Freedom, Church and Constitution: in the context of constitutional review”

The AUTH Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” and the “Aristovoulos Manessis” Group, under the auspices of the AUTH Law School, organised a conference on “Religious Freedom, Church and Constitution: in the context of constitutional review” in Thessaloniki on March 30 2019. Prof. Evangelia Koutoupa, a member of the Law School’s governing body and Head of the Department of Public Law and Political Science at the AUTH, greeted the conference on behalf of the Dean of the AUTH Law School. The event was coordinated by the President of the Council of State, Aikaterini Sakellaropoulou.

Honorary Vice President of the State Council Christos Rammos referred to the issue of religious diversity in Europe and the “forgotten universality of citizenship”. Subsequently, AUTH Emeritus Professor Antonis Manitakis, spoke on the theme of “religious neutrality”.



Κέντρο Αριστείας Jean Monnet ΑΠΘ  
«Ευρωπαϊκός Συνταγματισμός και Θρησκεία/ες»  
Όμιλος «Αριστόβουλος Μάνεσης»  
Υπό την αιγίδα της Νομικής Σχολής του ΑΠΘ



Όμιλος “Αριστόβουλος Μάνεσης”

Επιστημονική εκδήλωση – συζήτηση

Θρησκευτική ελευθερία, εκκλησία και Σύνταγμα:  
στη συγκυρία της συνταγματικής αναθεώρησης

Σάββατο 30 Μαρτίου 2019, 11.00 – 14.00

Αμφιθέατρο της Τράπεζας Πειραιώς,  
Κατούνη, Λαδάδικα

Εισηγούνται οι:

- Χρήστος Ράμμος, Αντιπρόεδρος ε.τ. Συμβουλίου της Επικρατείας
- Αντώνης Μανιτάκης, Ομότιμος Καθηγητής ΑΠΘ
- Γιώργος Σωτηρέλης, Καθηγητής ΕΚΠΑ, Πρόεδρος του Ομίλου Αριστόβουλος Μάνεσης
- Λίνα Παπαδοπούλου, Αν. Καθηγήτρια, Ακαδημαϊκή συντονίστρια Κέντρου Αριστείας Jean Monnet ΑΠΘ

Συντονίζει η Αικατερίνη Σακελλαροπούλου, Πρόεδρος του Συμβουλίου της Επικρατείας

Co-funded by the  
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This was followed by a lecture given by the AUTH Associate Professor and academic coordinator of the AUTH Jean Monnet Centre of Excellence, Lina Papadopoulou, on the theme “Religious Freedom in Greece in the shadow of the dominant religion”.

Finally, NKUA Professor, George Sotirelis, gave a lecture on the subject “One more lost opportunity for constitutional review of State–Church relations?”

Further reading on the relationship between religion and state in Greece:

- *The “Prevailing Religion” in Greece: Its Meaning and Implications*, by Kyriakos N. Kyriazopoulos

[https://www.jstor.org/stable/23921379?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/23921379?seq=1#page_scan_tab_contents)

- *Directions in Religious Pluralism in Europe: Mobilisations in the Shadow of European Court of Human Rights Religious Freedom Jurisprudence* by Effie Fokas

<https://academic.oup.com/ojlr/article/4/1/54/1427661>



**Seminar on the theme**  
**“Religious Education and the Constitution:**  
**Convergences and Polarities”**

On April 9 2019 the scientific workshop on “Religious Education and the Constitution: Convergences and Polarities” was organised by the School of Theology of the Aristotle University of Thessaloniki, the Panhellenic Theological Association “Kairos”, the ATh Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” and the Hellenic Association for Human Rights. The workshop was co-ordinated by ATh Associate Professor of Canon and Ecclesiastical Law, Nikos Maggioros.

The event began with expert presentations on the subject. The first speaker was Mrs Angeliki Ziaka, Associate Professor of Religion at the ATh School of Theology, who spoke on “Understanding the Plurality of the Religious Phenomenon in the new Religious Education syllabuses”. In her talk Prof. Ziaka supported the fact that the teaching of religious education has multiple benefits for Greek schools and Greek society – a type of inclusive, non-discriminatory and non-confessional religious education that aims to reconcile students and their different cultural and other ‘identity’ traits.



ΑΡΙΣΤΟΤΕΛΕΙΟ ΠΑΝΕΠΙΣΤΗΜΙΟ ΘΕΣΣΑΛΟΝΙΚΗΣ  
Τμήμα Θεολογίας

**ΕΠΙΣΤΗΜΟΝΙΚΗ ΗΜΕΡΙΔΑ**

**Θρησκευτική Εκπαίδευση και Σύνταγμα: Συγκλίσεις και Πολώσεις**

Τρίτη, 9 Απριλίου 2019  
Ώρα έναρξης: 17:30

Κτήριο Θεολογικής Σχολής  
Α΄ Αμφιθέατρο, β΄ όροφος

Ομιλητές:  
Εύη Ζαμπέτα  
Αγγελική Ζιάκα  
Στέργιος Κοφίνης  
Παναγιώτης Νικολόπουλος  
Λίνα Παπαδοπούλου

Συντονιστής: Νίκος Μαγγιώρος



Με συγχρηματοδότηση από το πρόγραμμα «Επένδυση» της Ευρωπαϊκής Ένωσης



ΕΛΛΗΝΙΚΗ ΕΝΩΣΗ  
για τα ΔΙΚΑΙΩΜΑΤΑ  
του ΑΝΘΡΩΠΟΥ

ATh Associate Professor Lina Papadopoulou, in her speech on “The Development of Religious Conscience in relation to Article 16 of the Constitution”, supported the need to respect religious conscience, while expressing reservations about whether in RE lessons RE teachers respect the personality and diversity of individual students, without being encumbered by authoritarian ideological tendencies and behaviors. Dr Papadopoulou also upheld the right to be exempted from RE lessons and to be free of state interventionism.



Dr. of Law and Court of First Instance Judge Stergios Kofinis, speaking on the theme of “The School Subject of RE Before the Judge”, outlined how the school subject of RE now stands before the judiciary following the recent rulings of the Council of State and the two appeals made against the Council by two diametrically opposed ideological groups: the Metropolitan of Piraeus Seraphim, the Panhellenic Union of Theologians and parents on the one hand, and the Union of Atheists and parents on the other.

Further explanations of the nature and judicial history of the lawsuits against the teaching of RE were provided by NKUA Assistant Professor of Civil Law and Lawyer of the “Kairos” Organisation, Panagiotis Nikolopoulos, who strongly supported the view that, although these two groups, which seem to be moving towards new cases and the issue of exemptions, possess completely different ideological criteria and convictions, they are in fact converging in terms of their aims, which are to weaken or abolish completely the teaching of RE in Greek state schools.



## The AUTH Centre of Excellence participated in the Summer School on the theme “Challenges for the European Societies”, which was organised by the Jean Monnet Centre of Excellence of the University of Macedonia (academic coordinator: Associate Professor Despoina Anagnostopoulou)

1<sup>st</sup> Seminar on “Challenges for the European Societies” organized by the Jean Monnet Project “EUVadis - Policy discourses on Intercultural Dialogue, EU Values and Diversity” of the University of Macedonia in collaboration with the Jean Monnet Centre of Excellence “European Constitutionalism and Religion(s)” of the Aristotle University of Thessaloniki

hours	Sunday 30 June 2019 Conference Room	hours	Monday 1 July 2019 Amfithatre 14	hours	Tuesday 2 July 2019 Conference Room
9.15-9.30	Video Message, EU Commissioner D. AVRAMOPOULOS				
9.30-10.15	Assoc. Professor I. Papageorgiou <i>Challenges of migration and Asylum in Europe</i>	15.00-15.45	Assoc. Professor L. Papadopoulou <i>De-integration, Brexit and referenda</i>	15.00-15.45	Professor D. Skiadas <i>Budgetary Challenges for the EU in view of the 2021-2027 programming period</i>
10.15-11.00	Assoc. Professor I. Papageorgiou <i>Challenges of Migration and Asylum in Europe</i>	15.45-16.30	Assoc. Professor L. Papadopoulou <i>Religious minorities</i>	15.45-16.30	Professor D. Skiadas <i>Budgetary Challenges for the EU in view of the 2021-2027 programming period</i>
11.00-11.15	Break	16.30-16.45	Break	16.30-16.45	Break
11.15-12.00	Dr. E. Koutsouraki <i>Legal and humanitarian aspects of borders: Irregular entry and refugee protection</i>	16.45-17.30	Guest Lecture: Professor A.S. Lind <i>Working Conditions and the EU Social Pillar</i> Jean Monnet Centre of Excellence Aristotle University of Thessaloniki	16.45-17.30	Assoc. Professor D. Anagnostopoulou <i>Diversity at the Workplace</i>
12.00-12.45	Dr. E. Koutsouraki <i>Legal and humanitarian aspects of borders: Administrative detention in view of return</i>	17.30-18.15	Guest Lecture: Professor Rosie Harding <i>Respecting Choices, Beliefs and Values at the End of Life: Dementia, Relatedness and Care</i> Jean Monnet Centre of Excellence, AUTH	17.30-18.15	Assoc. Professor D. Anagnostopoulou <i>Diversity at the Workplace</i>
12.45-13.00	Break	18.15-18.30	Break	18.15-18.30	Break
13.00-13.45	Dr. N. Vavoula <i>Human trafficking and smuggling</i>	18.30-19.15	Round table discussion on the Guest Lectures	18.30-19.15	Assistant Professor N. Panagiotou <i>Fake news and propaganda</i>
13.45-14.30	Dr. N. Vavoula <i>Human trafficking, smuggling and criminalisation of humanitarian assistance</i>	19.15-20.00	Dr. D. Rajzka <i>Challenges for Fundamental Rights in Europe: Right to education of refugee and migrant children</i>	19.15-20.00	Assistant Professor N. Panagiotou <i>Fake news, propaganda and incitement to hatred</i>
		20.00-20.15	Break		
		20.15-21.00	Associate Professor D. Anagnostopoulou <i>Social exclusion</i>		



The Summer School was addressed by two guest speakers, Professors Rosaling Harding and Anna-Sara Lind (2 June 2019)

## Respect for end-of-life choices, values, and beliefs:

### Multiple sclerosis – relationality and care

***Professor Rosie Harding, Law School, University of Birmingham, United Kingdom***

Thirty-five million people worldwide suffer from some form of multiple sclerosis, a disease that results in a gradual decline in one's ability to perform daily activities. The theory of 'relationality' examines the concept of autonomy beyond the liberal individualistic perspective: it views the individual in the light of his or her personal relationships and studies the impact of legal, social and religious rules on his or her personal choices, which may be related to intrinsic religious or other beliefs.

Three of the most indicative areas of regulation and policy that bring to light multiple challenges regarding respect for the value systems of patients suffering from the aforementioned disease are palliative care, advance directives and medical assistance with dying.

More specifically, palliative care focuses on proper communication with the dying patient and their relatives, responding to their needs, and designing a personalized care plan that includes critical aspects such as fluid and medication delivery and relief. It also includes the psychological and social support of the patient. All decisions regarding palliative care must, as far as possible, be made by the patient, or after taking into consideration the interests of the patient and any wishes for a dignified and peaceful end, even if expressed in advance.

Earlier decisions to refuse treatment highlight the problem of equating human life as a biological event with the right to self-determination. It is worth noting that, under English law, under certain conditions such decisions, when taken at a time when treatment for prolonging life becomes necessary, are considered as being taken in a state of mental clarity.

Finally, in the UK medical assistance with dying is governed by a problematic legal framework, which does not criminalise suicide per se, but standardises euthanasia as a form of homicide and assisted suicide is punishable by severe freedom-depriving penalties. Consequently, this framework needs to be carefully reformed so that medical staff can offer those suffering from multiple sclerosis the peaceful death they desire, without facing the risk of prosecution.

## Religion and social rights: developments from the Scandinavian perspective

*Professor Anna-Sara Lind, Law School and School of Theology, Uppsala University*

In the Nordic countries, constitutionally safeguarded fundamental rights include both freedoms (individual rights) and social rights, which underpin welfare states. The Nordic states have incorporated European Union directives on social and economic rights.

Individual rights as fundamental values of democracy and the rule of law are of paramount importance, and within this framework not only the majority but also every minority group is protected in its exercise of religious freedom and worship. In some of the Nordic states the Church is still connected to the state, while in others the secular state has been separated from the Church, although in both cases everything is based on democratic and liberal values.

Denmark provides protection for religious freedom in many articles of its Constitution, although religion is linked to the State, while Norway has instituted the separation of State and Church while respecting religious freedom under EU directives. For Sweden, fundamental individual rights play a key role, with religious freedom being an absolute right. In Iceland, the official religion of the State is Lutheran. In Finland, the State protects religious freedom in the context of individual rights.

Furthermore, most of the Nordic states are interested in building a welfare state that will secure good health, education, job opportunities, housing and living conditions for everyone, regardless of their financial situation. The central focus of Nordic constitutions lies in social rights, the equality of individuals among each other and before the rule of law, freedom and the fight against discrimination



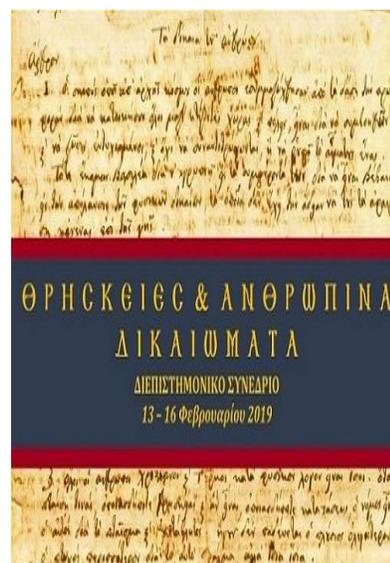
**Conference on "Blasphemy and Multiculturalism", Panteion University, 23-24 November 2018**

Lecture by Assistant Professor and Research Fellow of the Jean Monnet Centre of Excellence, Christos Tsironis, on "Democracy at its Limits and the Limits of Democracy. Blasphemy as a Social, Political and Religious Challenge".



**Multidisciplinary conference on "Religions and Human Rights", National Kapodistrian University of Athens, 13 - 16 February 2019**

Academic coordinator Lina Papadopoulou, Associate Professor of Law at the ATh, presented a paper on the topic "Freedom of expression and religion: from Blasphemy to Hate Speech", while Nikos Maggioros, Associate Professor of the ATh School of Theology, presented a paper on "Human Rights and the Western Christian Tradition".



**Conference on "Constitutional Populism" by the "Aristovoulos Manessis" Association, Athens, 1 - 3 March 2019.**

The academic coordinator of the ATh Jean Monnet Centre of Excellence, Associate Professor of Law Lina Papadopoulou, participated in the conference with a paper entitled "From Islamophobia to Anti-Europeanism: Constitutional Expressions of Populism in Europe".

**Seminar in the cycle "Meetings on the Constitution",** which was jointly organised by the Centre of European Constitutional Law – Themistocles and Dimitris Tsatsos Foundation and the "Aristovoulos Manessis" Association.

A lecture on the theme "From Blasphemy to Hate Speech: religion and the boundaries of freedom of speech", was given by the academic coordinator of the ATh Centre of Excellence, Associate Professor at the ATh Law School, Lina Papadopoulou.





**ECtHR Case of E.S. v AUSTRIA, Application no. 38450/12, 25.10.2018 (Freedom of expression and the infringement of religious beliefs): Comments by Nikos Gaitenidis, *Greek Review of European Law 1/2019***

In this case, the European Court of Human Rights was asked to rule on the applicant's criminal conviction by the Austrian national courts on the basis of certain remarks she had made about the Prophet Mohammed during certain seminars she had organised. The ECtHR found that the Austrian national courts, in their overall assessment of the broader context of the applicant's statements, had struck a fair balance between the applicant's right to freedom of expression and the rights of third parties with regard to their religious affiliations and the preservation of religious peace in Austria.

The facts of the case occurred in the period October-November 2009, when the applicant conducted two seminars on the theme "Basic information on Islam" at the right-wing Freedom Party Education Institute (Bildungsinstitut der Freiheitlichen Partei Österreichs). The seminars had been advertised on the Institute's website and its head had distributed leaflets aimed at young voters. During the seminars, the applicant referred to the Prophet Mohammed's marriage to the six-year-old girl Aisha, implying that the Prophet was a paedophile. The seminar was attended by a journalist (who had concealed his professional identity), who informed the national authorities, who brought criminal proceedings against the applicant.

On 15 February 2011, the Vienna District Criminal Court convicted the applicant of defamation and imposed a fine of EUR 480 plus the extra costs of the trial. The applicant appealed, but the Vienna Court of Appeal upheld the earlier ruling in December 2011, and the Supreme Court rejected the request for a renewal of the proceedings on 11 December 2013.

On the basis of Article 10 (freedom of expression), the applicant submitted that the national courts had failed to consider the substance of the statements at issue in the light of the right to freedom of expression. If they had done so, they would not have characterised her statements as mere value judgements but as factually-based judgements. In addition, her criticism of Islam had taken place in the context of an objective and lively discussion that contributed to and was not intended to defame the Prophet of Islam. Finally, the applicant argued that all religious groups had to be subjected to severe criticism.

The reasoning followed by the ECtHR highlights three crucial issues: (a) the conflict between two constitutionally protected legal goods, namely freedom of expression and respect for religious sentiment; (b) the wide margin of appreciation possessed by states, and (c) the distinction between value crises and real-life events.

[Lina Papadopoulou, "The Securitisation of Religious Freedom: Religion and Limits of State Control in Greece", European Consortium for Church and State, XXIX Annual Meeting: Tallinn, Estonia, 16-18 November 2017](#)

Greece has not (yet) experienced any serious attacks by religious extremists. The worst forms of extremism include hate speech against the followers of non-majoritarian faiths, especially Jews and Muslims, some of which is perpetrated by religious ministers, especially of the predominant Orthodox Church against religious or other minorities. Another form of extremism consists in attacks against symbols or places of worship, especially synagogues. Owing to this fact, legislation is directed mainly at combating hate speech, whereas other types of religious extremism are dealt with by the penal code, which includes the racist motive as an aggravating factor in the imposition of sentences. These measures have not had a major effect on religious freedom either of a collective or personal kind, given the fact that so far anti-racist legislation has never resulted in the punishment of a religious minister. Ministers of the Greek Orthodox Church in particular enjoy a tacit immunity to prosecution. This, of course, may have affected the minorities who have been the victims of such hate speech.

[Lina Papadopoulou, "Hate Speech and \(Autonomy of\) Religious Communities", European Consortium for Church and State Research, International Conference: "Religion, Society, State: Securitisation of Religious Freedom - Religion and Scope of the State", Tallinn, Estonia, 16-18 November 2017](#)

Hate speech against religious communities should not be regarded as being equal to blasphemy or defamation. The former should always be directed against persons, whereas the latter is directed against ideas, beliefs and practices. It is argued in this paper that this distinction may and should be made, even if in many cases it may appear to be very difficult to do so. In this sense, there is no hate speech against communities, but there can be hate speech against all members of a religious community. While prohibitions of hate speech are compatible with equal dignity as a prerequisite of free speech, blasphemy and defamation of religions are not. Secondly, the autonomy of religious communities is not a valid basis for exempting them from their obligation to observe the law prohibiting hate speech. In the same vein, hate speech by religious ministers is prohibited just as much as hate speech by any other public official or politician that is capable of influencing a large number of people who are believers or followers. The concern here is that "some religious denominations may feel obliged to silence certain parts of their doctrine in order to avoid accusations of discrimination or incitement to hatred against certain individuals or groups". This may be a valid point. In fact, some religions or religious doctrines are indeed, in their raw versions, a manifestation of hatred for specific categories of persons and incite violence against them. In some of its manifestations, for example, Islam may advocate jihad, war against all infidels as an expression of its hatred for them.

The European legal order, through hate speech legislation, has adopted a particular position: to defend the equal dignity of all, countering the libertarian approach towards human rights currently prevailing in the USA that views them merely in procedural and not substantive terms.

## NEW BOOK RELEASE

### **Christos Tsironis, *Religion and society in the second modernity - Speeches, Discussions and Debates on the work of Ul. Beck*, Barbounaki Publications 2019**

Ulrich Beck included in his theory almost every aspect of modern life: the democratic pact and the cosmopolitan demand, everyday life and individual reflectiveness, the options regarding the design of individual biographies and also social design, international interactions, war, politics, religion, technology, and the environment all find their way into the mosaic of the Second Modernity. This image does not appear to be perfect in its details but full of bold blends of colours and elements of the world in both its macro and micro dimensions.

The current study focuses on exploring the relationship between personal, religious, political and social identity in the Second Modernity. The analysis then focuses on shaping the life, institutional composition and discourse of religious communities in the modern world, as well as their relation to wider social transformations through the interpretive approach of sociologist Ulrich Beck (1944 – 2015). In addition to analysing social reality and the role that religion, with its various structures and institutions, plays in it, the study aims to achieve a better understanding of the interaction between religious manifestations and social transformations.

