

REGULATION OF CHURCH-STATE RELATIONS WITHIN THE FRAMEWORK OF A SINGLE EUROPEAN SYSTEM OF LAW

Influence of church is certain on becoming idea of European intergovernmental integration. The evolution of canonical right is analysed and he is set modern value in a context state church relations in Europe. The attempts of walkthrough of meaningfulness of the system of values are done formed within the limits of catholic church for modern European society. The points of view of anchorwomen scientist of sphere of religion, sociologists and legislators are resulted, in relation to the role of catholic church in the processes of European intergovernmental. It is certain that principles of right of conscience and freedom of religion are key constitutional principles, and that is why have a determining value in the context of forming of model state-church relations. Political integration has for an object creation not only of single civilization space, but also development for all multinational, multicultural and multireligious European continent general normatively legal space. In this context in a most measure and the value of church opens up, as long time its system of values and dogma of christian faith formed unwritten but proof norms of moral, including to the society moral. The analysis of the legal adjusting is conducted state-church relations and position religious organization in some countries of EU. Certain features of the legislative adjusting of place of religion in public life of the European countries in the context of eurointegration processes. The division of states-members is in particular offered EU after the degree of influence of church on in public political processes in a country. The analysis of constitutions of separate countries showed different attitude of society power toward a church, as to the supranational separate European public institute. At the same time the European countries, especially in the context of intergovernmental integration, acknowledge meaningfulness for the subsequent political processes of the system of civilization values developed with participation of church.

The spread of democratic ideas and the consolidation of the primacy of law and the priority of the formation of civil society brings European countries to a new level of civilizational development. European integration also determines the change in worldviews, which for a long time were formed under the significant influence of the church. The unity of religion and the dominance of the Catholic Church in Europe allowed the formation of a more or less homogeneous socio-political continuum, in which, in fact, the formation and development of ideas of European integration and the

creation of a pan-European society took place. At the same time, the religious factor, in fact, the unity of the Christian religion in European countries, even despite its confessional diversity, made it possible to create a joint system of moral and ethical values, which laid the foundation for the creation of a single legal system and political superstructure of the EU.

But the church, due to the fact that it had its own sufficiently ramified and effective network, and also significantly influenced various social processes through mechanisms of formation of public and individual consciousness, sometimes became a serious opponent of secular power. Therefore, the state needed to create such a model of state-church relations, which would not only declare, but practically embody the secular nature of power in society. This problem was especially acute during the integration of European countries, even at the stage of formation of the European Coal and Steel Association, since the Benelux countries, which, in fact, formed this association, were significantly influenced by the Protestant clergy. This, in particular, can be confirmed by the fact that in Belgium the state even finances the church and church events.

In this context, the point of view of T. Burns and P. Katsenstein is indicative, which note that “at the initial stages of integration, the Roman Catholic Church played a leading role, determining not only the political guidelines of the future integration education, but also social ideals, while setting values higher secular” [9]. In turn, H. Casanova believes that “the project of the European Union was a Christian-democratic, and in a certain way even sanctioned by the Vatican. Its implementation began against the backdrop of a general religious upsurge in Europe after the Second World War and in the geopolitical context of the Cold War” [11, p. 65–92]. Such position have been got also by B. Khehir, which focuses on the close relationship of the Catholic Church, and specifically the Vatican, with Christian Democratic parties in Western Europe [1, p. 110–114]. In fact, if you look at the process of creating the EU at the stage of the European Coal and Steel Association and the European Defense Community, you can see that most of the political elites of Europe at that time were formed by parties that had either a Christian basis, or a pacifist, or nationalist one. Another feature of the first stage of the creation of the EU is that the unification of countries and the receipt of preferences from this was a trend in the foreign policy of almost all, even ultra-nationalist-minded governments of post-war Europe.

At the same time, the Church played a significant role, since it largely financed the political activities of such parties, and partially even the processes of creating the EU. The Marshall Plan itself provided for significant investments from the American economy, but at that time the

United States was in a state of stagnation, as economic relations had not yet recovered after World War II, which meant that the search for funds to finance the revival of Europe was carried out with the involvement of all, without exception financial sources, including funds from trade unions, and funds from religious associations, and private investors.

In general, it can be affirmed, that in the conditions of post-war Europe, a new political concept is being formed – Christian democracy with significant manifestations of the penetration of Christian doctrine and ideology into the political and nationalist doctrine of state building. The Church, through religious dogmas and its own system of values and priorities of civilizational development, based on the spread of its own network in new countries and the new post-war society, is trying to get new consumers of spiritual good.

A more radical point of view on the origins of the processes of interstate European integration has L. Rousseau, who argues that the Christian Democratic parties were the initiators of the process of European integration, translating the Vatican's policy into a more secular channel, which made it possible to extend the influence to a wider range of socio-political processes in Europe [4, p. 99–114]. The influence of the Vatican on the processes of European integration consisted primarily in the fact that he achieved the identification and integration of religious Christian values with the new civilizational values of the post-war development, based on the idea of humanism and the establishment of the maximum possible peace within a homogeneous society, for which the Christian religion is a unifying factor.

The political programs of leading European parties at that time were based on the thesis of combining or even complementing civilizational values and democratic principles with values and principles of interaction of individuals in society based on Christian doctrine. Moreover, the Church was able to achieve such a level of evolution of its own views and interpretations of dogma that it was able to extend its own values to financial and economic relations, which is why it tried to provide its own financing in new – market – conditions.

In the process of installing a new model of church-state relations, Pope Pius XII played a decisive role. As noted above, during his pontificate from 1939 to 1958, Pope Pius XII took a fairly active political position in relation to European integration, however, in addition, he lobbied for the model of relations between the Catholic Church and national states, thus trying to approve in the future the leading role of the church is already at the level of all integration education. The attempts of Pope Pius XII were within his canonical powers and his official position as the head of the

Vatican, which during this period turned into an active subject of international relations. In fact, he formalized the status of the Vatican as an independent subject of foreign policy, geopolitical processes, and during the period of the restoration of Europe also as an active financial institution, since the Vatican Bank financed large-scale reconstruction and restoration projects in many European cities.

It was through such activities that the Vatican tried to establish itself as an equal subject of integration relations on the European continent, but without recognizing the supreme political power of European institutions, but acting as a kind of associated member of the European Communities or as an allied entity of international relations. The Vatican did not go to enter the EU political leadership, but constantly lobbied for the penetration of loyal politicians and committed political parties into the EU political elite. The essence and main purpose of such activities was to prevent further restriction of the influence and power of the Vatican over European countries and deepening secularization, which received a new impetus for development in countries that were free from German occupation and in which the church was either supportive or inert to the policy of national socialism.

But, one should keep in mind the objective economic origins of European integration, taking into attention what formed the political component. Its formation is largely due primarily to Christian values. This, in particular, can be proved through the prism of the basic goals and values that dominated the first stages of European integration: the prevention of new armed conflicts; achieving a balance of interests and mutual respect between France and Germany; creation of conditions for the development of personality, including the guarantee of the right to religion, as well as the spread of Christian values as a basis for a new pan-European society [10]. The church, even in the economic and financial spheres, tried to influence the processes of organizing new models of social relations corresponding to its interests. It is about the possibility of the economic participation of the Vatican in the process of rebuilding Europe and the installation of new supranational governments, but such influence was envisaged through local churches in the EU countries. In fact, the Vatican tried to exert greater legitimacy and expand the sphere of influence of the church on social processes. This, in turn, would make it possible to create a new model of relations between the state and the church, as well as a new model of relations between the integration formation – the European Community – and the Catholic Church, which, in fact, was embodied by the Vatican.

The objectivity and expediency of the model existence of such relations, the Vatican explained as follows:

– firstly, most European countries belonged to the Romano-German legal family, and EU integration and the formation of a unified system of law, which for the period 1950–1960. was an objective necessity, it took place on the basis of the principles laid down in the foundation of Roman-German law, but processed on the basis of the norms of church law;

– secondly, most of the traditions of the political organization of power in the EU countries were formed during the period of domination and coalescence of the institutions of secular power (monarchy) with the church. This applied to the period of the Middle Ages and modern times, but it was during this period that the foundations of democratic processes were laid (Magna Carta, consequences of the revolution in France, etc.);

– thirdly, it was the church for a long time that formed the system of moral and ethical values of most European societies at the stage of formation of national states. This led to the unity of the public consciousness of many nations, and then it could and has become a de facto powerful and strong basis for integration at the level of political and legal dimensions, which were formed on the basis of the basic foundations of social worldview principles formed under the influence of the Church.

The Vatican was tried to lay the foundation for organizing a new model of church-state relations, significantly expanding the capabilities and powers of the Church. In this context, M. Yu. Varyas draws attention to the fact that “the consolidation of religious rights, in particular freedom of religion and freedom of conscience, is crucial for most democratic countries. It is not a matter of declaring religious equality or the impartiality of the state in relation to religious movements or institutions. The essence of introducing such a right into a fundamental rank means the state’s readiness to coexist with the church, but at the same time exchange experience in regulating public relations” [3, p. 112–128]. At the same time, it should be clearly understood and emphasized that after the Second World War, the general trend in Europe was aimed at strengthening secularization. Moreover, the Vatican’s attempts to deviate from such a political course were successful, but not always and not in all countries. Although the influence of the church remained at the level of the formation of a system of moral and ethical values and the axiological dimension of the formation of a single legal field, it was significantly weakened by the restrictions imposed by national governments regarding the social activities of the Catholic Church and religious organizations.

In the context of a united Europe, it was not so much the national governments as the supranational political leadership of the EU, which formed the unified system of EU law, that were of crucial importance for establishing national models of church-state relations. And realizing this,

the Vatican tried to influence the consolidation of fundamental religious human rights and the foundations of the organization of religious organizations in the regulatory legal acts of the European Union.

So, in the Agreement on the Functioning of the European Union, there are a number of provisions regarding religious human rights and the status of religious organizations and their attitude to them by the national government and pan-European institutions. In particular, according to Art. 10 of the said Treaty, “defining and implementing policies and actions, the Union shall be directed to the fight against discrimination on the basis of religion or belief”. In Art. 13 states that, “when determining and implementing the Union’s policies in the fields of agriculture, fisheries, transport, the domestic market, research and technological development and space, the Union and the Member States shall, inter alia, consider the customs of the Member States, in particular with regard to religious rites, cultural traditions and regional heritage” [8 p. 50–53]. Thus, the EU respects religious rights and the specifics of religious education and religion of its citizens, declaring such a right at the level of fundamental principles of the EU and the principles of implementation of the EU internal policy.

In the same time according to Part 1 of Art. 17 of the Treaty on the Functioning of the European Union “The Union respects and does not affect the national legal status of churches, religious associations and communities in member states. The Union equally respects the status of all worldview and non-confessional organizations recognized in accordance with national law. Recognizing their special essence and their special contribution to these churches and organizations, the Union maintains an open, transparent and regular dialogue with them ”[8 p. 50-53]. In our opinion, the above norm is the initial legal basis for the organization of church-state relations not only between national governments and churches in each individual state, but also in relations between the church and the EU. In fact, the EU recognizes the following:

- the independence of the national government of the EU member states in the formation of their own model of church-state relations, without proclaiming the necessary secularization, leaving the level of secularization relations to be decided by the political leadership of each individual country;
- recognition of the model of church-state relations that has developed in each individual EU member state;
- the supranational governing bodies of the EU also recognize the status of other religious organizations and faiths, effectively giving them the status of equal participants in public processes;

– the EU recognizes the influence of the church and religious teachings (though not noting whether it is a Catholic church, or Protestant, or even Christian) on the process of creation and functioning of the EU, as well as on the processes of regulating public relations within the EU;

– the EU directs its social and humanitarian policies to spread dialogue between the church and EU institutions, recognizing their possible participation in the political, social, socio-economic and other areas of the EU;

– the EU proclaims a policy of multiconfessional coexistence and inter-religious dialogue, emphasizing the free choice of religious religion by EU citizens.

It should be emphasized that the EU not only declares the foundations of the pan-European model of state-church relations, but also guarantees their observance and practical implementation. So, according to Part 1 of Art. 19 of the Treaty on the Functioning of the European Union “without prejudice to other provisions of the Treaties and within the authority vested by them to the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take the measures necessary to combat discrimination, including the foundation of religion or faith” [8, p. 50–53]. Thus, already at a fundamental level, the EU recognizes the role of the Church and establishes a rather unique model of relations: on the one hand, an integration entity that operates through its governing bodies, and on the other, a church that operates through its own institutions. An analysis of the provisions of the treaty indicates that the EU recognizes the fact that the church is an integration network entity that combines various religious organizations and cells, but at the same time has a certain common centralized policy and its own representative agencies.

In this context, S. Zdioruk and V. Tokman, referring to Art. 3 of the PACE Recommendations on “State, Religion, Secular Society and Human Rights” No. 1804 (2007) dated June 29, 2007, note that “the development of Europe today does not differentiate religious traditions from privileged / unprivileged or information from various models of state-church interaction to the “common denominator”. EU governing structures note their respect for religion in all its diversity as a form of ethical, moral, ideological and spiritual self-expression of part of European citizens, taking into account the difference between religions themselves and the characteristics of each country” [9].

It should be noted that the EU's position in establishing church-state relations and securing them at a certain legislative level is based on two key aspects:

- consolidation and ensuring of religious rights and freedoms to persons and citizens of the EU;
- achieving a balanced development of all religious movements and organizations without exception, which do not advocate against values that are fixed and recognized at the European level.

The first direction is disclosed through secured in Art. 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the principle of freedom of conscience and religion. The EU, through its institutional bodies and legal norms, regulates that “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change one's religion or belief and freedom to practice one's religion or belief during worship, training, and religious and ritual ceremonies both individually and in community with others, both publicly and privately” [6]. This principle was subsequently ensured through the adoption of the PACE Recommendations “Blasphemy, religious images and hostile remarks against individuals in connection with their religion” No. 1805 (2007) dated June 27, 2007.

Such steps by EU supranational governing bodies had the following pan-European implications:

- firstly, at the stage of integration of any state into the EU, harmonization of its national legislation takes place, including in the sphere of regulation of religious rights and freedoms of man and citizen;
- secondly, the development of the national legislation of the EU member states continues in the general trend regarding respect and protection of religious rights and freedoms of citizens;
- thirdly, the EU at the level of supranational bodies guarantees to all religious organizations and religious communities, without exception, the status of a legal entity and a full participant in public processes;
- fourthly, the EU through its bodies is developing recommendations for all other EU member states regarding mechanisms to ensure and protect the religious rights and freedoms of citizens of EU countries;
- fifthly, there is a close dialogue at the level of the political leadership of the EU and the spiritual leadership of the Vatican, as well as the spiritual leaders of other faiths regarding a common vision for the development of Europe. At the same time, the political dialogue between the EU and the Vatican is defined as a peculiar sphere of international relations of the EU, since the Vatican represents without exception the cells of the Catholic Church, including on other continents.

By the way, the latter takes on a new development when the state and the EU as a whole distinguishes the Vatican as an independent subject of international relations, at the same time identifying it with the spiritual leader and representation of the Catholic Church.

Thus, it can be argued that the EU requires national governments to consistently put into practice the principle of the autonomy of religion and religious organizations, on the one hand, and politics and public authorities, on the other.

S. V. Onishchuk notes that today as a whole there is a certain discrepancy between the points of view of scholars and practitioners on typological models of state-church relations, which affects the formation of national and supranational (European) policies in the field of religious rights and the consolidation of the status of religious organizations. However, the researcher herself singles out “theocratic (papocaesarism), Caesaropapist, protectionist (state church, clerical model), secular, partnership models of state-church relations” [4, p. 31–32].

In turn, Yu. G. Kalnysh at the basis of the classification of models of state-church relations sees the political aspect of the interaction of the church and state institutions, highlighting the following types of models:

- “syncretic, in which the state and the church are regarded as inseparable parts of the social organism, when one of the institutions subjugates the other;

- antagonistic, in which the state considers the church as a specific social formation in the state body, which is at least considered excessive ballast or even an entity hostile to the state;

- a symbiotic partnership, in which the state sees the church as an equal subject of mutually beneficial relations and cooperation, a partner on a wide social field, which acts in society along with the state, to some extent intersecting with it in its interests, but does not merge with it and does not oppose it himself to him” [5; 6].

A somewhat different, more extended approach is proposed by V. Voinalovich, V. Yelensky, N. Kiryushko, N. Kochan, N. Rubleva, which determine the following types of models of state-church relations:

- “Theocratic, where a compulsory state ideology is at the same time a compulsory religious ideology, and a certain religious doctrine is a central component of political life;

- “softened” theocratic edition, where the policy of religious identification is carried out, that is, the policy carried out by states that identify themselves with only one religion;

- a political model that assumes the existence of a state church;

– a model for identifying a group of religious organizations that receive political and legal recognition and protection from the state;
– a cooperative model in which there is cooperation with religious organizations” [3, p. 206–208].

However, the typologization cited relates more to government policy regarding the religious rights of man and citizen.

But, on our opinion, it should be said that nevertheless only three of the above types of models of state-church relations are inherent in modern EU member states: protectionist; secularization and partnership, or cooperation. For example, S. Onischuk notes that “the protectionist model provides a certain denomination with the privileged status of a state church, which is a political institution supporting secular power. Such a model involves direct state funding of its institutions and state control over the use of funds, delegation of certain functions to church structures. An example of a protectionist model is modern Greece with a state Orthodox church, England with an Anglican church. The State Church in Europe is also the Lutheran Church in Norway, Sweden and Denmark, Finland, etc.” [2].

As examples, we give the constitutional and legal norms of several countries that regulate church-state relations. So, from the countries of the first group, Greece stands out most.

In particular, the Greek Constitution itself, which has been operating since 06/11/1975, in the preamble contains lines from Christian prayer, which is expressive evidence of the country's religious preferences. Moreover, the Constitution of the Hellenic Republic contains a separate section (Section II), which examines the relationship between the state and the church. So, Art. 3 of this section establishes a dominant position within the republic of the Orthodox Christian Church, which is autocephalous and has its own governing body – the Holy Synod. Certain guarantees are also constitutionally fixed to preserve the Bible from any distortion of the Holy Scriptures, that is, the Old and New Testaments, in order to protect this creed of the Orthodox Church [7]. Moreover, this same article defines the place of the Orthodox Church of Greece in the system of the Eastern Orthodox Church. So, “The Orthodox Church of Greece recognizes our Lord Jesus Christ as its head, is inextricably linked in its dogmas with the Great Church of Constantinople and with every other one-believing Church of Christ, steadily observes, like them, the holy apostolic and collegiate canons and sacred traditions” [6]. It is also important that the state secures the equality of religious organizations at the constitutional level, regardless of their spiritual or dogmatic origin, introducing the term “famous church”.

So, in accordance with Art. 13 of the Greek Constitution, “freedom of religious consciousness is inviolable. The use of personal and political

rights does not depend on everyone's religious beliefs. Any known religion is free, and the worship of its rites is carried out without hindrance under the protection of the law. Sending religious rites that offend public order or moral standards is not allowed. Proselytism is prohibited. The ministers of all known religions are under the same control of the state and bear the same obligations to it as the ministers of the dominant religion. Because of their religious beliefs, no one can be released from duty to the state or refuse to obey the laws" [6]. Thus, the state at the same time recognizes the dominant position of one church, but at the same time guarantees equal opportunities for the development of all other "famous religions".

The variant of church-state relations in the Scandinavian countries is somewhat different, where the state character of the church as an institution is directly fixed in the legislation.

In particular, the Evangelical Lutheran Church is dominant among other religious organizations in the Constitution of the Kingdom of Denmark. Section 4 of the Danish Constitution proclaims the Evangelical Lutheran Church as the official church of Denmark and determines that only it can have the appropriate support from the state in economic, legal and political matters. Section VI of the Constitution of the Kingdom of Denmark explicitly states that the King of Denmark is required to be a member of the Evangelical Lutheran Church [5]. This norm actually means that the head of state, who, although nominally, is still the monarch of Belgium, is simultaneously the chairman of both secular and ecclesiastical authorities. In our opinion, such a norm is rudimentary, but at the same time it demonstrates the historicism of relations between the church and the state and visually consolidates the influence of the church and religion on the processes of secular governance and the regulation of public relations.

Moreover, the Constitution of the Kingdom of Denmark has clearly defined differences regarding the legal status of the dominant and other religious organizations. Section LXVI of the Constitution obliges the adoption of a separate law on the status of the official church of the state. Those religious denominations and religions that are not official, carry out activities under another law common to all, which has significant differences from the law governing the activities of communities and institutions of official religion, which is indicated in section LXIX of the Danish Constitution [5]. But you should pay attention to the fact that such a law in Denmark has not yet been adopted. This does not mean a violation of the constitutional rights of citizens, but allows you to demonstrate the loyalty of secular authorities to all religious movements, organizations or even denominations within the framework of a single religion. Such tolerance is a revealing practical embodiment of religious freedom.

Besides in Denmark the status of an official church gives it the opportunity to receive financial support from the state, which is manifesting not only in the existence of special budget items that should cover the expenses of the official church, but also in the collection of a monthly church tax from individuals, the latter concerns, however, only those individuals who are members of the Evangelical Lutheran Church.

The states with constitutional securing of special status for some faiths traditionally include: Austria, Belgium, Great Britain, Ireland, Spain, Italy, Luxembourg, Portugal. The constitutions of these countries single out one or several religious organizations traditional for the state, which are preferred in cooperation in the field of culture, education, social protection, and are admitted to the armed forces and institutions of the penitentiary system. The financial expenses of these “historically recognized” or “traditional” religious organizations are covered from the state budget, worshipers receive state salaries and pensions.

In the UK, charters define Anglican as the official church. The head of the royal house in the UK must be a member of this church, because by law he is the head of the Church of England. The Church of England is part of the United Kingdom, so 24 of its bishops are members of the House of Lords. In Great Britain, in addition to the Church of England, there are other religious communities that logically sought to achieve a status comparable to the status of the Church of England [9]. It is interesting that the Vatican even raised the question of the possibility of including representatives of other religious movements and official churches in the House of Lords. However, so far this question has not found a response. Most likely, the situation with the participation of Anglican bishops in the political life of Great Britain because of their voting in the House of Lords is a definite exception to the common European practice. In fact, the influence of these bishops can hardly be regarded as a real political lever in solving problems of socio-political or socio-economic development, but one way or another, their participation in the vote and, most importantly, in the discussion of bills is an important element of the hypothetical influence of the church on secular lawmaking.

Moreover, as N. M. notes Palinchak, “in England the Anglican Church, although it has the status of a state, does not enjoy financial support from the state. In Scotland, the Presbyterian Church is the state, while in Wales since 1990 the principle of separation of the church from the state has been in effect. All religious organizations receive, as charitable organizations, benefits for taxation of profits. In England, a Queen is at the head of the Church of England, and clergymen have the status of civil servants” [2].

The concept of “recognized religion” is present in the Constitution of the Kingdom of Belgium. So, Art. 24 expressly provides that public schools and other educational institutions throughout the entire period of study provide a choice between one of the recognized religions and teaching non-confessional morality. To date, six religious organizations are officially recognized religions in Belgium, which have proved the public benefit of their service to the population: the Roman Catholic Church, the Lutheran Church, Judaism, the Anglican Church, Islam, and the Orthodox. Particularly noteworthy is the fact that the servants of recognized religions are supported by the commune and the provinces. In addition, Belgian law provides for a number of tax benefits for recognized religions. At the same time, there is no church tax in Belgium, but the state provides salaries and pensions to worshipers, and the amounts necessary for this are annually paid to the budget [2].

But, as N. M. notes Palinchak, there is another form of consolidating the recognition by the state of a religion as the leading, or main, nation. Thus, Portuguese law provides for the exemption from taxation of all religious organizations and even educational institutions that operate under them or are created by them. But at the same time, the financing of such organizations and institutions is carried out by “citizens who belong to the “indigenous” faiths and can allocate 0.5 % of the amount of their income tax to religious organizations or charitable foundations, which must be annually noted in the tax return. In turn, religious organizations receive funds from the state only if in the previous year they faithfully reported on the use of the funds received” [5]. Such a concept as “indigenous” religion, to a certain extent, meets the requirements of the historicism of the development of European states, but on the other hand it can be considered an element of discrimination not only on religious, but also on ethnic ethnicity.

The next type of model of state-church relations, which is inherent in modern European countries, is the secularization model, according to which the church is separated from the state apparatus, and religious doctrine is separated from official ideology and politics in the state. Such a branch is fixed at the highest constitutional level, declared and guaranteed by the relevant state institutions. But provided that such a model exists, the state guarantees the religious rights and freedoms of man and citizen and ensures the free development of all religions, churches, and even individual religious organizations.

Secularization concerns political life and political leadership, but the spiritual, moral and ethical education, and in some cases the processes of the formation of public consciousness, remain with the church. Although this is not officially declared.

The model, which based on the position of separation of church and state, is implemented in many countries of the world – in France, Germany, Portugal and others. This approach to the problem of state-church relations is most often due to the desire to deprive the church of a monopoly in the implementation of ideological and integration functions, since the church has a powerful potential for influencing the consciousness and subconscious of people. It should be noted that the separation of the church from the state is characterized by the following features [4, p. 255–257]:

- the state and its organizations do not have the right to control the attitude of their citizens to religion and do not keep records of citizens on this basis;

- the state does not interfere in the internal church activity (if the current legislation is not violated). In particular, the state does not intervene in the content of creeds, ceremonies, cults and other forms of satisfying religious needs, in the internal self-government of religious organizations, in the relations of bodies of religious organizations, their relations with believers, as well as in the costs of funds related to religious needs;

- the church is deprived of any funding from the state;

- the church does not perform any state functions;

- the church is separated from the state and from the regulation of social processes, while it gets the opportunity to deal with the spiritual needs of citizens. Thus, the separation of the church from the state means a reorientation of social life to secular values and norms.

At the same time, the state takes care of the spiritual education of citizens, and also opposes the spread of religious movements with pronounced antidemocratic, antisocial calls. So, in recent years, a number of problems have arisen related to the emergence and vigorous activity of new religious movements. The question was raised about creating a parliamentary commission to study new religious movements, while it was noted that new religious movements enjoy more freedom and privileges than the main religions, since they are registered as associations. The logical continuation of state regulation of religious issues was the creation of an Interdepartmental Agency for Information on Sectarian Activities. Thus, the problems of neocults are solved at the level of government, and not public organizations. The state carefully studies and regulates the entry of missionaries into the republic. However, despite the lack of the status of a “recognized religion”, some religious groups in France still have a special status. Their number is limited. For example, these include: the Roman Catholic Church, the Old Catholic Church, the Lutheran Church, the Orthodox Church, Judaism, the Church of Calvinism, Islam [10].

A separate example is modern Germany, where, although the state has been proclaimed neutral and tolerant of different faiths, certain differences still remain in relation to religious organizations - depending on the number of their supporters. If supporters of a particular denomination more than one percent of the total population of a certain German land, then they receive a special status that gives them the opportunity, for example, to receive state subsidies for their own schools, kindergartens. Now in the country there are 15 denominations with special status [12].

All religious communities are divided into public and private. The public religious organizations, such as the Roman Catholic and Lutheran churches, are much more involved in the state, as they extend their influence to the spiritual world of the majority of the country's population. In other words, public religious organizations that are legitimized in a certain way and have been recognized at the national level are recognized by the state: at the same time, both at the federal level and at the level of constituent entities of the federation, as a partner in the regulation of many areas of public relations [4, p. 144–158]. However, state support is manifesting not so much in the fact that the state takes part in the financing of religious associations, but in the fact that it legitimizes or otherwise guarantees the rights of such religious organizations.

The next – the third – a model of church-state relations, which is put into practice in the EU member states – is a partnership, or cooperation, model. “It is based on the concept of a “symphony of authorities”, because it provides for the harmonization of relations between the state and the church, based on the realization that both of these public institutions act in the public interest, while being separate from each other in matters relating to their exclusive competence” [7]. This model is based on the interaction – cooperation – of the state and the church through direct cooperation and formalization of relations by means of concordat between public authorities of the state and churches.

For example, in Sweden, in comparison with other European countries, the state and the church are especially closely connected with each other. About 90 % of the population belongs to the Evangelical Lutheran state church with the king as the nominal head. After reforming the law of the state church since 2000, the Swedish People's Church has been collecting church fees collected by state tax authorities. Possible gaps in financing are balanced by the state by providing subventions” [6]. It is through the financing mechanism that the state tries to establish the boundaries of the format of cooperation with the Church, when the latter takes on a number of obligations that the state must fulfill before society. In other words, such a mechanism of financial relations is an extraordinary

manifestation of the relations of delegation of authority from the state to a non-governmental religious organization.

Especially indicative in this regard, according to N. M. Palinchak, P. P. Galdy, M. M. Leszanycha, is an example of Poland “as a typical Catholic state. In this country, the Catholic Church traditionally plays an active role not only in the social, but also in the political sphere of society. The church has deep historical ties with Polish nationalism, and the tradition of the national church took shape long before the tradition of the nation state” [3]. But at the same time, the status of the church is clearly defined in the Constitution of the Polish Republic. So, in Art. 25 states: “Churches and other faiths unions are equal. Public authorities in the Republic of Poland remain impartial in matters of religious, philosophical and philosophical convictions, ensuring freedom of expression in public life. Relations between the state and churches are built in accordance with the principles of respect for their autonomy. Relations between the Polish Republic and the Catholic Church are determined by an international treaty concluded with the Apostolic Capital, and laws. Relations between the Republic of Poland and other churches, as well as religious unions, are determined by laws adopted on the basis of agreements concluded by the Council of Ministers with their competent representatives” [1]. Thus, even despite the rather strong historical and cultural connection between the Church and society in the Polish Republic, as well as the significant influence of the Church on the public and political processes in the Polish Republic, actual secularization is taking place at the present stage of the creation of the state in this country.

A direct agreement with the Vatican actually means that Poland recognizes the Vatican not only as a full-fledged subject of international relations, but also recognizes the supremacy of the Vatican over the Polish Catholic Church. So, according to this Agreement:

- “The Church is guaranteed the free and public fulfillment of its mission, conducting its affairs on the basis of canon law;
- cemeteries that were previously subordinate to the department of municipal services are assigned to the jurisdiction of the Catholic Church;
- marriages concluded in churches are recognized as legally legal and do not require mandatory state registration” [11].

Thus, despite the official separation of the state from the church at the political level and the consolidation of the equality of all religions at the constitutional level, Poland demonstrates a specific model of state-church relations. Although such a model is characterized as secularization.

Although, of course, one can explain such an active position of the Vatican and the attention paid to the Vatican by the Government of Poland,

because all these agreements (more than 70 bilateral international agreements between Poland and the Vatican) concluded during the pontificate of John Paul II, who is the representative of Polish episcopate.

Also important from the point of view of demonstrating secularization in Poland is the Law of the Republic of Poland “On guarantees of freedom of conscience and religion”, which in some way duplicates the provisions of the Basic Law on the separation of religion from ideology and political life, and the church from political and socio-economic processes although this law contains certain rules that are implemented from agreements between Poland and the Vatican and relate to the obligation of the state to observe and protect the equality of all religious communities or denominations without exception.

But this law puts the national and public good above religious equality, because it contains rules that explicitly provide for the possibility of banning certain religious movements that directly contradict or harm the rule of law.

This way, we come to the understanding that state-church relations go beyond the framework of the organizational mechanism, since legal regulation of both the relations themselves and the parallel existence of state-legal and church-religious organizations is also important. In this context, an important aspect is the formation and functioning of European legal systems in their relationship with the Christian (separately Catholic, and Protestant, and even Orthodox) religious teachings, for which the following should be noted [3]:

- Modern legal science focuses on the fact that an understanding of the nature of law and legal regulation should be based on the philosophical and ideological concept of the doctrinal integrity of the regulators of social processes and social relations;

- such a doctrine is formed under the influence of many factors, the starting ones of which are the historical traditions of regulating social relations, which have developed, inter alia, under the influence of religious teachings, since religious norms have long acted as a single legitimized system of social norms;

- the exclusivity of the Christian religion for the European continent and European nations is explained by the long historical period of the spread and consolidation of the main religious dogmas in all national cultures without exception. This contributed to the fusion of religious teachings and historical traditions of most modern EU member states;

The most distinctive feature of secular political power and the power of the church clergy is the mechanism of lawmaking. Thus, secular power by means of public political institutions forms the generally accepted

system of law in the state. But within the church hierarchy, the rules of law are of canonical, divine origin and are recognized by the whole church as a given. This deprives the church organization of democratic elements, which over time have become an integral element of the social movement in the modern world;

– religious norms and dogmas have become the main factor in the formation of worldview positions in most national traditions of European countries. Such an impact on the worldview perception of reality gave impetus to the formation of a specific specific value system, which was inclusively transformed into axiological imperatives in the formation of the legal system in the state. Law as a separate area of human activity developed under the influence of the internal convictions of the legal founders and the external manifestation of the moral and ethical determinants of society as a whole. However, it was religious norms that became the starting points that laid the foundations and determined the vector of the formation of individual and social consciousness;

– in an interesting way, in various legal traditions, the interconnection of lawmaking (legal norm), legalization (legal relations) and legal consciousness emerges: in the continental system of law priority is given to lawmaking, the rule of law per se; in Anglo-Saxon - more attention is paid to law enforcement, the individual regulation of specific legal relations [12]. The interpenetration of various elements of various legal systems occurs at the stage of formation of a single EU legal system.

Thus, it can be justifiably argued that in modern Europe the place of religion and the church in public life directly depends on the principle of the state's position. The influence of the church in some states is objective and consistent with historical traditions, and in some it was the result of the merger of the legal system with canon law. But, one way or another, in the context of European interstate integration, there is a need to process a certain common position on the regulation of religious and state-church relations in order to fully ensure the secular nature of the EU.

But the secular nature does not mean a complete separation from the achievements of religious doctrine, and in particular Christian. The fact is that in the conditions of nation-states, especially in the conditions of their integration integration, such as the EU, there is a need to create a certain level of "welfare", but the concept of welfare is not unified and generally accepted. Consequently, there is a need to borrow value benchmarks of the state or criteria for social development in order to develop common approaches and strategic aspirations for the final development of the state regulation system at the EU level, the ultimate achievement of which will be the establishment of "general welfare".

The church does not answer the question of how such a state of development of society should be achieved or how state regulation should take place. But the church by means of religious norms creates a certain system of axiological perception of various civilizational phenomena, such as, for example, “general welfare”. Another thing is how it should be achieved, but the criteria for the legal regulation of public relations with a reference to this state of society in the future will take on a general character.

On the other hand, the church may come forward with critical views regarding the state of state regulation and the state of legal regulation of various social processes. In this case, the church will act as a social institution, which it actually is, but it will not be a direct imperative influence or interference in state affairs. Although, from the point of view of civil society, the church can in no way be considered its institution, and, consequently, a fundamentally new level of state-church relations is being formed, which, by the way, is possible only if religious rights of the individual are guaranteed and the free development of religious organizations is guaranteed.

The results of the analysis of the legal regulation of religious relations in the countries of the European Union demonstrate several features of building models of state-church relations at once. First of all, their modern configuration was significantly influenced by the entire historical process of the formation of the church, the clericalization of the state apparatus at certain stages of European history, followed by the secularization of public life after the victory of revolutionary ideas for building a democratic society. Secondly, the influence of religion, including the church as a whole, on the processes of the formation of cultural consciousness and mental characteristics of a nation in different countries had different depths, and therefore the foundations of modern secular life are largely determined by the degree of penetration of religious ideals and postulates into the worldview system both the society as a whole and the individual. Thirdly, in endowing religious organizations and partnerships with a special legal status, legislators in some countries also take into account the fact that the majority of the population identifies themselves in one way or another with a particular religious community. Ignoring this fact will mean neglecting the interests of the population, which is incompatible with the democratic values that are promoted in the EU.

It should be noted that the lack of unity in religious matters in different European countries does not mean, however, the impossibility of reaching a certain consensus regarding the unification of mechanisms to ensure the religious rights of citizens within the paradigm of the political

and legal structure of the EU. Moreover, multiconfessionality demonstrates the viability of the basic principles of the functioning of the EU, such as the principle of protection of human and civil rights and freedoms and the principle of non-discrimination. However, the polarity of the position of the church in different EU member states, its official recognition, as, say, in Denmark or Greece, or, conversely, the distance from secular authorities, as in France, or multi-confessional dispersion combined with problems of national minorities, as in Germany – all this necessitates the development of a joint state-church policy in the context of further European interstate integration.

Thus, in almost all EU countries, national models of state-church relations are established, which are formed, although based on the general principles of organizing relations between secular authorities and the church, as well as on the basis of the interpenetrating influence of religious and secular rules of law, but, by the way, they have their features, due to the historicism of the development of the nation. At the same time, the integration processes in Europe necessitated the unification of the legal consolidation of the model of relations between the state and the church, as well as the consolidation and enforcement of the religious rights of man and citizen.

The model of church-state relations in most European countries per se has many differences and features related, in particular, to the legal system established in a particular state, taking into account the specifics of the historical path of formation of public authorities. Even with such diversity, all models of state-church relations are grouped into three types: protectionist; secularization and affiliate. However, it is rather difficult to clearly define the model of church-state relations for the entire EU, since the Union's legal acts summarize the best elements of the national experience in regulating church-church relations of most European states and add their own elements to them. In addition, at the EU level, more attention is paid to the legal regulation of the problem of inter-confessional interaction with the aim of maximizing the coverage of the system of guarantees of religious rights and freedoms of man and citizen in the process of pan-European integration with the tools of state legal influence.

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