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**MODERN CONCEPT OF STATE-CHURCH RELATIONSHIPS  
INTERPRETATION**

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*Abstract*

The article aims to analyze the concepts proposed by modern scholars studying the relationship between the church and the state. The relationship between secular and ecclesiastical authorities, the state and the church throughout the development of the state and statehood is one of the most pressing problems. Emphasis is placed on the fact that the model of state-church relations has been transformed by the established system of values and has legislative consolidation. The article emphasizes the importance of spiritual revival for the further development of statehood. The objective of the article is to examine the ideological concepts of scientists concerning the state-confessional relations. The methodological basis of the study is made up of general scientific, private and special methods of cognition. The general scientific dialectic method enabled to consider the problem of reforming religious legislation of the Russian Federation nowadays, to justify the advantages and disadvantages of various approaches to the study of this issue. The methods of formal logic enabled to characterize the transformations in the state-confessional sphere at the present stage. The results obtained demonstrate that the institute of religion in the modern world is bound to participating in the settlement of political processes. Therefore, it is necessary to develop a mechanism for implementing the constitutional principles of church-state relations on behalf of both social institutions and citizens, which will help stabilize interethnic relations, socio-political stability and, consequently, will have a positive effect on the overall psychological state of society in the state.

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## 1. Introduction

The beginning of the twentieth century is characterized as a difficult and complicated period in all spheres of society including the spiritual one due to the process of Christian revival over several decades. Religious norms and church dogmas became fundamental in the life of the population. However, the era of atheism of the last century does not contribute to the full rise of the spiritual revival of Russia. The spiritual and moral crisis in the worldview of citizens has not yet been overcome. The state and the church should be the fundamental elements in the revival of the Russian people's spirituality. As modern scientists note, the church as an organization should not participate in politics but a state of law should not contain any obstacles for citizens to unite according to religious ideological principles (Alontseva & Safronova, 2011). The modern system of values has transformed the model of state-church relations and gave it a legislative consolidation in the legal acts of the existing legal systems. As a rule, the principle of secularism of state-church relations is fixed in the Constitutions of the majority of democratic states or the principle of autonomy of religious organizations in the state system is established by separate laws.

## 2. Problem Statement

The choice of this research topic is prompted by the following circumstances. Firstly, the state and the church are two social institutions that have accompanied each other throughout the development of the statehood by exerting a tremendous impact and trying to defend their superiority. Secondly, the models of current state-confessional relations have a doctrinal component based on the ideological position of scientists. Thirdly, international legislation obliges states to apply the norms of international law in regulating state-church relations. Fourthly, it is necessary to form a unified system of legislation which regulates religious relations and to develop a Strategy for the development of state-confessional relations in the Russian Federation due to the loss of traditional moral values. Fifthly, it is necessary to develop the most optimal model of such a unity in order to streamline the relationship between the state and the church. However, there is no consensus about the optimal model of church-state relations among legislators.

The problem of finding the most optimal model of state-church relations is being studied by both Russian: Vydrina (2011), Vasilevich, Kondratovich, and Prikhodko (2006), Novikov (2009) and foreign: Corke-Webster (2019), White (2019), Mantilla (2019) scientists.

However, foreign scholars are currently studying the Catholic tradition and its influence on the development of state-confessional relations in states with a Catholic worldview as well as in the entire international community. The most vivid works, in our opinion, are the ones of Corke-Webster (2019), who considers church-state relations as a historical retrospective from the standpoint of their consolidation in the first sources of law. White (2019) examines the state-church relations from the perspective of the citizens' religiosity and their religious activity. Mantilla (2019) expresses a position on the role religion plays in the formation of state religious policy and mobilization of public consciousness on religious preferences. Unlike domestic scientists the western colleagues do not search for true state-church relations. They identify religion with state policy and consider it to be its direct component.

Domestic scientists, unlike their foreign counterparts are engaged in the study of various concepts of state-church relations in order to determine the most optimal and reasonable concepts by taking into account the interests of both the state and the institute of religion. Let us dwell on their analysis.

According to Vydrina (2011), the model of state-confessional relations includes separation, cooperation and identification. Let us consider the characteristics of the models proposed by Vydrina in more detail. The first, as a rule, is inherent to secular states in which the principle of hierarchy operates and the church is an autonomous institution separated from the state and endowed with the religion relating functions only. Such functions are as follows: to control the principle of separation of powers observance and the degree to which national legislation is followed by national religious associations, to assist them and protect the rights of the faithful. The cooperative model is a kind of unity between the state and religious organizations in specific areas of interaction related exclusively to the activities of a confession. The legal status of the church being a public institution is regulated by such methods as establishing a state religion without specifying a state or traditional religion but with the designation of the dominant function of one or more of them and without specifying the dominant function of any confession. The mentioned state-church relations model is acceptable if the leading denomination makes an unequivocal choice in favor of religion freedom and does not strive to use its influence on the state with the objective to infringe upon the rights of religious minorities. The cooperative model can be structural (In the interaction of the state and the church, a specialized authority for resolving conflicts of interest is created.) and functional (The interaction of the state and the church is carried out without mediation.).

The third identification model bases on the system of correlation between the state and the church and they identify such forms of interaction as caesrepapism, papocaesarism and symphony of authorities.

Constitutional scholars Vasilevich et al. (2006) highlight the following models of the state and the church relationship: state (official) religion, legal recognition of the church by the state and complete separation of the church from the state. There is a model in which the church serves as the state (official) religion and receives legal status on a par with the state as an institution of society and the support of the state. The church is included in the structure of the state mechanism as a non-state body that cooperates and interacts with all state bodies including the legislative bodies while the adoption of regulations relating to its operation must be coordinated with the church leadership. Officials of a religious denomination have the permission to get in all managerial spheres of society. Powers between the state and the church have distinctions; the church has the right to take legally significant actions, namely, the following ones: conclusion of marriage, registration of births, deaths. Every citizen in such a state is guaranteed freedom of religion, implementation of religious cults, observance of religious traditions, receiving not secular but religious education. The studied model of state-church relations in the modern world covers those countries where Islam is recognized as the official religion. An example is Egypt, which was proclaimed a secular state by the Constitution and where Islam was established as the official religion. Article 2 of the Egyptian Constitution establishes that Islam is the religion of the state and Arabic is the official language. The principles of the Islamic Shari'ah are the main source of legislation. Religion is the foundation of the society on which the main social institutions such as the family are based. Article 43 of the Egyptian Constitution establishes that the state is obliged to maintain a high level of religious values, guarantee freedom of belief, religious rites and establish the churches of true religions. Religious education is a compulsory one. State

authorities are also identified with religion, for example, during inauguration the president takes the oath by reference to the name of Almighty Allah. The outcomes of the constitutional norms analysis demonstrate that the principle of the secularism of the state is a declarative fact only since the Basic Law of the state enshrines official religion being the foundation of all Egyptian statehood.

The Republic of Malta is an example of another state where the state religion is officially recognized. The 1964 Constitution of Malta is called the Constitution of independence due to the fact that it was the constitution which made Malta a liberal, parliamentary and democratic state with respect for fundamental human rights, the principle of separation between the executive, judicial and legislative branches with regular elections in terms of universal suffrage. The Constitution clearly enshrines the state religion. Article 2 states that the religion of Malta is the Roman Catholic Apostolic religion. The spiritual authority of the Roman Catholic Apostolic Church has the right to teach and to determine which principles are right and which are wrong. The study of state religion is a prerequisite for education. Iraq, Malta, Monaco and a number of European countries such as Denmark, Norway, etc. are also the examples of the countries where religion has the state status.

The second model framing the relationship between the state and the church concerns the legal recognition of the church by the state and presupposes the independence of two public institutions being the state and the church. Church-state relations are built on the principle of a concordat, which is a special agreement defining the legal status of the church in the state. This system characterizes European states, in which the canons of the Roman Catholic Church establish relations between secular and spiritual authority in Europe. A concordat with the Vatican is a special treaty that gives the Roman Catholic Church special legal rights and privileges not offered for other religious organizations. Quite a lot of modern states have concluded the Concordat with the Vatican. Specifically, there are more than a dozen agreements signed in just twenty years of this century. Namely, these include the Basic Agreement between the Holy See and the State of Palestine (February 15, 2000), the Treaty between the Holy See and Slovakia (May 13, 2004), the Concordat between the Holy See and Portugal (May 18, 2004), the Concordat between the Holy See and Slovenia (May 28, 2004), Basic Agreement between the Holy See and Bosnia and Herzegovina (April 19, 2006), Concordat between the Holy See and Brazil (November 13, 2008), Concordat between the Holy See and Schleswig-Holstein (January 12, 2009), Comprehensive Agreement between the Holy See and the Holy Land (June 26, 2015) and others. Countries where there is legal recognition of the church as a state include: Poland, Italy, Austria, Spain, Portugal, etc.

The third model of state-church relations is based on the complete separation of church and state. The distinguishing characteristic of this model is that the church as a public institution receives full autonomy in its legal status as well as in the legislative regulation of its activities and competence. The principle of autonomy is also manifested in relations with the state. Both institutions are financially and legally independent of each other. Citizens are free to choose confession.

According to Tkachenko (2000), Western Europe is characterized by a special type of secular culture distinguished by such features as confessional neutrality of the state and government, recognition of freedom of religion or its rejection, recognition of the independence of individual consciousness, critical understanding of all areas of the human spirit (religion, politics, science).

France is an example of a state in which the church is completely separated from the state. On December 9, 1905, the socialist deputy Aristide Briand adopted the Law on the Separation of the Churches and State, which was applied to four confessions presented in France: Catholicism, Augsburg Confession (Lutheran Protestants), Reformed (Calvinist Protestants) and Israelis. This law became the basis of new relations and established the status between the Republic and the Catholic Church. The law put an end to the 1801 Napoleon's Concordat, which controlled the relations between the French government and the Catholic Church. It proclaimed the freedom of conscience and guaranteed free will. The state used this law to show its will of religious neutrality but did not exempt itself from its duties. The current French legislation has proclaimed France as an indivisible, secular, democratic and social state, in which all religions are respected and the freedom of a religious worldview prevails.

The Russian Federation can also be included in the list of the states which support the model of separation of church and state. The principle of secularism is the fundamental constitutional principle of Russian statehood. In our state there is no officially recognized religion while all religious organizations are separated from the state. As indicated in the Federal Law of September 26, 1997 No. 125-FZ "On Freedom of Conscience and Religious Associations", the Russian Federation recognizes a special role in the history of Russia as well as in the formation and development of its spirituality and culture. However, it also respects Christianity, Islam, Buddhism, Judaism and other religions that form an integral part of the historical heritage of the peoples of Russia.

The modern model of the interaction of church and state in the Orthodox tradition has been formed more recently. Throughout the history of Russian statehood there was a search for the ideal form of state-church relations. Our contemporary Novikov (2009) identifies the following periods of development of state-church relations. The first type is the state church that existed in Russia before 1917. The second model involves the separation of the Church from the state, the third is the persecution of religion, the fourth is the domination of the church over the state, the fifth, formulated in the 6th century by the Byzantine emperor Justinian I, tells the following about the ideal symphonic relationship between church and government: There are two great blessings being the gifts of the Supreme God's mercies to the people and they are the priesthood and the kingdom. Each of these benefits, bestowed upon people, is established by God and has its own purpose. However, proceeding from the same beginning, it manifests itself in unity, in joint activities.

We support the position of Novikov and believe that it is reasonable to add a dominant component into the model of the relationship between the state and the church.

The beginning of the last century can be described as crucial years in the destiny of the Russian state and as a period of fundamental changes. State church model of the 1920s can be called dominant (from the Latin term *dominium* denoting possession, domination).

In our opinion, the modern state-church model of Russia can be characterized by the dominating state role. The part of the state apparatus which includes the church as a public institution has a rather conditional independence in the Russian Orthodox tradition since it is subordinate to the state, which is evidenced by the following circumstances. Firstly, since 2006, the church being a non-profit organization is required to submit monthly financial statements to the Federal Registration Service. Secondly, the legislation of the Russian Federation provides a taxation system in relation to religious organizations.

According to Article 381 of the Tax Code of the Russian Federation, church is exempt from the following taxes: land tax; tax on property used for religious purposes; tax on church ceremonies and sales of church items (the law states that the church does not pay taxes on the added value of the sale of religious items). Thirdly, the clergy in Russia have such documents as: employment record, indicating their positions; medical insurance and Insurance Number of Individual Ledger Account.

### **3. Research Questions**

The subject of the research is, firstly, the content of the relationship between the state and religion in the framework of historical and established models; secondly, the nature and dynamics of the relationship of the Russian state with the church in general and with religious organizations in particular.

### **4. Purpose of the Study**

The purpose of the study is, firstly, to determine the nature, forms and specifics of interaction between the state and the church in foreign countries and in the Russian Federation; secondly, to assess the state and formulation of the main problems and means of improving state-confessional relations in the Russian Federation.

### **5. Research Methods**

The methodological basis of the study consists of general, particular, and special cognition methods. The general scientific dialectic method enables to consider the problem of the relationship between the state and the church at the present stage, to justify the advantages and disadvantages of different approaches to the study of this issue, to demonstrate changes in the legislation of the Russian Federation governing these relations in terms of the totality of internal and external factors affecting it. The methods of formal logic assist in characterizing the transformations in state-confessional relations at the present stage and revealing the defects in the regulatory framework. Methods of scientific knowledge will help to conduct a study of current legislation for its compliance with the problem under consideration. The article applies comparative legal and formal legal methods with the objective to correlate various legal norms. A combination of different methods enabled to solve the tasks and achieve the designated goal.

Let us consider empirical methods. Analysis and synthesis of the Russian experience in the field of improving domestic religious legislation will lay the foundation for harmonizing existing legislation in order to increase the level of consistency in the actions of government bodies and religious organizations. The method of meaningful analysis will ensure the completeness, reliability and consistency of the data obtained as a result of generalization. The trends in the development of the object under study will be determined and a vision of possible positive or negative consequences of the implementation of the provisions of the religious legislation of the Russian Federation will be provided with the help of prognostic methods. Some sociological (modeling, extrapolation) and statistical (classification, correlation) cognitive methods will be involved in identifying individual patterns and trends in the object under study, the main contradictions and ways to overcome them. The use of qualitative research methods (analysis and synthesis,

comparison, modeling, etc.) is stipulated by the need to formulate hypotheses and productive ideas as well as the need for understanding and explaining the existing data.

## 6. Findings

Thus, after analyzing the above material and taking into account these conceptual approaches of scientists, we can draw the following conclusions:

1. The principle of secularism of the state is established in the legal systems of modern states as one of their fundamental principles. It determines the legal status of relations between the state and the church. In the countries of the Catholic tradition the relationship between the state and the institution of religion is built on the basis of concordat. The unifying conditions for state and church interaction in all democratic states are: freedom of conscience (religion), protection by the state of religious organizations and the rights of believers. However, the fundamental nature of the relationship between the state and the church is the principle of separating church from state.

2. The examined interpretations of state-confessional relations enable to say that the nature of the relationship between the government and the institute of religion takes into account the traditions of the state, cultural heritage, people's mentality, attitude of the state apparatus towards religion and its importance to society

3. Confessional policy in Russia originated with the adoption of the Russian Constitution and the Federal Law of September 26, 1997 No. 125-FZ "On Freedom of Conscience and Religious Associations", which reflected an attempt to bring citizens' freedom of religion to conformity with international legal covenants on human rights: the Universal Declaration of Human Rights, the Paris Charter for a New Europe, the Declaration of the UN General Assembly on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or beliefs. Every citizen was given an opportunity to independently determine their attitude towards religion, i.e. freedom of conscience.

4. Freedom of conscience acts as a fundamental, one of the indispensable freedoms of a person, an essential vector for the formation of the most optimal model of state-church relations. Freedom of conscience as an independent historical phenomenon is the ability of a person to choose moral guidelines and to behave in accordance with them. Freedom of conscience is a universal complex education, which implies both the freedom of the religious worldview of a religious devotee and the atheistic world view.

5. Despite the legal regulation of state-church relations in Russia, the modern legal system regulating these relations is fragmentary. It is necessary to develop and adopt a single normative act of the Religious Code or the Code of Religious Organizations, which will elaborately legitimize the full range of issues relating to government policy in religious affairs with the objective to build an optimal system of relations between the state and the church. The proposed document should clearly distinguish the notions of confession or traditional religion and non-traditional religion or cult, which will make it possible to legalize the status of religion and pseudo-religion at the normative level.

6. Religious values should be reflected not only in legislation but also in the cultural tradition of our state since they are aimed to revive morality and spiritual integrity, which is particularly relevant and necessary in our time being the time of the loss of traditional values and traditions.

7. The system of relations between the state and the church in our state should acquire the character of cooperation on the basis of a clear separation of functions between them, determining the powers of each of them and determining the principles and forms of relations between religious organizations and government bodies.

## 7. Conclusion

Thus, having analysed the above material and taking into account the conceptual approaches to the state-confessional relations, we can draw the following conclusions.

First, church-state relations are inherently one of the types of state policy in the sphere of the citizens' religious outlook. Virtually, the confessional government policy is one of the directions of state development. Russian Constitution adopted in 1993 enshrined the legal basis of legislation concerning the freedom of conscience, religious organizations by formulating the democratic essence of the state being based on a variety of political institutions, ideologies and opinions, and the ideology of political parties, religious or other public associations, social groups which may not be established as mandatory for citizens.

Secondly, the confessional policy in Russia began to originate with the adoption of the Russian Constitution and the Federal Law of September 26, 1997 No. 125-FZ "On Freedom of Conscience and Religious Associations", which reflected an attempt to bring citizens' freedom of religion to international standards, namely, with the legal covenants on human rights being the Universal Declaration of Human Rights, the Paris Charter for a New Europe, the Declaration of the UN General Assembly on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Every citizen was given the opportunity to independently determine their attitude towards religion, i.e. freedom of conscience.

Thirdly, the state as a social institution is obliged to build a detailed religious policy, considering the fact that the church being a public institution cannot but take part in the development and implementation of religious policy and the resolution of critical aspects of the political process. One of the major purposes of the institution of religion is to ensure interethnic relations stability and socio-political stability as well as a positive impact on the psychological state of society in the state.

Having analyzed the legislation of the Russian Federation governing state-church relations we can conclude that our legislators' attention should be paid to the need to systematize legislation by adopting a religious code or a code on religious organizations, which will streamline all state-confessional relations.

On the whole there are positive trends concerning transformations in the religious sphere. However, it is necessary to develop and adopt a comprehensive Strategy for the development of state-confessional relations in the Russian Federation in the near future with the objective to achieve the main goals. This Strategy should reflect the balance of legislation and promote the effectiveness and stability of the development of canon law. The creation of civilized mechanisms of state-confessional relations in our country depends on how quickly and competently these innovations are implemented in the Russian Federation.

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