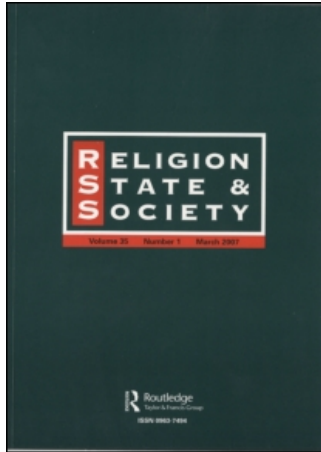


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The Clash of Civilisations: The Church of Greece, the European Union and the Question of Human Rights

DANIEL P. PAYNE

Introduction

In the summer of 1993 the distinguished American political scientist Samuel P. Huntington published in the journal *Foreign Affairs* one of the most controversial works in recent years. In the article, entitled 'The clash of civilizations?', he proposed that conflicts in the future would be based on civilisational and cultural differences rather than ideological differences (Huntington, 1993). He later elaborated and defended his argument in the book *The Clash of Civilizations and the Remaking of World Order*. Responding to his critics, Huntington states that the work is not a description of the political workings of the modern world, and thus is not a truly scientific study, but rather that it is the setting-forth of a new paradigm for understanding the political machinations of the twenty-first century (Huntington, 1996, p.13). While many will continue to disagree with such a paradigm, it still seems to be a useful tool for understanding the developments that have occurred in the relationship between the political cultures of Eastern Europe and the European Union (EU). In particular, Huntington's thesis seems to be most appropriate for understanding the recent clashes between the church and the state in Greece as it attempts to implement western political norms, especially those pertaining to human rights.

As Greece continues to develop a democratic political system that conforms to the norms of the EU, it must especially bring itself in line with western understandings of human rights. In implementing the institutions and structures necessary to secure individual human rights, the state has come into conflict with the Orthodox Church of Greece. This conflict can be understood as a conflict between the Orthodox understanding of the identity of the human person deriving from the collective and the western liberal understanding of the human person as an autonomous individual. The symptoms of this basic conflict can be seen in the recent political debates over the inclusion of religious affiliation on the Greek national identity card, the question of religious freedom, and the more recent discussion on the rights of homosexuals as contained in the European Charter of Fundamental Human Rights, which was promulgated in December 2000.

Using the 'clash of civilizations' as a paradigm, this essay will examine the recent political struggles in Greece between the Orthodox Church of Greece and the state. Of importance in this struggle are the ethos of the Orthodox Church and its traditional understanding of human society. I shall discuss the views of Archbishop Christo-

doulos of Athens and all Greece as presenting the Orthodox understanding, which contrasts with the western understanding represented by the EU and the state of Greece.

The Question of Civilisation

Huntington is not the first intellectual to raise the issue of civilisational conflict between the western and Orthodox Christian worlds. In the early twentieth century the historian Arnold Toynbee asked whether Greece and Turkey belonged to Europe or to the Middle East (Toynbee, 1923). His conclusion was that in terms of their civilisation Greece and especially Turkey did not belong with Western Europe but that culturally they represented the vestiges of the Byzantine political environment.

Even before Toynbee, however, this question occupied the leading intellectuals of Russia from the mid-nineteenth century in their attempt to formulate a 'third way.' The Slavophile movement attempted to develop a uniquely Russian political philosophy that was neither Byzantine (Oriental) nor western. Attempts to reconcile the two ways can be seen in the philosophy of Vladimir Solov'yev and his intellectual successors. Unfortunately, the development of this philosophy was stunted by the Revolution of October 1917. However, the Slavophile movement shows that the Russians were well aware of the inherent conflicts between the political philosophies of Eastern and Western Europe.

Similarly, Huntington claims that there exists an Orthodox civilisation separate from that of the West. This Orthodox civilisation is rooted in Byzantium and centred in Russia. One feature of its distinctiveness is that it did not experience the major intellectual developments of western civilisation such as the Renaissance, the Reformation and the Enlightenment (Huntington, 1996, pp. 45–46).

Because the Orthodox civilisation did not follow the same path of intellectual development as the West, the concept of human rights did not come into existence. Adamantia Pollis has argued that Orthodox culture did not develop the concept of human rights because it did not share the same natural law tradition that developed in the West after the rediscovery of Aristotelian philosophy (Pollis, 1993, p. 342). With the advent of Nominalism and the subsequent philosophical developments in the Italian Renaissance, emphasis was placed upon the individual as the sole guarantor of reality. In the West, consequently, while an individual might be of a particular religious persuasion the church as an institution had less and less control over defining the identity of that individual; this function fell increasingly to the nation-state. An individual was thus not defined so much as a Catholic, Lutheran or Calvinist, but was rather identified first of all by nationality: English, French, Swiss, Saxon. This does not mean that one's religious identity was not important, for many a war was fought, especially in France, over the question of religious identity; but it was secondary. As national identity was increasingly emphasised, religious identity became ever more privatised.

With the rise of the nation-state, it was argued in Continental Europe that human rights derived from the state. Pollis notes that this interpretation of human rights arose out of the neo-Kantian philosophical school in Germany and the corresponding positivist school in France. 'Neo-Kantianism conceives of law as the manifestation of an "ideal" which is embodied in the state' (Pollis, 1987, p. 588). Since positivism and neo-Kantianism had denied metaphysics as a basis for understanding reality, law, which was understood as an ideal that may or may not be realised at any given time in the state, could be grounded only in the institution of the state. The rights of the

person thus derive from the state, not from any other source, including the church.

Unlike the Continental European tradition the English and American traditions of human rights are derived from the natural law tradition inherited from western Scholasticism. John Locke, the father of political liberalism, derived the identity of the human person from nature and thus from the Creator. Influenced by the Reformation and its understanding of the human being as fundamentally an individual, Locke viewed human society as a social contract made between individuals for their mutual advantage. In order to protect themselves, human beings handed over certain rights to the state, which served as a neutral arbitrator between competing claims on the goods of society. Locke nevertheless believed that certain rights were inalienable and thus could not be turned over to state control. These fundamental rights were life, liberty and property. In the American tradition, Thomas Jefferson understood these as being the rights to life, liberty and the pursuit of happiness. From these fundamental rights, other human rights derived in order to make the inalienable rights viable. These derivative rights were embodied in the American tradition in the Bill of Rights attached to the United States Constitution. In this tradition, then, the state does not grant human rights to the person; rather, these rights are fundamental to the identity of the person as an individual human being.

In contrast to the western philosophical tradition, with its Aristotelian roots, the Orthodox tradition has Platonic roots. One Orthodox bishop recently observed that these two philosophical traditions account for the basic philosophical differences between East and West (Osborne, 2003). Pollis states that the eastern tradition is essentially 'a transcendent spiritual mysticism' (Pollis, 1993, p. 341). While western philosophy secularised, the eastern tradition knew no such development. In the eastern tradition the purpose of the human being is not to flourish in the secular world, as western liberalism maintains; instead, it is to become deified, losing individuality in the quest of God-likeness. Metropolitan John of Pergamon has aptly noted that in the eastern theological tradition, human beings in their true nature are ecclesial beings. Human beings are not defined by their nature, but are called to transcend it by entering into communion with God and the church. In the church the individual does not exist; rather, the person exists and is defined by relationships of love. Thus, according to Zizioulas, the Orthodox tradition understands the human being ecclesially rather than individualistically (Zizioulas, 1993, pp. 49–66). The same understanding is characteristic of traditional Greek society, according to Pollis: 'A person's notion of self was not that of an autonomous being but of an integral part of a group, primarily the family, with an ascriptive role and function' (Pollis, 1987, p. 590).

Because Orthodoxy does not have the understanding of the human person as an autonomous individual, the concept of individual human rights is lacking in the ethos of Orthodox political culture. Instead, if there is any concept of rights in Orthodox political culture, it is with regard to group rights (Pollis, 1987, pp. 590–91). For example, the right of religious freedom as interpreted in Greece is not the right of the individual to believe as he or she desires, but rather it is the freedom of the church to exist. This understanding is reflected in the Greek law forbidding proselytism. For a Jehovah's Witness to proselytise an Orthodox believer is seen as an infringement of the rights of the church to exist in Greek society. Proselytism is seen as challenging the existence of the church and, as we shall see, of Greek society itself.

While Toynbee, Huntington and Pollis all stress the differences between western and Orthodox civilisations, the American Orthodox writer Nikolas Gvosdev has sought to find common ground between the two traditions. Gvosdev states that rather

than criticism of Orthodoxy for not having western values, what is needed is an exploration of the Orthodox tradition for ways of expressing similar values (Gvosdev, 2000, p. 38). Indeed, it is Gvosdev's contention that the Orthodox tradition can support democracy and human rights, albeit in a manner that is faithful to Orthodoxy. However, this begs the question as to whether western democracy and eastern democracy are of the same type; or more precisely, as to whether Orthodox political culture can support western democratic norms and institutions – for this is what is being asked of the countries of Eastern Europe that are being admitted to the EU. While I believe that Gvosdev is correct in asserting that for democracy to exist in the Orthodox East it must be grounded in the political values of the East, this does not mean that the eastern countries can necessarily support the specific values and institutions of western origin which are required by EU membership.

Is There a Clash of Civilisations?

As noted above, western human rights norms are based in two Enlightenment philosophical traditions: liberalism and neo-Kantian positivism. The two traditions differ in their derivation of human rights. Either human rights are derived from the nature of the individual or they are derived from the state. However, the two traditions agree in their philosophical understanding of the identity of the human person, as that of an autonomous individual who chooses his or her identity in relationships with others. This understanding is fundamentally different from the Orthodox understanding of the human person.

Ina Merdjanova has observed that the nationalism of the East and the West differs in regard to the role of religion. In the West, as noted earlier, national identity was secularised and religion became a secondary attribute of the individual. There are many reasons for this development, but the prime cause was the Reformation. In the East, by contrast, national identity was not separated from religious identity. According to Merdjanova, eastern nationalism 'was based to a great extent on religious-cultural differences, it developed within and through religious communities and institutions, and it used religious symbols and certain elements of religious doctrines' (Merdjanova, 2000, p. 234). In the same spirit, Pollis argues that in Greece there was a convergence between nationality and religion (Pollis, 1993, p. 348). The conflation of nationality and religion was consolidated by the rise of the nation-state, and this brought about a synthesis of state, nation and religion that affected understandings of citizenship and identity.

The globalisation of western political culture, especially through the EU, has provoked a response from Orthodox hierarchs who are concerned about the loss of Orthodox identity to a homogeneous western culture. The former Archbishop Spyridon of the Greek Orthodox Archdiocese of America commented in an interview regarding the recent identification card controversy in Greece that the 'Church and the State, should work together in harmony to head off the charge of globalization, which is the real threat to Greek "identity" in the new millennium' (Frangoulis, 2000). At the 1999 annual meeting of the World Economic Forum Patriarch Bartholomaios of Constantinople stated:

As a representative of the Orthodox Church, we are not opposed to the economic progress that serves humanity, nor are we bigoted or timorous in the presence of other faiths and ideologies. Our desire, however, is to safeguard the possibility for the members of every religious or cultural

minority to maintain their distinctiveness and the particularity of their culture ... Globalisation, however, as a means of making humanity homogeneous, of influencing the masses and causing a single, unified and unique mode of thought to prevail, will find us opposed (Ecumenical Patriarch Bartholomew, 1999).

The most outspoken Orthodox critic of the westernising process has however been Archbishop Christodoulos of Athens and All Greece. In many ways he has been a prophetic voice for Greek national identity, speaking from an Orthodox understanding of the person. While some may see Christodoulos' conflict with the state of Greece and the EU as just a political disagreement, since he is an astute politician, it appears at a deeper level that there is indeed a real philosophical difference between the two parties.

In May 2000 Archbishop Christodoulos commented that 'For Greeks, to be an Orthodox Christian is a defining attribute of their identity. For us Europeans, this is our Christian identity. And it is this that all our friends advise us to keep' (Athens News Agency, 2000b). This statement reveals a fundamental difference between Orthodox and western understandings of national identity. For Christodoulos, national identity is defined solely by religion, and it would be impossible for a Greek to be anything other than an Orthodox Christian. In a recent address to the shipowners' association in Piraeus the archbishop set out specifically what it means to be a Greek (Archbishop Christodoulos, 2001). He argues that the Greek nation has existed from antiquity. Drawing on Homer, Thucydides, and other ancient authors, both Roman and Greek, he presents evidence that the various peoples of the ancient Mediterranean constituted a single race, that of the Hellenes. Christianity later affirmed this fact, when St Paul acknowledged a Greek nation.

The writers of antiquity understood national identity to consist of three basic elements: religion, education and language. The Greeks accepted as their common religion Orthodox Christianity. The church preserved their ancient language, and the Greek Church Fathers kept intact the ancient models of education. 'This therefore is our tradition,' says Christodoulos:

we are a people, of which the identifying elements are a common faith, a common tongue and a common education. And this tradition has been indissoluble now for around 3000 years. It is not a product of political clashes that occurred just yesterday.

The latter part of this comment is directed toward the nation-states of Western Europe, whose national identities, Christodoulos believes, were shaped by the political and religious wars of the period from the sixteenth to the nineteenth centuries. In contrast the Greek national identity was not shaped by politics, but has always existed.

Christodoulos' arguments concerning Greek national identity are not unique. Other countries' mythologies, such as those of Poland, Slovenia and Serbia, all have unique origin myths that involve religious identity. For instance, to be a Pole or a Slovenian means to be Roman Catholic, while to be a Serb is to be Serbian Orthodox. Michael Sells has coined a term for this phenomenon in Slavic nations: Christoslavism, which he defines as 'the belief that Slavs are Christians by nature and that any conversion from Christianity is a betrayal of the Slavic race' (Sells, 1996, p. 36). Mitja Velikonja has shown how Roman Catholic integrism plays a similar role in providing a mythology that unites Roman Catholicism and Slovenian national identity (Velikonja,

1999). The Greek claim to an ancient ancestry combined with Orthodox Christianity as the sole marks of national identity must therefore be understood in the larger setting of the historical development of Eastern European nationalism.

Greek national identity has been merged with the state. Because the concept of the nation-state was a modern western concept, the Greek-speaking people under the Ottomans looked to the West for examples of the modern state. The Balkan peoples desiring their own political independence created nation-states that followed language and cultural differences. As a result, national identity created the modern states of Greece, Serbia and Bulgaria. This means then that to be a citizen of Greece is to be a Greek-speaking member of the Orthodox Church of Greece (Papadakis, 1988, 51; Xydis, 1994).

In fact, it seems that Christodoulos holds that the role of the state is to preserve the particular Greek culture against those forces that would undermine it. He thus understands that the adoption of western norms may indeed challenge the existence of Greek national identity. 'How many years do you reckon we will survive?', he asks, if we give up the peculiar elements of Greek identity. The answer is to be found in the Greek diaspora, which has assimilated to western norms and forsaken its Greek identity. If the Greek state accepts those norms and institutions and secularises the country it will be betraying the Greek nation.

In a speech to the Supreme Court of Greece on 29 June 2000 Christodoulos goes further. He argues that not only is the identity of Greeks threatened by western democratic norms, but also the entire European identity is being undermined (Archbishop Christodoulos, 2000). He asserts that European identity is rooted in three basic elements: Roman legal tradition, Christianity, and Hellenic education. 'In other words, Rome, Athens, and Jerusalem formed the tripartite foundation of the spiritual life of Europe, with emphasis on Christianity which constituted the substance of the greatness of the other two.' To those who argue that European identity is a politico-economic construct, he states that the 'European Union is a creation of the spirituality of Christianity ...'. This European unity is rooted in the Christian understanding of the *ecumene*, of one united world. The understanding of the *ecumene* was not just an Orthodox understanding, but was also the understanding of the Latin West. There could only be one empire, one Christian polity. Christodoulos thus understands the role of the church in Europe to be that of preserving the unique Christian identity of European man, and sees it as the duty of the church to promote European unity, but only as a spiritual unity, not a politico-economic unity. It is the duty of the church 'to protect an area and a way of life as does an advising Confessor, by preventing it from descending to the level of simple political-economic events'.

In order to preserve the spiritual culture of Europe, Christodoulos proposes that the first objective must be the preservation of the spiritual identity of each people. For the Greeks, the Orthodox Church is the institution that has as its role preserving the faith and tradition of its people. 'As ark of our race the Church will have to struggle for the development and preservation of the spirituality of the Hellenes within Europe.' The church is not to be antagonistic to the state, but it must offer to the state spiritual direction for preserving intact the identity of the Greek race.

The Question of Human Rights

Three basic issues have arisen in Greek society in the past few years which demonstrate the clash between western and eastern understandings of human identity: the identification card controversy, the question of religious freedom, and the debate on

homosexuality. Since the Orthodox understanding of national identity has a religious component, it is easy to understand the conflict between church and state over these issues. As Greece continues the process of implementing the necessary changes to its political and economic systems as a member of the EU, the question of human rights becomes a major issue. In accepting the western democratic model, Greece adopted the understanding of human rights as pertaining to the individual. In this understanding, the identity of the individual is not necessarily that of the larger society, and he or she can then exercise his or her rights against societal claims on his or her identity.

In the summer of 2000 the Greek government implemented a 1997 privacy law that removed religious affiliation from national identity cards. This law overturned a previous law that had required religion to be designated. Since the church understands that to be Greek is to be Orthodox, to remove religious affiliation from the national identity card is to challenge the very identity of Greece. In so doing the state is asserting that Greek national identity is merely a political construct.

Furthermore, the church sees the removal of religious affiliation from the card as a violation of the symphonic principle according to which the church itself operates with regard to the state. The traditional Byzantine concept of *symphonia* ideally allowed for a separation with regard to the social and political functions of society. The state was to handle legal and political matters, securing the environment for the flourishing of Orthodox Christianity. The church for its part was to maintain the tradition and provide for harmony within the Christian polity. While this ideal was seldom achieved in the Byzantine Empire, it was the principle by which the church and state operated with regard to each other. This symphonic ideal continues to be the predominant model for Orthodox church-state relations to this day.

On the identity card issue, the church became upset that the government had made a unilateral decision without discussing it with the church. As caretaker of the identity of the Greek people the church saw the government's action as overstepping the symphonic boundary between church and state. Dimitris Reppas, a Greek government minister, said of the church's decision to hold a protest rally,

The holding of the rally and the content of the speech confirmed intentions and goals which contradict the spiritual and social role of the Church The government has made its position known on the issue of identity cards, which is of the *exclusive responsibility of the State* (Athens News Agency, 2000a) (emphasis added).

The church, however, does not agree that the identity card issue is the sole responsibility of the state. For the church, preserving the identity of the people is a spiritual and social issue that falls within the purview of its responsibilities granted by the state. For the state it is a question of the rights of the individual to privacy and religious freedom.

The second major human rights issue that has developed recently in Greece is the understanding of religious freedom. According to Article 3 of the Greek Constitution, Orthodox Christianity is the 'prevailing religion' of Greece. The interpretation of this term in Greek legal theory has produced a legal environment where freedom of religion is violated according to western understandings of the concept (Kyriazopoulos, 2001, pp. 511–12). If the term 'prevailing religion' implies that Greek Orthodox Christianity is the state religion of Greece, then an inherent contradiction arises between Articles 3 and Articles 13 of the Greek Constitution. Article 13 guarantees the right of freedom of religion. It is in line with Article 14 of the

European Convention on Human Rights (ECHR) and should not therefore be limited or relativised by Article 3 (Kyriazopoulos, 2001, pp. 518–20). Any interpretation of the term ‘prevailing religion’ which gives special legal status to the Orthodox Church of Greece *vis-à-vis* other religious faiths violates the ECHR and other human rights agreements. As Kyriazopoulos notes,

In any case, it is unlikely that any interpretation of the phrase ‘prevailing religion’ that amounts to any sort of establishment or privileged position for the Orthodox Church of Greece *vis-à-vis* other creeds and communities can be retained if Greece is to remain in full compliance with its European obligations. (Kyriazopoulos, 2001, p. 524)

This constitutional issue has brought about the need either for a removal of Article 3 from the Constitution or for a new understanding of the term ‘prevailing religion’ that is congruous with the freedom of religion of the individual. In any case what is being called for is a greater separation between church and state in Greece. While the ECHR does not stipulate what type of legal arrangement must exist between the two, a state religion that confers a preferential legal status on its adherents definitely violates the human rights of non-adherents.

The Greek Orthodox Church has responded quite negatively to any attempt to bring about a separation between church and state in Greece. This is to be expected, given the fact that in the church’s understanding the two are inseparable, especially in view of the historical conflation of religion, national identity and the state.

In the context of the EU’s religious freedom requirements, in August 2000 the Greek government called for the removal of religion, specifically Greek Orthodox Christianity, from the examination required for graduation from high school. Greek Orthodox theologians immediately attacked the government for this proposal. In a press release members of the Hellenic Theologians’ Association stated that

When a subject does not count for university entry, pupils display total indifference to it We fear that the real objective is for Greeks to learn little about world religions and as little as possible about Orthodoxy The motives are ideological and political, and by no means educational. (Kathemerine, 2000)

The third issue that has recently generated much concern for the church is the question of homosexuality. The new European Charter on Fundamental Human Rights (ECFHR), which was proposed for ratification in December 2000, provides for the protection of the rights of homosexuals and lesbians. From the time of the European Parliament’s non-binding resolution to promote the equal rights of same-sex couples in the spring of 2000 the church came out against homosexuality and the EU. Archbishop Christodoulos stated that granting homosexual couples the same rights as heterosexual couples would be the equivalent of ‘legalizing a sin’ (Associated Press, 2000). About the ECFHR the Holy Synod of the Church of Greece stated that

An attempt is being made to impose on the European Union population principles and views on which the peoples making up the European Union were never asked to give their opinion. It is stressed that human rights and religious freedoms can not be promoted through the oppression of the religious belief of the Christians or by erasing historic periods and achieve-

ments that were the resultants of the Christian Culture. (Macedonian Press Agency, 2000)

In promoting the equal rights of homosexuals and lesbians the EU is imposing norms that are unfamiliar to both eastern and western Christianity. When the church is the institution responsible for moral and social issues in society the promulgation of homosexual rights challenges its authority as well as the prevailing ethos of the Christian tradition. Throughout Europe the Christian churches have raised concern over this issue. In particular the Greek Orthodox Church sees Greek national identity being lost to the forces of democratisation and secularisation.

Conclusion

Huntington's thesis that conflicts in the new world order will be based upon civilisational differences seems to be an apt paradigm for understanding the current conflicts between church and state in Greece. While a similarity exists among the religious nationalisms of Eastern Europe with regard to social identity, so that is in the eyes of many to be a Pole is to be Roman Catholic just as to be a Serb is to be Serbian Orthodox, a theological difference is to be ascertained with regard to the understanding of the human person between the western liberal political tradition and the eastern Orthodox theological tradition. The western understanding of the human person as an autonomous individual who has certain rights inherent to his being contrasts with the Orthodox understanding of the person as one who receives his or her identity from the social group, especially the church. The Orthodox understanding does not emphasise the 'rights' of the individual but instead his responsibility to the people from which he receives recognition and identity.

Furthermore, the Greek Orthodox Church sees the state as the protector of the collective tradition and way of life of the nation. Any attempt to destroy or change the ethos is to be punished by the state. However, with the entry of Greece into the EU the state has chosen to adopt the various institutions and values of Western Europe. The church now sees the state as a betrayer of Greek national identity and is reasserting its own role as caretaker of that identity.

In the various areas of controversy I have looked at in this article the state has asserted the rights of the individual to privacy and an increasing separation of church and state. In response, the church, under the leadership of Archbishop Christodoulos, has attempted to reassert its established position and its public role and has opposed the westernising policies of the state. In so doing, however, it continues to lose favour in the eyes of the state and of the EU, which is placing increasing pressure upon the state to continue the secularising processes and to complete a formal separation between the two entities.

The future of the relationship between church and state lies in Greek democracy. Will the people opt for a separation between the two and follow the West? Or will they vote for a government that will be antagonistic to the West and find its identity in the Orthodox civilisation of its roots? Will the Orthodox countries of Eastern Europe create a new Orthodox commonwealth against the West, perhaps allied with the Islamic East (Gvosdev, 2001)? While such a possibility is highly unlikely, still certain conservative elements in Greece may look to the East and to its Orthodox brethren for increasing political and economic cooperation. The future of Greece and the other Orthodox nations depends to a large extent on the West. If western countries persist in pursuing individual rights at the expense of the traditional cultures of Eastern Europe,

then indeed a break may occur and the development of a single Orthodox commonwealth may emerge. However, if the West can find a way of living with Orthodox culture, then Europe may once again be reunited into a single polity of diverse peoples.

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