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The Role of Religion in European Integration:

*State-Church Relations and the Formation
of EU Law*

MONOGRAPH

Interregional Academy of Personnel Management

ESS Press · Warsaw · 2026

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Monograph



Warsaw, 2026

UDC 322:061.1EU

DOI: 10.54658/ESS.monograph.2026.pp.1-226

*Recommended for publication by the Academic Council of the
Interregional Academy of Personnel Management*

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**The Role of Religion in European Integration: State-Church
Relations and the Formation of EU Law**

Monograph / H. S. Yermakova. — Warsaw: ESS Press, 2026. — 226 p.

This monograph presents a comprehensive study of the influence of religious doctrine and the Catholic Church on the processes of European interstate integration, the formation of EU law, and the evolution of state-church relations. The work analyses historical church-state interaction, the role of canon law in European legal space, and the implementation of European standards governing secular-ecclesiastical relations. Intended for researchers in constitutional law, European integration studies, and the sociology of religion, as well as for students and practitioners in related disciplines.

ISBN: 978-83-976111-2-2

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INTRODUCTION

Modern European integration processes affect socio-economic and socio-political phenomena, which are both a consequence and, at the same time, an objective result of globalization-driven shifts. The unity of Europe, which has involved not only the establishment of strong economic ties but also the creation of a distinct, unified regional legal framework, currently largely depends on further decisive political actions that should be taken in the common interests of the entire EU. The legal justification and subsequent enshrinement of the principles of equality, unity, cooperation, and the free market at both supranational and national levels marked a necessary evolutionary stage in the socio-economic development of the European continent.

The Catholic Church remains actively involved in the processes of European integration, which is increasingly playing the role of the founder and reformer of the system of civilizational values of European society. The Catholic Church holds that a united Europe is only achievable within a unified system of axiological perception of legal reality. In turn, this can be achieved through the formation of a unified Christian environment with common internal moral imperatives shared by its subjects. The Catholic Church, and especially the papacy, also serves as a social leader of European nations. This role is manifested not only in addressing social risks and resolving issues related to demographic and migration processes, but also in expanding the democratic rights of individuals and citizens, particularly in the spiritual and religious sphere. All of this requires the formation of new models of relations between the secular state and the religious foundation of society – the church. Regulation of the organisational aspects of such a model increasingly requires the development of new legal norms not only in the national legislation of individual states, but also in the EU's single legal system.

The church dominated secular power for a long historical period and for many years determined the foreign policy of most European countries. The role of the church has changed, but the papacy continues its active missionary, educational and socio-political activities. Their activities were initiated by the papacy after the First World War to prevent global conflicts by the forces of revival and to search for a unified European system of values based on the principles of Christian doctrine, taking into account the evolutionary achievements of socio-political thought and the ideals of democracy. The church is also trying to implement a part of religious dogmas and norms in the sphere of regulation of public relations. This leads to constant pressure from the Vatican on the EU's secular authorities and the political elite of many EU member states. The relevance and necessity of such pressure are revealed not only in the need to revise and rethink the path of European integration. It is also evident in the growing tension between the concept of a united

Europe and the challenges posed by the increasing Islamic population in Europe, as well as the rise of fundamentalist, extremist, and Eurosceptic socio-political movements and sentiments.

Therefore, the study of the mechanisms of influence of the religious factor, its role in shaping the axiological dimension of legal consciousness and understanding, as well as the position of the Catholic Church in the processes of reconciliation and development of European unity is extremely relevant and important.

The grade of scientific development of the topic. Certain aspects of the problems of the development of relations between the state and the church, the influence of the religious factor and church law, as well as religious structures themselves on the processes of European integration in the XX-XXI centuries have been reflected in the works of many scholars.

The legal aspects of the evolution of the idea of the European Union have been studied by such domestic and foreign legal scholars as J. A. Almond, J.M. Kembaev, N.S. Cusio, R.A. Petrov, V.V. Poselsky, L.L. Prokopenko, O.M. Rudenko, S.F. Udartsev et al. The legal enshrinement of European integration at the present stage of development is reflected in the studies of such scientists as V.B. Averyanov, V.D. Balakin, G.Z. Bikulova, Yu.A. Borko, A.G. Branitsky, M.L. Bullst Thiele, C. Jordan, M.E. Gorbunova, L.L. Gritsaenko, I.A. Gritsyak, D.I. Dzvinchuk, A.V. Zagorsky, S.A. Karaganov, A.N. Kolodyi, V.V. Kopyka, Yu.A. Lepeshkov, A.N. Medushevsky, T.M. Moshovsky, S.A. Mudrov, K.A. Trichleb, V.E. Chirkiv, I.V. Yakovuk et al.

The study of the influence of the religious factor on the processes of European integration and the place of religious norms in the legal systems of modern European states has become a leading object of research by many scholars in the framework of semi-scientific (philosophical, legal, historical, legal, theological) studies. In particular, special attention should be paid to the work of S.S. Alekseeva, P.B. Afanasyeva, Yu.V. Bondarenko, D.A. Vovka, E.V. Zhosul, E.V. Zhudinova, V.V. Kulakova, E.L. Lvov, G.V. Maltseva, O.V. Manilich, I.V. Mim A.V. Mitrofanova, N.L. Sturmak, A.V. Sherisa, P.L. Yarotskiy and others.

The development of canon law and its influence on the formation of national legal systems have been studied by such scholars as M.Yu. Varyas, S.I. Zhilyuk, O.V. Ischuk., A.V. Kartashev, L.I. Lazor, N.M. Palinchak, A.S. Pavlov, E.N. Salygin, S.S. Slyvka and others.

A comprehensive study covering all aspects of the influence of the church, the religious factor as a separate socio-political phenomenon on the processes of European integration, its legislative consolidation and the formation of a modern model of relations between the state and the church is currently lacking. The goal of study. The purpose of this study is to identify the methods and mechanisms by

which religion influences the processes of interstate integration in Europe in the context of reforming the organizational and legal framework for state-church relations in the EU. The goal of the study is specified through a comprehensive set of interrelated objectives. These include identifying the key characteristics of European interstate integration in the context of globalization; revealing the historical background of the formation of state-church relations within the European integration process; and exploring the moral, ethical, and religious determinants shaping European interstate integration. The study also aims to analyze the current state of regulation of relations between the state and the church within the framework of a unified European legal system and to identify the main problems of interfaith unity in the context of European integration. In addition, it should characterize the principle of religious unity and determine its significance for integration processes. The study examines the system of canon law within the regulatory framework of the EU and explains the role of relations between the state and the church in promoting further intergovernmental integration in Europe. A further objective is to develop a modern conceptual model for the future development of relations between church and state in the EU and to substantiate the objective influence of the EU's multi-confessional composition on the development of democratic rights and freedoms in Europe. This work aims to identify future trends in the evolution of church-state relations in support of European integration and to analyze the mechanisms for implementing European standards governing relations between them.

Subject of the Monograph. This monograph examines the influence of the religious factor and the state of church-state relations on the processes of European interstate integration and the formation of the EU legal system.

Research Methods. The reliability and validity of scientific achievements are ensured by the use of philosophical, general scientific, specific scientific, and special scientific methods of cognition. This study is based on the principles of methodological historicism, objectivity, scientificity, and the unity of theory and practice.

The study of the specified topic was conducted taking into account the principles of religious tolerance and political pluralism.

The dialectical method formed the methodological foundation of this study, enabling analysis of both the patterns and the particular features in the development of state-church relations over a long historical period, as well as determination of the basic principles of interstate integration through the prism of the moral, ethical, and religious values of society.

The logical-historical method was applied extensively to fill the theoretical model of church-state relations with historical content, anchoring conceptual analysis in the concrete realities of institutional and legal development.

A combination of philosophical and general scientific methods including analysis, synthesis, and functional analysis¹ was employed to explore the problems of interfaith unity in the European space and to examine the principle of religious unity and its influence on interstate integration processes. Structural-systemic, formal-logical, and functional methods were used to clarify the role of state-church relations in ensuring European interstate integration.

Special legal methods, notably formal-dogmatic and formal-legal methods in combination with systemic-structural analysis, were employed to identify the features of ecclesiastical law as a distinct religious-legal space in Europe, and to trace the main trends in the development of church-state relations within the context of European integration.

Hermeneutic and comparative law methods were applied to examine the current state of implementation of European standards governing state-church relations.

The empirical basis of the study consists of works by researchers on political history, the church and religious-philosophical doctrine, the history of the European integration process, European law, philosophical and legal studies on the formation of legal consciousness and legal understanding, materials from various archives on the activities of the church, protocol documents, etc.

Original Contribution. This monograph offers, for the first time in the scholarly literature, a comprehensive study of the influence of religious doctrine and the church as a universal social institution on the processes of European integration throughout the entire historical period of Christian Europe development, as well as an analysis of the mechanisms for organisational and legal support of state-church relations within the EU. The principal findings are as follows:

- A concept of multi-confessional unity among EU member states has been developed, based on the principles of legal and socio-cultural tolerance combined with recognition of the pan-European significance of the Christian religion and the influence of the Catholic Church on the processes of socio-political integration within the EU.

The place of the religious factor in the processes of organizational and legal support for state-church relations in the EU is analyzed. An analysis of the current state of development of church-state relations indicates not only the growth of the Vatican's political activity, but also the transformation of the EU's socio-political elite with regard to the importance of the Catholic Church for European society, including, but not limited to, financial, economic, social, and humanitarian processes. The interaction of the state and the church monopolizes the influence and spread of Christianity as the leading fundamental spiritual space of Europe. This allows contemporary religious doctrines to be extrapolated to the space of moral,

ethical, and axiological ideas about the imperatives of civilizational development in a united Europe.

- A concept of integration based on resolving issues of interfaith unity and interpreting them in the context of pluralism and religious tolerance, and in light of the dominance of democratic and liberal ideals, is proposed. The church must adapt to the needs of modernity and, in solving the problem of multi-confessionalism, attempt to incorporate the ideals of unity into its vision of world order. In this context, it has been proven that it is precisely the ecumenical movement that can significantly increase the Church's influence on the processes of European integration, transforming it from a purely moral and ethical arbiter into a conduit and embodiment of the idea of a common united Europe.

The political subjectivity of the Catholic Church in the process of European integration has been proven.

In particular, this is justified by the analysis of constitutional and legislative processes within the EU. The influence of various popes and various religious leaders was decisive in the formation of a number of pan-European acts, in particular the Charter of Fundamental Rights of the European Union.

The following have been improved:

Certain aspects of the conceptual understanding of the mechanisms of influence of religion and the church on the formation of the legal system of European states. This monograph concludes that religious dogmas, which at the beginning of the formation of the Christian religion became generally accepted norms for regulating social relations, in the process of the evolution of the state and law, shifted from an imperative to a dispositive plan, becoming merely a moral and ethical framework of axiological guidelines for the construction of the legal system in various EU states.

Theoretical justification for the evolution of the consolidation in legislation and practical implementation of the idea of a united Europe in the process of state building. The idea of European unity developed in the philosophical and legal concepts of secular scholars, deviating from the religious dogma of the church's supremacy over secular power and its broad influence on socio-political processes in Europe during the Middle Ages and the Renaissance. This idea was later embodied in the state policies of many European nation states. This was of practical importance in terms of the need to protect Europe from invasion by the Muslim world. As a result, the idea of a united Europe was put into practice, moving from the theoretical level to state-building, and attempts were made to create a pan-European supranational representative body.

Conceptualization of models for the legal regulation of relations between the state and the church in Europe, with a particular focus on the problems of religious minorities, various congregations, and different denominations.

The symbiosis of various religious doctrines and philosophical views on the origin of the state and law will allow for the harmonization of issues related to human rights and freedoms. Religious freedom is not the result of dialogue between the church and society, but rather a consequence of the Catholic Church's loss of authority. Therefore, it is precisely multi-idealism, based on multi-confessionalism, that will allow it to develop more progressively and integrate into socio-political processes.

A model for institutional consolidation of mechanisms governing state-church relations in the practical implementation of the democratic rights and freedoms of EU citizens in the religious and spiritual sphere.

The standards of church-state relations of the EU demonstrate the necessity and expediency of continuing the dialogue between secular and ecclesiastical authorities in order to create mechanisms to counter social risks and threats. It has been proven that further EU integration is only possible if the security situation in Europe remains stable, which has led to the conclusion that new ways of implementing religious freedom must be sought.

The perception of canon law as a unified religious space in Europe, which was formed under the pressure of Christian religious doctrines and church dogmas through the prism of the practical implementation of modernizing the interpretation of sacred texts. Canon law is a structured set of rules governing internal church relations and the external manifestation of the preaching activity of the Catholic Church.

The study was further developed in the following directions:

A study of the historical preconditions for EU integration at the turn of the 20th and 21st centuries under the influence of the church. An examination of the influence of the papacy and individual representatives of the clergy through the prism of the need to preserve the ethno-national identity and monolithism of the European Union demonstrates the need to rethink and reassess the role of the Church in the processes of EU integration. This reassessment mainly concerns the driving forces behind integration and their contemporary interpretation. It will broaden the potential range of tools available for stabilizing the EU's socio-economic and security environment in subsequent stages of enlargement.

Study of the legal nature of European integration and its evolution. Analyzing the historical and legal foundations of the development of intra-European integration processes, it was concluded that the evolution of the idea of unity among European states underwent the following paradigm shifts.

The unification of European states on the basis of Christian doctrine and the leading influence of the church on the domestic and foreign policies of secular states → the development of interstate relations on the basis of a common system of values of foreign policy of states, the cultural, mental, ethical community of European

societies → the development of integration processes based on the convergence of national states with the disclosure of internal socio-economic systems and the formation of a single legal field for regulating social relations, based on the unity of the value, moral and ethical dimension of legal consciousness that has developed under the influence of Christian doctrine.

Ideas for developing church-state relations in the context of ensuring the stability of integration processes in the EU. Further integration requires the continued convergence of the intra-European legal system with the national legal systems of member states, and the unification of standards for state legal regulation of socio-political and socio-economic relations.

These processes are occurring simultaneously with the expansion of the EU, which provides for the inclusion of new members on the basis of a single system of pan-European values formed on the basis of Christian ones. The latter provides for the monopolizing position of the Catholic Church and its influence within the EU, the search for mechanisms to limit the negative impact of a non-Christian worldview.

The theocratic origin concept of the idea of European political and legal integration. Thus, the analysis of the modern political concept of European interstate integration has demonstrated the heterogeneity of the ideological perception by the leaders of modern Europe of the future development path of the EU. The influence of factors of various meanings made it possible to establish the existence of both evolutionary and degradation theories in the development of the EU. In this context, the new content of the missionary, ideological, philosophical functions of the Catholic Church, as well as the function of creating a new system of values of social development, is revealed.

Scholarly Significance. The findings of this monograph contribute to research on the influence of the religious factor on the formation of a unified European legal system and the processes of European integration. The analysis presented here encourages further rethinking of the role of the Catholic Church and the Christian religion in the formation of a united Europe.

The theoretical conclusions and scholarly generalisations advanced in this monograph may inform courses on comparative constitutional law, the history of European integration, and the legal regulation of state-church relations, as well as provide material for further monographic research in these fields.

CHAPTER 1.
THEORETICAL AND METHODOLOGICAL ASPECTS OF
FORMATION OF STATE-CHURCH RELATIONS IN THE
PROCESSES OF EUROPEAN INTERSTATE
INTEGRATION

1.1. GENERAL CHARACTERISTICS OF EUROPEAN INTERSTATE INTEGRATION IN THE CONTEXT OF GLOBALIZATION PROCESSES

Modern processes of European integration and the level of European integration, as well as the degree of development of the historical and legal continuum of the EU, provide reason to suggest that this union is at a stage where it must choose a model for its future existence. The challenges of globalization and trends in economic, social, public, and political processes all necessitate further transformation of relations between states within the EU, improvement of the political decision-making mechanism, and risk distribution. In this context, the very definition of «integration» acquires new meaning and requires rethinking in light of the changing political context of its application.

As Yu. A. Voloshin noted, scientific research often uses the term «integration of states», understood as the process of their unification. It should be noted that Soviet and contemporary legal science has developed many approaches to defining the essence of interstate integration. In Soviet science, there was a significant divergence of opinions regarding the concept of «integration». A corresponding diversity of views takes place in modern domestic studies of the phenomenon of interstate integration. Y.V. Movchan and T.N. Neshatayev adhere to the position that integration is a special form of cooperation between states (Rabinovych, 2010; Berman, 1983, p. 77–78). At the same time, the nature of specific legal ties that determine the legal status of countries that are in the process of integration allows some scientists to conclude that this is a relatively new, separate model of interaction between states, which has evolved significantly in the process of their cooperation (Orzhekhovska, 2004, p. 120).

V.E. Seleznev noted that, «despite the lack of unity among scientists to determine the essence of the integration period, all scientists without exception agree that integration is a consequence and stage of evolution. In the context of socio-political entities, which are essentially states, integration represents a period of state development when the state is unable to meet the needs of its own population or economic agents because it lacks the necessary tools and mechanisms for regulating social processes that would ensure sustainable development (Strutinskyi, 2008, p. 168-170). A. Etzioni believed that the concept of «integration» includes a number of necessary and essential characteristics that are not typical of cooperation, namely: 1) the existence of effective control over the use of coercive measures; 2) the existence of a single center that is responsible for making and implementing decisions; 3) the existence of a dominant center of

political unity for the majority of the politically active population (European, 2013, p. 4)».

The processes of integration into the EU have their own historical identity and uniqueness, and are more civilizational than socio-evolutionary in nature, i.e., they are a conscious choice of an alternative to the further existence of European civilization as an integrative unity. An example of the fact that such processes are not natural, but rather a form of political union, artificial and in some cases bringing different benefits to all parties, is Brexit. When the interests of a more self-identical British nation began to be infringed upon by the common interests of the EU, the British voted to leave the EU. The fact of their integration, like that of many other states, was also explained by their national interests, with each country consciously choosing to work together to solve the economic and social problems inherent in post-war Europe.

As noted by A.I. Moky, T.P. Yakhno, I.G. Babec, any integration occurs according to a number of conditions, the main ones being the following (Nesprava, 2010, p. 202):

- the need to quickly resolve social and demographic problems or overcome social crises with the limited resources of a single entity;
- there is a need to rapidly raise the standard of living of the population, provided that there is cooperation in the area of economic opportunities;
- there are external threats that are identical or common to several organizations;
- the initial conditions for integration fit within the framework of the legal understanding, worldview perception, and axiological assessment of the subjects participating in the integration processes.

In fact, integration means delegating or transferring some powers from the state to a supranational level, the level of an integration association, whose governing institutions, formed from representatives of such an association, are given certain opportunities to exert regulatory influence on all participants. Moreover, such delegation takes place on a contractual basis, but such an agreement is global in nature and is multilateral. It is interesting that it is by the example of such an agreement, which has a completely material form, that we can study the mechanism of action of a social agreement at the national, state level.

The concept of «European economic integration» scientific discourse in the late 40s - early 50s. XX century. When it was applied to the process of forming supranational economic communities in Europe, the American administrator of the «Marshall Plan» P. Hoffman. During the same period, the first fundamental studies on this issue were conducted, including works by J. Tinbergen, V. Repke, A. Marshall, G. Johnson, containing both theoretical «future» developments and an

analysis of the integration practice of the European Economic community (Shturmak, 2009, p. 6-7; Etzioni, 1965).

With regard to the current status and stage of integration into the EU, it should be noted that two political processes are underway in Europe which, at first glance, appear to be moving in opposite directions: integration and the gradual transformation of the European Union into a federal state, on the one hand, and ethnic separatism in virtually all European countries, on the other. The problem of ethnic separatism should not be ignored, especially since it cannot be overcome by force within the framework of a constitutional state. The experience of the USSR shows that it is impossible to oppose ethnic identification to another principle, such as geographical, corporate, political, religious, etc., since these are different phenomena (Eide, 2000, p. 45). The modern European Union is the result of more than 60 years of integration efforts in Europe. It is based on the European Communities, which were established in the 1950s. Historical, cultural, social, economic, and political factors contributed to the emergence of communities in Europe. These factors were closely linked to World War II and the situation that arose after its end.

The European Union faces a choice: either repeat the mistake of the USSR and the US, or find another way to successfully continue integration and overcome ethnic separatism and political uncertainty. For fifteen centuries, Europe continued its attempts to recreate the Roman Empire. The main idea behind such a union is to reunite Europeans under the control of common institutions.

Throughout European history the Catholic Church has been the guardian and interpreter of the achievements of the Roman Empire for many generations. It acquired supranational status and sought to become supranational in nature, as a result of which, in conditions of social upheaval, it more effectively than other institutions of society fulfilled the role of the core of the newly created society, acting as a cementing factor of European civilization (Kastyuk, 2014, p. 21). During the Middle Ages, the Renaissance, and the Enlightenment, Europeans were forced to defend their particular way of life. In this process of confrontation, the population of Europe developed the most general theoretical conception of themselves as Europeans. However, Europeans prefer to identify themselves as Germans, French, Swedes, etc. Such identification appeared in the 19th century with the formation of the first «nation states». The adoption of such a «narrow-nationalist» identification basis leads to the conclusion that political harmonization is possible not within the framework of «Europe», but within the framework of its components, which are national states. Thus, each nation state has absolute sovereignty, including in the area of lawmaking within its territory. This approach does not provide for the creation of any supranational center. The creation of such a category as «international law» only confirms the above conclusion (Horetsky, 2016, p. 171-

172). Considering the history of the formation of independent states on the European continent, we note that the twentieth century became a platform for the emergence of a large number of sovereign countries, including in connection with the collapse of Yugoslavia and the Soviet Union. In the process of integrating European countries into a single entity (in this case, the EU), the emergence of new nation states provoked a reaction from the EU's political leadership and EU members, as they viewed the expansion of the Union as an increase in opportunities for their own states, which they represented in the EU's political bodies.

This expansion enabled new members and new countries to join the existing integration structure. These countries also had to make the right changes to bring in EU rules and standards that regulate internal social, economic, and political processes. At the same time, it is important that the new countries demanded the unification of legal systems among themselves and between themselves and the EU countries, which was only possible with the development of generally acceptable norms. In this context, the concept of J. Wiener, called «The Empire of Law,» deserves special attention. It should be noted that integration into the EU is only possible if there is a uniform socio-political continuum, which can be created with uniform legal norms. This situation is typical of the modern EU, and the «Empire of Law» phenomenon has practical expression in the EU legal system. (Holenbach, 2000, p. 165-167).

In this context, the signing of the Maastricht Treaty on 02/07/1992 the Treaty on the European Union defined the «three pillars» of the European Union. The «first pillar» formed the basis of the organizational and economic mechanism of self-organization through the European Communities (the European Economic Community, Euroatom, and the European Community), the «second pillar» established a common foreign and security policy (CFSP), and the «third pillar» provided for cooperation in the fields of justice and internal affairs. The course on the formation of a single domestic market (fourth level) and the transition to the implementation of the idea of an economic and monetary union (fifth level of economic integration) (Bohachev, 2017, p. 83–84). The adoption of this treaty marked the creation of new socio-political borders and the framework of the European environment, the socio-political phenomenon of «Europe», countries are returning to this traditional European environment.

This means that the former European socialist countries did not actually leave Europe as a civilizational entity. At the same time, according to the Polish philosopher V. Kaute, «the situation is not so obvious, and «returning» to Europe is not so simple. Returning to Europe means actually using and implementing the standards of the Western European cultural tradition, which is associated with humanism, human rights, rejection of all forms of totalitarianism, recognition of the sovereign rights of every nation, the laws of a market economy. It should be noted

that not all researchers agree with the need to include the countries of Central and Eastern Europe in the process of European integration. They often mention the need for a «third way» with regard to these countries».

Moreover, as the Polish historian Kaute noted, the «first path» refers to Western European liberalism, which does not take root on central-eastern soil, does not accept unlimited personal freedom, an unregulated market, the commercialization of the totality of public life, and individualism. We attribute the features of the integration model of the countries of Central-Eastern Europe» (Reutov, 2008, p. 17-18):

- the political and economic relations between Western and Eastern Europe have been developing since 1989, not from scratch, but on the basis of a long history, even under the bloc system;

- each country in Central and Eastern Europe has chosen its own path in terms of democratic market reforms, with an earlier start to reforms not guaranteeing their successful implementation in the future;

- each major Western European country has formed its own position on the issue of accepting Central and Eastern European countries into the EU, with Germany showing the greatest interest in the expansion of the European Union;

- the transition of Central-Eastern Europe to the EU occurred in parallel with the participation of the countries of Central-Eastern Europe in regional blocs and associations with the countries of Western Europe, which ensured further milder integration into the EU;

- the success of economic reforms in Central and Eastern European countries has become a decisive factor in their investment attractiveness;

- in terms of many economic indicators, the countries of Central and Eastern Europe did not meet EU standards at the time of accession: enlargement was political rather than economic.

This leads us to a number of conclusions:

- firstly, the political concept of integration processes in Europe has changed over the long historical period of integration itself;

- secondly, this concept has changed depending on the countries that have integrated into the EU.

Therefore, it seems logical to analyze the main theoretical models for the introduction of integration within the framework of the idea of creating a united Europe in the aspect of the political component of such integration.

The theoretical approach to European political integration known as federalism, which emerged in the 1950s and was based on the idea of shared historical, economic, and political interests among states, undoubtedly attracts attention. The main representatives of federalism are A. Spinelli, S. Pistone, C. Weier and others. They note the emergence of a special (federal) institutional

structure, which determines both the nature of the relationship between integrating units, and the distribution of powers between them and the emerging «single center». The criterion for integration was the existence of a decision-making center. Institutional transformations, distribution of powers, transparent and open legal mechanisms were analyzed (Strilchuk, 2009). Another important theoretical approach to the organization of the political continuum of European integration processes is functionalism. Functionalism is a classical theory of regional integration, which believes that the general need for technocratic management of economic and social policies leads to the formation of international organizations. These organizations help with material well-being and, as a result, strengthen the rule of law, overcome ideological opposition to the creation of powerful international organizations, which in their long-term evolution seem to be moving toward international government (government). According to this approach, integration dynamics leads to the emergence of functional organizations that have certain powers granted to them directly by the states themselves (Orokhovska, 2006, p. 291).

Another, more progressive idea is the idea of neofunctionalism, which was theoretically worked out and structured by such scientists as E. Haas, L. Lindberg, A. Etzioni. According to this approach, the evolution of the state and public unions takes place in a way that objectifies the need for centralization of power. The creation of a single center of decision-making (regulation) determines the creation of a single center of responsibility for observing those regulators that were adopted with the aim of streamlining social processes. Further development and evolution of states and society determine the need to expand the powers and capabilities of such a center to influence the processes of social development. The processes subordinate to such a center are expanding, just as the social object of regulation is increasing. This refers to the unification of societies, and therefore states, into a single supranational entity, the goal of which is to achieve an even higher level of prosperity in its evolutionary development by combining public goods. In this process, member states and their governments play a rather passive role.

This approach by non-functionalists challenged traditional international relations theory, the power of state policy was replaced by the policy of supranational consensus. The «communitarian method» of R. Schumann and J. Monet was applied. Cross-border integration (transfer) is an important process in managing integration. It is expected that deeper integration in one sector will create pressure for further economic integration within and beyond that sector, leading to functional needs for European authorities (Strilchuk, 2009).

The concept of an «international state» by American researcher of international relations James Kaporaso is examined by the European Union in the light of three conventional types of state, namely, the Westphalian, regulatory and

postmodern. In this sense, as noted by D. Kaporaso, the modern EU combines the characteristic features of all three types of states, while not acquiring the absolute form of any particular of them. In particular, comparing the EU with the conditional type of Westphalian state, Kaporaso notes their commonality in an effort to maintain their own monopoly on coercive means or to ensure their absolute power. The regulatory nature of the EU is also shown by its ability to control and manage different economic areas, which, besides their internal dimension, are also subjects of international relations in Europe (Archdiocese, 2016, p. 44–45).

In this regard, I.V. Yakovyuk noted that there are certain risks for EU member states in terms of losing their national identity and a certain degree of sovereignty. The transfer of sovereign rights from the national to the supranational level occurs upon entry into the EU, since the presence of common governing bodies implies the adoption by the EU members of obligations to implement their decisions. Therefore, the state is completely justified and predictably getting rid of part of its powers, delegating them to the supranational level. In the case of the EU and the heterogeneity of the Union in terms of the economic viability of its member states, a situation arises in which some countries, the most capable and economically powerful, attempt to lobby for their interests, with decisions being taken by the EU's governing bodies largely in their interests (Cruz, 2003, p. 32–33).

Formally, the EU bodies, as in any other integration entity, are called upon to develop a common policy, but such a policy cannot a priori comply with the interests of all members of the union. The general policy provides for the possibility of finding a compromise that would, to one degree or another, satisfy the needs of the entire integration education. In other words, the decision-making mechanism and its legal embodiment in the EU legal system meet the needs of the EU as a whole. Although, the availability of tools and opportunities to influence such decisions of the most capable countries of the Union sometimes makes such a mechanism ineffective, it discredits the EU policy itself. The latter is clearly seen in the context of the EU crisis, which was embodied even in the procedure for withdrawing from the Union of Great Britain, which does not agree with the EU policy on issues of principle to itself.

The creation of supranational authorities is an objective necessity in the context of regulating relations within integration education, as well as the positioning and existence of such an education in the global architectonics of the world order. The economic nature of the integration of European states in the early stages of unification signified the ability to coordinate, and sometimes imperatively manage, general economic processes. In fact, supranationality as a sign of integration education in general and the EU in particular is the necessary factor that determines the possibility, expediency, and most importantly, the effectiveness of creating joint governing bodies. Their effectiveness does not depend on the mono-

or multinationality of education itself, but only on those instruments and management mechanisms that are used by such institutions.

The fundamental difference between European integration, which is directly determined by the previous sign, is the practice of delegating by Member States to EU institutions the right to exercise certain sovereign rights and a wide range of powers. This feature logically follows from the supranational nature of the Union, and from this point of view they should be recognized as interdependent. It should be noted that in the world there is no other integration association in the world that can be compared to the European Union in terms of the degree to which this feature is implemented (Etzioni, 1965).

From the EU's point of view, all legal instruments that have been duly enshrined in the EU legal system are as effective as the existence of the Union is justified and reasonable. This means that if the EU's development follows a predefined strategy and is tactically focused on implementing agreements, which is fundamental to the very existence of the EU, it's only logical that the effectiveness of supranational governments will be lower if the EU's development takes on multiple directions due to the existence of several decision-making centers. These conditions destabilize the economic base that underpins the Union and its political superstructure in the form of the EU's governing bodies.

The most progressive and currently suitable for the European integration processes is the institutional approach, which explores the issue of the formation of a new system, its structure, integrative properties, elements and their interaction. This new system is defined as «united Europe». This approach attaches importance to the law, its role and impact on the process of European integration. New aspects of the integration process are considered, such as determining the characteristics of interstate interaction at the formal and informal levels, the decision-making process, and analysis of the results of institutionalization. It is believed that the interaction of legal, political and economic systems stimulates the development of the integration process, determines its direction (Trach, 2012).

«Supranational» bodies established under international law may be dissolved by participating States. As a result, even «supranational» organizations such as the European Union may find themselves isolated, as they are not «states» in the full sense of the word. The states that are part of the EU and similar entities remain the real center of integration, while the EU remains a subsidiary structure in relation to its member states, which excludes the existence of independent powers that limit state sovereignty. The adoption of the criterion of «European identity» as the basis, which has yet to be theoretically substantiated and practically formulated, allows overcoming the limitations of national sovereignty. In this system, the EU is a «supranational» body with its own sovereignty, which does not derive from the sovereignty of its member states. The peoples of Europe are becoming the source

of sovereignty. Accordingly, theoretical constructs have practical consequences on which the success of European integration depends. In the first case, political integration is limited by state sovereignty, this entails an economic recession, which has the premise that the European Union is not an optimal currency zone, and the migration of labor and capital is limited by national borders.

However, N.E. Gorbunova pointed out that integration does not necessarily have positive consequences and is determined by permanent advantages. The researcher believes that integration, in addition to the factor of cooperation, can have another side, that is, the development of a united Europe can occur destructively. The researcher calls this model the political collapse of integration. The foundations of the collapse of the integration process, caused by neglect of the importance of developing a European identity, are as follows (Horetsky, 2016, p. 182–183):

European identity is designed to dialectically solve the problem of ethnic separatism. Thus, the erosion of the foundations of identity will nullify this process and reinforce separatism, nationalism, and anti-integration sentiments in the states that founded the EU and continue to bear the main economic burden of integration;

- the phenomenon of European identity is objective and has certain historical boundaries that cannot be arbitrarily expanded by creating supranational governing bodies and forming a unified political environment;

- Ethnic separatism in most European countries clearly demonstrates the inadequacy of the «state» approach and the forcible replacement of existing ethnic dominants by a single artificially created European identity. European identity must be based on other conditions. Awareness of oneself as part of the state turns an ethnos into a necessary basis for the formation of political consciousness and the voluntary acceptance and fulfillment by a citizen of his duties to the government and the state. It is very doubtful that a person who does not identify with this state and ethnic group will be loyal to them.

This point of view should be categorically refuted, since the European idea of integration arose and developed in historical conditions when Europeans considered themselves to be the only civilized world and, as they developed, dominated the entire world. Catholicism created a unique basis for the formation of the moral and ethical imperative and self-consciousness of European nations, demonstrating their missionary function, highlighting the need to develop new territories for the «salvation» of those who do not know the «only God». Therefore, the identity of Europeans is not in doubt, and the problems of ethnic groups and ethnic separatism do not mean stopping integration, since any ethnic group can be a part of the European Union without denying the obligation to form its own statehood.

European integration in our days is a large-scale process that affect and involve in their implementation the national, supranational, intergovernmental, regional and local levels of government, mobilize inter-institutional and interpersonal relations. Successful implementation of integration measures requires a special form of governance, special mechanisms, and tools; the participants and actors in the processes of European integration are regional and local authorities, territorial communities, enterprises, universities, etc. Complex and multi-level European governance system has been established and is functioning to achieve the goals of the European Union, and it is constantly being improved (Efymenko, 2013, p. 83–84). The formation and development of European integration is evidence of the application of an evolutionary approach to the construction of the European Union on the principles of respect for human rights and fundamental freedoms, freedom, democracy and the rule of law (Kastyuk, 2014, p. 56).

In the context of globalization and diverse regional and global integration, the strengthening of multifaceted international relations, the evolution of the doctrine of sovereignty continues. In this regard, we can hypothesize that as the state reveals its nature in the course of historical development and the formation of higher levels of statehood, a certain differentiation and hierarchization of elements of sovereignty takes place. Those aspects of it that constitute the protection of the emergence of supranational state structures only by national states, in the face of the emergence of higher levels of statehood, to which they relate and gravitate to a greater degree, can be attributed to supranational state entities by the will of the participating states. This trend is reflected in the constitutions of several European countries. Thus, the nature of supranational levels of statehood is historically revealed, which, as it develops, acquires certain elements of sovereignty relative to a vast territory and space in relation to their common functions. At the same time, national states retain sovereignty in the areas and issues most significant for their independence and development (Solovyov, 2012).

This leads to the conclusion that the political plan for European integration includes a number of components that have been shaped by the historical development of individual European states and nations within a single cultural, mental, historical, and civilizational space. This allowed us to come to a quick understanding of the organization processes of the political component of integration. Europe has stopped to be a «set of states», gradually turning into a capable integration entity, which can be described as a «joint confederation». In the understanding of legal science, the EU has not yet developed towards a confederation, however currently it is on that segment of historical development when a further choice is necessary but not obvious, which causes a huge number of negative responses regarding the idea of European unity and its future.

The occurrence of new EU integration trends is due to the influence of two factors: existing theories do not fully cover all integration interactions; at the end of the XX - beginning of the XXI century. The range of international acts has expanded significantly, the degree of their interaction and interdependence. Institutionalism emphasizes the importance of both institutions and the mechanisms of their operation: decision-making procedures, the specifics of interstate interaction at the formal and informal levels, and also takes into account the role of legal norms in integration processes (Horky, 2013, p. 57-58).

The core of the system of ideas (theory) of European unity has always been closely connected with more applied, flexible and variable diverse concepts, the purpose of which was to find and provide an acceptable form of realization of the main theory-forming idea. How important and unchanging this idea is, the secondary, complementary and changing are its auxiliary parts, which provide for the search and creation of a form for implementing the idea. From the point of view of implementing the main idea in various conditions, both components of the theory are equally important. At the same time, given the stability of the main idea of the theory of European unity, its existence over a long historical period of time, it turns out, has an unconditional priority and primacy of origin and significance with respect to the variable applied part of the theory (Solovyov, 2012).

In the European Union, there is a form of government in which the distribution of power not only occurs according to the original scheme on the basis of the principle of separation of powers, but also constantly develops. The founders of the European Communities initially planned to give preference to an institutional system that could reflect the composition of the Member States in the legislative body (elected assembly), in the executive body (which would reflect the balance of power within this assembly) and in the judiciary (which would consider all disputes over application of European Community law); all institutions of the European Communities should be independent of the national authorities of the Member States and located in one place on the territory of the European Communities (Efymenko, 2013, p. 372–373).

As for the mechanism of distribution of power in the EU as an integration entity, it should be noted that its specificity lies in supranationalism. Therefore, within the EU, the legislative and executive bodies - the European Commission, the Council of Ministers, the European Parliament, simultaneously embody different branches of government and at the same time combine the functions of law-making and law enforcement. Moreover, sometimes legal acts of various institutions have the same legal force. The European Court and its decisions, which in fact have the force of precedent, have this even more unique legal position, despite the fact that the foundations of the Romano-Germanic, continental legal model reign supremely formally in the EU. All these specific features of the mechanism of separation of

powers in the EU are not artificial, but were formed exclusively in the evolutionary way, in the process of interaction of supranational governing institutions of the EU. And in this lies an even more unique phenomenon - the evolution of the legal nature of the EU as not only an economic union, but as a political entity that has a high level of organic mobility and a high degree of legal determination, which, when combined, turn the EU and its governing institutions into a powerful regulator of social economic and socio-political processes.

An important step towards the creation of the institutional component of the EU was the signing of the Reform Treaty (the official name is the Lisbon Treaty on Amending the Treaty on the European Union and the Treaty on the Establishment of the European Union), signed on December 13, 2007, which replaced the draft European Constitution. It is complementary and clarifying to already existing basic legal acts of the EU. This is its essential difference from the Constitution, which was supposed to replace the previous constituent European agreements. Thus, the status of the document was changed not by the Basic Law, but by an intergovernmental agreement. It should be noted that, unlike the Constitution, the principle of the rule of law of the EU, long recognized by the theory and practice of the functioning of the EU, is missing in the text of the Lisbon Treaty. In addition, the Lisbon Treaty, formally preserving the principle of institutional balance between supranational and intergovernmental elements, shifts the center of influence towards intergovernmental institutions: the European Council and the Council of Ministers (Kastyuk, 2014, p. 90).

Institutionalization within the EU is only possible if there is an adequate level of institutional support for the political course and integration processes in each individual country. The EU structures do not replace the state structures of the member states; moreover, the EU structures do not integrate into the political space of the member states, the opposite process takes place: the state integrates its institutional, organizational and political components into the pan-European space. That is why the initial question is the efficiency and effectiveness of domestic mechanisms for organizing the political process, the ability not only to function autonomously, but also to be guided by the pan-European model, acting as a conductor of EU policy at the national level.

In this context, the point of view of R.A. Petrova, that effective public administration implies the ability of the state to provide administrative services and ensure its economic growth and competitiveness. Public administration also plays a fundamental role in the process of European integration, as it should be one of the reform engines necessary to achieve compliance with the Copenhagen and Madrid criteria for EU membership. Public administration reform is one of the most important horizontal reforms, as it is the basis for the implementation of effective sectoral and sectoral policies and serves as a reliable basis for the implementation

of EU law. The Copenhagen criteria in general outline the requirements for the candidate countries and are divided into three groups: economic, political and «membership». A clear concretization of what exactly includes each of the criteria in a consolidated form does not contain EU documents (Senyuk, 2009, p. 272).

An analysis of the requirements for candidate countries allows us to gain an idea of the main components of each group of criterions.

From opinion of building and principles of public administration interesting is the first (political) group of criteria. In general, the third group of criteria, the so-called «membership», will be influenced by the public administration system recognition, adaptation and practical application of the EU *acquis* (law), that is, the totality of legal documents developed by the EU. The fulfillment of «membership» criteria is a key aspect of preparing for membership in the European Union. It requires not only the inclusion of EU law in national legislation, but also the ensuring of its effective application with the help of appropriately prepared administrative and judicial structures (Maksymenko, 2009, p. 310).

Thus, the integration of government administration mechanisms of varying degrees and quality into a single entity, such as the EU, requires certain general rules, a unified streamlining of the political and, most important, institutional component.

The institutional system of the European Union, developed with these considerations and, at the same time, as far as possible, the constitutional systems of the member states, has acquired such features as a combination of functions, a polycentric structure, distributed loyalty, and the distribution of powers. The combination of functions means that at least the three most important institutions of the EU - the Commission, the Council and the European Parliament - are endowed with functions of a different nature that cannot be well adapted to the traditional distinction between legislative, executive, judicial and supervisory agencies. For example, the Commission is traditionally regarded as the executive body of the Community, in some cases it combines all these four functions. The Council of Ministers of the EU, in addition to the legislative function, also carries out the functions of the executive or supervisory authorities in relation to certain issues. The European Parliament combines the legislative function with the oversight, personnel and outreach (Efymenko, 2013, p. 208).

The difference between the concepts of «body» and «institution» is one of the important issues in the organizational structure of the EU. Most qualified specialists in European law agree that there are bodies and institutions within the EU, and what should be related to each of these concepts. It should be remembered that not all agencies can be institutions and not all institutions perform the functions of bodies within the EU. AND I. Kapustin in his work uses three terms: «institutional system», «institute», «subsidiary organs». «The principles governing

the organization and functioning of the EU institutional system are reflected in the activities of the institutions and auxiliary bodies of the Communities.» N.R. Mukhaev, L.M. Entin, A.A. Fours use the terms «EU institutional system», «organizational and managerial structure of the EU», as well as «bodies» and «institutions»: «It is noteworthy that new institutions and other bodies were not created with the establishment of the European Union», «individual changes that have occurred in the organizational and managerial structure of the European Union, come down to the following...»; «The institutional system is an essential component of the EU mechanism. According to the articles of incorporation, the European Union must have the necessary institutions and resources to carry out its mission»; «Each institution of the Union has its own rules of procedure (internal regulations)» (Stepanenko, 2009, p. 354)»»»»».

As for the direct distinction between the concepts of «EU institution» and «EU body», in our opinion, it consists in the following. There are two approaches to the concept of an EU institution in legal doctrine. According to the first, in the European Union there are two types of organs - the main ones, which are called institutions, and the auxiliary ones. According to the second approach, the term «institution» refers to institutions with the authority to make legally binding decisions, and in other cases the concept of «body» is used. In our opinion, the difference between these two approaches is not fundamental, because both of them agree that the main characteristic of the institute is its ability to make decisions that are binding (State, 2013, p. 198).

L.M. Entin believes that the term «EU institutional system» should be used within the EU. Under the institutional system, he understands the following: «the totality of the EU governing bodies endowed with special status and powers. All the main parameters of this system are described and fixed in the constituent acts. The institutional system in the broad sense of the word also includes other bodies.» M.N. Marchenko believes that the term «institutions» in the law of the European Union refers to the bodies of this organization, which are entrusted with the implementation of its main tasks. The institutes of the European Union simultaneously act as the institutes of each of the European communities: the European Community, the European Coal and Steel Association, the European Atomic Energy Community» (Panchenko, 2013, p. 404).

S.V. Ershov noted the features of the institutional mechanism of the EU. Firstly, it is an integration entity, which means it has the appropriate supranational governing bodies, which are endowed with an appropriate level of authority, some of which are delegated by the EU Member States. The other part of the powers is independent and is provided for by the constituent documents of the EU. Secondly, the EU, deciding certain issues of its own development, makes decisions that are

binding on all member countries, but also makes decisions that must be additionally adopted by all member countries of the Union (Muravyov, 2011, p. 132).

As for the structure of the institutional component, its features should be noted, because, for example, the legislative power is divided between the Council of the EU and the European Parliament, while the legislative initiative belongs to another subject of power - the European Commission. This distribution is extremely important in terms of preventing the concentration of all political power in a single governing body.

Judicial power is vested in the EU Court (Court, Tribunal and specialized courts). Numerous subsidiary bodies function around the EU institutions, two of which are advisory (advisory) - the Social and Economic Committee and the Committee of the Regions. The latter, as a result of the Lisbon reform, has been granted additional powers to strengthen its role in the institutional mechanism of the European Union. This is the right to file a claim with the Court of Justice of the EU «for the purpose of protecting its prerogatives» (Article 263 of the Treaty on the Functioning of the European Union) and in the framework of monitoring compliance with the principle of subsidiarity (State, 2013, p. 200-201). The Court of Justice of the European Union is a supranational body, free from the influence of member countries and the need to take into account their interests. The activity of this body creates a space of legal stability for all EU member states and ensures real compliance with decisions taken by the bodies of the European Community, even if it sometimes has to be done against the will or intentions of the member states. Thanks to this, the Court of the European Union facilitates cooperation between member states, significantly reduces the risk of obtaining unilateral advantages, in particular in connection with the incorrect application of European law (Chernychenko, 2009, p. 184).

The separation of powers as a principle applies to EU bodies because they are all independent of each other, although, as mentioned above, they perform mixed functions. The functioning of the European Union as a large-scale interstate formation is ensured by a huge number of various institutions, which include traditional bodies such as parliament, courts, various institutions and agencies such as Europol, agencies such as the European Environment Agency, observation and information networks and the like. Obviously, it is quite difficult in such a variety of EU institutions to understand the purpose of each of them, to understand the features of their construction and activities, interaction, etc. (Efymenko, 2013, p. 401).

It should be noted that the institutional system of the EU is constructed in such a way as to ensure its integrity and unity, i.e., the bodies recognized as the governing bodies of the European Union are vested with powers. At the same time, such provision does not occur according to the principle of separation of powers,

since in fact there is no single source of state power in the EU due to the absence of a single state center. Another principal reigns in the EU - institutional equilibrium or the balance of the institutional system, which is manifesting in the fact that the construction of supranational governing bodies takes place in such a way as to ensure their equality and equivalence, but at the same time prevent the possibility of concentration of political power in any institution.

In fact, the institutional balance embodies the requirements for the EU, as well as for any integration formation, on the part of its members. This refers to the rationality of management decisions, their pragmatism and utility. That is why it is not always necessary to make decisions in the form of a supranational legislative act. It is advisable to act through the tool of the so-called recommendations that the European Commission or the Council of the EU can issue. If we talk about binding decisions, the EU institutional system is created and operates in such a way as to provide such a solution, and most importantly to the mechanisms that are laid down in it, the maximum level of universality and acceptability by absolutely all EU members. Not only because the supranational bodies of political leadership of the EU have been delegated powers from member states, but also because of the effectiveness of such decisions. This efficiency is realized through the EU legal system, because, acting within the framework of a single legal framework, the EU institutional bodies and government bodies of individual member states pursue and achieve the same interests - ensuring sustainable development and gradual economic growth and growth in the level of welfare. The institutional component of the EU creates the contours and framework for such growth for the entire EU, while the governments of the member states implement the decisions of the EU institutions in the national legal sphere and transform them into appropriate mechanisms at the national level, taking into account the specific characteristics of each country.

1.2. HISTORICAL BACKGROUND OF THE FORMATION OF STATE-CHURCH RELATIONS IN THE CONTEXT OF EUROPEAN INTEGRATION (LATE XX - EARLY XXI CENTURY)

The formation of church-state relations in the context of the integration of European countries in the post-war period is closely connected with the rethinking of the role of the church in the public life of states. During the World War II, the Church, speaking of an integral conglomerate of bishops, generally held humanistic positions, contrasting the world of Nazi aggression. However, the church recognized the possibility of an aggressive solution to socio-political problems, justifying it with ideas of spreading faith and confrontation with more radical religious movements, in particular Islam and Judaism.

In the process of conducting military operations and increasing the rate of aggression by the Third Reich, the Catholic Church, and in particular the Vatican, began to more actively oppose the war. And Pope Pius XII himself, even before the outbreak of hostilities, sought to influence world leaders, including Hitler, in order to prevent a war. He got such freedom of action after back in 1933 he signed the Concordat between the Reich and the Vatican, which provided for the status of the Catholic Church in the Third Reich, giving the Church greater autonomy in internal affairs and certain levers of influence on the social policy of Germany, but only in matters of moral education.

In the encyclical «Summi Pontificatus» dated 10/20/1939, Pius XII expressed his disappointment that the war «still began.» At the same time, since that time, the Vatican has maintained strict neutrality, acting for almost the first time as a full-fledged subject of political processes in international affairs. Pius XII «preached against selfish nationalism through the use of diplomacy, sermon, radio broadcasts, the creation of the Vatican Information Service and worked to reduce the suffering of war victims. He allowed the German clergy to formulate answers to the Nazis and ordered them to provide careful assistance to the Jews» (Thavis, 2013, p. 81). Most researchers note (Central, n.d.; Hilberg, 2003; Welsby, 2006) that the supreme clergy of the Catholic Church in the Third Reich were in a certain state depending on the will of the NSDP, and therefore openly did not oppose Hitler's policies, even supporting certain political actions. At the same time, the clergy of all other levels strongly opposed the National Socialist ideas of the Third Reich.

In 1939, at the initiative of Pius XII, the Vatican became a center for helping victims of the war. At the request of Pius XII, it was in the Vatican that the information center for military personnel and refugees was located, which during

its existence from 1939 to 1947 received almost 10,000,000 information requests and issued more than 11,000,000 responses to people who were declared missing (Phayer, 2002, p. 1032-1033).

This unusual position of the Catholic Church in Europe during World War II became the basis on which cautious ideas about involving the Vatican as a political ally in the idea of a united Europe were later built. The church, on the one hand, was against National Socialism and supported antiwar actions and even countries that opposed the Third Reich. On the other hand, the German clergy acted as a heterogeneous force, and isolated cases of support for Hitler in his aggressive plans created a negative idea about the activities of the entire Catholic Church. For a long time, it was even believed that Pius XII was an ally of the Third Reich because of the existence of the Concordat between the Vatican and Germany. The timing of its conclusion (1933) and the model of relations with the country's political leadership actually marked the emergence of almost the most legitimate model of state-church relations in Europe, which, incidentally, has survived to this day, albeit in a modified form. Thus, at the time of the conclusion of the Concordat between the official Vatican and the political leadership of the Third Reich, a model of relations between the state and the church was created that embodied both a state concept and a political and ideological one:

- The church was proclaimed free from state influence in resolving internally church issues;

- The church was proclaimed free from state influence in resolving internally church issues;

- The state provided ample opportunities for the spread of Catholic education;

- The state expanded the scope of church marriage, equating it with official marriage;

- the state allowed the Catholic clergy to serve in state hospitals, hospitals, prisons, and other institutions where, according to the church, not only physical, but also spiritual education or healing was required, including as medical personnel;

- The church liquidated all political organizations without exception (CDU, CSU ceased to function officially);

- The church officially banned the clergy from joining or promoting political parties (the ban did not apply to the NSDP);

- there is an official dissolution of the Christian Democratic Party of Germany.

Pope Pius XII understood that concluding a concordat was contrary to the traditions of the Vatican, since nationalist ideology was essentially anti-clerical and did not comply with the principles of Christianity. Nevertheless, the concordat was considered as a protective measure on the eve of the upcoming repressions and a lesser evil compared to the times of Kulturkampf (Yarotsky, 2010, p. 339-340),

despite the fact that in the end the Concordat was never fully realized during the Third Reich due to numerous anti-clerical appeals, repressions of priests and pogroms of churches.

Despite the fact that Pope Pius XII prepared the Concordat with his own hands, while still in the dignity of Bishop Pacelli, and signed the Concordat Pope Pius XI, it should be noted that it is Pope Pius XII who is considered to be a preacher of anti-fascist sentiments, and it is his influence on Pope Pius XII helped to avoid confrontation and further repression against the Catholic Church by other states that opposed National Socialism and Italian fascism.

On March 10, 1937, Pius XI published the encyclical «*Mit brennender Sorge*», in which he criticized Nazism, but it is known that this encyclical should have been even more effective, since it included calls for the fight against fascism, which Pius XII subsequently stated in his own the encyclical mentioned above is *Summi Pontificatus* (Wolf et al., 2010, p. 300-301). It is interesting that already in both of these encyclicals there is a call of European states for unification, though only of an allied type, in the fight against fascism, but the idea of building a new common European home has already begun to emerge.

As E. Görgel noted, the position of the Vatican was not taken unambiguously in post-war Europe. In fact, a large number of researchers of the era of Marxism and totalitarianism of the Soviet type focused on the pro-fascist tendencies of the supreme clergy. Their position was limited to the Concordat concluded between the Vatican and the Nazi regime in 1933, and false ideas about the pro-fascist position of the Protestant church. The church was credited with the mood of conformism and manifestations of support for the Nazi regime (Hnatovsky, 2002, p. 402-403).

L.N. Brovko in his studies focuses on the fact that «the model of state-church relations laid down by the concordat was a successful experience, but did not work in practice to the extent that historical prerequisites required» (Conway, 1968, p. 32). This position of the researcher is extremely convenient if we take into account the purpose of the church and its moral and ethical imperatives of activity. However, from the point of view of the coexistence of two types of organizations - the church and the state, one should pay attention to the fact that Concordat created a model of relations, but the mechanisms for their implementation should be processed separately depending on each historical stage.

Domestic historians critically evaluated the activities of Christian churches, especially their leaders, during the Nazi dictatorship in Europe. The main thesis was «... a conspiracy of the church clergy of the highest echelon with Hitler in an effort to strengthen the power of the bourgeoisie in the fight against revolutionary ideas and the negative influence of the clerical leadership policy on the anti-fascist struggle, on the possibility of cooperation with communist regimes. But the lower clergy had a pronounced anti-fascist position and unwillingness to put up with the

regime, while noting the resistance of ordinary clergymen who opposed Nazi crimes» (Conway, 1968, p. 54). However, in our opinion, the position of the clergy within the framework of the Concordat's action should not and cannot be determining or evaluated in terms of effectiveness.

After World War II, Pope Pius XII developed the theme of «a possible European Union, trying to build a Christian-democratic Europe. The basis for catalyzing European interstate integration is largely Catholic social doctrine, which at the same time was based on the principles of democracy and within the framework of which there was an active search for possible institutional forms for union and cooperation based on Christian values. Pope Pius XII, supporting the creation of the European Community, saw this as the historical mission of Christian Europe» (O'Mahony, 2009, p. 190). But Pius XII at the same time clearly noted that the church should be in certain stable relations with the states of the Union, and then turn into an ally of institutional formation, in which the political leadership of a united Europe will be embodied. Pius XII believed that the Vatican as a state should be part of the United Europe, but at the same time remain independent in resolving Church issues, including economic ones. Although it was Pius XII who laid the foundations of the Vatican's political ambitions and its political heritage, turning the Catholic Church into a powerful participant in global processes through encyclical tools and sermons.

The historicism of the church transforms the value system that took shape in European society under the influence of religious dogma and underwent further evolution and correlation during the Enlightenment into a unified axiological dimension, forming guidelines for further normative regulation. Society strives for a single powerful benchmark for development, the ideal of which has long been religion, but the development of science has left its mark on civilization. However, the church was able to adapt to new challenges and emerge as a reformed social institution in a new social formation, the information society.

In relations with the states of post-war Europe, Pius XII tried to speak on an equal footing, while realizing the need for a loyal position of the political leadership of countries in relation to the Catholic Church within these countries. The problem of loyalty and state support of the Catholic Church was especially acute in the countries of Northern Europe, where the positions of reform movements, and in particular Protestantism and Lutheranism, were traditionally powerful.

An important element of church-state relations in post-war Europe was the revival of socio-political organizations and political parties in which the Church took an active part.

One of such organizations should be called Opus Dei, which was created back in 1928 by Josemaria Escriva de Balaguer in the conditions of Franco-Spain. «At that time, Opus Dei revealed a fundamentally new type of order association,

being the first secular organization of the Catholic Church, approved by decree of Pius XII in 1947 (finally approved on June 16, 1950). In addition to the clergy, it also includes the laity who can «find holiness» in worldly everyday affairs, completely fulfilling their professional duties in a particular public sphere».

L.N. Brovko noted that it was «Opus Dei that became the prototype, and later even the opposition of the political form of church activity in the public sphere and public relations with the state. This orientation of the order led to the initial interest of the order in economics, banking, and participation in state authorities (with formally declared apolitism), as well as the special attention that he paid to schools, universities, training centers for managers, and financial experts. It was the technocrats and politicians associated with Opus Dei who played a decisive role in the transformation of the economy and state structures of Spain in the 60–70s after the country's exit from international isolation» (Conway, 1968, p. 62–64). In our opinion, the activities of the Order of Opus Dei demonstrated a new concept of relations between the state and the church:

- the church was inclusively involved in public and political processes through participation in political movements

- the church's public stance was defended by its apolitical nature, but at the same time it was based on humanistic values

- the church has become more active in social processes aimed at supporting socio-economic well-being

- the Church actively promoted the need to introduce the principles of church ethical teaching into all spheres of society without exception;

- the state demanded that the Church refrain from interfering in political life, but allowed it to engage in issues related to education, social assistance, and humanitarian matters.

It can be concluded that although Opus Dei was essentially only a religious order, its official status allowed it to act on behalf of the Church, effectively becoming an organizational entity similar to civil society institutions. Although the order's core values were Christian rather than democratic, it was precisely because of its links with institutions and civil society that the Church's influence on the formation of public morality and consciousness was strengthened.

In fact, the existence of Opus Dei in Spain after World War II marked a new stage in the development of the model of state-church relations, where the main driving force was an agreement between the state and the church on the demarcation of spheres of influence. The state gained control over all spheres of public life except the spiritual, parts of education, moral and ethical education, and internal church matters.

Later, in 1951, when political leaders of the countries of continental Europe assumed responsibility for the post-war state of Europe, Opus Dei offered them a

new format of relations. It was assumed that certain political and socio-economic processes would be led by specialists who were members of the Order. They maintained close relations with the Vatican, as well as with many of its institutions, in particular the banking and financial institutions of the Catholic Church. Thus, Pope Pius XII sought to spread the principles of Christian doctrine in the public life of Europe. However, his attempts did not produce the effect he had hoped for.

Already in the late 1950s - early 1960s. the governments of most countries of Western Europe adopt laws relating to the secularization of socio-political processes. In particular, this refers to reducing the Church's influence on internal processes in the field of education. However, the Church seeks to expand its influence in the field of charity and philanthropy, acting as an active defender of the rights of socially vulnerable groups.

The main problem with the separation of church and state and the reduction of its sphere of influence was that in the 1960s, new European institutions began to be actively introduced, which by 1970 had become the center of political life in the countries of the new Europe.

In this case, it is important to remember the objective economic sources of European integration, given that the political component has already been formed. Its formation is largely determined primarily by Christian values. This can be demonstrated through the lens of the fundamental goals and values that prevailed in the early stages of European integration. These included preventing new armed conflicts, achieving a balance of interests and mutual respect between France and Germany, creating conditions for personal development (including ensuring the right to freedom of religion), and spreading Christian values as the foundation of a new pan-European society. Economic cooperation is only a tool, a means to an end. A similar situation was characteristic in the period of the 1950s, that is, during the formation of the concept of the future united Europe, which allows one to see the presence of religious aspects in the process of its formation (Rymarchuk, 2010, p. 139-141). The place of signing the first treaty on free Europe in Rome in 1957 can be considered symbolic in the formation of a model of church-state relations. The Vatican then managed to make the preamble and the spirit of unification happen, if not under the guidance of the Church, then taking into account Christian values. In the future, this was reflected in the preamble of all unifying acts in EU law, constituent acts of a pan-European nature.

Between 1970 and 1980 Western European states are trying to distance themselves from the influence of the church through political parties and movements that have significantly weakened the influence of Christian doctrine. Already in the late 1980s, a revival and formation of Christian political forces took place: in Germany, the CDU and CSU were revived, political parties with clerical support appeared in Austria and Italy. In Germany, the CDU and CSU form

permanent parliamentary coalitions. This does not expand the relations between the Church and the state, nominally leaving them equidistant from the spheres of traditional influence:

- The church reserves the right to religious and spiritual education;
- The church has a minimal impact on educational processes, although

Sunday Catholic schools are open in almost all countries, but are not required to attend;

- The state provides and guarantees religious human rights;
- the state determines the general principles for the existence of religious organizations, forming an appropriate regulatory field, including within the framework of EU law, which by the end of the 1980s begins its formation;

The state is separated from the solution of internal church issues.

Thus, the model of state-church relations during the formation of the foundations of the EU in the late 1980s. It is reflected solely through the declaration in the legislation of European countries of guarantees of religious rights of a person and a citizen. Europe's political leadership recognizes and affirms the need to develop citizens' rights, and religious rights, thanks to the influence of the Catholic Church through Opus Dei, the papacy, and many local churches that actively participate in charitable activities and restore social stability in Europe, are becoming one of the key focuses of human rights organizations.

Thus, depicting the model of church-state relations in a purely graphical manner, it can be assumed that the state, taking care of the problems of organizing public relations, determines the contours of the Church's social and political activity, limiting it to issues in which the moral and ethical dominant prevails.

Due to the strong influence of religious organizations on the activities of political parties, certain alliances are formed between the political elite and the clergy in some countries. These alliances lead to the promotion of Christian values through the political programs and ideological emphasis of governments formed by the respective political forces.

There are *a priori* parties based primarily on Christian social morality, such as the numerous Christian Democratic Parties (CDU) in modern Europe, or on the basis of any Christian church. An example of this is the Catholic Party in the Netherlands and the Republican People's Movement in France, whose supporters profess exclusively Roman Catholicism, although both of these parties have now merged with others, and in general, at the end of the 20th century there was a tendency for parties based on the principles of one Christian church to decline (Yermolenko, 2010).

When there is no official connection between a religious organization and a political party, it is possible to observe a person's affiliation with both organizations and their mutual influence. In England, the Anglican Church was often called the

«Tory prayer party,» although many people did not belong to it. In the 90s of the twentieth century, it would be more correct to call it the «liberal democrats by prayer» (Bochulynsky, 2014, p. 158).

The actions of Pope John Paul II, who has become so politically active as head of the Vatican that the Catholic Church has become one of the most active and influential participants in the least humane international relations, have had an extraordinary impact on relations between the state and the church.

The Vatican has participated in the Council for Security and Cooperation in Europe, which was later renamed the Organization for Security and Cooperation in Europe, since June 25, 1973.

It was June 25, 1973 that the Council convened by initiative of the USSR and the socialist states of Europe, invites to the participation of the Vatican. Further analyzing the appearance dates of the encyclical John Paul II, E. Soloviev concludes that they coincide with dates of meetings of the CSCE (OSCE). That is the activity of John Paul II in the field of human rights coincided with the stages of the CSCE (OSCE). In documents of John Paul II can be found not only the very vision of rights

person, but also an assessment of the activities of the Soviet states on this issue. It was both approval and dissatisfaction with activity (Shurko, 2010, p. 44). In fact, the head of the Catholic Church gives an assessment of the effectiveness the process of uniting Europe and the realization of human rights and freedoms and citizen. This position of the Vatican testifies to its influence on public political processes in Europe, however, it should be given proper assessment of the personality of the pontiff himself, and then you can see that the political activity of the Catholic Church is the embodiment political activity of the Pope himself.

The influence of the interests of capitalist countries to the Vatican in countering the totalitarian regime of the USSR and countries of the totalitarian camp. In August 1982 between Reagan and John Paul II concluded an agreement on joint actions in Poland in order to destroy the «communist camp». This deal which later came to be called the «holy union», in fact demonstrates the commitment of the Vatican and the Catholic Church as a whole a new world order of a unipolar world order, when the dominant idea of liberal democracy. This deal has become in fact, the starting point for the formation of a new architectonics relations of the Church and the states of Europe.

Most modern researchers focus on domination in communist times in the countries of the Central East Europe's totalitarian model of hard and antagonistic separation churches from the state (Yerashov, 2000, p. 99). Model with a larger or smaller the sequence was realized by the USSR, the amplitude of the religious whose politics ranged from bloody terror at one pole to imperial policy of introducing the «main church of the main people» in the system state propaganda,

from quite serious attempts to «final resolving a religious issue» to the so-called «religious NEP» and the direction of priests in the mainstream of «Soviet patriotism». This model was also aimed at using the church hierarchy in the external Warsaw Pact propaganda policies and benefits «Socialist lifestyle» (State, n.d., p. 209).

The Vatican becomes a participant in political processes, supporting the desire of Christians for freedom and democracy. Actually, catholic the Polish community received spiritual support from the clergy in her an attempt to destroy the communist regime and build a new state with the new liberal order. In addition, the Church emphasizes attention to the need for spiritual development of personality, which impossible without religion and God, but which is forbidden in totalitarian countries.

Due to the prohibition of the Church and Christian doctrine, the Church demonstrates the burden of «totalitarian slavery», thereby encouraging get rid of the totalitarian regime, which does not give the opportunity to get «The highest divine good.» This position of the Vatican is quite natural, since the Church has always tried to spread the «word of God» even in those regions that were atheistic or determined by such status. The countries of Eastern Europe were precisely those countries in which the Vatican sought again to convey the «word of God» and convert Christians to the «fold Churches».

This position of the official Vatican was mainly declarative, although the model of relations between the state and the church in the totalitarian countries of Eastern Europe ensured almost complete state control over the church where the latter was not completely banned. The clergy tried to meet the minimal spiritual needs of the population, but the apolitical activities of the higher clergy did not provide the necessary opportunities for the implementation of the Vatican's strategic plans to spread the ideas of liberalizing social relations through its own network of Catholic churches.

Since 1990, when the so-called Charter for a New Europe was signed in Paris between the Vatican and European countries that sought to unite into a single political entity, John Paul II has been actively promoting the idea of cooperation between churches and secular states in establishing a single rule of law in Europe based on liberal democracy, which best reflects Christian values and is the key to peace on the continent.

Church-state relations in this period are more like a kind of union to achieve their own goals by both parties to such relations. The church seeks to regain that amount believers in the territories where there is a ban Christian Church, and capitalist states seek to weaken pressure of the USSR and its position in post-war Europe. This requires consolidation of the Church's efforts, since it is the initiator and modernizer of capitalist countries to the countries of the socialist camp, in order

to involve the latter in the processes of international integration, thereby obtaining new markets and new sources of raw materials for their own industrial needs.

This conjuncture did not receive legislative approval, since after the signing of the Maastricht Treaty and the creation of the EU, the Church did not receive the necessary legal security for its activities. EU legislation clearly defines only religious rights of man and citizen. Most states have defined the status of the church as a religious organization with clearly defined boundaries and principles of activity, which has received legislative recognition at the level of all other non-governmental organizations without a political component and with a minimum level of influence on decision-making processes on issues within the competence of secular authorities. As a result, in the process of establishing the EU, the Church retains predominant authority only in matters of spirituality, moral education, and the realization of religious rights of man and citizen.

The similar influence of the church on the processes of interstate European integration can be explained from two perspectives. Firstly, the formation of the modern paradigm of the Romano-German legal family, which dominates Europe, was largely influenced canon law. The norms of canon law, which developed through church canons and papal decrees, gradually determined absolutely all aspects of the church's functioning as a unique supranational institution. In turn, the leading European monarchies embodied the best traditions of regulating the relationship between the Holy See and their curiae into a feudal overlord relationship model. One of the last achievements of canon law becomes «Anglicanorum Coetibus», which defines the rules for joining Anglican communities to the Roman Catholic Church. This act has become a factual precedent in legal regulation of such transitions from the subordination of one church to another and in other countries, mainly Central Europe. Secondly, the meaning churches and, in particular, the Christian religion in many respects influenced the formation of a system of moral and ethical values that have become axiological guide in the process of formation of European law.

Given this, it is advisable to analyze the legal status of the church and legal regulation of religious relations in various EU countries, as well as highlight the general vector of the development of religious relations in the context of European integration processes and the influence of the church on them already at the present stage. On the whole, sociological data show that basically Europe remains a region that identifies itself with Christianity to one degree or another. In this regard, it is interesting to consider, first of all, the general principles of legislation governing relations between the church and the state. First of all, this is the European Convention on Human Rights, where there is freedom of conscience, assembly, and the Lisbon Treaty, which has become a very important milestone for the development of relations between the church and the state, for the establishment of

certain framework principles. The Lisbon Treaty reflects, firstly, the special status of religious organizations. Secondly, each country, according to this document, has the right to establish certain privileges for individual churches. In order to understand how the problem of legislative regulation of the «church state» relations is solved, based on the analysis of individual laws and constitutions of the countries of the European Union, five basic principles should be singled out (Radchenko, 2013, p. 85):

- display of the embodiment of international principles of freedom of conscience;
- preservation of historical relations with national churches in various forms (mention in legislation, concordat, privileges, etc.);
- the formation of the core of the union of movements of groups that have established themselves as active members of civil society, the so-called recognized communities (in different countries this develops differently);
- the gradual inclusion of new religious associations and movements among the recognized or those whose opinion and position 56 are taken into account by the state;
- creation of a system of self-regulation of religious policy and church activities in the public sphere, in which the state intervenes only if it is necessary to establish certain filters between the state identity and civil society.

John Paul II achieved significant success in strengthening the position of the Vatican as a major player in the global political arena. The Vatican has secured a well-defined niche for itself, firmly linking its policies with American strategic interests. Benedict XVI, elected by the Pope in April 2005, being considered to be the most loyal to John Paul II, remained faithful to the course of his predecessor, which completely guaranteed «entryism without Logon.» The changes introduced by him concerned only the methods and ways of implementing the policy: unlike John Paul II, who was used to working openly and for the masses, Benedict XVI acts more stealthily and restrainedly, but also more harshly (Shulha, 2007). It can be argued that John Paul II openly positioned the Vatican as a powerful and new political force in the new world order, where globalization and integration are becoming dominant. Benedict XVI draws attention to the internal relations between the state and the church within one country. Benedict XVI is trying to develop a single algorithm for the coexistence of the Church and state institutions in all countries, thus defining a single unified model of state-church relations, which made it possible to develop the influence of Catholic faith in the struggle for public consciousness.

«As a representative of the moderately conservative circles of the church and seeking to ensure its active presence in all spheres of public life in Western society, he also relied on Catholic organizations, whose potential was of particular

importance in the early twentieth century, given that the number of Catholic priests was steadily declining» (Shulha, 2007). The EU even created the EU Bishops' Commission, which includes the chief bishops of the Catholic Church, who will later form the circle of people from whom the pope can be elected. That is, the EU Episcopal Commission is a non-governmental, but official EU organization that unites all EU member states, since the bishops of these countries are part of it. But this commission does not solve the issue of Christian dogma, but the problems of the social life of the church and its role in the socio-economic and public-political processes on the European continent.

For example, the EU Episcopal Commission participated in the preparation of the Encyclical *Deus Caritas Est*, which proclaimed that the church would continue to position itself as an active subject of socio-political processes. It is interesting that at the same time, Benedict XVI did not determine the desired place of the Church in relations with the state, but emphasized civil society, social and political processes, which marked a new institutionalization of church activity - the church turned into the subject of solving acute social problems of a pan-European nature.

In the encyclical «*Caritas In Veritate*», Benedict XVI proclaims and supports the idea of establishing a single «world political power», which should be recognized by all and enjoy real powers. Countries around the world are invited to reform the UN and other international organizations so that they can become the basis for creating a «single family of peoples» and take on the issues of disarmament, food security and immigration policy. The question was raised about the need to reform the world financial institutions and create a new economic system, oriented not to profit, but to observe moral principles» (Shulha, 2007). In this process, Benedict XVI defines the Catholic Church as the main vehicle in the context of creating a single global system of civilizational values, thereby returning the model of state-church relations to a state where the church had ample opportunity to determine the standards and directions of the educational and humanitarian policies of the secular state.

In general, the analysis of the formation of models of relations between the state and the church allows to identify four most common mechanisms for legitimizing the role of the church (Mishchuk, 2011):

- legitimization of a state church or religion.

It is characterized mainly by the integration of official religion in the political system, the financing of its activities at the expense of the state, the fulfillment of certain functions by it, the membership of the head of state or other officials in the state church or religion. As a rule, only the clergy of the dominant denomination are authorized to hold services in prisons, educational institutions, participate in official government events, etc. A typical example is Greece. The Greek Orthodox Church,

being proclaimed state, is a corporate institution that operates in the system of public law.

- legalizing the status of traditional churches or religion.

This is marked by the division of the religions existing in the country into the so-called recognized or indigenous ones and all others. This division is due to the logic of the long cultural and historical development of a certain community and captures the contribution, merit, unique role of a particular religious tradition in its formation. The state often interacts with traditional churches and denominations in a special way, by concluding agreements. The status of a recognized or rooted denomination provides certain privileges, in particular in the field of social service. A typical example is Serbia. In 59 countries, the autonomy of the state and religious institutions is enshrined in the constitution. The state guarantees churches and confessional communities respect for the internal way of life.

- confirmation of the neutrality of partnership relations between the state and religious institutions.

This approach characterizes relations between church and state as characterized by the maximum state of mutual non-interference between the two institutions in the sphere of each other's authority, a guarantee of broad freedom of religion, creation of favorable conditions for social service of denominations, provision of financial support to socially active churches and denominations, creation of an atmosphere of tolerance and tolerance, and absence of a special state body that would control the activities of denominational associations. A typical example is the Netherlands. The Constitution guarantees the freedom to profess or not to profess religion. This right may be restricted only by a special parliamentary law for the purpose of protecting the health of citizens, maintaining public order and peace. The Basic Law also prohibits discrimination on religious, ideological, racial or other grounds;

- authorizing a balanced mutual separation of the state and religious organizations.

Its characteristic manifestations are adherence to the principle of secularism, recognition of the equality of all religions, distancing the state from supporting any religion, refraining from budgetary funding (at least direct) of religious associations, ambiguity in the perception of social adaptation of churches and denominations, as well as their involvement in social activities. France is a very vivid example of complete separation of the state from the church, but this is primarily due to the peculiarities of the formation of modern French statehood, during which the church has significantly lost its public political and social positions. Thus, the Constitution of the French Republic enshrines the official position of the state on religion and respect for all faiths. Although complete secularization has taken place in France over the past two hundred years, in some departments, particularly in Alsace and

Lorraine, four religious organizations have received special status: the Roman Catholic, Lutheran, Reformed, and Judaism. However, this case is more indicative of a very high level of democratization of public administration than of the practice of interaction between the state and the church.

The state also provides for the spiritual education of its citizens and counteracts the spread of religious movements with pronounced anti-democratic and anti-social messages. In recent years, a number of problems have arisen related to the emergence and active work of new religious movements. The issue of establishing a parliamentary commission to study new religious movements was raised, and it was noted that new religious movements enjoy more freedom and privileges than mainstream religions because they are registered as associations. The logical continuation of state regulation of religious issues was the creation of the Interdepartmental Agency for Information on Sectarian Activity. Thus, the problems of neo-cults are solved at the level of the government, not by 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 Church of Calvinism, the Orthodox Church, Judaism, Islam (Medina-Abellan, n.d., p. 110–111).

The democratic policy of finding solutions to problems of balance between the interests of the state and the influence of the church is based on «the principles of coordination of relations between its subjects and consideration of the interests of believers of different religious associations in such a way that the rights of nonbelievers are also taken into account. The state enshrines its relations with religious associations in the Constitution and special legislation on freedom of conscience. This legislation reflects the content and nature of relations between the state and the church. It defines socio-political and organizational issues of interaction between the state and the church, economic, charitable, cultural and educational activities of religious organizations, the ideological aspect of school and university education, the possibility or impossibility of church structures functioning in the armed forces, forced labor, missionary activities of foreign citizens in the country, etc (Lypovenko, 2004, p. 180)».

The political elites of post-socialist countries view religion as a means of achieving certain political goals, although the historical experience and practice of democratic countries in Western Europe show that it is impossible to completely depoliticize religious life (Holovko, 2009, p. 17). While Western Europe was experiencing a recession, post-socialist Central and Eastern Europe became the target of various missionary structures and new religious movements. The new

religious movements have been very successful because they are well-funded and mobilized. The success is also explained by the fact that traditional, historical churches are able to take religious dogma outside the temples. Internal conflicts in the church do not contribute to the authority of the church (Pylypiv, 2014, p. 222).

It can be fairly argued that in modern Europe, the place of religion and the church in public life does not directly depend on the principled position of the state. The influence of churches in some states is objective and consistent with historical traditions, and in some cases is the result of the merger of legal systems with canon law. In the context of European interstate integration, there is a need to develop a common position in the regulation of religious and church-state relations in order to fully ensure the secular character of the EU.

The secular nature of the EU cannot be questioned, as the very goals of EU integration and functioning contradict religious dogma, although the process of achieving economic development goals is based on principles and restrictive imperatives derived from religious teachings.

As for the secular nature of the government, this applies primarily to the EU member states, as secular governments in them will mean secularity of the pan-European governance.

The state is as follows:

- the state does not interfere in the sphere of religious freedoms and rights person, guaranteeing them and creating conditions for implementation. The state determines the general principles and limits of the spread of the influence of religious doctrine and the limits of acceptability of religious dogma;
- the state guarantees equal development of religious organizations regardless of their religious orientation. In addition, such development should be guaranteed on the same basis as the development of other social institutions, including civil society institutions;
- the state neither recognizes nor accepts the leading role of either religion or the church, while guaranteeing free coexistence and the possibility of dialogue, but with a purely social orientation;
- the state, like the church, provides social processes regulation, but if the church does it at the level of human consciousness and at the level of his perception of moral and ethical values, then the state - at the level of perception by a person of the rule of law.

As emphasized in Resolution 1556 of the Parliamentary Assembly of the Council of Europe «Religion and Change in Central and Eastern Europe» of August 24, 2002, European communities should take all measures to limit government interference in the development of churches as social institutions. The removal of the state from religious processes cannot and should not have absolute character.

This refers to the inadmissibility of the radicalization of religious doctrine, its fundamentalization or extremist manifestations, what are we talking about already went higher (Vodenko, 2009, p. 83–84).

An analysis of state-church relations in developed Western European countries would be incomplete without addressing the issue of relations between the state and new religious movements, given that in recent years the religious landscape of Western Europe has undergone significant changes. Western Europe is characterized by a multinational and multiconfessional society with varying degrees of homogeneity, in which, alongside traditional religions, new religious movements are widespread. Their roots go back to the United States, where the Jesus Movement was born in the 1960s and gained strength in the 1970s. It emerged from the general democratic movement of American youth in the 60s to protect civil rights. Participation in «freedom marches» against social and political discrimination and especially in anti-war demonstrations reflected the negative attitude of young people to the «consumer society» (Lypovenko, 2004, p. 180). The Church influenced the consciousness of youth, tried to implement a certain transformation of the model of state-church relations through changing consumer orientations and return to the moral and ethical values of orthodox Christianity.

It is possible to describe religious associations as civil society institutions through the specificity of the manifestation of the features and functional purpose of civil society in the sphere of activity of religious associations. In this case, the list of features of civil society proposed by A.V. Petryshyn can be used as a basis:

- civil society is one of the characteristics of society and reflects a certain stage of its development;
- only a society in which a person becomes civilian recognized as the highest social value, and his rights and freedoms - equal and inalienable from the position of priority civil society;
- the existence of civil society, its institutions is determined the immediate vital needs and interests of people;
- civil society is a realm of needs and interests embodied in human rights and freedoms outside direct influence from the state;
- civil society acts socially again the formation of the rule of law;
- civil society and its institutions operate on the basis of principles of self-organization and self-government;
- civil society as a social phenomenon consists of institutes - civil non-governmental associations;
- civil society activities are regulated through social, primarily legal, norms.

It should also take into account the position of A. F. Kolodyi, who emphasizes that civil society is a means of individual self-expression, self-

organization, and the realization of personal interests. Civil society institutions guarantee the inviolability of citizens' personal rights. Within communities and institutions, civil society is formed through «social capital,» that is, integral personal qualities and forms of interaction that increase the level of solidarity in society and make people capable of cooperation and collective action. Public organizations, as civil society institutions, perform an advocacy function by representing specific groups in their interaction and competition with other interest groups (Procek, 2010, p. 709-710).

The results of the analysis of the legal regulation of religious relations in the European Union demonstrate several features of the models of relations between the State and the Church. First, their current configuration was significantly influenced by the entire historical process of church formation and clericalization of the state apparatus at certain stages of European history, followed by the secularization of public life after the victory of revolutionary ideas of 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 features of the nation in different countries had different depths, therefore, the foundations of modern social life are largely determined by degree of penetration of religious ideals and postulates into the system perceptions of both society as a whole and an individual individual. Thirdly, endowing religious organizations, partnerships with special legal status, lawmakers in some countries also take into account the fact that the majority of the population somehow identifies with a certain religious community. Ignoring this fact will mean neglect of interests and the population, which is incompatible with democratic values that are promoted in the EU.

1.3. THE PROCESSES OF EUROPEAN INTERSTATE INTEGRATION FROM A POSITION OF MORAL, ETHICAL AND RELIGIOUS VALUES OF SOCIETY

The process of forming the legal framework of a state reflects the cultural, historical, socio-economic, mental and other peculiarities of the formation of the state itself. The legal field demonstrates its uniqueness, independence, degree self-identification of the nation, as well as the level of moral and ethical perception reality. Legal understanding and legal consciousness which are initial criteria and parameters of effective legal implementation, also indicate the degree of self-awareness of the nation and the value system, established in society. This value system was not formed the state, it only legalized and eliminated them, leaving the most acceptable from the point of view of each specific historical period development. The formation process itself took place under the influence of society, but the role of the church was unconditional and guiding in this aspect.

The legal status of the church and the model of church-state relations vary considerably across the EU. Different EU member states recognize diametrically opposed streams of Christianity, for example, Anglicanism in the UK, Lutheranism in Denmark, and Orthodoxy in Greece. Despite this, or perhaps even because of the polarity of religions prevailing in Europe, a necessary political and public consensus in the process of European integration has been achieved. A common vision of the future, unity in the desire to build a civil society, development within a single civilizational vector.

All of these are derivatives of the regulatory and guiding role that the church has played over a long period of European history.

In this context, the point of view of the German scientists T. Burns is indicative and P. Katsenstein, who note that in the initial stages of integration The Roman Catholic Church played a leading role, defining not only political guidelines for future integration education, but also social ideals, while placing religious values above secular (O'Mahony, 2009; Phayer, 2002). The Italian H. Casanova believes that the project The European Union was Christian Democratic, and certain even the sanctioned Vatican. Its implementation began on background of the general religious upsurge in Europe after World War II and in the geopolitical context of the Cold War (Francis, 2017, p. 90–91).

The representative of the German takes a similar position. Political science school B. Hehir, which focuses on close ties of the Catholic Church, and specifically the Vatican, with Christian Democratic parties in Western Europe. Modern european The Union is based on the concept of the so-called «European

Community», and the European Community itself was under the influence of Christian democracy. In turn, the Christian democracy of post-war Europe is a political movement associated with the Catholic social thought, and then determines the priority of the formation of a new the European community influenced by religious values, proclaimed by the Vatican (Hehir, 2006, p. 112).

In fact, the Vatican with a purely theocratic center of Catholicism and associate member at many international organizations trying transform into a fully-fledged subject of international political relations. In particular, its influence on ideology Christian Democratic Parties and Movements in Central and Western Europe is marked by the declaration of these parties' high social standards of life, high moral values and harsh ethical standards that are being followed binding on all members of such a political force. Trying to lift and give new impetus to the development of several abandoned ideals Catholicism, the Vatican is increasingly acting as a measure of the system public values of Europeans, and in this aspect revitalization the public political activity of the pope becomes an additional tool for influencing the vector of pan-European politicians.

A more radical view of the origins of interstate European integration is held by Frenchman L. Risso, who argues that Christian democratic parties initiated the process of European integration by transferring Vatican policy to a more secular channel, which allowed them to spread their influence to a wider range of socio-political processes in Europe. L. Risso emphasizes that European Christian democratic parties of the postwar years based their political programs on the idea that Western civilization is linked to Christian values, needs protection from the temptations of the modern way of life and from communism as an even greater danger (Risso, 2009, p. 101-102).

This thesis has the right to exist, but the evolution of public political thought and socio-political formations after World War I clearly demonstrates the advantages of liberal democracy as the most optimal form of organizing social and economic processes. The Catholic Church, through the Christian democratic movements, was the leading element that brought Western society to the idea of liberalizing all spheres of life. In this ethical aspect, it is important to note that the postwar transformation of the consciousness of entire nations took place under the influence of the value system formed in the religious environment. The church is clearly illustrated by war and destruction demonstrated the fallacy of anthropocentric models of philosophy, gravitating toward utilitarianism and rationalism on a scale the whole society.

This ideological coloration contributed to the spread of ideas of interstate integration immediately after the war, although political parties were not as dependent on the ideals of the Catholic Church as many promoted in parallel with the Vatican.

An important role in the formation of the idea of unity of civilizational values of the new Europe and the development of a moral and ethical basis for Pope Pius XII, who occupied the Roman throne from 1939 to 1958. After World War II, he developed the theme of a possible European Union, trying to build a Christian democratic Europe. The basis for catalyzing European interstate integration is largely Catholic social doctrine, which was at the same time based on the principles of democracy and within which an active search was conducted for possible institutional forms of union and cooperation based on Christian values. Pope Pius XII, supporting the creation of the European Community, saw it as a historical mission of Christian Europe (O'Mahony, 2009, p. 180–181).

As S.A. notes Mudrov, the role of the church in integration processes and its activity caused by other factors. The Maastricht Treaty significantly strengthened the political component of European integration. The integration processes have become non-governmental associations and representatives of civil society. The drastic changes initiated in 1992 could not not affect the participation of religious institutions in creating a unified of Europe. It became logical that European integration has become the object of close attention from the Christian churches (Rymarchuk, 2010, p. 137).

By taking an active part in the processes of interstate integration, the Catholic Church is trying to solve several issues. To declare its influence on the process of unification through historical traditions and retrospective spread of Christian doctrine as a unifying idea of social development on the continent, to secure its own monopolies to meet the spiritual needs of people. The Catholic Church presents its role in the unification of European states as a historical mission, seeking to enshrine it at the level of the EU's founding documents. This consolidation means that Christian standards and dogmas have become the key to the unification of Europe. The Catholic Church should take an active part in relations with European institutions through the active pursuit of the latter practically ensure the equality of religious rights of citizens. European institutions literally understood them as an attempt to spread multiconfessionalism and guarantee free access to religious services and professions for different movements and different religions.

The Church's relations with European institutions determine and explain the growing political activity of the pontificate and the higher clergy, and reveal the mechanisms of relations between states and churches in matters of spiritual education and the formation of moral and ethical foundations of European integration. The study of the mechanism of influence of the religious legal tradition not only on lawmaking, but also on integration processes in Europe allows identifying a number of specific features that significantly distinguish it from the existing secular legal tradition and determine the very mechanism of transformation

of religious dogmas into imperatives for building social relations and state legal frameworks (Ostash, 2013, p. 287–288):

- by its nature, religious legal tradition as a kind of social regulation is built so that it has relatively stable system of principles, unchanged (during millennia) the nature of permits, prescriptions and prohibitions;
- it is realized in its significant part with the help of religious means, approved by centuries-old practice, and is an integral part of the national culture of the people, ethnic group. In other words, religious regulation, in contrast to legal (state), is carried out through a special influence peculiar only to religion and to properly ensure the achievement of goals defined by religious sources. This is the social content of religious legal tradition as a public institutional and normative formation.

In certain areas of public relations, a religious legal tradition has greater possibilities of influence than «pure» law. One of the options provides for a situation where the current law at this stage has exhausted its capabilities (problems of social adaptation, refugees and internally displaced persons, etc.). Another option implies a lack of legal prohibitions (interethnic and inter-confessional conflicts) and needs to improve legislation, as well as improve the mechanisms of activity of state bodies, the need for which is dictated by the fundamentally new sociocultural situation that developed at the turn of the 20th - 21st centuries, and personifying the expansion of the EU (Romaniuk, 2011).

The unity and uniqueness of Christian doctrine, its integrity, led to the formation of a united Europe as a concept of civilizational development on the basis of public-political and mentally cultural unity of European peoples related in their worldviews. This is where the unifying role of the church is manifesting - in the continuation of the traditional rapprochement of peoples on a religious basis, on the basis of spiritual unity.

The Christian religion gives the European legislator the understanding that there is a Higher Power, a Higher Expert, who will equally punish both an unjust act and an unjust rule of conduct elevated to the level of law, given that the consequences of the latter are much greater. Lack of faith in God gives rise to irresponsibility in writing laws. The same can be said of law enforcement institutions, in particular judges. The wrongfulness of an action with unfairly negative legal consequences for others inevitably entails moral and ethical responsibility. The formation of such a doctrine is possible, on the one hand, if there is a «public will» that can be detected by the participation of religious associations of citizens in the political life of society - and here it is necessary to reconsider the position of the «limited» pluralism of political ideologies, where the religious worldview is currently closed; on the other hand, it is necessary to have a sufficient number of specialists in the field of religious legal tradition, this raises the problem

of studying a new subject within the framework of higher legal education: religious law.

Religious law gives an understanding of how and by what the church is guided in an attempt to unite, socialize and generalize the best achievements of social regulation within the framework of a single generally accepted system. The modern Catholic Church sees such a system as the EU law system, but developed and formed on the basis of axiological determinants of religious perception of such categories as «justice», «righteousness», «equality».

It should be noted that the Catholic Church, promoting the ideas of a united Europe, had its own reasons and goals, the achievement of which would not only contribute to the spread and consolidation of Christianity as the leading European religion, but would also strengthen the political influence of the Pope on the entire European continent. It can be reasonably argued that the main tasks that the church solved in its quest for the integration of European states were the following:

- stopping the spread of the process of secularization of social processes and civic institutions;
- clericalization of public political institutions and attempts to make secular public authorities dependent on the church;
- stopping the processes of church schism, the emergence of new trends in Christianity: Protestantism, Lutheranism, Anglicanism, Calvinism and the like;
- the spread of the church as the only institution that ensures the satisfaction of society's demand for spiritual values.

Thus, it can reasonably be argued that the Christian church was at the origins of the creation and dissemination of the concept of the so-called «consumer society». The product that it consumed had an intangible nature and satisfied the need of society for the formation of worldview positions.

The development of a scientific approach to the perception of the world, as well as the spread of ideas of skepticism and rationalism, led the church to lose its position as a universal supranational institution. Its influence on socio-political and socio-economic processes has also decreased, requiring the leaders of the Catholic Church to respond quickly to environmental challenges, and it has gradually become a global network organization.

The importance of religion in social processes does not change, unlike the church as an institutional structure. It continues to perform an axiological function, defining minimum requirements for the level of public morality and cultural development of the nation. The penetration of the system of religious values into the sphere of law. Legality cannot exist without morality, and morality is the essence of the empirical achievements of society, which were formed primarily under the influence of religion. Penetrating 74 the processes of the formation of

civil society and the rule of law through the system of law, religion enters a new level of influence on the human mind, identifying its dichotomous system of «good - evil» with categories such as «morality», «decency», «legality».

The processes of adoption of the Charter of Fundamental Rights of the European Union and the creation and ratification of the Lisbon Treaty are indicative in the context of the influence of the church, and in particular the clergy, papacy, and higher clergy, on the rule-making process in the EU.

In particular, E.V. Josul sees in the situation surrounding the participation of European Churches in drafting the Charter of Fundamental Rights of the EU, the pattern of their attempt to influence political processes is typical for their further participation in EU policy. This was the first experience of the practical dialogue of the Churches with euro institutions, the invitation of religious organizations to participate in the formation of European politics.

The Conference of European Churches, and in particular the Vatican, presented their proposals and even their own conceptual vision of certain provisions of the EU Charter of Fundamental Rights. And although these proposals concerned mainly the humanitarian sector, as well as reassessing the role of the Church in the integration and unification of European states on the same principles that were proclaimed by the political leadership, nevertheless this form of interaction with secular authorities makes the Church an active participant in socio-political processes. The pontificate, taking advantage of the international legal status of the Vatican, receives a significant influence on the processes of forming the organizational and legal foundations and even the regulatory framework of the new Europe.

It should be noted that at the same time, the middle of the twentieth century. There is an ecumenical movement of the churches themselves and the signing of the Ecumenical Charter. The church not only takes part in the process of creating a united Europe, it, through its own cooperation and in an attempt to unite, creates the prerequisites for further integration at the state level. This fact clearly demonstrates the general changes in the consciousness and perception of the clergy. The Pope, starting with Pius XII, and all his followers emphasize the guiding activity of the church, its tolerance for socially important trends, but its desire is to be decisive in matters of ethics and morality. This is indicative of the position of Pope Francis I, who is not only trying to unite Europe, he is turning into an active political figure, a preacher of the idea of further rapprochement of European states. His active diplomatic activity demonstrates the proximity of the church to secular power, essentially partnerships, readiness for dialogue and discussion of the cornerstones of the socio-political and socio-economic development of modern Western civilization. The active position of Pope John Paul II and Francis I towards rapprochement between the Catholic world and the Orthodox plays an important

role in unifying the religious and social space of Europe, especially given the religious orientation of the EU member states of Eastern Europe.

The eastern trend of modern politics of the Roman Catholic Church crystallized just during the pontificate of John Paul II, who devoted much of his ministry to the idea of reuniting the two parts of Europe and the fight against the Iron Curtain. Pope John Paul II, according to E.V. Zhosul, can be regarded today as a real full-fledged European politician, whose long-term efforts, planned ideological work, including, have made possible the eastern expansion of the European Union. His contribution to the idea of a united Europe was marked on the eve of the ten new members joining the EU with the Charlemagne Prize, Europe's most prestigious political award (Zhuravsky, 2003, p. 51). In the process of creating the EU, the Vatican and other local churches advocated the expansion of the EU 76 and the inclusion of new member states for two reasons. This provided for the growing need of the Church to expand the geography of its presence and the number of parishioners. On the other hand, it was the spread of a single religion and Christian principles that made it possible to influence public consciousness in such a way as to form a new EU member society with a strong conviction of the necessity and steadiness of its development according to the EU development vector.

This is what gives every reason to believe that the Pope is turning into a political figure in matters of European integration, personifying the religious, spiritual, and cultural unity of European civilization and the moral, ethical, and axiological basis on which the norms governing social relations, including law, should be based.

It should also be noted that the close attention of the Catholic Church to the socio-political and economic problems associated with the integration process in Europe shows that the Vatican not only has information about what is happening, but also, realizing the need for its own update, in many cases provides and sets the vectors of socio-political activity of Christian-democratic parties. Thus, the Second Vatican Council (1962–1965), initiating the «Aggiornamento» process, which literally means «bringing it into conformity with the present,» at the same time launched the process of evolution of the social doctrine of Catholicism: the encyclical «Pacem in Terris» («peace on earth», April 11, 1963) was imbued with the desire for peace, although the earlier encyclical «Mater et Magistra» «already contained fresh approaches and interpretations of the Catholic social position, for example, with regard to state support for farmers, tax reform, social security and regulation of others. Pope Paul IV, who succeeded John XXIII, took practical steps in identifying the basic social problems of mankind in the 77th encyclical «Populorum Progressio» («On the Progress of Peoples», March 26, 1967). In 1981, in the third year of the pontificate, the social encyclical «Laborem exercens» («Carrying out work») was published by Pope John Paul II, during which the

«Sollicitudo rei socialis» (Caring for Social Affairs) fell in 1987. and published in 1991 on the centenary of *Rerum novarum*, «Centesimus annus» («The Hundred Year»), which revealed the fundamental issues of the moral teaching of the Roman Catholic Church «Veritatis Splendor» («The Radiance of Truth», 1993) and the encyclical on fundamental issues regarding the value, dignity and integrity of human life, *Evangelium Vitae* (The Gospel of Life, 1995) (Byrnes & Katzenstein, 2006; Pinchuk, 2009)»»).

Thus, we conclude that the Catholic Church continues to try to influence the political, social and economic processes in a united Europe, however, this influence is not so obvious and most often manifests itself in the spread of religious doctrine as an alternative to the existing system of moral and ethical values of modern information society.

The reasons for the political activity of the church, the participation of the clergy in the electoral process should include the desire to achieve such a model of state-church relations, in which the church would be given the status of an active factor that can influence the adoption of state decisions. Ideally, this is the desire to introduce Christian moral principles directly into politics and government structures (Khramtsova, 2011). The church's interest in politics is also caused by the desire to defend those interests of the church that are directly related to its activities: protecting the church from pressure from state factors; unhindered implementation of educational, enlightenment, charity activities; protection of the moral foundations of public life. The role of the church in the electoral process is also determined by the country's model of state-church relations, which determines the way, ways, and the intensity of interaction between the church and the state. This is influenced by political (political system, factors of domestic and foreign policy), social (nature of public relations) and historical (historical traditions that differ in different historical periods) factors (Konets, 2012, p. 170-171).

Particular attention should be paid to how the religious factor affects the integration processes, what mechanism of this influence. Thus, the extrapolation of religious norms and church law to modern public political processes allows at least a search for certain legal structures and even a new specific content of legal norms. It will not be entirely correct to assert that religion remains, as in medieval times, a certain source for the formation of the imperative of behavior of subjects of public relations, but to a certain extent it is canon law, especially its progress, under the influence of changing worldview guidelines and the spread of the scientific paradigm of worldview that makes it possible take a fresh look at the process of forming a single moral and ethical vector of development of European nations. By means of sermons, the Church focuses on the most significant problems of today, through a new interpretation of famous religious texts and canon law, as well as by influencing human needs for the spiritual component, it offers its own solutions to

civilizational problems. Although these decisions do not meet the criteria of the modern paradigm of European integration, such as rationalism, pragmatism, utilitarianism, they carry humanity and are socially oriented, which corresponds to the latest European philosophy, in which civil society is holding the leading place.

Given this, the philosophical context of European integration processes determines the postulate of the impossibility or inadmissibility of integration into a 79 European community of a state with an official non-Christian religion. There is no such direct prohibition or restriction, as it is not democratic and also significantly distorts the concept of human and civil rights and freedoms, in which freedom of conscience and religion is one of the leading places.

The official position of the European Union is that integration is possible only if a number of socio-economic and socio-political criteria are met, which are objective and affect the level of democracy in a particular country. It is quite obvious that the influence of religion on the formation of a system of social morality and values of civilizational development determines the a priori polarity of the vectors of state-building processes in countries with different dominant religions. At the present stage, European Churches are still interested in upholding the historical right of Christianity to occupy a special place in the system of European values. The Roman Catholic Church insists on this, which was expressed, for example, in the publication by Pope John Paul II after the synodal address «The Church in Europe» a week after the adoption of the European Constitution at the EU Brussels Summit in June 2004 and was also expressed in the pope's constant statements Benedict XVI on the importance of taking into account the Christian traditions of Europe for its future development (Zhuravsky, 2003, p. 52). Benedict XVI sought to continue the work of John Paul II and consolidate the role of the church in the processes of forming a single vector of the desire of European countries to unite as a reflection of the civilizational choice of European nations, made, inter alia, under the influence of Christian dogma.

The Catholic Church tried to consolidate its monopoly on the dissemination of its own teachings and the opening of new parishes, but other religious movements also actively competed for parishioners. There is a competition in which the Catholic Church has a de facto monopoly on meeting the spiritual needs of man and citizen, since it was the Catholic Church that spread the idea of European integration. In addition, the Catholic Church's desire to enlist the support of the political leadership of the EU countries in the fight against the dominance and spread of Islamic doctrine in Europe has become very important. The problem of Islamic fundamentalism and religious confrontation is becoming increasingly relevant in Europe, and therefore requires close attention from EU states and institutions.

In order to determine the significance of the Catholic Church at this current stage of European integration, we should turn to the practice of undergoing the process of reforming the institutional component of the EU, as outlined in the Lisbon Treaty. The treaty reform process can be divided into three stages. The first stage is the work of the Convention on the Future of Europe (February 2002 - July 2003), which prepared a draft Constitutional Treaty (the «European Constitution»). The second stage was an intergovernmental conference with the participation of the heads of state and government of the EU member states and candidate countries (October 2003 - June 2004). The third stage is the work on the Lisbon Treaty, including the process of its ratification (2006-2009) (Rymarchuk, 2010, p. 138). EU reform is taking place with the active participation of the Vatican and other Christian churches in order to strengthen its own positions and to find ways to limit the influence of Islam and other religions on the population of Europe. The Christian Church takes an active part in this by rethinking the axiological dimension of the moral and ethical determinants of legal understanding and the moral and ethical imperatives of a civilizational scale. The Christian Church is trying to change the value orientations of the EU and all integration processes in order to find an effective mechanism for changing legal thinking based on Christian principles and a Christian understanding of the problem of peaceful coexistence and socio-economic development within the framework of a united Europe.

The emphasis was placed on three aspects, such as references to religion, dialogue with the EU, and the status of churches. The Congress of Christian Churches of the EU concluded that the Constitutional Treaty requires:

- to recognize openness and maximum association with the name of God, since the reference to the supernatural guarantee's individual freedom;
- to recognize the special contribution of churches and religious communities, to create opportunities for a structural dialogue between European institutions and churches and religious communities;
- include Declaration No. 11, annexed to the Final Act of the Treaty of Amsterdam, which establishes the mandatory observance of the status of churches and religious communities in a form recognized by each of the member states.

This position may indicate an attempt by the church to revive the religious and philosophical concept of human rights and the objectivity of their origin on the basis of the divine will that reproduces man as a creation of God. In other words, God, having created man, endowed him with certain rights and responsibilities, emphasizing them in such a way that they were most consistent with divine teaching. However, the Church has taken on the role of interpreter of these norms and rules, which it has actively promoted over a long historical period of development.

The common positions of the Christian churches, expressed between May and September 2002, became a guide for those politicians, public figures and statesmen who respected the opinions of religious organizations or even had similar beliefs and 82 value systems. In the course of lengthy debates and difficult negotiations, the churches and their representatives managed to include references to the «religious heritage» of Europe in the Preamble of the Constitution. The text of the Treaty also included guarantees of the status of churches and an indication of the need for regular dialogue between churches and the EU (Rymarchuk, 2010, p. 139). The Church achieved recognition of its initial fundamental role in creating a united Europe, the leader of European civilization, the founder of the system of civilizational values and the role of the determining institution in the context of establishing the moral and ethical framework for the existence of a new European united society.

This fundamental role and extreme importance of the Church is manifested not only in the legitimization of its influence at the level of individual EU legal acts. The Church extends its systemic and far-sighted influence through moral and ethical dominants of legal understanding and the right of perception. Public and individual consciousness, influenced by Christian dogmas, ultimately contributes to the formation of a new EU legal framework, which is grouped on the principles of Christian teaching, but at the same time justifies the need for liberalization of public relations, especially in the economic sphere. The church attempts to spread the principles of the Christian faith through the axiological perception of the law.

Legal consciousness is a peculiar phenomenon, as it is formed in the process of historical formation of a particular society, nation, nationality, formation and development of moral and ethical norms and principles of social development. It is decisive in the context of creating a system of social regulators, but at the same time it is itself formed under the influence of a system of social norms of various nature.

If we talk about legal consciousness in the context of the correlation of the norms of law 83 and religious norms, and in particular the Catholic faith, in the framework of which the corresponding system of canon law is formed, it should be noted that the Christian doctrine forms its own dogmas based on legal reality. Although canon law promotes the supremacy of the Divine will and Divine principle in regulating the way of human being, such regulation is not so radically different from the legal regulation of social relations, as it might seem at first glance. At the same time, positive law, influencing the canonical one, goes through a certain stage of implementation and reproduction in religious norms, and religious norms themselves, in turn, affect the rule of law. Moreover, such an influence has two forms: direct and indirect (Dyachuk et al., 2013).

It would be more accurate to characterize the so-called direct influence as criterion-based, since religious norms do not affect the form and content of legal norms, but rather the approaches and criteria, standards and requirements for creating such norms. In other words, lawmaking and sometimes even law enforcement practice are based on principles and imperatives laid down by religious dogmas in the legal tradition of regulating social relations and in such a phenomenon as the «spirit of the law». This influence is primary compared to another form of influence of religious norms on the rule of law.

Indirect influence is manifesting in the tangential interaction of religious and legal norms in the process of creating the latter. It is about the penetration of religious dogmas and religious teachings into the axiological dimension of the spiritual world of man. Therefore, there is a transformation of certain internal imperatives of personality behavior in a way that is as close as possible (within reasonable limits) to the category of «righteous being» enshrined in religious doctrine. Such righteousness is identified with values, which, formed under the influence of religion, are in fact the initial conditions for the creation of 84 legal norms. The peculiarity of this effect is manifesting in the fact that in this way religious norms influence not only the individual's individual perception of legal norms, the level of legal understanding, but also public perception.

In fact, religious doctrine causes a powerful, but quite objective and natural influence on the human value system. Naturalness is explained by the historicism of the existence of social regulators and customs in the regulation of social relations, which, in turn, were based on principles originating in religious norms and dogmas. Thus, it can be argued that for the EU, the Christian religion, with its dogmas and theological interpretation of the need for the Divine regulation of human existence, acts to a certain extent as a source for the formation of the foundations and characteristic features of legal awareness.

From the point of view of V.I. Memes, a study of the nature of law should take place in a cultural-cultural aspect, that is, taking into account the peculiarities of legal reality and that continuum of social regulators that act along with the legal system as compilers of social processes. This approach allows to identify the peculiarities of religious norms and the process of regulating social relations through religious norms (Protasov, 2009, p. 355).

On the other hand, A.B. Vengerov focuses on the fact that, considering religious norms as one of the varieties of social regulators, one can come to the conclusion about their nature and the mechanism of influence on social processes. It is difficult to reveal their connection with the rule of law, since law is also a regulator of social relations. That is, when defining religious norms as a type, they should be automatically identified with other types of social norms, including legal ones (Vyhovsky et al., 2006, p. 202–203).

In addition to this thesis, it should be noted that the regulatory influence of religion has never been limited to the sacred sphere. In general, the church has always sought a dominant role in relation to the state, i.e., it has tried to turn religious norms into the only possible imperatives for regulating social relations. The church was not so much trying to replace the system of law with religious doctrine as to justify the divine origin of law and the need to create it exclusively on the basis of the dogmas of the Christian church.

Religion goes beyond the spiritual world, interfering with purely materialistic processes: human labor, social development, education, etc. The penetration and creation of a system of regulators based on religious norms transforms the material existence of a person into a path to the Divine ideal of existence, i.e., Paradise. Righteousness replaces the social system, and then the evolution of statehood and society as such loses its own vector, rushing along the vector of Christian ideals. The processes are usually impossible and unnatural, since the development of the material world is possible only through evolution, while faith rejected any possibility of self-development, justifying it by the presence of God's will.

Values are ideals, symbols, and regulatory ideas that have a huge impact on a person and society in all spheres of life. As a system of social regulation, religion includes both normative and non-normative aspects and regulates activities and behavior through norms, traditions, motives, goals, etc. The normative system of religion has the greatest regulatory potential. Religious norms are a system of requirements and rules aimed at implementing religious values.

It should be noted that by their nature, religious norms are somewhat similar to legal customs. For example, a religious norm is not sufficiently deterministic and imperative⁸⁶ and may vary in terms of the content of regulation, understanding and perception by society and a particular individual. Similarly, the practice of implementing a particular type of social relations may vary depending on external conditions, internal factors, and behavioral patterns of participants in such relations. A certain tradition is formed in society for the commission of certain actions within the framework of a specific type of legal relationship. Such a tradition, transmitted from generation to generation, is transformed, improved, receives a certain expression, and ultimately becomes the norm, first at the level of its public perception (social norm-tradition), and then embodied in a specific rule of law. A religious norm has a similar mechanism of legitimization, which proceeds from religious doctrine, transforming itself in the public consciousness and improving itself in the process of developing religious doctrine, becoming a more or less established norm-tradition. Then it takes the form of a source of law, as it becomes acceptable and natural for a particular social group.

The position is that religion plays a significant role in the life and balanced existence of society and, finally, that the existing socio-religious system can significantly affect the formation and functioning of the legal system. The social relations of the public are clear on the basis of the worldview foundation and the adoption of specific standards of mutual perception by people each other, their mutual humanity (religion is a factor that determines human thoughts, feelings, behavior through mandatory rules and standards and, accordingly, streamlines the specific social environment as a whole). The interaction of legal and religious norms in the process of lawmaking reflects the interaction of the components of the value culture of 87 states, united by causal-functional and logical-semantic relationships. The overwhelming and stable form of interaction of legal and religious norms in lawmaking is an indirect form of influence based on general factors (religious policies of the state, national ideas, traditions) (Dikhtievsky, 2004, p. 32–33).

In the process of lawmaking, legal and religious norms are interrelated as a «norm». This is the result of conscious perception of the content of a religious normative prescription by subjects of social relations that is generally binding) and a «model» (a model of the desired behavior of a subject of social relations). The interaction of legal and religious norms in the process of lawmaking is determined by the corresponding type of social relations that have developed in society at a certain stage of its development and are characterized by the place and form of interaction of religion and the church with the state, in particular (European, 1985, p. 13-14):

- separation and remoteness of religion and church from the state (for example, Latvia, Portugal, Ukraine, Croatia, Moldova, Slovenia);
- transformation and close connection of the church and religion with the state, when there is an indirect influence on the formation of the state and lawmaking, special support of the church for a particular religious movement at the legislative level (for example, Spain, Italy, Poland);
- direct connection of religion and the church with the state, official recognition and consolidation of the status of the state religion (for example, Greece, Great Britain, Denmark, Bulgaria, Georgia, Lithuania);
- the legal status of religion, church, religious organizations, institutions and communities (for example, Hungary, Bosnia and Herzegovina) is not defined;
- a ban on the officiality or dominance of any religion in the country (for example, Albania, Slovenia, Estonia);
- secular nature of the state (for example, Turkey, France).

The moral-religious plane of legal understanding means that the essence of the rule of law is revealed at two levels:

- understanding of the essence of the mechanism of regulation of social relations, which contains the rule of law. In this context, religious understanding answers the question of the validity of the rule of law by Divine teaching and God's will. The question is raised about the conformity of the general Christian system of values of a particular rule of law;
- understanding of the phenomenon that appears in the process of the regulatory impact of the rule of law on social processes. This level of understanding reveals religion's perception of legal reality. Since religious doctrine does not explain the totality of social relations, therefore, through separate characteristic features and signs, Christian doctrine tries to justify the level of rationality that lies in the rule of law through the public good, the achievement of which is an imperative of human existence and a manifestation of God's will.

The above conditions explain the existence of idealistic and materialistic approaches to the interpretation of law. The idealistic approach is embodied in the system of views on law as an ideal regulator of social relations, ensuring the achievement of general welfare. That is, the idealistic approach determines the law, the interpretation of the Divine doctrine and its embodiment in earthly laws. The materialist approach to legal understanding is based on the purely practical, utilitarian purpose of law as a system of regulators of socio-economic and socio-political processes. In this context, law is considered as a means of maximizing the economic effect of social relations, and the development of the individual and society is derived from the development of the economic base. In the materialist understanding, law is strictly defined and controlled by the state to ensure strict compliance with legal norms.

The perception of the legal doctrine of religious, spiritual and moral principles can significantly improve the quality of legal regulation. The formation of the doctrine is possible and desirable, including taking into account the basic religious commandments contained in the scriptures of world religions. Based on the fact of God's existence and the reality of His laws, this doctrine may contain something common to all major religions. This refers to the spirit of religion, the fundamental precepts set forth in religious sources of «legal» principles, such as justice, equality before God and responsibility to Him, the need for love and mercy to one's neighbor, the desirability of apologies and the ability to negotiate in disputed property issues, encouragement of charity and other selfless actions, etc. (Movchan, 2013, p. 7).

Many researchers insist on an axiological approach when analyzing the influence of religion on the processes of law-making, the formation of a system of

norms and values of society. It is here that the connection of religion, legal culture and morality of members of society is traced, without which legal culture is impossible. One of the reasons for the low legal culture of modern society is the low level of moral culture. The foundations of morality and the priorities of spiritual values are laid in the worldview and legal consciousness of modern society, largely thanks to religion (European, 1950).

Analyzing the processes of integration into the EU in this context, it should be noted that they are just a consequence, a projection into the practical dimension of being by individuals of a vision of the order that is formed under the influence of the value system.

Thus, to create such a supranational entity as the EU, it is important to have a unified approach to legal perception and legal understanding, since any integration processes at the regional or global levels require clear legal regulation, as well as the creation of common legal frameworks for all members of the future integration association.

Here, the point of view of V.A. Bachinin, who notes that law as an essential element of the sociosphere is developing and functioning within a single continuum «civilization - culture». Attempts to attribute it exclusively to the civilizational system and consider it in a purely instrumental, service aspect lead to simplified ideas. Scientific works written from the standpoint of legal positivism, which does not take into account that law, like man, has a spiritual component in addition to its material basis, are filled with such reduced models of law.

One way or another, but law forms the civilizational guidelines for the development of nations and states, as well as the development of the entire EU. But civilizational guidelines are also formed due to the influence of religious doctrine at the level of formation of the system of moral and ethical values of man and citizen, which together form the moral contours of the culture of the nation.

In fact, the researcher characterizes law as a qualitative sign of society or a system of social values and regulators that have developed in society. The quality of such regulators, their orientation vector and general features and forms of practical implementation testify to the level of development of culture, and then the legal culture and the level of legal understanding and legal consciousness. This is the initial purpose of the legal system as a general regulator of social relations. But if we talk about regulators, then not only law is such. Religious norms and religion as a whole are also a powerful regulator of social relations, since religiosity is a characteristic of the spirituality of a nation, society, and a specific individual. And if the behavioral modes of personality and social group are formed on the basis of the practical rational beginning of regulation, which is embodied in law, and the regulators inherent in the spiritual sphere, that is, religious norms, then the final

mutual integration and transformation of religious norms into legal norms is quite likely.

Law can not only be formed under the influence of religion, but also form worldview principles, which, in turn, will affect the perception of religion itself and the evolution of religious dogmas and norms, which can be seen in movements such as the Reformation.

Religion and law are interconnected by the influence of their elements: the one-vector orientation of the homogeneous elements of both systems on other social systems and social life, mutual regulation of legal and religious norms of social relations; direct mutual influence of heterogeneous elements of the religious and legal systems or indirect (the influence of religious ideology on the formation of legal norms through legal consciousness due to the perception of religious beliefs and ideas by the legal consciousness), the interaction of branches of law with various spheres of religion (Fylypovych, 2013, p. 187).

In this context, M.V. Paliy notes that religion and law have such a strong philosophical connection in the context of the axiological and law-enforcement dimension that it is necessary to talk not about the relationship of religion and law, but about the degree of influence of one system of social regulators (law) on another (religion) and vice versa. Then the analysis of the mechanism of the dependence of law on religion and integration processes, in particular in the EU, on the Catholic Church will be revealed through the perception by society of those models of social relations that are proposed or created under the mutual influence of law and religion (Pylypchuk, 2010, p. nine).

It is an indisputable fact that the religious doctrine of the Catholic Church influences secular processes in individual countries. However, with regard to the EU integration processes in general, it should be noted that there are a large number of faiths that, having their own vision of religious dogmas, also influence the political will of their societies and, consequently, the degree of integration. The historicism of the spread of the influence of the Catholic Church and even the participation of individual popes in the process of European integration and the proclamation of the exclusivity of Christian values as ideological guidelines for a united Europe. All of this indicates a rather high degree of penetration of religious norms into the legal system and into the axiological dimension of the perception of rights.

The relationship of religious and legal norms is reflected in the measurement of the formation of legal consciousness and the perception of value orientations of the legal regulation of social relations.

The problem of the formation of European justice is based primarily on the understanding of the relationship between the individual and society and has its roots in the Middle Ages, when the connection of religions, especially the church,

and society was intense. The dominant idea of the influence of religion on legal consciousness is that the individual did not think of himself as an independent person, was only part of the collective, a structural unit of a certain social mechanism, state. Two common elements for all social groups that unite in European society were religion and law (Kvasha, 2005, p. 15).

Moreover, one can even talk about the religiosity of law or canon law, which has long been a regulator of public relations in Europe. As indicated by E.V. Kurnakov, the social nature of such norms is determined by the fact that their enforcement was ensured by state coercion: violators of religious law orders were subjected to death punishment by corporal punishment, corporal punishment, dragged property liability 93. These were specific signs of law, formed on the basis of Catholic dogma, distinguishing it from any other systems of social regulation, including the religious system (Molodtsov, 2013).

The unification of Europe as a civilizational idea received support from the church, but the format of such a union, i.e., socio-economic integration, was chosen on the basis of the legal continuum that had emerged in Europe. The religious dominant of the axiological dimension of European public consciousness has become key in the process of shaping the values of the future EU. Thus, the idea of integration or unification of Europe itself has clear and historically proven sources from the religious teachings of Catholicism on the creation of a single public civilizational space and its protection under the bosom of the church from external enemies.

Integration became possible due to many common features of the historical path of development of European countries, among which the dominance of the Christian religion and religious dogmas and the teachings of the Catholic Church became a determining element in the process of forming the worldview principles of Europeans.

The social system and social order that prevailed in European countries represented a system of stable, purposefully organized, long-lasting, but at the same time identical ties between the various elements of the sociosphere, which ensured the unity of worldview and the unity of legal understanding. This became the key to the spread of a unified system of value guidelines on the European continent. But such a distribution took place on the basis of moral and ethical preferences, which, in turn, were formed in different societies under the influence of a single Christian religion. Subsequently, they received an external manifestation in the form of a system of legal norms.

Thus, we can quite reasonably argue that the 94th modern dimension of understanding the place of religion in lawmaking and the influence, in particular, of Christianity on the formation of EU law are personified through the moral, ethical and value components of religious teaching. Regulators of public relations, which

were laid down in religious dogmas, were acceptable to most societies, therefore, their unification and further transformation into general regulators is not surprising. On the contrary, attention is drawn to the fact that Christianity, while remaining a conservative teaching, firstly, was able to interpret religious dogmas in such a way that they corresponded to modern challenges of civilizational development, and secondly, found the opportunity to determine religious norms in guidelines for interfaith unification.

CHAPTER 1: SUMMARY

The analysis of the theoretical and methodological aspects of the formation of church-state relations in the processes of European interstate integration has led to a number of conclusions.

It has been established that European interstate integration has become one of the classic manifestations of globalization processes. The idea of uniting the countries of Europe on the basis of socio-economic and public-political integration and cooperation of efforts has become a prerequisite for maintaining European identity. The civilization choice of European countries was marked by the need to confront the two poles of the new world order that developed after the World War II. The ideas of liberal democracy and the ideas of a communist society are widespread and the greatest level of confrontation is precisely in the conditions of European countries of the western and eastern parts of the continent. Therefore, European integration, which in its early stages was understood as the unification of opportunities for rapid economic growth and the reduction of barriers to the movement of goods, capital, and labor, became an alternative that representatives of capitalist circles sought as a means of overcoming the crisis mode of overproduction. The latter were regarded as a direct threat to the existence of the ideas of a liberal economy.

European interstate integration has led to integration processes in all spheres of public life. The religious sphere was no exception and showed rather intense trends in the transformation of the model of state-church relations. After the World War II, the Vatican tried to restore its monopoly position in the field of meeting the spiritual needs of people and shaping the civilizational guidelines and principles of European civilization. In this context, the Church needed some contact with secular authorities in order to expand its sphere of influence. The church needed to exercise such an influence on the educational sphere, as well as on the social processes of the humanitarian direction. Due to the efforts of Pope Pius XII and John Paul II, the Catholic Church became an active subject of political relations, which significantly influenced the transformation of the model of relations between the state and the Church, characterized by a clearer delineation of the role of the state and the Church in shaping the moral and ethical foundations of European integration policy. In addition, due to the activities of its own newest orders, the Church was able to achieve high results in solving the problems of socio-economic restoration of post-war Europe and humanitarian problems.

It was established that it was the church, after activating its own political mission, that significantly expanded and strengthened its 96 dominants over the problem of forming the axiological dimension of European integration. Through Christian teaching, the Vatican disseminated and substantiated the idea of European

interstate integration, referring to the legitimization of basic Christian values by translating them into human and civil rights. One of such examples of embodiment is religious rights, the provision and consolidation of which took place everywhere in European countries, and then gained recognition at the level of EU law. The moral and ethical values of the new European civilization were a kind of synthesis of the ideas of liberal democracy and the principles of Christian teaching. The church tried through religious dogmas and norms to justify and lay in the public consciousness the basic principles of liberal democracy in order to significantly increase the level of economic and social freedom.

CHAPTER 2.

HISTORICAL AND LEGAL DIMENSION OF STATE- CHURCH RELATIONS

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

The current processes of European interstate integration cover absolutely all spheres of public life in the EU member states, as well as in countries that have declared a course of integration. 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.

The Church, due to its extensive and effective network, as well as its significant influence on various social processes through the mechanisms of shaping 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 is confirmed by the fact that in Belgium the state even funds the church and church events.

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» (O'Mahony, 2009). 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 World War II and in the geopolitical context of the Cold War. » (Francis, 2017, p. 65–92). This position is also taken by B. Hehir, who focuses on the close relations

of the Catholic Church, and specifically the Vatican, with Christian democratic parties in Western Europe (Hehir, 2006, p. 110-114). The process of creating the EU at the stage of the European Coal and Steel Community and the European Defense Community shows that most of Europe's political elites at that time consisted of parties with either a Christian, pacifist, or nationalist basis. 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.

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 interstate European integration is held by L. Rousseau, who argues that the initiators of the European integration process were Christian democratic parties that transferred the Vatican's policy to a more secular channel, which allowed them to spread their influence to a wider range of socio-political processes in Europe (Risso, 2009, 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. The church was able to achieve such an evolution of its views and interpretations of dogma that it was able to extend its values to financial and economic relations, and so it tried to secure its own financing in the 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 measures 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, and acting as a kind of associate member of the European Communities or as an allied subject of international relations. The Vatican did not seek to join the EU's political leadership, but constantly lobbied for the penetration of loyal politicians and loyal 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.

The objective economic origins of European integration should be kept in mind, taking into account what shaped its 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. 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 would create a new model of relations between the state and the church, as well as a new model of relations between the European

Community integration entity and the Catholic Church, which was personified by the Vatican. The objectivity and expediency of the model existence of such relations, the Vatican explained as follows:

- Most European countries belonged to the Roman-Germanic legal family, and the integration of the EU and the formation of a unified legal system, which was an objective necessity in the period of 1950-1960, was based on the principles laid down in the foundation of Roman-Germanic law, but processed on the basis of church law;
- 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.);
- 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 tried to lay the groundwork for a new model of church-state relations, significantly expanding the church's capabilities and powers. 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.” At the same time, it should be clearly understood and emphasized that after the World War II, the general trend in Europe was aimed at strengthening secularization. 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.

The Treaty on the Functioning of the European Union contains a number of provisions on religious human rights and the status of religious organizations, as well as the attitude of national governments and European institutions toward them. According to Article 10 of the Treaty, «in defining and implementing policies and measures, the Union shall aim to combat discrimination on the grounds of religion or belief. » In Article 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 «. 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 «. 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. 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 (Dzhezhyk, 2013, p. 50-53). Thus, already at a fundamental 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». The EU governing structures indicate their respect for religion in all its diversity as a form of ethical, moral, ideological and spiritual expression of some European citizens, taking into account the differences between religions and the specifics of each country (Historical, n.d.)».

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 revealed through the principle of freedom of conscience and religion enshrined in Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms. 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» (Kresina, 2009). 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:

- 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;
- 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;
- 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;
- 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;
- 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 is getting a new development when the state and the EU as a whole recognize the Vatican as an independent subject of international

relations, while identifying it with the spiritual leader and representative of the Catholic Church.

Thus, it can be argued that the EU requires national governments to consistently apply in practice the principle of autonomy of religion and religious organizations, on the one hand, and politics and state bodies, 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» (Pohorilets, 2011, 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 (Kizlova, 2007; Kyrylyuk, 2001).

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 (Khotkevych, 2003, p. 206–208).

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

It should be noted that, despite this, modern EU member states are characterized by only three of the above types of models of church-state relations: 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. This model involves direct state funding of its institutions and state control over the use of funds, delegation of certain functions to church structures. Examples of the protectionist model are modern Greece with the state Orthodox Church and England with the Anglican Church. The State Church in Europe is also the Lutheran Church in Norway, Sweden and Denmark, Finland, etc.» (Pohorilets, 2011, p. 31–32).

The constitutional and legal norms of several countries that regulate relations between church and state are examples. Thus, among the countries of the first group, Greece stands out the most.

In particular, the Constitution of Greece, which has been in force since November 06, 1975, contains lines from a Christian prayer in its preamble, which is a clear indication of the country's religious preferences. The Constitution of the Hellenic Republic contains a separate section (Section II), which examines the relationship between the state and the church. Thus, Article 3 of this section establishes the dominant position in the republic of the Orthodox Christian Church, which is autocephalous and has its own governing body, the Holy Synod. Certain guarantees are constitutionally enshrined to preserve the Bible from any distortion of the Holy Scriptures, i.e. the Old and New Testaments, in order to protect this doctrine of the Orthodox Church (Laudato, 2015). The same article defines the place of the Greek Orthodox Church 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». 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».

In accordance with Article 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. The practice of any known religion is free, and its rituals are carried out without hindrance under the protection of the law. The dissemination of religious rituals that violate public order or moral standards is not allowed. Proselytizing is prohibited. Clergymen of all known religions are under

the same control of the state and bear the same obligations to it as clergymen of the dominant religion. No one may be released from their duties to the state or refuse to comply with the law because of their religious beliefs (Lanovoi, 2012). 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 relationship between church and state is somewhat different in the Scandinavian countries, where the state character of the church as an institution is directly enshrined in the law.

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 (Kuprienko, 2008). 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. This norm is rudimentary, but at the same time it demonstrates the historicity of relations between church and state and visually consolidates the influence of church and religion on the processes of secular governance and regulation of social relations.

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 (Kuprienko, 2008). It should be noted that such a law has not yet been adopted in Denmark. 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. This tolerance is a vivid 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. 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. This question has not been answered. The situation with the participation of Anglican bishops in the political life of Great Britain through their voting in the House of Lords is an exceptional case in the general European practice. 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.

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» (Samoilov, 2010).

The concept of «recognized religion» is present in the Constitution of the Kingdom of Belgium. Article 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. Belgium officially recognizes six religious organizations that have proven the public benefit of their activities to the population: the Roman Catholic Church, the Lutheran Church, Judaism, the Anglican Church, Islam, and the Orthodox Church. 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. There is no church tax in Belgium, but the state provides salaries and pensions to worshippers, and the amounts necessary for this are annually paid to the budget.

As N.M. 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» (Samoilov, 2010). The concept of an «indigenous» religion to some extent meets the requirements of the historicism of the development of European states, but on the other hand can be seen as an element of discrimination not only on religious but also on ethnic grounds.

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 (Sydorenko, 2013, 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). The state does not intervene in the content of creeds,

ceremonies, 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.

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 (Medina-Abellan, n.d.).

A separate example is modern Germany, where, although the state has declared itself neutral and tolerant of different faiths, there are still certain differences in the attitude towards 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 (Sydorenko, 2013, p. 255–257).

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. 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» (Pohorilets, 2011). 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» (Samoilov, 2010). 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» (Rymarenko, 2003). The status of the church is clearly defined in the Constitution of the Polish Republic. In Article 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» (Lebedev, 2007). Despite the rather strong historical and cultural connection between the Church and society in the Republic of Poland, as well as the significant influence of the Church on social and political processes in the Republic of Poland, at the present stage of state formation in this country, actual secularization is taking place.

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 (Rymarenko, 2003).

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.

The active position of the Vatican and the attention paid to it by the Polish government can be explained by the fact that all these agreements (more than 70 bilateral international agreements between Poland and the Vatican) were concluded during the pontificate of John Paul II, who is a representative of the Polish bishops.

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.

This law places the national and public good above religious equality, as it contains provisions 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:

- 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. The influence on the worldview perception of reality gave rise to the formation of a specific system of values, 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. 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 (Boiko, 2002). 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.

Secularism does not mean complete separation from the achievements of religious doctrine, particularly Christian doctrine. 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. The polarity of the church's position in different EU member states, its official recognition, as in Denmark or Greece, or, on the contrary, its distancing from secular authorities, as in France, or multid denominational diversity combined with problems of national minorities, as in Germany, all this necessitates the development of a common state policy on the church 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.

2.2. PROBLEMS OF INTERFAITH UNIFICATION THROUGH THE PRISM OF EUROPEAN INTEGRATION PROCESSES

European integration involves the unification of countries on the basis of the unification of existing models of state regulation of public-political and socio-economic processes, including models of state-church relations, as well as by creating new mechanisms and tools common to the entire EU for regulating public relations. The creation of joint public administration bodies, a unified system of law, as well as the development of recommendations to national governments on the regulation of certain aspects of public relations all this, however, does not make it possible for the Union to intervene in all areas without exception, since there are such planes of public relations, immunity and deregulation with parties to the state which are recognized and declared internationally. This applies, among other things, and, in our opinion, mainly to the sphere of relations regarding religious rights and freedoms of man and citizen, relations of religion and freedom of conscience.

International legal and regional integration acts and treaties can only guarantee and consolidate certain elements of freedom of religion and conscience; however, they are unlikely to detail such relations or influence the religious or ideological preferences of a person and citizen. At the same time, integration always occurs on certain positions or principles that are similar or equally acceptable to most participants in integration processes.

In the context of European integration, the issue of interfaith characteristics of some European societies is of great interest to EU supranational bodies, but such interest can hardly be considered appropriate, since it involves interference in the internal affairs of the national government. Such a process is objective, and in our opinion, in the modern world, where there are many security factors arising from interethnic and interfaith contradictions, the interest of the EU political leadership in resolving the issue of interfaith unification is objective.

Multiconfessionalism causes the presence of various worldview approaches and guidelines for the social development of individual social groups within the framework of one society. This society cannot be considered nationally homogeneous, as it lacks a unifying factor, a national idea that should be common to all. Interfaith confrontation at the level of dogmatic perception of religion is a divisive factor that must be taken into account, as such confrontation can move to the plane of social relations. An example of this is the hostile attitude of Muslims and Jews, whose communities live compactly in different EU countries;

- secondly, at the stage of the modern migration boom in the EU from countries of the predominantly Muslim world, there is a real threat of an increase in

the population of the EU, which promotes other, sometimes even antagonistic values in relation to the values that are enshrined in the EU. Muslim doctrine, especially its fundamental trends, sharply contrasts itself with Christian and other religions, which can turn from dogmatic norms into a real impetus to active actions. By the way, such manifestations are already traced in European countries in the form of various kinds of terrorist attacks against the backdrop of religious fundamentalism;

- thirdly, the existence of various faiths and movements within the same religion, for example Christianity, causes a situation in which the influence of the Catholic Church and the number of its supporters decreases, and the number of other religious organizations (sometimes even those that do not have centralization) increases, which makes it impossible for the Vatican to represent the public position of a large number of believers who professed Catholicism. This situation complicates not only the position of the Vatican itself, but also the position of the EU political leadership bodies. So, the latter have been in contact for a long time and collaborate with the Vatican, seeing in it a certain lobbyist for the interests of United Europe for society in different EU countries that have different nationalities, but are believers in the Catholic Church. The loss of such an opportunity for the rather rapid spread of certain ideas of pan-European development significantly complicates it, since it becomes necessary to seek contacts and dialogue with a large number of different heterogeneous religious movements and organizations;

- fourthly, inter-confessional dialogue and reconciliation of various churches and religious movements contribute to the creation of a unified system of guarantees of religious rights and freedoms for man and citizen. The fact is that different religions have certain dogmatic determinants of the quality of social development, which affect the lifestyle of most believers. For example, this concerns the categorical refusal of certain currents of Baptism, Adventism regarding the civil duty of service in the armed forces of the country. Therefore, the spread of such movements and exercises within one country significantly affects the quality of mobilization activities, and therefore the processes of ensuring national security.

All the above aspects, which objectify the increased attention and concern of the EU bodies about the processes of interfaith unification, should be resolved at the supranational level by establishing a certain framework for state regulation of relations in the religious sphere. This regulation should not directly affect or restrict religious rights and freedoms, but at the same time should create a model of relations between the state and the church that will allow for the objective equalization, prohibition or prevention of such manifestations of interfaith interaction that pose a threat to public security in the EU. The normative and legal consolidation of the policy of the EU and national governments should be accompanied by appropriate doctrinal changes in the system of legal thinking in

matters of regulating religious relations, as well as changes in the doctrinal level regarding the perception of the significance of the religious factor for the processes of European integration. The church has an undeniable influence on these processes through the formation of the corresponding characteristics of public consciousness, and therefore the church and religious organizations should become partners of political leadership bodies at both the national and supranational levels in the EU. In this, in our opinion, we see the effectiveness of solving the problem of interfaith unification through the prism of European integration processes.

At the legal and regulatory level, interfaith unity is declared in particular in Art. 17 of the Treaty on the Functioning of the EU, according to which «the Union respects the status of all ideological and non-confessional organizations recognized in accordance with national law. Recognizing for these churches and organizations their special essence and their special contribution, the Union maintains an open, transparent and regular dialogue with them (Dzhezhyk, 2013). This norm was cited by us in connection with the consolidation at the supranational level of the status of the church as a special form of public organization endowed with a wide range of autonomous powers in matters of satisfying the religious and spiritual needs of a person and a citizen. Moreover, the status of the church for the political bodies of the EU is the same as that of the church in one or another EU country. The Union itself accepts, and does not regulate the activities of churches in individual states, it only declares the inviolability of religious rights of a person and citizen, and also defines a system of guarantees of such rights, securing mechanisms for their restoration, in particular through the judicial system, including through the European Court of Justice. human rights in individual cases, and through the EU Court of Justice in general, when national legislation significantly distorts the system of human rights guaranteed at the level of the entire EU».

As for interfaith issues, the EU's recognition of the equal status of all church organizations, confessions and even religions, without exception, opens up opportunities for finding a balance in their worldview positions and dogmatic teachings that affect the public choice of both a particular society and a whole nation within one or another EU state. Subsequently, such a contradiction can turn into a phase of open confrontation between the system of national values and common European ones, which can cause disintegration processes in Europe, for example, in Great Britain or Turkey. The latter, having received the status of a candidate country for accession to the EU, constantly criticizes a number of European values due to its orthodox Muslim worldview.

In matters of inter-confessional integration, such acute moments may not arise, since confessions in one way or another have a common religious basis. And in the case of the EU, interfaith is meant when talking about different trends and directions of Christian doctrine. «We are talking not only about the recognition of

confessional pluralism, but also about the relevance of leaving issues of state-church relations in the competence of individual states, which is confirmed by Article 15b of the Lisbon Treaty: «The Union respects and does not harm, in accordance with national law, the status of Churches and religious associations or communities in the Member States» (Historical, n.d.). Developing this thesis, let us once again turn to the opportunities that the EU provides to member states in adopting special legislation regulating confessional and interfaith relations. The main criterion for the adoption of such legislation is the need for strict observance of human and civil rights and freedoms proclaimed and enshrined in most international legal acts».

«The EU views religious organizations as an integral part of civil society, the potential of which allows them to act as a guide in ethical issues and play a certain social role in national communities, regardless of whether they are religious or secular. Religious institutions have special capabilities in the aspect of strengthening peace, cooperation, tolerance, solidarity, intercultural dialogue and the dissemination of the values advocated by the Council of Europe» (Historical, n.d.). This level of perception of interfaith integration at the level of the entire EU opens up new opportunities for attracting such religious organizations to the processes of European integration. This is explained by the fact that the search for common points of view for different denominations and trends of Christianity on the streamlining of social processes opens up new opportunities for an axiological rethinking of the foundations of legal regulation of such processes at the level of EU common law, which goes beyond the boundaries of the national model of legal regulation, but does not contradict, but expands the possibilities for the latter.

The solution of the problem of interfaith unification in the context of European integration processes gives a new quality of vision of common for all EU countries models of legal regulation of certain types and spheres of social processes.

Sufficiently fruitful, taking into account the future intention of EU officials to give pride of place to interfaith and socio-religious dialogue in the European political arena, in-depth study of various religious traditions. The rationale is quite simple: only through mutual understanding, mutual respect opens real prospects for the establishment of a full-fledged, pluralistically oriented democratic society capable of guaranteeing the protection of human rights and freedoms (Historical, n.d.).

It should be noted here a number of absolutely practical steps taken by the EU political leadership bodies, which were reflected in the adoption of a number of EU-level regulations, namely:

- Recommendations of the Parliamentary Assembly of the Council of Europe No. 1396 (1999) «Religion and Democracy» dated 27.01.1999, in accordance with Art. 5 and Art. 6 which defines that «democracy and religion should not be incompatible; quite the opposite. Democracy has proven to be the best foundation

for freedom of conscience, exercise of faith, and religious pluralism. In turn, religion through its moral and ethical obligations, upheld values, its cultural expressions and critical approach can be a reliable partner of a democratic society. Democracies, whether secular or related to religion, must allow all religions that adhere to the conditions set out in the European Convention on Human Rights to develop in the same conditions and enable them to find an appropriate place in society» (Universal, 1948). In general, the Recommendations of the Parliamentary Assembly of the Council of Europe No. 1396 (1999) contain the most important conclusion regarding further integration processes in the EU, which is that most of the modern challenges that lead to disintegration (xenophobic speeches, terrorist acts, racism, ethnic conflicts, etc.), has religious origins;

- Recommendations of the Parliamentary Assembly of the Council of Europe No. 1720 (2005) «Education and Religion» dated 04.10.2005, which determines that «politics and religion should be separated. However, democracy and religion should not be incompatible concepts. In fact, they need to become reliable partners in the endeavors for the common good. In an effort to find a solution to the problems existing in society, the state authorities can eliminate many situations that can lead to religious extremism. The state should also take more effective measures to ensure guarantees of freedom of conscience and religious practice, encourage the dissemination of knowledge about religion, intensify dialogue with and between religions, and support sociocultural religious activities» (The, 1945). In these recommendations, the emphasis is placed on the fact that a key place in the process of overcoming religious extremism and interfaith confrontation is assigned to the education system. Moreover, we are talking about the system of secular education, which should form in a person and a citizen a well-established understanding of the need to observe religious pluralism;

- Recommendations of the Parliamentary Assembly of the Council of Europe No. 1804 (2007) «State, religion, secular society and human rights» dated 29.06.2007, in Art. 1 and Article 2 which notes that «religion is an important characteristic feature of European society. This is due to the fact that historically some religions have been present on the European continent for several centuries, influencing European history. Organized religions, as such, are an integral part and a unit of society and should be seen as institutions created by citizens and for citizens who have the right to freedom of religion, as well as organizations that are an integral part of civil society with all their potential to serve as a guide in ethical and civil matters, and playing a certain role throughout the nation, be it a religious or secular part(Convention, 1950). The Parliamentary Assembly of the EU recognizes the fact that the number of confessions and religious organizations is constantly increasing on the European continent, new religions, so to speak, «non-traditional» for Europe, are spreading. At the same time, these recommendations

emphasize the need and importance of interfaith and intercultural dialogue. The Parliamentary Assembly of the Council of Europe correlates the diversity of confessions with intercultural differences that have become the consequences of the intensification of migration processes and the penetration of a large number of refugees from Africa and the Middle East into the EU. In such circumstances, the Recommendations of the Parliamentary Assembly of the Council of Europe No. 1804 (2007) in Article 8 note the exclusiveness of the religious dimension of interfaith and intercultural cooperation. The Parliamentary Assembly of the Council of Europe declares its readiness to directly participate in these processes by developing a comprehensive strategy. But at the same time, the Parliamentary Assembly comes to the conclusion that since EU regulations separate religion from the state, the direct influence of the EU political leadership on the processes of establishing and regulating relations between churches and confessions is excluded. Although dialogue at the level of political and public consultations is possible and appropriate»;

- Recommendations of the Parliamentary Assembly of the Council of Europe No. 1805 (2007) «Blasphemy, insulting the feelings of believers and hostile statements against persons in connection with their religion» dated 29.06.2007, which concern the proclamation of a common European policy to eliminate the causes and liquidate the consequences of interreligious, interethnic and interfaith confrontation in Europe. The most important achievement of these Recommendations is the approval in Article 3 positions on «the need to reconcile freedom of speech and freedom of thought, conscience and religion in multicultural societies. In some cases, it may be necessary to place restrictions on these freedoms. According to the European Convention on Human Rights, any such restrictions must be prescribed by law, are necessary in a democratic society and proportionate to the aims pursued. At the same time, states have a certain range of assessment, since national governments may need to make different decisions, taking into account the specifics of a particular society; the application of such a range is subject to oversight by the European Court of Human Right» (Ustymenko, 2013). The above norm directly determines the fact that the EU deals with the problems of interfaith and interethnic harmony at the level of supervision over the national policies of different governments, determining the need for the formation of such a policy within specific limits determined by the EU political leadership bodies. In addition, the Recommendations of the Parliamentary Assembly of the Council of Europe No. 1805 (2007) support the UN initiative to «create a new body, the Alliance of Civilizations» to study and maintain contacts between Islamic and so-called «Western» societies, but believes that such an initiative should be expanded to include other religions and non-religious groups into it» (Ustymenko, 2013). Such consolidation at the regulatory level of the need to search for interfaith

dialogue not only within the Christian doctrine, but the formation of a common EU policy in relation to other religions and the realization of religious rights in beliefs that are non-traditional for Western society means the proclamation of the EU's position on expanding opportunities for national governments in resolving issues of interfaith cooperation;

Resolution No. 1510 (2006) «Freedom of speech and respect for religious beliefs» of 28.06.2006, the achievement of which should be considered as a direct statement of the need to observe, ensure, guarantee and protect by the EU political authorities «the cultural and religious characteristics of its member states. Religions have contributed to the formation of spiritual and moral values, ideals and principles that form the common European heritage. In this regard, the Assembly stands on the principles of achieving greater unity among EU members to protect and implement the ideals and principles that are their common heritage» (Tertychna, 2011). This Resolution No. 1510 (2006) of June 28, 2006 directly notes that inter-confessional dialogue and inter-confessional unity are the key to further integration processes, since they influence the formation of the consciousness of European nations, as well as the formation of a national policy regarding the provision and observance of religious rights and freedoms. person and citizen.

Summarizing the above analytical information and the content of normative legal acts of general European significance in the field of regulation of relations between the state and the church, relations between member states and indigenous religious organizations, as well as in the field of regulation of religious rights and freedoms of man and citizen, the following conclusions can be drawn regarding interfaith unity and its impact on the processes of European integration:

- firstly, interfaith unity is defined by the EU political authorities as a source of peaceful coexistence of various ethnic groups living within the EU;
- secondly, interfaith dialogue is consolidated as the main determinant in the sphere of asserting equal opportunities for the development of all religions and beliefs without exception, as well as in the sphere of ensuring religious rights and freedoms;
- thirdly, the national governments of the EU member states should develop a policy in the field of promoting religious tolerance in such a way that it does not contradict the initial principles and basic values of the EU, but at the same time, the EU political leadership does not have the right to directly interfere in domestic affairs, leaving at the same time, the possibility of protecting the common European principles in the field of religion through the EU courts;
- fourthly, interfaith dialogue is recognized as the main element of further mutual integration and inclusion of new members, in particular those countries that have high risks of interethnic conflicts on religious grounds: Albania, Bosnia and Herzegovina, Ukraine.

- Fifthly, interfaith unity is defined as one of the leading priorities for the further development of the common European system of law.

The church in its historical development has actually ceased to be the only social institution from the moment when it became the owner of capital. Accumulating wealth and economic benefits in different eras, the church, and in particular the clergy, has always tried to centralize the process of distribution and use of such benefits. Therefore, at first there is a rigid centralization of the Christian church under the leadership of a single hierarchy, and then a struggle begins between the clergy, either for the right to be this hierarchy, or for the right to receive an unequal amount of economic benefits. The Church, having become the owner of material values and one of the wealthiest social and political institutions, despite its religious nature, focuses on the further accumulation of economic benefits and, in fact, the accumulation of wealth.

The economic basis becomes the root cause of the emergence of various heretical movements, since they have always been based on church property relations. Church and monastery property, in addition to internal struggles, aroused the interest of third-party actors in social relations, including the state and some state leaders. The Middle Ages, the Reformation, and modern times - during all these periods there was a fierce confrontation between secular and spiritual authorities, as well as between different denominations within Catholicism itself, for the right to control the processes of church property management.

The church began to represent a heterogeneous environment of kindred, but separate institutions and formations, which were connected exclusively through Holy Scripture. The church itself ceased to form the centrist core of the religious and philosophical creed, which affected its failure to be the flagship of the integration of secular states of Europe.

An important reason for the general crisis of religion was the scientific and technological revolution, which caused a classical attitude to the traditional religious picture of the world, religious traditionalism in general, and stimulated the spread of secularizing trends in the world. The traditional forms of protection and substantiation of religion, developed in the era of its undivided domination, when science was assigned the role of a servant of religion, turned out to be insufficient and ineffective in the face of new conclusions and arguments of science, a fast technical process. This could not but shake the worldview foundations of religion.

Socio-economic processes have become the driving force behind socio-political shifts on the European continent. The church gradually lost its position with the approval of the democratic principles of the organization of public relations. The fact that the Parliamentary Assembly of the Council of Europe confirmed in the resolutions and recommendations discussed above the position on the need for the coexistence of democracy and religion was a consequence of the

crisis of religion in the development of European nations during the modern era. Revolutionary changes in the sphere of social organization: the emergence of new forms of government and political regimes, demonstrated the unwillingness of the Church to recognize the objectivity of progress. The political elite immediately started a debate about the fallacy of religious doctrine and the need to reduce the Church's influence on social processes because it stands in the way of progress.

This policy and similar secularizing manifestations have spread to all European countries. By minimizing the role of the Church and the influence of religion on the formation of individual and social consciousness, political elites failed to find a worthy alternative that would allow for the creation of a unified system of values as strong as the one formed under the influence of religious dogma and Christian teaching.

Another reason that caused and catalyzed the crisis of religion, L.V. Golovko sees in «the general cultural process of mankind, which seriously limits the influence of religion on spiritual life. The dramatic increase in the influence of the mass media (primarily television) on people has contributed to the formation of an indifferent attitude among young people toward religion as a form of spiritual activity. The number of people who wanted to satisfy their spiritual needs not in the church or religious community, but outside of them, increased dramatically. Religious forms of spiritual life that existed in the last century and designed for people of a different intellectual level and emotional mood than modern citizens are losing their power more and more». That is why, in our opinion, traditional religions are significantly losing their positions, which is embodied, among other things, in the reduction in the number of their supporters. At the same time, the needs of spiritual development and satisfaction of religious needs in society are not diminishing. The latter is the reason for the emergence of new interfaith movements and new religious organizations that interpret the sacred texts in their own way, modernizing them.

As noted by V.V. Tokman and S.I. Zdioruk, «the high distinction of the confessional factor in the life of the European community follows from the experience of the past and the present. Throughout the history of the Old World, religions were directly involved in the formation of nation-states, were involved in the creation of identities of various kinds. The religious factor is now actively involved in the processes of European integration. Significant in the EU enlargement is the contribution of John Paul II, who proclaimed the right of all European peoples to live according to the principles of the Gospel in a common home, in Europe without borders, regardless of differences in political programs, ideological systems or military alliances» (Historical, n.d.). John Paul II noted not so much the importance of understanding the Gospel as he focused on the need to seek a common interpretation of the Holy Scriptures by all denominations and

trends of Christianity. According to the pontiff, this is a necessary and extremely important precondition for the formation of a single civilizational space in Europe. The difference between confessions and religious movements was noted by him as a crisis manifestation of social development based on principles that rejected the leading role of the Church. At the first stages of its formation as a political concept and political regime, democracy emphasized the need to observe pluralism, provided that a balance of interests was achieved. Democratic processes have significantly intensified the emergence and affirmation of the need to respect the rights of ethnic, cultural, religious and other minorities. And this is precisely what contributed to the emergence of a large number of new confessions and religious movements.

As a result, in the EU policy, and we have noted this when analyzing the normative and legal support of interfaith unity by means of EU legal acts, another socio-political trend is traced. Thus, «in determining the balance between the two key principles of democracy, equality and distinction, the EU somewhat absolutizes the importance of the first one. This cannot but affect the strengthening of the processes of unification in the spiritual and value sphere and, accordingly, the leveling of national characteristics of religious and church life, which is painfully experienced by countries with tangibly rooted historical traditions» (Historical, n.d.). This does not lead to a solution to the problem of interfaith unity in favor of further European integration, but, on the contrary, leads to the loss of the civilizational integrity of the European peoples and the identity of such a socio-political phenomenon as «United Europe».

It is also advisable to point out that the level of inter-Christian contacts often outstripped integration processes in the sphere of politics. Representatives of the churches played a significant role in the reconciliation of previously hostile European nations. Thus, with the support of religious organizations, acts of reconciliation took place between France and Germany and between Germany and Poland, and the declarations of mutual forgiveness proposed by the episcopate were supported by the laity. Inter-Christian contacts and international exchange programs, along with other measures of non-governmental organizations, have played a significant role in bringing neighboring European peoples closer together, especially of one religion (Khomyshyn, 2011).

The rapid development of ecumenism began after the First World War. Already in 1918, Nathan Zederblom, Lutheran Archbishop of Uppsala and Sweden, put forward a proposal to convene a conference to discuss the problems of the life and work of not only Protestants, but all Christians. In 1920, the Patriarch of Constantinople published an encyclical «To All Christian Churches of the World», and the «Lambeth Call for the Unification of Churches» was adopted at the Conference of Bishops of the Anglican Community. After various initiatives and

calls, three movements for the unity of Christianity were formed: missionary, pastoral and doctrinal (Beduel, 2000). In particular, the missionary movement is associated with the creation in 1921 of the International Missionary Council in Geneva. Its purpose was to represent the Church in all international processes, including the processes of political and economic integration that were beginning. The main activity of the International Missionary Council has become involvement in the processes of establishing peace after the First World War through cooperation with the League of Nations.

However, like the League of Nations, the process of cooperation with the Church and religious organizations with it did not receive the required level of activation and support from the international community. The League of Nations became a nominal organization, and realizing this, the International Missionary Council began a new movement - «Faith and Order», which became possible after the conclusion of a religious conference in Lausanne in 1927. In general, neutral Switzerland became the center of religious movements in interfaith unity, since during the First World War, almost all the headquarters of public, political and religious organizations were located on its territory, the main mission of which was the humanitarian movement during the military crisis in Europe. Activities in the humanitarian sphere have significantly increased the authority of the Church and religious organizations, and in the political context, these organizations have become allies of national governments in European countries.

The pastoral movement for interfaith unity did not become as widespread as the missionary movement, nor did it play such a role as doctrinal dialogue. The development and intensification of the pastoral activity of the Catholic Church, on the contrary, led to antagonism between various religious movements, since they were not in equal financial and economic conditions, which determined the dominant position of the Catholic Church in the processes of satisfying the spiritual and religious needs of man and citizen.

The doctrinal dialogue is associated with the beginning of the functioning of the World Council of Churches, based on the 1st General Assembly, held in Amsterdam on August 22 - September 04, 1948. The newly formed association did not claim the status of the world Church, but was not limited to the functions of an ordinary coordination center. The WCC has defined itself as a fraternal association based on Jesus Christ, Lord and Savior. She recognized as her tasks the creation of a single Christian religious organization by overcoming dogmatic and canonical differences between the Churches and the development of an acceptable religious basis for all, as well as enhancing the joint participation of all Christian confessions in practical activities (Pashuk, 2000).

The EU authorities accepted and recognized the need for dialogue not only with the Vatican, but with all churches and religious organizations operating in the

EU. The normative and legal consolidation of the basic principles of such activities in the relevant PACE recommendations demonstrates the fact that European political elites are aware of the need to search for new sources and new arguments to continue the integration processes that they are trying to get in religious teaching and the loyalty of clergy. In fact, interfaith unity as a factor of European integration means broader opportunities not only for supranational governing bodies, but also for national governments, since it makes it possible to lobby for their own national interests through religious organizations and the Catholic Church.

Since the 1990s, since the intensification of the processes of European integration, the Christian Churches of Western and Central Europe have been striving to actively participate in the policy of forming a single spiritual, political, economic and social space of the continent. The main task for all European Churches and Christian organizations is to defend the importance of Christian values, their own heritage of doctrine for social development, the formation of economic institutions and ideological consciousness of the new Europe (Zhuravsky, 2003). For a long time, the influence of the Church on ideology was restrained by the trends of complete secularization proclaimed in the society of various EU countries, which influenced the change in the worldview positions of most European nations. The political movement for human rights and freedoms did not separate rights and freedoms from religious determinants and imperatives of the Christian faith, which excluded the possibility of certain forms of social behavior.

The political leadership of most European countries sought to minimize the influence of the church on shaping the consciousness of society, but this only led to the «washing out» of basic civilizational values and the emergence of a vacuum of worldview, which left the spiritual needs of citizens unmet. In turn, it contributed to the spread of simpler religious doctrines or confessions within the Christian denomination in terms of dogmatic perception. Without raising global issues about the world order and the system of human values, such religious organizations have gained many supporters because they focused their attention only on certain issues of social development that were of greatest concern to citizens in the context of European integration, the search for new opportunities for self-realization, the search for ways to coexist within the framework of multiculturalism and polyethnicity, etc. Society received answers to these questions to a greater extent in the programs of political parties and social movements that formed new ideological concepts, such as the Civil Rights Movement and others.

At the present historical stage, all European Christian churches, regardless of denomination, are facing the problem of losing their positions in society and the inability to influence general European processes, especially the processes of formation and development of the socio-political organism of the European Union and the laying of its value and ideological foundation, which is extremely important

for churches. This challenge of secularization of the modern era has become an incentive to unite the public resources of the churches involved in the integration processes, as well as to develop ecumenical dialogue between them at the theological level (Zhuravsky, 2003).

In this context, attention should be paid to the theoretical and methodological basis of the process of ecumenism, which is explored in his works by O.S. Kiselev. In particular, he believes that «the emergence of ecumenism (inter-confessional integration) is associated with non-confessional and inter-church cooperation of Christians in the framework of missionary work, which appeared at the beginning of the 19th century». (Kolodny, 2013). In this context, attention is drawn to the active position of the Anglican Church, embodied in the so-called Oxford movement for the convergence of the doctrinal positions of Anglicanism and other Christian movements that had their supporters in Great Britain. Given the political activity of the Anglican bishops, this movement may continue at the political level.

The Parliament of Great Britain did not raise acute inter-confessional issues, giving the initiative to the Church itself to overcome inter-doctrinal contradictions in religious dogmas. Subsequently, the Protestant churches of Continental Europe began to join the Oxford movement, which significantly expanded the possibilities for overcoming the difference in the interpretations of the Holy Scriptures, minimizing them through worldview understanding. On the other hand, all these processes required regulatory and legal formalization and organizational support on the part of the Churches themselves, which has not yet happened in the format in which one could speak of achieving the goal of affirming the leading role of churches in European integration processes.

The fact is that such a role is complicated by different visions and approaches in understanding the goals of the development of European civilization by the church clergy itself, which represents various confessions.

On the basis of the concept of the development of religion K. Thiele OS. Kiselev proposes to consider ecumenism as the ultimate attempt to merge different faiths, which is a necessary condition for the development of any religion. On the other hand, ecumenism is seen as a new «spiritual movement» that develops a certain element of religion or its teachings. Analyzing ecumenism through the prism of the laws and principles identified by K. Thiele, one can come to the conclusion that its appearance is a completely logical form of the development of modern Christianity (Kolodny, 2013). As evidence of this, it can be noted, in particular, the fact that interfaith unity and the need to achieve it are defined as the main priority of the EU policy in the field of religious rights and freedoms. However, criticizing the conclusions of K. Thiele and O.S. Kiselev, it should be noted that they do not consider a single spiritual movement through the prism of the system of human and civil rights, which the EU adheres to. From this position, ecumenism becomes a

new form of competition between the Christian religion and, in particular, the Catholic Church for new believers and followers. The penetration of new religions and beliefs from Africa and Asia into the EU has created conditions for the confrontation of various dogmas, which attracted the attention of society, especially that part of it that does not have its own clearly defined positions and problems of ideological and civilizational choice. Different religions offer different ways of understanding and realizing the place of each person in society and their role in social processes, and antagonism opens up opportunities for new challenges of interethnic and interfaith confrontation.

Therefore, ecumenism at the level of a social movement for religious unity should receive an appropriate political embodiment through the normative and legal consolidation of the role of a particular religion in national legislation, since the supranational pan-European system of EU law excludes the possibility of asserting the dominant role of a particular religion, noting only the historicism of the influence of Christian teaching on European integration processes.

In turn, E.V. Zhosul argues that European churches have sought to participate in political processes on the continent in accordance with the dynamics and content of these processes themselves. In the postwar period, they actively promoted pacifist ideas, the need to restore public relations, and the consolidation of the peoples of Europe on the basis of the ideals of solidarity and mutual assistance. The emergence of the Conference of European Churches in 1959, at the height of the Cold War, was, according to its ideologists, a sign of the future unification of Europe beyond political borders, building a spiritual bridge between the West and the East of the continent, which prepared the formal collapse of the Iron Curtain decades later. These processes confirm our thesis about the active position of the Vatican during the pontificate of John Paul II in the establishment of a new model of state-church relations, enshrined on the basis of the recognition of the Catholic Church as an influential subject of social processes and an important subject of international relations through the Holy See.

The activity of John Paul II in the field of interfaith unification found its reaction primarily in Polish society, since the IV General Assembly of the Conference of European Churches, which took place in 1964, moved its activities to the Baltic region. The Vatican's aspiration to unite all Christian denominations in Europe was also aimed at solving the problem of the spread of atheism. In fact, John Paul II contrasted the model of atheism with the model of integration of churches, confessions, societies, nations, states. Thus, the population of Eastern Europe got the opportunity to join the spread of common European values based on religious teachings and include them as an element of their own public consciousness. This was further developed after the fall of the Iron Curtain, when the countries that got

rid of the totalitarian oppression of the USSR began the process of European integration.

This example demonstrates the powerful potential of ecumenism and interfaith unification, turning it into a powerful tool for changing public consciousness in a way that maximizes the ability and openness of individuals, societies and nations as a whole to perceive a new level of values. Common European values, which, under the influence of the church and religion on the formation of the national idea and public consciousness, become a priority of national development, and then turn into a very specific political orientation of the state towards European integration and accession to a single common European community.

In this context, O.S. Kiselev identifies two main forms of manifestation of interfaith unification in practice: cooperation of Christians in social, economic and political issues and theological dialogue between representatives of various Christian denominations. Ecumenical relations (inter-Christian or inter-confessional relations) are aimed at mutual rapprochement, and ultimately at Christian unity. Cooperation within the framework of the ecumenical movement takes place mainly in the non-religious sphere (Kolodny, 2013). These areas include, among others, education, social, economic, and even political. The fact is that religious teachings and, in fact, their diversity necessitate a search for a certain truth of the teaching. Transforming in the consciousness of a person, the result of such a search turns into his worldview guideline and a new basic value of world perception. In the future, this affects a person's choice of a way of ordering social relations, of which he is a participant, forming his model of behavior. From the point of view of a particular person, such a model of behavior is appropriate and possible for him or her to meet his or her own needs, and from the point of view of society, this model is generally accepted, which necessitates its consolidation at the social level through legal instruments.

This means that through the search for dialogue at the interfaith level, new forms of social relations are being built and opportunities are opening up for adjusting the existing models of state-church relations. Religious unity activates integration processes by eliminating contradictions arising from the heterogeneity of the consolidation of religious rights and freedoms from the point of view of representatives of different religions or confessions.

In this context, however, one should pay attention to the position of S. Zdioruk and V. Tokman, who note that «the preferences that the EU leadership gives to the “old” member states over the new ones are obvious in implementing the policy in the field of freedom of conscience and religion. In particular, this concerns the recognition of the hierarchical ladder of religious organizations. Therefore, potential member countries should take into account that when entering

a united Europe, they will most likely have to give up their own ambitions regarding the streamlining of confessional space in favor of all-union principles (Historical, n.d.)).».

This way, we can state the following extraordinary phenomenon of the development of the Catholic Church and its influence on European integration processes. We are talking about the need to integrate the church itself, which the clergy and the higher clergy understood very quickly and directed their efforts to create conditions, and in the future, the soil for the unity of confessions within Catholicism and Christian unity in general in the face of the challenges of the modern world. Such a movement is of particular importance in the development of the European Union, since it is a single church that is capable of developing a single moral context for EU lawmaking and a single system of civilizational values for a united Europe.

The European integration processes became the initial cause, the catalyst for the interfaith unification of the churches of Europe. There were three reasons for this:

- the first reason was the aggressive policy of European structures in relation to the church and its dominant position in the plane of moral and ethical education;
- the second reason was the need to confront new challenges, and in particular the expansion of other world religions on the European continent;
- the third reason was the tendency of a general decrease in the interest of society in the church and the Christian religion as the dominant of the spiritual values of Europe.

Taking into account the above, in our opinion, further trends of interfaith unification in the context of achieving maximum effect for the practical implementation of European integration processes are as follows:

- firstly, there is a need to continue the active rule-making activity of PACE, in particular in the context of developing recommendations to the national governments of the EU member states, which concerned the mechanisms for introducing a policy in the field of religious rights and freedoms of man and citizen, taking into account the problem of increasing emigrants from Africa and the Middle East. The East, whose religious views have pronounced elements of extremism and fundamentalism;
- secondly, it is recognized that it is expedient to develop recommendations and work on new normative documents, together with the involvement of the Vatican and other centers of religious movements in the field of consolidating interfaith harmony on the basis of interethnic and intercultural dialogue, the main role in which is assigned to just the same organizations that bring together representatives of various churches;

- thirdly, it is important to update the law-making activities of the EU bodies in the field of protection of religious rights and freedoms of man and citizen through the mechanism of public security. We are talking about the need to intensify the work of the European Court of Human Rights and the EU Court in the field of approving the boundaries of development of certain religious teachings, given their content, some elements of which may threaten the national security of EU countries. By this time, the EU leadership did not interfere in the national policy pursued by the governments of the EU member states on the domestic issues of asserting religious rights and freedoms. However, in the context of the intensification of illegal entry into the EU territory of a large number of migrants, there is a real threat of the spread of fundamentalist and extremist religious movements. In this context, the EU requires the development of common unified mechanisms and instruments of state regulation. In particular, it seems necessary to disseminate such mechanisms as structural elements of building national models of state-church relations, unified in order to achieve the maximum level of resistance to penetration of openly antisocial and illegal forms of expression of religious freedoms;

- fourthly, the possibility of expanding the social activities of the Catholic Church in the process of overcoming the crisis phenomena in the EU is being considered. For example, it seems advisable to activate the role of the Vatican in solving the refugee problem by creating appropriate cells or temporary places for resettlement of refugees in African or Middle East countries, which were supported by the Vatican. Such support would resolve issues of religious assimilation.

In general, it should be noted that solving the problem of interfaith unity by itself will not provide the necessary catalytic effect for further EU enlargement. Most of the countries that are candidates for accession to the EU today have serious religious, ethnic, and even interfaith heterogeneity. Therefore, the solution to the issue of their integration in the context of the religious factor has a dual nature. On the one hand, countries with a dominant position of churches based on Christian beliefs receive a certain level of support from Christian socio-political movements and EU forces. On the other hand, the problem of achieving religious unity as an integral factor in the formation of a common vision by the EU countries of a common path of civilizational development, based on the commonality of civilizational values formed under the influence of the religious factor, requires a solution.

2.3. THE PRINCIPLE OF RELIGIOUS UNITY IN THE PROCESSES OF EUROPEAN INTERSTATE INTEGRATION

European integration is at the stage of its further continuation. At present, it is urgent to achieve greater unification of national legislation and state-government models of the existing EU members, but this does not interfere with the search for potential areas of expansion of the Union. The way in which EU enlargement takes place can be described as a form of financial and economic expansion that proceeds at a rather slow but verified pace, which necessitates bringing the system of socio-economic management and the standards of the legal system of a potential member into line with the requirements established by the EU. It is assumed that at the time of integration into the Union, the new member will have a high level of economic development, a state of financial stability, the capacity of the internal market, and will also meet high standards for strengthening democratic values in society and state policy for their protection.

In turn, for a candidate country, integration into the EU is an opportunity to unleash its own economic potential and obtain new prospects for sustainable development. It is unequivocally difficult to determine who exactly gets more integration: the candidate country or the EU as a whole. But the indisputable fact is that the integration of any new country should not lead to upsetting the balance of development of the public-political, social, economic and cultural-religious spheres of the EU. The level and quality of the system for ensuring intra-European stability of its security space should relate to all factors and aspects of social life without exception. The sphere of religious relations is no exception, and taking into account the above analysis of the normative legal acts of the EU legal system, PACE believes that most interethnic, interethnic and cross-cultural conflicts arise precisely against the background of the religious factor. Analyzing further prospects of European integration processes, it is advisable to present comparisons of countries that are still members or potential members for accession to the EU, taking into account the sign of religious unity (Table 2.1.).

Table 2.1. Comparative characteristics of countries with candidate status or potential candidate status for EU membership *

Country	Association agreement	Application for EU membership	Candidate status	Composition of the population by religion (only significant religions are given)	
1	2	3	4	5	
Candidates					
Albania	12.06.2006	28.04.2009	24.06.2014	63% of the population are Sunni Muslims; 31% of the population profess Christianity (16% Orthodox; 15% Catholics); 5% are atheists	
Macedonia	09.04.2001	22.03.2004	17.12.2005	67% of the population are Orthodox Christians; 30% - Sunni Islam	
Montenegro	15.10.2007	15.12.2008	17.12.2010	74% of the population are Orthodox Christians; 17% - Islam; 4% - Catholicism	
Serbia	29.04.2008	22.12.2009	01.03.2012	85.0% of the population are Orthodox Christians; 5.5% - Catholicism; 3% - Sunni Islam	
Turkey	12.09.1963	14.04.1987	12.12.1999	96% of the population are Sunni Muslim	
Potential candidates who have applied for membership					
Bosnia and Herzegovina	16.06.2008		15.02.2016	–	40% of the population are Sunni Muslims; 31% are Orthodox Christians; 15% are Catholics.
States that have signed an Association Agreement with the European Union and have a European perspective for membership explicitly recognized by the EU					
Georgia		27.06.2014	–	–	more than 90% of the population are Orthodox Christians
Moldova		27.06.2014	–	–	93% of the population are Orthodox Christians
Ukraine		27.06.2014	–	–	70% of the population are Orthodox Christians; 17% - Catholicism; 4% - Protestantism
States that have frozen or withdrawn their applications					
Switzerland (withdrawn)	Referendum against EU membership				
Norway (withdrawn),	Norway's government withdraws EU membership application				
Iceland (frozen)	In 2010, Iceland's application for EU accession was suspended by the national government				
Morocco	Application filed in 1987 but rejected by the EU			Sunni Islam	

* Summarized by the author based on data analysis (CIA, n.d.)

As shown in Table 2.1, none of the countries that are potential candidates or have partially completed candidate status for EU membership belong to states with a majority of the population professing Catholicism or Protestantism. However, most of these countries generally have an overwhelming number of followers of the Islamic religion within their populations. In this context, two facts are of particular interest: the date of Turkey's application for EU membership and the rejection of Morocco's application for EU membership. Turkey has held candidate status for EU membership for the longest period of time; however, despite its high level of economic development, which significantly exceeds many indicators of economic development of EU member states, Turkey still remains outside the Union. This situation cannot be regarded as proven evidence that EU integration is taking place on a religious basis, since this would directly contradict the declared principles of freedom of religion and freedom of choice of religion.

At the same time, attention is drawn to the fact that representatives of the Catholic and Protestant churches prevail in many EU member states. The only exceptions are Greece and, partly, Bulgaria. On the other hand, among the candidate countries or associate members, Christian faiths are also widespread; however, North Macedonia, Montenegro, Serbia, Ukraine, Georgia, and Moldova represent typical countries with a dominant role of Orthodoxy.

Speaking about the normative legal consolidation of the conditions of a country's membership in the EU, attention should be paid to the existence of the following legal provisions.

First, in accordance with Article 49 of the Treaty on European Union «any European state that respects the values specified in Article 2 of the Treaty on European Union and undertakes to implement them may apply for the acquisition of membership in the Union. The state that submits the application shall forward it to the Council, acting unanimously after consulting the Commission and after obtaining the consent of the European Parliament, which decides by a majority of its members. The admissibility conditions agreed by the European Council must be taken into account» (Dzhezhyk, 2013, p. 43). This article defines only two conditions for submitting an application for membership in the EU: the country's belonging to the «European states» and respect for the values defined in the Treaty on the European Union. This explains why Morocco's application was rejected, as it clearly does not fall within the category of «European states». In accordance with Article 29 of the said Treaty «the Council of the EU makes decisions that determine the Union's approach to a separate issue of a geographical or thematic nature» (Dzhezhyk, 2013, p. 33). This means that there are no clear criteria for the relationship of this or that state to the number of «European states», but it is logical to note that such criteria go beyond the geographical boundaries of the European continent»».

Secondly, the European Council at its meeting in June 1993 developed more detailed criteria for accession to the EU, called the «Copenhagen criteria» and subsequently implemented in the provisions of Article 6 of the Agreement establishing the European Union. The European Council has identified four main criteria, each of which has been detailed in a number of additional criteria and requirements:

- a political criterion, which consists in the stability of public-political institutions in the state, as well as guarantees of fundamental human and civil rights and freedoms, adherence to the country's political institutions to democratic principles and the rule of law. Moreover, «in the decisions of the Luxembourg Council (December 12-13, 1997) it was noted that compliance with the Copenhagen political criterion is a prerequisite for starting negotiations on the association» (Zavada, 2010, p. 27);

- an economic criterion providing that a market economy operating in a state that has expressed a desire to join the EU is able to cope with competitive pressure and market forces within the EU (Petriv, 2007);

- the criterion of membership, which is the most difficult to fulfill, since it is detailed in 31 additional criteria, each of them corresponds to one of the 31 sections of the *acquis communautaire* («common heritage of the EU») (Zavada, 2010, p. 2);

- the fourth criterion concerns exclusively the EU, since it determines the Union's ability to assimilate and absorb a new member, while maintaining internal stability and not losing the pace of integration and socio-economic development. In fact, this criterion is, so to speak, a protective mechanism for the internal state of security of the EU, since its essence is to avoid the weakening of the EU's position in the international arena with the inclusion of a new member.

Thirdly, the provisions of the Treaty on the Functioning of the European Union determine the specifics of the contractual settlement of relations with third parties to the EU in international relations. That is, before joining the EU, a potential candidate can exercise his right to membership exclusively on a contractual basis, which means that all EU member states must first ratify the Association Agreement with a new member, and later on integration into the EU, since the latter is also being implemented means of negotiated settlement: the accession of a new member of the existing system of agreements on the creation and functioning of the EU.

Thus, the above shows that formally the religious factor is not decisive for the country's integration into the EU. But the same data of the provisions of the PACE Recommendation: No. 1396 (1999) «Religion and Democracy»; No. 1720 (2005) Education and Religion; No. 1804 (2007) State, Religion, Secular Society and Human Rights; No. 1805 (2007) «Blasphemy, insult to the feelings of believers and hostile statements against persons in connection with their religion»

demonstrate that it is the religious factor that is one of the factors of crisis and confrontation phenomena. And this already gives us the opportunity to make a certain reference to the existence of the principle of religious unity for further processes of European interstate integration as an actual manifestation in practice of the fourth criterion for EU membership, which provides for the exclusion of any possibility of deterioration of the security of the state of the Union during the integration of a new member.

None of the EU regulations contain any exceptions or restrictions on the integration into the Union of a country that professes a religion other than the dominant one in the EU member states. This also applies to the absence of restrictions on the integration of countries with a dominant Orthodox tradition. Moreover, the PACE insists on the need to seek dialogue and mutual understanding between countries and societies that profess different religions, in particular between Christian and Muslim societies. At the same time, this approach has a strong emphasis on security, as the efforts of national governments and EU bodies in this context are aimed at minimizing the risks of penetration of not only Islam into Europe, but also its fundamentalist and extremist trends.

Despite the declaration of religious tolerance and religious tolerance and pluralism, the religious factor still plays a significant role in the processes of European integration and complicates the integration into the EU of even the countries of the European continent, the overwhelming majority of whose population profess either Eastern Christianity (Orthodoxy), or other than Christian religion.

The point is not only that religions are distinctive, which occupy a dominant position in societies of different countries, but that religious heterogeneity and difference in confessions also cause a difference in worldview. An example of this can be a system of values, which is formed under the influence of religious teachings and influences public consciousness. The latter, being formed on the basis of a dogmatic religious doctrine, becomes the basis for the understanding of the world by the individual and society of the processes taking place around.

In this context, Yu.G. Noskov defined the religious factor as a certain category, definition, terminological tool that serves to designate the impact on a particular social object from the side of religion and which in specific conditions is important for the functioning of a certain society (Pannenberg, 1991, p. 6-7). This definition captures the main functional moment: religion significantly affects society, and this is referred to as a «religious factor». At the same time, the content of «religiosity» turns out to be undefined, which leads to a shift in the function of this concept to the area of pure rhetoric: «religious» here means «related to religion in general». Although this concept indicates the nature (cause) of well-known socio-cultural phenomena caused by religion, the concept of «religious factor» is often

hidden behind a lack of understanding of how «religion» affects sociocultural reality and what its corresponding potential is (Zavhorodnia, 2003).

In this context, the statement of V.N. Telegin, S.V. Telegina and V.V. Schmidt that «the religious factor characterizes the influence of religion as a social institution on other, non-religious, aspects of public life. In its historical development, it, being realized in the form of spiritual and moral convictions and values of the individual, determines the cultural code and the predominant features of nations. The influence of the religious factor is evident at the social and state-political levels of the institutional organization of society-in its hierarchical and axiological models» (Strikha, 2012). At the same time, religion should not be seen to directly influence integration processes and the desire of states to unite in the concept of a united Europe. Determination of the religious factor does not give a clear idea of the mechanisms of political and legal integration. Therefore, one should look for the indirect influence of religion on the formation of individual elements of the formation of the state.

Religion influences the perception of the world and forms the worldview guidelines of a person in all spheres of public life without exception. This can be most vividly and illustratively demonstrated on the dependence of the level of economic well-being on the prevailing religion in society, which was proved by M. Weber in his fundamental work «Protestant Ethics and the Spirit of Capitalism». Generally, such a relationship can be represented as follows (Fig. 2.1).

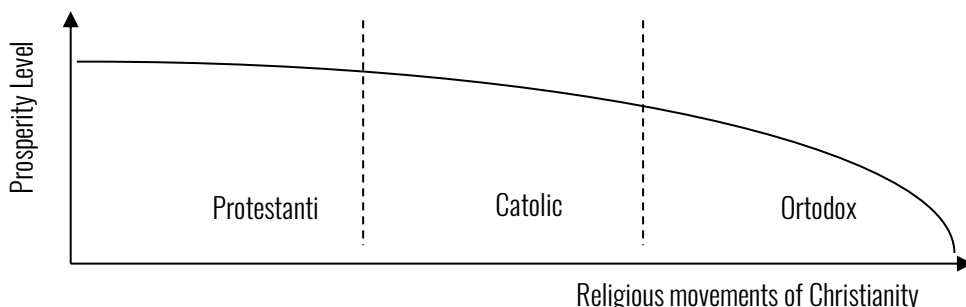


Fig. 2.1. The curve of the dependence of the level of well-being of the population on the dominant religion in society (summarized by the author based on the study).

This curve demonstrates the economic content of the religious factor, which in the context of European integration corresponds with the economic criterion, as well as with the fourth - the security criterion, because when a new member of the Union with a weak economy is absorbed, other EU countries will feel an imbalance in the economic and financial systems through the redistribution of investments and financial assistance in favor of the new member.

The ratio of the income level of a country with a particular religion to the income level of other countries, calculated and substantiated in the works of J. Robert and R. McCleary, is even more indicative (Table 2.2).

Table 2.2. The ratio of the income level of a country with a particular religion to the income level of other countries (Barro et al., 2003)

Religion	Index	Note
Christianity in general	5,1	This religion creates the most beneficial impact on the country's economy. Countries dominated by Christianity are 5 times richer than other countries
Protestantism	7,95	Countries dominated by Protestantism are 8 times richer than other countries
Catholicism	1,49	Catholic countries are 1.5 times richer than others
Ortodox Christian	0,81	Countries with a predominance of Orthodoxy are 1.24 times poorer than other countries
Muslim	0,23	Muslim countries are 4.4 times poorer than others
Buddism	0,15	Buddhist countries are 6.7 times poorer than other countries
Hinduism	0,086	Hinduism has the most negative economic impact of all religions
Atheism	0,084	The more atheists in a country, the lower the rate of economic growth. The ideology of atheism has the most negative effect on the country's economy

The researchers J. Robert and R. McCleary, demonstrating the influence of religion on the level of well-being of the population and the well-being of the country, actually come to the conclusion that the Protestant teaching is considered the most «effective» in terms of ordering socio-economic processes. The Protestant Church, to a greater extent of all churches, has modernized religious dogmas in a way that maximizes the economic effect of scientific and technological progress, which is an objective factor in the development of the modern world. In this context, it is also obvious that the EU, which positions itself as one of the most influential centers of globalization processes, is trying to strengthen its own socio-economic power at the expense of new members, rather than incur losses in terms of the level of economic development by absorbing new members. whose economic capacity is at a relatively low level. And this level is a consequence of, among other things, the influence of the religious factor.

In fact, despite a fairly clear demonstration of the dependence of the influence of income on the type of religion prevailing in society, the mechanism that explains how consistency is connected with religion is not obvious enough. It is the type of religion that influenced the development of economic relations on the European continent, their intensity and reciprocity. It became the determining driving mechanism of integration processes in Europe. In bringing this thesis, let us pay attention to such aspects.

The final model of European integration was formed after the end of global religious confrontations and heretical movements in Europe, the process of tolerance of churches and various religious movements began. The papacy tried to regain its influence and restore the centrality of the Catholic Church around the Vatican. Early XX century was also marked by an active social role of the church in the processes of state and social provision of social needs in Europe, especially during the wars on the European continent. Similar trends have revived the value system of Europeans in different countries through preaching and church education. Catholic and Protestant believers of different trends, although they formed certain established communities or societies in different countries, and in some of them accepting the status of a religious minority, nevertheless coexisted in conditions of stable social relations. All this has formed in the minds of Europeans certain axiological determinants aimed at achieving peace and balanced development. In the future, these concepts will become crucial for a new paradigm of sustainable development.

M. Weber focuses on the fact that religion lays down certain moral qualities and foundations in human behavior, including professional behavior, within the framework of certain models of economic or economic relations. These moral and ethical imperatives differed somewhat between Catholicism and Protestantism, but, to one degree or another, they directed the consciousness of believers of different denominations to the need to lead a righteous life, that is, a life of selfless work. The church proclaimed the need to engage in economic activity because, firstly, it was a duty, and secondly, a way of atonement. In fact, because of the growing role of economic relations, the element of economic relations in the model of social development, the church tried to get more income through donations from believers. The church was interested in the stability of economic development, an increase in the income of the population, and the creation of conditions for overcoming social tension. The latter, by the way, for a long time related to the direct responsibility of the church, which, by stimulating economic activity, forming the necessary system of moral and ethical imperatives in the minds of citizens and society, intensified their economic activity. Through the formation of such a model of consciousness, a system of value guidelines was also formed, in which work became a trend.

The development of economic relations has created the necessary prerequisites for the formation of appropriate legal regulators in the national legislation of European countries. But since economic trends and the nature of economic relations in countries dominated by Catholicism and various currents of Protestantism were identical, the legal regulators were similar in nature, in nature, and even beyond the limits and scope of state intervention. A similar situation became possible due to the commonality of many features of public consciousness, which was formed largely under the influence of the church. And since the moral and ethical imperatives were similar, it seems quite obvious that the logic of fixing the models of existing economic relations in national legislation is similar among legislators of different countries. Neither the Catholic, nor the Protestant Church directly influenced the processes of rule-making, as well as the processes of law implementation or legal thinking. However, the church in many ways turned out to be a lobbyist for the mode of existence that society considered to be correct and so leading to the common good. This is precisely where the influence of religious teaching on consciousness is traced, or rather, on the way a person perceives reality, its interpretation and the creation of his own idea of the regulators of social relations that would allow achieving the maximum effect of social development.

In addition to the creation of legal norms for the normal provision of the development of society, their strict observance is necessary. Law as an element of objective reality requires in the behavior of individuals not only following, but understanding and perception. Therefore, legal thinking becomes that necessary source for the formation of a system of internal personal imperatives of behavior, which exclude duality or variability in the interpretation of legal norms. Public legal consciousness must have an appropriate level of development in order to perceive the legal system as a necessity, and not as a system of prohibitions and obstacles on the way to self-realization. On the contrary, from the point of view of the church, secular law is a set of determinants that determine the boundaries of the most acceptable and effective development of social relations, and this is how it should be perceived. This thesis is the starting point for demonstrating the mechanisms of legal perception and legal thinking within the framework of the EU, where the EU has its own system of law. In the process of integration, European countries had their own national legislation, which, in terms of the nature of the liberal impact on social relations, including economic ones, were very similar. In the process of convergence of economic and social systems, countries faced the need to create certain unified norms and regulations, the nature and content of which were the result of the extreme identity of value systems that had developed in different societies, but under the influence of a single factor, religion. Difficulties in creating a unified legal framework for the EU were minimized by the joint sources of legal awareness and guidelines for legal thinking in different countries and societies. The

differences between the Catholic and Protestant movements of Christianity were quickly overcome by an understanding of a single general vector of legal regulation and the general outlines of the model of legal relations within the EU.

The fact that the religious teaching of the Catholic Church influences secular processes in individual countries is undeniable. As for the integration processes in the EU as a whole, it should be noted that there are a large number of denominations that, having their own vision of religious dogmas, also influence the political will of their societies and, consequently, the degree of integration. The historicism of the spread of the Catholic Church's influence and even the participation of individual popes in the process of European integration and the proclamation of the exclusivity of Christian values as the worldview guidelines of a united Europe. All of this indicates a rather high degree of penetration of religious norms into both the legal system and the axiological dimension of perception. Thus, even in countries with a strong secular factor, a number of written rules of law and court decisions bear a specific imprint of religious rules. This is reflected in the application of certain principles in personal, professional, disciplinary, budgetary, tax and other areas.

The most demonstrative is the relationship between the religious factor and the level of economic viability of society. And although this influence is indirect and is not revealed through a direct identification of EU law, as, say, in the sphere of securing freedom of religion and freedom of manifestation of religious affiliation, but this relationship affects the subsequent stages of development of the European community. It is also inappropriate to state unequivocally that the economic component is the basis for the country's integration into the EU. An example in this context can be considered Turkey, whose GDP level has shown high growth rates over a long historical period, and the Turkish economy itself is more powerful than most of the economies of the modern EU member states. Nevertheless, Turkey is outside the vector of European integration, and so far there is no question of a clear definition of the date of its integration. This makes it possible to conclude that Turkey should also meet the political criteria from the economic point of view. However, given the recent events in this country (reform of the governance system, formation of a presidential republic, excessive concentration of political power in one person, constant suppression and persecution of opposition movements, etc.), it is hardly possible to claim that the maximum level of achievement of the requirements set by the EU in the political criterion can be stated.

Turkey even tries to adhere to the membership criterion, achieving the maximum results of socio-economic development, but nevertheless it should be noted that in relations between Turkey and the EU, the leading place is still occupied by the religious factor and its derivatives: interethnic and intercultural conflicts, the source of which is often Turkish communities in EU countries; an increase in the

number of radicalized elements in such cells (although in fact the consequence of this is an increase in the influence of fundamental Islamic teachings in general, and not a radicalization of Turkish minorities in the EU countries), etc.

With this in mind, we must once again return to the most significant difference between Turkey and the EU countries, the dominance of Sunni Islam in Turkey. The difference in religions forms the peculiarities of relations between societies that profess different religions. The basis of such relations is not the achievement of the common good in the process of relationships and mutual development, but, first of all, the avoidance of contradictions, the basis of which is the difference in public consciousness and the system of values formed under the influence of religious teaching. Especially such dogmatic ones as Catholicism and Islam. These contradictions can be avoided through the formation of common, generally accepted mechanisms and regulators of social development. This requires society to achieve legal understanding and unity of the axiological dimension of legal consciousness, which will create a common legal system.

The legal consciousness is the basis for analyzing the influence of the religious factor on the process of European integration, and several key remarks should be made about the logic of presenting the results of such an analysis. Legal consciousness is a derivative of those socio-economic and socio-political realities that dominate in society, and at the same time, it is legal consciousness that determines the development of the legal field, which significantly affects these trends, but in the future. It is important to understand that the economic basis is always primary relative to the legal system of society.

Legal consciousness is a reflection of socially important trends, even if we are talking about the legal consciousness of an individual, then it should be understood that it is formed within the framework of certain general trends in the development of society, including development in the religious plane. Thus, religion as a definite sphere of social relations plays the role of an ethical criterion for the system of social values.

It is religion that has been replacing social value systems in countries for a long time, and religious norms have been replacing social regulators. Therefore, the development of religious movements and their opposition to each other significantly influenced the level of regulation of social relations even within the same country, which was marked by large-scale and long-term conflicts, but at the same time uniform principles of the nation's social development were crystallized.

The system of religious dogmas in Europe during the period of absolutism replaced the system of moral values, therefore, legal consciousness as a characteristic feature of society and a particular person can be identified in fact with a common consciousness that was formed under the influence of religion.

As analysts note, «the current increasing attention to religion in the EU countries and future members of this community is primarily due to the process of forming a new European identity. And next to the universal democratic values, it is the Christian heritage inherent in the majority of the peoples of Europe that is often the defining civilizational feature of Europeans» (Khomyshyn, 2011). The vision of a common European future for the entire continent was reflected in numerous declarations and joint statements by representatives of various religious movements and organizations, as well as in joint statements by representatives of the EU political leadership and spiritual leaders of European Churches. But in practice, the joint religious vision of further prospects for European integration is clearly revealed in two issues: the adoption of a common EU Constitution and the solution of the issue of Turkey's EU integration. The latter is an extremely controversial issue, since it reveals the practical effectiveness of the Union's integration mechanisms and demonstrates to other potential member states the reality of the EU's policy regarding its own enlargement.

The creation of a new common EU Constitution and the role of the Church, in particular the Catholic Church, in these processes, should be considered in the light of the view expressed by A. Kanunnikov, who in his study concludes that «during the discussion of the draft EU Constitution, Christian churches in most EU countries advocated that the Christian heritage be specifically mentioned in it. The desire to reflect the role of Christianity in the formation of modern Europe united almost all influential Christian churches and religious organizations, and the level of inter-Christian integration contacts often outstripped integration processes in the political plane» (Kilmasonry, 2011). This level of consolidation and interfaith unity is explained by the fact that Christianity is considered the religious heritage of Europe. The very phenomenon of «United Europe» became possible thanks to the leading role of the Christian faith in the formation of the nation states of continental Europe and the establishment of modern European nations.

F. Jenkin focuses on the fact that as much as the influence of Christian doctrine on the process of strengthening integration on the European continent is progressive, it is also a factor that hinders integration in the current conditions of world globalization (Jenkins, 2007). The problem is that the economic component of integration processes comes to the fore, which means that any absorption of new EU member states should take into account the economic wealth that the European economy will receive with each new member. Approaching the constitutional process in the EU from this perspective, the distribution of the dominant position of a particular religion is not a fundamental issue and should not become a factor dividing or slowing down the consolidation of European states.

Taking into account the growing political importance of religion and increasing skepticism toward European integration, H. Boomgarden and A. Frere

note that «the religious context of European integration contributes to the activation of Euroscepticism as a new social movement within the EU. Moreover, Protestant countries are more Eurosceptic than Catholic countries. However, religion at the micro level (individual or social group) has practically no influence or significance on issues of Euroscepticism regarding the adoption of a single EU Constitution, while at the macro level (national level of the EU member states) the influence of religion is tangible (Francis, 2013). This situation is explained by the fact that at the national level the religious factor influences the formation of a vision of public and national good, which is also embedded in the ideology of political parties that form public authorities. Thus, the governments of countries where the positions of Eurosceptics are strong are opposed to a single Constitution, and this can be clearly demonstrated by the examples of the Netherlands, Sweden, Belgium and even France, that is, countries that refused to ratify the EU Constitutional Act».

On this occasion, one can find an explanation in the works of E. Kaufman, who, analyzing the influence of religious doctrine on the process and quality of worldview values and national ideas of European countries, concludes that there is a certain «instinct for preserving national, cultural and religious identity» (Kaufmann, 2010) of the EU countries, which can be leveled by the presence of a single Basic Law for the whole of Europe - both Protestant and Orthodox.

But nevertheless, «the religious factor has a tangible effect when considering the issue of Turkey's entry into the EU» (Khomysyn, 2011). In our opinion, such skepticism and opposition to Turkey's integration trends are mainly associated with the Muslim past and the significant influence of the Islamic factor on the formation of the social and state structure in Turkey. This will become the main obstacle to the unification of the public administration model, state-legal regulation of social processes, the organization of socio-economic relations, which are already well established in Turkey and are demonstrating their effectiveness. The position of the majority of European countries concerns the permanence of those threats that will stand in the way of Turkey's absorption by the Union. It is not only about the acceptance of the democratic standards of the EU by the Turkish political elites, but about the fact that such standards should be adopted by the Turkish society.

Even despite the fact that Turkey has never been considered an orthodox Islamic state, the influence of this religion on the processes of legal regulation, the formation of legal consciousness and the establishment of a system of national values is enormous. The EU's policy of religious pluralism and tolerance with regard to religion allows for the continued influence of the Islamic factor on social processes in Turkey. However, from the perspective of the clear standards and criteria for EU accession defined at the regulatory and legal level, the antagonism between Islamic and Christian beliefs represents an objective issue in Turkey's path toward EU membership. Moreover, we emphasize that this is precisely a problem,

not an obstacle, and therefore requires a joint solution by the country's political leadership and the political bodies of the EU.

This requires political will, but returning to our conclusion about the existence of certain legal mechanisms that act as political instruments in resolving the issue of integration into the EU of a particular country, we again state the fact that a country of the Islamic world is unlikely to become an EU member in foreseeable future.

Although, referring to the fourth criterion of a country's membership in the EU, which concerns ensuring an adequate level of intra-European security during the integration of a new member, we note that, according to some experts, Turkey can just strengthen certain elements of European security. So, E.R. Akhmedova notes that «after the Cold War and September 11, 2001 in the United States, Turkey's role in European security policy has changed due to structural changes at the international level that have occurred in parallel with changes in the EU itself» (Akhmedova, 2014). As M. Medina-Abelan notes, Turkey's influence on the secure state of the EU is underestimated, since it is Turkey that acts as a necessary link in minimizing the negative consequences of the crisis phenomena that take place in the Middle East and were pushed away from the EU borders precisely by the efforts of Turkey and NATO. In our opinion, it is Turkey's membership in NATO and a high military potential that will allow this country in the future to obtain real prospects for EU membership. This can be explained by the fact that most of the current and potential crises for the safe environment of the EU (growth of migration pressure; spread of radical Islamic movements; armed conflicts in the Middle East; increased aggression by Russia) are located in the geopolitical space of Turkey, therefore it is interested in their solution. The consolidation of efforts by Turkey and the EU to overcome the above crises should serve to neutralize the religious heterogeneity of these actors in international legal relations.

When presenting the legal basis for the importance of the security factor in the integration of a new member into the EU, attention should be paid to Article 21 (formerly Article 10A) of the Lisbon Treaty, according to which, in Part 2, «the Union determines and implements common policies and measures, and seeks to ensure a high level of cooperation in all spheres of international relations in order to»:

- protecting their values, basic interests, their security, independence and integrity;
- consolidation and support of democracy, the rule of law, human rights and principles of international law;
- maintaining peace, preventing conflicts and strengthening international security, respectively, including those related to external borders;

- supporting sustainable development in the economic, social and environmental terms of developing countries, making the main goal of eradicating poverty;
- encouraging the integration of all countries into the world economy, including through the gradual elimination of obstacles to international trade;
- rendering assistance to the population, countries and regions that face disasters caused by natural factors or humans» (Navrotsky, 2013; Barro et al., 2003; Risso, 2009).

Based on the above and taking into account Turkey's role in the region, it can be concluded that the country would serve as a significant barrier to the flow of new waves of migrants and refugees into other EU member states, since EU borders would extend to Turkey's eastern frontiers if it were to join the Union. In addition, the presence of NATO bases and Turkey's considerable military potential would substantially advance the prospects for the creation of an EU Rapid Reaction Force, which serves as an alternative to NATO troops and is regarded by EU political leaders as one of the priorities for further integration.

In spite of the objective benefits that the EU could gain from Turkey's integration, the accession of this Islamic country to the Union is strongly opposed by the Christian lobby, which, embodied in the political plane through representatives of the relevant European parties, contributes to the postponement of the start of real consultations and dialogue on Turkey's accession to the EU.

It should be noted that the Christian world is not the only one in assessing the possibility and, most importantly, the expediency of Turkey's accession to the EU. For example, Patriarch Bartholomew of Constantinople, who is the highest clergyman in the hierarchy of Orthodox churches, supports EU integration. His position and motives are that by lobbying the interests of Turkey, he and his church can receive certain preferences from the political leadership of the country, which will expand the activities of the Orthodox Church throughout Turkey, creating centers of Christianity and building new churches.

Orthodox Bulgaria is cautiously criticizing Turkey's entry into the EU, since this will significantly interfere with its geopolitical interests and open its borders to a large number of refugees and migrants. That is, religious leaders, proclaiming their positions on the inclusion of an Islamic country in the EU, focus not only on different religions, but also look for real socio-economic preferences or disadvantages for their countries in the event of integration into the Union of Turkey.

The Vatican, which is not even a member of the EU, is actively opposed to joining the union on the basis of Christian dogma and the doctrine of the Islamic state. The Vatican, through the pontiffs Pius XII, John Paul II, Francis I, urges to be careful about the possible consequences of such integration, focusing on the growth

of interethnic, and sectarian enmity. Moreover, for example, Francis I in his encyclical «Lumen Fidei» emphasizes the need for «the continuation of the ecumenist movement and the reconciliation of all Christians of a united Europe in order to become a new support in the system of values and guidelines in the development of Europe» (Francis, 2013). He directly determines that in today's Europe it is precisely such a number of scattered religious teachings, devoid of a single spiritual content, that is the problem of interethnic confrontation.

The spiritual leaders of the Protestant movements, in particular the Anglican Church, also face great resistance on the path of Turkey's integration. In general, the official position of the UK is that Europe should rethink common values and focus on intra-European growth and development. Having received no support for such Eurocentric aspirations, the UK demonstrated its political will and reintegrated with the EU. This position was supported by the Anglican clergy, who believed that leaving the EU would significantly increase the inviolability of the country's external borders, stop illegal and almost uncontrolled migration, and significantly improve the quality of internal security.

Most Protestant countries, in particular the Netherlands and Belgium, appeal to the EU bodies in order to enable them to concentrate on solving new globalization challenges before continuing to expand the Union. The position of Protestant spiritual leaders is unanimous in their desire to limit the influx of the population professing Islam, since this negatively affects the social and cultural homogeneity of the national composition in these countries. This position is also supported by the majority of European political parties trying to neutralize the objective preferences that the EU will receive in the security sphere from joining the Union of Turkey. But even the conservative and Turkish-friendly German Christian parties CSU or CDU propose to refrain from decisive action to grant Turkey membership in the EU. This position can be regarded as the influence of the religious lobby on the political sphere of public life in Germany.

One of the arguments of most religious leaders and even the Vatican against Turkey's inclusion in the EU is its counterproductive position on the inclusion in the EU Constitution of a provision recognizing the leading role of the Christian religion in the process of uniting Europe into a single supranational organization.

However, it should be noted that there are objectively negative factors that «postpone Turkey's admission to the EU: the prospect of a sharp rise in Islamic influence in the European Union; imbalances between Turkey's potential political importance in the bodies of the European Union and its economic contribution; the prospects for migration flows and high financial costs of the European Union for bringing the Turkish economy up to the efficiency standards of the Common Market. Although, again, we adhere to the position that the integration of Turkey into the EU is impossible primarily due to the lack of real mechanisms and tools for

resolving the religious division between the Islamic population of Turkey and the predominantly Christian population of the EU».

It can be emphasized rather cautiously that the integration of predominantly Muslim Albania and Bosnia and Herzegovina is viewed by the EU as a certain experiment, a test step in order to expose all the possible consequences and disadvantages of such integration. It is, of course, a question of finding, using the example of these countries, ways to minimize the negative influence of the religious factor on European integration processes. And if the absorption of these countries by the Union goes on with some success or with minimal problems, then in the future the EU's political leadership bodies will receive the opportunity and the necessary experience in forming a model of integration relations with a much larger country, which is Turkey. This assumption, in our opinion, is quite consistent with the reasons and goals of the cautious rhetoric that has been recently pursued by the majority of political leaders of European countries towards Turkey.

It should be noted that Turkey recognizes the importance of the religious factor in its integration into the EU and the difficulties associated with it. For example, O.A. Chubrikova draws attention to the fact that «in the strategy» Turkey is ready. Goals 2023 «The European Union is placed in the first place among the priority directions of foreign policy» (Justinian, n.d., p. 47). However, the analysis of the entire strategy suggests that it is premature to conclude that Turkey will agree to the role of a statistician in EU foreign policy. Turkey is positioning itself as a regional leader and a country with great geopolitical ambitions. And although we are not talking about the revival of the Ottoman Empire, most of Turkey's interests in the foreign policy arena are unnatural for the entire EU. The Asian vector of Turkey's foreign economic policy is a de facto alternative to its accession to the EU, since it can and can replace economic preferences from integration into the Union with the economic potential inherent in relations with Iran, the Arab world, Kazakhstan, India and China.

There is even an expert opinion that Turkey is now considering integration into the EU not as a single direction of foreign policy, but only as one of the alternative ways of its own civilizational development. Islamic countries, which are close in cultural, ethnic and religious components, are capable, with the participation of Turkey, of forming their own economic union as opposed to the European one (European Policy Centre, 2013). The concentration of political powers by the President of Turkey, which became possible thanks to the results of the 2017 referendum, and his re-election for a new term turn R. Erdogan in the eyes of European leaders into a moderate, but still authoritarian leader. The report on Turkey's progress towards European integration noted certain shifts and achievements on the way to democratizing public administration in the country, but the events of 2017-2018 are actually steps towards increasing state influence on

public processes (Weigel, 2014). The assessment of further European prospects, which was given in the report on Turkey as of 2013, determined the presence of a number of uncoordinated issues, one of which is to minimize the influence of the religious factor on social movements. And although it was about the impossibility and opposition to the penetration of radical elements of fundamentalist and extremist Islamic movements into the EU, the very mention of the presence of religious contradictions already gives reason to speak of a certain bias of the European community about Turkey's entry into the EU.

In conclusion, despite the nominal assertion of equality of religions and beliefs and freedom of expression, the principle of religious unity still plays an important role in European interstate integration, becoming in fact a potential but objective obstacle to the inclusion in the Union of countries whose religious composition differs from the European one. Turkey can serve as an example of this, even though the predominantly Muslim Albania and Bosnia have also received candidate membership status and even a potential accession date. Turkey, with its economic power and nearly 90 million people, poses a real threat to the traditional EU leaders, Germany and France, in terms of leadership in the Union. Under such conditions, an answer is required to the question of whether the position of the Vatican and other centers of Christian churches is independent in opposing Turkey's accession, or whether this position reflects the position of the political elite of the EU and those states whose national governments proclaim a course towards a leading role in the EU.

The religious unity of the EU is a guarantee of stable socio-political and socio-economic development of the continent and a factor in ensuring the security of the European community from interethnic, intercultural and especially interfaith confrontations. The Christian religion, asserting its dominant and leading position in the processes of European integration, opens up opportunities for establishing the dominant position of Christian churches.

CHAPTER 2: SUMMARY

The analysis of the main theoretical and methodological foundations of the existence and implementation of the historical and legal dimension of relations between the State and the Church in the current conditions of European integration leads to the following conclusions.

An analysis of modern concepts and approaches to solving the problem of regulating state-church relations within the framework of a single European system of law reveals the existence of two stages of such regulation. The first is a pan-European one, which is ensured by the relevant regulatory legal acts in the field of protection and guarantee of religious rights and freedoms (the Universal Declaration of Rights and Freedoms, the Treaty on the Establishment of the EU and the Treaty on the Functioning of the EU, etc.), as well as the PACE Recommendations, in particular No. 1805 (2007) of June 27, 2007 and No. 1804 (2007) of June 29, 2007. At this level, the boundaries of the implementation of state-church policy by national governments are determined and non-interference of EU bodies in these processes is proclaimed. The second stage is the level of national legislations of the EU member states, the standards for the formation of which are fixed and determined by legal acts common to the entire Union. As for the analysis of the current state of the practical implementation of public administration in the designated area, we concluded that there are three types of models of state-church relations among the EU member states: protectionist, secularization and partnership, or cooperation.

It has been established that modern EU policy is focused on solving the problem of interfaith unification, since by overcoming religious contradictions, the process of unification of domestic standards for regulating social processes and the process of further EU integration are significantly intensified.

The ecumenist movement, which is the practical embodiment of the doctrinal rapprochement of different Christian confessions, is the driving force behind the integration processes of the late 20th century. The common position of European churches and various confessions made it possible to develop effective and utilitarian mechanisms of state regulation of relations in various fields, since such regulators, enshrined at the level of legal acts and EU norms, have a single axiological origin, and public legal consciousness is formed within the framework of a common system of values that has developed, influenced by Christian teaching. Thus, it has been established that the religious factor has an unconditional impact on further European integration processes, and this should be taken into account by Ukraine, building its own interfaith dialogue with representatives of all religions and churches, as well as developing relations with traditional EU spiritual centers and leaders, in particular with the Vatican.

Thirdly, having studied the practical implementation of the principle of religious unity in the processes of European interstate integration, it was proved that there are objective obstacles to the integration of non-Christian and even Orthodox countries into the EU. This conclusion was made on the basis of a comparative analysis of the provisions of Article 49 of the Treaty on European Union; «Copenhagen criteria», implemented in the provisions of Article 6 of the Agreement establishing the European Union; Article 21 of the Lisbon Treaty; the provisions of the PACE Recommendations: No. 1396 (1999) «Religion and Democracy»; No. 1720 (2005) «Education and Religion»; No. 1804 (2007) State, Religion, Secular Society and Human Rights; № 1805 (2007) «Blasphemy, insult to the feelings of believers and hostile statements against individuals in connection with their religion.» The documents under consideration reveal the main content of the EU's policy on religion, interethnic, interfaith and other intra-social conflicts, which are manifested to a greater extent through religious heterogeneity. This means that the absorption of a new EU member is possible only if its security situation does not deteriorate, and religious heterogeneity is objectively identified by the EU authorities as a source of potential social crises. Thus, the integration of a country with a religion different from the dominant religion in the EU is a difficult process that requires a new mechanism for interaction of such countries with the EU during integration.

CHAPTER 3.

EXPERIENCE OF STATE-CHURCH RELATIONS IN THE CONDITIONS OF INTEGRATION AND GLOBALIZATION

3.1. CANON LAW AS A MODEL OF A SINGLE INTERSTATE LEGAL SPACE IN EUROPE

The Church has long developed and evolved only as a single monolithic organization, governed from Rome and headed by a single spiritual leader, the Pope. In the late Middle Ages, a church schism occurred, which led to new interfaith processes, conflicts over the understanding and interpretation of the Holy Scriptures, as well as the nature and purpose of the Church itself as a social institution. For a long time, this conflict developed inertly, and the activities of churches, even those of different denominations, were regulated by old canonical norms that concerned mainly the administration of sacraments and religious events. Some of these canonical norms concerned exclusively the internal activities of the church, i.e. relations in the sphere of the clergy, but some were purely utilitarian in nature, regulating relations of a more socialized nature, albeit with an emphasis on religious dogmas and norms of the Christian faith.

The Church, as the only social organization, demanded effective instruments for regulating its own activities, for which internal church norms were introduced. Subsequently, their effectiveness, which was proved by strengthening the power of the church in almost all countries of the early Middle Ages in Europe, brought their utility and the possibility of spreading to the secular sphere. Canon law emerged, the regulatory influence of which the church tried to constantly extend to new areas of social relations. However, because the church leadership did not understand the need to give some church norms at least external signs of secularism, the introduction and spread of church law in the regulation of social relations was resisted.

The emergence and strengthening of the role of national states on the European continent was accompanied, first of all, by the opposition of the role of the sovereign to the Pope, which gave rise to contradictions between the Church and secular authorities and society at all levels and in all spheres, including in the sphere of legal regulation of domestic issues.

The development of canon law took place by restoring the reception of Roman law. And since the church during the Middle Ages, and in particular the Renaissance, was the only cultural center of transcontinental significance, it is quite logical that church canons and dogmas, as well as individual encyclicals that absorbed the traditions of Roman law, became a model or basis for the legislation of many European countries.

In turn, the norms of secular law continued their development, proceeding from the will of the sovereign, trying to make as many social processes as possible dependent on his interests. The preconditions are created for the absolutization of

regimes, the nation states are experiencing the oppression of authoritarianism, which is supported by the theocratic regime of the church, which is the same in terms of arbitrariness and usurpation of power. In fact, there are two systems of coercion - state and church (theocratic), each of which competes for access and control over state resources and social processes, and each of which tries to keep its supporters (subjects and flock) around itself. The development of ecclesiastical law receives a new vector aimed at maintaining the absolute authority of the clergy, even in national states, trying to extend its influence over the monarchs.

That is why «the answer to theocratic and absolutist regimes was legal doctrines that affirmed the idea of natural law, separation of powers, and the principles of humanism. The legal systems of European states were enriched by legislative provisions that enshrine the rule of law, the special role of law in regulating the most important issues of state policy, the presumption of innocence. Subsequently, these norms were reflected in the legislation of other countries, as well as in international law» (Zakharchenko et al., 2012, p. 3). Natural law did not develop out of nothing, it also had its origins both Roman law and individual norms of canon law, which made it possible, by synthesizing various mechanisms for regulating social relations, to produce the most effective norms and regulators.

In other words, the starting point for the development of law on the European continent, one way or another, should be considered the norms of Roman law transformed into church law. This is explained by the fact that, considering any state as an organizational entity, it should be noted that none of the modern states of Europe has the same long path of historical development as the Christian Church. Since the Christian Church originated during the period of the classical Roman Empire and did not cease its activities, continuously expanding its influence and organizational structure, it became the first social institution that required appropriate development. The norms of church law were introduced. Thus, the logic of the primacy of church law over secular law is quite understandable and demonstrates the all-encompassing church influence on social processes in Europe.

The church clergy understood that, thanks to purely religious dogmas and norms, it was rather difficult to streamline the ramified structure of Christian churches separated from the Vatican. In addition, local churches in nation states began to quite objectively experience the regulatory influence of the sovereign in these countries. The Vatican wanted to preserve the unity of Europe through the unity of the church, and made an extremely far-sighted decision to start looking for effective, but more or less neutral mechanisms to regulate its activities, and then the activities of the entire clergy. These attempts were made by church philosophers due to the recession of Roman law, which met the requirements of nominal secularism and the spread of the idea that the church perceives the needs of secular states to assert their power through a system of generally binding norms.

Y.A. Zadorozhny points out that «the recession of Roman law became possible due to the rapid development of socio-economic relations. Thus, the intensification of trade and economic relations during the Renaissance in the Italian city-states necessitated the emergence of new mechanisms for regulating social relations. Since the evolution of the economic sector was extremely rapid, the development of new rules and social regulators was ineffective from the point of view of the risk of losing control over such economic development processes» (Ipatov, 2013).

All of this has constantly raised the issue of creating appropriate regulators of socio-economic processes to streamline the social system. The solution to this problem is of a slightly dualistic nature:

- it was necessary to create their own system of social norms (legal norms), with the help of which the monarchs could effectively influence the processes taking place in the state, while maintaining power;

- these regulators had to have a certain level of effectiveness, and thus they had to be borrowed from the system in which they justified themselves. Roman law became such a system. At the same time, it was not the only source of norms; it was supplemented by social norms derived from customary law, which developed in accordance with the national characteristics of different countries.

As A.A. Pidorigora, «the ambitious claims of the monarchs to unlimited power in the state, the strengthening of the economic and social development of medieval European states and the revitalization of foreign trade relations required the adoption of a perfect legislative framework. At the same time, the presence of the latter would undoubtedly have a positive effect on the internal consolidation and development of these states. The creation of a legislative framework for such a model is impossible without the use of practical experience gained over the centuries, regardless of whether it is indigenous or borrowed. At the same time, the skillful use of such experience was within the power of only highly qualified lawyers who would perfectly know Roman law» (Serhiienko, 2010). This level of knowledge was available only to the Church and the clergy, and therefore the Vatican, realizing its monopoly on access to the sources of Roman law, was given an unlimited opportunity to influence European states and their national legal systems through its own understanding of the rule of law, synthesized by a combination of religious dogma, church traditions and Roman law. This synthesis proceeded as follows:

- theorists and philosophers of the Church of the early Middle Ages developed the concept of faith and religious dogmas that were acceptable in terms of the goal of spreading and strengthening Christianity even in pagan societies;

- religious teaching was popularized as a general civil benefit, which was achieved by following the basic postulates of the Church;

- to strengthen such a good in society, more effective and socially acceptable social regulators were required. They were synthetically developed legal norms, which were based on the norms of Roman law, the norms of customary law, and religious norms;

- to protect the public good, the dominant role of the church was consolidated by subordinating the power of the monarch to the power of the Pope as the only representative of God on Earth. At the same time, the concept was spread that the monarch is the «anointed of God», that is, he is endowed with power from God.

This mechanism of implementing the norms of canon law into the norms of national law led to the fact that for a long period the Church defended its dominant position in relation to European monarchies and spread its own system of ordering social processes to almost the entire European continent, thus creating the preconditions for the unification of European peoples around common religious ideas through a corresponding system of identical social norms.

Traditionally, ecclesiastical law appears to be a certain monolith, but in reality, it is not homogeneous and consists of the norms of canonical and ecclesiastical law proper. At first glance, such a division can be identified with the division that took place in the system of Roman law, into «public (jus publicum) and private (jus privatum). Public law, which deals with issues of the Roman state, and private, which relates to the benefit of individuals. The Church was in close alliance with the state, secular and ecclesiastical issues were closely intertwined, and it is not possible to distinguish between them, insofar as traditionally ecclesiastical law is attributed to the public (Filipenko, 2007). «Canon law is based on a theological foundation: on the exegetical traditions of Holy Scripture, on the doctrine of the Church, on the tradition of worship. It grows out of church practice itself, with its moral and pastoral problems and solutions. A key word in church law is the word «canon». In the New Testament, it is used to refer to a «rule» of Christian life. In the field of jurisprudence, canons are understood as disciplinary rulings, apostolic rules, council rules, and the feasts of the Fathers (Feuereisen, 2007). That is, we can conclude that canon law directly proceeds from the Holy Scripture itself, the norms of canon law are contained in it in the form of religious dogmas, commandments and measures of virtue and morality of behavior. In order to make the canons more regulatory, they were transformed into relevant norms, gaining more structure and unambiguous interpretation. The norms of canon law received their distribution not only as norms of written law, but also as separate elements of religious educational activities, which made it possible to gain recognition and dissemination within society with a very limited range of knowledge»»»».

As for its regulatory functions and the system of hierarchy, it can be argued that canon law as a law that comes from the most sacred texts required a certain modernization and adaptation to socio-political and social realities. «In terms of

meaning, the power of the canons is higher than the power of the bishop, but lower than the power of the Council. Ecumenical and local councils can change and supplement the canonical rules, but the bishop has only the power to apply and be guided by the canons. In the application of the canons, two practices are possible: strict, or *acrvia*, and «at the discretion», condescending, or «economy». Basically, *oikonomia* extends to measures and degrees of penance (church punishments), the practice of receiving rites in the Church from heresy or schism, and specifying the «canonical age» for ordination or tonsure» (Kapitan, 2010). «In terms of content, the canons relate to the organization of the life of the Church (regularity of councils, the authority of bishops, etc.); to the preservation of the Church from heresies and schisms (questions of rite acceptance, joint prayers, etc.); to the issues of regulating the composition of the clergy (the rules of ordination to spiritual degrees, the rules of prohibition and expulsion from the dignity), to the rules of regulating the life of Christians in general (prayer, baptism, marriage, death, etc.) and to church punishments (penitentiaries)(Zakharchenko et al., 2012)».

The recognition of the unity and inviolability of the rules of canon law constitutes an important unifying element for the Catholic hierarchy, along with the recognition of papal authority. However, the content of canon law itself was formed historically and did not emerge simultaneously with the development of the early Church organization and hierarchy. The initial sources of canon law of the Western Church were the same as those of the Eastern Greek Church and were common to all fundamental canons of Christianity. Holy Scripture was regarded as the primary source, followed later by the works of the Church Fathers, Basil the Great, Gregory the Theologian, and St. Augustine who were granted the status of Equal-to-the-Apostles interpreters of the Gospel and theological doctrine of Scripture (Popov, 2013).

In terms of content, the works of the Church Fathers were not independent treatises but rather interpretations and explanations of Scripture. It was precisely in these works that the basic rules governing the conduct of church sacraments and rituals were defined, the exercise of clerical authority in the service and dissemination of the faith was regulated, and the grounds for responsibility for violations of church rules were established. Furthermore, the works of the Church Fathers contained the foundational principles concerning anti-religious behavior, which later became the basis for the formation of the idea of the Inquisition.

Similar to the texts of the Church Fathers were the decisions of church councils, which determined the basic principles and foundations of doctrine, as well as criteria for assessing the activities of the clergy and criteria for deviation from the church canon. It was at such church councils that more monolithic codified acts were adopted, which were based on the results of the recession of Roman law. «The codes created on the basis of late Roman law were directly borrowed from the

practice of church courts. The division of churches in general raised the historical question of the existence of Catholic canon law. The numerous and elaborate church-state codes and laws of the Eastern Church could not be officially applied by Catholics. An important place in the Western Church began to have decrees issued by popes - decretals».

The first decretals appeared in the IV century. Later, they began to acquire an increasingly legal character, establishing the rules of internal church life, the duties of the laity and clergymen (Popov, 2013). By its nature and content, the decretals can be compared with the traditional acts of the monarch, but the effect of such decrees extended to the whole of Europe, more precisely, to that territory in which the church had a dominant position. The existence of canon law and the content of its norms became a definite reference point for the secular authorities in the process of rule-making and the formation of national systems of law. That is why we should talk about the integrating role of ecclesiastical law in the context of the political processes that took place on the European continent in the era of the unification of nation states, first into the Holy Roman Empire, and then into the European Union. Moreover, the spread of canonical law was accompanied by the expansion and spread of the church organization, the emergence of new churches and the formation of even local churches, which required maximum efficiency from the church law, that is, the law with which the church life was improved.

On this occasion, I.A. Balzhik, who points out that it is hardly necessary to distinguish between the norms of canonical law and the norms of church law, although such a division is quite possible. The researcher focuses on the fact that «ecclesiastical law regulates relations within the ecclesiastical hierarchy and the organization of ecclesiastical authority, while the norms of canon law relate specifically to relations of faith. Canon law concerns mainly the relationship between believers and clergy, between believers among themselves regarding the spread of religious teachings and the perception of religious dogmas by society. But ecclesiastical law regulates the relations between the clergy and the relations of subordination in the ecclesiastical hierarchy. However, both sets of norms of law - canonical and ecclesiastical - should be considered as appropriate institutions of law, by analogy with secular law» (Balzhyk, 2007).

Collections of law, which contained the norms of canonical and ecclesiastical law, became a reflection of the interaction. The canonical and ecclesiastical law of the Middle Ages constituted a complex ecclesiastical legal system, the correlation of whose elements was determined by specific historical conditions and reflected the interaction between secular and spiritual power. Since the adoption of Christianity, the European church system of law has developed as a legal complex, consisting of legal norms contained in church canons, and legal norms that were the result of princely legislative activity (which determined the status and material

content of the church, its jurisdiction), norms of non-canonical origin and norms of the introduced legislation (Cherednychenko, 2009). The combination of canonical and ecclesiastical law into a single system of normative regulators demonstrated the process of systemic interaction of two systems of regulation of social relations in the era of the formation of national states - the system of law and the system of religious norms. Thus, the church received the opportunity to strengthen its own dogmas and ideas at the level of mental self-identification of European nations and the formation of a system of their worldview. Law was identified with the systemic confrontation between good and evil and was considered a means of protecting each individual from manifestations of antisocial behavior, which was equated with behavior displeasing to God. Violation of the commandments, dogmas of Scripture and papal decrees was considered unacceptable and was enshrined not only in ecclesiastical, but also in secular law.

Although, for example, according to S.I. Zdioruk and V.V. Tokman, church law is not a complete system, but at the same time it is always included in a more universal system. Within the framework of this more universal system, it does not need the consistency that is required from «ordinary», secular, law in order to be considered complete. Scholars also note that canon law is a right, but not a «right of lawyers». And consistency is not a consistency of «legal law», but consistency within the framework of religious (Christian) cosmology. Law takes its place in this systemic cosmological picture, therefore, it does not in itself require a system, it is enough for it to be included in a more systemic education. To illustrate this, one should refer to two peaks in the development of canon law (Vyshnevsky, 2010):

- medieval canon law *Corpus juris canonici* in the XII century. Influenced by the revived tradition of Roman law, the Italian monk Gratian made an innovative codification of canon law. His collection (more precisely, a compilation) consisted mainly of the rules given by the church fathers and papal decrees. The Code (or Gratian's Decree, circa 1140) consisted of 3 parts: the historical rights of the church; bishops' rights and rules of jurisdiction; norms on freedom of the church, marriage, liturgical rites. All further additions, together with the Gratian's Decree, received official recognition as the only code of ecclesiastical, canonical law (Popov, 2013);

- the codification period in the development of canon law, represented by two codes: the Code of Canon Law of 1917 and the Code of Canon Law of 1983. In 1983, Pope John Paul II approved a new Code of Canon Law for the Latin Catholic Church, marking yet another legal reform. The 1983 Code includes 7 books: general rules applicable to all areas of canon law; a set of canonical norms regarding the constitutional structure of the Catholic Church of the Latin rite; norms containing legal regulation of the two main functions of the church: the prediction of the Word of God and the administration of the sacraments; rules governing the

administration of church property; norms of canonical sanctions; norms of canonical procedures (Taskaev, 2013).

Considering the latter, it should be noted the spread of matrimonial norms of canon law in many modern countries. Moreover, in most of them, mainly in the Nordic countries, these norms have become the norms of national law. We are talking about church rituals and sacraments, which means about norms that have a procedural nature.

Codification activity in the twentieth century had a decisive influence on the integrative processes in Europe, in particular regarding its axiological dimension and influence on the creation of a unified moral concept of the perception of social order. As for medieval canon law, we carried out its analysis in a fragmentary manner, but it requires a greater consistency, therefore it should be noted that the conciliar activity of the Church as a whole is characterized by fragmentation, and councils were held at the request of the clergy in order to strengthen their own positions and universalize the power of the Catholic Church.

The decrees of the Western, so-called Ecumenical Councils, like the 7 real Ecumenical Councils, are considered by Roman Catholics as one of the most solemn forms of papal legislation. In Western collections, the legislative acts of the Councils are placed under the names of those popes under whom these Councils took place. In addition to the so-called VIII Ecumenical Council, convened in Constantinople in 869, the Roman Church has several more Ecumenical Councils: four Lateran Councils (1123, 1139, 1179, 1215); two Lyons (1245 and 1274) - at the second Council of Lyons, an unsuccessful union with the Eastern Church took place, it was rejected by the Orthodox clergy; Reformed Councils of the 15th century: Pisa (1409), Constance (1414 - 1418), Basel (1431), which most Western canonists do not recognize as «Ecumenical», Florentine (1439), V Lateran (1516 - 1517), not all Catholics are counted among the «Ecumenical»; Trent (1545 - 1563), Vatican I (1869 - 1870) and Vatican Council II (1959 - 1965) (Shulha, 2007).

The problem of rule-making within the system of church hierarchy was constantly aggravated by the confrontation between the institution of the papacy and Church Councils. Although the Pope headed the entire Catholic Church, he was formally regarded as *caput ministeriale*, that is, the head of the Church in a sense comparable to the head of the executive branch in a secular state. By contrast, the Councils were considered the primary rule-making body of the church hierarchy, and the decisions adopted by them were of decisive importance for the entire Church. At the same time, popes did not always agree with, or even adhere to, the provisions and decisions of the Councils. Particularly illustrative in this regard are the Councils of the fifteenth and sixteenth centuries, which were convened after the Western (Roman Catholic) Church experienced a profound schism that resulted in the simultaneous existence of several popes. Popes and antipopes were recognized

by different European states, and, according to the logic of administrative governance, the Church should have been governed in different ways, with parallel systems of ecclesiastical authority. Although the general model of the Church's existence changed little, canonical norms underwent significant modifications, primarily aimed at refining the regulation of sacred sacraments and governing relations in the sphere of church property. This demonstrates the existence of substantive differences between ecclesiastical law proper and canon law.

For example, the holding of the Basel Council was marked by the deprivation of power by Pope Eugene IV. The decision of the Council had the highest legal force, but Pope Eugene IV, through his actions and decrees, achieved the holding of a new Council of Ferrara, with which he canceled all decisions of the Basel Council. Pope Martin V acted in a similar way, who, after being limited in his powers by the decisions of the Council of Constance, was able to invent a mechanism by which the Church carried out only those decisions of this Council that did not concern the restriction of the Papal power. Such actions and the struggle for power demonstrate that church law does not have such features as universality and legality (in the sense of consistency with the main church canons, since the power of the Pope and, in fact, the Pope himself is the deputy of God on Earth and quite objectively cannot be limited in any power because his power is from God).

At the same time, it was canon law that retained both universality and universality until the reformation movements of the 16th century, when some of the churches demonstrated a real separation from Rome in order to weaken the influence of the papacy on internal church affairs in individual national states. This is how local churches were created with features of national identity inherent in the states, on the territory or citizens (subjects) of which they extended their influence.

The Reformation in Northern Europe led to the Counter-Reformation in the South. The Council of Trent became the culmination of the Counter-Reformation movement. It excommunicated Protestants from the Church, reaffirmed the dogmatic foundations of the church system, Roman Catholic ecclesiology, and formulated disciplinary norms. The exposition of Catholic doctrine presented at this Council was referred to as *Doctrina*. On the basis of this doctrine, the *Catechism*, a symbolic book of the Roman Catholic Church was compiled in 1566. Concise formulations of specific doctrinal provisions, accompanied by the threat of excommunication for heresy, understood as deviation from these provisions, were known as *canones* (canons) (Shulha, 2007). The *Decreta de reformatione* (Decree on the Reformation), adopted at the Council of Trent, became a kind of organizational and legal foundation for the functioning of the Roman Catholic Church. It tightened the conditions under which the Church and its local representative bodies operated and was also aimed at combating the Reformation

movement, which had weakened the idea of a united Europe by delimiting spheres of influence between Protestant movements and the Catholic Church.

In addition to the decisions of the Ecumenical Councils, the norms of ecclesiastical law were supplemented by the decisions of the so-called local councils. Almost every national country had its own local churches with a bishop at the head, and the supreme clergy of such a church had the opportunity to hold their own councils in order to solve the most pressing issues of church ministry. All decisions of such councils were checked by the Roman curia for compliance with canon law, and only then received the status of separate independent norms, moreover, those that related to church affairs in general.

We can summarize: canon law is systemic insofar as it is a legal subsystem of a wider, more precisely, the widest possible system accessible to human reason - a universal and even cosmological religious system. It cannot be judged based on the criteria inherent in secular law. Evaluated in a broader theological context, canon law acts as one that cannot be a complete system, since there is no question to which (with an adequate appeal to the logic of faith) canon law could not give an answer. That is, canon law is assessed not from its external side, from the point of view of its place in the modern legal picture of the world, but from a purely «internal», from the point of view of how canonical lawyers look at it «from the inside» (Vyshnevsky, 2010). Such an understanding of canon law, quite logically, should have been based on the fact that all its norms come from theological texts. At least, such an understanding of the legal content would mean the impossibility of a real assessment of the effectiveness of the enforcement of canon law by lawyers of positivist law.

However, the jurisdiction of the church in relation to its members and even more so in relation to the laity did not follow from Scripture and theological dogmas at all. Its emergence was historical and associated with the desire of state power to rely on the church in public affairs, as well as with the struggle of the church for its own privileges in the states. With the establishment of feudal relations, churches, monasteries, bishops received the powers of a senior court in relation to vassals, subject population, dependent clans. From this source began the growing power of ecclesiastical courts in various matters and various strata of unspiritual people. Canon law courts were based on a more complex judicial procedure than ordinary feudal courts. (Popov, 2013) This is due to the significant influence of the reception of Roman law on the processes of church rule-making, and especially on the rules of a procedural nature. Thus, the judicial system of most feudal countries of that time was based on the principles of the judicial process, revived from Roman law and supplemented by the principles and dogmas of the Christian faith. The latter (through the institution of commandments) was reflected in intolerance towards

grave crimes, which were identified with sins and the introduction of severe types of punishment for their commission.

An interesting hypothesis concerns the doctrinal nature of religious teaching and church canon law. In this context, their analysis should, in principle, be subject to the general methods of legal science; however, given the subject of this study, it is difficult to determine the degree of influence of legal doctrine on the processes of European integration. The origins of this difficulty lie in the fact that doctrine is derivative in relation to legal traditions and legal consciousness. Doctrine itself represents a kind of quintessence of the deterministic development of legal thought and its personification, as well as the formalization of this development within a system of legal norms. From this perspective, canon law may be regarded as a form of personification of Catholic doctrine, taking into account the religious and philosophical pursuits aimed at glorifying divine power and its refraction in society through clerical authority. Consequently, it is logical to identify a connection between religion and legal doctrine, within which, so it seems, the mechanism of the influence of the religious factor on the formation of the modern concept of a united Europe may be revealed most fully.

Analyzing the legal doctrine in terms of its formal legal properties, scientists give such a definition of the doctrine: it is a document containing conceptually formulated ideas, principles developed by scientists with the aim of improving legislation and recognized by society and recognized by the state as mandatory (Slobodian, 2006, p. 124-126).

In fact, law is not the only source of law; alongside it exist other sources that complement it and contribute to more effective regulation of social relations. In this context, I. V. Semenikhin substantiates the importance and necessity of paying attention to «sources of law of non-state (human) origin, such as contract, custom, judicial practice, and legal doctrine. Sources of this kind are more democratic in their origin and content and possess significant regulatory potential, as they are created by the participants in social relations themselves and are formed and developed on the basis of the real practice of human interaction». Many scholars, both domestic and foreign, analyzing the current state and main directions of development of systems of sources of law, note a global trend toward the increasing role of sources of law of a specifically non-state origin, particularly custom and legal doctrine in the regulation of social relations, and, conversely, a reduction in the role of statutory law (normative legal acts). This phenomenon is commonly described as a general tendency toward «anti-formalism» in law.

At the same time, one can agree with M.Yu. Varyas, that in legal science has not yet paid close attention to the essence and significance of doctrinal, scientific ideas about law in the framework of the spiritual life of the state and the legal consciousness of society. At the same time, the legal doctrine as a system of ideas

about law prevailing in society is capable of not only reflecting legal reality, but also creatively transforming all parts of the legal system of society - legal consciousness, lawmaking, law implementation and positive law. As S.V. Vasiliev, in Ukraine the legal doctrine is not enshrined as a source of law. At the same time, it can have the status of an informal (non-traditional) source of law. Thus, references to the works of outstanding lawyers are found in law enforcement practice, but as additional argumentation. In addition, the role of legal doctrine is manifesting in the creation of constructions, concepts, definitions used by the judicial authorities. Legal scholars may be invited to the hearing to present their findings (Vatican and challenges, n.d.). In this regard, we can fully agree that, given certain conditions, the legal doctrine can act as an independent source of law in general, and therefore it is advisable to make an appropriate state decision on the fate of normative legal acts that have a doctrinal nature.

The development and formation of legal doctrine as a source of law is significantly influenced in religious and legal systems by religious and philosophical factors (religious factor), which were adhered to by the founders of legal schools and under the influence of which the dogmas of Islam and, accordingly, norms, in particular Islamic law, were formed.

Scientists note that the analysis of the place and role of the religious factor, its influence on the social, political and spiritual life of society remains one of the important areas of modern science. Without taking it into account, it is often impossible to deeply understand and foresee many complex socio-political processes. There is no doubt also that the religious dominant will play an important role in the choice of the future social and state structure, as well as the real ways of its construction (Shevchuk, 2013, p. 7).

At the same time, in the modern global reality there are possibilities for interpreting religion: both as a factor contributing to fragmentation and as a unifying factor in the political development of society. However, today, in the context of trends towards the universalization of political positions, the integrative function of religion should be used more fully, and the ideology of multiculturalism can play a leading role in this process (Zhukova, 1999, p. 55-56).

The place and role of the religious factor in the consciousness of people is determined by the objective state of society, the type of personality and the nature of interpersonal relations, which are generated by real social conditions. At the same time, the social role of religion and religious institutions becomes many times more complicated in the conditions of multinational statehood. Difficult to combine ethnic socio-cultural diversity and pluralism pose difficult tasks for religious and legal institutions to create such social conditions that would make it possible to extinguish conflict situations at the stage of their inception or sublimate the energy of subjects belonging to different confessions. This requires a thoughtful, balanced,

comprehensively worked out strategy of interfaith tolerance, interreligious dialogue, cooperation based on respect for identity and intrinsic value. It should be noted that the category «religious factor» in the modern scientific community is not doctrinally defined. Now the term «religious factor» is using in at least three contexts. First, in the socio-political dimension, when it comes to social events or trends, the reasons for which are seen in the influence of religion. Secondly, the «religious factor» can figure in the context of the general social influence of religion. In this case, we are talking about the influence of religion on civilizational characteristics, culture, social structures, processes and the like. In the psychological context, the «religious factor» can denote the influence of religion on the socio-psychological parameters of both the individual and the group (Zhukova, 1999, p. 55-56).

Thus, an analysis of the theoretical foundations of the development of the concept of the origin of the canonical and ecclesiastical under the influence of the evolution of religious doctrine and the embodiment of basic religious dogmas, norms, values in the nature of the state gives every reason to assert that the religious factor is the axiological component without which the development of state and legal institutions is impossible. The religious system of values inherent in the Christian Church, and in particular in Catholicism, has become one of the guidelines on the way to the integration of European countries. The spread of ecclesiastical law in the Middle Ages made it possible to form a single space of legal thinking by all countries professing Christianity. The Church laid the foundations for the processes of world perception and world outlook guidelines among the population of the European continent. The general character of such principles was modified by the specific features of national legal systems and the mental determinants of individual nations. Consequently, the spread of religious teachings and the establishment of the Church throughout European countries made it possible to develop common, largely similar, yet at the same time unique mechanisms of legal regulation of social processes. On this basis, a unified system of interstate relations emerged, formed around shared legal foundations and a common system of values, which later became the basis for the development and implementation of a pan-European system of interstate treaties. Subsequently, these traditions of interstate relations influenced the historical development of Europe and became one of the key factors of integration.

At the junction of religions, an essential circumstance is clearly manifesting: socially effective activity, that is, ensuring the continuity and continuity of human history, is possible only if its motives go out of the common worldview of specific individuals. Since the worldview is also formed under the influence of religion, no matter how democratic it may be, joint development under conditions of polyreligiosity is impossible; even in a multi-confessional environment, the

perception of reality and the vision of the future in different societies will differ significantly. The proof of this thesis can be found in the former Yugoslavia, when in the conditions of the federation there were different, almost identical in the distribution and significance of religions: Christianity and Islam. During the 1990s, not only did Yugoslavia disintegrate, but also in some newly created republics there were severe conflicts on religious grounds.

In order to strengthen its own positions and ensure its political ambitions, the papacy for a long time sought to institutionalize its influence over European monarchs in the most effective manner, which contributed to the dissemination of ideas of European integration. In general, it should be noted that the religious factor is only one of many factors of European integration that have developed historically over nearly the past fifteen centuries. It should be emphasized that such factors include (Zamkovyi, 2002):

- safety factor. European countries united to confront an external enemy. Of course, alliances or alliances were concluded in the process of struggle for political hegemony within Europe, but more often such integration processes took place under the influence of the church to protect the Christian faith;

- a factor of economic growth. The development of European countries, especially in the days preceding the industrial revolutions, took place with the need to overcome various socio-economic problems. Most often, this required significant resources that most states did not have, and therefore it became necessary to unite several of them either on the basis of a suzerain-vassal relationship (France during feudalism), or on the basis of equal alliances (the Hanseatic Trade Union).

- public and political factor. The spread of the monarchical form of government, starting from the early Middle Ages, provided opportunities for political integration, which was ensured by the dominance of one dynasty in different countries. Thus, there was, so to speak, a peaceful expansion and powerful dynastic alliances were created;

- quite often, interstate integration took place on the basis of cultural, ethnic and social community. Various ethnic groups, close in origin, tried to unite on equal terms in order to preserve their own identity, but most often this led to the creation of shaky associations, which can be considered a transitional stage, or to federalization, or to complete disintegration (the North German Union).

- delivering often international integration is seen at the ambushes of cultural, ethnical and social spilnosti. Rizni close to the adventures of ethnos for the preservation of the power of the identity of the minds of the common minds, but more often for all the price it brought to the end of all the cunning rules, as it is possible for the Union of the federal government, and before

- the religious factor. It should be considered one of the most important, since the identity of religious views and the commonality of models of state-church relations were decisive in many cases of interstate integration. The so-called religious unions were a powerful tool for protecting not only states as separate public-political organizations, but also for protecting the church itself from external antagonistic religious movements. Moreover, the commonality of religion was a defining criterion both in the context of integration on economic grounds, and in the context of integration, which had a public-political character.

When discussing the main approaches to the relationship between theological and legal elements in canon law, it can be stated that attempting to resolve the issue by privileging one element over the other is ultimately futile. A more constructive approach seeks to establish the proper balance between the two, without diminishing the importance or value of either. In Korekko's theory, the theological and legal elements do not conflict but exist in harmony, and the nature of canon law is expressed through the correct ratio of these two components.

The methodological aspects of the harmonization of the approach mean that not only the system of constructing canon law, but also the understanding of specific norms should be based on the recognition and preservation of this theological origin, the nature of canon law (Vyshnevsky, 2010). This interpretation of the nature of the essence and content of church law reveals the mechanism of its functioning. Canon law is based on the theological method, in other words, the regulation and implementation of the norms of canon law are based on the understanding of the church canons. Such an understanding is not unambiguous, as, say, the rule of law in positivist theory, therefore, the legal method should come to the aid of the theological, as well as the formal-logical method. An understanding of the norms of canon law can be characterized by a free interpretation of church texts in the context of their procedural execution, but quite unambiguous regarding their material content. On the other hand, endowing church law with methods of constructive logic makes it possible to build a more or less stable system of processes and procedures applied within the framework of canon law. This leads to the conclusion that only ecclesiastical material law influenced the development of national legal systems and became the basis for the unification of Europe. Integration processes were not based on procedural norms inherent in canon law, but the integration itself became possible through the joint influence of the religious factor on the formation of legal systems in all European countries.

3.2. THE ROLE OF STATE-CHURCH RELATIONS IN THE CONTEXT OF ENSURING EUROPEAN INTERSTATE INTEGRATION

The process of formation of the legal field of the state reflects the cultural, historical, socio-economic, mental and other features of the formation of the state itself. Moreover, the legal field demonstrates its uniqueness, independence, the degree of self-identification of the nation, as well as the level of moral and ethical perception of reality. Legal thinking and legal consciousness, which are the initial criteria and parameters of effective legal implementation, also testify to the degree of self-awareness of the nation and the system of values established in society. This system of values was not formed by the state, it only legalized and sifted them out, leaving the most acceptable from the point of view of each specific historical period of development. The very process of formation took place under the influence of society, but the role of the church was unconditional and guiding in this aspect.

We have found that the legal status of the church and the model of state-church relations differ significantly in different EU countries. Moreover, in different EU member states, diametrically opposite trends of Christianity are recognized as dominant: Anglicanism in Great Britain, Lutheranism in Denmark, Orthodoxy in Greece. Despite this, and perhaps even due to the polarity of the religions prevailing in the countries of Europe, a much needed political and social consensus was reached in the processes of European integration. A common vision of the future, unity in striving to build a civil society, development within a single civilizational vector - all these are derivatives of the regulatory and guiding role of the church, which it played during a long period of European history.

This is confirmed by the points of view of the above-mentioned researchers of the theory of European integration T. Burns, P. Katzenshtein (O'Mahony, 2009; Phayer, 2002), H. Casanova (Francis, 2017), B. Khehira (Hehir, 2006, p. 112). All of them identified EU integration with the ideological integration of political programs of parties founded or supported by the Church. This is explained very simply, because after the World War II, as we also established above, the Catholic Church demanded strengthening and changing its own image, transforming it from a negative, collaboration-oriented with the Third Reich (especially considering the presence of the Concordat in Germany) to a more democratic and pacifist. The neutral position taken by the Vatican itself was also inconsistent with the role that the Christian Church played for centuries in the life of European society. She supported only humanitarian projects, but at the same time was bypassing political projects.

The Vatican is trying to transform itself from a purely theocratic center of Catholicism and an associate member of many international organizations into a fully-fledged subject of international political relations. In particular, his influence on the ideology of Christian-democratic parties and movements in the countries of Central and Western Europe is marked by the declaration by these parties of high social standards of living, high moral values and harsh ethical standards, the adherence to which becomes mandatory for all members of such a political force. Trying to raise and give a new impetus to the development of several abandoned ideals of Catholicism, the Vatican is increasingly acting as a measure of the system of social values of Europeans, and in this aspect, the activation of the Pope's public and political activities becomes an additional instrument of influence on the vector of European politics.

The evolution of public-political thought and socio-political formations after the World War II clearly demonstrates the strengths of liberal democracy as the most optimal form of organizing both social and economic processes. In other words, the Catholic Church, through the Christian democratic movements, was the guiding element through which Western society came to the ideas of liberalizing all spheres of life. At the same time, the ethical aspect is of great importance, since it was under the influence of the system of values built in the religious environment that the post-war transformations of the consciousness of entire nations took place. The Church clearly demonstrated the fallacy of the anthropocentric model of philosophy, using examples of war and destruction, gravitating towards utilitarianism and rationalism on a society-wide scale.

In its turn, ideological education has taken the broadening of ideas of international integration once in the current period, if the political parties did not want the styles to be found in the ideals of the church, the Catholic Church

It should also be emphasized that after World War II, the concept of church–state relations in many European countries began to change. Having lost the confidence of the population, the Church, particularly in countries occupied by German forces sought to restore it by creating and financing political movements that promoted a new form of relations between the state and the Church. This political activity was primarily a reaction to the spread of secularizing movements. After World War II, the very model of state-church relations experienced a crisis in its evolution: the role of the Church in society had to change, and both secular and spiritual authorities recognized the necessity and, most importantly, the inevitability of such changes. The new model was neither agreed upon nor fully developed, so most churches adhered to the minimum standards of freedom of religious practice and doctrine established in the Concordat concluded between the Protestant Church of Germany and the Third Reich.

The non-intervention of the Church in political and most socio-economic processes while gaining freedom to regulate internal church affairs was quite satisfactory for the post-war clergy. The catalyst for the transformation processes and the activation of the political role of the Vatican should be considered the loss of its believers by the Church, which means a decrease in income from donations. In addition, in the post-war period, a crisis of traditional faith occurs, and Islam begins its expansion into Europe.

To resist these processes and to restore its influence on society, the Church begins active educational and propaganda activities. The center of the new idea is United Europe, which is capable of withstanding any threats, both political and military. The Vatican begins to develop an idea of confronting threats from the East: communism, which rejects the idea of religiosity and spreads atheism, as well as Islam, which the Vatican views as a source of extremism and radicalism, which undermines the stability of the post-war period. In order for such a confrontation to be as effective as possible, the ideas of uniting European countries under the leadership of the Catholic Church as the only uniting force are being spread.

Pope Pius XII, who occupied the Roman throne from 1939 to 1958, also played an important role in the formation of the idea of a united Europe and the development of integration processes. After World War II, he developed the theme of a possible European Union, trying to build a Christian-democratic Europe. The basis for catalyzing European interstate integration is largely Catholic social doctrine, which at the same time was based on the principles of democracy and within which there was an active search for possible institutional forms for union and cooperation based on Christian values. Pope Pius XII, supporting the creation of the European Community, saw in this the historical mission of Christian Europe (O'Mahony, 2009).

At the same time, as noted by S.A. Mudrov, the role of the church in the European integration processes and its activity are caused by other factors. Thus, the Maastricht Treaty significantly strengthened the political component of European integration. Non-state associations and representatives of civil society began to be involved in the integration processes. The cardinal changes initiated in 1992 could not but affect the participation of religious institutions in the creation of a united Europe. It has become natural that European integration has become an object of close attention from Christian churches. And already in the 1990s, missions of churches in the European Union began to open, designed not only to track the development of events in the EU, but also to influence, to a certain extent, decisions made in Brussels. In addition, the growing attention of churches to integration was caused by the increasingly active invasion of the European Union in the religious sphere (Rymarchuk, 2010). The Church is trying to protect its own influence on certain areas of public life, while realizing the objective need to yield.

The secular European Union cannot turn into a theocratic state, and therefore even the influence of the Church on the formation of common principles of legal thinking and a single system of civilizational values by the majority of progressive politicians of the second half of the 20th century. discarded as a false interpretation of church expansion into the secular sphere.

The Vatican is seeking to consolidate the leading role of Christianity in the process of European integration, transforming this thesis into the thesis of its own dominant role in the formation of a new Eurocentric ideological tradition. But the Vatican acts as an independent subject of international law in the integration processes on the European continent. This is explained by two theses:

- the Vatican is trying to act aloof from the Christian local churches, using its achievements and its role in the processes of humanitarian restoration of Europe. In addition, speaking apart from another clergy, the Pope positions himself as the single spiritual and political leader of the Catholic world;

- most of the local churches (mainly of the northern countries) were discredited during World War II, and therefore the emphasis on their participation in the integration processes in Europe was inappropriate; most of the Catholic local churches in Eastern and Southern Europe played a big role in the post-war reconstruction of their countries, and therefore political leaders listened to the position of such churches, with the exception of the leaders of the countries of the communist camp, who, by their own example of persecution of the church and clergy, demonstrated the Pope's righteousness about the need to consolidate efforts in opposition to communism.

The church tried to influence the processes of European integration not only within the framework of the influence of religious norms on secular ones, but also within the framework of the model of state-church relations.

The study of the mechanism of influence of the religious legal tradition not only on lawmaking, but also on the integration processes in Europe makes it possible to single out a number of specific characteristics that significantly distinguish it from the existing one within the secular legal tradition and determine the very mechanism of transforming religious dogmas into imperatives for building social relations and state legal foundations (Ostash, 2013):

- by its nature, the religious legal tradition as a kind of social regulation is built in such a way that it has a relatively stable system of principles, the unchanging (over the course of millennia) nature of permits, prescriptions and prohibitions;

- it is realized in its significant part with the help of cult means, tested by centuries of practice, and is an integral part of the national culture of the people, ethnic group. In other words, religious regulation, in contrast to legal (state) regulation, is carried out through a special influence inherent only to religion and the proper guarantee of the achievement of goals determined by religious sources.

This is the social content of the religious legal tradition as a public institutional and normative education.

In certain spheres of social relations, the religious legal tradition has greater opportunities for influence than «pure» law. One of the options envisages a situation when the current law at this stage has exhausted its capabilities (problems of social adaptation, refugees and forced migrants, etc.). Another option assumes the lack of legal prohibitions (interethnic and interfaith conflicts) and needs to improve legislation, as well as improve the mechanisms of the activities of state bodies, the need for which is dictated by a fundamentally new socio-cultural situation that has developed at the turn of the XX - XXI centuries, and is personified in the EU enlargement (Romaniuk, 2011).

In fact, the unity and uniqueness of the Christian teaching, its integrity, determined the formation of a united Europe as a concept of civilizational development on the basis of the public-political and mental-cultural unity of the peoples of Europe that are related in worldview perceptions. This is the unifying role of the church - in the continuation of the traditional rapprochement of peoples on a religious basis, a sign of spiritual unity.

The Christian religion gives the European, first of all, an understanding that there is a Higher Power, a Supreme Expert, who will equally punish both for an unjust act and for an unjust norm of behavior that has been raised into law, given that the consequences of the latter are much larger. Lack of faith in God breeds irresponsibility in writing laws. The same can be said about law enforcement institutions, in particular judges.

Unjust actions that produce unfairly negative legal consequences for others inevitably entail responsibility in the moral and ethical dimension. Christianity provided the European legislator with the crucial concept of legitimizing lawful conduct through God and condemning illegal acts in the divine context. The traditional concept of «allowed-forbidden» not only aligned with the dualism of «good-evil» but also received divine sanction for good behavior and condemnation for wrongdoing. Religious norms and teachings, imbued with moral and ethical models of upbringing in European countries, transformed a simple system of prohibitions into a powerful mechanism for maintaining social order within defined limits of permissible behavior enforced through legal coercion, state authority, and, most importantly, religious and divine condemnation.

EU law, which was formed on the basis of community, and at the same time preserving the uniqueness of national legal traditions, could not fail to incorporate the Christian-religious basis on which the principles of legal regulation were based.

However, the formation of such a doctrine is possible, on the one hand, in the presence of «public will», which can be detected by the participation of religious associations of citizens in the political life of society - and here it is necessary to

reconsider the position of the «limited» pluralism of political ideologies, where access to the religious worldview today closed; on the other hand, it is necessary to have a sufficient number of specialists in the field of religious legal tradition - here the problem arises of studying a new subject within the framework of higher legal education - religious law.

Religious law gives an understanding of how and by what the church is guided in an attempt to unite, socialize and generalize the best achievements of social regulation within the framework of a single generally accepted system. The modern Catholic Church sees such a system of EU law, but developed and formed on the basis of axiological determinants of religious perception of such categories as «justice», «righteousness», «equality».

It should be noted that the Catholic Church, promoting the ideas of a united Europe, had its own reasons and goals, the achievement of which would not only contribute to the spread and consolidation of Christianity as the leading European religion, but would also strengthen the political influence of the Pope on the entire European continent. It can be reasonably asserted that the main tasks that the church was solving in its quest for the integration of European states were the following:

- stopping the spread of the process of secularization of social processes and civil institutions;
- clericalization of public and political institutions and attempts to make secular bodies of state power dependent on the church;
- stopping the processes of church schism, the emergence of new trends in Christianity: Protestantism, Lutheranism, Anglicanism, Calvinism, and the like;
- the spread of the church as the only institution that meets the demand of society for spiritual values.

Thus, it can reasonably be argued that the Christian Church stood at the origins of the creation and dissemination of the concept of the so-called «consumer society». True, the product that it consumed had an intangible nature and satisfied the needs of society in the formation of ideological positions.

With the development of a scientific approach to understanding the surrounding world, as well as the spread of skepticism and rationalism, the Church began to lose its position as a universal, supranational institution. Its influence on political, social, and economic processes also diminished, which required the leaders of the Catholic Church to respond promptly to the challenges of the external environment. Gradually, the Church transformed into a global network organization.

In contrast the church as an institutional entity, the significance of religion in social processes does not change. It continues to fulfill an axiological function, defining the minimum requirements for the level of public morality and cultural development of the nation. Therefore, the system of religious values penetrates into

the sphere of law. Legality cannot exist without morality, and morality is the essence of the empirical achievements of society, which were formed primarily under the influence of religion. Penetrating into the processes of formation of civil society and the rule of law through the system of law, religion enters a new level of influence on human consciousness, identifying its dichotomous system «good - evil» with such categories as «morality», «decency», «legality».

The processes of the adoption of the Charter of Fundamental Rights of the European Union and the creation and ratification of the Lisbon Treaty are indicative in the context of the influence of the church, and in particular the clergy, papacy and higher clergy, on the rule-making process in the EU.

In particular, E. V. Zhosul interprets the involvement of European Churches in the development of the draft Charter of Fundamental Rights of the EU as an example of their attempt to influence political processes, characteristic of their broader participation in EU policy. This represented the first practical experience of dialogue between Churches and European institutions, effectively inviting religious organizations to participate in shaping European politics. Moreover, the fact that the Roman Catholic Church and the Conference of European Churches submitted their own recommendations to the European Commission, including versions of Charter articles related to religion and moral values demonstrated their ability to exert a certain influence on EU policy in specific areas, despite the overall role of religious organizations proving to be more limited than they had anticipated (Zhuravsky, 2003).

At the same time, the mid-twentieth century the ecumenical movement among churches was developing, culminating in the signing of the Ecumenical Charter. Thus, the Church not only participated in the process of creating a united Europe but, through its own cooperation and attempts at internal unity, created prerequisites for further integration at the state level. This clearly demonstrates broader changes in consciousness and outlook within the Church. Starting with Pius XII, successive popes have emphasized the Church's guiding role, its tolerance of socially significant trends, and its desire to exert decisive influence on matters of ethics and morality.

This is particularly evident in the position of Pope Francis I, who not only seeks to promote European unity but has become an active political figure and advocate for closer cooperation among European states. His diplomatic activity reflects the Church's proximity to secular power, demonstrating partnership, readiness for dialogue, and engagement with core issues of socio-political and socio-economic development in modern Western civilization. Furthermore, the active efforts of Pope John Paul II and Pope Francis I to foster rapprochement between the Catholic and Orthodox worlds play an important role in unifying the

religious and social space of Europe, especially considering the religious orientation of EU member states in Eastern Europe.

The eastern direction of the modern policy of the Roman Catholic Church crystallized precisely during the period of the pontificate of John Paul II, who devoted a significant part of his ministry to the idea of reuniting the two parts of Europe and the fight against the Iron Curtain. Pope John Paul II, according to E.V. Zhosul can be regarded today as a real full-fledged European politician, whose many years of efforts, systematic ideological work, including, made possible the eastern expansion of the European Union. His contribution to the idea of a united Europe was marked on the eve of the entry into the EU of ten new members with the Charlemagne Prize, the most prestigious political award in Europe (Zhuravsky, 2003, p. 51). From the very beginning, the Christian Churches welcomed the prospect of expanding the borders of the European Union from the point of view of Europe gaining greater spiritual, ideological and cultural integrity (Zhuravsky, 2003). But the unification of Eastern and Western Europe should not be viewed exclusively in the context of the religious-church reunification of believers from the communist camp with the believers of democratic Europe. The liberation of the countries of Eastern Europe from the totalitarian regime in the early 1990s is indeed a victory, to a greater extent, of John Paul II than of the political leadership of a then not yet integrated Europe. But the Vatican was unable to make the most of such a victory. The accession of most of the countries of Eastern Europe to the EU is, first of all, a socio-political and even economic step, dictated by the desire for further development by these countries, as well as their desire to protect themselves from the expansion of Russia.

In its relations with Russia, the Pope has consistently positioned himself as the head of the Vatican as a subject of international relations, maintaining contacts primarily with the political rather than the ecclesiastical elite. Consequently, the Vatican's stance toward Russia was guided by a reluctance to allow the influence of the Russian Orthodox Church to extend over the social and political processes of Eastern Europe. In addition, the Pope has taken an active role in all matters concerning the establishment of relations between the Vatican, the Catholic Church, and international humanitarian organizations. By emphasizing the humanitarian dimension of the Church's influence on social processes, the Vatican was able to elevate its role in European integration. This is particularly significant given that most European humanitarian organizations operate within the EU and increasingly coordinate with the Church to address issues such as migration, poverty alleviation, and social development disparities.

The above provides ample reason to assert that the Pope is emerging as a political figure in matters of European integration, embodying the religious, intellectual, and cultural unity of European civilization, as well as the moral, ethical,

and axiological foundations upon which norms governing social relations, including the rule of law should be based.

It should also be noted that the Catholic Church's close attention to the socio-political and economic issues associated with European integration demonstrates that the Vatican not only possesses knowledge of ongoing developments but also, recognizing the need for its own renewal, often anticipates and guides the social and political activity of Christian Democratic parties. Thus, the Second Vatican Council (1962–1965), which initiated the process of *Aggiornamento*, literally «bringing up to date» simultaneously launched the evolution of Catholic social doctrine. The encyclical *Pacem in Terris* («Peace on Earth», April 11, 1963) reflected this commitment to peace (Byrnes & Katzenstein, 2006; Pinchuk, 2009).

A new form of papal lawmaking encyclicals began to replace decrees. These documents are recognized by all Church organizations within the Catholic Church as universally binding, not in terms of enforceable law, but in terms of their consideration when developing legal norms at relevant Councils. The role of papal rule-making thus shifted: having become a political as well as spiritual leader, the Pope seeks to extend his influence both to ordinary believers and to national governments through declaratory acts. While these acts do not contain norms of direct application, they serve as guiding documents shaping the development of ecclesiastical and canon law.

For example, the encyclical «*Mater et Magistra*» contained fresh approaches and interpretations of the social position of Catholicism regarding state support for agrarians, tax reform, social security and price regulation. Pope Paul IV took practical steps in defining the main social problems of mankind in the encyclical «*Populorum Progressio*» («On the progress of peoples», March 26, 1967). In 1981, in the third year of the pontificate, the social encyclical «*Laborem exercens*» («Exercising labor») was published by Pope John Paul II, during which there were «*Sollicitudo rei socialis*» («Concern for social affairs») 1987, *Centesimus annus* (The Hundredth Year) 1991, *Veritatis Splendor* (The Radiance of Truth, 1993) and *Evangelium Vitae* (Gospel of Life, 1995) (Byrnes & Katzenstein, 2006; Pinchuk, 2009). The last encyclical in its content resembles a collection of principles, fundamental provisions on status and personality in the new world. It is devoted to fundamental issues of the value of human life, promotes virtually democratic human freedoms, including those freedoms that the Church had previously rejected. *Evangelium Vitae* became a kind of political manifesto of the Vatican, asserting that the Church recognizes democracy as the only viable form of social organization, in which the human being is the highest value, as it is for God. John Paul II compared the democratic foundations of social processes with the norms of canon law, where the individual is likewise regarded as the supreme value for the

state. In doing so, he emphasized that the Church is capable of adapting its dogmas in ways that best serve its objectives.

This encyclical signaled the Vatican's readiness to engage in direct and open dialogue with the secular authorities of EU nation-states regarding the promotion and consolidation of democracy. From the Church's perspective, this is of utmost importance, as it strengthens its position within the processes of European integration, a position that, as of 1995, demonstrated the remarkable political foresight of John Paul II. In conclusion, the Catholic Church continues to influence public, political, and socio-economic processes in a united Europe. However, this influence is often subtle, primarily manifesting through the dissemination of religious doctrine as an alternative framework for moral and ethical values within modern information society.

The reasons for the political activity of the church, the participation of the clergy in the electoral process, should include the desire to achieve a model of state-church relations in which the church would be granted the status of an active factor capable of influencing the adoption of state decisions. Ideally, this is the desire to introduce Christian principles of morality directly into politics and state structures (Khrantsova, 2011). The interest of the church in politics is also caused by the desire to defend those interests of the church that directly relate to its activities: protection of the church from the pressure of state factors; unimpeded implementation of educational, educational, charitable activities; protection of the moral foundations of public life. The role of the church in the electoral process is also determined by the existing model of state-church relations in the country, which determines the way, ways, and intensity of interaction between the church and the state. At the same time, it is influenced by political (political system, factors of domestic and foreign policy), social (the nature of social relations) and historical (historical traditions, different in different historical periods) factors (Konets, 2012, p. 176-180).

Particular attention should be paid to how the religious factor influences the integration processes, what is the mechanism of this influence. Thus, the extrapolation of religious norms and ecclesiastical law to modern public-political processes allows at least a search for certain legal structures and even a new specific content of legal norms. It would not be entirely correct to assert that religion remains, as in the Middle Ages, a certain source for the formation of the imperative of behavior of subjects of social relations, but to a certain extent it is ecclesiastical law, especially its progress, under the influence of a change in worldview guidelines and the spread of the scientific paradigm of worldview that makes it possible take a fresh look at the process of forming a single moral and ethical vector of development of European nations. The Church by means of sermons, in which attention is focused on the most significant problems of today, through a new

interpretation of well-known religious texts and canon law, as well as by influencing human needs for a spiritual component, offers its own solutions to civilizational problems. Although these decisions do not meet such criteria of the modern paradigm of European integration as rationalism, pragmatism, utilitarianism, they carry humanism and are socially oriented, which corresponds to the latest European philosophy, in which civil society takes the leading place. Taking this into account, the philosophical context of European integration implies the postulate that the integration of a state with an officially non-Christian religion into the European community is highly problematic or, at least, inadmissible in practice. There are no prohibitions or restrictions because, firstly, such a measure would be undemocratic, and secondly, it would contradict the principles of human and civil rights, in which freedom of conscience and religion are central.

The official position of the European Union is that integration is possible only if a number of socio-economic and public-political criteria are achieved, which are objective and affect just the level of development of democracy in a particular country. At the same time, it is quite clear that the influence of religion on the formation of a system of public morality and value orientations of civilizational development determines the a priori polarity of the vectors of state building processes in countries with different prevailing religions.

However, at the present stage, European Churches are still interested in upholding the historical right of Christianity to occupy a special place in the system of European values. The Roman Catholic Church insists on this to the greatest extent, which was expressed, for example, in the publication by Pope John Paul II of the post-synoidal appeal «Church in Europe» a week after the adoption of the Euroconstitution at the EU Brussels summit in June 2004 and was also expressed in the constant statements of Pope Benedict XVI on the importance of taking into account the Christian traditions of Europe for its future development. Representatives of the Protestant and Orthodox Churches of Europe express solidarity with the position of the Vatican in this matter (Zhuravsky, 2003). This unity of the churches is not only a manifestation of a certain ecumenism, but, rather, the desire to preserve the Christian worldview dominant for European society. The Church, realizing the growth of socio-political and socio-economic threats to a united Europe, is trying not only to unite, but assumes the role of a conductor of a new system of values - the civilizational values of progressive democratic Europe. Placing most of them in their sermons and encyclicals, the papacy and clergy thus try to demonstrate the supremacy of the influence of Christian dogmas on the processes of integration and strengthening of the EU, opposing themselves to other religions, mainly Islam.

An increase in the number of adherents of Islam within the EU significantly increases the level of threat of the spread of fundamental and radical movements.

In this the Christian church sees its protective function, trying to attract more believers through canon law and by means of expanding the format of relations with the state. The confrontation between Christianity and Islam in the new Europe makes the idea of further integration at least socially vulnerable, since the countries that remained unintegrated on the European continent have an overwhelming number of Muslims in their national composition. Therefore, the unification of churches and the search for a new format of state-church relations today is considered a very urgent problem, since it is the Christian Church that is called upon to prevent the expansion of the Islamic worldview on the European continent.

In order to determine the importance of the Catholic Church at this present stage of European integration, one should refer to the practice of the process of reforming the institutional component of the EU, marked in the Lisbon Treaty. The progress of treaty reform can be broken down into three phases. The first stage is the work of the Convention on the Future of Europe (February 2002 - July 2003), which prepared the draft Constitutional Treaty («European Constitution»). The second stage is an intergovernmental conference with the participation of the heads of state and government of the EU members and candidates for EU membership (October 2003 - June 2004). The third stage is the work on the Lisbon Treaty, including the process of its ratification (2006-2009) (Rymarchuk, 2010). Each of these stages took place with the active participation of representatives of all, without exception, the churches of the EU countries, as well as the Vatican. There were quite serious political and moral-ethical discussions about why it is necessary to focus on the role and importance of the Christian Church in the EU integration processes, and also why the EU Constitution should contain norms that would consolidate the dominant position of the Christian religion in the European space.

The active activity of the churches was marked by the general preparation of proposals, which were presented as additions to the draft Constitutional Treaty existing for the period of 2002, which was supposed to finally consolidate the unification of Europe. These proposals were primarily political in nature and were a progressive vision of the church's own role in further socio-political processes on the European continent. On the other hand, the Vatican thus tried to assert its dominant position due to the fact that the position of the Catholic Church was significantly shaken in the 2000s due to numerous scandals with financial machinations of the Vatican Bank and the indecent behavior of a huge number of clergy. Under such conditions, obtaining a monopoly on further expansion in Europe was extremely important for the Vatican, and therefore the proposals of representatives of the interfaith commissions to amend the EU Constitution concerned the following:

- to recognize openness and maximum association with the name of God, since the reference to the Supernatural gives guarantees of personal freedom;

- to recognize the special contribution of churches and religious communities, to provide an opportunity for a structural dialogue between European institutions and churches and religious communities;

- to include Declaration No. 11, annexed to the Final Act of the Amsterdam Treaty, which enshrines mandatory respect for the status of churches and religious communities in the form in which it is recognized by each of the member states (Rymarchuk, 2010).

At first glance, such a position may indicate an attempt by the church to revive the religious and philosophical concept of human rights and the objectivity of their origin by virtue of the divinity of will, which recreates man as a creation of God. In other words, God, having created a person, endowed him with certain rights and duties, highlighting them in such a way that they correspond to the divine teaching as much as possible. The Church, on the other hand, took on the role of an interpreter of these norms and rules, which she actively promoted during a long historical period of development.

The common positions of the Christian churches, expressed in the period between May and September 2002, became a reference point for those politicians, public and state leaders who respected the opinions of religious organizations or even had similar beliefs and value systems. The participation of churches was most noticeable in the first phase of reforms (the work of the Convention), when the text of the Constitutional Treaty was being prepared. Through lengthy debates and difficult negotiations, the churches and their representatives succeeded in getting a reference to Europe's «religious heritage» in the Preamble of the Constitution. The text of the Treaty also included guarantees of the status of churches and an indication of the need for regular dialogue between the churches and the EU (Rymarchuk, 2010). Thus, the church has achieved recognition of its original fundamental role in the creation of a united Europe, the leader of European civilization, the founder of the system of civilizational values and the role of a determining institution in the context of establishing the moral and ethical framework for the existence of a new European unified society.

This influence remained largely declarative, and the so-called «victory» of the Church was situational. The consolidation of the Church's dominant and governing role in shaping a system of common European values required proper institutionalization through new forms and models of state–church relations. Moreover, the primary actors in such relations should be the Vatican and the supranational governing bodies of the EU. Our analysis in the previous section of the normative-legal component of EU-Church interaction demonstrates that the EU political leadership is prepared to define only the common features in the regulation of church–state relations. Yet the fact that practical implementation of such a model is carried out by the national governments of EU member states introduces a certain

level of risk. This risk is manifested in the intensification of migration processes, which leads to an increase in the Muslim population in Europe and the growing influence of Eurosceptics, a political movement that rejects the idea of a united Europe and seeks to diminish the role of traditional churches.

The governments of nation states that are formed in such conditions must respond to the socio-political preferences of their own population, and therefore, at the level of each individual state, the Christian Church faces serious risks of increasing secularization. Therefore, the desire of the Vatican to establish clearer and more uniform models of relations between church and state for the whole of Europe is quite understandable. In our opinion, such a striving also meets the civilizational traditions of the development of European civilization, and therefore at the present and future stages of integration processes, state-church relations require transformation. One of the guidelines for such a transformation is the continuation of the religious factor as one of the most important elements of ensuring the security of the integration process within the EU.

3.3. THE CURRENT CONDITION OF DEVELOPMENT OF STATE-CHURCH RELATIONS AND THE PLACE OF THE RELIGIOUS FACTOR IN THEIR FORMATION

The state and the church are two independent social entities, each of which is characterized by a certain organizational structure and an internal system of social regulators, the action of which extends: in the case of the state, to its citizens; in the case of the church, on its believers. The first system of social regulators - the norms of law, regulates all social processes without exception, and the second concerns only the relationship of faith and religious rights and freedoms of man and citizen. Therefore, it is incorrect to say that state-church relations are a model of only two subjects - the state and the church. One way or another, but citizens are present in both of these models and play the role of an object of regulatory influence, which the state exercises by means of law, and the church - by means of religious teaching. The generality of the target is an additional factor and an opportunity for comparison and comparison of the mechanisms of action of these regulators.

A person always exists within society, with a life inextricably connected to social processes, yet at the same time possesses a range of needs that cannot be satisfied by secular social life alone. For example, needs of a spiritual nature are met exclusively through religious organizations. The Church not only satisfies the religious aspirations of a person, but also determines the method and order of their satisfaction through its own system of norms. Therefore, a person must compare the regulatory influence of both religious norms and the norms of secular traditional law. Such a comparison does not take place by means of scientific knowledge, but rather through a person's perception of the world around him. Religious norms reveal the axiological dimension of a person's perception of the quality of social processes and socio-economic situation in their environment, while the norms of law reveal the practical dimension of the realization of human life, since all processes occur within the legal framework.

Religious teaching affects the consciousness of a person, while the law affects the external manifestation of the personality: behavior, habits, etc., but at the same time forms a system of permissions and restrictions, which is defined as legal consciousness or conscience. Religion, on the other hand, forms or corrects the system of moral and ethical values and civilizational orientation of the individual, but at the same time, a person with a high level of legal consciousness or a developed conscience is guided in his behavior by religious dogmas, introduced by it to the rank of imperatives of what is permitted and prohibited, regardless of whether this or otherwise by secular law or not.

Legal consciousness is a peculiar phenomenon, since it is formed in the process of the historical formation of a certain society, nation, nationality, the formation and development of moral and ethical norms and guidelines for social development. It is decisive in the context of creating a system of social regulators, but at the same time it is itself formed under the influence of a system of social norms that are different in nature.

If we consider legal consciousness in the context of the relationship between legal norms and religious norms, particularly within Catholic doctrine, which underpins the corresponding system of canon law. It should be noted that Christian doctrine forms its dogmas in interaction with legal realities. Canon law, while emphasizing the supremacy of divine will and the divine principle in regulating human existence, is not fundamentally different from the legal regulation of social relations, as it might appear at first glance. At the same time, positive law influences canon law through a process of implementation and adaptation within religious norms, while religious norms, in turn, exert influence on legal norms. This influence manifests in two forms: direct and indirect (Dyachuk et al., 2013).

The so-called direct influence should be more accurately described as criterial, since religious norms do not affect the form and content of legal norms, but the approaches and criteria, standards and requirements when creating such norms. That is, law-making, and sometimes even law enforcement practice is based on the principles and imperatives laid down by religious dogmas in the legal custom of regulating public relations and in such a phenomenon as the «spirit of the law». This influence is primary in relation to another form of influence of religious norms on the norms of law.

Indirectly manifests itself in the tangential interaction of religious and legal norms in the process of creating the latter. It is about the penetration of religious dogmas and religious teachings into the axiological dimension of the human spiritual world. Therefore, there is a transformation of certain internal imperatives of personality behavior in such a way that is as close as possible (within reasonable limits) to the category of «righteous being» enshrined in religious teachings. Such righteousness is identified with values, which, being formed under the influence of religion, are in fact the starting conditions for the creation of legal norms. The peculiarity of such an impact is manifesting in the fact that in this way religious norms affect not only the individual perception of the rule of law by a person, the level of legal understanding, but also public perception.

In fact, religious teaching causes a powerful, but quite objective and natural influence on the human value system. Naturalness is explained by the historicism of the existence of social regulators and customs in the regulation of social relations, which, in turn, were built on principles that originated in religious norms and dogmas. Thus, it can be argued that for the EU, the Christian religion with its

dogmas and theological interpretation of the need for Divine regulation of human existence acts to a certain extent as a source for the formation of the foundations and characteristic features of legal consciousness.

From the point of view of V.I. Memes, the study of the nature of law should take place in a culturological aspect, that is, taking into account the peculiarities of legal reality and the continuum of social regulators that act, along with the system of law, as regulators of social processes. This approach makes it possible to reveal both the features of religious norms and the process of regulating social relations by means of religious norms (Comparative Constitutional Law, 2012).

On the other hand, A.B. Vengerov focuses on the fact that, considering religious norms as one of the varieties of social regulators, one can come to a conclusion about their nature and the mechanism of influence on social processes. But at the same time, it is difficult to reveal their relationship with the norms of law, since law is also a regulator of social relations. That is, determining religious norms as a species, they should automatically be identified with other types of social norms, and in particular legal ones (Vyhovsky et al., 2006). Complementing this thesis, it should be noted that the regulatory influence of religion has never been limited to the sphere of the sacred. In general, the church has always strived for a dominant role in relation to the state, which means that it sought to turn religious norms into the only possible imperatives for regulating social relations. The Church not so much tried to replace the system of law with religious doctrine, as to substantiate the divinity of the origin of law, and, consequently, the need to create it, solely based on the dogmas of the Christian Church.

In fact, religion goes out the spiritual world, intervening in completely materialistic processes: human labor, social development, education, and the like. But such penetration and the creation of a system of regulators based on religious norms turns the material being of a person into a path to the Divine ideal of existence, that is, to Paradise. Righteousness replaces the social order, and then the evolution of statehood and society as such loses its own vector, rushing along the vector of Christian ideals. Such processes in general are impossible and unnatural, since the development of the material world is possible only through evolution, while faith rejected any possibility of self-development, justifying this by the presence of Divine will.

Religious values are both an ideal, a symbol, and regulatory ideas that have a huge impact on a person and society in all spheres of his life. Like any relatively independent system of social regulation, religion includes normative and non-normative aspects, it regulates activity and behavior through norms, traditions, motives, goals, etc. But it is the normative system of religion that has the most regulatory potential. Religious norms constitute a system of requirements and rules aimed at the implementation of religious values. In developed religions, such

regulation is carried out primarily through institutional forms. Religious institutions develop formalized and regulated systems of norms, such as Sharia, canon law, church statutes, and similar instruments. Consequently, the relationship between the Church and its religious norms, on the one hand, and the state and its legal norms, on the other, within the framework of the state-church model, reflects the degree of dependence of national law on Christian doctrine.

This dependence is reflected not only in the external manifestation of the regulatory impact of legal norms on the processes of satisfying the religious needs of the population and guarantees of the religious rights of man and citizen, but also in accordance with the system of values on which the lawmaking process is based, with religious canons. That is, the functioning of the model of state-church relations at the present stage is increasingly shifting the emphasis from the organizational to the procedural component. The state legitimizes the church, gives it a certain freedom in its educational activities, does not interfere in internal church affairs, and also guarantees the religious rights and freedoms of man and citizen. But the church develops and constantly unifies religious dogmas, which are first laid in the basis of religious education, and then transformed into a system of civilizational values generally accepted in a particular society. Thus, the church, through representatives of the clergy, through the institution of preaching and sacrament, spreads the axiological aspect of faith, and the norms of Catholic law are transformed from social norms into the initial conditions and principles of legal consciousness and legal thinking. Moreover, such a transformation takes place both at the level of public and at the level of individual consciousness.

Nominally and practically, religious norms do not have such a level of distribution in society that would give them the opportunity to become generally binding regulators of social relations. Since religious norms are an external manifestation of their influence on society, it is quite logical to assert that the ratio of religious and legal norms is one of the elements of state-church relations. But, unlike the relationship between the institutions themselves, the church - the state, the relationship between the norms of law and religious norms is characterized only by the restriction on the part of the former (legal norms) of the regulatory influence of the latter (religious norms).

It should be noted, however, that the nature of religious norms is somewhat similar to legal custom. Thus, a religious norm is not sufficiently deterministic and imperative and can vary in the content of regulation, understanding and perception by society and a specific individual. Likewise, the practice of implementing a specific type of social relations may vary depending on external conditions, internal factors, modes of behavior of participants in such relations. But at the same time, a certain tradition of performing certain actions within the framework of a specific type of legal relationship is developing in society. Such a tradition, passed down

from generation to generation, is transformed, improved, gets a certain expression and ultimately becomes a norm, first at the level of its public perception (social norm-tradition), and then is embodied in a specific rule of law. A similar mechanism of legitimization has a religious norm, which proceeds from religious teachings, transforming in the public consciousness and improving in the process of developing religious doctrine, becomes more or less an established norm-tradition. Then it takes the form of a source of law, since it becomes acceptable and natural for a particular social group.

Religion plays an essential role in the life and balanced existence of society, and the existing socio-religious system can significantly influence the formation and functioning of the legal system. After all, social relations are ordered on the basis of a single value and worldview foundation and the approval of specific standards of mutual perception by people of each other, their mutual humanity (religion is a factor that determines human thoughts, feelings, behavior through binding rules and standards and accordingly orders a specific social environment as a whole). The interaction of legal and religious norms in the process of lawmaking reflects the interaction of the constituent parts of the value culture of the state, united by causal-functional and logical-semantic links (Dikhtievsky, 2004). Legal and religious norms in the process of lawmaking are related to each other as a «norm» (it is the result of a conscious perception of the content of a religious-normative prescription by subjects of social relations and is generally binding) and a «sample» (a model of the desired behavior of a subject of social relations). The interaction of legal and religious norms in the process of lawmaking is determined by the corresponding type of social relations that have developed in society at a certain stage of its development, and is characterized by the place and form of interaction of religion and the church with the state, in particular (European, 1985):

- separation and remoteness of religion and church from the state (for example, Latvia, Portugal, Ukraine, Croatia, Moldova, Slovenia);
- transformation and close relationship of the church and religion with the state, when there is an indirect influence on the formation of the state and lawmaking, special support for the church of a certain religious movement at the legislative level (for example, Spain, Italy, Poland);
- direct connection of religion and church with the state, official recognition and consolidation of the status of the state religion (for example, Greece, Great Britain, Denmark, Bulgaria, Georgia, Lithuania);
- the legal status of religion, church, religious organizations, institutions and communities (for example, Hungary, Bosnia and Herzegovina) is not defined;
- a ban on the officiality or dominance of any religion in the country (for example, Albania, Slovenia, Estonia);
- the secular nature of the state (for example, Turkey, France).

Lawmaking is a natural process, shaped by both subjective factors, such as the perceived motivational needs of participants in public relations for resolving and coordinating their interests, and objective factors, including the establishment, regulation, and ordering of social relations to prevent conflicts of interest among their subjects. Religious norms influence the formation and development of the consciousness of social actors, enabling effective control and organization of public relations, serving as a deterrent against the misuse of power, and encouraging lawful behavior. Moreover, the implementation of law and the regulation of social relations are based not only on the formal, dogmatic prescriptions of legal norms but also on moral and religious foundations (European, 1985). The moral and religious plane of legal thinking means that the essence of the rule of law is revealed at two levels:

- understanding the essence of the mechanism for regulating social relations, which contains the norms of law. In this context, religious legal thinking answers the question of the validity of the rule of law by Divine teaching and God's will. The question is raised about the conformity of the common Christian system of values to this or that rule of law;

- understanding of the phenomenon that appears in the process of the regulatory impact of the rule of law on social processes. This level of understanding reveals the religion's perception of legal reality. Since religious teaching does not explain the entire totality of social relations, therefore, through individual characteristic features and signs, Christian teaching tries to substantiate the level of rationality that lies in the legal norm through the public good, the achievement of which is an imperative of human existence and a manifestation of God's will.

The above conditions and explains the presence of idealistic and materialistic approaches to the interpretation of law. Thus, the idealistic approach is embodied in the system of views on law as an ideal regulator of social relations, ensuring the achievement of general welfare. That is, the idealistic approach determines law, the interpretation of the Divine teaching and its embodiment in earthly laws. The materialistic approach to legal thinking is based on a purely practical, utilitarian purpose of law as a system of regulators of socio-economic and socio-political processes. In this context, law is viewed as a means of maximizing the economic effect of social relations, and the development of the individual and society are derived from the development of the economic basis. Moreover, in the materialist understanding of law, it is rigidly determined and controlled by the state in order to follow the legal norms as closely as possible.

The theological (theological), however, as well as the atheistic, view of the phenomena under consideration would certainly change the course of research, directing it towards an apologetic channel. The advantage of the comparative legal approach in understanding religion, religious phenomena and legal consciousness from the point of view of the religious factor lies in the need to consider religion

not in its «pure form», but in interaction with other social phenomena, in particular with the need for social regulation, which is achieved by means of law... Considering the triumvirate of society, state and law from the point of view of jurisprudence, we get a false idea of understanding state and legal phenomena - purely positivist. However, the positivist concept of legal thinking connects the norms of law with the activities of public authorities, the result of which these norms are. Within the framework of the model of state-church relations, the norms of law that govern the functioning of religious organizations and the church reflect the real position of the state regarding the boundaries of the influence of the religious factor on social processes. The state limits such influence by allowing the Church to influence only classical social institutions: family, upbringing, as well as the sphere of humanitarian relations and charitable activities. In other spheres of public life, the state takes a restrained position regarding the admission of the church to their regulation or influence. That is, the positivist concept of legal thinking reveals the struggle of the state for the monopoly of its regulatory influence.

The Church, on the other hand, penetrates with her influence into those spheres that are inaccessible to the state and its apparatus - into the sphere of consciousness and perception of legal reality. The concept of «law and order» is being transformed into the concept of «pious behavior», that is, the observance of law and order is a matter pleasing to God. Through this, the extremely important importance of the church for the maintenance of law and order is revealed - the spread of the perception of unlawful behavior as a sin that requires atonement and from the point of view of religious teaching always has a consequence - «God's punishment». With this understanding of unlawful behavior, restraining a person from committing a crime is explained not only by fear of the state system of law and order and state coercion, but also of God. From the point of view of the state, such incentives and determinants of human behavior are interpreted as legal consciousness.

The perception of the legal doctrine of religious, spiritual and moral principles can significantly improve the quality of legal regulation. The formation of a doctrine is possible and desirable, including taking into account the basic, as well as religious, commandments contained in the sacred scriptures of world religions. Based on the fact of the existence of God and the reality of His laws, doctrine can include something in common that is found in all major religions. In other words, we are talking about the spirit of religion, the fundamental commandments laid down in religious sources, «legal» principles, such as: justice, equality before God and responsibility before Him, the need for love and mercy to one's neighbor, the desire to apologize and the ability to meet in controversial property issues, encouraging attitude to charity, other disinterested activities, etc. (Movchan, 2013).

Many researchers insist on an axiological approach when analyzing the influence of religion on the processes of lawmaking, the formation of a system of norms and values of society. It is here that the connection between religion, legal culture and the morality of members of society is traced, without which legal culture is impossible. One of the reasons for the low legal culture of modern society is the low level of moral culture. The foundations of morality and the priorities of spiritual values are laid down in the worldview and legal consciousness of modern society, largely thanks to religion (European, 1950).

Analyzing in this context the processes of integration into the EU, it should be noted that they are just a consequence, a projection into the practical dimension of being individuals of the vision of the order that is formed under the influence of the value system.

Thus, in order to create such a supranational entity like the EU, it is important to have a common approach to legal perception and legal thinking, since any integration processes at the regional or global levels require clear legal regulation, as well as the creation of common framework legal norms for all members of the future integration association.

Law as an essential element of the sociosphere develops and functions within a single continuum «civilization - culture». Attempts to attribute it only to the civilizational system and to consider it in a purely instrumental, service aspect will lead to the emergence of simplified concepts. It is impossible not to reckon with the fact that by its institutional and organizational structures, law is included in the social «body» of civilization, and by its spiritual content - in the axiology and semantics of culture. This allows it not only to function as a kind of social mechanism that streamlines social life and introduces the beginning of a rigid external discipline into it, but will also contribute to a more complete realization of the vital and creative forces of individuals and communities, and an increase in the degree of harmony of the social system.

Thus, law is characterized as a qualitative feature of society or the system of social values and regulators that have developed in society. The quality of such regulators, their vector of direction and general features and forms of practical implementation testify to the level of development of culture, and hence legal culture, and the level of legal thinking and legal consciousness. This is the original purpose of the legal system as a general regulator of social relations. But if we talk about regulators, then not only the law acts as such. Religious norms and religion in general are also a powerful regulator of social relations, since religiosity is a characteristic of the spirituality of a nation, society, or a specific individual. And if the behavioral modes of a person and a social group are formed on the basis of the practical rational principle of regulation, which is embodied in law, and the regulators inherent in the spiritual sphere, that is, religious norms, then the final

mutual integration and transformation of the norms of religion into the norms of law are quite likely.

Law can not only be formed under the influence of religion, but also form worldview principles, which, in turn, will influence the perception of religion itself and the evolution of religious dogmas and norms, which can be traced to the example of such movements as the Reformation.

Religion and law are interconnected by the mutual influence of their elements: (religious ideology and legal consciousness, religious (church) and secular courts, religious and legal norms); one-vector orientation of the homogeneous elements of both systems to other social systems and social life (for example, religion and the right to moral and ethical ideas); mutual regulation of public relations by legal and religious norms; direct mutual influence of heterogeneous elements of the religious and legal systems (regulation by legal norms of religious behavior and relations, intra-confessional activities) or indirect (the influence of religious ideology on the formation of legal norms through legal consciousness due to the perception of religious beliefs and ideas by legal consciousness) interaction of branches of law with various spheres of religion (regulation of religious and legal norms of various aspects of church-state relations, legalization of religious ceremonies in various spheres of state life, etc.) (Fylypovych, 2013).

In this context M.V. Paliy notes that religion and law have such a strong philosophical connection in the context of the axiological and law enforcement dimension that it is necessary to talk not about the relationship between religion and law, but about the degree of influence of one system of social regulators (law) on another (religion) and vice versa. Then the analysis of the mechanism of dependence of law on religion and integration processes, in particular in the EU, on the Catholic Church will be revealed through the perception of the society of those models of social relations that are proposed or created under the mutual influence of law and religion (Pylypchuk, 2010).

The fact that the religious teaching of the Catholic Church influences secular processes in individual countries is an indisputable fact. But as for the integration processes in the EU as a whole, it should be noted the existence of a large number of confessions, which, having their own view of religious dogmas, also affect the political will of their own societies and therefore the degree of integration. But, of course, the historicism of the spread of the influence of the Catholic Church and even the participation of individual popes in the process of European integration and the declaration of the exclusivity of Christian values as worldview guidelines of a united Europe - all this testifies to a fairly high degree of penetration of religious norms both into the legal system and into the axiological dimension of perception. rights.

The connection between religious and legal norms is reflected in the measurement of the formation of legal awareness and the perception of value orientations in the legal regulation of social relations.

he problem of the formation of European legal consciousness is primarily rooted in understanding the relationship between the individual and society, a connection that dates back to the Middle Ages, when the bond between religion, particularly the Church, and society was especially strong. A dominant idea regarding the influence of religion on legal consciousness is that the individual did not perceive himself as independent, but rather as part of a collective, a structural unit within a broader social or state mechanism. To understand the foundations of legal consciousness, it is necessary to analyze a given social structure and its underlying mythology, that is, the perception of oneself within a system of basic moral and ethical ideas about good, evil, and justice, as well as its relationship with «others», including the understanding and acceptance of «otherness» during the formation of social classes in the late Middle Ages. In any case, two common elements united all social groups within European society: religion and law (Kvasha, 2005).

At the same time, one can even talk about the religiosity of law or about canon law, which for a long time was the regulator of social relations in Europe. As E.V. Kurnakov, «the social nature of such norms is determined by the fact that their implementation was ensured by state coercion: violators of religious and legal precepts were subjected to the death penalty, corporal punishment by court decision, and were subject to property liability. These were specific features of the law, formed on the basis of the Catholic doctrine, distinguishing it from any other systems of social regulation, including the religious system. On the other hand, the norms of such law are closely intertwined with religious rules and dogmas of sacred books; by their social nature, they are legal norms and relate to the legal, and not strictly religious, sphere. That is why it can be stated that there is an inextricable connection between religious (church) law and the state» (Molodtsov, 2013). Putting this connection into the model of state-church relations, one can state that in those spheres of social life in which the state has not developed a system of legal regulation, it is allowed to regulate the behavior of individuals at the expense of other social norms, in particular, at the expense of religious ones. Therefore, the thesis is acceptable that the norms of canon law can remain in force as long as they are recognized by the state or are not denied by the norms of law. This does not mean that in the implementation of public relations in a field in which legal regulation is insufficient or fragmentary, the subjects of relations should be guided by religious norms, but their internal motives should come out of something: from understanding the correctness or incorrectness of actions. This understanding is

formed on the basis of internal moral convictions and value perception of legal reality, which in turn is guided by the religious worldview of the individual.

For the EU integration processes, the situation we have cited may take place, for example, in the process of citizens choosing a model of behavior or the degree of perception of the problem of the spread of Islam (creation of Muslim communities, adoption of certain Muslim traditions, for example, wearing a hijab, etc.); combating illegal migration and so on. The state, especially the EU, is not capable of promptly and quickly reacting to the expansion of Islam, but EU citizens need to develop a certain model of perception of this problem. And it is formed on the basis of the religious doctrine of religious tolerance or, conversely, on the positioning of the leading role of the Catholic Church.

Summarizing the features of the current state of development of church-state relations and their significance for the processes of European integration, one should dwell on a number of features:

- the state consolidates the religious rights and freedoms of a person and a citizen and guarantees their observance, including through the legitimization of the place and role of the Church in society;

- the Church spreads her religious teaching in the process of educating and educating society, forming a worldview that is common to all believers;

the state develops the norms of law, but due to the fact that a certain doctrinal and axiological basis is necessary for lawmaking, and the latter was formed, in particular, under the influence of religious norms, therefore, religious norms affect the quality and degree of humanization of the legal system.

This described model of the interaction of processes associated with the functioning of religious organizations and the existence of the state is the classic core of state-church relations. However, today it is supplemented by one more element: the Christian Church is transforming its understanding of Holy Scripture in a way that most supports the democratic principles of the state's existence. The common civil good, which is referred to in the Holy Scriptures as the ideal of human existence, will be embodied in the establishment of law and order and, in fact, is as unattainable as in church texts. The Church spreads the idea of European integration through the commonality of the system of values inherent in societies in national countries. Such value systems were formed on the basis of the unity of religious consciousness, which was transformed into the axiological dimension of legal thinking. In fact, the Church becomes, so to speak, the official mouthpiece of the state for the desired vector of development of the social and humanitarian spheres.

At the same time, the issue of financial relations between the state and the church has received more and more attention recently.

Due to the fact that the Church is exempt from taxation in almost all EU countries, and in some even subsidized by the state, it can be argued that such an

exemption is distinguished by the Church as financial freedom of its own activities. The economic content of the functioning of the Catholic Church has long been central to the development of the church hierarchy, therefore, once again, due to unlimited, uncontrolled financial receipts in the form of donations and other church payments, the papacy has become a powerful actor in international political activity.

On this occasion, O.N. Chetverikova notes that «without having such an apparatus of fiscal coercion as a secular state, the papacy achieved the creation of an effective mechanism of enforcement of payments, which became at the same time a powerful stimulus to expand the influence of the Church by turning it into the main creditor in a historical retrospective before the time of modern history. Moreover, any loans were made by the curia not only on behalf of a particular Pope, but from the entire papacy, which implied the succession of the right of claim» (Elazar, 2015). This state of affairs turned the political leadership of many countries into lobbyists for the interests of the Vatican, and the latter allowed the latter to intensify its own political activity. Therefore, the spread of the idea of a united Europe should also be considered in the context of expanding the economic opportunities of the Church, since the condition of the prominent place of the Catholic Church in the formation of the EU will mark the Vatican's monopoly on the dissemination and protection of its own religious doctrine, and then its own structure.

As F.G. Ovsienko, in order to support the economic component of state-church relations at a level free from control and taxation by the state, Pope Pius XI's encyclical «In the fortieth year» (1931) was partially sent, in which he emphasized that, «although economic life and morality are based on their own principles, it would be wrong to argue that economic and moral order, so distant and alien to each other, are not interconnected. Just as moral law tells us that among the multitude of our actions, we are looking for a higher and final goal, so in individual spheres of activity, it invites us to seek these special goals and harmoniously subordinate everything else to the final goal» (Parmar, 2007, p. 34). This interpretation of the nature of economic relations enables the Pope and the Church to extend their influence over economic processes, framing them as manifestations of God's will be aimed at promoting human well-being and transforming personal wealth into a public good through the redistribution of resources to those most in need. In this context, the Church functions as a mediator in such relations.

«The perception of the economy as a part of society determines the important methodological features of the economic views of Catholicism, expressed in the fact that the tasks of the economy and human economic activity are not considered in isolation from the tasks of the development of the Church. Economic activity is not singled out as a separate type of human behavior, it is subject only to economic motives. Thanks to this approach, the Catholic assessment of economic activity is

not limited to the analysis of economic results, but primarily takes into account the impact on human development and culture. Accordingly, the economy itself is not considered only as a branch of production of economic goods. Before it, first of all, are set non-economic goals set from the outside (in particular, the formation of a humane system of the economy (Chernyk, 2011, p. 8-9)).

Thus, the expansion of the areas of interaction between the state and the church at the present stage of development of the model of state-church relations is getting more and more socially oriented features. The measurements themselves look like this:

organizational - the church is ordered by means of legal regulation of the functioning of all organizations and institutions in the state without exception;

normative-legal - the norms of canon law in their construction and mechanism of action are identical to the norms of positive law;

axiological - religious norms have caused significant systemic shifts in the perception of law and understanding by humanity of such categories as «legality», «justice»;

public and political - the church, and in particular the Vatican, make successful attempts to penetrate and strengthen the church in the political life of Europe by adopting encyclicals. Thus, the Vatican actualizes the political vector of the development of social processes;

religious and dogmatic - the state is trying to consolidate its own role through the church, as well as to spread the general democratic principles of regulating social relations. The Church perceives them and transforms them into a new understanding of the common good, which is spoken of in the Holy Scriptures as the ideal of human existence.

Developing in such dimensions, the Church and political institutions of the state are achieving important results in the context of the spread of mechanisms to minimize social crises and strengthen the national security of the European Union. The fact is that by combining efforts, both social institutions are more effective in opposing the expansion of Islam to the European continent and the spread of its radical fundamentalist movements. Church and state also stand together to guard the national ideals of the standard of living of the population of the EU countries.

Consequently, the unification of Europe as a civilizational idea received its support from the church, but the format of such an unification - socio-economic integration - was chosen based on the legal continuum that had formed in Europe. But at the same time, the religious dominant of the axiological dimension of European public consciousness became key in the process of shaping the values of the future EU. Thus, the very idea of integration or unification of Europe has clear and historically proven origins in the religious teaching of Catholicism on the

creation of a single public civilizational space and its protection under the bosom of the church from external enemies.

Integration became possible due to many common features of the historical path of development of European countries, among which the dominance of the Christian religion and religious dogmas and the teachings of the Catholic Church became a defining element in the process of forming the ideological principles of Europeans. The social system and social order that reigned in European countries was a system of stable, purposefully organized, long-lasting and stable, but at the same time identical ties between various elements of the sociosphere, which ensured the unity of the world perception and the unity of legal thinking. This became the key to the spread of a unified system of values on the European continent. But such a spread took place on the basis of moral and ethical preferences, which in turn were formed in different societies under the influence of a single Christian religion. Subsequently, they received an external manifestation in the form of a system of legal norms.

We can reasonably assert that the modern understanding of the role of religion in lawmaking and in particular the influence of Christianity on the formation of EU law is embodied in the moral, ethical, and value-based components of religious teaching. The regulators of social relations embedded in religious dogmas were broadly accepted by society, and their unification and subsequent transformation into general regulatory norms is therefore unsurprising. Notably, Christianity, while remaining a conservative doctrine, was able, first, to interpret its dogmas in ways that addressed the contemporary challenges of civilizational development, and second, to position religious norms as guiding principles for interfaith cooperation.

CHAPTER 3: SUMMARY

Based on the results of a study of the experience of implementing state-church relations in the context of integration on the European continent, the following conclusions can be drawn.

It was established that church law, which regulates relations in the sphere of church relations and religious sacraments, is a set of norms created on the basis of canonical texts, Holy Scripture, as well as decisions of ecumenical and local councils, which regulate the procedural aspects of the implementation of church service and streamline intra-church relations.... By the nature of its law-regulating influence, church law is similar to secular law. Canonical and ecclesiastical law proper, constituting the entire set of social norms that regulate intra-church relations, had a decisive influence on the formation of national legal systems at the stage of their formation. But in the process of the formation of EU law, canon law acts only as the basis of the axiological dimension and a measure of understanding the categories of justice. The institutionalization of the influence of canon law on socio-political processes in Europe is revealed due to the synthesized influence of a number of factors, the leading place of which is held by the religious.

It is concluded that European interstate integration for a long time relied on the experience of organizing church activities, which have a cross-national and cross-state character. The Church has built a ramified system of its own institutions and organizations throughout the European continent, and therefore spread the ideas of a pan-European unification on the basis of a common model of state-church relations.

At the present stage of state-church relations, the political role of the papacy has increased significantly. The papacy has not only monopolized the importance of the Catholic Church for European society but has also emerged as a substantive actor in international relations, including in financial, economic, social, and humanitarian spheres. The interaction between the state and the Church most often manifests in the following dimensions: organizational, regulatory and legal, axiological, public and political, and religiously dogmatic. The Church seeks to activate its role and functions within European integration, as this provides new opportunities to influence social processes and to expand the reach of its spiritual authority.

CHAPTER 4.

IMPROVEMENT OF EUROPEAN STANDARDS OF PUBLIC-CHURCH RELATIONS

4.1. POLYCONFESSIONALISM OF THE MEMBER STATES OF THE EUROPEAN UNION AND ITS INFLUENCE ON THE FORMATION OF A SYSTEM OF DEMOCRATIC RIGHTS AND FREEDOMS OF A UNITED EUROPE

The modern experience of regulating relations in the state-church model in the EU received its impetus immediately after the signing of the Maastricht Treaty, that is, after the EU took shape institutionally and a new subject of European rule-making was singled out. The national models of state-church relations that were formed in the post-war period were marked by a certain stability for the period of the 1990s, and the legislative consolidation of the status of the Church in most EU countries acquired a secularizing character with minimal influence of the church on social processes. This situation led to the gradual loss of influence of the traditional Roman Catholic Church within European society. The resulting open niches were quickly filled by new religious movements and organizations, particularly those of a progressive Protestant orientation. The weakening of the Vatican's position contributed to a crisis of the Eurocentric worldview in the 2000s. Recognizing this challenge, the Church, as early as the late 1990s and early 2000s, began to assert itself more actively to preserve its historical significance within the EU and to secure the loyalty and support of supranational EU bodies in shaping a common European policy on religion. These efforts produced two main outcomes:

- -the first, which we have already studied above, is manifesting in the assertion of the role of the Catholic Church as one of the driving forces of European integration, and the role of the Christian religion as one of the leading factors in the process of forming a common European consciousness and a single civilizational vector of development of most member countries of the modern EU;
- the second is to strengthen the so-called ecumenist movement, that is, a movement aimed at uniting churches of different denominations within the Christian faith, mainly with the aim of countering the civilizational threats to the development of the idea of a United Europe. We are talking about two main trends: overcoming the poly-confessional nature of the European society and, as a result, reducing the level of inter-confessional conflicts and the risks of their occurrence; active opposition to Muslim intervention in the worldview space of European communities.

This problem is particularly urgent, as fundamentalist and extremist organizations, alongside the Muslim faith, have penetrated the European continent

and, due to European values protecting religious rights and freedoms, have been afforded extraordinary opportunities to pursue anti-European activities. In this context, the Church faces a new challenge, while the EU, as a unique and cohesive political entity, confronts a problem in the realm of interfaith unification. The system of European values, grounded in a shared worldview and common axiological principles, demands that the Church adopt a more active policy to counter threats that affect the spiritual perception of reality. The Church thus assumes the role of a frontline institution against the expansion of ideological currents from the Muslim world that are foreign to European traditions. However, fulfilling this role requires, first, interfaith unification within the Christian religious space itself; second, active participation of EU supranational institutions in providing organizational and legislative support for ecumenical unity; and third, the development of new models of state-church relations, which establish updated standards for the regulation of religious relations and consolidate state guarantees for the protection of religious freedoms for all citizens.

For a long period of history, the Christian religion has been the environment in which and thanks to which European identity was formed. Subsequently, it was the religious factor that became the central element of this identity and, along with the geographical and mental characteristics of the national European states and European communities, became the determining factor for the integration processes.

On this occasion, O.I. Soskin, A.M. Matviychuk and N.A. Matviychuk note that «the feeling of European identity, with the exception of Christianity, which closely united the inhabitants of Europe in the XIV-XV centuries, was characteristic mainly of the elite. These include educators, as well as numerous church philosophers and figures who promoted the ideas of public good in a secular state through the subordination of public relations to the principles of Christian tolerance, virtue and decency ». Subsequently, all these principles became the basis of more progressive trends in European public opinion, in particular in the field of promoting the rule of law and law, as well as spreading the idea of free choice of behavior model within the framework of the law, which became the basis of the movement to strengthen the inviolability of human and civil rights»».

Therefore, identity within the Christian worldview for a long time remained the only connecting element of European nation states. And although the growing influence of Protestant movements in Europe increasingly separated the societies of individual states from the Vatican, religious tolerance and tolerance remained unshakable imperatives of common European development.

For example, M.M. Elnikova notes in this regard that the integration of European states became possible only under the condition of tacit, but conscious observance of a number of principles that were developed on the basis of Christian

teaching, but received only nominal recognition at the level of public consciousness. Thus, according to the researcher, «the European understanding of tolerance is somewhat different from the understanding that is used today in the countries of the post-Soviet space, since it implies compliance with one of the main conditions - unquestioning obedience to laws, which is not always found in these countries. European integration has accumulated a great deal of experience in the formation of a tolerant consciousness, one of the prerequisites for its formation was integration processes. The immediate causes of European integration were entirely political. But it cannot be argued that these political goals could hardly be solved only by political methods, therefore innovations in the economic sphere became the first steps on the path of integration (Zaichuk, 2014). Such tolerance, shaped by the Christian doctrine of philanthropy and the rejection of coercion as a means of influencing individuals, enabled the development of the idea of «freedom of choice» based on the Church's principle of «preaching and example» as a method of conveying and spreading the faith. Thus, European society takes tolerance beyond the individual perception of legal reality and turns into an imperative for unquestioning obedience to laws and traditions, without violating them. Submission to laws, and not to the simple will of the majority, gives a feeling of European civilizational unity. Although if we consider the law through the prism of the legitimate manifestation of the will of the majority, then it seems that European societies are just such and have a way of ordering social processes through the legitimization of the will of the majority as the basis of their value perception of reality. This is a feature of the EU's democratic processes, and this is a consequence of the so-called «soft pressure» of the Church on the model of social behavior through religious dogmas. In the understanding of the relationship of polyconfessionalism, such pressure manifests through the Roman Catholic Church and is aimed at returning the dominant position of the Vatican».

In turn, it makes real the regulation of polyconfessionalism in the EU that becomes possible thanks to tolerance. «It provides for tolerance for differences among people, the ability to live without interfering or violating the rights and freedoms of others. Tolerance is also the foundation of democracy and human rights. Intolerance in a multi-ethnic, multi-religious or multicultural society leads to human rights violations, violence and armed conflict. There is no single and clear definition of the concept of «human rights». Thus, the basis for the further formation of the system of democratic rights and freedoms of a united Europe is overcoming polyconfessionalism not by merging churches and returning believers exclusively to the bosom of the Roman Catholic Church, but by educating and observing tolerance in relations between different confessions. Tolerance combines law-abidingness, a high level of legal culture, which is a prerequisite for compliance with the rule of law in a state of sustainable development».

The poly-confessional nature of modern Europe has become a significant factor influencing the course of European integration, due to the continent's unpreparedness for the rapid increase in adherents of other religions and the extraordinary expansion of Islam. Historically, the Islamic factor played a decisive role in European integration processes, though it was largely in the context of resistance to Islam as an aggressive social force, exemplified by the Ottoman conquest of Eastern Europe. Today, Islam and other religions are entering the borders of the EU and, together with social groups, are beginning to establish themselves in a new environment. A tolerant Europe responds to the emergence of new confessions by intensifying competition in meeting the spiritual needs of its population. The Christian Church is once again faced with the challenge of defending its position, yet simultaneously, new opportunities arise for a polyreligious society.

Europe's own «face» was shaped largely by the defining influence of Christianity. It should be emphasized that this influence was determining, not exclusive. Even in the Middle Ages, Christian values did not achieve total domination across Europe, although they were predominant. This observation also applies to the number of Christian believers. Today, at the beginning of the third millennium, Christians continue to significantly outnumber adherents of other religions (Babii, 2004).

It is also logical to assume that in earlier historical times, the Christian community in Europe was even more representative. However, the dominance of the Christian component in the socio-cultural crossroads of the European continent does not at all deny the contribution of other spiritual traditions to this process. Jean-Paul Willem rightly notes: «Europe is not reduced to some kind of identity in essence, which could be qualified as “Western”, “Christian”, shaking it like a flag, for centuries the territories of Europe were marked by different religious and philosophical cultures, such as Greek, Latin, Jewish, Arab-Muslim, materialistic. It is in those confrontations, conflicts, dialogues, interpenetration and mutual fertilization that arise within this diversity of cultures that Europe was and continues to be formed (Vovk, 2009)».

The confessional factor as a criterion of differentiation is used by scholars in the humanities, delimiting various cultural and civilizational worlds, one of which, in fact, is the European one (Sokhan, 2007).

Polyconfessionalism, regardless of its historical origins, whether as a natural consequence of church schisms and unions, as a result of migration and the growing mobility of ethnic groups and diasporas, or emerging from the multi-vector historical development of regions long incorporated into other state formations, inevitably leads to a more or less discernible regionalization of countries along confessional lines. An objective consequence of ethno-confessional regionalization

is the emergence of territories dominated by a single church, not only spiritually and culturally, but also historically and legally, while other religious structures occupy a secondary, marginalized, or even openly persecuted position. Support and patronage of the dominant confession by local authorities, including assistance in economic, property, financial, legal, and other matters, not only generates real discrimination against minority groups but also provokes serious conflicts. Such conflicts have the potential to mobilize large numbers of ordinary believers, transforming settlements into «hot spots» with the risk of riots and violence. In general, the spectrum of religious confrontation takes the following form (Zakharchenko et al., 2012):

- a protracted and acute inter-Christian conflict, which, without exaggeration, for decades determined the inter-confessional situation in Europe and reflected the clashes not so much between church structures and elites, but rather opposite political, economic, and national guidelines for civilizational development. Of fundamental geopolitical importance is the issue of legitimizing the newly Christian confessions, their recognition by international church structures;

- the conflict between the Orthodox and Protestant churches, especially in the territories of the Baltic and Northern Europe, in the countries bordering on Orthodox Russia. Protestantism changed the foundations of the ethnogenesis of most northern countries;

- the latent conflict of the Vatican with the Anglican Church, since the latter appeared as a historical rival of the Roman Catholic Church not only in Europe, but also in North America;

- contradictions between Catholic and Protestant confessions. The dynamic development of the latter, the expansion of their social base, active missionary activity, the revival and development of a number of Protestant confessions, which returned to legitimate functioning - all this naturally led to the aggravation of relations with Catholic churches ;

- confrontation between Christians and Muslims. Constant uncontrolled migration processes growing on the eastern borders of the EU, cooperation of Muslim communities in the EU countries, an increase in the EU population professing Islam - all this causes new trends in the EU religious space: the intensification of propaganda activities of Muslim communities, the expansion of the influence of extremist Islamic movements;

- Conflict relations between traditional and non-traditional for Europe religions, cults, sects, foreign missions, which are perceived as a dangerous alien factor capable of undermining traditional spiritual values and patriotic feelings, distorting the national mentality. Unlike the aforementioned conflicts, determined by historical, national, political factors, this confrontation is cultivated mainly by

churches that are hostile in matters of dogma, cult, methods of preaching and missionary activity, principles of organization, methods of converting neophytes, and the like;

- internal division and organizational problems in the confessions of ethnic minorities, in particular Muslims and Jews, the potential danger of using national and religious feelings by extremist forces.

The integration processes in Europe were driven not only by the need to address the continent's socio-economic challenges collectively, but also by the recognition that national governments would not willingly renounce their sovereignty. Thus, integration was never about limiting sovereignty, but rather about a pragmatic merger of powers, enabling each participant to expand its capabilities. By consolidating efforts, each country could gain significantly greater opportunities in socio-economic development. The alliance rests on a clear foundation, a shared mentality grounded in common Christian values. Even the expansion of the EU to the East did not disrupt this mental unity. However, unlike the Romano-Germanic countries of Western Europe, the nations of Eastern Europe were economically weaker (Mishchuk, 2011). It was precisely the mental unity of this shared system of worldview values that allowed the EU's political leadership to address the challenges of joint development through a system of compromises, grounded in a common understanding of the EU's civilizational development goals, which were reflected in the public consciousness of European populations.

The minimal influence of the religious factor on the EU integration processes in the mid-2000s was possible due to the conditional ethno-confessional homogeneity of the new and old EU members. In fact, the ethno-confessional map of modern Europe has become significantly more complicated, which has exacerbated the problem of the coexistence of various religious and cultural communities within one society. Further integration of new members, even those who have already received the status of associate, is rather difficult. As a result of powerful migration waves, multidirectional processes of integration and disintegration, the multiethnic-confessional structure of the EU countries further catalyzed social stratification. The growth of ethnic heterogeneity and religious intolerance in the countries that are potential EU members significantly slows down the pace of integration in the EU itself.

Under such conditions, according to L.I. Kormich, «the national tolerance of the political leadership of the EU member states should provide for the existence of national dissent. Not a single entity has the right to absolute truth in matters of EU enlargement, and therefore dialogue is needed as a basis for partnership and mutual understanding. The existence of competition and rivalry must ensure progress and mutual enrichment. Then interethnic tolerance will be not only declarative, but will

also form the basis for real actions to strengthen the principles of a legal society. Strengthening such a society within the EU is possible only under conditions when both the authorities and society recognize the acceptable range of response to national problems, ensure the stability of the organization of society, will be focused on humanistic approaches and values of the formation of a new united Europe» (Levytska, 2012, p. 91). The poly-confessional nature of modern Europe should be perceived as a starting condition and an integral feature of further integration processes.

In this context, the demonstration of the problem of wearing the «hijab» in the EU countries can be indicative. Permission to wear it as an integral element of the realization of their own religious rights by representatives of the Islamic community «radically distinguishes the conflict between autochthonous Europeans and immigrants from ethnic and confessional conflicts within Europe. The nationalist and secessionist movements of European peoples remain within the framework of the basic European value-cultural consensus, while immigrant activism, without formally putting forward political demands, decisively jeopardizes this consensus. Judging by the ban on the use of the terms «Islamic terrorism», «jihad», etc., introduced in the EU, and the revision of the European cultural heritage, Islamic minorities are gradually being transformed into an element of the system of European reality (Skotnyi, 2008). However, this behavior by the Muslim population of the EU is mistakenly perceived as integration into the common European society and the possibility of integrating their own Muslim values into the system of common European values. Against this background, the main inter-confessional conflict is manifesting - the rejection of representatives of other religious movements into the ranks of the Christian world».

The legal source of internal religious conflicts lies in the inherent rigidity of legal systems, which are often oriented toward mono-confessionalism and are ill-suited to accommodate multiple worldviews and lifestyles within society. Consequently, the state may either act intolerantly toward new religious movements, employing systematic coercion, or, due to the lack of legal regulation, allow disorder to emerge. In either case, the authority of the law is undermined, and the state, despite efforts to maintain the confessional character of its legislation, is compelled to incorporate the principle of religious tolerance. Tolerance thus becomes the primary condition for the establishment of freedom of conscience and religion (Petryshyn, 2012).

However, according to E.V. Zhosul, less tolerance was manifest in relations between Christians and Muslims. Europe throughout its history has experienced several waves of external Islamic expansion:

- the first wave was carried out in the VIII century by the Arabs who invaded Spain after the conquest of the North African Berbers and for almost seven

centuries turned the Pyrenees into an integral part of the Caliphate. At the same time, Sicily and part of southern Italy were occupied by the Arabs for a certain historical period. In the occupied territories, the Islamic conquerors created an independent Muslim state - the Mordovian Caliphate;

- the second wave of Islamic invasion to Europe fell on the Balkans, beginning in the middle of the XIV century with the Ottoman conquest of Thrace, Bulgaria and Serbia and the battle on the Kosovo field in 1389. The domination of the Ottoman Empire in Eastern Europe for almost seven centuries contributed to the emergence of centers of Islamic culture in the region, the formation of predominantly Muslim ethnic groups - the Bosnians and Albanians, as well as such ethnographic groups as the Bulgarian and Greek Pomaks, Torbesh (Macedonian Muslims), Turchens (Montenegrins- Muslims)

- the third wave of the Islamization of Europe, the most effective in terms of geographical, social and cultural scale of spread, began in the second half of the 20th century and continues in a more latent invariant phase at the present time. The starting step for the European community to open its own borders to immigrants from third world countries was the measures of the French government in the 1960s to attract residents of the former Algerian colonies to the country.

In the context of a scientific discussion of the economic, political, cultural aspects of the current migration crisis, one should turn to the point of view of A.V. Aristova regarding its consequences for interreligious, primarily Christian-Muslim, relations in Europe. First, there is a process of «deculturization». So, in contrast to the twentieth century, when European countries, accepting migrants, expressed interest in oriental culture, resorted to enlightenment in the education and training system, the current wave of migration does not perform the functions of cultural invasion. There is practically no cultural interest in the bearers of Muslim (other) identity, and xenophobia has taken the place of the former (albeit arrogant) interest. If previous waves of migration influenced the formation of the European mentality as open to multiculturalism, ready to perceive other cultural worlds and values, now we are not talking about creating positively mental concepts (Aristova, 2016).

This situation is a completely logical reflection of the general European socio-economic trends:

- the Muslim population migrates to the EU countries from territories, the level of socio-economic development of which is much lower, therefore, the social needs and needs of such a population are much lower than those of Europeans (including in the field of wages);

- the Muslim community categorically refuses religious assimilation, opposing Islam to the Christian doctrine at all stages of its assimilation and naturalization in the sphere of relations of citizenship or allegiance;

- the Christian value system is much softer in relation to the Muslim one, and therefore the worldview guidelines of tolerance, which was already discussed above, significantly expand the opportunities for the expansion of Islam in the European society;
- The Islamic countries of the European continent Albania, Bosnia and Herzegovina are actively positioning themselves as countries of Western civilization, which significantly increases the opportunity for them to obtain the status of EU members, but at the same time erodes the mental unity of the European community, which is based on common Christian values.

In this context, A.V. Aristova concludes that «the result of the migration crisis is the growth of xenophobic sentiments, characterized by the fusion of migrant-phobia and Islamophobia, and the spread of anti-migrant protest movements that are increasingly openly anti-Islamic. This trend has been reinforced by the simultaneous surge of nationalism in European countries, particularly Great Britain and France, following the perceived failure of multicultural policies and the rising popularity of ultra-right and nationalist parties and movements. The political shift toward rejecting multiculturalism and protecting traditional European values does not preclude Europe from becoming a cradle for new forms of Christian fundamentalism and a renewed era of its social influence. The likelihood of confrontations and conflicts on religious grounds between Christian and Islamic fundamentalists spontaneous, poorly controlled, and irrational-affective will increase as the migration crisis intensifies. The religious distance between the indigenous European population and migrants is becoming an integral component of the emerging value matrix» (Aristova, 2016). Thus, the issue of Europe's multi-confessional character is inseparably linked to the management of uncontrolled migration and the challenges posed by the ethnic and religious diversity of future EU member states.

At this stage of integration, this problem has no solution, as it requires careful modeling of possible ethno-national, ethnopsychological and interfaith risks, transferring them to the socio-economic realities of European countries. In other words, solving the problem of integration, taking into account the objectivity of the aggravation of interfaith conflicts, is a key task in the development of the entire European continent.

In addition, the integration of the EU to the East and the approach to the borders of the Middle East can also actualize another problem: interethnic and interfaith confrontation within the Muslim community, which will lead to the radicalization of society. The change in the ethno-confessional map of modern Europe and the transformation of the ethno-confessional structure of society in the process of uncontrolled migration and controlled integration can develop into a

problem of a new quality. Due to the fact that in such conditions the traditional boundaries of modern, so to speak, «confessional enclaves» in the EU, including enclaves formed exclusively from communities of Muslim migrants, may be violated, the problem of assimilation of two different civilizations will become more acute. The latter will lead to a violation of the integrity of the system of mental and civilizational values underlying the European integration processes, which in turn will entail the activation of new factors of ethno-religious conflicts. These factors include the following:

- along with the segmentation of Muslim communities, the risks of conflicts between different groups and currents of Islam increase as a projection of conflict relations between them in their homeland due to increased competition for group domination;
- as the influx of socially unsettled Muslim youth occurs, radical public sentiments spread, and the penetration of Islamist links leads to the inculcation of radical ideology into new generations of already sedentary local Muslim communities;
- the diversification of Muslim minorities further complicates the task of creating large Muslim associations that represented the interests of a significant part of the Ummah and were authoritative subjects of interfaith dialogue.

In general, the confrontation between various church and religious denominations gives rise to intolerance, which is an absolutely objective cultural phenomenon. Religion begins to be ridiculed in books, cartoons, films, and people, consumers of a spiritual product, begin to see religion as a barrier to progress. Even art can take this false position. Of course, it is known that art is always critical of religion in one way or another. Art, the cultural component of consciousness, is always in opposition to the orthodox, which is promoted by religion. Intolerance breeds discrimination. If, as a result of the propaganda of intolerance, we begin to believe that this or that religious group does not suit us, then discrimination against it begins. And finally, all of this turns into such a social phenomenon as persecution and crimes motivated by religious hatred. Fueled by the propaganda of intolerance and discrimination, society and the state are moving to take active action against one or another group. the religious unity of Europe is under threat, as another type of intolerance is gaining weight - anti-religious intolerance (Artyukh, 2014).

The potential for interaction between spiritual leaders, government officials, and international organizations in the peace process is most clearly expressed in the context of religious confrontation. Today, society has already become post-secularized. Because of distrust of social doctrines, people generally no longer believe what they hear and see, and are beginning to look for new ways to form worldview guidelines. They form such guidelines at the expense of religion,

returning to the church. Therefore, European integration processes require a stronger foundation than the latest social doctrines. Therefore, there is an appeal to religion, an appeal to dogma, and theology penetrates politics (Sulyma, 2013).

That is why it is very important that the poly-confessional dialogue, religious dialogue, ecumenist movement - all this demonstrate unity and adherence to the ideals of European society, the ideals of the pan-European idea, give new impetus and new perspectives to the pan-European process of interstate integration.

The Vatican quite clearly understood its role and vocation in ecumenical activity and sought to act as a center for the unification of Churches, as well as a center for European integration. The understanding that European integration, due to the dominance of the political element in it, requires a new interpretation by the Church in order to maximize the level of interaction between the clergy and the secular leadership of the EU, led to the need to institutionalize such relations.

The activities of Pope John Paul II, who already in the 1980s began active work aimed at both uniting the church and integrating the church and the political component of the future European Union.

According to O.M. Shepetyak, the following should be considered the most significant steps towards interfaith unification as an element of the Vatican's contribution to the process of European integration: dialogue with Patriarch Demetrius of Constantinople in 1987, the Pope's meeting with the head of the Anglican Church, Canterbury Archbishop Robert Runsey, denominations with representatives of various Protestant - Jewish dialogue with the chief Ashkenazi rabbi of Israel, Israel Meir Lau (Yarmol, 2003, p. 51). However, all these acts had the character of interfaith relations and required the provision of a strategic character to them. For this purpose, Pope John XXIII in 1960 created the Secretariat for the Promotion of Christian Unity, the work of which was marked by extraordinary activity in the territory of poly-confessional Europe. It was the work of the Secretariat during the papacy of John Paul II that allowed him to develop a new concept of ecumenism, which became the basis for his 1995 encyclical «*Ut unum sint*» («That all be the same»). This encyclical is the leading act of the Papal rule-making, which lays the foundations and basis for the further unification of not only the churches, but, more importantly, the worldview perception of the European civilization of its future place in the modern world.

Although polyconfessionalism as a social phenomenon has fostered an alternative vision of the future as a common good founded on religious and social unity, the role of the Vatican and the papacy remains paramount in integrating secular states to achieve a shared objective, pan-European sustainable development. In this process, secular authority translates the concept of the «common good», long regarded as the ideal of human development pursued by all nations in accordance with religious teachings, into the modern category of «sustainable development».

These transformations have occurred not only in the broader philosophical understanding of human development, embedded in the Church's historical mission, but also in the practical dimensions of state-church relations and in sacred texts, which acquire new interpretative content.

As noting L.V. Golovko, «ecumenists recognize the «historical distance «of biblical texts from the modern reader», and therefore try to adapt them to the level of modern thinking. The meaning of the biblical texts is associated with the interpretation of a broader meaningful situation with «experience» in religious experience. The theological understanding of «interpretation» and «event» testifies to just such an approach.»

The Bible is viewed by ecumenical theologians as a description of the historical «events» in which divine unification is manifested. Biblical «events» are the subject of interpretation of modern exegetes and appear before the modern reader in a somewhat reconstructive form». Thus, the modern authority of the Bible is based on the interpretation of the events described in it. The interpretation of events in a way that is acceptable to the modern understanding of the values of social relations and the model of their organization makes it possible to vary and present facts in such a form and in such a sequence that makes it possible to form a stable awareness that an element of «divine creation» or other acts of «manifestations of divinity» are identified with the concept of «rule of law», «legality», «humanism», «tolerance». Thus, the unity of perception of the Bible is achieved by representatives of different confessions.

This leads to another important element in the development of interfaith unity - the unity of rituals, which in turn contributes to the spread of the unity of canon law. Considering the fact that most church sacraments are traditional for modern society as elements of family or social values, it is precisely because of bringing them to a unified form that the church is trying to establish social unity - among believers. «For the Catholic Church, talk about the unification of churches is not relevant, since Christian unity is conceived only in the bosom of this church. Catholic ecumenism by Orthodox and Protestants is generally understood as submission to the Pope. Important for understanding Catholic ecumenism is the teaching that those who are baptized are already Christians, and this, in turn, connects them with the Catholic Church (Kolodny, 2007, p. 12). »

Thus, the Catholic Church views polyconfessional unity as a means of expanding its influence in regions where Christianity is least prevalent in Europe. The Vatican perceives this trend as a way to strengthen its Eurocentric position, while the activities of the papacy serve to confer political subjectivity on both the Vatican and the Catholic Church, albeit in a necessarily limited form.

In this context, one should agree with the position of O.I. Zorina, who notes that «the fundamental basis of European integration, undoubtedly, was and remains

the socio-cultural affinity of European peoples, including their historical destinies. Since the Middle Ages, Europe has been a cultural whole, united by the Christian religion, developed trade and a single military policy. Later, Europe seemed to the peoples of other continents as the only center from which the ideals of civil society and personal freedom, the principles of a state democratic system and respect, and human rights, characteristic of the Enlightenment, spread throughout the world. Europe appeared before humanity as something whole and, thus, received additional incentives for internal unity (Kalinichenko, 2012, p. 196-198). »

Cultural, mental, civilizational and social closeness stems from religious unity, which has become the foundation of the world perception of common European values. However, such closeness also requires further unification in order to develop a common system of values that can become the basis for overcoming the modern civilizational challenges of Europe's development. In this context, the Catholic Church sees its leading role, but in the EU conditions there is a need to unite all confessions in order to achieve maximum unification of further modernization of the Bible through its interpretation, taking into account the level of modern development of society.

Therefore, the role of the church in European integration processes is more actively manifesting in the mental than in the practical-political sphere, although the Vatican has reached the maximum level of inclusiveness in political processes over the past 40-50 years.

However, religious unity is needed to further establish the church as one of the pillars of European integration. «On the one hand, there is a globalization of economic ties and the erasure of national differences in the process of spreading mass culture, on the other hand, new actors in the international arena are increasingly asserting themselves: transnational corporations, non-governmental organizations, regional and local authorities, etc. These two closely intertwined and interconnected processes cause the most ambiguous attitudes: from extremely negative to optimistic. »

The only indisputable thing is that in the center of the discussion is the fate of the nation state, which is beginning to lose its leading role as a subject of international relations (Zaichuk, 2014, p. 820-821). Therefore, the cornerstone of this discussion is the modernization of the relationship between the church as a social institution and the state as a public-political institution. There is a transformation of state-church relations. Since national states in the process of European integration are slowly losing certain features of sovereignty and independence in resolving political issues, without losing their national self-identification, there is a need to strengthen the positions of the Church itself. Such strengthening is precisely seen in overcoming the problem of interfaith

fragmentation in a way that maximizes the effect of further spiritual influence of the clergy on the public and individual consciousness of different nations.

The EU is perceived as a classic example of the integration of states, although the Vatican seeks to equate ecumenism with the integration of churches and various confessions in a single religious and spiritual space of the new Europe. Overcoming interfaith division in this way will significantly increase the authority of the Roman Catholic Church in the processes of socio-political and socio-economic integration on the European continent. The latter will allow developing a new context for the transformation of the model of state-church relations into a new quality with an increase in the influence of the church on public consciousness.

4.2. TRENDS IN THE DEVELOPMENT OF STATE-CHURCH RELATIONS IN ENSURING EUROPEAN INTERSTATE INTEGRATION

The development of state-church relations is rather static and does not differ in the rapid pace of changes in the models of coexistence of the Church and public authority in the state. At the EU level, such relations are even less dynamic in terms of changing the vector or format of their implementation, but rather intense in terms of the Church's participation in social processes. Recently, due to the activity of the institution of papacy, the Church is increasingly integrating its influence and focuses its attention on common European problems. The secularizing sentiments of the EU's political leadership are getting in the way of even greater activity of the papacy, so the main emphasis in the recent history of the Roman Catholic Church is shifted to turning it into an active participant in international relations.

The consolidation of the leading role in the processes of civilizational development of European nations for the Roman Catholic Church and the Christian religion has created the prerequisites for the transformation of the modern model of state-church relations, which has taken root at the national and European levels. Such a transformation is seen as a way to improve the organizational element of the development of the Church as a social institution, and on the other hand, is a necessity for the further consolidation of European unity on the principles that are traditional for European societies. Moreover, the latter must be ensured even despite the national identity and national and mental characteristics of various societies. The main task of the Church today, along with overcoming interfaith contradictions, is to oppose the expansion of Muslim and other religious movements on the European continent, which will significantly complicate the processes of European integration. The unification and unification of the model of regulation of social processes is possible only if the principles on which the understanding of legality and the rule of law is based are general or unified.

European values dissolve in the ideals of the Muslim and Jewish world, whose mental orientations are directly antagonistic and intolerant with respect to the European idea of Eurocentrism. The traditional European Church, which the Roman Catholic Church promotes itself, is the most widespread and most organizationally capable of resisting these manifestations of expansion. However, in order to continue the European integration processes, it is necessary to understand that with the inclusion of new member states in the EU, the common European security environment will not undergo risks that the political leadership of the EU is able to overcome.

The Church does not rely on the functions of protecting the socio-political continuum of Europe, but the importance of church organizations and cells of the Roman Catholic Church is interpreted through the formation of a single mental continuum of perception of EU integration in two contexts:

- as a necessary and objective process to achieve a new level of socio-economic development in Europe and a necessary step to achieve sustainable development, which will overcome most social problems;
- as a necessary step towards the establishment of religious unity on the European continent with the aim of spreading a single unified system of civilizational values, which is the key to further understanding the goal of Europe's development as a single international political entity.

Further integration on the European continent is inherently heterogeneous and does not merely involve the eastward expansion of the EU. The incorporation of new members alone cannot resolve the socio-economic challenges facing the so-called Old Europe. Consequently, enlargement is considered only as one of several possible approaches to addressing a more fundamental civilizational question: the choice between Euroscepticism and Eurocentrism. Both political ideologies are gaining traction amid the inability to effectively manage external risks, including uncontrolled migration from Asia and Africa, the rise of interethnic and interreligious conflicts, and the intensification of confrontations between NATO and the EU on one side, and Russia on the other. These challenges cannot be addressed solely through the establishment of a unified value system, requiring more decisive action by EU political leadership. In part, such measures may limit the influence of other organizations and social institutions, including the Church, on the formation of public consciousness. At the same time, the Church is regarded by the EU's political leadership as an integral element of the common European heritage, as recognized at the level of the proposed European Constitution. These considerations define certain determinants and guidelines for the further transformation of the model of state-church relations:

- the formation of more stable, established imperatives of a civilizational choice by identifying them with Christian religious teachings, which will make it possible to assert the leading role of Christianity and overcome at least ethno-religious confrontations between the Catholic and Orthodox communities;
- the establishment of the Vatican as a subject of international political, humanitarian and economic activity, which will expand the utility of the organizational element of the church structure. Expansion of the economic participation of the church in the processes of European integration will help to form a more progressive image of the Christian clergy, increase the overall popularity of the church in the wider strata of the EU population;

- the instruction of the Vatican and, in particular, the Pope of Rome to solve the most pressing humanitarian problems, including the solution of the problem of poverty and migration for this, the church needs to expand its own capabilities, which should lead to the approval of a new form of dialogue between the Vatican and the political leadership of the EU;

- expanding religious freedoms and strengthening guarantees of observance of religious rights for EU citizens, taking into account the risk of the spread of Islam. Religious freedom leads to polyconfessional and polyreligious, but in the EU conditions this must be avoided by keeping the leading role of the Christian religion and the Roman Catholic Church. Such a problem today is perhaps the most urgent and most complex, since it is at the intersection of the spheres of influence of secular and canonical rule-making.

At the same time, it should be understood that the Roman Catholic Church, and in particular the Vatican, sees its own benefit from the establishment of a new model of state-church relations - the establishment of a monopoly on satisfying the spiritual and religious needs of the European society. For this, the Vatican needs recognition as a subject of international political activity, in which the role of the institution of the papacy is active. The latter is achieved through papal rule-making (including in the form of encyclicals) and through the active international activities of the Pope, including in the form of diplomatic visits to the political leadership of individual EU member states and socio-political dialogue with representatives of pan-European political bodies.

The apostolic message of Pope Francis I «*Evangelii gaudium*», proclaimed by him in 2013, is considered indicative and fundamental in the context we are considering. Francis I states that «the main mission of the church is evangelism in the modern world. The church is to act as a community of disciple missionaries who are constantly in a state of mission. Francis I raises many problems, including the problem of the Church's observance of its obligation towards the poor, and the obligation to establish and maintain economic, political and legal order in the world as a whole and, in particular, in Europe» (Weigel, 2014, p. 34). In fact, we are talking about church renewal, that is, the transformation of the organizational component of the existence of the church in a way that will maximally correspond to the circumstances of the current stage of development of relations between the political leadership of the EU and the leadership of the Church.

Francis I, in *Evangelii gaudium*, «criticizes the over-centralization of the church bureaucracy, preaching for preaching, and over-emphasis on doctrine. Throughout the entire pontificate, he calls for more pastoral creativity and openness, insisting that the whole Church understand the missionary impulse capable of transforming everything that cannot be ignored and without spiritual accompaniment» (Thavis, 2013).

The pontificate of Pope Francis I was marked not only by the tendency to reduce the church bureaucracy, but also to simplify the majority of church procedures that are not directly related to canon law. Thus, Francis I is trying to provide the Church with the necessary dynamism in solving the socio-political and socio-economic problems of the development of modern Europe. This turns the Church into an active participant in pan-European integration processes.

Another apostolic document from Pope Francis I is *Veritatis gaudium*, which updates the 1979 apostolic constitution *Sapientia christiana*. Although *Veritatis gaudium* applies specifically to ecclesiastical universities and faculties, it addresses laws, customs, and privileges contrary to the principles of *Sapientia christiana*, shaping the formation of clergy in a manner aligned with the needs of contemporary society. The document emphasizes preparing new clergy to engage with and address the challenges of modern European development (Weigel, 2014, p. 124).

In his first encyclical «*Lumen Fidei*» of 2013, created together with Pope Benedict XVI, Pope Francis I raises rather acute problems of the Christian faith, its significance and its role in the modern world. He focuses on the benefits that the Christian faith has brought to the European society. «Through faith we have understood the unique dignity of the individual. At the center of the biblical faith is the love of God, His practical concern for each person, His plans of salvation comprehend all mankind and all creation, which reaches its peak in the Incarnation, Death and Resurrection of Jesus Christ. «If we ignore this reality, the criterion that allows us to determine what makes human life the highest value disappears. Failing to recognize this, a person loses their place in the universe, becomes lost in nature, abandons their inherent moral responsibility, or assumes the role of an absolute judge, arrogating to themselves the power of unlimited manipulation» (Gegout, 2011). In our opinion, it is in this encyclical that Pope Francis I takes a step in order to actualize the spiritual component of the church through the prism of the utilitarianism of its capabilities in solving social problems of European development. The spiritual component of the Church, which is personified in faith, must expand its influence on the process of the individual's perception of the common good - human life as the highest value. That is, the value of human life not only lies in understanding the guideline of state regulation of social processes, but is laid down as an element of social consciousness».

From the point of view of philosophy of law, this approach is intended to significantly expand the regulatory capacity outside legal institutions: religious values; civilizational principles; determinant of social order. The law, despite its dynamism, requires a certain procedure from development to legitimization. Christian faith and Christian dogmas do not require this time, they are established and a priori are generally accepted, since they are the foundation of the Christian faith, and therefore have passed the test of historicism.

The Church does not propose to replace the norms of law with a system of its own imperatives of social behavior, but it is trying to establish a new standard of social behavior based on belief in the value of human life. The latter will mean a decrease in any social confrontations and reduce the level of manifestation of social risks.

The Catholic Church is modernizing its own understanding and perception of most of the problems of modern society. The penetration of the church into new non-traditional spheres of public relations demonstrates a minimum of attempts to find progressive ways to further expand its influence on the processes of European integration.

In this case, the institution of the state is objectified by the church as a partner organization, which, however, is deprived of the opportunity to interfere in the affairs of the church itself. This can be fully regarded as a church expansion into the affairs of secular power. But such penetration, fixed at the encyclical level, turns it into a canonical consolidation of new spheres of preaching and educational activity of the church in the conditions of overcoming the crises of modernity by European societies. Most of these challenges are associated with the transformation of the political structure of society and are reflected in the corresponding acts of response, including the EU level. However, they do not contain references to the role of the church, but the Pope's encyclicals, which are dedicated to the same challenges, significantly expand the sphere of interaction of the church with political institutions of both individual states and the EU as a whole.

For example, in the encyclical «*Laudato si'*» by Pope Francis I of 2015, devoted to the problems of ecology and environmental protection, the pontiff expands the sphere of penetration of the spiritual influence of the church. «Theological or philosophical reflections on the state of humanity and the world will sound monotonous and empty, unless they turn again to what in the current context is unprecedented in the history of mankind. Therefore, before considering how faith brings new motivations and demands in the face of the world of which we are a part, I propose to briefly stop and consider what is happening with our common home (Casanova, 2006)»»».

Pope Francis I acknowledges that the modern world faces numerous new challenges, the resolution of which requires updated models of state-church relations. «The continuing acceleration of changes in humanity and on the planet today, combined with the intensification of the rhythms of life and work, increases the impetuosity of human existence. Although change pertains to the dynamics of complex systems, the speed at which human activity occurs today contrasts sharply with the natural slowness of biological evolution. Compounding this is the fact that the objectives of this rapid and constant change are not necessarily directed toward the common good or sustainable, holistic human development. Change is desirable

but concerning when it results in the depletion of the world and a deterioration in humanity's quality of life. After a period of irrational belief in progress and human capabilities, part of society has entered a phase of greater awareness. An increased attentiveness to the environment and care for nature is observed, accompanied by a genuine and profound concern for what is happening to our planet» (Casanova, 2006).

The Church recognizes not only the existence of this problem but also the necessity of its own transformation to address it. The ecological dimension of social processes has become an urgent concern of modern society, prompting the Church to seek new forms of coexistence and cooperation with secular authorities, political parties, public institutions, and other organizations that constitute civil society.

The Catholic Church proposes a new concept - the concept of «interaction» or «cooperation of efforts», which includes a direct opportunity, even the need for a dialogue with the secular authorities and the direct political leadership of the EU on issues of greatest importance to society and the Church. For example, in the field of cooperation of efforts to overcome social problems, among other things, cooperation of efforts is manifested in connection with the development of appropriate regulatory legal acts in the interests of society. The Church guarantees its loyalty to the political institutions of the EU and counts on their support.

That is, the formation of a new model of state-church relations in the EU should take into account the number of followers of the Church, its place in the formation of the historical, cultural and spiritual heritage of European nations, and their identity. At the same time, the Church considers it necessary to remind the state of the need to maintain a distance from penetration into church affairs.

The ideological doctrine of Christianity reflects its views on contemporary problems of the world and society and offers the nation states and the political leadership of the EU its concept of church-state relations. Its peculiarity in the new conditions is that the church is in leading roles in the political space not only in Europe, but also in the world community. The state in this concept cannot do without the Church, since the states need to participate in solving not only social problems, but also the entire spectrum of state policy. Interestingly, the Vatican guarantees its loyalty to the political leadership of the EU, while limiting the ability of the secular government to influence the affairs of the Church.

The latter can be confirmed, in particular, by the regulation of financial and economic relations between the Vatican and some governments of European countries. The Vatican substantiated a new doctrinal concept for the state - the right to the existence of a single European ideological concept of thinking. The Church offered a different understanding of the highest values of man and his rights, which are necessary for the fulfillment of the high calling of «serving» the Church to the EU itself and individual national governments.

In this regard, in particular, Pope Francis I notes that «politics should not be subordinate to the economy, and the economy should not obey technocratic dictates and the paradigm of efficiency. Currently, thinking about the common good, we inevitably come to the conclusion that politics and economics must in dialogue resolutely place themselves at the service of life, especially human life. Bailing out banks without a firm decision to revise and reform the entire system confirms the absolute dominance of finance, in which there is no future, and this can only generate new crises. Financial crisis 2007-2008 was an opportunity for the development of a new economy, more attentive to ethical principles, and for a new regulation of financial speculation (Casanova, 2006). However, the reaction from the political leadership of the EU, which led to a rethinking of outdated criteria, was not as expected as it was necessary for a real solution to the problems of social development. The Church, understanding the problem of financial crises, has shown its foresight, since the financial crisis as a result of the bursting of financial bubbles complicates the problem of the real economy».

The Church should reject the market-centric approach, which reduces complex problems to the pursuit of profit by companies and individuals. Can we realistically expect that those primarily focused on increasing profits will consider the impact of their actions on the environment? Within the income-driven framework, there is little room for reflection on nature, its cycles of degradation and regeneration, or the ecosystems that can be profoundly altered by human activity. Furthermore, regarding biodiversity, it is often viewed merely as a reserve of economic resources to be exploited, with little consideration of its intrinsic value (Casanova, 2006).

In this regard, the meaning that is invested in the principle of separation of church from state is also different. For most EU member states, such separation means neutrality in relation to religious institutions, which allows both the state and the church to function autonomously in their areas of competence. At the same time, separation implies cooperation in those areas where the interests of the state and the church intersect. In many cases, the state directly or indirectly finances the church, channeling funds for the maintenance of charitable institutions, military chaplains, hospitals, boarding schools, as well as the construction and restoration of sacred buildings. Another important factor in the interest of the state in cooperation with religious organizations is the assistance to religious institutions in their service to the interests of the state. State and religious institutions often take the easiest route, stimulating prohibitive actions on the part of the legislative and executive branches. This method of solving the problem is understandable, but strategically not effective in terms of preserving and developing one's own spiritual and cultural tradition (Lycherda, 2009, p. 4-5). However, this understanding of the existence of the church

and the state requires rethinking, which is an objective requirement of the times and challenges of the modern period of European integration.

The policy of cooperation between the state and the church has taken on a new meaning in EU countries, which have experienced the strongest negative effects from the transformation processes associated with EU integration, including migration flows, the weakening of economic independence, the penetration of transnational corporations, and rising unemployment in national markets.

That is why state-church relations require precisely cooperation, and not only coexistence or interaction based on a system of certain general principles or founding principles. «The benefit for the state in solving social problems, and for the church, which is becoming a recognized institution of a special kind in civil society, is that a synergistic effect is achieved: the establishment of a single church and the formation of a single system of values based on religious doctrine. In modern Europe, there is an obvious tendency to an increase in the role of cooperation in state-church relations on the basis of the principle of separation and in the absence of a state religion (church) that implements legitimate cooperation between the state and religious organizations. Democratic principles are laid down in the basis of generally accepted international provisions concerning religious freedom and the sphere of legal regulation of relations between the state and religious associations in Europe. The basis of European states in regulating relations between the state and religious associations is the principle that the state is obliged to protect citizens and society from the negative consequences of the activities of destructive religious organizations (Herasina et al., 2003). That is, the state turns into a defender of the Church and religion from external encroachments, including the Islamic world».

This picture was typical for Europe in the early Middle Ages, when the Church defended fragmented and rather weak nation states from Islamic expansion. The Church needs to be protected due to the fact that the current level of religious freedom almost negates the importance of preaching and the spread of missionary activity of Christian preachers. The state does not restrict religious freedom, and therefore there is a need to create new progressive means of protecting the Catholic Church within the EU. This is again achieved through the cooperation of efforts and the coordination of the positions of the Church and the state. The Vatican promotes religious equality, but does so by contrasting the values of different religions, with the values of Christianity being demonstrated as a high level of evolution of public opinion.

The Church recognized the state as the guarantor of preserving the spiritual and cultural traditions of European nations, including those historically shaped under the influence of the Church. In this role, the Church cooperates with the state, helping to counter pseudo-religious structures that pose a threat to individuals and

society. Thus, in the legal institutionalization of state-church relations, European countries find themselves in a situation where, on the one hand, there is a diversity and uniqueness of national models, and on the other, a steady tendency toward unification based on universal supranational standards, while still taking into account historically developed forms of state-Church relations in each country. European norms regulating human and civil rights have gradually implemented a new form of organization of secular and ecclesiastical power, prompting a rethinking of theoretical frameworks and, in turn, leading to a crisis of individual national models of state-church relations (Yakovyuk, 2013, p. 155–157).

This allows us to speak about the existence or objective reproduction and future formation of a new progressive pan-European model of state-church relations. Under such a model, the state, occupying a dominant position in terms of its monopoly on rule-making, creates the preconditions for the existence of religious unity in society as a guarantee of the stability of social development.

Translating such trends into domestic Ukrainian reality, one should first of all give an example of the political will of the country's leadership to establish religious unity by starting the process of obtaining a tomos by the only local Orthodox church in Ukraine. In the context of the European integration of our state, such a process is an unequivocal achievement on the way to further democratization of social processes. Since we have repeatedly proved in the framework of this study that religion and the Church form a system of national values that affect the axiological dimension of the rule of law and the concept of legality, create conditions for the formation of individual and social consciousness (including legal consciousness) - therefore, control by any secular education over church activity is unacceptable.

For Ukraine, such control was exercised not only against the civilizational guidelines of the Ukrainian nation, but also against the hostile state institutions of the Russian Federation, which controls the activities of the Russian Orthodox Church, which, in turn, considers Ukraine its diocese. The Ukrainian Orthodox Church, having two subordinates - Moscow and Kiev, is causing a significant ethno-religious conflict, which is a source of social tension for the entire EU. Therefore, for the further integration of Ukraine into the Union, it is necessary to resolve the issue of religious unity. Paying attention to the traditional connection of some Ukrainian believers with the Greek Catholic and Roman Catholic Churches, we note the manifestation of extraordinary tolerance and religious tolerance on the part of these churches towards the Ukrainian Orthodox Church of the Kyiv Patriarchate and vice versa.

This suggests that the Ukrainian society, which satisfies spiritual needs through the clergy of the Ukrainian Orthodox Church of the Kyiv Patriarchate, perceives tolerance as one of the most important democratic values. We noted that

it is tolerance that is the identifier of belonging to the European society, which means that the support of the Ukrainian political leadership of the Ukrainian Orthodox Church of the Kyiv Patriarchate indicates the adoption of a single path of state development - within the EU.

It can be stated that for Ukraine, religious unity plays a greater role than for the EU as a whole, since Ukraine is not a mono-religious state, the level of inter-confessional confrontation in which is artificially maintained. Therefore, the model of state-church relations should undergo significant changes and transformation, much larger and deeper structurally than in the EU countries.

The fact that neither political nor spiritual leaders of the EU criticized, but, on the contrary, supported, the initiative of the political leadership to obtain a tomos for the establishment and recognition of a single local Ukrainian Orthodox Church marks a new historical era in state-church relations. The example of Ukraine demonstrates that the Church genuinely, and not merely nominally or declaratively, supports and actively promotes national, cultural, and mental unity. The Church can be flexible in determining the degree of influence of the clergy on social processes, but its position is always guided by the principle of human life as the highest value, and therefore it consistently supports humanistic political regimes.

The state is able to move away from the thesis of non-interference in internal church affairs, just as the church is ready to move away from the thesis about limiting its influence in the public-political sphere. Although the latter is hardly possible due to active participation in political processes in a number of European countries of political parties based on the basis of religious centers. A certain compromise is reached, which, rather, even looks like cooperation, and it is this kind of cooperation that forms a new model of state-church relations, where the efforts of both parties are equally aimed at achieving a state of common good or common security, however, the ways of implementing such a task for the state and the church various. The state acts through the establishment of dispositive models of social behavior, while religion and the church establish a number of moral imperatives for the activity of a particular individual and the organization of social processes.

The content of the religious imperative is not in the need to follow certain rules, but in the need to achieve the common good by following certain rules, which are based on basic Christian values. Thus, the transformation of the socio-political face of Europe and the overcoming of new civilizational challenges made it possible to generalize that the further development of state-church relations in the context of ensuring European interstate integration will be marked by the following trends:

- firstly, the international activity of the Vatican and the papacy will grow. The Pope will continue the policy of openness of the Church and its

consolidation with state institutions in identifying the greatest threats to the development of the EU;

- secondly, further determination and improvement of the legislative consolidation of state guarantees of observance of religious rights and freedom of religion at the EU level and in the national legislation of the EU member states will take place;

- thirdly, the regulatory capacity of the acts of the Papal rule-making, in particular the encyclical, will be expanded and approved. It is expected that they will be transformed into a certain program document for the development of society as a whole, which will be reflected in the general development strategy of the EU;

- fourthly, institutional cooperation between the church and the supranational bodies of political power in the EU is becoming more active, the purpose of which will be to develop new means of overcoming social problems: poverty, migration, and the like.

The Church will expand its participation in social processes, while the state, without restricting this influence, will seek more pragmatic and rational forms of cooperation with it. The political leadership of the EU, as well as that of each individual member state, is well aware of the socio-economic potential of the Vatican and its capacity to shape public consciousness through religious and spiritual influence. This dynamic will facilitate further European integration, as the institutions of the state and the Church achieve a high level of cooperation in terms of resources, ideas, and organizational and institutional structures. Such collaboration may also enhance the Church's significance in a new stage of European integration, particularly in relation to the assimilation of the Islamic population in potential member countries.

4.3. IMPLEMENTATION OF EUROPEAN STANDARDS OF STATE-CHURCH RELATIONS AND THE PROSPECTS FOR THEIR IMPLEMENTATION IN UKRAINE

The legal mechanisms of any political process, namely, integration is such a process, are based mainly on those norms that have received wide recognition, historical justification and generally recognized character due to their legitimization. In relation to the Vatican as the center of the integration of the Catholic Church and the entire Western Christian religion, one should point out, first, the canonical nature of its main normative acts, and secondly, the presence of a completely separate, unique in nature, but at the same time effective legal fields.

The Basic Law of the Vatican is the Constitution promulgated by Pope John Paul II on November 26, 2000. It consists of 20 articles and is the supreme law of the Vatican. It received the force of law on February 22, 2001, on the feast of the See of St. Peter, the Apostle, and replaces in full Law No. I (Basic Law of the Vatican City State of June 7, 1929). All the rules in force in the Vatican State that did not comply with the new law were abolished, the original of the Basic Law was deposited in the legal archives of the Vatican, and the corresponding text was published in the annex to the *Acta Apostolicae Sedis* (Iakymenko, 2006).

According to the Vatican Constitution, the Pope, as head of state, the Vatican has full legislative, executive and judicial power. During the period of the free throne, these rights are transferred to the college of cardinals, which, however, can issue legislative acts only if absolutely necessary, their duration is limited by the period of the free throne, and, according to the prescriptions of the canons of law, they must be reaffirmed by the Pope. The Pope represents the Vatican State in relations with foreign states and other subjects of international law, concludes diplomatic relations and treaties through the State Secretariat (Wolf et al., 2010).

The Vatican Constitution, as well as the entire legal framework of this theocratic monarchy, arose in the process of the revival of church influence and the spread of religious norms in a new industrial and post-industrial society. Since the beginning of the twentieth century. the church and clergy have rethought their own purpose, as well as the essence of the functioning of the church itself, thus creating a new set of normative acts, which in many ways became the basis and guideline in the processes of European integration.

At the beginning of the twentieth century. The Roman curia took the path of active struggle against «modernism». During the pontificate of Pope Pius X, the fight against «modernism» resulted in the persecution and removal from the ministry of clergy representatives who sought to democratize the structure of the

Catholic Church, and the anti-modernist oath became mandatory for the current clergy. In Eastern Europe, the response of the Catholic Church to the modernization processes marked the fact that the Church was a participant, and sometimes the bearer of modernization processes, an expression of national and state aspirations. The legal system of the Vatican is designed to take into account modern trends, including integration, but at the same time it is characterized by the conservatism of religious doctrine, dogmatism of Catholicism, since it is based on canon law (*jus canonicum*), as well as on the legislation of the Vatican itself and Italy.

The pragmatic attitude of the Vatican to the emergence of new national states and to the active participation of the local Catholic clergy in these processes is also understandable, as well as an active position on many issues of the formation of young nations, which indicates changes in the interpretation of the Roman curia of nationalism and the national state as a whole. The time of Pope Benedict XV's pontificate was the starting point for change. Instead of the traditionally negative attitude towards modern society and attempts to isolate oneself from it, there comes a desire and attempts to find understanding and formulate the meaning of the Church in the modern world.

To date, canon law has largely lost its general character as a regulator of social processes and has acquired a more constituent or internal character, primarily governing the performance of church sacraments, rituals, and procedures related to the internal organization of the Church. Increasingly, the norms of canon law are less concerned with regulating the public life of believers.

It does not cover the entire totality of social relations, but only formulates some principles that, in order to observe Christian morality, secular law must give force and which believers must be guided by. Like the confessional, the canon law of the Catholic Church is not territorial, but personal. It now acts as one of the world's legal systems, the influence of which extends to dozens of countries (Taskaev, 2013).

At the beginning of the twentieth century, its norms were systematized in the Code of Canon Law issued by Pope Benedict XV in 1917. Pope John Paul II adopted a new Code of Canon Law for the Latin Catholic Church. Between these two dates, the Twentieth Ecumenical Council took place, whose teachings inspired a new reform of canon law (Schmitz, 1979). The codification of church laws aims to develop norms in connection with the content of the faith. Thus, the principle of theological accuracy prevails over the principle of legal accuracy. There is a change in the identity of the main subject of the entire church-legal structure. Now no longer a clergyman, but *Christifidelis*, that is, the believer, becomes the main figure behind the figures of the layman, priest and monk in 1990 (Taskaev, 2013).

A person, as the highest value of the state, always strives for development and evolution; therefore, the state should contribute to this development, since only

through fostering the development of individuals can it develop itself. Although the «social contract», which establishes the well-defined connection between the individual and the state, and between society and the state is sometimes challenged by phenomena that do not fit neatly within it, the state must, in order to maintain a balance of development, recognize, interpret, and legitimize such phenomena within the legal framework. These phenomena are often linked to the evolution of the mental, psychological, moral, ethical, and cultural dimensions of social life, which are frequently intertwined with religion as an element of the spiritual world of human beings. Religion often serves as a lens through which individuals and society comprehend and evaluate legal reality and concepts such as «equality» and «justice». The religious factor must be properly integrated into social processes, which is why religious human rights require appropriate recognition and codification by the state. The challenge, however, lies in determining the boundaries of such codification and the permissible influence of religion on lawmaking, state formation, and, in the context of the EU, on integration processes.

The existence of religion as a social institution became possible due to the need of the individual to satisfy the need for spirituality, spiritual education, and spiritual perception of reality. Religious norms largely affect people's behavior, their inner convictions and then the system of principles and values that determines their existence in society, and for society, determines the general trends of social development. That is why the religious dimension is important from the point of view of the development of society, which means that guarantees of religious human rights are important. The state, in turn, determines the possibilities for the religious development of the individual and the citizen, as well as the possibilities for the development of religious organizations, fixing this in national legislation. In the context of integration processes and the total spread of democratic aspirations of state development, the international legal regulation of religious freedoms has acquired particular relevance.

The problems of freedom of conscience and freedom of religion have been and remain in the XXI century. one of the central global issues, on the solution of which the solution of other common human problems largely depends. Note that freedom of conscience is now constituted in more than 120 countries of the world. A system of international legal and state legal acts, as well as organizations, has been created, which is designed to help protect and implement freedom of religion and freedom of conscience, eliminate all forms of intolerance and discrimination based on religion or belief. At the same time, it is taken into account that religion or other worldview beliefs are for every person who adheres to them, one of the main elements of his understanding of life and its meaning (Rybak, 2009).

These processes, the development of international and national human rights institutions (including the right to freedom of conscience and religion) greatly

contribute to the strengthening and deepening of the global universalization of these rights, their standardization. Recent trends are not always correlated with the traditions, mentality of individual peoples, ethno-national entities and, of course, cause resistance both from individual religious communities and their adherents. It is necessary to take into account (in the aspect of thematization of the problems of freedom of religion and freedom of conscience) the constitution in most countries of the world of the principle of separation of religious organizations from the state, and in a broad dimension - the delineation of the worldview sphere and government institutions, the assertion of its ideological neutrality and secularism. In the context of the latter, any coercion is prohibited when a person determines his attitude to religion, other beliefs, participation or non-participation in public worship, religious rituals, ceremonies and the like. Religion appears as a private matter of a person both in the process of his confessional self-determination and self-realization.

As L.R. Syukiyainen, the relationship between law and religion in the European legal dimension did not remain constant. This evolution was associated with the formation of an independent concept of human rights, which is the leading basis of law in its modern liberal understanding. In this process, religious beliefs played a significant role. It is clear that religious institutions in general have never been among the leaders in the defense of human rights. But there is no doubt that, for example, the recognition of the right to freedom of religion (religion) is largely due to Western Christianity. In addition, religious teachings have a direct impact on the inclusion of a person's responsibilities in the general understanding of his rights and freedoms. Religious beliefs by no means coincided with the initial principles of the legal concept of human rights already at the stage of its formation. In particular, this concerns the issue of the origin of these rights, which liberal thought associated with the nature of man himself. Such disagreements became more noticeable and even intensified as the principles of secularization of social life and culture in general were adopted in Europe. This process was accompanied by a gradual turn of the state from religion, turning it into a personal matter of the individual and, as a result, an increasingly noticeable departure of the liberal legal understanding of human rights from religious teachings. The result of this evolution was the narrowing of the influence of religion on the development of the concept of human rights and freedoms (Strilchuk, 2009).

At the same time, it should be noted that all international legal documents provide a clear definition of the right to freedom of thought, conscience and religion. This right means freedom to accept a religion or to have religious convictions of one's choice and freedom to profess one's religion, either alone or in community with others, in public or private order, freedom to worship, to perform religious and ritual rituals, to adhere to one or another religious teaching. At the

same time, one should pay attention to the fact that it is possible to restrict freedom of religion, but such a restriction is based on the principles (Bed, 2011):

- necessity, that is, the achievement of the public good as a result of the application of the restriction;
- expediency, which manifests itself in the impossibility of providing the public good in a way other than the introduction of restrictions on freedom of religion;
- legitimacy, that is, legislative consolidation and substantiation of the naturalness of restrictions on freedom of religion.

Analyzing the legal regulation of freedom of conscience and religion within the EU, it should be noted that, in addition to purely national regulators, the EU also enshrines general requirements and criteria, as well as guarantees for the observance and implementation of religious rights and individual freedoms. The existence of two levels of regulation of such relations and the provision of these rights determine the existence of two arrays of legal norms:

- global, that is, international legal acts recognized in most countries of the world, adopted in these countries as guidelines for national legal regulation and implemented into the system of national law;
- local, that is, normative legal acts of European significance, which are structural elements of EU law.

Thus, among the main international legal documents in the field of ensuring the religious rights of the individual, the following should be noted (Bed, 2011):

- The Charter of the United Nations, which, on the basis of the sovereign equality of the members of the organization, is called upon to ensure the observance and conscientious fulfillment by all members of the obligations assumed within the framework of the treaty relationship to establish the United Nations. In accordance with Article 55 The UN promotes universal respect for and observance of human rights and fundamental freedoms for all, regardless of race, gender, language or religion. Moreover, Article 76 defines that one of the tasks of the UN is to promote human rights and fundamental freedoms for all, without distinction of race, sex, language, religion and encouragement of recognition of the interdependence of the peoples of the world. (Shtych, 2010)

- The Universal Declaration of Human Rights, which, unlike the UN Charter, defines the mainstream of human development in the postwar period. In the context of religious rights, attention is drawn to Article 18 of the Declaration, which states that everyone has the right to freedom of opinion and expression; this right includes the freedom to adhere to one's beliefs without hindrance and the freedom to seek, receive and impart information and ideas by any means, regardless of state borders.

- The International Covenant on Civil and Political Rights contains numerous provisions that, to varying degrees, relate to the guarantees of religious rights and freedoms. In particular, Article 2 of the Covenant stipulates that each State Party undertakes, among other obligations, to provide an effective remedy to any person whose rights and freedoms recognized in the Covenant are violated, even if the violation was committed by persons acting in an official capacity. Article 18 guarantees that everyone has the right to freedom of thought, conscience, and religion. This includes the freedom to have or adopt a religion or belief of one's choice, as well as the freedom to practice it individually or in community with others, in public or private, through worship, observance, and teaching. No one shall be subjected to coercion that would impair their freedom to have or adopt a religion or belief of their choice. Furthermore, States Parties undertake to respect the rights of parents, or where applicable, legal guardians, to ensure the religious and moral education of their children in accordance with their own convictions. Article 20 emphasizes that any advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence should be prohibited by law, while Article 26 prohibits any form of discrimination, including on the grounds of religion (Pohribnyi, 2010).

Thus, it can be reasonably argued that modern international legal instruments not only regulate freedom of conscience and religion and guarantee the protection of religious rights and individual freedoms, but also render any form of discrimination on religious grounds or restriction of such rights impermissible.

As for the European right area. within the framework of which the regulation of individual freedoms takes place, a number of important features of its formation should be noted: firstly, it is derived from international law, but at the same time, individual constructions significantly expand the regulation or guarantees of religious rights; secondly, EU law in the context of religious freedoms was formed under the influence of the Catholic and Protestant churches, which led to the dominant position of Christianity in Europe. Thus, the key normative legal acts in the EU legal system that determine the scope and content of religious rights and freedoms of a person are:

Charter of Fundamental Rights and Freedoms (Articles 15, 16), which guarantees freedom of thought, conscience and religion. Everyone has the right to change their religious beliefs or not to recognize any religion. Freedom of scientific research and freedom of creative activity are guaranteed. Every person is given the right to freely profess religion, both individually and in community with others, privately or publicly, through worship, education, and the implementation of religious rituals and rituals. The relevant law defines the conditions for religious instruction in public schools. At the same time, the exercise of this right is subject

to restrictions established by law; they are necessary in a democratic society to protect public safety, public order, health and morals, as well as the fundamental rights and freedoms of others (Kostytsky, 2011).

The Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, in Article 9, stipulates that everyone has the right to freedom of thought, conscience, and religion. This right includes the freedom to change one's religion or belief and the freedom to practice one's religion or belief through worship, teaching, and the performance of religious and ritual practices, either individually or collectively, publicly or privately. The freedom to manifest one's religion or belief is subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health, or morals, or for the protection of the rights and freedoms of others (Kresina, 2009).

It should be noted that the European Convention not only proclaimed fundamental human rights, but also created a special mechanism for their protection - the European Court of Human Rights, which is located in the Human Rights Palace in Strasbourg. The court protects violated human rights by considering specific complaints from individuals, groups of individuals or non-governmental organizations. (Dakhno, 2009)

It is important to note that, unlike UN law, the European Court of Human Rights grants the right to freedom of conscience, religion and belief to legal entities - churches and other religious organizations. International instruments, primarily the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, define the standard of norms for the prevention and elimination of intolerance and discrimination based on religion or belief. The Declaration gives the following definition of the concept of «intolerance and discrimination based on religion or beliefs»: «any difference, exclusion, restriction or preference based on religion or belief and with the purpose or effect of the destruction or diminution of the recognition, enjoyment or exercise on the basis of equality of human rights and fundamental freedoms (Article 2). Thus, international and European documents draw the attention of subjects of international relations to the prohibition and elimination of discrimination in various spheres of public activity on the basis of religion».

Thus, the Convention on Discrimination in the Sphere of Work and Occupation (1958) recognizes as discrimination in this area «any difference, exclusion or preference that is guaranteed on the basis of religion» (Article 1). The 1960 Convention against Discrimination in Education (1960) calls discrimination «any distinction, exclusion, restriction or preference in education based on religion». In general terms, the international standard of norms of the right to freedom of conscience, religion or belief is set out in the following documents:

Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1987), the Outcome Document of the Vienna Meeting of Representatives of the States Parties to the Security Conference and Cooperation in Europe (1989), which define such freedoms for religious organizations and believers: to worship or assemble in connection with religion or belief and create or maintain places for these purposes; establish and maintain appropriate charitable or humanitarian institutions; produce, acquire and use in an appropriate volume the necessary things and materials related to religious rites, customs or beliefs; write, publish and distribute relevant publications; teach on matters of religion or belief in places suitable for this purpose, etc. (Khoma, 2008).

International standards in general, and the European Court of Human Rights in particular, recognize the existence of a «margin of appreciation», which allows states, to some extent, to enact laws and implement policies that may vary depending on the country's historical and cultural heritage. While this margin of appreciation should be taken into account, it must not be interpreted so broadly as to undermine the fundamental essence of human rights values. Although the legislation of different states should not be the same, and there should be a certain flexibility in it, nevertheless, such flexibility, in turn, must be consistent with important fundamental rights. At the same time, attention should be paid to the fact that in recent years the importance of the issue of religious «extremism» and state security has been growing. There is no doubt that some groups and individuals, acting under religious slogans, participate in acts of political violence. Whether their motivation is genuine and religious, or related to politics and manipulation, it is clear that states must respond appropriately to such problems. The danger usually lies in the fact that states may use the concept of «extremism» not only to respond to the actions of groups that are truly violent and dangerous, but also use «extremist» rhetoric to suppress legitimate manifestations of religious belief or against groups whose beliefs may just be different from others or seem unusual. On the issue of legislative regulation, it is important that laws take into account truly dangerous acts or manifestations of violence, and do not give the law enforcement agencies of the state excessive powers to suppress groups whose activities are undesirable or unusual (Uvarova, 2010).

In general, the EU policy in relation to public-religious and state-church relations is carried out in two key and interrelated directions (Skrypniuk, 2009):

- upholding freedom of conscience and freedom of activity of religious organizations. At the heart of the worldview guidelines of all EU policy is a philosophy that proclaims the human personality as the highest value. Ensuring human rights and fundamental freedoms is the guarantee of peace and harmony in society. Among the key human rights is the right to freedom of thought, conscience and religion, which is protected by the relevant regulations. It is laconically spelled

out in Article 9 of the «European Convention on Human Rights». Other EU documents - primarily the PACE Recommendations and Resolutions - deepen the understanding of this right, and also, in the spirit of classical democracy, indicate the limits of its application. Freedom of religion is not unlimited: a religion whose doctrine or rituals are contrary to other fundamental rights is unacceptable. In any case, restrictions on this freedom must be determined by law - Article 16 PACE Recommendation 1804 (2007) of June 29, 2007 «State, religion, secular society and human rights»; EU case law allows for a wider scope of rejection in the settlement of issues that could offend personal beliefs in the field of morality and especially religion, in comparison with restrictions on political speech - Article 8 PACE Recommendation 1805 (2007) of June 27, 2007 «Blasphemy, religious insults and hate speech against persons in connection with their religion»;

- establishing cooperation with religious organizations and promoting the development of interfaith dialogue. At the union level, the distinction between power and religion does not at all include the compatibility of the latter with democracy. The EU views religious organizations as an integral part of civil society, the potential of which allows them to act as a guide in ethical issues and play a certain social role in national communities, regardless of whether they are religious or secular. In particular, attention is drawn to the fact that religious institutions have special capabilities in the aspect of strengthening peace, cooperation, tolerance, solidarity, intercultural dialogue and the dissemination of values for which the Council of Europe stands.

Speaking about the protection of freedom of religion in Europe, it should be noted that it is ensured at two levels: supranational (Council of Europe, European Union) and national (individual countries). The policy of European supranational structures regarding the religious and church sphere is aimed at maximizing the individual's right to freedom of conscience and religion, as well as creating favorable conditions for the development of interfaith dialogue. Both the Council of Europe and the EU adhere to a conceptual distinction between spiritual and secular powers. For example, Recommendation 1804 (2007) State, Religion, Secular Society and Human Rights states: «...the separation of church and state is one of the common European values that is recognized despite national differences. There is no need to confuse power and religion. However, religion and democracy are not mutually exclusive; at times, religions perform an extremely useful social function». Another document, Recommendation 1396 (1999) Religion and Democracy, notes that problems arise when, in a secular state, religious associations begin to claim power or when political forces attempt to control churches and denominations.

Recognition of democracy as an uncontested form of organization of modern societies contributes to the introduction of effective tools to protect the rights and

freedoms of the human person. Among the latter, an important place is undoubtedly occupied by the right to freedom of conscience and religion. The states of Europe were able to legally guarantee its implementation. Each individual European country, in the matter of upholding religious freedom, basically takes into account its own cultural and historical context. Therefore, being generally accepted, the principle of freedom of conscience and religion is heterogeneously implemented in the systems of national legislation. There are four most widespread mechanisms of constitutional and legal support for the expression of will on the basis of freedom of conscience and religion: legitimation of the state church or religion; legalizing the status of traditional churches or denominations; approval of partner neutrality between the state and religious organizations; authorization of a balanced relationship between religious organizations and the state.

Summing up the influence of the religious factor on the process of consolidating human rights and freedoms in the legal field, and in particular the right to freedom of conscience and religion, the following should be noted:

- The modern system of international law and EU law demonstrates unswerving observance of the principle of freedom of conscience and religion, as well as the gradual elaboration of this principle and even the creation of precedents for the expansion of religious freedoms of the individual.

- The very system of international legal acts in the field of protecting the human right to a free choice of religion has been formed in such a way that it is possible to clearly separate the international legal acts of a global nature and international regional acts, in particular, those included in the so-called system of EU law. The peculiarities of the structure and content of the normative legal acts of both groups are that European acts are derived from international legal acts of a global nature, while also containing a number of features dictated by the specifics of the cultural, mental and religious environment of the historical development of Europe.

- Religious rights may be restricted due to social necessity, but direct discrimination against the religious rights of an individual is prohibited. This norm demonstrates the influence that religious communities worldwide exert on the formation of the legal dimension of social development. At the same time, the possibility of limiting religious rights reflects a clear approach aimed at secularization and the separation of religion from secular power.

Moreover, EU law provides a much more detailed regulation of various aspects of a person's religious life, including through case law and judicial rule-making. This has become possible due to the recognition of religious organizations as legal entities and the provision not only of the religious rights of individuals but also of the rights of organizations. Such an approach in EU legal thinking and

perception demonstrates the influence of the religious factor through the system of democratic values and adherence to the concept of human rights.

Thus, we can conclude that the EU legal system today, in the context of integration processes, increasingly tends toward the unification of various aspects of public life, including religious relations and the religious development of individuals and citizens. By recognizing the right to freedom of conscience and religion as a fundamental element of the human rights system, the European legislator clearly defines its stance toward religion in general and religious organizations in particular, demonstrating a readiness to cooperate with them at the public level to ensure the sustainable development of both European nations and the EU as a whole.

CHAPTER 4: SUMMARY

Analyzing the possible directions of improving the standards of state-church relations in the EU and their organizational and legal consolidation, one can come to the conclusion that the factors of interfaith opposition exert the greatest influence on these processes.

It has been established that the identity of the Christian worldview serves as a unifying element in European integration, rooted in the shared historical development of national states under the influence of the Church. However, at the present stage of European integration, the Church is not the sole actor, and the Christian religion is interpreted differently by various confessions and church organizations. In this context, it appears necessary to develop a unified inter-Christian strategy for the further development of European integration, grounded in a contemporary understanding and interpretation of Holy Scripture. The need for interfaith dialogue, along with its organizational and legal codification, arises from the risks of eroding European identity within the EU, particularly in the face of Islamic interventions. The segmentation of Muslim communities increases the potential for intra-Islamic conflicts within Europe and, combined with the influx of socially unsettled Muslim youth, contributes to the spread of radical public sentiments. Therefore, interfaith unification is not merely a response to contemporary challenges but a prerequisite for fostering a cohesive Christian world in the future.

It has been established that among the modern trends in the development of state-church relations, there are a number of the most progressive ones, which are embodied due to the active public-political position of the Church and the papacy. The Church is trying to establish a new standard of social behavior based on belief in the value of human life. The latter will mean a decrease in any social confrontations and reduce the level of manifestation of social risks. In relations with the political leadership of national states or the political structures of the EU, the Church proposes a new concept of «interaction» or «cooperation of efforts», which includes the direct need for dialogue with the secular authorities in the field of overcoming social problems. The Church recognized the state as the guarantor of the preservation of the spiritual and cultural traditions of the European nation, including those that were historically formed under the influence of the Church. In fact, there is a further determination of the legislative consolidation of state guarantees of religious rights and an increase in the possibilities for the Church to carry out free activities in the social and even socio-economic spheres, which makes it possible to intensify institutional cooperation between the Church and the supranational bodies of the EU, the purpose of which is to develop new means of overcoming social problems.

It has been proved that the EU standards in the sphere of the realization of religious rights and freedoms of man and citizen are derived from international legal acts and from the historicism of state-church relations. The latter was manifesting through the value component of the axiological dimension of legal thinking and lawmaking. And although the church, influencing the processes of expanding religious freedom, always defends its own interests of monopolizing the influence of Christian religious teaching on the European continent, there are objective reasons for limiting freedom of religion. Such a limitation is derived from the principles of the need to achieve the public good as a result of the limitation; the impossibility of providing a public good in a way other than the introduction of restrictions on freedom of religion; the legitimacy of the enshrinement and substantiation of the naturalness of the restriction of freedom of religion. At the same time, the EU policy in relation to social-religious and state-church relations is carried out in two directions: upholding freedom of conscience and freedom of activity of religious organizations; establishing cooperation with religious organizations and promoting the development of interfaith dialogue.

CONCLUSIONS

Based on the results of the study of the role of the religious factor in European interstate integration processes (from political and legal perspectives), the following conclusions can be drawn. They reveal not only the content and structure of this factor but also its decisive significance in shaping state-church relations and in the formation of a legal system grounded in the axiological perception of social relations by the Christian religion:

The analysis of the modern doctrine of European integration and the identification of the religious factor in its formation allowed us to conclude about the content of the modern concept of these processes and the place of the church in it. The European Union is a modern stage in the evolution of a common European idea of uniting the societies of European countries, based on a system of values and cultural and mental characteristics formed under the influence and in the process of development of Catholic religious doctrine and the Catholic Church in Europe. The institutional framework, organizational support, and legal and regulatory framework for European integration are absolutely objective and secular in nature. The integration framework, principles, and fundamental aspects are the result of the dominance of church doctrine in the ideological imperatives and models of social behavior of the pan-European society. This thesis is proved by the candidate of sciences because of the complexity of the EU integration processes of countries with a paradigm of ideological perception that has developed outside the Catholic doctrine.

2. It has been established that the revival of the active role of the church in matters of social and socio-economic development of a united Europe became possible after the World War II. On the one hand, there was an intensification of the public and political activity of the papacy and church clergy. On the other hand, the penetration of the church into the sector of political parties and civil society institutions. The latter made it possible to extend the influence of the church on the processes of political integration of European countries. Despite the fact that in post-war Europe the general trend of state-Church relations was aimed at secularization, however, the formation of political forces of the Christian direction (CDU and CSU in Germany; Christian Union in Austria, etc.) makes it possible to establish loyal relations between the state and church. When analyzing the legitimization of the Church's role in social and political processes, four general trends were identified: the legitimization of the state church or religion; the legal recognition of traditional churches or denominations; the establishment of partner neutrality between the state and religious organizations; and the authorization of a balanced relationship between the state and religious organizations. Considering that the Church's influence on the formation of the cultural consciousness and mental characteristics of the nation varied across countries, it was found that a generalizing trend in the model of state-church relations remains the recognition of

the Catholic Church's contribution to European integration processes and the consolidation of its role in the spheres of spiritual and moral education. This, in turn, facilitated the formation of a unified axiological dimension in the perception of legal reality and contributed to the construction of a common system of European civilizational values.

3. It has been proved that European integration as a civilizational idea received its support from the church, taking into account the socio-economic and public-political conditions that have developed in Europe. The religious dominant in the world outlook guidelines of European society allowed to form the values of the future EU, which is also explained by the historicity of the origins of the idea of EU integration from the religious teaching of Catholicism. At the same time, in the process of integration, the church is trying to resolve its own issues of monopolizing its influence on the territory of a united Europe. The papacy's declaration of the church's influence on the very process of unification through historical traditions and retrospectives of the spread of Christian teachings demonstrates the primacy of the religious content of the unifying idea of social development on the continent. The Catholic Church perceives its role in the unification of European states as a historical mission, striving to consolidate this influence at the level of the EU's founding documents. This not only significantly enhances the political subjectivity of the papacy but also provides an instrument to counter the penetration and spread of Islam on the European continent.

4. The analysis of state-church relations in European countries made it possible to identify several models: the constitutional recognition of a special status for certain confessions or the direct consolidation of the church as a state institution; a model based on the separation of church and state; a hybrid model combining elements of a state church with those of complete separation; a model ensuring religious competition and freedom without church interference in political processes; and a model of cooperation between the state and the church, in which the state manages social processes while the church shapes the moral and ethical values of society.

5. It has been established that European integration processes have become the initial cause, the catalyst for the interfaith unification of churches in Europe. There were three reasons for this:

- the first reason was the aggressive policy of European structures in relation to the church and its dominant position in the plane of moral and ethical education;
- the second reason was the need to confront new challenges, and in particular the expansion of other world religions on the European continent;
- the third reason was the tendency of a general decrease in the interest of society in the church and the Christian religion as the dominant of the spiritual values of Europe.

6. In investigating the principle of religious unity and its impact on European interstate integration, an analysis was conducted of countries that are either candidates or potential candidates for EU accession, with attention to their socio-cultural identity and socio-economic compliance with EU standards. It was established that most of these countries do not have a majority population adhering to Islam. The influence of the religious factor on European integration processes was examined separately. It was concluded that, formally, religion is not a decisive factor in a country's integration into the EU. However, the provisions of the PACE Recommendations No. 1396 (1999) «Religion and Democracy», No. 1720 (2005) «Education and Religion», No. 1804 (2007) «State, Religion, Secular Society and Human Rights», and No. 1805 (2007) «Blasphemy, Insulting the Feelings of Believers and Hostile Statements Against Persons in Connection with Their Religion» indicate that the religious factor may serve as a source of potential crisis phenomena in the future of the EU. Thus, the existence of the principle of religious unity for further processes of European interstate integration is embodied in the practical manifestation of the fourth criterion for EU membership - the exclusion of any possibility of deterioration of the security of the state of the Union during the integration of a new member. Taking into account the nominal affirmation and observance of the equality of religions and confessions, the freedom of their expression, it is necessary to make the remark that the principle of religious unity is an objective obstacle to the inclusion of countries in the EU, whose religious composition differs from the general European one. However, it is proven that such an obstacle can be overcome.

7. Considering canon law as a normative basis for the formation of a unified interstate legal space in Europe, it has been established that its influence lies in creating shared moral imperatives and axiological determinants, which have been taken into account and continue to be considered in the lawmaking practices of European countries individually and within the EU as a whole. The Catholic religion shaped the nature of social relations over a significant historical period, guiding the transformation of society's worldview in many European countries. Even the differentiation of religious movements did not undermine the unity of the system of civilizational values, which today serve not only as foundational guidelines for the legislative activity of European institutions but also as a framework for broader European integration processes.

8. Analysis of the influence of church-state relations on the process of European integration proves that the Vatican tried to influence them in two dimensions at once: through the influence of religious norms on the legal norms of secular states; through the influence of religious teaching at the level of dogmatic imperatives on the processes of formation of the value system of European society. It has been proven that the Vatican is trying to institutionalize its influence on

European integration and create a certain tradition of organizational enshrinement of its relations with the political bodies of the EU. This, in particular, can be traced in the process of papal rule-making, by means of encyclicals that proclaim the church's unswerving adherence to the principles of the unity of the Christian world on the European continent. Encyclicals such as: «*Pacem in Terris*» («Peace on earth», 1963); *Populorum Progressio* (On the progress of peoples, 1967), *Laborem exercens* (Exercising labor, 1981); «*Sollicitudo rei socialis*» («Taking care of social affairs», 1987), «*Veritatis Splendor*» («Shining of truth», 1993), etc., asserted the importance of the church's participation in public-political and socio-economic processes aimed at the integration of the EU countries. The active work of the Vatican was marked by its participation in the preparation of proposals for the draft Constitutional Treaty, which was supposed to finally consolidate the unification of Europe. They were predominantly political in nature and were a progressive vision of the church's own role in further socio-political processes on the European continent.

9. It has been proved that although nominally religious norms do not have such a level of spread in society that would give them the opportunity to become generally binding regulators of social relations, they, through their mission of external manifestation of influence on society, demonstrate the ability to form public consciousness. The church, penetrating with her influence into those spheres that are inaccessible to the state and its apparatus, transforms the religious concept of «pious behavior» into the categories of «law and order», «legality», «law-abidingness». In this way, the extremely important role of the church for the maintenance of law and order is revealed - the spread of the perception of unlawful behavior as a sin that requires atonement and is the result of «God's punishment». This interpretation of unlawful behavior demonstrates the church's deep understanding of the main mechanisms for the formation of individual and social consciousness, which is one of the manifestations of the influence on the processes of European integration. The church spreads its religious teachings in the process of educating and educating society, forming a worldview that is common to all believers, but at the same time the state consolidates the religious rights and freedoms of man and citizen and guarantees their observance by developing legal norms, the doctrinal and axiological basis of which is the worldview perception of reality formed under the influence of religious norms. It has been proved that the expansion of the tangential spheres of interaction between the state and the church at the present stage of development of the model of state-church relations is acquiring more and more socially oriented features.

10. The conclusion is drawn about the influence of the multi-confessional nature of the EU member states on the processes of European interstate integration. In particular, a pattern has been established between the integration of states and the

integration (*rapprochement*) of church movements (Catholicism, Protestant movements, Anglicanism). The ecumenist movement most clearly manifested itself during the eastern enlargement of the EU, when states with a large number of Orthodox or Greek Catholic populations were accepted. Despite the difference in social processes and economic development, integration became possible due to the unity of the origins of the formation of the axiological and mental levels. The system of civilizational values, formed under the influence of religion, is a determining factor in the processes of European integration.

11. Analyzing the tendencies in the development of state-church relations in the context of ensuring the stability of European interstate integration, the guidelines for the further transformation of their model were found: the formation of more stable, established imperatives of civilizational choice by identifying them with Christian religious teachings; approval of the Vatican as a subject of international political, humanitarian and economic activity; involvement of the Pope in solving the most pressing humanitarian problems of the EU, including in solving the problem of poverty and migration; expanding religious freedoms and strengthening guarantees for the observance of the religious rights of EU citizens, taking into account the risk of the spread of Islam. Since the ideological doctrine of Christianity reflects the views of the European society on contemporary problems of the world and society, it is quite logical to objectify the process of transformation of the concept of church-state relations. Its peculiarity lies in the fact that the church is in leading roles in the political space not only in Europe, and the modern state cannot do without the church. The Vatican, guaranteeing loyalty to the political leadership of the EU, is ready for the EU bodies to delegate to the church the solution of some social problems. In the future, all this will lead to an increase in the international activity of the Vatican and the papacy. The Pope will continue the policy of the church's openness and consolidation with state institutions in identifying the greatest threats to the EU's development. In addition, further improvement of the legislative enshrinement of state guarantees for the observance of religious rights and freedoms in EU law will take place, which in turn may lead to an expansion of the regulatory capacity of acts of papal rule-making, in particular the encyclical.

12. It has been established that the modern system of international law and EU law demonstrates a consistent observance of the principle of freedom of conscience and religion, as well as its gradual development, including the creation of precedents that expand individual religious freedoms. However, the evolution of EU law shows the presence of two main trends: the expansion of freedom of conscience and the freedom of activity of religious organizations, and the establishment of cooperation with religious organizations to promote the development of interfaith dialogue. In this context, it is logical that European acts

regulating religious freedoms are derived from global international legal acts, while at the same time reflecting specific features shaped by the cultural, mental, and religious environment of Europe's historical development and the direct influence of the Vatican on the development and approval of such acts. Thanks to the active influence of the Vatican, EU law addresses and specifies various aspects of a person's religious life, including through case law and judicial rule-making, more thoroughly than the legislation of other countries. This demonstrates the high quality and effectiveness of the practical implementation of European standards for state-church relations.

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Scientific edition

H. S. YERMAKOVA

**THE ROLE OF RELIGION IN EUROPEAN INTEGRATION:
STATE-CHURCH RELATIONS AND THE FORMATION OF EU LAW**

Monograph

DOI: 10.54658/ESS.monograph.2026.pp.1-226

ISBN: 978-83-976111-2-2

Published by ESS Press

Warsaw, Poland

<https://www.ess.press/>

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