

# Constitutional Tradition and Eastern Orthodoxy: Political-Theological Aspects

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## Constitutional Encounters: Modern and Contemporary Interaction between Constitutional Orders and Eastern Orthodoxy in SEE Countries

Without exception, the process of founding of new nation states in the SEE (Southeast Europe) region in the 19th century took the legal shape of the modern constitutional state. Newly formed states with predominantly Orthodox populations (Greece, Serbia, Romania, Bulgaria) were shaped as constitutional monarchies, based on popular sovereignty, accepting the rule of law and the separation of powers as their guiding principles, protecting fundamental civil and political rights. National Orthodox Churches that achieved their independence and autocephaly from the Ecumenical Patriarchate in Constantinople, not without temporary tensions and even schisms, coexisted and cooperated with established constitutional authorities without questioning their form and legitimacy from a Christian theological perspective. That is to say, Orthodox Churches did not struggle with the values, principles, and structures of the new constitutional architecture. They relied on governmental recognition and support of their privileged status as official state churches, publicly visible and institutionalized, having specific roles in the fields of public education, social policies and state ceremonies. It was not uncommon for some members of the clergy to be engaged politically, assuming offices in the parliament, government or the local municipal councils. Struggles or tensions between constitutional states in the region and national churches occurred not because of principles or values of the system of government but concerned more specific policies or the attitude of authorities towards different day-to-day issues. The political engagement of the autocephalous Orthodox Churches was through the prism of ethnonationalism and their role in the process of liberation and nation-building. Thus, they substituted the history of the national awakening and liberation for the history of divine economy and salvation.<sup>1</sup> Merging

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<sup>1</sup> Pantelis Kalaitzidis, *Orthodoxy and Political Theology* (Geneva: WCC Publications, 2012), 54, 65–9.

and equating religious and national identity created a powerful and explosive amalgam that was easily instrumentalized on political battlefields.<sup>2</sup>

The doctrine of establishing and protecting the “Christian nation” (in each of the nation states in the region) emerged as a specific nationalized and regionalized form of the traditional Byzantine *symphonia* model.<sup>3</sup> It was a by-product of a religious-political synthesis in which several processes developed simultaneously: the nation-building process in the 19th century that aimed at spiritual emancipation from the very powerful Ecumenical Patriarchate and political independence from the Ottoman Empire, resulting in the founding of the new sovereign nation states. At the end of that process, the political and cultural boundaries of the nations coincided with those of the national Orthodox Churches, thus blurring the important difference between religious and national identity.<sup>4</sup>

In the late 19th and early 20th centuries, Orthodox Churches lacked a comprehensive political theology with respect to fundamental principles and doctrines of constitutional government. Rather, they accommodated themselves to the situation in place, taking for granted established institutions and forms of government as far as they were perceived as overall Christian institutions. They thus chose the strategy of mutual recognition and cooperation, rather than questioning their legitimacy or calling for institutional reform and transformation. This more conformist view of the Orthodox Churches could be explained by the predominantly theological focus of Orthodox doctrines and teaching, directed to the Christian community of individual persons and not to the secular societal forms and structures in general. Hence, religiously based requirements set for the secular governments were very broad (to administer justice, not to be abusive or oppressive, to help the poor), but they did not translate into concrete political-theological teachings on constitutional forms and structures. Moreover, the political context of having new Christian monarchs and governments was very preferable to the previous oppressive government under the Ottoman Empire.

It should be noted, however, that, for most of that period, behind the constitutional form of a democratic state, the political regimes in these countries departed significantly from democratic principles and values. In reality,

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2 Pedro Ramet, “Autocephaly and National Identity in Church-State Relations in Eastern Christianity: An Introduction,” in *Eastern Christianity and Politics in the Twentieth Century*, ed. Pedro Ramet (Durham NC: Duke University Press, 1988), 4–7.

3 Victor Roudometoff, *Globalization and Orthodox Christianity: The Transformations of a Religious Tradition* (Oxford: Routledge, 2014), 79–101.

4 John Meyendorff, *The Byzantine Legacy in the Orthodox Church* (Crestwood NY: St Vladimir’s Seminary Press, 1983), 225–9.

national Orthodox Churches very often coexisted and cooperated with weak semi-democratic or non-democratic authoritarian regimes. That, in turn, affected their role and recognition in society when political regimes transformed to more democratic forms in the latter decades of the 20th century.

Currently, all countries in the region with predominantly Orthodox populations (Greece, Bulgaria, Romania, Serbia, North Macedonia, Montenegro) have established constitutional regimes that are qualified as constitutional, republican and democratic, endorsing principles of the rule of law, popular sovereignty, the separation of powers, protection of fundamental rights, and respect for international law (including human rights conventions). All countries are members of the Council of Europe and implement the European Convention of Human Rights, while three are full members in the European Union (Greece, Bulgaria, Romania). According to the Freedom House reports in 2020, three countries are considered *free* (Greece, Bulgaria, Romania) and the rest *partly free* (Serbia, North Macedonia, Montenegro), and, with respect to democracy – one is a *consolidated democracy* (Greece), two are *semi-consolidated democracies* (Bulgaria, Romania), and the rest are qualified as *transitional or hybrid regimes*.<sup>5</sup> To illustrate the complex dynamics of church-state relations through the prism of constitutional government, it is useful to focus on specific country models.

### *Greece*

Greece was the first among the countries in the region to face the challenges of globalization, democratization and EU accession and thus had a chance to elaborate meaningful answers that could be considered by the rest of the states. In this respect, it is worth providing a brief overview of the role the Greek Orthodox Church played in that process – most importantly, of the direction it has influenced the new constitutional order of the republic (established with the 1975 Constitution).

The recent history of church-state relations in Greece is also indicative for the complex and often ambiguous position of the Orthodox Church. In some cases, the Church sided with ultra-nationalist, reactionary and even authoritarian governments (1967–1974). Nowadays, the Church of Greece supports the democratic constitutional order, while remaining very sensitive to its privileged status of official religion.

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5 “Freedom House,” 2020 Freedom in the World Report, <https://freedomhouse.org/countries/freedom-world/scores>, accessed 26 September 2020; Nations in Transit Report, <https://freedomhouse.org/countries/nations-transit/scores> (accessed September 26, 2020).

In Greece the official state status of the Church of Greece is constitutionally entrenched in Article 3 of the 1975 Constitution, which stipulates as follows:

The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine, observing unwaveringly, as they do, the holy apostolic and synodal canons and sacred traditions. It is autocephalous and is administered by the Holy Synod of serving Bishops and the Permanent Holy Synod [...].

The preamble of the Constitution consists of a direct invocation of the Holy Trinity in the Orthodox dogmatic formula: “in the name of the holy, consubstantial and indivisible Trinity.” Moreover, it is noteworthy that the section of church-state relations is placed in second position in the Greek Constitution, after the section on the form of government, thus indicating the importance of the church-state relations for the constitutional order as a whole. There are special privileges accorded to the Greek Church: protector of the text of the Holy Scriptures; participation of high clergy during official ceremonies of solemn oaths taken by political officials invoking the name of the Holy Trinity (Art. 33, par. 2; Art. 59);<sup>6</sup> restrictions on proselytism; recognition of the Church’s role in the field of public education (Art. 16, 2), including daily prayers at schools.<sup>7</sup>

The strong connections between the state and the church are further revealed in the public sphere: many national holidays coincide with the most celebrated religious feasts; the state continues to pay the salaries of the Orthodox clergy who enjoy the *de facto* status of civil servants<sup>8</sup>; metropolitans are appointed by the president on the proposal of the Holy Synod of the Church of Greece. This mode of church-state relations is often defined by scholars of religion and politics as *sunallelia* (“being together”).<sup>9</sup>

Beyond its protected constitutional status, two tendencies often collide in the Greek Church: the one focused on nationalism and the nation state and

6 Respecting the freedom of religion and conscience, there is an option for a non-religious ceremony.

7 Evangelos Karagiannis, “Secularism in Context: The Relations between the Greek State and the Church of Greece in Crisis,” *European Journal of Sociology* 50, no. 1 (2009), 146.

8 Though there were considerations and plans in the opposite direction during the final year of Alexis Tsipras government, in 2019 the New Democracy government agreed to continue the established practice: Reuters, “Greek conservatives scrap plans to take clergy off state payroll,” *Reuters*, 16 July 2019, <https://www.reuters.com/article/us-greece-church/greek-conservatives-scrap-plans-to-take-clergy-off-state-payroll-idUSKCNiUB1IW>.

9 Basilius J. Groen, “Nationalism and Reconciliation: Orthodoxy in the Balkans,” *Religion State & Society* 26, no. 2, (1998), 116–8.

opposing globalization and modernity, the other emphasizing the universality of the Christian faith and the church's mission, addressing positively the process of democratization and globalization.<sup>10</sup>

### *Romania*

In the 1991 Constitution of Romania, the autonomy of the religious denominations from the state is safeguarded along with the provisions on the freedom of religion. The right of the religious institutions to receive support from the state for its public presence and social mission is also guaranteed ("including the facilitation of religious assistance in the army, in hospitals, prison, homes and orphanages" – Art. 29, 5).<sup>11</sup> The public presence of religion is also visible in the official state ceremonies – for instance, the ceremony of taking the constitutional oath by the president during his inauguration ends with the solemn formula of the invocation of God ("So help me God!"; Art. 82, 2). This constitutional regulation, based on the principles of autonomy and cooperation between the state and religious communities, was laid down after a heated debate on the role of the Romanian Orthodox Church (ROC). The church's claims had emphasized its traditional role as a national church with significant contributions to the formation of the Romanian nation.

In December 2006, the new Law on Religious Freedom was adopted, securing to some extent the privileged position of the ROC – the law specifies the state's recognition of the "important role of the Romanian Orthodox Church" as well as the role of "other churches and denominations as recognized by the national history" of the country.<sup>12</sup> Specific provisions in the law were included that limit religious proselytizing. Religious minorities (some Evangelical Christian denominations) and independent international observers deem them highly restrictive. Some of the controversial provisions include restrictive requirements for religious associations on eligibility for state support. Only the registered religious denominations (preferential status is limited to 18 religious organizations) are eligible for state financial and other support. Other restrictions include limits on certain forms of freedom of expression

10 Victor Roudometoff, "Greek Orthodoxy, Territoriality, and Globality: Religious Responses and Institutional Disputes," *Sociology of Religion* 68, no. 1 (Spring 2008), 71–2.

11 Ina Merdjanova, *Religion, Nationalism, and Civil Society in Eastern Europe: The Postcommunist Palimpsest* (Lewiston NY: The Edwin Mellen Press, 2002), 15–26.

12 US Department of State Bureau of Democracy, Human Rights, and Labor, *2018 Report on International Religious Freedom: Romania*, <https://www.state.gov/reports/2018-report-on-international-religious-freedom/romania/> (accessed 12 May 2020).

and free speech that are considered to be in violation of established religious symbols (Art. 13 of the Law).<sup>13</sup>

The ROC continues to play an important role in the public sphere. On numerous occasions, the Church has successfully influenced legislation (e.g., in the field of religious education in the public schools); it has addressed public opinion on important issues of bioethics (on abortion and euthanasia) and public morals (against the legalization of homosexuality); politicians regularly seek support for their public campaigns from the church leadership and promise to defend their agenda in the decision-making process.<sup>14</sup>

### *Bulgaria*

In recent years, the Bulgarian Orthodox Church (BOC) developed good and constructive relations with Bulgarian institutions, especially the executive branch. In general, the BOC is supportive of the democratic constitutional order, while it remains concerned about its privileged status. The specific public law status of Eastern Orthodoxy as the *traditional religion* was negotiated in the first years of democratization and established with specific constitutional provisions in the new democratic 1991 Constitution: “Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria” (Art.13.3). This status reflected the historical role of the predominant religion for preserving and cultivating Bulgarian national identity and culture. This constitutional provision does not secure any specific privileged position for the Church, though the practices that have emerged and subsequent legislation have moved in this direction. In line with the prevailing liberal and democratic character of the 1991 Constitution, it provides for church-state separation (Art. 13.2), as well as guaranteeing the freedom of religion and its free exercise (Art. 37). A specified provision bans the use of religious institutions, communities and beliefs for political ends (Art. 13.4), thus limiting the possibility for religiously motivated political extremism.<sup>15</sup>

The current law on religious organizations (Denominations Act) was adopted in 2002 in an attempt to modernize the existing legal framework on religious entities and to provide legislative protection of the Bulgarian Patriarchate weakened by an internal division movement (Alternative Synod). This new framework established a privileged role for the Bulgarian Patriarchate,

13 Cristian Romocea, *Church and State: Religious Nationalism and State Identification in Post-Communist Romania* (London: Continuum International Publishing Group, 2011), 33–4.

14 Lavinia Stan and Lucian Turcescu, *Church, State and Democracy in Expanding Europe* (New York: Oxford University Press, 2011), 148–9.

15 Merdjanova, *Religion, Nationalism, and Civil Society*, 12–3.

providing a special *ex lege* recognition of its legal personality (there is no need to register as a religious institution with the court register as required for other denominations).

The preamble of the 2002 law is also indicative for the general principles and objectives of the regulation. First, the freedom of religion and the equality before the law is proclaimed for all persons, regardless of their religious convictions. Second, the “traditional role” of the Bulgarian Church in the history of the country and in the development of its culture and spirituality is emphasized. Thus, the constitutional protection of Eastern Orthodoxy (as the traditional religion) is legislatively interpreted and implemented as a “traditional role” of the BOC. Third, the preamble states that legislators pay due respect to Christianity, Islam, Judaism and other religions while supporting mutual understanding, tolerance and respect among them.

The historical role of Eastern Orthodoxy for the state and society is further defined in the law (Art. 10). It stipulates that Eastern Orthodoxy is represented by the self-ruling (autocephalous) Bulgarian Orthodox Church – Bulgarian Patriarchate, which is the legitimate successor of the Bulgarian Exarchate and a member of the One Holy Catholic and Apostolic Church. It is stated that the Church is governed by the Holy Synod and is represented by the Bulgarian Patriarch, while its more detailed organizational structure is laid down in its own statute. As a preventive measure against internal divisions, the law prohibits persons and groups who seceded from a registered religious institution to use the same name as new legal entity or the property and assets of the original religious institution.<sup>16</sup>

Nowadays there is a drive within the BOC to acquire official status vis-à-vis the state.<sup>17</sup> This can be seen as deeply encoded in the more traditional model of church-state relations as perceived by the high clergy in Bulgaria. The BOC’s improved relations with the state are often interpreted as the revitalization of the traditional Orthodox political-theological concept of *symphonia* and ethnoreligious “Christian nation” model.<sup>18</sup>

16 This provision was used to silence the internal divisions in the BOC. Some aspects of the 2002 law were found to contravene the standards of the European Convention (Art. 9): Holy Synod of the Bulgarian Orthodox Church (Metropolitan Inokentiy) and Others v. Bulgaria (Judgement on Just Satisfaction), no. 412/03; 35677/04, Judgment of 16 September 2010, § 49.

17 Atanas Slavov, “From Traditional to Official Religion: The Legal Status of the Bulgarian Orthodox Church after 2019,” *Occasional Papers on Religion in Eastern Europe* 40, no. 5 (2020), 9–27 available at: <https://digitalcommons.georgefox.edu/ree/vol40/iss5/3>.

18 Kristen Ghodsee, “Symphonic Secularism: Eastern Orthodoxy, Ethnic Identity and Religious Freedoms in Contemporary Bulgaria,” *Anthropology of East Europe Review* 27, no. 2 (2009), 227–52.

The public presence of the BOC has been changing in a positive way in recent years. While its public image suffered in the 1990s from decades of collaboration by high clergy with the totalitarian regime<sup>19</sup> and deep internal divisions<sup>20</sup>, the BOC increased its public visibility in the most recent decade. It gradually became an influential player in public debates, delivering public statements on a variety of issues, some of them quite controversial (the ratification of the Istanbul Convention, registered cohabitation in the Family Code, reproductive procedures). In criticizing certain policies and measures, the BOC does not question the legitimacy of the established democratic constitutional structures. As of 2020, the BOC enjoys a very high public trust (above 50%), thus one of the most supported institutions in the country.<sup>21</sup>

### Orthodox Churches Endorsing Constitutional Democracy

After the democratization of the SEE countries, opportunities for active participation in church life as well as public witness of the Christian faith were revived. Thus, at the beginning of the 21st century, an important evolution in the understanding of the Orthodox Churches in the SEE region is under way: from a traditionally nationalist-oriented political theology, they have begun to develop a public theology enhancing democratic values and institutions while remaining sensitive to the national culture and traditions. When some new claims to rights or status arise that are presented as modern and democratic (e.g., abortion, gay marriage), it is typical for Orthodox Churches to react against them because these claims are seen to be contrary to certain core Christian values and doctrines. This, however, is not a reaction against democracy or fundamental human rights but rather an expression and exercise of the freedom of religion, which also means being allowed to profess the faith as a particular community understands it. Moreover, in the SEE societies, as in many others, there is no popularly accepted negotiated compromise on some of these issues, and the public space remains open to challenging views represented by different civic, political or religious groups.

19 Momchil Metodiev, *Between Faith and Compromise: The Orthodox Church and the Communist State in Bulgaria 1944–1989* (Sofia: CIELA, 2010).

20 James Lindsay Hopkins, "Post-Glasnost, Contemporary Bulgaria & The Orthodox Church," chap. 7 in *The Bulgarian Orthodox Church: A Socio-Historical Analysis of the Evolving Relationship between Church, Nation, and State in Bulgaria* (Boulder CO: East European Monographs, 2008).

21 "Research Center Trend," October 2020 poll, <https://rctrend.bg/project> (accessed November 2020).

### *The Ecumenical Patriarchate*

Among the autocephalous Orthodox churches, the Ecumenical Patriarchate is the one most publicly engaged with the values of human rights, human dignity, and democracy. On various and numerous occasions (religious holidays, international cooperation, pan-Orthodox meetings) the Ecumenical Patriarchate expresses its commitment to these values and tries to build international alliances for their further implementation. It is also significant that this position is not accommodational but is instead fully grounded in Orthodox doctrines and concepts:

Beyond any political stance, we categorically condemn once again the use of all forms of violence, appealing to the rulers of this world to respect the fundamental human rights of life, honor, dignity and property, recognizing and praising the peaceful lifestyle of Christians as well as their constant effort to remain far from turmoil and trouble. [...] The Ecumenical Patriarchate will never cease, through all the spiritual means and truth at its disposal, to support the efforts for peaceful dialogue among the various religions, the peaceful solution to every difference, and a prevailing atmosphere of toleration, reconciliation and cooperation among all people irrespective of religion and grace.

[...] If human institutions are afraid of human freedom, either dispelling, or disregarding, or even abolishing it, the institution of the Church, generates free persons in the Holy Spirit [...]. The indefinable nature of freedom is the rock of our faith.

Human rights and the freedom of religious conscience are gifts which were "once given to the saints" (Jude 1:3), but which are constantly acquired along the journey of life. They are acquired through the experience of communion in Christ within the harmonious cosmic liturgy. We have been talking for 1700 years about the freedom of human conscience.<sup>22</sup>

### **The Holy and Great Council**

This rather open, universalistic and pro-democratic public position of the Ecumenical Patriarchate was embraced by the majority of the autocephalous Orthodox Churches that took part in the Holy and Great Council in 2016. In the official statements of the Council (mainly the Encyclical and the Mission

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22 His All Holiness Ecumenical Patriarch Bartholomew, "Patriarchal and Synodal Encyclical on the 1700th Anniversary since the Edict of Milan" (19 May 2013), [https://www.patriarchate.org/edict-of-milan-seminar/-/asset\\_publisher/5nTd6nw2DeZ9/content/patriarchike-kai-synodike-enkyklios-epi-tei-1700eteridi-apo-tes-ekdoseos-tou-diatagmatos-ton-mediolanon](https://www.patriarchate.org/edict-of-milan-seminar/-/asset_publisher/5nTd6nw2DeZ9/content/patriarchike-kai-synodike-enkyklios-epi-tei-1700eteridi-apo-tes-ekdoseos-tou-diatagmatos-ton-mediolanon) (accessed 25 September 2020).

statements), emphasis is placed on the dignity and fundamental rights of the human person that stem from the belief of divine creation of the human “in the image and likeness of God.” Furthermore, values of freedom, justice, peace, tolerance and mercy are reaffirmed in the light of a genuinely Christian engagement with this world; their implementation is seen as a specific Christian responsibility and care for the other, thus answering the divine call for the transformation of one’s life and salvation. The realm of the political is also perceived in terms of the genuine public engagement of the Church and, more practically, as a precondition for constructive church-state relations for the benefit of society at large.

In the official Encyclical of the Council, the conciliar Orthodox Church openly engages with these values providing profound theological justification of their importance for contemporary Orthodox Christians:

(16.) The Church does not involve herself with politics in the narrow sense of the term. Her witness, however, is essentially political insofar as it expresses concern for man and his spiritual freedom. The voice of the Church was always distinct and will ever remain a beneficial intervention for the sake of humanity.

The local Orthodox Churches are today called to promote a new constructive synergy with the secular state and its rule of law within the new framework of international relations, in accordance with the biblical saying: “Render to Caesar the things that are Caesar’s and to God the things that are God’s” (cf. [Matthew] 22.21).

This synergy must, however, preserve the specific identity of both Church and state and ensure their earnest cooperation in order to preserve man’s unique dignity and the human rights which flow there from, and in order to assure social justice.<sup>23</sup>

In its official statements, Ecumenical Orthodoxy endorses fundamental human rights “as a response to contemporary social and political crises and upheavals and in order to protect the freedom of the individual.” To that extent, the Orthodox Church is mindful of the challenge that the concept of “rights” is often understood in overtly individualistic and atomistic terms that erode the social aspects of human freedom. Such interpretation is seen as easily undermining “the foundations of social values, of the family, of religion, of the nation and threatens fundamental moral values.”<sup>24</sup>

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23 Encyclical of the Holy and Great Council of the Orthodox Church, Crete 2016, <https://www.holycouncil.org/-/encyclical-holy-council> (accessed 10 October 2020).

24 Encyclical, Section 16.

Among the fundamental rights, the Orthodox Churches underlined the importance of the freedom of religion in all its aspects as related to the protection of the human dignity:

A fundamental human right is the protection of the principle of religious freedom in all its aspects – namely, the freedom of conscience, belief, and religion, including, alone and in community, in private and in public, the right to freedom of worship and practice, the right to manifest one's religion, as well as the right of religious communities to religious education and to the full function and exercise of their religious duties, without any form of direct or indirect interference by the state.

The key conciliar document that engages with contemporary issues (democracy, human rights, globalization, church-state relations, international relations, peace and security) and delivers a comprehensive public theology is the *Mission of the Orthodox Church in Today's World*.<sup>25</sup> Its subtitle (“The contribution of the Orthodox Church in realizing peace, justice, freedom, fraternity and love between peoples, and in the removal of racial and other discriminations”) points to the importance of this document for understanding the active role in diverse societies that the Orthodox Church is expected to play. Its six parts consecutively reveal the specific internal logic of Christian personalism and communion: starting with the fundamental value of “The Dignity of the Human Person” (part one), moving towards “Freedom and Responsibility” (part two), expanding towards “Peace and Justice” (part three), “Peace and Aversion of War” (part four), “The Attitude of the Church toward Discrimination” (part five) and proclaiming “The Mission of the Orthodox Church As a Witness of Love through Service” (part six).

Each part of the document deserves specific attention, combining a deeply scriptural and patristic understanding of the core Christian values and message with an assessment of their contemporary relevance. The value of the dignity of the human person is viewed through the prism of the creation of humankind in *the image and likeness of God*, followed by the Incarnation of the divine Word and directed to the deification of the human being. Safeguarding the dignity of the human person presupposes engagement with peace-keeping efforts, dialogue, inter-Christian and interreligious cooperation. As proclaimed: “as *God's fellow workers* (I [Corinthians 3:9]), we can advance to this common service together with all people of good will, who love peace that is pleasing

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25 The Mission of the Orthodox Church in Today's World, Crete 2016, <https://www.holycouncil.org/-/mission-orthodox-church-todays-world> (accessed 10 October 2020).

to God, for the sake of human society on the local, national, and international levels. This ministry is a commandment of God ([Matthew] 5:9).<sup>26</sup>

The value of freedom is presented as “one of God’s greatest gifts to the human being.” At the same time, it has a rather ambivalent nature: it creates opportunities for human development towards perfection and full communion with God but also allows the person to choose a different path away from the divine plan and grace. The Orthodox Church unequivocally states that “Freedom without responsibility and love eventually leads to loss of freedom.”

In this official document, the Orthodox Church recognizes the centrality of peace and justice in human life, while emphasizing “the universality of the principles of peace, freedom, and social justice,” which should lead to “the blossoming of Christian love among people and nations of the world.” The Orthodox Church openly endorses peace-fostering and peace-keeping efforts while recognizing “her duty to encourage all that which genuinely serves the cause of peace and paves the way to justice, fraternity, true freedom, and mutual love among all children of the one heavenly Father as well as between all peoples who make up the one human family.”

In the document, this genuine emphasis on peace, solidarity and justice leads logically to the express condemnation of all kinds of war and aggression that cause the destruction of life and the erosion of human dignity. In the view of the Church, the state of war cannot be justified; there is no *just war*; and religion should not serve to legitimate wars. Along with that, the Church’s view remains realistic: “When war becomes inevitable, the Church continues to pray and care in a pastoral manner for her children who are involved in military conflict for the sake of defending their life and freedom, while making every effort to bring about the swift restoration of peace and freedom.”

The Church engages openly with the values of equality, tolerance and non-discrimination and interprets them as universally valid:

The Orthodox Church confesses that every human being, regardless of skin color, religion, race, sex, ethnicity, and language, is created in the image and likeness of God, and enjoys equal rights in society. Consistent with this belief, the Orthodox Church rejects discrimination for any of the aforementioned reasons since these presuppose a difference in dignity between people.

The Church, in the spirit of respecting human rights and equal treatment of all, values the application of these principles in the light of her teaching on the sacraments, the family, the role of both genders in the Church, and the overall principles of Church tradition.<sup>26</sup>

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26 The Mission of the Orthodox Church in Today’s World, Crete 2016, <https://www.holycouncil.org/-/mission-orthodox-church-todays-world> (accessed 10 October 2020).

### Autocephalous Orthodox Churches

Autocephalous Orthodox Churches in SEE countries express more nuanced views of democracy and church-state relations either in their official statements or in the publicly presented opinions of their ecclesiastical leaders. One of the most influential defenders of human rights and democracy from an Eastern Orthodox perspective is the Archbishop of the Albanian Orthodox Church, Anastasios Yannoulatos. In his writings and public witness of Orthodox Christianity, Yannoulatos recognizes the difference in sources, methods and inspiration between concepts of human rights on the one hand and Christian notions of the person and human-divine relations on the other. A common understanding can be found in relation to the respect of human dignity and the necessity of participation in and service to the community. In Yannoulatos' view, concepts of human rights should not be understood as hyper-individualistic but as oriented to others and the community. The transcendental model of this participation is the image of the Holy Trinity. Yannoulatos also admits that "Orthodoxy nurtures a willingness to accept people as they are, with deep respect for their freedom and without requiring them to adopt Christian views. [...] It also instills a deep respect for human rights and an eagerness to work with others to attain universal acceptance for human rights and to defend them."<sup>27</sup>

Yannoulatos emphasizes the explicitly Christian origin of some fundamental values (equality, freedom, justice, brotherhood) that are at the centre of democracy and human rights ideas. Insofar as secular movements and regimes employ human rights concepts for their own purposes, this should not lead to hostility and negation towards them. He views these secular forces rather "as collaborators in the struggle to realize our universal spiritual goals of world understanding and rapprochement."<sup>28</sup>

In the case of the Bulgarian Orthodox Church, the Holy Synod's official statements often oscillate between endorsement and ambivalence on specific issues of democracy and human rights while accepting the general political framework of constitutional democracy.<sup>29</sup> In 2013, in the official statements of the Patriarch and the Holy Synod during the mass demonstrations and

27 Anastasios Yannoulatos, *Facing the World: Orthodox Christian Essays on Global Concerns* (Crestwood NY: St. Vladimir's Seminary Press, 2003), 77.

28 Yannoulatos, *Facing the World*, 18–9.

29 Atanas Slavov, "Between Endorsement and Ambivalence: Democracy and Eastern Orthodoxy in Post-Communist South East Europe" (CAS Working Paper Series no. 7, Sofia, 2015) available at: <http://www.cas.bg/uploads/files/WPS-APP-7/Slavov;%20Atanas.pdf>.

protest movements against the corrupted political elite, some democratic political ideas were also endorsed: the right to live under a just political order and a limited and accountable government, the idea of popular consent for the government, the right to protest against an unjust and arbitrary rule and values of religious and ethnic tolerance. Even before that, in 2011, the Synod issued a declaration that emphasized that the principle of justice originates from God and demands a just punishment for crimes committed and that the state should be responsible for the administration of justice. The Synod defended the view that principles of justice and solidarity are the foundation of the state and should be implemented by the government and that in cases when the just political order is not guaranteed, the people have the right of resistance against an unjust rule.<sup>30</sup>

One of the recent public debates the BOC took part in involved human rights issues. The case concerned the ratification of a key Council of Europe human rights instrument – the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Unfortunately, in this case, the Holy Synod opposed the ratification of the Convention<sup>31</sup> and sided with an odd coalition of nationalist-populist and far-right political parties, some members of the government coalition and some conservative Protestant groups and alliances. These groups all advocated the preservation of the so-called “traditional values” against the “gender ideology” that was allegedly hidden in the document (this was the major argument of the opponents of ratification). In fact, the BOC’s arguments against the Convention were completely detached from its authentic legal meaning and human rights objectives formulated in the official text.

Despite its problematic recent past, related to endorsing nationalist policies during the Milošević regime, the official institutional position of the SOC currently supports democratic values and constitutional structures. At the same time, some influential high-ranking clergymen (late Metropolitan Amfilohije Radović, Bishop Atanasije Jevtić, former Bishop Artemije Radosavljević, Bishop Danilo Krstić) are developing positions openly critical of Western democratic values and its political system, while defending forms of close church-state cooperation (the traditional *symphonia* model) or the traditional

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30 Encyclical of the Holy Synod of the Bulgarian Orthodox Church for Peace and Unity of the People, 29 September 2011, <http://dveri.bg/a8> (accessed 12 May 2020).

31 Bulgarian Orthodox Church, Opinion of the Holy Synod regarding the Istanbul Convention, 22 January 2018, <https://bg-patriarshia.bg/news.php?id=254101> (accessed 12 May 2020).

ethnocentric view of the Serbian Orthodoxy.<sup>32</sup> Other influential clergy (Bishop Irinej Bulović, the late priest Radovan Bigović<sup>33</sup>) engage more constructively with democratic values, human rights and institutional structures, also having more experience in ecumenical relations.

It is also important to note that Orthodox Churches and communities that are present in Western democracies express views generally supportive of human rights and democratic values. They are reflective and active in both church and civic life through social and charity activities. Public engagement and participation shape their internal organizational ethos.<sup>34</sup>

### Christian Orthodox Scholars on Constitutional Democracy

In the last decade, leading Orthodox scholars have creatively engaged issues of democracy, constitutional government and human rights from a political-theological perspective.<sup>35</sup> One of these distinguished scholars of Orthodoxy is Aristotle Papanikolaou. In his recent study, he frames a political-theological system that favours a liberal-democratic political community. His approach centres the political-theological dimension on the principle of divine-human communion (deification, *theosis*), which is essential and characteristic of the Orthodox understanding of relations between human beings and the divine. This approach predetermines an activist and participatory aspect when it is projected into the political realm. A key aspect of his approach is the emphasis on the compatibility between Orthodoxy and liberal democracy understood broadly. Papanikolaou advocates

a political theology grounded in the principle of divine-human communion [...] one that unequivocally endorses a political community that is democratic in a way that structures itself around the modern liberal principles of freedom of

32 Klaus Buchenau, "The Serbian Orthodox Church," in *Eastern Christianity and Politics in the Twenty-First Century*, ed. Lucian N. Leustean (Oxon UK: Routledge, 2014), 68–94.

33 Radovan Bigović, *The Orthodox Church in the 21st Century* (Belgrade: Konrad Adenauer Stiftung, 2009).

34 John Witte Jr., *God's Joust, God's Justice: Law and Religion in the Western Tradition* (Grand Rapids, MI: Eerdmans, 2006), 91–3.

35 Aristotle Papanikolaou, *The Mystical as Political: Democracy and Non-Radical Orthodoxy* (Notre Dame, IN: University of Notre Dame Press, 2012); Kalaitzidis, *Orthodoxy and Political Theology; Political Theologies in Orthodox Christianity: Common Challenges – Divergent Positions*, ed. Kristina Stoeckl, Ingeborg Gabriel and Aristotle Papanikolaou (London: T&T Clark, 2017).

choice, religious freedom [...] the protection of human rights [...] and church-state separation.<sup>36</sup>

Papanikolaou also rejects any possibility of employing pre-modern models of church-state relations (e.g., the Byzantine *symphonia*) as they are not suitable or adaptable to the context of contemporary open, secular and pluralist Western societies.<sup>37</sup> He argues that the Orthodox Church should accept diversity and pluralism in society in order to remain faithful to its defining features – the understanding of divine-human communion and the centrality of the Eucharist. Thus, instead of seeking religious, political and cultural unity and harmony (as in the traditional *symphonia* model), the Church should remain compliant with its voluntary and non-coercive nature. As long as this diversity is vital for liberal democracy, the Church should also endorse a liberal political community.<sup>38</sup>

Papanikolaou continues his argument by emphasizing the role of “public morality” and “public good” as shared moral values. He contends that

democracy itself implies a particular notion of the common good including freedom, equality, justice, fairness, inclusivity, participation, diversity, and otherness. More concretely, it includes those institutions and structures designed to preserve and protect such goods and that provide the space for the conversation over further concrete determinations of democratic goods.<sup>39</sup>

From a Christian perspective, political communities need to support and promote values of human dignity and respect, recognizing the uniqueness of every human being as iconically created in the image and likeness of God.

Without fully accepting a particular form of a liberal political regime, Papanikolaou endorses a concept of human rights that is in many ways progressive. He emphasizes the right to life, the right to moral equality, and the right to religious freedom and also advocates basic social rights: the right to healthcare, food and shelter, employment and environmental rights. He strongly supports social rights as creating “relations in a political community such that human beings are treated as irreducibly unique,” thus enhancing the perspective of divine-human communion.<sup>40</sup>

Another influential scholar on political theology in Orthodox perspective is Pantelis Kalaitzidis. He studies the political-theological potential of Orthodox

36 Papanikolaou, *The Mystical as Political*, 12.

37 Papanikolaou, *The Mystical as Political*, 70–1.

38 Papanikolaou, *The Mystical as Political*, 77.

39 Papanikolaou, *The Mystical as Political*, 77.

40 Papanikolaou, *The Mystical as Political*, 127.

doctrines and how they can be reinterpreted in support of progressive movements, social justice and democracy. Kalaitzidis grounds his approach to political theology on two basic Christian doctrines: the Trinity and the Incarnation. He evaluates critically some political-theological models experienced within the Eastern Christian context and rejects both Byzantine political eschatology and nationalist political theology as not corresponding to contemporary pluralist democratic societies. Kalaitzidis also admits that the authoritarian elements that appear in the political theology of the Christian East and West alike are due to the “sacralization of the mechanisms of authority and dominance [...] the authoritarian version of a mingling of the religious and the cultural/political.”<sup>41</sup> Kalaitzidis is critical of both Christian traditions (East and West) that followed the way leading to a “theology of authority” that served the sacralization of political power.

In his criticism, Kalaitzidis follows John Zizioulas’ theology of “being as communion,” with its emphasis on Christian personalism, on free, loving and engaging relation with God, excluding any sort of coercion and external authority in this relationship.<sup>42</sup> Zizioulas emphasizes the *kenosis* of the Incarnation of the Son of God who revealed to humans the Trinitarian mode of life in communion, love and mutual respect and honour. He also insists on the anti-nomic character of Christian theology that prevents any political regime from being identified with the Church and Christianity.<sup>43</sup> Yet he is mindful of the fact that Eastern Orthodoxy enjoys a rich and continuous conciliar tradition (the church council or synod being the supreme authority, not a single person such as the patriarch), presupposing active engagement and open debate; on the other, there is no fully developed democratic ethos of deliberation in the church or the traditional Orthodox societies.

In his study of Orthodox political theology, Vasilios N. Makrides underlies its basic features. From a historical perspective, one of its main characteristics is the legitimization of the existing political order, which, in turn, had to ensure imperial protection of the church and the Orthodox Christian faith.<sup>44</sup> In modern times, the dependence of the Orthodox Church on the state also led to the development of a political theology that is rather complementary to the one elaborated by state authorities and, at the same time, remained a rather

41 Kalaitzidis, *Orthodoxy and Political Theology*, 35–6.

42 John D. Zizioulas, *Being as Communion: Studies in Personhood and the Church* (Crestwood NY: St Vladimir’s Seminary Press, 1997).

43 Zizioulas, *Being as Communion*, 36–7.

44 Vasilios N. Makrides, “Political Theology in Orthodox Christian Contexts: Specificities and Particularities in Comparison with Western Latin Christianity,” in *Political Theologies in Orthodox Christianity*, ed. Stoeckl, Gabriel and Papanikolaou, 25–54, 30.

peripheral problem for mainstream Orthodox theology. The output of this process is a modified version of the traditional *symphonia* concept, intertwined with the dominant ethnoreligious ideology, that is applied in the modern nation states in the SEE region.<sup>45</sup> Current developments in Orthodox political theology include reflections and discourses on and engagements with the concepts of democracy, human rights, and constitutional government in the former communist states.<sup>46</sup>

In my recent studies, I examined the political-theological potential of core Orthodox theological doctrines and concepts (*theosis* and synergy, *ecclesia* and Eucharist, conciliarity and catholicity, economy and eschatology) and attempted to link them to secular values of personalism, participation, community and universalism. This synthesis is called “participatory political theology,” that is, a system of values and principles, that requires respect for human dignity and human rights, and support for a liberal constitutional state, based on active civic participation and democracy. The main challenge remains as follows: if we assume that these values and principles may well be accepted among certain Orthodox Christian communities, Christian civic organizations or public intellectuals, or even endorsed in official church documents, they are much less recognized among the high clergy and are often neglected in day-to-day ecclesiastical life and organization. Thus, the main issue of this type of political theology is not its doctrinal possibility but its viability in the social ethos of a larger Orthodox community.<sup>47</sup>

## Conclusion

Since the formation of nation states in the SEE region, Orthodox Churches have had to coexist with different political regimes: constitutional monarchies, authoritarian and totalitarian dictatorships and constitutional democracies. Thus, in a very condensed and intensified form, Orthodox Churches had to experience struggles, tensions and contradictions with political modernity in its very late phase. Despite the compromises made in the past, which led to an ambivalent public presence, there is now a positive trend. In their official

45 Makrides, “Political Theology,” 32–3, 42–3.

46 Makrides, “Political Theology,” 45–8.

47 Atanas Slavov, “Towards Participatory Political Theology: Democratic Consolidation in Southeastern Europe and the Role of Eastern Christianity in the Process” (PhD diss., University of Glasgow, 2016) <http://theses.gla.ac.uk/7337/>; Atanas Slavov, “Православна политическа теология на участието. Основни принципи” (Orthodox Political Theology of Participation. Key Principles), *Christianity and Culture* 10, no. 107 (2015): 5–22.

public statements, the majority of Orthodox Churches recognize and support constitutional democracy along with its fundamental values and principles: the rule of law, respect for human dignity and rights, popular sovereignty and civic participation and the separation of powers.

With the fall of the communist regime, the reunification of Europe and of Orthodox Christianity became possible. Relations of mutual benefit, of cooperation and collaboration with emerging constitutional democratic states were established. Hence, it became necessary for the Orthodox Church to elaborate its new political theology, as is visible in the documents of the Holy and Great Council in Crete as well as in some official documents of autocephalous churches. The general tendency is to endorse democratic values and principles while still having reservations and concerns regarding specific policies and measures.

In recent decades, it has also become important that a new field of Orthodox scholarship emerged that studies different aspects of Orthodox political theology in dialogue with the social sciences and humanities as well as other Christian traditions. Recent developments in the field emphasize Christian personalism and a participatory ethos, thus endorsing a political regime that is constitutional and democratic as well as providing support for international multilateral cooperation and deepening regional integration.