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THE CULTURE OF STATE–CHURCH AND CHURCH–STATE RELATIONS: THE UKRAINIAN CASE

RELEVANCE OF THE CHOSEN TOPIC

The words ‘religion’, ‘state’, and ‘culture’ create many direct and indirect word combinations that have long been in our daily circulation. These phrases are filled with different meanings: religious culture, religious state, state religion, state culture, culture of religious rites, dialogue of cultures and religions, culture of dialogue of religions, etc. However, we have not encountered in either domestic or English-language literature the phrase “culture of state–church (or church–state) relations,” although we speak of a culture of industrial, family, diplomatic, and other relations.

State–church relations, as well as church–state relations (SCR and CSR),¹ are very dynamic systems, where the subjects of these relations can play

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¹ Traditionally, the concepts SCR and CSR cover much broader phenomena of socio-religious reality than the actual state–church relationship. Such discrepancy dates back to the time when the totalitarian state represented the whole society, and one church—the Russian Orthodox Church—represented all other religious organizations. It is more appropriate to call the whole range of relations between different subjects in this area like socio-religious relations, but the

different roles — both constructive and destructive. The state and the Church can act as representatives of both orthodoxy forces and marginal (heresy) groups. In this dichotomy, the state is not always the vanguard in changing the religious tradition, often becoming a restraining, conservative factor in its attitude to a particular religion. So is religion, which, depending on the type of state, shows us either a conservative or a reformist position towards power.

The relevance of the Ukrainian case itself proceeds from the very change of reality in which state–church relations in Ukraine are formed, developed, and conceptualized. There is a departure from the Soviet model, the main content of which was the separation of the Church **from** the state. SCR in the Soviet times meant a complete state control over the Church. This historically long period is gradually being replaced by a new form of relations — partial separation, a permit regime, soft control, separation of the Church **from** the state, and so on. With the proclamation of Ukraine’s independence at the beginning of the 1990s, the declared partnership between the state and Church as a desirable model of SCR has not yet reached its final shape. Up to now, the rights and obligations of the state in relation to the Church and those of the Church in relation to the state have actively been discussed. These discussions have testified to the instability of basic approaches, misunderstanding of the very principle of partnership, and the uncertainty of this concept. Individual studies² do not provide a conceptual platform for partnership in SCR and CSR.

The principles of partnership are developed in the process of communication between the Church and the state. But the lack of clear parameters of an acceptable SCR model, which are enshrined in the relevant state–church documents,³ creates uncertainty in the area of SCR. Church needs to adapt to each political regime, and the state (represented by its leaders) has to seek

authors take into account the frequency of use of these terms in science, documents and practice of religious life in Ukraine. A distinction is made between SCR and CSR, but they are not considered synonymous. While state–church relations (SCR) determine the attitude of the state to the Church (by which we conditionally mean a whole range of organizational forms of religion), church–state relations (CSR) shape the attitude of the Church to the state, in general to secular power.

² Svitlana ONYSCHUK, “Formuvannya partnerskoyi modeli derzhavno-tserkovnykh vidnosyn v Ukraini: teoretychni ta prykladni zasady,” *Efektivnist Derzhavnoho Upravlinnya* 42 (2015): 61–67; MELEKHOVA, Oksana. “Dialoh ta partnerska vzayemodiya derzhavy ta tserkvy v Ukraini: realnistta perspektyvy.” *Filosofiya i politolohiya v konteksti suchasnoyi kultury* 6, no. 21 (2017): 60–69, accessed April 19, 2021, <https://fip.dp.ua/index.php/FIP/article/view/936>.

³ Such documents stem from broad public discussion involving not only the Church and the state, but also experts and scholars.

loyalty to itself in the Church. That is why in Ukraine SCR and CSR during the presidency of Leonid Kravchuk, Leonid Kuchma, Victor Yushchenko, Victor Yanukovich, Petro Poroshenko, and Volodymyr Zelensky have their own specifics, which are superimposed on the personal characteristics of the President, and the special political compositions of the government and parliament. In democracies with an established legal tradition, both SCR and CSR should not be dependent on the likes or dislikes of government officials in regard to the Church and vice versa.

It is clear that the sphere of SCR and CSR, even in conditions of constant change, is based on unchanging principles that provide basic guarantees of freedom of conscience and religion. Of course, the concept of SCR should be adapted to new circumstances, but it is necessary to see the perspective and, therefore, the strategy of SCR, which does not depend on the expectations of other states, the desires of some churches to establish a monopoly on religious life, or the intention even to introduce a state church. A state–church relationship presupposes a certain culture, a culture of interaction between the subjects of these relations.

Based on constitutional principles, international and domestic legislation, Ukraine’s historical experience in the field of CSR and church traditions of attitude to State, and a critical analysis of CSR models of other countries, we aim to present the Ukrainian vision of a new culture of relations and a new type of partnership between Church and State, and find out what determines the level of this culture and, to some extent, the common good of believers as well as non-believers of Ukraine.

DEGREE OF RESEARCH OF THE TOPIC

After Ukraine gained its independence in 1991, the topic of SCR and CSR became one of the top priorities, both for the state and for religious organizations. It was necessary to radically change the state policy of controlling the activities of religious organizations. At the same time, the Church had to realize that in the changed political circumstances opposition to the government and the limited presence of the Church in society should be revised. The range of conceptual approaches was quite wide: from the requirement to establish a state church and continue the policy of strict control over its activities, persecution and prohibition of all undesirable (from the perspective of state security) churches and religious organizations to absolute, unrestricted free-

dom in the religious sphere; from cooperation with the KGB and bowing and scraping to the secular authorities with slavish complacency to the continuation of de facto underground operation of churches.

In the first years of Independence, there was an intuitive search for possible forms of communication between the Church and the state. Since the mid-1990s, the discussions of the problem have been put on a regular, mutually interested basis through a series of conferences and roundtables, with the obligatory participation of religious figures in their work. Analytical centers,⁴ scientific institutions,⁵ and government agencies⁶ have actively participated in the events. Such measures have been successful:⁷ a community of highly qualified experts⁸ has been formed to monitor the field of SCR and CSR promptly and professionally.⁹

⁴ The Razumkov Centre, see the following information materials: http://razumkov.org.ua/uploads/article/2017_Religiya.pdf; http://razumkov.org.ua/uploads/article/2018_Religiya.pdf.

⁵ Viktor YELENSKY, ed., *Relihiyna svoboda: modeli derzhavno-tserkovnykh vidnosyn* (Kyiv: UARR, 1997); Anatolii KOLODNYI, ed., *Relihiyna svoboda: pryroda, pravovi ta derzhavni harantyyi*, 3rd ed. (Kyiv: UARR, 1999); Anatolii KOLODNYI, Mykhailo BABIY, and Liudmyla FYLYPOVYCH, eds., *Relihiyna svoboda: vzayemny derzhavy ta relihiynykh orhanizatsiy – pravovyyi politychni aspekty*, 10th ed. (Kyiv: UARR, 2006); Anatolii KOLODNYI and Oleksandr SAGAN, eds., *Relihiyna svoboda: derzhavno-tserkovna polityka v Ukraini yak faktor formuvannya hromadyanskoho suspilstva*, 14th ed. (Kyiv: UARR, 2009).

⁶ NATIONAL INSTITUTE FOR STRATEGIC STUDIES, <https://niss.gov.ua/sites/default/files/2019-12/analit-zdioruk-human-development-4-2019.pdf> (in Ukrainian).

⁷ Volodymyr PASHCHENKO and Anatolii KOLODNYI, eds. *Vlada i Tserkva v Ukraini. Nauk. zbirnyk* (Poltava: PSU, 2000); Anatolii KOLODNYI and Vitalii OLUIKO, eds., *Derzhavno-tserkovni vidnosyny v Ukraini: rehionalni aspekty. Nauk. zbirnyk* (Khmelnitsky: KHUUP, 2003); Anatolii KOLODNYI, ed., *Derzhavno-tserkovni vidnosyny v Ukraini u konteksti suchasnoho yevropeyskoho dosvidu. Nauk. zbirnyk* (Kyiv: UARR, 2004); Anatolii KOLODNYI, Mykhaylo BABIY, and Liudmyla FYLYPOVYCH, eds., *Tserkva i polityka: vid prezidentskykh vyboriv 2004 do parlamentskykh 2006 roku* (Kyiv: UARR, 2005); Anatolii KOLODNYI, “Relihiya i tserkva v suspilnykh realiyakh Ukrainy,” special issue, *Relihiyna Panorama. Informatsiyno-Analitychnyy Zhurnal* (2006): 3–12; Anatolii KOLODNYI and Oleksandr SAGAN, *Relihiyna svoboda: derzhavno-tserkovna polityka v Ukraini yak faktor formuvannya hromadyanskoho suspilstva*, 14th ed. (Kyiv: UARR, 2009); Vitaliy DOKASH, ed., *Derzhava i Tserkva: formy vzayemodiyi v umovakh transformatsiyi ukraïnskoho suspilstva*. Conference materials (Chernivtsi, Ukraine: Chernivtsi National University, 2014).

⁸ Taras Antoshevskiy, Mykhaylo Babiy, Anatolii Babynskiy, Viktor Bondarenko, Oleg Buchma, Maksym Vasin, Larysa Vladychenko, Dmytro Vovk, Oksana Horkusha, Vitalii Dokash, Gennadii Druzenko, Viktor Yelenskiy, Sergii Zdioruk, Yurii Kalnysh, Alla Kyrudon, Valerii Klymov, Anatolii Kolodnyi, Eduard Martyniuk, Volodymyr Moroz, Olga Nedavnya, Mykola Palinchak, Oleksandr Sagan, Vita Tytarenko, Volodymyr Tokman, Liudmyla Fylypovych, Yurii Chornomoret, Kateryna Shchotkina, Andrii Yurash, and others.

⁹ Anatolii KOLODNYI, and Liudmyla FYLYPOVYCH, “Naukovyy suprovid derzhavno-konfesiynykh vidnosyn: dosvid Viddilennya relihiyeznavstva Instytutu filosofiyi imeni H. S. Skovo-

THE MAIN PART

In our definition of the concepts of “culture of SCR” and “culture of CSR,” we will proceed from an understanding of what the culture of religious life in general is. In our opinion, the culture of religious life is an individually or collectively freely revealed and confessionally determined set of ways and forms of expression of a certain religious denomination and ritual practice, conditioned and regulated, on the one hand, by the existing legislation on freedom of conscience (culture of state–church relations) and, on the other hand, by the content of the social teachings of the denomination (culture of church–state relations). Due to the practical involvement of representatives of religious organizations, state and civil society, and the theoretical work of secular and religious experts in forming SCR and CSR, it has been found that any national culture of religious life (as well as the existing model of SCR) follows from conceptualization of specific historical circumstances, religious traditions with their canons and dogmas, the coincidence of different socio-political, cultural and spiritual events and, above all, the historical experience of the relationship between religious organizations and power. Even the most successful foreign model cannot be mechanically transferred from one state to another. In fact, each country forms its own culture of relations between state and church.

The Ukrainian models of SCR and CSR began to take shape in ancient times. Here we can highlight several historical stages in the relationship between the state and the Church in Ukraine, which are described in detail in the literature.¹⁰ Speaking of modern relations (since 1991), they have survived an era of distrust of churches to power, a certain isolation of the Church from the life of society, relying solely on its own strength, and isolation in the internal life of the religious community. Similarly, the state, being Soviet totalitarian by nature, sought to strictly control all processes in religious development and to dictate what to do and how to behave under certain circumstances. In the first years of Ukraine’s independence, the state and Church looked closely at each other in a certain sense, testing specific models of SCR and CSR.

rody NAN Ukrayiny,” in *25-richchya Ukrayinskoyi nezalezhnosti yaki istoriya relihiynykh svobod i svitohlyadnoho plyuralizmu: derzhavni instytutsiyi ta relihiyni orhanizatsiyi u poshukakh modeley partnerstva. Zb. naukovykh materialiv* (Kyiv: Dukh i Litera, 2017): 175–88.

¹⁰ Anatolii KOLODNYI, ed., *Akademichne relihiyeznavstvo: Pidruchnyk* (Kyiv: Svit znan, 2000), 603–14.

Overcoming the Soviet past, the Church and the state increased the level of trust between them. The daily joint work of state institutions and religious organizations in search of partnership models was honed in the crucible of the 1991 and 2004 revolutions, and especially the Ukrainian Revolution of Dignity in 2014, when a new type of SCR in Ukraine finally matured. It is still being finalized, but its leading outlines have already been determined. These are partnerships between the state and the Church, which provide for the formation of a certain culture of relations between them. A partnership is a type of relationship in which the subjects are clearly defined in their common goals and the partners determine the functions of each partner and talk about the methods and tools that are necessary to achieve their goals.

Speaking of the subjectivity of the state and the Church, the authors distinguish this subjectivity in broad and narrow senses. In the first case, the state as a subject of SCR is all Ukraine's citizens, while Church is all its believers. That is, the subject of these relations is almost the same—the people of Ukraine. This is why CSR should be mutually recognizable (we recognize the existence of each other), mutually respected (we respect the very fact of each other's existence), and mutually acceptable (we accept each other as we are). In a narrow sense, the state and the Church are represented by specific institutions headed by certain people and there exist appropriate rules of conduct between them, which constitute the culture of their relationship. Everyone agrees that tolerance, partnership, solidarity, subsidiarity, reciprocity, interaction, mutual assistance, and mutual understanding should prevail there. The ways of cultural relations are almost unchanged, which have crystallized over the centuries in different civilizations and are finally fixed in the Golden Rule: "So whatever you want people to do to you, do the same to them" (Matthew 7:12); "Do not do to others what you do not wish for yourself" (Lun Yu 15:23); "Let not man cause to another that which is unpleasant to him" (Mahabharata 5:15–17); "Do not offend others if you do not want to be offended" (Udanavarga 5:18).

But the forms of these relations can be very diverse: meetings, talks, dialogue, joint projects, conferences, summits, joint decisions and statements, actions to protect life, nature, culture; congratulations, greetings, events honoring values, cultural traditions and monuments, charity, education, religious education, healthy lifestyle, etc. Today, the most common form is dialogue between state and church.

THE STATE'S ATTITUDE TO THE CHURCH

State goals in relation to the Church are enshrined in the main priorities of Ukraine's state policy on religion and the Church, which are set out in the Constitution of Ukraine and the Law on Freedom of Conscience and Religious Organizations.¹¹ The general provisions are specified in the concept of state-religious relations in Ukraine.¹² In general terms, the state is principally obliged to:

- ensure the right to freedom of conscience (the right to freedom of world-view and religion, see Article 35 of the Ukrainian Constitution), which means 1) equality of all before the law, regardless of their attitude to religion, 2) equality of associations of citizens on religious grounds before the law; no religion is obligatory, no church is state-owned;

- ensure the implementation of the constitutional provision (even if they are outdated and need to be changed or clarified) on the separation of the Church from the state and school from the Church;

- establish partner relations between the state and the Church, the purpose of which is to consolidate Ukrainian society, preserve and consolidate its traditions and values, while respecting human rights to the freedom of conscience;

- assist religious organizations in fulfilling their statutory tasks, churches' participation in social services such as in developing charities and charitable activities, in the spiritual revival of the Ukrainian people, in strengthening the moral foundations of society, etc.;

- overcome destabilizing effects of church organizations on society and the depoliticization of the religious environment; this also includes blocking attempts of parties, movements, and other political formations to use religious and institutional structures during election campaigns, etc.;

¹¹ The Constitution of Ukraine, accessed April 19, 2021, https://www.kmu.gov.ua/storage/app/imported_content/document/110977042/Constitution_eng.doc; SUPREME COUNCIL OF UKRAINE, Law on Freedom of Conscience and Religious Organizations, <https://zakon.rada.gov.ua/laws/show/987-12#Text> (in Ukrainian).

¹² See the Draft Concept of State-Religious Relations in Ukraine prepared by the All-Ukrainian Council of Churches and Religious Organizations — *Proekt Kontseptsiyi derzhavno-konfesiynykh vidnosyn v Ukrayini. Materialy do vyyiznoho zasidannya Komitetu Verkhovnoyi rady Ukrayiny z pytan kultury i dukhovnosti* (Kyiv: Tsentr Razumkova, 2004).

— provide everyone with appropriate conditions and opportunities to exercise the right to freedom of religion in both individual and community dimensions, both in Ukraine and internationally.

As we see, the Law prescribes how the state, as a subject of SCR, should shape its relations with the Church, what the functions, guarantees, and responsibilities of the state towards the Church are. The law also regulates the rights of religious organizations (section 4), but these provisions are formulated by the state and describe the state requirements for churches. The rights and obligations of the state in relation to the Church are described in more detail in the relevant section of the Concept (“2.1 Rights and Obligations of the State”).

At the same time, Ukrainian legislation does not determine how the **Church should treat the state**, how to form its relations with it. However, a very general view of the rights and responsibilities of religious organizations is formulated somewhat in the Concept (2.2), which can be considered a document of customary law rather than normative law.

Without going into details about the prescribed rights, we see that they form a wide free space for believers and their associations in terms of their religious, intra-religious and non-religious activities in various spheres of public life. It is the first time that the right to publish one’s position on the actions of the authorities has been so clearly declared, not only in this narrow religious sphere, but also on a wide range of socially significant issues of the country’s life.

The Church also assumes certain obligations to the state and society: to respect the historical and cultural traditions of society, be tolerant of believers, non-believers, and even atheists, not to interfere in the activities of other churches and religious communities existing in the country, not to offend the religious feelings of believers, respect state symbols, the state language and the languages of national minorities, not to take over state and political functions, and to support religious buildings as historical and cultural monuments.

THE CHURCH’S ATTITUDE TO THE STATE

As a component of society, the Church reveals its possible functionality in it through relations with the state (CSR). Religious organizations prescribe their attitude to the state and their obligations to the state in their social con-

cepts. Almost every church in Ukraine has a corpus of documents that define the principles of its attitude to society. We can see the position of Catholics most fully in their Compendium of the Social Doctrine of Church.¹³ This document still needs a serious and detailed analysis.¹⁴ It has a long tradition of understanding these issues by many theologians, hierarchs of the Catholic Church, priests, and laity, who adopted certain declarations, decrees, teachings, encyclicals, pastoral letters and the like. The Catholic concept is based on the categories of “public good,” “subsidiarity” (participation) and “solidarity” (unity), individual rights and dignity.

In chapter 8 of the Compendium, we find section 3, “Political Power,”¹⁵ where we read of the Church’s positive attitude toward political power, which is recognized as necessary for the functioning of human community.¹⁶ Describing in detail the nature of power, its structure and functions, noting the value of democracy and its institutions, proclaiming the value of civil society, including cooperation, the Church in chapter 6 titled “State and Religious Communities” is clearly defined in the system of state-church relations. From the first pages, with reference to the Second Vatican Council, the Compendium declares religious freedom as a fundamental human right.¹⁷ Freedom of conscience and religion affects people both individually and collectively. Under the latter, the religious community can receive recognition from the state if it does not discriminate against other religious groups. Focusing on the Catholic Church itself, the Compendium upholds the autonomy and mutual independence of the state and the Church, which are two distinct social realities. The state, from the point of view of the Church, should guarantee the space necessary for the fulfillment of its mission. The Church, for its part, does not extend its sphere of competence to the structures of the political community. It respects the legitimate autonomy of the democratic system and does not prefer any institutional or constitutional decision. Church does not evaluate political programs, except in cases of their religious and moral conse-

¹³ PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *Kompendium sotsialnoyi doktryny tserkvy* (Kyiv: KAIROS, 2008).

¹⁴ Petro YAROTSKYI, “Osoblivosti rozvitku sotsialnogo vchennya katolitsizmu,” *Ukrayinske relihiyevnavstvo*, no. 20 (2001): 55–63.

¹⁵ PONTIFICAL COUNCIL, *Kompendium*, 243.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, 258–59.

quences, despite their mutual autonomy, because they serve people through cooperation (§ 425).¹⁸

The Church has the right to legal recognition, which gives it the right to be a fully-fledged social unit and have all the rights that other social structures have. As stated in Pope John Paul II's address (1980) to the heads of state who signed the Helsinki Final Act in 1975, the Church has the right to demand freedom of expression, teaching and evangelization, freedom to hold public services, freedom to organize and manage its structures; freedom to choose, teach, appoint and move its ministers; freedom to build religious buildings; freedom to acquire goods and own them in order to ensure its own activities; and freedom to unite not only on the basis of religious goals, but also for educational, cultural, medical and charitable purposes.

§ 427 provides that SCR may have stable forms of relationships and appropriate means to ensure harmonious relationships. This should prevent attempts by the state to interfere in the affairs of the Church, violating its freedom, as well as illegal actions of the Church against the state.

Speaking of the **Greek Catholic Church of Ukraine**, it must be acknowledged that the core of its social doctrine is formed primarily by dogmatic documents of the Roman Catholic Church based on a number of papal encyclicals: *Rerum Novarum* (1891), *Quadragesimo anno* (1931), *Mater et magistra* (1961), *Pacem in terris* (1963), *Populorum progressio* (1967), *Laborem exercens* (1981), *Sollicitudo rei socialis* (1987), *Centesimus annus* (1991), *Caritas in veritate* (2009); and on the decisions of the Second Vatican Council (1962–1965), which summarized the development of social teaching of the Catholic Church in the previous period and set incentives and frameworks for the development of this teaching in the future (the 1964 Decree on the Eastern Catholic Churches *Orientalium Ecclesiarum*), the 1965 Declaration on Religious Freedom *Dignitatis humanae*, and the 1965 Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*. Apart from the encyclicals of popes and decisions of the Council, other documents of the Roman pontiffs also belong to the body of important documents of the UGCC.

In addition, Greek Catholics have their own official documents that develop their social teachings (numerous reports, appeals, statements, instructions, letters, messages, resolutions, sermons of the hierarchy, heads and councils of

¹⁸ Ibid., 261.

the UGCC, the Synod of Bishops, and UGCC commissions).¹⁹ The Catechism of the Ukrainian Greek Catholic Church: *Christ—Our Pascha*²⁰ is a synthesis of the development of the teachings of the UGCC in recent decades. The joint documents of the UGCC with other denominations, in particular developed by the All-Ukrainian Council of Churches and Religious Organizations, are also important.

Among many areas of the social doctrine of the UGCC, we can single out the narrow segment of SCR and CSR, where this church is perhaps the most categorical and clearly defined among other churches. It certainly stands for the protection of the interests of the public. “In the dilemma of protecting the government or protecting the individual, society, and the nation, the UGCC has declared its intention to help everyone find a way to salvation.”²¹ The position of the UGCC regarding state structures is different and depends on the nature of power. The Church reserves the right to criticize the actions of the authorities if they are contrary to the interests of the people. Thus, the UGCC consistently would criticize Yanukovich’s policies, calling them “economic genocide.”²²

SCR for the UGCC is not only a field for cooperation, but also an opportunity for constructive criticism of the state. Destroyed by the Soviet regime, nowadays this church feels free in its criticism, unlike many other churches that are historically linked to the legal past, to the still-living political and religious figures of the socialist era. Some churches will not thank the current government for the very opportunity to exist, mostly looking for having the state as a patron, rather than a partner.

The Orthodox position towards the state is most fully represented in special documents adopted either by the council or by the synod/meeting of

¹⁹ Volodymyr MOROZ, “Normatyvnyy kharakter pryntsyypiv sotsialnoyi doktryny Katolytskoyi tserkvy: evolyutsiynny shlyakh stanovlennya,” *Ukrayinske relihiyeznavstvo*, nos. 71–72 (2014): 142–47; MOROZ, “Pryroda sotsialnoho vchennya v Ukrayinskiy hreko-katolytskiy tserkvi ta perspektyvy yoho rozvytku v suchasnykh umovakh,” *Mandrivets*, no. 2 (2013): 73–77; MOROZ, “Osmyslennya sutnosti derzhavy, polityky u vchenni UGKTS (1991–2011),” *Praktychna filozofiya*, no. 3 (2014): 126–33.

²⁰ The official English translation is made available by the Synod of the Ukrainian Greek-Catholic Church at <https://catechism.royaldoors.net>.

²¹ Oksana VOLYNETS, “The social doctrine of the UGCC and its implementation in modern Ukraine,” available from the repository of Lviv Polytechnic National University, http://ena.lp.edu.ua/bitstream/ntb/11626/1/9_18Ukr_nac_ideya.pdf.

²² SHCHOTKINA Kateryna, “Zabuta lyudyna na cerkovnij paperti,” *Dzerkalo tyzhnya*, November 25, 2000, <https://zn.ua/ukr/ART/zabutalyudinanatserkvoniypaprti.html>

the respective churches. To understand the attitude of the Orthodox Churches of Ukraine to the state, it is necessary to turn first to their social concepts, in particular to the concept of the Ukrainian Orthodox Church (UOC)²³ and the former UOC of the Kyiv Patriarchate (UOC KP).²⁴

Appearing in the early 2000s, these concepts reflect the level of understanding of SCR and CSR by these churches.²⁵ The UOC did not seek to formulate any concept separate from the Russian Orthodox Church (ROC). The experts consider²⁶ it a Ukrainian translation of the “Fundamentals of the Social Concept of the Russian Orthodox Church.”²⁷ The preface to this document (approved by the Jubilee Council of Bishops of the ROC) states that it sets out “the basic provisions of its doctrine on church–state relations and a number of modern socially significant issues. It is a document that reflects the official position of the Ukrainian Orthodox Church in the sphere of relations with the state and secular society,²⁸ but in the document itself we will not find anything about the Ukrainian state, which is never even mentioned there. At the same time, the authors of the concept of the UOC refer to the bishops’ council of the ROC in 2000, which, in their opinion, lays the foundations of SCR in Ukraine.

At the heart of this concept, according to Russian researchers, is the philosophy of the new conservatism, according to which Christian motivation should be present in all areas of human interests.²⁹ The ROC offers the

²³ *The Social Concept of the Ukrainian Orthodox Church* [December 27, 2010] (in Ukrainian), accessed April 19, 2021, <http://orthodox.org.ua/page/sots%D1%96alna-kontsepts%D1%96ya>.

²⁴ *Church and the World at the Beginning of the Third Millennium* (January 2001). Declaration of the Jubilee Local Council of the Ukrainian Orthodox Church of the Kyiv Patriarchate (in Ukrainian), accessed April 19, 2021, http://risu.org.ua/ua/index/resourses/church_doc/uockp_doc/34099.

²⁵ Oleksandr SAGAN, “Sotsialna doktryna pravoslavyya: trudnoshchi zminyty paradyhm,” *Naukovyy visnyk Chernivetskoho universytetu. Zbirnyk naukovykh prats*, 291–92 (2006): 3–7.

²⁶ Arsen MARCHYSHAK, “Transformatsiya pohlyadiv pravoslavyya na mistse Tserkvy u suspilnomu zhytti,” *Naukovyy visnyk Chernivetskoho universytetu. Zbirnyk naukovykh prats* 203–204 (2004): 75–80; Vasyl POPOVYCH, “Sotsialne vchennya pravoslavnoyi tserkvy: istorychne stanovlennya dumky,” *Naukovyy chasopys NPU imeni M. P. Drahomanova* 37 (2017): 3–11.

²⁷ *Osnovy sotsialnoy kontseptsii Russkoy Pravoslavnoy Tserkvi, Tserkov i vremya*, no. 3 (2000): 7–122, accessed April 19, 2021, <http://www.patriarchia.ru/db/text/419128.html>.

²⁸ <http://orthodox.org.ua/page/sots%D1%96alna-kontsepts%D1%96ya>.

²⁹ Bogdan VOVCHENKO, “Tserkov i gosudarstvo v sotsialnoy kontseptsii Russkoy Pravoslavnoy Tserkvi,” *Gosudarstvennoye upravleniye* 23 (2010): 1–17, accessed April 19, 2021, <https://cyberleninka.ru/article/n/tserkov-i-gosudarstvo-v-sotsialnoy-kontseptsii-russkoy-pravoslavnoy-tserkvi/viewer>.

churching of all individual and social life, including government institutions. The church as a single structure has a special mission—to overcome the sinfulness of the world brought about by secular society. It is difficult to say how successful the ROC is in implementing the announced program of social transformations, but in general the concept meets the expectations of Russian society and is recognized as an adequate response to the challenges of the globalized era.³⁰

Unlike the social concept of the UOC, based on the ideological principles of the ROC, **the social concept of the UOC-KP**³¹ is an independent document. The fact that the subject of church and state is dealt with almost at the end of the document (chapter 14 out of 16 as opposed to chapter 3 out of 16 in the UOC concept) illustrates a different (not static nature of the relationship between the state and the Church. Recognizing the state as a necessary element of life “in the world corrupted by sin,” the Church does not absolutize state power. The state should not interfere in the internal affairs of the Church, in its administration, doctrine, liturgical life, in general in its functionality. According to the teachings of the Church, state authority itself has no right to absolutize itself, because it leads to a certain deification of power. It is said that it was in the conditions of the most brutal persecution that the Church preached the truth. “It also has no right to remain silent and not to preach the gospel of Christ, even if the state tries to spread another teaching that is incompatible with Christianity.” In this case, the Church is free: it gives God to God and acts independently of the state.

Outlining the Principles of the Relationship between Church and State (XIV.5), the concept of the UOC-KP inherited by the Orthodox Church of Ukraine refers to the church canons and state laws of the Byzantine Empire and Kyivan Rus under Princes Volodymyr the Great and Yaroslav the Wise. The symphony formed even then between the Church and the state resulted in mutual cooperation, mutual support and responsibility. In princely times, there was a harmonious relationship between state power and Church. Kyiv’s metropolitans were often advisers to great princes, who would listen to their words. In the days of the struggle for statehood, Church often assumed the functions of a leader in the national liberation of the Ukrainian people. Histor-

³⁰ Eduard ANANYEV, “Sotsialnaya kontsepsiya Russkoy Pravoslavnoy Tserkvi: otvet Tserkvi na vyzovy vremeni,” *Cyberleninka*, accessed April 19, 2021, <https://cyberleninka.ru/article/n/sotsialnaya-kontsepsiya-russkoy-pravoslavnoy-tserkvi-otvet-tserkvi-na-vyzovy-vremeni>.

³¹ *Church and World at the Beginning of the Third Millennium*.

ically, as now, Church needs the support of the state, and the state needs the spiritual support of Church: “Secular authority and the priesthood relate to each other as body and soul; union and harmony is the welfare of the state.”

The concept of Paragraph 6 clearly affirms: despite the fact that in the modern world the Church is separated from the state, which has become a secular institution, when the authorities of any state do not burden themselves with religious obligations and the Church does not assume functions that belong to the competence of the state, Church does not separate itself from the people, from society. It should influence society by spiritual means. Therefore, the Church extends its functionality to the sphere of its relations with society, the sphere of CSR.

The UOC-KP directly declared its support for Ukraine’s independence and assertion of its statehood. Safeguarding the state’s position and defending its interests, the UOC, like the Autocephalous OC, became the spiritual foundation of the state. It condemns any attempt to discredit Ukrainian statehood in any way. It is emphasized that Church, as a divine organism, will always support the idea of consolidation, peace, and harmony in the Ukrainian society.

So far, the **Orthodox Church of Ukraine** (OCU), newly emerged in 2018, has not formulated a new concept of CSR outside the Kyiv Patriarchate; we believe that it is the historical successor of these approaches of the UOC-KP. The OCU is working to develop its own position, which is presented in various statements, declarations, and appeals.³² But it has not yet been voiced in a relevant document as a separate social concept.

In addition to the above positions expressed by the largest religious communities in Ukraine, both Adventists³³ and some Muslim communities³⁴ have a generalized view of CSR. The existence of a social concept is not obligatory for the church/religious organizations, but it clarifies the principles on which the attitude of a religious organization to the country is based.

³² “10 tez dlya Pravoslavnoyi Tserkvy Ukrayiny,” *RISU*, January 31, 2019, accessed April 19, 2021, https://risu.org.ua/ua/index/all_news/orthodox/ocu/74547.

³³ *Osnovy sotsialnohovchennya Tserkvy khrystyian Adventystiv Somoho Dnya. Istoriya Tserkvy khrystyian Adventyst* (Kyiv: CASD, 2004).

³⁴ Oleksandr SAGAN, “Sotsialna kontsepsiya musulman Ukrayini,” *Ukrayinske relihiyevnavstvo*, no. 84 (2017): 133–44, accessed April 19, 2021, <https://uars.info/prints/ur/84/19.pdf>.

CONCLUSION

The conclusion that can be drawn from the proposed analysis of the current state of SCR and CSR in Ukraine concerns the prospects for the development of relations between State and Church. Realizing that not all problems in this area are clarified, and considering options to resolve them, we note that, in addition to the general requirements, each era specifies, and often imposes new demands on church and state in their mutual relations.³⁵

Our observations and personal survey have demonstrated that **all religious organizations** through the established church–state relations **want**:

- to preach freely and unhinderedly the basics of their doctrine, follow their rites, perform the religious mission of their organization;
- to receive protection of freedom of conscience and religion for every person and religious association from the state;
- to have guarantees to realize the principle of separation of the state from the Church and not to interfere in internal (in fact religious) affairs;
- to conduct a direct dialogue with the authorities on various issues of church and public life, i.e., to have freedom of church–state relations;
- to have the state acknowledge their efforts to serve the good of the people;
- to receive approval and real support in the implementation of the diversity of its social projects from the state;
- to cooperate with the state in the humanitarian and charitable sphere;
- to influence decisions concerning the life of religious organizations (discussion of laws, consultations on administrative decisions, support of socially significant initiatives by the church, etc.);
- to have the Church’s legal status recognized;
- to enjoy recognition of the Church’s right to express its critical remarks on the activities of the government, to point out its mistakes and not to be punished or persecuted for it, to have the right to oppose the state dictates;

³⁵ Liudmyla FYLYPOVYCH, “Pravoslavni tserkvy Ukrayiny u noviy relihiyniy ta sotsialno-politychniy realnosti: nebezpeky ta vyklyky,” *Volynskyy blahovisnyk* 7 (2019): 329–39; Liudmyla FYLYPOVYCH and Vita TYTARENKO, “Problemni aspekty mizhkonfesiynykh ta derzhavnokonfesiynykh vidnosyn u suchasniy suspilno-politychnyy sytuatsiyi v Ukrayini,” *Relihiyna svoboda*, no. 24 (2020): 55–64.

- to be entitled to certain forms of civil disobedience, to have the right not to submit to decisions or demands of the state that are criminal against the Church;
- to have the right to appeal to international institutions if the rights and freedoms of their faithful in their country are violated;
- to have the right to an equal presence in a secure information space without blacklists, harassment, inadmissibility on radio or television, etc.;
- to have the right to participate in moral and spiritual education, especially of young people, in particular through school instruction on spiritual and moral issues;
- to have the state's understanding of the peculiarities of the Church viewed as an institution, rather than an element of public administration;
- to have assistance from the state in overcoming stereotypes about the Church as an institution that is unnecessary and harmful to modern people;
- to have an adequate perception of the Church's sharp criticism of various initiatives of the state in the field of family relations, public morality, offended feelings of believers, attitude to religious monuments, rules of certain religions (blood transfusions, non-consumption of certain foods, ban on work on certain days, etc.).

At the same time, the **state**, in legally approved state–church relations, **expects the Church to:**

- respect the state, its laws, symbols, leaders;
- understand situations in different spheres of life of the country; give assistance in social projects aimed at supporting the needy;
- demonstrate patriotism — love and respect for their country;
- be responsible for the future not only of their faithful, but also of all citizens;
- pastor people;
- be a worthy representative of Ukraine internationally;
- protect the dignity of Ukraine's citizens.

The Church should become an equal partner of the state in society, a worthy subject of SCR and CSR. To do this, there are all the necessary documents, both state and church, which define the basic principles of SCR and CSR and formulate a common goal, which is the public good. To have stability in the country that we know as the Ukrainian World, we need partnership—the only possible model of interaction between the Church and the state in the context of various changes, where the Church should play its important, constructive and stabilizing role.

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THE CULTURE OF STATE–CHURCH AND CHURCH–STATE RELATIONS:
THE UKRAINIAN CASE

S u m m a r y

The article is devoted to relations between Church and the Ukrainian State and analysis of their current state and prospects of development. The authors analyze some state–church approaches to the relationship between State and Church based on Ukrainian legislation and social concepts of

churches. The main task of a modern state is to guarantee freedom of conscience to citizens and provide conditions for free functioning of religious organizations. Church also assumes certain responsibilities to the state and society. The article provides an overview of the attitude of the Catholic, Greek Catholic and Orthodox Churches to power. Referring to the practice of state-church relations and church-state relations in Ukraine, the authors deduce that the subjects of these relations do not yet demonstrate the appropriate level of culture of this relationship, and do not follow the rules of partnership between Church and State. The authors admit a possibility to constructively criticize each other's positions and make mutual demands, contextualizing their interests and needs while forming this culture. At the same time, State should get rid of the remnants of Soviet totalitarian control over the activities of Church, and Church should renounce patronage and servility. For both State and Church, in the sphere of mutual relations, taking into consideration world models of civilized relations between them and referring to their own history of these relations and existing experience of communication with each other, there should be established a high culture of dialogue between State and Church, between secular and spiritual authorities.

Keywords: state; Church; state–Church relations; Church–state relations; partnership; freedom of conscience; law on freedom of conscience.

KULTURA RELACJI PAŃSTWO–KOŚCIÓŁ I KOŚCIÓŁ–PAŃSTWO: PRZYPADEK UKRAINY

S t r e s z c z e n i e

Artykuł poświęcony jest stosunkom między Kościołem a państwem ukraińskim oraz analizie obecnego stanu i perspektyw rozwoju dla tych stosunków. Autorzy analizują niektóre sposoby interpretacji relacji państwo–Kościół w oparciu o ukraińskie ustawodawstwo i społeczne koncepcje kościołów. Głównym zadaniem współczesnego państwa jest zagwarantowanie obywatelom wolności sumienia i zapewnienie warunków do swobodnego funkcjonowania organizacji religijnych. Kościół również przyjmuje na siebie pewne obowiązki wobec państwa i społeczeństwa. W artykule dokonano przeglądu stosunku Kościołów katolickiego, greckokatolickiego i prawosławnego do władzy. Odnosząc się do praktyki stosunków państwo–Kościół i Kościół–państwo na Ukrainie, autorzy wnioskują, że podmioty tych stosunków nie wykazują jeszcze odpowiedniego poziomu kultury w takich relacjach i nie przestrzegają zasad partnerstwa między Kościołem a państwem. Autorzy dopuszczają możliwość konstruktywnej krytyki wzajemnych stanowisk i wysuwania żądań wobec siebie, kontekstualizując swoje interesy i potrzeby przy kształtowaniu tej kultury. Jednocześnie państwo powinno wyzbyć się resztek systemu kontroli działalności Kościoła, który wywodzi się z sowieckiego totalitaryzmu, a Kościół powinien zrezygnować z postawy protekcjonalności i służalczości. W sferze wzajemnych stosunków należy stworzyć wysoką kulturę dialogu między państwem a Kościołem, między władzami świeckimi i duchowymi, uwzględniając światowe wzorce cywilizowanych stosunków pomiędzy tymi sferami, oraz odwołując się do własnej historii tych stosunków i dotychczasowych doświadczeń we wzajemnej komunikacji.

Słowa kluczowe: państwo; Kościół; relacje państwo–Kościół; relacje Kościół–państwo; partnerstwo; wolność sumienia; ustawa o wolności sumienia.