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sub theme: Law, Religion and Culture

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CULTURAL AND RELIGIOUS DIVERSITY IN WELFARE STATES

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Initially, when we talk about "welfare state" we mean by social view, the preferred form of the modern bourgeois state which emerged after the Second World War, that is intended to ensure through more equitable mechanisms of wealth redistribution, a satisfactory level of social equity and cohesion . The achievement of social rights (eg health, education, social security, employment, protection of vulnerable categories of citizens, etc.) is the essential tool for achieving the objectives of a social state. The demand for social justice was the main feature of the political programs of the "Left side" and the "Centre-side", which made them different from the corresponding programs, that of parties of the "Right-side", which have adopted the traditional economic liberalism.

However, in recent decades, the welfare state was incorporated, with admittedly impressive manner, into the political authorities codes of all political parties. There is currently in European state any political party, which does not embrace, even verbally or pretext, the principles of social justice and social solidarity. This is certainly reasonable, as it is demonstrated historically, that these principles are the key elements of effective legitimacy of each public authority and also, the attraction of voters, especially from the economic weaker classes.¹

According to a different-but also remembering-worthy approach to the concept of "welfare state" and social administration, however, the purpose of that welfare state is considered to improve the daily wellbeing of human beings and to impose balanced social conditions on the system of capitalist market. From this side of view, the modern (invasive) welfare state is contrasted with the economic policy of "*laissez-faire*" of the 19th century.

This theoretical approach confronted the one that considers- in addition to the above-, the postwar welfare state as a component of modern capitalist societies, in the sense that it falls under "an organic reproduction of capitalist (economic) power relations". The capitalist welfare state, in

¹Will we ever have a serious social state? Article published in the newspaper of " Proto thema",on 2/9/2007 Dr. Apostolos Papakonstantinou ,http://www.ompop.gr/site/index.php?option=com_content&task=view&id=61&Itemid=1

accordance with this view, is a particular institutional form that incorporates the process of reproduction the capitalist social / economic rights, in the same way that the capitalist state law incorporates the process of reproduction of Civil and Political Rights. That welfare state does not guarantee (such as the traditional state) only the profitable capital accumulation, but also the operation legitimacy, ie.: the conditions of social cohesion and balance within which the capitalist accumulation is more effective.²

However, it remains generally agreed that: 'the welfare state is established as a value, as a political demand and as an institutional obligation as soon as it becomes more widely understood that the diseases, unemployment, disability, poverty, families with many children, are not personal or family casualties, but socially and thus political problems. Problems that must be faced from the "welfare state" as a condensation of all social and political forces correlation. It is true that the social state, or perhaps the contemporary European social democratic welfare state is substantially the same with an entire model of economic, social, political and cultural development and should not be understood with a simple way, but in constant reference to the society of citizens. Once established, the welfare state begins to evolve. This concerns, both the ability to resist to demographic and budgetary pressure, that display the welfare state as an "institutional" character of state-operated counter, which drain resources, constrains growth and reduces competitiveness, secondly, the ability to be in line with broader social, economic and institutional developments, namely with the decentralization, the regional state-building and the institutional development of local authorities.³ Consequently and beyond any contradictions, objections and different opinions on the basis of evaluation of the welfare state's definition, there is a golden section of all: the attempt, at least, of protection and assurance of social human rights by the State.

It might, therefore, the principle of social state be inferred from the separate constitutional provisions that establish social rights or provide content social objectives, such as equality, respect for the personality of the citizens and the dignity of all those. These social rights are fundamental, that means that their "kernel" can not be violated either by the national legislature, nor by supranational organizations such as the European Union, just because the rules that ensure a minimum level of social protection, are included as "recommendations" in the foundation of national law and the Community legal order.

Thus, for example, the right to the protection of family, of motherhood, childhood and marriage, as well as the right to health, education, to social security, to a healthy environment are among the most current basic social rights which are founded not only by national laws but also by the

² THE SOCIAL STATE IN WESTERN EUROPE SUPPLIES KEY NOTES www.vernardakis.gr/uplmed/100_notes%20koinonikokratos.pdf

³ Prologue of Ev. Venizelos in his book "SOCIAL REFORM OF THE STATE AND LOCAL GOVERNMENT », of Kontiadis I., D. Apistoula <http://evenizelos.gr/el/forewordbooks/521--l-r->

European Union with many rules and international conventions .⁴

As it is emphasized by the case law of the Court of Justice of the European Union (hence: C.J.E.U.) : *"fundamental rights are an an integral part of the general principles of law, which observance is ensured by the Court."* And in particular in Article 6 of European union Treaty (hence : E.U.T.), now Art. 46: *"The Union respect the fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on November 4, 1950, and as they result from the constitutional traditions of Member States as general principles of Community Law "*.⁵

Furthermore, the Article 151 of the Treaty on the Functioning of the EU (ex Article 136) states among the objectives of the Union and its Member States, the improvement of living and working conditions and their appropriate social protection. In Article 153, also, it is stated that the Union supports and complements the action of Member States, inter alia, on social security and social protection of workers. "Social protection" stricto sensu, means "Social Security" (and so called social protection), while "Social Protection" in the broadest sense, includes social security among other social rights of citizens. Under the heading of "Solidarity" on the other hand, the Charter of Fundamental Rights of the European Union provides numerous issues on social protection subject, in a broad sense, including the right of workers to be informed ,the consultation as a part of undertaking, the right to collective bargaining and action; the protection in the event of unjustified dismissal; fair and just working conditions; the protection of young people at work; health protection; and of course social security and social assistance.

As far as the social protection stricto sensu, is concerned, the Charter of Fundamental Rights declares that the Union recognizes and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in case of loss of employment in accordance with the procedures laid down in European law and national laws and practices. The Charter recognizes that every person residing and moving legally within the Union is entitled to social security benefits and social advantages in accordingly to the European and national laws and practices. But according to "the principle of subsidiarity" the Member-States are obliged to implement EU law when and where it exists. Regarding social security, European rules exist only on the principle of equal treatment for certain categories of workers: immigrants and women. In other matters, social security covered by the national law of each Member- State. It is true, that those social protection systems correspond to traditions and "social achievements" different in each Member State, which are not easy to change.

⁴ The individual and social rights of citizens ,Tuesday, 15 July 2008 http://pipidakos.blogspot.com/2008/07/blog-post_15.html.

⁵ The European Charter and the protection of fundamental rights in EU law, of Lina Papadopoulou <http://tosyntagma.ant-sakkoulas.gr/theoria/item.php?id=458>

However, within a single market and further into an economic and monetary union, differences of social security may cause distortions of competition, impede the free movement of workers and to intensify regional disparities. Therefore, a regulation aims at coordinating national social security systems in order to eliminate obstacles to free movement of persons and to enable European citizens to move free within the Union, for their education, leisure and business travelers without losing their rights and their protection of social security. (Regulation: 883/2004)⁶.

On that basis, it is apparent that without the EU be deprived of the possibility to provide a broader protection, the level of respective rights' protection achieved by the European Convention for the Protection of Human Rights and Fundamental Freedoms, must be taken into account in each case in the framework of the Charter .However, it is clear that even taking into account all the "inhibitory" or restrictive clauses, which are designed to reduce as far as possible the range of regulatory and judicial protection of social rights as they are enshrined in the Charter, the mere fact of being guaranteed in a single text, with traditional civil rights and the recognition in the Preamble of the Charter of the principle of the indivisibility and universality of all human rights' categories, could only be viewed positively from the perspective of protection of social rights under the law of the Union.

On the other hand, despite the improvement of fundamental rights especially in relation to the status quo as "general principles of Community law", their registration in a Charter, is at least theoretically, possible to serve as a brake on the development of protection of fundamental, especially social rights at a European level. In particular, the reference made to many provisions of the Charter to the common constitutional traditions and national laws and practices could have negative effects on the case-law developments, except that it is possible to create problems on the part of legal certainty, based on relevant national legislation .⁷

Thus, we come to the crucial question of the day: *"The situation today is characterized by enlarged supply of social goods by the side of a state that wealths accumulation or by shrinking of social rights?"* It is true that the coexistence of traditional welfare state and extended benefits for all legal population of a democratic society in our times has been reversed, leading to legalization of violent contraction of social rights .The fact still remains: although our societies have left behind their blind faith in free markets and ideological justification of irresponsible waste of public wealth and energy resources as necessary form of welfare, are still far away from the appearance of a

⁶ Social protection in Europe, http://europedia.moussis.eu/books/Book_2/5/13/05/03/?lang=gr&all=1&s=1&e=10

⁷The Charter of Fundamental Rights of the European Union: From Nice to Lisbon, Julia Iliopoulou – Stragga, magazine : State of the Europeans, no. 1/2008, p.91-123) , http://international.law.uoa.gr/programma_spoudon/fakelos/european/evropaion_politeia/straga.pdf

dominant system that will not reproduce, not be tolerated, neither exacerbate social inequality and even extreme social inequality (forms of social exclusion).

More precisely, all are in favor of redistribution of wealth in general and vague, since this will not affect their own interests. And whilst in principle, social rights (health, compulsory education, right to work and employment rights, family protection, freedom of association, etc.) address to socially disadvantaged populations, the pleasure in daily practice has been limited and becomes in principle by persons, who enjoy extended individual or civil rights (personal freedom, property, right to choice of employment, post-compulsory education, etc.) .

Thus, the social right, which by its nature is intended to economic and socially weaker person, is guaranteed to the person that is already patented economically and socially and who enjoys full civil rights, such as participation in the free market and competition, the protection of property, etc.. Consequently, that person does not have a great need of the social right. Also, the social right, as such, performs a process of de-commodifying, that is to say, it disconnects the receipt of the social right by the rules of the market towards an universal participation in it. Therefore it was identified with human dignity and the protection of a minimum standard of living. Thereby, there is a "shrinking" in the exercise of social rights. Originally, a shrinking regarding to the populations that have access to them, is recorded. The example of Gypsy (Roma) in Greece and many other vulnerable groups is typical. If thirty years ago this child of a Gypsy (Roma) family did not go to school, because he did not even know that was required and because his family and cultural environment prevented him from it, now, this child after a "special education" has been socialized, so as to seek school and in any case be aware that he must go to school.

However, in daily practice, so many barriers appear to this participation, that set aside practically the right to education (school community's reluctance to enter, reactions from institutions of the local community and school, etc.). So, there is an ideological and an actual displacement of the problem. Ideological, because everyone accept that the right to compulsory education concerns the whole society (the right is guaranteed institutionally), but in front of the "unpleasant" reality of this participation, there are not those social tools to guarantee the access when institutions are not enough.

The example of economic immigrants is no different. While the legalized immigrant enjoys institutionally all the social rights and equal access to the institutions with the Greek, unfortunately a long chain of legalized racial segregation against him, that are tolerated, prevents him from the access to the institutions and public goods. Whether this distinction translates into undeclared work with the known consequences, or inability to access a decent home, or to the public health system or to public education, the actual participation leads him to an inferior, stigmatized and finally, to lack

of enjoyment of these public goods to the complete deprivation of all the above, where appropriate.

However, the erosion of social rights concerns and their contents. Social rights are associated to the origins of social cohesion and social participation. More precisely, they are established to stimulate these two social components. But today, even more and more, they become exclusively associated to the labor market participation, occupational status and purchasing power. This shrink occurs as a direct and necessary result, in a period when paid work is becoming increasingly weakened or replaced by more flexible forms of employment.

The contraction of social rights concerns also their interpretation and here we reach the source of the current problem and perhaps the most worrying development of fundamental human rights after the war. If the design and the conduct of social policy is essentially based on the operative interpretation of social rights for each period and each society, today the state is forced to bring a social policy that is based on anthropocentric benefits of an “urban elite”, provided the active participation in taking and implementing decisions. Thereby, anyone, who is deducted or can not attend this fundamental principle of participation, due to absence of social capital, lacks automatically the right to safeguard his rights, without exist- till now, a net of effective protection that ensures a minimum level of dignity .

*Are today the civil and individual rights developing at the expense of the social? Political rights are subordinated to the logic of individual rights? And whilst a "new" welfare state needs to take active role, beneath the confusion of conceptual identification of human rights generally and vaguely, the correlation between individual rights and social is changing within them against the latests?*⁸

The answer to those questions, although general, is the following: the regulation and the introduction of restrictions on fundamental rights are also, restricted. Specifically, the limitations should have an objective and impersonal character, be justified by serious reasons of general interest, meeting the purpose for which they adopted in, that is to say, to be necessary and expedient (proportionality principle) and not undermine the core of a fundamental right; the exercise of the fundamental right shall not be submitted to absolute prohibition. Thus, it is generally accepted that the legislation through the Law of fundamental rights is not aimed to establish restrictions, but it acts as a channel to ensure the effective exercise of the right in a welfare state.⁹

Specifically, the protection of the cultural heritage, the human security and cultural diversity

⁸ Welfare state and social rights : from relationship of support in relationship of conflict, Papadopoulou Despoina, Panteion University

⁹ The fundamental rights, http://www.nis.gr/npimages/docs/FundamentalRights_GR.pdf

are some of the large funds which welfare states, as current must take heed and protect. This cultural diversity is a fundamental right, and also, a wealth that should be safeguarded. The traditions, customs and the citizens' culture are of specific identity.¹⁰

As it is readily defined by the Declaration of Fribourg, in Article 1: *"The rights included in this ... is essential to human dignity. For this reason, are an integral part of human rights and must be interpreted in accordance with the principles of universality, indivisibility and interdependence ... a. they are guaranteed without any discrimination, particularly in terms of color, sex, age, language, religion, beliefs, ancestry, national origin, social origin or status, birth or other status whereby everyone forms its cultural identity, b. no one should suffer or be discriminated against in any form as a result of exercise or not of such rights .."*

And by continuing in accordance to the Article 4 of the Declaration: *"a. Everyone is free to choose whether or not will be identified with one or more cultural communities, regardless of frontiers, as also is free to change his choice. b. Nobody can impose a cultural identity or none can be used by a cultural community against his will."* Thus, rights already recognized are defined, however, being scattered in many regulatory texts, lurking always the danger of relativism of these concepts.¹¹

Moreover, on December 10, 1948, the United Nations signed the Universal Declaration on the protection and preservation of human rights, including cultural rights; while, as stated in the first article of the Universal Declaration on Cultural Diversity, adopted in 2001: *"Cultural diversity is the common heritage of mankind and should be recognized and guaranteed for the benefit of present and future generations"*, showing that the respect for the richness and diversity of values, beliefs, traditions and forms of creative expression for all peoples, is the "heart" of the ideals that cherish all groups involved in promoting their cultural heritage.

Consequently, the prevailing legal system of a welfare state should ensure the provision of necessary legal protection to persons who claim to be victims of any form of discrimination and provide the necessary treatments (administrative and judicial) in order to safeguard and protect these fundamental cultural rights. The culture of human rights is, in other words, the evolutionary stage of the vesting and exercise of rights, which is connected to our everyday practice, the open thinking, the open society, the recognition and acceptance of the right of dispute, solidarity, life attitudes and behaviors.

From the "culture of shame and guilt", a current social state should proceed to the culture of

¹⁰ 21st May, world day for cultural development, http://www.florina.org/news/2010/may20_g.asp

¹¹ Cultural rights, Declaration of Fribourg, <http://www.unifr.ch/iiedh/assets/files/declarations/grec-declaration.pdf>

freedom, responsibility and human rights, creating a new code of values and leading to new interpretations and narratives. Responsibility and duty of each law-abiding state is not only the protection of Human Rights, but also the systematic training of citizens, so Human Rights be recorded in the minds of the many as clear and specific.

For example, the introduction of the language of human rights in education is associated with serious rearrangements and translocations, observed in modern Europe, under the weight of economic globalization, mass movements of populations, sustainable integration of cultural groups, that are constantly growing and seeking recognition, rapid development of supranational institutions, which restrict more and more the independence of national governments, and the binding nature of international agreements which are considered as "tough laws".¹²

And it is not only the right to education brought about all these, but as we may deduce, each of these different cultural, social rights.

As specifically appointed, "*culture*" by Fernand Braudel in his "Grammar of Civilizations" means "*geographical areas, land, mountains, climate, vegetation, animals, means benefits offered naturally in humans or acquired them by the toil.*"

Consequently, heritage (culture) is the result of "*natural individual and social constitution of the subject*" in conjunction with collective social experiences which existed prior to its physical presence. In other words, the culture of a social group is formed by the individual culture of each one, in conjunction with the collective experience and memory of the group as a whole. The last refers to what we call *tradition (cultural, social, etc.)*, which is the basis configuration of popular culture (folk culture). This thus emerging culture of social group has a singularity, since the "physical and social constitution of the subject" differs from subject to subject and from group to group. This is therefore a Cultural Diversity (cultural diversity). So it would be reasonable and next, the current social state respecting the issue of cultural diversity, to explore measures for the preservation of world cultural heritage.¹³

But, unfortunately, in our days, the different cultural heritage is usually "*something evil*" and in the worst case scenario, "*suspicious and abetted by foreign centers*". The cultural diversity is skilfully covered with the mantle of local tradition, hiding that this 'local' is in some cases a different "national".

As noted by S. P. Huntington in his famous book "The Clash of Civilizations", in the

¹² The language of human rights in modern education .Tsakiri Eleni, Teacher of Secondary Education, <http://srv-ipeir.pde.sch.gr/educonf/2/02AnalitikoProgramma/tsakiri/tsakiri.pdf> .

¹³ <http://www.day-after.gr/categories.asp?Catid=10>

modern world *"the most important and dangerous conflicts will not be between social classes, rich and poor, or other interest groups which are defined differently, but between peoples belonging to different cultural groups"*. Important events in the late 20th century and early 21st as the war in Yugoslavia, the post-Soviet conflicts in the geographical area, terrorist attacks in New York, Madrid and London, the invasion of Western troops in Afghanistan and Iraq and the generalized war in the western world against Islamic terrorism, seems to verify this opinion.

This issue of multiculturalism, pluralism of cultural expressions, poses an important educational dimension that concerns the way in which the perceptions of young people of different cultures are shaped. Therefore, multiculturalism is a challenge for contemporary Western culture. So, the question that arises is, whether the education of young people in the spirit of multiculturalism is compatible with the ideas in Western societies liberal notions of education, which traditionally affirms the homogenisation of the population under the universal acceptance of liberal values such as democracy, human rights, individual freedom, autonomy, etc.

It is true that we are born and grow up always in a specific cultural environment, in an already pre-existing system of standards and rules of conduct, which we adopt spontaneously, without even enable us to judge. Our choices are determined, initially, by the cultural facts within which the first conscience is formed. This initial education of individuals within a single cultural environment poses a risk of uncritical adoption of lifestyles, standards and values that govern it.

From a liberal perspective, the results of this first mono-cultural education seems to be quite problematic. The mono-cultural education is unlikely to give birth to interest in other cultures and, therefore, to cultivate the ability to search for alternative modes of socio-cultural development. But without alternative conceptions of culture the critical capacity of the individual is restricted, and it is developed as an arrogant attitude to other cultures, which can develop into racial.

This highlights the special role of a culture of multiculturalism, which is required to act as familiarizing young people with different, culturally encoded concepts of well-being and thus to respond to request for a liberal pluralistic environment with "wide range of (sometimes competing) examples of virtuous life, so that individuals are able to differentiate themselves or to challenge their commitment to standards, that were originally brought up.

This precisely the mission of multicultural education to release the person from limited cultural perspectives and make it able to design the project of life having knowledge of existing alternatives, leads to the conclusion of B. Parekh, that *"multicultural education is not a removal or an incompatibility, but a further refinement of the liberal conception of education."*

Although the multicultural education in a liberal regime with different cultural communities, is required to cultivate the necessary respect for all cultural expressions, then we can not avoid the

following question: *“Should really, all cultures be treated in the same respect and acceptance even though they are inspired by non-liberal ideas?”*

The liberal views are here divided. Whereas a stream of liberalization (rights-based liberalism) appears to take the tolerance and even the respect to non-liberal cultures, recognizing the right of members to live by their own values, provided they do not harm others, another (autonomy-based liberalism) separates the liberal cultural traditions of the non-liberal and starting from the notion of the superiority of the first affirms the gradual assimilation of the latter.

Declaratory of the second approach is the attitude of Stephen Macedo, who sees significant risks to the liberalism of the uncritical recognition, in the spirit of multiculturalism, and non-liberal - fundamentalist traditions. Admitting that *“rightly comprehended multiculturalism is an important part of liberal civic education,”* notes that this should not entail the “equal treatment of all religious ideas and communities” in the name of self-worth of all kinds of differences.

We might realize here that the liberal principle of pluralism in which the idea of multiculturalism is entered, when it is driven to be annulled, welcomes the acceptance of cultural expressions which categorically reject any alternative approach to the way of life. In such a case, multiculturalism instead of cultivating the autonomy of the individual may enhance the heteronomy. Since many cultures strongly present repressive, manipulative, alienating elements would be rather simplistic to perceive them as self-worth.

And if that is the case, thought, therefore the confrontation with the authoritarian cultural traditions or authoritarian elements of different traditions is a sine qua non condition of social progress and emancipation, then seems as an “Aeolian pursuit” of social cohesion and progress through a plurality of any of the cultures. Is it sufficient the acquaintance with other cultures and the critic reflection our and foreign cultural traditions for understanding and addressing the causes that lead to social conflicts and, consequently, to derogatory, oppressive attitudes against other people?

The emphasis on multiculturalism in order to prevent confrontation between cultures and oppression of minority groups requires, implicitly, that the cultural phenomena and cultural affairs are a field trial to study and solve social problems. It should however be noted that when we talk about the contradictions and conflicts between human groups (classes, races, nationalities, countries) the concept of culture, of cultural diversity - differences are very general and ambiguous to be insufficient for a clear understanding of the causes leading to the above phenomena.¹⁴

Just an abstract, however, remains the term of “diversity”, as it is also included in the

¹⁴ Periklis Pavlidis, *The Conflict of civilizations and culture of multiculturalism: critical review of liberal opinion*, (Post in: K.Voudouris, *The philosophy of civilization*, publ. Ionia, Athens 2006, p.184-196.)users.auth.gr/ppavlidis/Pavlidis_6-6.doc

concepts of "freedom of religion" and "religion tolerance". And this is because these concepts are in a time range of knowledge, experience, reflection and study of every person who states, but particularly in cultural and religious beliefs of each of us. Thus, it is perfectly normal to talk about two evasive- somehow -concepts, but which are not cease to be completely personal and ad personam -for this indeed they are affecting us both individually and socially.

Thus, on the other social right of religious freedom, things become even worst. Although the Universal Declaration of Human Rights could not be clearer when it states that *"everyone has the right to freedom of thought conscience and religion", including the right to change religion and to "express their religion in teaching , exercise, faith and devotion "*, though the religious diversity that exists in the world is not inaccessible and essentially" free ".

At a European level, the majority of Europeans are Christians, even if they are not "religious faiths", but that majority often "hides" a great variety. Europe is deeply divided by wars between Catholics and Protestants, as in the past, by wars between Catholics and Orthodox Christians. Within each admission there are many different positions with differences that are often indistinguishable to a layperson, but it is vital for those who believe in them. So is the situation globally is becoming more and more obscured.

Approaching the relationship between religion - churches - state power from the perspective of European constitutional texts , the dimensions are highlighted , those of a wider conflictual relationship with rich history. A common feature of both poles of the pair of church and state is the power and common field to claim, the public space. Once disturbed the unity of ecclesiastical and state power, the disconnection of the state from the church in terms of constitutional provisions and the level of their implementation in practice was not simple nor humane; the reasons for this are several, leading to the following:

First reason is the default difference between the two. The state relies on popular sovereignty resulting from the relativity of truth, while religion is based on the truth of divine revelation. There is, therefore, on the one hand, the adoption of different values from sections of society with the support of the state, and on the other, manifestations that do not respect the different views with the support of church standpoint.

The second reason is the difference in purpose of the action of the two. Every religion aims at maintaining and increasing loyalty and the protection of the doctrines and the modern state has to ensure the unimpeded exercise of religious freedom and freedom of conscience of its citizens in conjunction with the tolerance dictated by the new structures of multicultural European societies. Therefore, it must be acknowledged that freedom of religious activity may not exceed the limits of the acceptance of another, nor can it be assumed that what is considered "correct" religious have the

right to require the use of state power.¹⁵

The acceptance or the rejection of the perceptions of people is a matter of human freedom alone and does not depend on any obligation towards the state. This means that the principle of separating politics from religion and the non-exploitation of religious function to display and promote "political" positions, should be respected.¹⁶

As Thomas Jefferson also stated early as 1802: *"Believing, like you, that religion is an issue that only concerns every man and God, that it owes account to none other for his faith or his worship, that the legislative powers of government may include acts only, and not opinions, I respect totally the operation of the whole American people, which stated that the lawmakers will not make any law that will support the establishment of any religion, or prohibiting the free exercise of it, building a wall of separation between church and state."*

So, we are called to consider, *in which countries the restrictions on religious aggregation, procedural or substantive nature, are stricter and where are more flexible and thus, more democratic?*

To what extent- namely- within each country of the former Eastern block there is the legislative basis for free and uninterrupted operation of religious organizations and expression of religious feeling. In this way we can diagnose whether it works (and goes), in terms of religious freedom, religious aggregation in the former communist countries and whether freedom of religion has been able to wean itself from the state control.

The comparison, however, can then be screened at a European level. In which countries- that is to say the respect for individual rights through the recognition of religious freedom and religious rights of the aggregation may be equal to the level of protection afforded to Western Europe. Of course, any comparison should be done in the light of the long history of democracy, struggle and achievements of Western societies, which in former communist states would be impossible to have the slightest chance. Thus, it is concluded that these countries are treated as part of an experiment taking place in this corner of Europe, which is evolving rapidly every day.

It's really interesting, how these countries are trying to eliminate any remnants of the past and be assimilated any of the fertile western, generally influences. The state atheism, with which for years have been nurtured perhaps helped them not to proceed with weights in the future.

This issue of religious aggregation should not be, however, considered individually in each country, disconnecting it from the broader political, social and economic environment. The right to

¹⁵ Relations of church and state in Europe, Penelope Fountelidaki, Assistant Professor of Panteion University

¹⁶ State, religion and cultural diversity in Europe of tomorrow, Ioannis S. Petrou, Professor of Aristotle University of Thessaloniki, <http://canonlaw.web.auth.gr/protagoras/protagoras/documents/Petrou.pdf>

religious aggregation and democracy issues are inextricably linked. And do not forget that ultimately a religious aggregation and general freedom of religion is not a matter of administrative nature, but mainly a matter of culture and civilization of people.¹⁷

Here, it would be useful to mention a recent example that may demonstrate the relationship of the state and religion. This called the "law against headscarves." The recent, therefore, legislation in France on banning students to attend public school wearing conspicuous religious symbols, adopted in 2004, but also the ban of nikamp (the headscarf that covers almost the entire face and body) in public areas, which was passed into law of the State this year, although concerns a very limited number of people, disproportionately caused heated debates. This is because an issue as partial showed much wider issues such as immigration, national identity, the relationship between the state and religion, the position of women in society, its relationship with the colonial past and the present of the imperialism .

The public debate around the issue characterized by a paternalistic and Eurocentric culture, which often does not hide its racism .Unmentionable purpose of this new legislation was the stigma of the entire Muslim community of France, and its presence appeared as a source of security risks and national identity, something that justifies every effort by the state to limit and close supervision of the "Islamic danger" that is to say the Muslim population.

This is shown both by the fact that despite the declaratory prohibition of all obvious religious symbols, the public debate as a whole, both the media and in the preparatory committees of the House, was limited solely to the issue of Islamic headscarves and other results from the dominant rhetoric that gave ideological cover and exonerated a series of assaults and verbal attacks on women wearing headscarves or nikamp in public places.

The argument in favor of the new laws was not always openly conservative. Instead, too often came in the form of a generalized progressive rhetorical defense of universal values, women's rights and secularism. This resulted in the issue to divide the entire horizontal range of the left side. Thus, a large part of the left side, but also the anti-racist and feminist organizations unwittingly put themselves on the left edge of an ethnocentric and implicitly Muslim consensus. The Islamophobia became in this way a "politically correct" institutional reason and the only acceptable form of racism, gaining popularity far beyond the known xenophobic circles, which should logically be limited.

The position of this segment of the left side is largely due to the fact that in order to answer the new questions, it used inadequate and outdated analytical tools. It is positioned to the issue as if it had to answer some imaginary left critics, who cite that it is biased and did not face "all religions the same," forgetting that the basis of the tradition is the bias in favor of the oppressed, without

¹⁷ Laws for the state and religion in Europe after Communism (W. Cole Durham, Jr., Silvio Ferrari), www.katsiras.gr

making the defense of prior acceptance by the ideological and philosophical positioning.

Thus, the devaluation of Muslim women reached its apogee with the expulsion of women wearing headscarves from feminist protests from diorganotries. Tithetai therefore the question: Is it better to believe that "free women do not wear hijab," or that "free women wear what they want"? In any case, the matter is that the "battle of the headscarf" was very instructive on how racism is gradually becoming "politically correct" institutional reason, and how this, in its turn interferes openly and clearly in the lives of people laid down.¹⁸

Another recent example worth mentioning here is the double terrorist attack that plunged Norway in mourning and shocked the world in July on the Island Otogia and Oslo. The perpetrator of the massacre, the 32-year old Anders Bechringk Breivik, was constantly told that in this way he wanted to "change the society" with his actions and "to damage society, its foundation and the way that this is governed".

What do all those truly mean? What is behind this unprecedented event of hate? The same was a member of the "Group of Progress", giving an neo-Nazi views, but characterized himself as "conservative Christian"!

Are the right wing organizations included in those groups called "hate groups"? And really, do they have reason and right to deduct lives? If yes why? Initially, as it has rightly been mentioned by M. Potok "If a team declares its hate to another simply by the color of its skin, of the religion, etc. then clearly belongs to organizations of hate. "On Internet, you can" taste "this hate being expressed. But why? Where do they based on?"

In the case of right-wing parties and organizations, the economic migrant is the responsible of many ills of the people: poverty, unemployment, crime, spread of infectious diseases, etc.. Therefore, according to the current extreme right it must either transform Europe into a "fortress" in which hardly anyone enters or those "foreigners" allowed to remain in a country, to accept a number of severe restrictions of rights and a discriminatory policy against them, leading to social exclusion. These organizations, using deception, selective disclosure and persistent propaganda to attract new members, while also using other immoral means, by which exercise control and power, psychological violence, intimidation over one's personality, for the purpose of entrapment of members in their organizations. Thus, they violate the human right to freedom for informed choice in the perception of the world and the way of life.

It is fact, that the right-wing violence is bringing elective and systematically many victims,

¹⁸"Inserts" of the "Dawn", 19.06.2011, The "Battle of the headscarf": Racism in a progressive packaging of Michael Vourekas, <http://parallhlografos.wordpress.com/2011/07/27>

ignoring ideologically but also operationally for the "innocent victims", and usually remains as operational mechanism of this effect. The alienation of members of that organization from the outside world, the focus in the world of the sect, its aggression against members of a destructive cult, and also against the foreigners of the team, because of the fanatical defense of ideology, as well as the rejection of rational thought, all those are considered as dangerous consequences, especially against the harmonious coexistence of people in a state.

The practice of exercising psychological pressure, the exploitation (drainage) of income and working-converts the victims, their social isolation and the complete deprivation of personal freedom through control methods (manipulation) and mind control (and thought), the mental damage and the damage caused to human health and a large number of fatalities, lead us to the conclusion that all the above violate the Universal Declaration of Human Rights, (Universal Declaration of Human Rights), namely:

- the Article 3, which states: *"Everyone has the right to life, liberty and security of person"* .
- the Article 4: *"No one shall be detained in slavery or servitude (servitude). Slavery (slavery) and trafficking (slave trade), are prohibited in all its forms."* Many destructive cults, not only get involved in criminal, trafficking of people, but also, they cause real subjection of members-victims .
- In some organizations, Article 5 is violated : *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."*
- the Article 12: *"No one shall be subjected to arbitrary interference in his privacy, [or] family."* We know that this is the continuous and incessant practice of such organizations.. etc.¹⁹

It is true, beyond outrageous, when neo-Nazi organizations operate legally- by implementing these respective ideologies of the offender under the protection, in several times, of public officials. Also, the paradox of a welfare state is that this state maintains a monopoly on violence. It is paradoxical because this state has the mission to protect the rights of citizens, but also something more like it was wonderfully expressed by the philosopher Avisai Margalit: *to ensure that the society which is regulated is 'decent', that is to say, a society where citizens are living with dignity and are not humiliated by the state and its institutions, but they retain their individual autonomy and self-esteem.* The paradox then, is that this state maintains a monopoly on violence, and more especially against its citizens, when it left uncontrolled and undisturbed all of them, who claim a monopoly of violence: terrorists, right-wing organizations, extreme left organizations, godfathers of the night and of course criminals of each category: Greeks and foreigners.

In a state, so, that does not allow citizens to feel dignified by its acts and omissions in

¹⁹ Alexander L. Dvorkin, Chairman of the Centre for Religious Studies, Speech at Moscow Conference of FECRIS., St. Petersburg Translation Eleni Zinonos, November 2009

particular, the violence should not be allowed to foothold an oligopoly forever, nor its ideological supporters to convince that this oligopoly is for the welfare of the society.²⁰

This means that a state must be neutral religiously and philosophically. This is also the result of the discrimination on state and society, politics and religion that are basic characteristics of contemporary European democracy and culture, since “religion” is a personal matter of the citizens and the state can not impose directly or indirectly any choice either for or against religion . This situation has nothing to do with the imposition of “atheism” as communicative support for local religious organizations. Instead, the state is obliged to ensure “pluralism” (religious, cultural, etc.), that exists in modern society of the 21st century.

It is easy, for example, to understand the view of religious pluralism, that all religions are fair and equitable approaches to the "divine", however we have difficulty to endorse the position of interpretative pluralism; that every "text" in the broadest sense, is open to multiple and equivalent interpretations. Undoubtedly, there are several possible explanations for every phenomenon, but there is always an interpretation that is more fair, more satisfactory than others. It would be hard to deny that some interpretations are unaware, irrational or unreasonable.²¹

It is quite clear that, while they themselves are Orthodox populations, they are gradually absorbed in the European unification process, which exposes them to more mobility and diversity. The restrictions on religious freedoms for religious minorities in majority Orthodox countries remain a serious problem for which requires careful analysis to understand the roots and possible solutions to the problem.

In summary, the globalization today under the umbrella of an universal culture, promises and to point creates conditions for the development of common elements with an unifying role in the world as moral values, social intelligence and environmental awareness. This effort for single spiritual culture is the concept of 'collective intelligence of the very survival of human civilization in the difficult parts of his evolution". Especially today, where mankind is plagued by a huge economic , ideological crisis, and crisis of values with phenomena of corruption, should the representatives of NGOs, civil society and active citizens to join together and united, and through public and sincere dialogue to discuss intercultural issues and promote initiatives for new partnerships with leading lever , the culture.

It should through common cultural events mark a positive start to make us all think that what unite us are much more than what divide us and make us spent on trivial and meaningless issues. Everyone in words, may support the path of approach. But it is very difficult and painful, all

²⁰ Aristeidis Chatzis, the oligopoly of violence , http://booksjournal.gr/index.php?option=com_content&view=article&id

²¹ The lure of pluralism Post: 07/06/1998, newspaper To Vima , <http://www.tovima.gr/opinions/article/?aid=100016>

those be translated and transformed into concrete actions, to make them people experience and act in accordance with them. In order to do that, a lot of work is needed, as well as persistence and consistency in order to build bridges of communication and trust and to promote "intercultural friendship."

As such, it makes us realize that the values with which people live as a whole, are inextricably linked to the particular kind of cultural cultivation that this whole is experiencing. *Because, what will be the world of tomorrow when today is already at risk? What values will support the societies of the future? And the past, hiding within all the eternal values and culture, how can it be rescued and survive to the future?*²²

If now, the conflict between people and the oppression and marginalization of people seems often to be signified by national, religious, linguistic or other cultural differences, in fact these are phenomena which causes transcend the boundaries of cultural creation and cultural relations. When cultural differences serve conflict between individuals, this means that they themselves social relations within which people exist, reproduce, create and grow, are relations of rivalry and competition. Therefore, the comprehension and the confronting of the phenomenon of "clash of civilizations", the expression of culture through a derogatory attitude towards others, concern matters that go beyond their own cultural characteristics and differences. These are issues of social relations and contradictions, needs and interests of rival groups-classes.

It is important to note that in any social formation, culture is not an absolute trapping of people into rigid mindsets, attitudes, behaviors. Since every culture has its universal traits of human creativity (activity mediated by tools, symbolic thinking, etc.), the person itself always has a small or great opportunity to progress and change.

If some cultures put forward a very conservative image, and mostly hamper the progress of the individual, this still concerns the specific social relations in these social-economic formations within which, the standards and rules that regulate the human behavior were born, reproduced or challenged and be abandoned.²³

Finally, with respect to the matters of religion, it is a fact that European states are facing new problems requiring new arrangements. In Central and Southeastern Europe after the collapse of the authoritarian regimes, the oldest sovereign national churches seek to reestablish their control of the religious instruction, their participation in legislation concerning family law, their oppression of religious minorities. In EU countries, the resurgence of religious feeling is not related to the former

²² World Culture Day (World Day for Cultural Diversity, Dialogue and Development), http://e-trovato.blogspot.com/2011/05/blog-post_19.html

²³ Periklis Pavlidis The Conflict of civilizations and culture of multiculturalism: critical review of liberal opinion. (Post in: K.Voudouris, The philosophy of civilization, publ. Ionia, Athens 2006, p.184-196.)*users.auth.gr/ppavliidi/Pavlidis_6-6.doc*

official churches, but to the development of new religious, often fundamentalist movements and mystical tendencies, with a result that put back the problem of defining the concept of “religion”.

Trends, that are recorded at both constitutional and legislative arrangements, and at the level of social dynamics in Europe might be interpretable in a generic criterion for the pair of public / private sector, resulting from the conflict between the public area of influence, pursued the great religions and the individual need for private religious beliefs.