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### ARTICLES Άρθρα

**Sevaste Chatzifotiou, Despoina Andreadou,** Parenthood in the light of the attachment theory. New challenges for social welfare professionals

**Georgios Filippidis,** Internet addiction and other problematic online behaviors among teenagers

**Evrpidis Papadimitriou,** Defining green social work

### DIALOGUE Διάλογος

**Konstantinos Georgiadis,** Political theology in recent case-law on Religious Education in Greece: "religious consciousness" vs "religious conscience" within the Greek Constitution

### COMMENTS Σχολιασμός

**Uwe Malich,** Die demographische Schwäche Ostdeutschlands

**Marina Angelaki,** Social Policy after the COVID-19 Pandemic

# Political theology in recent case-law on Religious Education in Greece: “religious consciousness” vs “religious conscience” within the Greek Constitution

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## Πολιτική θεολογία στην πρόσφατη νομολογία για το μάθημα των Θρησκευτικών στην Ελλάδα: «θρησκευτική συνείδηση» με την έννοια του ατομικού δικαιώματος ή της συλλογικής συνείδησης κατά το Σύνταγμα των Ελλήνων;

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### ABSTRACT

The social and political dialogue on Religious Education in Greece has reached a peak. A series of court decisions annulled a corresponding series of administrative decisions, by which the New Curriculum for Religious Education was legislated and reformed repeatedly since 2016. The controversy between a “confessional” and an “interreligious” approach concentrates on two ostensibly contradictory terms within the Greek Constitution: the “religious conscience” (Article 13) as an individual right and the “religious consciousness” (Article 16) in the broad sense of the collective consciousness. The main issue is the exact meaning of the “Orthodox consciousness”, since it is identified with the “religious consciousness”. Does it imply only a religion or a cultural identity that also has a supra-constitutional status in Greece? Is it really in conflict with or does it rather presuppose an “open society”? Resolution to such dilemmas is given by a political theology based on recent constitutional case-law.

**KEY WORDS:** Religious education, religious consciousness, political theology, constitutional theory.

### ΠΕΡΙΛΗΨΗ

Ο κοινωνικός και πολιτικός διάλογος για το μάθημα των Θρησκευτικών στην Ελλάδα έχει φτάσει στην κορύφωσή του. Σειρά Αποφάσεων του Συμβουλίου της Επικρατείας ακύρωσε αντίστοιχη σειρά Αποφάσεων του Υπουργείου Παιδείας. Η αντιπαράθεση μεταξύ μιας «ομολογιακής» και μιας «διαθρησκειακής» προσέγγισης κινείται στον άξονα δύο φαινομενικά αντιφατικών όρων του Ελληνικού Συντάγματος: στη «θρησκευτική συνείδηση» του Άρθρου 13 ως ατομικού δικαιώματος και στη «θρησκευτική συνείδηση» του Άρθρου 16 υπό την ευρεία έννοια της συλλογικής συνείδησης. Το κύριο ζήτημα όμως είναι η ακριβής έννοια της «ορθόδοξης συνείδησης», από τη στιγμή που κατά τη νομολογία και τα όρια του Συντάγματος ταυτίζεται με τη «θρησκευτική συνείδηση». Υποδηλώνει απλά μια ακόμη θρησκεία ή μια ταυτότητα πολιτισμού με υπερσυνταγματική ισχύ στην Ελλάδα; Βρίσκεται πράγματι σε σύγκρουση ή μπορεί ακόμη και η ίδια να προϋποθέτει μία «ανοικτή κοινωνία»;

**ΛΕΞΕΙΣ-ΚΛΕΙΔΙΑ:** Θρησκευτική εκπαίδευση, θρησκευτική συνείδηση, πολιτική θεολογία, συνταγματική θεωρία.

# 1. Introduction: A total failure of social and political dialogue - from the academic and legislative fora to the court-rooms

The controversy around the subject matter of Religious Education, which reflects the existence of a vague “cultural model” in modern Greek society (Simitis, 2017), emerges inside several institutions (Theological Schools, particularly their religious-pedagogical Departments, Church of Greece, Secondary Education, etc.) What dominates is an unbridged gap between two main ideological parties, which, personally, I would characterize as the “Christian Right” and the “Christian Left”. The most prominent example is the existence of two separate “Panhellenic” Greek private-law “Associations of Theologians” (“ΠΕΘ” and “ΚΑΙΡΟΣ”) opposed to one another in a conflict about the real meaning of notions such as “confessional”, “orthodox”, “modern” and “openness”, concentrating on the most crucial constitutional term of “religious consciousness”. The climate of dialogue seems to be far from being peaceful and hence constructive. We are referring not merely to two opposite viewpoints but mainly to two totally different “worlds” with hardly any common understanding of shared notions.

Two years before, this debate continued in the courtroom of the Hellenic Council of State. A series of Court Decisions annulled a series of corresponding Administrative Decisions, by which the “New Curriculum for Religious Education” was legislated and reformed over and over again from 2016 to 2019. In particular, the Council of State’s Court Decisions 660/2018, 926/2018 and 1749/2019 annulled respectively the Administrative Decisions of the Hellenic Ministry of Education 143579/D2/7.9.2016 (*Curriculum of the Subject of Religious Education at the High School level*), 99058/D2/2017 (*Curriculum of the Subject of Religious Education at the Elementary and Middle School level*) and 101470/C2/16.6.2017 (*Curriculum of the Subject of Religious Education at the Elementary and Middle School level*). Educational models which had already been applied in Great Britain were the pattern for this Greek “New Curriculum”, causing “problems such as religious syncretism” (Komninou, 2018: 33).

With due consideration to the aforementioned Court Decisions, a new Curriculum for both the primary and secondary religious education replaced the previous ones, just in last March (Official Government Gazette of Greece 698/B/4-3-2020, 7659-7738 & 699/B/4-3-2020, 7739-7834). It is going to be in full force and effect after the next School year. However, no one can predict with absolute certainty if it will be annulled once more as “unconstitutional” by a Court Decision, as it happened with its prior Curricula. Any Greek legal theorist knows that it is almost impossible for the Council of State to change the logic of an established case-law. On the other hand, now is the first time for “ΠΕΘ” and “ΚΑΙΡΟΣ” to become allies even for their own reasons, yet against a common enemy: the current new Curriculum for Religious Education in Greece.

In modern pluralistic society, “a lesson of interreligious education on terms and criteria of school learning rather than religious inclusion” is a reasonable demand (Karamouzis, 2017: 47), compared to a Religious Education which tends to focus exclusively on the “prevailing religion”. On the other side, the right of exemption either from a “confessional” or from a “multi-religious” School Subject is the same, based on the right of all citizens to develop freely their personality according to the 5th Article of the Greek Constitution (Venizelos, 2016). This clearly shows that the most serious problem is that Religious Education is not free from religious and ideological trends and conflicts. For these and other reasons, it has been proposed the introduction of “Theology”

within the meaning of the Aristotelian "First Philosophy" as a distinct science and School Subject instead of or together with the Religious Education (Georgiadis, 2018).

In this impasse, what matters most is a main rationale of the Council of State as the primary and commonly accepted ground among any opposing ideologies. If major ideological dilemmas around shared notions had been proved false in their basis, no one would have been a victim of ideological prejudice or social distancing and, therefore, the Greek Religious Education would not have been in danger for falling into a chaotic situation, as of today. The question lying in misconceptions regarding crucial terms such as "reason", "science" and "critical thinking", on one hand, and "Christian Orthodox faith", on the other, is obviously the stumbling block for a commonly accepted character of the Religious Education in Greece.

The Council of State has based its verdict on the participant litigators as well as on the material provided without overrunning the institutions in charge, such as the Church of Greece and the Institute of Educational Policy, in order to assess what the terms "religious" or "orthodox consciousness" mean and how these notions are cultivated,. This puts into play the "Minor Premise" of the Decisions 660/2018, 926/2018 and 1749/2019 subjected to its "Major Premise". Here is precisely where the divergence between the Council of State and the "New Curriculum for Religious Education" lies; for both of which there is no explicit reference in the corresponding legislation that their main purpose is to cultivate the "orthodox consciousness". The problem, however, would then be transferred on to how this consciousness should be compatible with the purpose of a modern "open" School, emphasizing on the easily misunderstood polarity between the "Orthodox Christian faith" and the "unrestrained critical thinking". In any case, the value would not be accredited to "what is signified by someone", but rather on "the signifier itself", even in the context of the respective legal impressions in the field of Justice. In general, the most crucial issue is the specific "investigation" of the term "Orthodox Christianity".

## **2. Legal commentary on the recent Council of State's Decisions 660/2018, 926/2018 and 1749/2019**

### ***2.1 Council of State's "Major Premise"***

The Council of State's Decisions 660/2018, 926/2018 and 1749/2019 concentrate on Constitutional terms such as "In the name of the Holy and Consubstantial and Indivisible Trinity" (Preamble of the Greek Constitution), "human rights" (Article 2, 4 et seq), "prevailing religion" (Article 3), "religious conscience" (13th Article) and "national and religious consciousness" (Article 16), enabling us to seek for a "philosophy of State and Education" in their meaning. The "Major Premise" of the Decision 660/2018 is summarized in the following points: a) the "religious consciousness" of the 16th Constitutional Article is identified with the "orthodox consciousness", b) the "Religion" School Subject is predominantly addressed to Orthodox students, without impeding the participation of non-Orthodox students, while 13th Constitutional Article provides the right and not the obligation to be dismissed of it and, c) the so-called "non-Orthodox approach" of "New Curriculum for Religious Education" impinges on the Orthodox students' liberty, who in this specific aspect are also protected by the European Convention on Human Rights (ECHR) (Decision 660/2018: 9-11).

Thus far, for the conceptualization of the Decision 660/2018, two things are evident: a) no opposite view from the minority of Judges is entailed in identifying “religious consciousness” with “Orthodox Christian consciousness”, as the main issue, in which unanimity is found, and b) from the explicit reference to the Preamble of the Constitution and to the 3rd Constitutional Article, an external “Supra-Constitutional” principle is implied. Assuming that this principle has not been enforced like a rule of law or even had “limited legislative consequences” (Decision 660/2018: 11), it somehow appears to be “the spirit of the Constitution” pervading it in its entirety, as well as in its particular provisions. Although the legal theory has almost never developed such an approach, apart from a few special cases (Nikopoulos, 2011), the moment on which political authorities, especially former governmental ones characterizing the Preamble as “remnant of the King’s era” (Filis, 2018), the Council of State claims the opposite. The impressive perspective here concerns a liberal Constitution in concurrence with a “confessional” Preamble and a “prevailing religion”, particularly the Orthodox Christianity.

Similarly, the “Major Premise” of the next Decisions 926/2018 and 1749/2019, is substantiated by the following evidence: a) both the Preamble and the 3rd Constitutional Article, where a specific “Political Theology” is found (Decision 926/2018: 5-7; Decision 1749/2019: 5-6), b) the Articles 5, 13 and 21 of the Greek Constitution (Decision 926/2018: 5-6; Decision 1749/2019: 5) in combination to the accordingly protected Rights of Articles 9 of ECHR and 2 of its Additional Protocol for the benefit of the Orthodox Students (Decision 926/2018: 7; Decision 1749/2019: 6-7) and c) the paragraph 2 of the 16th Constitutional Article, which defines a specific basis of statutory framework for Religious Education, where “religious consciousness” and “orthodox consciousness” are synonyms (Decision 926/2018: 6-10).

At this point, it goes without saying that the reasoning of the Council of State’s “Major Premise” is clearly rational and objective with no space to accommodate any ideological view or selectivity. The Constitution is concrete, as is the methodology to approach its terminology and the particular legal provisions along with a Philosophy of Law, or alternatively a *Political Theology* with its classic *Schmittian* meaning (Wikipedia contributors, 2020; Flynn, 2010; Vatter, 2016; Georgiadis, 2020). More specifically, the Decisions 660/2018, 926/2018 and 1749/2019 are clear in that: a) the Preamble has got not only historical and symbolical value, but also “limited legislative consequences”; b) the “religious consciousness” in the context of the 16th Constitutional Article coincides with the “orthodox consciousness”.

## ***2.2 Re-examining a key issue: “religious conscience” (13 Article) vs “religious consciousness” (16 Article) within the Constitutional framework***

The fact that the Council of State protected the Orthodox students’ religious liberty from a “non-Orthodox” Religious Education, even in the name of the European Convention on Human Rights (ECHR), has surprised the Greek legal theory (Venizelos, 2020), although this fact alone was not of crucial importance in the reasoning of the Court’s Decisions (Decision 660/2018: 11). Nevertheless, it does require profound analysis, by which deeper conceptual misunderstandings or pseudo-dilemmas could be resolved before anything else. The main question is whether dissimilar legal concepts have actually been compared.

In particular, the constitutional principles in conflict are the “religious conscience”, perceived as a specific “individual right” within the context of 13 Article, and the “religious con-

sciousness", which in Article 16 is described as a main aim in Greek Education. Even the simple difference in terminology between "conscience" and "consciousness" denotes that there may not even be a legal issue. However, this distinction is clear in the official English translation of the Greek Constitution, but not in the authentic Greek text, where the multi-meaningful word "θρησκευτική συνείδηση" is used equally for both cases, depending on the contextual relevance. The same distinction is also found in the official German translation, among the "religiösen Gewissens" (Article 13) and the "(nationalen und) religiösen Bewusstseins" (Article 16). Thus, sometimes in the sense of "conscience" the term "θρησκευτική συνείδηση" apparently means "the [moral] feeling that you know and should do what is right and should avoid doing what is wrong" (Cambridge online Dictionary), "claimed to somehow be of God, therefore implicating a sovereignty above the state" (Underkuffler, 1992: 93), "a byproduct of intelligence, not something of sacred origin", (Washington, 1992: 29) and sometimes in the sense of "consciousness" it means "the state of understanding and realizing something" (Cambridge online Dictionary) or else "your awareness of yourself and the world around you" (Cherry, 2019). As a consequence, there is no ground for collision of "rights" (25 Article), since the "religious conscience" in Article 13th is a "right", while the "religious consciousness" in Article 16th is a "constitutional requirement". The first concerns the private beliefs of each individual citizen, "the right of free inquiry and private judgment" (Underkuffler, 1992: 97), while the second is considered as synonym to a collective cultural identity of a whole nation.

### **3. An alternative interpretation of the constitutional term "religious" consciousness in the meaning of the "Christian Orthodox" one**

#### ***3.1. Bridging the gap between "traditional" and "modern" by the "classic"***

In the Decisions 660/2018, 926/2018 and 1749/2019, the concern shifts to the two questions stated below, culminating in the second: a) how the "religious consciousness" in the context of the Hellenic culture and Orthodox Christian tradition should be defined, along with the exemplary manner of its "development", b) is it in line with the rest of objectives in the present Greek educational system which is supposed to operate in accordance with the principles of scientific reason, far from any pseudoscientific ideology? In particular, is the crucial concept of Reason existent in the Greek reality, as introduced by the ancient Greek philosophy to the world culture and elaborated by the Orthodox Christian tradition? Is it a pre-existing reality for a Greek civilization "with ancient roots and Christian soil", thousands of years before the "Age of Reason"?

A positive answer to the last question would prove that the so-called dilemmas, like the ones between "progressive" and "conservative" or "modern" and "traditional", are false in their essence, much more on the level of clichés. They should be subsided by what is really "classic", particularly in the debate for the Religious Education in Greece. To be more precise, the "modern" is brilliantly present in the (Orthodox) Church tradition, for example in the democratic functioning of its "synodical" institution; in the Greek Orthodox cultural tradition, the "traditional" or "orthodox" element is distinguished from what some self-proclaimed keepers of Orthodoxy today think, while Reason remains the solid point of reference, balancing with a not-at-all "blind faith" whatsoever.

Drawing on the latter, the very literal interpretation of the term “Orthodoxy” is illustrative. As a Greek compound word (“Ὁρθοδοξία”), it is made up of the adverb “reasonably” (“ὀρθῶς”) and the verb “think” (“δοκῶ”). Its synonym “faith” (“πίστις”), which in Greek is conceptualized only as “confidence” («πεποίθησις»), is totally discharged from additional semantic connotations. In fact, the separation between Faith and Reason after the “Age of Reason” never took place in an Eastern Christian Greek-speaking culture, mainly during its Byzantine era. This means that either this civilization did not progress as much as it should or in it there was no ground for the devaluation of Reason.

Thus, there is a first indication that values such as Reason, “critical thinking” and modern education are not incompatible with the “orthodox consciousness”, yet rather they are included in it. In this sense, who and on which basis would stand against this educational philosophy and policy, even if one of the main objectives officially stated in “New Curriculum for Religious Education” was “the development of the religious consciousness”? And, precisely because the latter is identified with the “Christian Orthodox consciousness”, no conservative group in Greece, which supports the “confessional” and hence “Orthodox” education, would react to this Curriculum. On the other hand, the same perspective is nothing else in its essence than the modern educational perspective, incorporating as “supplementary” the ideas of “unrestrained critical thinking”, “democratic consciousness” and “openness”.

Of course, it was only to be expected that the authors of the “New Curriculum” would aim at a School Subject “open” to all students, “Orthodox” and non-orthodox, so as not to disrupt the unity of the School Community by any means. The unexpected would be an alternative approach to things, a sophisticated perspective supporting that the aim of developing the “orthodox consciousness” in the Greek Education is far from being contrary to the other aims of Modern Education. In any case, the “orthodox consciousness” does not acquire significant status, at least explicitly, in the “New Curriculum”, either by being presented as a main pedagogical principle or by being rejected purposely. On the contrary, the “New Curriculum” promotes other principles known, for example, as “from local to ecumenical” and “knowledge through (any) religion”, through which it is implied that the world is dominated by a historically non-existent “Archimedean, post-cultural and post-religious principle” and on its basis all religions should be examined (Schambeck, 2016: 15). Putting aside the hypothesis that the notion of Orthodox Christianity, in its ecumenical dimension, already presupposes a corresponding School Subject “open” to all students as well as the fact that a “multi-faith approach” would be considered as problematic from a pedagogical perspective, the Greek State is clear through its Constitution and Judiciary on the compulsory “development” of the “Orthodox consciousness”. Finally, the issue is transferred to what the term “orthodox consciousness” signifies.

### ***3.2. The German theory of “positioneller Religionsunterricht” (“positional Religious Education”) in parallel with the recent Greek case-law on Religious Education***

The recent applicable case-law regarding the Religious Education in Greece interprets the “letter” and “spirit” of major Constitutional terms. The crucial point was set to be the reference to the (confessional) Preamble of the Greek Constitution, as if it had been a rule of law with “limited legislative consequences” (Decisions 660/2018: 11; Decision 926/2018: 15; Decision 1749/2019: 5-6) besides its unquestionable historical and symbolical value. For this approach,



which, incidentally, was completely unexpected for the to-date Greek legal literature (Kassimatis and Mavrias, 1999: 8-9; Iliadou, 2002: 1050-1052), there would be no need for any Court to define two levels of the Constitution; one "Supra-Constitutional" with universal validity, as the "spirit of Law" depicted in any "Symbol of the Nation" like the Constitutional Preamble, and another one cited in the individual constitutional provisions. This is the reason why the term "religious consciousness", implying undoubtedly the "orthodox" one, is placed by the recent case-law on both levels, albeit with different force and effect accordingly. Even if the Preamble had indeed no legislative consequence, it certainly would have a great impact on provisions like that of the 16th and so its legal effect would be real even indirectly. In simple words, how else would "the development of the religious consciousness" be interpreted and implemented, than in the light of the Preamble? This way, it could answer the question: "what function does [the Preamble] intend to serve other than an expressive one", "given [that] [it] typically lacks legal effect" (Law, 2016: 188).

Drawing on the above, the Christian Dogma of the Holy Trinity, as a symbol at the level of the Constitutional Preamble, is one thing and another is the synonym reference to the Orthodox Church as an equal religious community among all others within the constitutional provisions' framework. In the first case, we talk of an independent and sovereign nation with its own "collective consciousness", the "political theology" of the modern Greek Democracy, and in the second case about a "prevailing religion" (3rd Article of the Greek Constitution), but not in the sense that any other religion or faith are not equal.

Herein lies the main question: why should any citizen compulsorily adhere to such an Orthodox Christian Preamble of the Greek Constitution, given the context of an otherwise democratic regime, much more according to 13th Constitutional Article about the "inviolable" religious freedom? The answer is simple: the Orthodox Christian "Symbols of the Nation", except for their metaphysical dimension, which nobody is obliged to admit to whatsoever, they gave birth in the past to general human values and fundamental ethical principles, which undoubtedly are "commonly accepted" by all citizens-even the non-Christians; likewise, the Orthodox Christians in Greece bow to the "Olympic Idea", study the Homer and are generally inspired by the ancient Greek mythology, although without believing in the objective reality of its deities. To be more precise, this is a legacy from their ancient ancestors through their medieval ones, and so it belongs to them together with their Christian faith. It is subject to a unique collective or national consciousness on the basis of which everything is built: cultural and philosophical background, state and political regime, justice, education etc. And, since Orthodoxy ultimately pervades already this collective consciousness, explicitly expressed by the "Symbols of the Nation", is it apparently itself the "spirit" of the Greek Constitution, occupying all of its range from the obvious avoidance of theocracy to the religious equality and the inviolable individual rights, including that of religious liberty? Is this the "political theology" of the Greek Constitution throughout its existence, even since the first "Political Constitution of Greece" (Troezen, 1827) during the Greek Revolution (1821-1827)? In contrast, can anyone demonstrate another principle, historically justifiable and define it?

Thus, the "orthodox consciousness" right under examination at a Supra-Constitutional level is also presented as an Education principle for citizens with similar cultural identity, no matter if the 16th Constitutional Article with the corresponding requirements continues to exist as such or is revised. Specifically, the "Political Theology" of Decisions 660/2018, 926/2018 and 1749/2019 leads to a principle which was already characterized as "positioneller Religionsunterricht" ("po-



sitional religious education” or “specific interpretive perspective”) (Schambeck, 2016; Stogiannidis, 2016), or similarly as “learning [about religion] through religion” (Komninou, 2012: 495); all that applying to a consciousness of a state, in our case the Modern Greek state, which, righteously or wrongly, has been rooted in Orthodox Christianity. After all, it is a presumption that absolutely no cultural and statutory entity exists without an identity which is a common basis on whether people “share the same understanding” or are “of one mind together” («ὁμονοεῖν» according to Aristotle’s Politics) or not, simultaneously co-existing in harmony by having either different or same opinions («ὁμόδοξον»). Sheer reasoning also leads us to a second presumption: speaking of culture, we instantly think of education, too; the latter being the image of the first, while the given educational system is the expression of both. This is true, unless there is a “Supra-Constitutional” “natural law” beyond nations and civilisations to be imposed on in accordance to the legal theories and pedagogical models revolving around terms such as “multi-culturalism”, “globalisation” etc.

In any case, speaking of the collective consciousness of any nation or any specific group of citizens we also talk of an accordingly shaped State and Education, where the national “boundaries” are flagged out only against a negative version of globalisation. Unfortunately, the “New Curriculum for religious education” were drafted by overrunning the aforementioned principle; without adopting neither a positive nor a negative stance towards relevant pedagogical theories, such as that of the “positioneller Religionsunterricht”. The absence of direct reference to the paramount “orthodox orientation” possibly constitutes the constitutional “Achilles’ heel” of that Curriculum before the Hellenic Council of State, at least for sake of the impressions of the non-expert in Theology and Pedagogy senior judges. This crucial detail is true, although in practice the “New Curriculum” could equally serve the “orthodox orientation” and, indeed, more successfully in contrast to the former Curriculum, which perceived the “Religion” School Subject as “Orthodox Subject” arbitrarily (Poniros, 2017); that is, not by an ecclesiastical synod which would attribute this quality to it “typically and essentially”, or even following a similar precedent exemplar to this case coming from Byzantine times. Nonetheless, the Council of State in the name of the Constitution’s Preamble and against a continuous mutual disagreement on the Religious Education leads us subtly to a bridging point, which has already been proposed by and analysed extensively in the European pedagogical theory: the “positioneller Religionsunterricht”.

### ***3.3. A deeper analysis of the “(Orthodox) Christianity’s” exact supra-religious meaning within the constitutional term “religious consciousness”***

A simple and unbiased reading of the 16th Constitutional Article does not justify the reason why the notion of “religious consciousness” per se contradicts to notions such as “unrestrained critical thinking”, “democratic school”, etc. That could be probably justified, if the Constitution had provided for terms like the “superstitious consciousness” or if the indicated religion, that is the Orthodox Christianity, had been related to a “blind faith” or the “religious fundamentalism”. An effort to counterbalance the supposed opposing terms is carried out by the Council of State itself. In its Decisions 660/2018, 926/2018 and 1749/2019, the minority of the senior judges expresses that “imposing” the “religious consciousness” on students differs radically from “developing” it (Decision 660/2018: 20; Decision 926/2018: 18). What is missing though is a scientific approach which could easily prove that the denoted “orthodox consciousness” or “faith” is not only com-

patible with the values of "Reason" and "unrestrained critical thinking", yet it rather incorporates them already. In this way, not only the mentioned endless debate would be restricted, but its whole foundation would also be disproved since it emerged from nowhere only being based on misinterpreted "words" and not on the "facts", the real history.

Orthodox Christianity, however, considering itself as the genuine continuation of the Church being rooted directly in the very words of Christ and the Apostles and remaining united at least until the East-West Schism (1054 AD), is related neither to Scholasticism nor to Protestantism especially regarding the issue of conflict between Faith and Reason. This fundamental distinction gives rise to the following remarks:

a) The "Church" ("ἐκκλησία"), in its dialectic, encounters the "world" ("κόσμος") throughout the Ante Deus years, from the environment of the Greek language and philosophy to the context of the European Enlightenment and postmodern times, is not opposed to Reason. Both "faith" (i.e. the Greek meaning of "πίστις" as "confidence") and "reason" ("ὀρθὸς λόγος") are interrelated in Greek patristic and synodical literature, to the extent that each of the Christian Doctrines ("Δόγμα") is perceived and evaluated as a reasonable axiom, a "philosophical tenet", b) based on the latter, theology of the Church is defined as "mythica" ("mythical theology") as well as "civilis" ("political theology") yet predominantly also as "naturalis" ("natural theology", i.e. of science and philosophy), according to the classic distinction of "theologia tripertita" (Georgiadis 2016: 32-33). In other words, Christianity is not "religion" or more accurately it is not only "religion", as a phenomenon concerning every facet of life, from science to art and politics. In this sense, it is a subject matter examined equally by theology as well by history, sociology, philosophy and any other science,

c) Church councils turned out to be "Ecumenical" in practice, since among a huge variety of cultures, languages, origins, politics, ideologies, peculiarities etc. they succeeded in embodying to the Church practically everything, the whole of humanity, through a kind of globalization, which is exemplar even for today's standards,

d) in times preceding modern thought, which is not able to escape from the pseudo-dilemma between Faith and Reason, Church Fathers like Gregory Palamas insisted that theology, like any other science, necessarily relies on mathematical logic (Gregory Palamas, 1981a: 40424-31; Yagazoglou, 1994; Yagazoglou, 2007; Terezis, 1993; Georgiadis, 2016), following either the abductive ("ἐπαγωγή") or the deductive reasoning ("ἀποδεικτικὸς συλλογισμὸς") for all Christian doctrines without exception (Gregory Palamas, 1981a: 40424,31; 1981b: 48022-4824.20; 1981c: 52032-5245, 55815-17).

In general, is it possible for anyone to claim that they truly believe in a value, without having ever doubted about it? Otherwise, we would not be talking about knowledge, derived inevitably from comparison, but about prejudice. Moreover, what else would be the knowledge itself than identifying differences and similarities among objects of the same kind? On the other hand, even if someone was absolutely certain about the validity of a "dogma", how could they be convincing, via a dialectical contradiction or a "confessional" approach? Here, important to be worthy of attention is the following statement of J. S. Mill: "unwillingly a person who has a strong opinion may admit the possibility that his opinion may be false, he ought to be moved by the consideration that, however true it may be, if it is not fully, frequently, and fearlessly discussed, it will be held as a dead dogma, not a living truth" (Mill, 1859: 34). However, the word "dogma" in the Greek language does not mean a religious faith in the sense of "unreasonable beliefs", but rather an axiom taken to be true within Reason and shown in symbolic form. Therefore, not

only in terms of modern education but also according to the real Orthodox Christianity, a science and a school subject like that of the “comparative theology” (Papathanasiou, 2014) seems more appropriate, compared to a religious education concentrated absolutely to one specific religion. Even if the Orthodox Christian sources were being approached separately, following the “mono-religious” or “confessional” model, it would be admitted that these texts already incorporate the “multi-religious” or “multi-confessional” concept, since they are involved in dialogue with any other religion and belief. What else is Gregory Palamas’ (c. 1296-1359) theological writings other than the dialectic juxtaposition of the Orthodox faith towards the “Hellenic wisdom” (ancient Greek philosophy and theology), the Scholasticism (Thomas Aquinas), Barlaam of Seminara, Islam etc.? Or also texts of Kollyvades (late 18th and early 19th century) referencing and answering the atheistic influence of the Western Enlightenment? Therefore, even the advocates of a “confessional” School Subject “confined” to Orthodoxy, would, in fact, be facing an essentially false dilemma on their part, in contrary to the very same tradition they appeal to. Thus, by reference to the context of the contemporary multi-religious model as well as to that of the Church tradition, we come to have the same thing: all the theological voices from around the globe. In this respect, the pedagogical issue is another: which particular “positioneller Religionsunterricht” would be the fundamental principle for examining religions and cultures, a historically non-existent “Archimedean”, post-cultural and post-religious basis on which all religions would depend on a collective consciousness as the unique “native language” of every person who lives in the real world under the influence of specific hereditary and environmental conditions?

### ***3.4. Resolving key pseudo-dilemmas of the social and political dialogue***

A series of ideological and legal dilemmas was mentioned above as the substantial cause of the public debate’s impasse. What matters most, in the field of the Philosophy of Law, is the underestimation of the Constitutional Preamble in its philosophical significance and legal effect. Indeed, it is reasonable for any legal theorist, political scientist or ordinary citizen to be afraid of losing a liberal State by a “confessional” Preamble and any other national symbol invoking God, in the shadow of a “prevailing religion” provided by the Greek Constitution itself (Article 3). That’s why almost all the Greek legal literature identifies the Greek Preamble as a symbol depicting only the crucial role of the Orthodox Church to the survival of the Greek culture during the times of the Ottoman Empire, as well as to the Greek Revolution and independence (Iliadou, 2002: 1050-1051), but nothing more. Indeed, no one can dispute the Orthodox Church as the womb of the Modern Greek national identity and State (Decision 660/2018: 10-11). But only that is expressed through the Greek Preamble?

In this case, arises a second dilemma between the Constitutional or national symbols and the Constitutional provisions. Do both of them have the same legal enforceability? The answer is definitely negative for the symbols, as long as they have no regulatory nature and purpose. The same applies to the Preamble of the Greek Constitution, since it is considered rather as “liberal” in its “archetype”, than “statist” or “universalist” (Law, 2016: 239). Moreover, the Greek legal theory tends to give it no political significance, even discussing its removal from the Constitution itself. In addition, it unanimously defines that the Preamble is only a statement or declaration “without substantive content” (Iliadou, 2002: 1050). This, though, seems to contradict other approaches of Constitutional Law outside Greece claiming that “if there is any part  
Source: O.A.E.D. of Volos, 2006.

of a constitution where one might expect to find explicit expression of ideological values, it is surely the preamble" and "even the most egregious of sham" (Law, 2016: 188,157). Nevertheless, the Greek legal literature in no way recognizes the Preamble as the "spirit" of the Greek Constitution. On the contrary, the Council of State's case-law, insisting clearly on its "limited legislative consequences", takes the opposite point of view. So, the question is how to find a common ground on such an issue. The following simple explanation may be enough: although a symbol can have no direct legal effect, it still expresses genuinely the cultural background or "collective consciousness" of all citizens, influencing their lives even in this indirect way more or less. Furthermore, "if there is any part of a constitution where one might expect to find explicit expression of ideological values, it is surely the preamble" (Law, 2016: 188). Also, "the legitimacy of the state rests upon the state's claim to represent the will of a community. Consequently, constitutions in this vein are attentive to the identity, membership, and symbols of the state" (Law, 2016: 163). That's why the Preamble means nothing and everything at the same time. To be clear through specific examples in the case of Greek State, we wonder how else could Constitutional provisions like those of the "national and religious consciousness" be interpreted (Article 16) or of the compulsory Christian Orthodox oath for the President of the Greek Democracy (Article 33). As a consequence, the Greek Preamble, simply carrying the specific historical and symbolic significance of Orthodox Christianity, can have a great impact on public life, a fact that indicates its supra-constitutional power.

Just in the previous paragraph was implied the third and most intractable dilemma between a liberal State and a Constitution with "confessional" Preamble and "prevailing religion" (Article 3). But what contradiction would there be, if, either through the principles of secular liberalism or in the name of the specific God of Orthodox Christianity, we resulted in exactly the same thing: the inviolable "human rights"? In simple words, can a person with a real (Orthodox) Christian conscience not be liberal? Conversely, can any liberal mind not accept the basic moral values of Christianity, that is, freedom and love?

Before providing answers to these questions, it should be clear what values are going to be compared and then the nature of each one separately. It is most important to examine how the Greeks themselves gave meaning to these values throughout their modern history. In particular, the debate is about the relationship between the (liberal) democracy and the (Orthodox) Christianity. Both of them are equally fundamental and deeply integrated in the Greek consciousness almost for two millennia, after the birth of Christianity and its unification with Hellenism. So, are they in contradiction, simply in balance or even more in identification with each other?

On the side of the (liberal) democracy, things seem to be simple, despite the dominance of an Orthodox Christian confession in the Preamble and in some provisions of the Greek Constitution. There is no lack of religious neutrality, because the Constitution fully protects the individual right to religious freedom and to worshipping God without discrimination of faith. This is provided by the Greek Constitution since its first form after the times of the Greek Revolution (1821-1827). The Political Constitution of Greece (Troezen, 1827), which is one of the first democratic Constitutions in the modern world, fully protects the right to religious freedom from its first article (Political Constitution of Greece: 1-2), while giving the status of Greek citizenship even to foreigners who shall come and be "naturalized" as citizens (Political Constitution of Greece: 12). However, what is most impressive is that this "secular liberalism" is implemented and enforced in the name of the "Triune God" according to the Constitutional Preamble. In this case, it is definitely visible a logical contradiction which, however, could be easily resolved. The

crucial point is the real “collective consciousness” of a sovereign nation especially in times of its first Constitution after its Revolution against the Ottoman Empire. In fact, the Greeks fought for an independent State “in favor of their faith and country” (Political Constitution of Greece: 7(ζ)), while their State and Law was based on two sources: the European Enlightenment, especially the French, as being adopted by the Greek “mentality” (Political Constitution of Greece: 2(β')). Based on this evidence, we dare to suggest that the Greeks formed a liberal State precisely because they were (Orthodox) Christians. Their specific religious consciousness together with their morality at the individual level were the key-factors which did not allow them to do otherwise.

The last suggestion, despite its realism, would appear, in a modern Greek “left-right” political spectrum, to be strange either to a “progressive” ideology endorsing unreservedly a policy of “open borders”, a world with no cultural frontiers or to self-proclaimed defenders of an Orthodox Christianity of which in fact they could appear potentially ignorant. Regarding, for example, the religions and faiths which exist under the “prevailing” Orthodox Church in Greece today, the question arises: is a democratic state allowed to impose restrictions on religion (Stathopoulos, 2008b)? The answer is given indirectly by reversing the question as follows: can anyone in the name of the Orthodox Christianity impose restrictions on any other religion? Similarly, could this specific Christian faith be against the “religious freedom” (Stathopoulos, 2008a)?

In this situation, the biased attitude of a large section of Orthodox citizens is simply incomprehensible. It is unreasonable for them to insist on a “Christian law”, even more, on “imposing” it to others, while the only Christian obligation in human relations is the unrestricted love, that is, the discretion and respect for all fellow humans (Stathopoulos, 2008b). A series of bible quotes indicating the two pre-eminent virtues of Christian world: freedom and love without limits. For example, the bible verses “Whoever wants to be my disciple” (Mark 8:34) and the “There is neither Jew nor Greek, there is neither slave nor free, there is no male and female, for you are all one in Christ Jesus” are indicative (Galatians 3:28) against any trend for a theocratic regime in any state, especially in the modern Greek one, and, furthermore, in its educational system. “Byzantine” examples like that of Saint Catherine’s Monastery in Mount Sinai, where the Orthodox Christian monks and the Islamic Bedouins live peacefully together for more than a millennium before the modern globalization, indicate a model of interreligious dialogue and cohesion in line with the Orthodox theology and spirituality.

Based on the reasoning and considerations mentioned in the previous paragraphs, we dare to argue that the Doctrine of the Christian Church and the liberal democracy of the State are in effect compatible to each other, despite not having the same ideological background. The comparison, in the context of a civilization with its own distinctive history and identity, regards no other Christian denomination than the Orthodox Church and no other State than the modern Greek. The role of the Orthodox Christian theology, dominant or not to the State, cannot be exactly the same to that of the Catholic or of Protestant denominations in the States of the Western world, even more owing to its different cultural background. In this case, neither the “State” nor the “Religion” has anything to lose from each other; there is nothing divorcing “jurisprudence” from “theology” and hence any dilemma between them is proved false.

To sum up, what is already put forward as the foundation stone of the Greek State and Education is a “collective consciousness”, characterized as “national and religious” in the 16th Article of the Greek Constitution and implied in its Preamble. It is not something individual to be protected as an “inviolable right”. It denotes the cultural identity of a whole nation, which, being firmly rooted in its past and at the same time open to any cultural exchange, can evolve

over time. In other words, “national and religious consciousness” and particularly its compulsory “development” in education means that every citizen is free to have a broad view of the world, to accept or reject the religion of their ancestors, to adopt any other religion or belief, to be atheist, etc. But is impossible for them not to have a linguistic and hence specific cultural identity through their heredity and environment, including national history, religion, shared common values etc. We are not talking about an identity in ideologies, religions, etc., but rather in the way of perceiving reality. It is far either from the “multi-cultural” or else “multi-religious” model along the lines of a negative globalization, having no historical basis and hence being non-existent in the real world, or from the nationalism, which isolates an entire population from the world community and history.

Orthodox Christianity as “religion” is recognized as equal among other religions and faiths, according to the “spirit” and the provisions of the Greek Constitution. However, as the cultural “background” of the whole nation’s identity it assumes a supra-constitutional character before and above all facets of the State including all religions and beliefs with no exceptions. This is the reason why Orthodox Christianity is gloriously depicted through the “Symbols of the Greek Nation”, such those of the Cross on the Greek Flag, the National Anthem, the National Public Holidays etc. and at the same time is put by the State on an equal footing with any other religion. Is this double nature of the Orthodox Christianity the proposed content of Religious Education in Greece, rather considered as “Cultural”? The positive answer is summarized to the following statements of two senior Judges of the Council of State:

“religious education is not allowed to go beyond its character as a “valid” but still a “proposal” for the formation of free consciousness capable of their own personal choices. therefore, it is unacceptable for it to change into a doctrinal confession of faith or a lot more into catechism.... it must maintain as its primary and main concern not the provision of information or the processing of knowledge or the development of historical, religious or sociological concerns (fields of other School Subjects), but the consolidation and strengthening of the Orthodox Christian consciousness” (Decision 1749/2019: 9; For similar remarks, see Venizelos, 2016; 2020).

Exactly the same principles are expressed explicitly by the new Curriculum for the Religious Education (March 2020), in the balance of a “religious consciousness” that means neither “multi-religious” nor “catechism” (Official Government Gazette of Greece 698/B/4-3-2020: 7660).

Consequently, what is rejected in the democratic Greek State and Education is either a fundamentalist approach, which can find no ground even in Orthodox spirituality, or a globalization that knows no boundaries (Begzos, 2005). Moreover, “in the history of civilization, the “outside” is always in dialogue with the “inside”. Between them, of course, are defined a boundary - a zero point, which rests on both the “inside” and the “outside” without being part of them... The boundary is an indicator of the ability for “erotic expansion”” (Stamoulis, 2019).

## 4. Conclusion

■ (Christian) Orthodox consciousness” symbolizes something not antagonistic to universal values of modern world such those of “reason”, “unrestrained critical thinking”, “open society” and “modern education”. Even more so, it presupposes them. As something essentially different from Roman Catholicism and Protestantism, Christianity in its Orthodox authentic form, shaping a specific culture and civilization in common with the Greek language and philosophy, is completely irrelevant to dogmatism, catechism and fundamentalism. This is easily evidenced by



an unprejudiced research of its true nature. As a consequence, the dilemma between “modern” and “traditional” is proved false in its essence and under the symbol of “classic”, a pretext in the controversy between a so-called “orthodox” and an “anti-religious” or “modernistic” side. Moreover, “collective consciousness” as a way of perceiving reality, a “native language” open at the same time to any idea, belief, ideology, religion etc., incorporates any “individual conscience”. That only would be just fine, if it had not become also a matter of a legal dilemma around the Constitutional term “religious consciousness”. It is a pity for the Justice, the school community and generally the whole society in Greece to be in trouble for no essential reasons and with no end in sight.

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