

COMMUNICATION  
OF THE RIGHT AND CHRISTIAN RELIGION.  
HOW TO REALIZE  
RIGHTS AND FREEDOM HUMANS AND CITIZENS?

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**Summary.** In the article, we note that the relationship between the Church and the state, in view of the fact that both institutions are complex and determined by many officials, are not always subjected to a description of a straightforward structure. And the state, whose mission is to organize the relations between the members of society, and the creation of the optimal conditions for the ontological development of each of them, and the church, which is designed to try and encourage this transcendental-axiological component of the structure of the human person, depend on the constellation historical development of mankind. Various experiments on their interactions during human history have shown that the most optimistic about their interrelations can be only cooperation.

**Key words:** state, Church, state-Church relations, civil society, rights and freedoms of man and citizen

INTRODUCTION

Pragmatism gains more and more territories in the system of education, where accents are gradually drifting from the former educational goals, namely the humanistic ideals of education with the goal of forming a free and educated person with a developed sense of responsibility. And although these changes that have taken place in recent decades are very important, they are not catastrophic in terms of the prospect of spiritual development of society, with the help of the creative cooperation of the state and the Church. At the same time, it's important to remember that action must be the embodiment of a deep understanding of ethical norms that, as you have aptly noticed D. Shtudemann in relation to their people, "are fixed in the main law

and are based on the traditions of a worldview that reaches its roots in Christianity”<sup>1</sup>. Of course, not every state is built on the non-ethical foundation of Christian religion, but every religion and even ideology has an ethical foundation, therefore, this idea of D. Shtudemann is likely to be relevant to any other, even non-Christian country, if ethical doctrine or something religion, or ideology will coincide with those eternal timeless transcendental values that make sense of the existence of humanity. “

M. Fridman compares the state with the creator of the rules of the game and its arbitrator. It clearly delineates the daily activities of people and the customary and legislative framework that outlines the boundaries of this activity. The activity itself is similar to the participants of the game, and the system as such resembles the rules according to which the game is performed<sup>2</sup>. And as any game requires the players to accept the rules of the game itself and the existence of the arbitrator in case of disputable issues, and for the normal functioning of society and ensuring its viability, there is a need for all its members to comply with the rules that help their relations to acquire a harmonious system, there is also a need for the existence of a mechanism that would fulfill the function of ensuring compliance with the rules by all members of society. So every player in this peculiar game, which is life, is both free and limited at the same time. The freedom of one individual ends where the freedom of another begins. The state itself is called to be the guarantor of maintaining rules that would ensure the freedom of every member of society, or more precisely, the rules that should support the authorities, was to protect the individual from the freedom of another individual.

#### THE BULK OF THE ARTICLE

As for the solution of conflicts between the freedoms of different subjects, the situation is not always simple and unambiguous, as it may seem at first glance. Most situations are not really difficult to solve disputes, for example, the right and freedom to life and health of one individual can never violated the freedom of another individual who wants fun, in other words, one cannot be entertained as to select health I even have life in another person. In this case, the right to health and life has a higher priority than the

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<sup>1</sup> Д. Штюдеманн, *Про віротерпимість у вільному суспільстві*, “Дух і Літера” 11/12 (2003), р. 92.

<sup>2</sup> М. Фрідман, *Роль уряду у вільному суспільстві*, in: *Лібералізм: антологія*, ed. О. Проценко, В. Лісовий, Смолоскип, Київ 2009, р. 779.

right to entertain. However, sometimes the very notion of freedom, determined by one or another factor, can be understood diametrically opposite.

A striking example is M. Fridman: An example of an understanding of freedom in the economic sphere, where there is a conflict between freedom to compete and freedom to unite. So, in the United States, under the notion of free enterprise, understood that anyone has the right to establish an enterprise, while already existing enterprises have no right to prevent competitors from entering the market. The only thing they can do is in fair competition to show a better product for the consumer, thanks to either better quality or lower price. Instead, in the tradition of continental understanding, the concept of “free enterprise” was interpreted primarily as the freedom of already existing enterprises to do everything for their benefit – including fixing prices and other measures aimed at making the real and expected competitors enter the market as much as possible<sup>3</sup>.

From these examples, we can conclude that a government that operates within one of these approaches will be able to easily resolve the conflict situation in the field of free enterprise, but a government that will be forced to act in a multicultural environment, given the complexity of the phenomenon that passes through the entire section of cultural-socio-political relations, will be forced to seek new ways to reconcile the conflicting parties from different worlds. Ultimately, in the last decades of the twentieth century, multiculturalism has become one of the most important themes of political philosophy. Perhaps the brightest example of a country in which, due to socio-historical background, he became important, is the United States. With the change in the concept of attitudes towards migrants in this country, there is a transition in the interpretation of the ratio of different cultures from the *melting pot* to the *salad bowl*<sup>4</sup>. And if the first expression conveys the fact that the melting of all components of American culture into something one thing in common, they have second concept, recognizing the contribution of each of the components still leaves it intact as a part of the whole (just as each ingredient is the same in a salad).

As a result of metamorphosis in the public consciousness for one reason or another there have been changes in the understanding of the family institution. There is a decline in its classical understanding, and alternative ap-

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<sup>3</sup> Ibidem, pp. 779–780.

<sup>4</sup> *Європейський словник філософій: лексикон неперекладностей*, Дух і Літера, Київ 2011, p. 327.

proaches are becoming widespread. The society tries to instill a view of the normality of ways of living alternative to the classical family, when, for example, a man goes to maternity leave for the care of a child, and a woman performs a male role – he acquires means of subsistence. And if the reason for some changes can be seen in changing the economic situation in the region, the causes of others are not always on the surface. However, one can single out the main ones, namely: a pragmatically-consumer approach to existence, hedonism, the reduction of the authority of the spiritual, moral and ethical structures, information revolution, the most striking embodiment of which can be considered the development of the Internet. As a result of this transformation of social consciousness, modern states are forced to seek new approaches to fulfill their functions.

The state, for the sake of the good of its citizens, always has to find communicative approaches, on the one hand, to protect some citizens from the arbitrariness of others, and on the other – to use all socially useful positive potential, which carriers may even be ideologically opposed by individuals or even entire social groups. The Concordat system, or agreements that have the character of legal international instruments between the Catholic Church and a number of countries, may be interesting in this regard. Characteristically, not all of these countries are dominated by Catholics. For example, in Estonia they are a minority compared to Protestants. These treaties themselves do not provide any privilege for the Catholic Church itself; any such agreement with the state can be made by any Church. Although the Catholic Church, according to canonical norms, is separate from the state, yet it always looks for ways to engage in active social-building cooperation for the sake of a good person. In these agreements, the state recognizes the Church as a legal person and co-partner in social activities. On the one hand, the Church is guaranteed freedom in practicing spiritual life, on the other hand, it emphasizes cooperation in the social and cultural spheres, bearing in mind that believers are simultaneously citizens of this state. An example of a common position in the social sphere of Church and state may be their two-way recognition of the right of parents to choose the method of education. Thus, in Concordat between Poland and the Holy See states: “By recognizing the right of parents to religious upbringing of children and the principle of tolerance, the State guarantees that primary and secondary public schools, as well as pre-school educational institutions run by the secular administration or in which there is self-government, are implemented depending on from

the desire of interested persons, teaching religion within the framework of the appropriate school or preschool curriculum”<sup>5</sup>. This recognition by the parents of the right to choose the way of raising their children belongs to the natural law, to which both the State and the Church are respected. In addition, this right of parents is confirmed by secular, in particular the Universal Declaration of Human Rights, and the Church, in particular the Declaration of the Second Vatican Council – *Gravissimum educationis*. We note that such sociocentric constructive cooperation will be useful to any society, since the goals of the State and the Church in this case coincide, and their joint efforts are aimed at building a morally healthy society, which, when cultivated, creates the ideal conditions for the growth and prosperity of each individual, and, consequently, leads to the implementation of the implementation of its intrinsic vocation.

One of the adherents of the idea of harmonious cooperation between Church and state can be called K. Pobedonostsev. He is very cautious about the establishment of rules by the state in relation to his own population. The state, regardless of whether it is strong, cannot roughly interfere with those profound spheres of consciousness of people who are formed by spiritual values and which do not depend on external conditions of existence, but through realization, the materialization of their ideas itself changes and regulates the external world. As K. Pobedonostsev observes, state power is based on “the unity of spiritual consciousness between the people and the government”, and the authorities begin to collapse from the moment “when the split up of this on the basis of the constructed consciousness begins”<sup>6</sup>. When there is a unity of people and government, which has a common spiritual foundation for them, the people can endure many disagreements and difficulties. In the absence of such a common foundation, power gradually turns into a kind of external controller, which, trying to control as much as possible, begins to interfere with these axiological and internal spheres of the human person who, in their intrinsic nature, are higher than its competence, live according to their spiritual laws.

Worldview ideas and philosophical and anthropological views of the Holy Fathers of the Christian Church on man, on its social being are a notable phenomenon in the history of Christian philosophy. After all, as a rule, in

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<sup>5</sup> М. Етерович, *Співпраця між Державою та Церквою у справах виховання на благо сім'ї*, “Дух і Літера” 11/12 (2003), p. 81.

<sup>6</sup> К.П. Победоносцев, *Государство и Церковь*, vol. I, Ин-т рус. цивилизации, Москва 2011, p. 75.

any society from the state, it is required that the authorities authorized by it have the right to apply the legalized coercion on behalf of the whole society, obeying the members of the community by the rules established by the state, even if they contradict the convictions of its citizens. For this purpose, the state power, the apparatus of the state is used. The legalization of coercion, violence from the state is carried out in accordance with the vision of the principles of social norms adopted by this society, which the state itself establishes but which are supposed to express the interests of the whole society, approved and legitimized by them.

The problem of building a just society has a prominent place in the Bible (especially in the New Testament), in the works of religious theorists and apologists. With the advent of Christian philosophy, the search for adequate categories and forms of expression for the Christian vision of the state begins as a prerequisite for creating conditions for the real existence of man as a holistic spiritual, bodily, free, intelligent personality, which is the image and likeness of God.

Distribution of rationalism under the influence of significant development of science in the twentieth century. and darkened the medieval European achievements of anthropocentric philosophy, casting on them the shadow of the so-called “dark ages”. The enlightened sentiments circulated by contemporary intellectuals and education considered the Middle Ages, at best, a prelude to antiquity before its new rebirth. Prejudice and supremacy also concerned Christianity and its ideological tradition, which found its extreme atheistic expression in many philosophical theories of the second half of the nineteenth century. Obviously, it is no accident that in a radical Marxist version, civil society is convicted of extinction along with freedom and human rights.

The unity of messianic representations of world religions is a manifestation of the commonality of the general historical process in which they were formed, of the commonality of the principles of social being, despite most significant differences in the explanation of a person’s social life and its cyclic nature. Based on the analysis<sup>7</sup>, one can state that the idea of a mechanism for updating the world in religious consciousness has two main dimensions – individual and personal and socio-political.

In the general consciousness of any people, there is the idea that a person

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<sup>7</sup> О.Т. Шелудченко, *Месіанські ідеї монотеїстичних релігій*, Вид-во Київ-го нац-го унів-ту ім. Т. Шевченка, Київ 2002, р. 16.

must repeatedly refuse from personal interests in favor of the common. One of the reasons is survival, when people, being much weaker than other natural beings, could survive to a large extent only by grouping together, developing a high degree of communication and coordination, were able to withstand the hostile pressures of the outside forces. Another reason is the very structure of the human person, which, in essence, without the existence of another, can neither function fully-valuable, nor recognize itself, in the end, a person cut off from society, from his collective experience and his attitude, is doomed at least on the stagnation of its development, and often it is waiting for even degradation. A person who always puts his own selfish interests over the general is shortsighted. Say, if one imagines that everyone puts their interests in everything and everything without leaving room for non-egoistic interests for the good of society, then it becomes clear that each of his members merely performs from this state of affairs, since egoism, which is closed on itself cannot, on the one hand, give a sense of psychological safety, since in the mind the idea that around only selfishness, which seeks to satisfy their desires, is perceived by others only through the prism of their use. On the other hand, his egoistic attitude to the world goes against the deep-seated desire of the ontological structure of a person who understands in the depths of the heart that when happiness consists only in taking on oneself, then very soon it reaches its ontological limit, revealing its limitation and falsehood. However, each person, by virtue of the trans-script of its fundamental internal structures in the metaphysical world of values, will feel dissatisfied and frustrated with such an egoistically one-sided approach to reality. Therefore, a truly lucky person can only be acting in concord with its deep axiological aspirations.

### CONCLUSIONS

Summing up, it should be noted that state-Church relations cannot function properly if the broader perspective concerning the observance of the universal rights of each person and every social group is not taken into account. One of these is the right to free religion. It is in this area that there is a danger of violation of rights – both by the state and by religious structures.

The phenomenon of religious freedom as an embodiment, the realization of one of the fundamental rights of the human person has, like all that exists in the phenomenal dimension of being, their preconditions, to know what is required to take practical steps towards the realization of this species, which is important for every human freedom. In this perspective, it is interesting to

identify the initial prerequisites for religious freedom, which were allocated by V. Cole Derem. Conscious of the dependence of the phenomenon of religious freedom on many dimensions of human existence, he put forward the following four prerequisites that allow the existence of religious freedom in society: 1) the existence of minimal pluralism in a society; 2) economic stability; 3) political legitimacy; 4) the desire of different religious groups to live together<sup>8</sup>.

Regarding the existence of pluralism as one of the most important prerequisites for religious freedom, there is no doubt that even in the measure of purely social relations it is unacceptable to have diverse views that differ from a certain ideologically intertwined line of views of the majority. As for economic stability, the impact of the latter is not so evident as the impact of pluralism in society.

However, if you look carefully at this situation, it becomes clear that economic dislocation pushes the religious freedom issue to the periphery. And although there are some exceptions for which the phenomenon of religious freedom does not always exist in economically developed societies, the main direction of the proportional dependence of the intensity of religious freedom on the economic well-being of society is unquestionable. Moreover, the fact of economic instability in the country is likely to weaken the position of the state in many other areas of its functioning, which in one way or another cannot but affect the existence of the phenomenon of religious freedom within this state.

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<sup>8</sup> В. Коул Дерем, *Перспективи щодо релігійної свободи: порівняльна структура*, in: *Релігійна свобода і права людини: правничі аспекти*, ed. В. Коул Дерем, vol. II, Свічадо, Львів 2001, p. 37.

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KOMUNIKACJA PRAWA I RELIGII CHRZEŚCIJAŃSKIEJ.  
W JAKI SPOSÓB REALIZOWAĆ PRAWA  
I WOLNOŚCI LUDZKIE I OBYWATELSKIE?

**Streszczenie.** Relacje między Kościołem a państwem nie zawsze mogą być opisane według prostej struktury z uwagi na fakt, że obydwie społeczności są złożone i ich analiza uzależniona jest od wielu czynników. Dlatego w tej analizie należy uwzględnić historyczny rozwój ludzkości, w którym obecne jest państwo z misją jest organizowania stosunków między członkami tej społeczności i tworzenie optymalnych warunków dla rozwoju każdego z nich, oraz Kościół, który ma starać się i zachęcać włączać w te stosunki osobę ludzką w jej wymiarze transcendentalno-aksjologicznym.

**Słowa kluczowe:** państwo, Kościół, relacje państwo-Kościół, społeczeństwo obywatelskie, prawa i wolności człowieka i obywatela