

ISCKMC 2020
International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»
CHURCH – STATE RELATIONS AND THEIR EFFECTS ON
SOCIAL RIGHTS

Natalia Vasilievna Dorodonova (a)*, Ksenia Vladimirovna Chilkina (b)

*Corresponding author

(a) Saratov State Law Academy, 1, Volskaya str., Saratov, 410056, Russia, dorodonovan@gmail.com.

(b) Saratov State Law Academy, 1, Volskaya str., Saratov, 410056, Russia, kvchilkina@mail.ru

Abstract

European states are now embarking on yet another stage in shaping a welfare state. The idea of joint social institutions united for the protection of social rights of citizens has been crucial among social initiatives in Europe. The Catholic Church has continued its active engagement in the protection and implementation of social human rights (the right to life, the right to health, etc.). Catholic social teaching evolves as it responds to emerging human rights situations. The most important issue concerning social Catholicism is that of establishing social justice, which in the 19th-20th centuries led to a revitalized role of the Catholic Church as a major international player towards protecting social rights. The study aims to explore the church-state relations in Europe established in the 19th-20th centuries in protecting social and political rights of a person. A methodological basis is composed of a dialectical method, being a universal tool of cognition, and a number of general research and specific research methods, including formal-logical, system-structural, and comparative-legal. The findings include the author's well-grounded position that the church and European states stood in full solidarity towards supporting those in need and protecting social rights of citizens in the 19th-20th centuries. The study suggests that, despite the political opposition, the development of European state social policy and social legislation was influenced by the Christian Church, primarily the Catholic Church.

2357-1330 © 2021 Published by European Publisher.

Keywords: State, the Catholic Church, history of social Catholicism, European politics, social rights, the encyclical.



This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial 4.0 Unported License, permitting all non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

1. Introduction

Most modern states are declared social by law. However, the implementation of economic models designed to support various groups of society is constantly accompanied by challenges that call into question the effectiveness of the models. The effectiveness of state policies depends on some deeper and larger-scale factors within the development of the state rather than on the content of the legislation. These factors include the collective skills of the society as such, encouraging a certain social stability. A social doctrine of the Roman Catholic Church is perceived by contemporary scholars as a source of institutional complementarity (De Feo, 2016).

Currently, the majority of European constitutions recognize the independence of the church from the state. It is still open whether the church and the state should be sovereign and independent from each other. However, these organizations demonstrate a unity of views on the issue of maintaining human life and human dignity (Bărbat, 2015).

2. Problem Statement

The authors highlighted a number of problem areas in the interaction of church and state to ensure and protect social rights of a person and preserve human capital.

3. Research Questions

Cooperation between church and state to preserve human capital and its forms is ambiguously described in Russian and foreign literature. Most of the researchers, though, agree on the need for cooperation between church and state, and delineate the signs of such cooperation. Lunkin (2018) provides reasoning for the duality of relations between the European Union and the Catholic Church. On the one hand, the interference of the church in political decision-making is practically invisible, and secular politicians fail to reckon with religion at large. On the other hand, there are many similarities between the rhetoric of the Catholic Church and the values of the EU, which are expressed in a secular language within the spiritual dimension of Europe.

Yarotsky (2016) examines the development of modern Europe, inspired by the cooperation model of the Vatican and the European Union. He concludes that cooperation is ongoing between the Catholic Church and state institutions of European countries, as well as with the European Parliament and the Council of Europe, thus analyzing the place and role of a person in the development of Europe.

In the development of relations between the European Union and the church, Carrera and Parkin (2010) emphasize a weak EU legal framework regulating the relations with the church. For example, EU legislation and policies do not provide even a generally accepted definition of 'religion'.

Despite the lack of key concepts, according to the legislation of the European Union, the areas of cooperation of this organization with the church embrace the following issues: citizenship and fundamental rights; non-discrimination; immigration and home affairs; social inclusion and protection; education and culture.

4. Purpose of the Study

The study aims to analyze the relations between the church and European states in the field of protecting human social and political rights and preserving human capital in the 19th–20th centuries.

5. Research Methods

Information required was found across the scientific literature that evidences the development and forms of solidarity between church and state in the field of protecting human capital and social rights in European countries.

The following research methods were applied:

- the method of comparative law was used to compare the legal regulation of relations that involve the church providing citizens in need;
- a formal legal method was used to identify the legal status of the church, forms of participation of the church and the state in the process of providing those in need, protecting their;
- a systemic and structural method that aids in studying an object or phenomenon through its features as if it is a structural element included in a more general concept. The method separates the relations between church and state as power-political institutions, and relations between church and state as socio-political institutions ensuring the safety of human capital.

6. Findings

In the 19th century European countries, including France, Germany, and Italy were facing economic crises, industrialization and, as a consequence, the loss of human capital. Economic crises along with sophisticated capitalist relations were typical of Europe as far back as the Middle Ages, and not merely modern times. In the Middle Ages, the Catholic Church was the guardian of human capital, which took various forms, for example, the church forbade usury.

Scientific and technological progress entailed industrialization in Europe in the 18th–19th centuries and modified the structure of society, accompanied by colossal human losses in some European states (Simonov, 2018). The Reformation and bourgeois revolutions shook the position of the church, bringing about the secularization of the church. Thus, in France the church came under governance of the state, and monasteries were abolished. A new stage in relations between church and state began when the primacy of the state over the church was affirmed in the secular legislation of most European states, and the church was forced to look for new forms to organize its activities towards protecting social human rights. Church-state relations result from long-term interaction (Chen et al., 2017). Certain models of interaction between the state and the church were gradually developed. In the first model, the state and the church depend on each other (state church, theocracy). The model is still in use in England – the Anglican Church, in Scotland – the Reformed Church of Scotland, in Monaco – the Roman Catholic Church. In some Scandinavian countries and cantons of Sweden there are state churches. In the second model, the state and religious communities are separated from each other, thereby enabling to speak of a separate model. The model is found to be present in most regions of France. In its consistent form, laicism,

religious practices are solely the realm of private philanthropy. The third model is something between the first two maxims and resides in numerous modified models of state-church relations. Belgium and Luxembourg have strict separation systems, but pastoral services are financed from the state budget. The German Constitution submits that the state and the church coexist separately, but there is a firm understanding (including at the legal level) that church activity should have larger dimensions than just a private sphere and should benefit the entire community.

The guiding principles behind church-state relations include separation, neutrality and equality (parity). Separation means sharing spheres of activity between the state and the church but does not mean excluding the church from the political sphere. Basically, the state opts for the neutrality principle that prohibits any state institutions from identifying themselves with religious ones. This principle leaves open various forms of support for religion and does not bind the state to ban everything religious in public space.

In the 19th century some European states, despite the rights declared in constitutional acts, like ensuring citizens' right to life and health, could not actually guarantee these rights. Civic and ecclesiastical initiatives became intertwined in the form of various associations, relief and salvation unions, which took care of widows' homes, nurseries, public kitchens, and shelters for the homeless. Along with the organization of city events to support those in need, the initiatives promoted by the church were not abandoned, including measures to combat alcoholism, child homelessness, assistance to former prisoners, etc. (Chilkina, 2014).

In the 19th century religious leaders began to re-study Catholic theories neglected after the revolutionary era. The revival of the Catholic spirit entailed an awareness of the need for spiritual interaction with both the political and social world. During the 19th century such states as France, Germany, and Italy became the centers where the ideas of the Catholic Church were reviving. The thinkers of that period argued that the impact of the Catholic faith was especially vital to comprehend the events taking place in a rapidly changing industrial era (Murphy & Schlegelmilch, 2013).

Catholic socialism as a movement aimed at solving the problems of economic devastation and impoverishment resulting from the industrial revolution in Europe has many sources. Catholic socialism was gradually evolving based on different views on migration and urban unrest, observations of the de-Christianization of the working class, exploration of prison conditions, and repeated efforts by ordinary Christians to improve the effectiveness of traditional concepts of charity.

In Germany, Catholic social reformism had its own path of development, in which Catholics relied on a close alliance with public services taking care of the poor. The works of individual representatives of the Protestant and Catholic Churches of the 19th century reported some basic requirements for regulating the labor process, which then formed the content of social legislation (Audretsch et al., 2013). A Catholic social doctrine was gradually being tailored. Its spiritual founder was Franz Xaver von Baader. Other contributions were made by Professor Franz Joseph Buß from the University of Freiburg and the Catholic priest Adolph Kolping.

German bishop Wilhelm Emmanuel von Ketteler, the author of the treatise "Die Arbeiterfrage und das Christentum" setting out the principles of Christian solidarity and corporatism, is recognized as a founder of the modern social doctrine of the Catholic Church.

In the 19th century, the church began to become politicized, mastering new forms of representing its interests towards the protection of human rights in dialogue with state authorities. In Germany, numerous representatives of the church were entitled to enter the legislative assemblies of German states even before their unification in 1871, from what moment could the church represent its own and national interests at the level and in the form of a political party. The performance of ecclesiastical representatives and its understanding led to the adoption of many laws in the social sphere including the laws on compulsory social insurance, on the protection of workers' rights, etc. The law was to differentiate workers by sex, age, according to which their rights were now protected.

The great role played by the Christian Church in protecting the social and economic human rights in Germany influenced France. The country was greatly influenced by the views of Joseph de Maistre, Catholic philosopher and founder of the traditionalist, conservative movement in political thought, and his student, Abbot Hugues-Felicité Robert de Lamennais, one of the key preachers of Christian socialism. Lamennais condemned a contemporary economic and political bourgeois system regarded as contrary to the requirements of true religion, which ultimately led to a break with the official church. They also both believed that a secular modern society could not but contribute to the self-destruction of the individual.

To explain social Catholicism in France, it is necessary to mention the term 'secularization'. One of its key goals was to limit the right of the church to intervene in the affairs of the state. Secularization was enshrined in France by the 1905 Law that specified that the state was completely separated from religion and that it would develop following its own way. Secularization also meant that religion was no longer part of the public domain of the state, transferring into the domain of civil society.

The most active figures of Catholic socialism in France were Jean-Paul-Alban Villeneuve-Bargemont, politician, economist, one of the ideologists of feudal socialism, and the author of the treatise "Traité de l'économie politique chrétienne".

A huge contribution to the development of social Catholic doctrine in France was also made by: Antoine-Frédéric Ozanam, historian and Catholic public figure, who initiated the establishment of the charitable organization "Society of Saint Vincent de Paul"; Pierre Guillaume Frederic Le Play, sociologist, politician, founder of the international organization "Société internationale des études pratiques d'économie sociale"; Armand de Melun, lawyer, head of the Social Catholic movement, founder of the charitable organization "Société d'économie charitable". Sharply criticizing economic and political liberalism, they defended the concept of "organic fusion of society and the state," "social peace" and "association of labor and capital", opposed calls for revolution, and struggled for the establishment of corporations (Shapkin, 2016).

In Italy, the status of the church was an acute issue. The relationship between church and state was regulated by a concordat that dated back as early as the 18th century and drawn up for the good of the church and to the detriment of the state. Nineteenth century environment demanded a change in this relationship. Jesuit Carlo Maria Curci, catholic priest, author of the treatise "Il Moderno Dissidio tra la Chiesa e l'Italia" and Matteo Liberatore, philosopher, theologian analyzing acute problems of Christian life, theoretical and practical relationship between church and state, both called for the separation of church and state in Italy. The reforms resulted in such a church-state model as "a free church in a free

state” (Yazkova, 2016). According to this model, being legally in the state and being a subject of this state, the church is obliged to obey its laws.

Autonomy, however, did not mean isolation. The common platform for cooperation was the good of the people being served by church and state. The Italian social system was conservative and corporatist, characterized by a passive or reactive type of social policy, which removed the emphasis from direct government intervention and insisted on the importance to moderate harmful effects of market forces. Luigi Taparelli d'Azeglio, Jesuit Catholic scholar coined the term of social justice and with his social teachings influenced Pope Leo XIII in the compilation of the encyclical “Rerum Novarum”. The Italian social state was characterized by the idea of social insurance based on participation in the labor market. A great deal of national measures to combat poverty depended on the position of the beneficiary, which excluded a large number of citizens who faced a difficult situation precisely because they did not participate in the labor market.

7. Conclusion

In the 19th–20th centuries the relations between the Catholic Church and European States in the field of preserving human capital and protecting human social and political rights reached a new level and acquired new organizational and legal forms. This was partly due to the conflict between the church and the state as power-political organizations (the struggle for their political independence).

The theoretical and legal platform for cooperation was made up of normative legal acts of individual European countries regulating the legal status of the church (primarily the constitution), Declarations within the framework of European Union treaties and papal encyclicals. The main provisions of the social doctrine of Catholicism are contained in encyclicals, which formulate the principles of building a social society and human relationships.

The encyclicals forming the basis of the social doctrine of the Roman Catholic Church actuated the idea of solidarity of key social institutions in the issue of providing social support for those in need, protection of social rights of a citizen and preservation of human capital. This idea of solidarity between the church, the state and the individual has been implemented up to date. The encyclicals were an attempt from the Vatican to systematically examine modernity and construct a framework for comprehending the relationship between Christianity and modern political, social and economic institutions. They triggered the incorporation of the ideas of social Catholicism to modern political and economic models.

Generally speaking, the involvement of the church in the issue of protecting social rights of citizens in European states was caused by both objective conditions attributed to the development of capitalism at the turn of the 19th and 20th centuries, and the beginning of a social doctrine determining the attitude of the church to social problems in the modern world. It evolved in two dimensions: in the area of expanding the participation of church structures in certain areas of life (medical, social aid) and in the area of enhancing the participation of parishioners in social life, including on an institutional basis (establishment of Catholic social, charitable communities and organizations).

Acknowledgments

The reported study was funded by RFBR, project number 20-011-00673 “The influence of social doctrine of the Roman Catholic Church on European social legislation development in the XIX–XX centuries”.

References

- Audreusch, D. B., Bönte, W., & Tamvada, J. P. (2013). Religion, social class, and entrepreneurial choice. *J. of Busin. Ventur.*, 28(6), 775.
- Bărbat, C. (2015). A catholic view of the ethic principle of solidarity. Consequences at the ethic-social level. *Proc. – Soc. and Behavioral Sci.*, 183, 138.
- Carrera, S., & Parkin, J. (2010). The Place of Religion in European Union Law and Policy: Competing Approaches and Actors Inside the European Commission. *SSRN Electr. J.I.* <https://www.ceps.eu/ceps-publications/place-religion-european-union-law-and-policy-competing-approaches-and-actors-inside/>
- Chen, Y., Podolski, E. J., Rhee, S. G., & Veeraraghavan, M. (2017). Do progressive social norms affect economic outcomes? Evidence from corporate takeovers. *J. of Empirical Finance*, 41, 78.
- Chilkina, K. V. (2014). The role of the church as a subject of social legal policy in Germany (19th century) (formation of legal foundations of the social state). *Bull. of Volzhsky Univer. after V.N. Tatischev*, 1(80), 170.
- De Feo, A. (2016). The Contribution of the Social Teaching of the Catholic Church in the Construction of a New Concept of “Sustainability”. *Agriculture ana Agricultural Sci.*, 8, 796.
- Lunkin, R. N. (2018). Religion and crisis of European identity: political approaches. *Sci. and analyt. Bull. of the Inst. of Europe RAS*, 4(4), 208.
- Murphy, P. E., & Schlegelmilch, B. B. (2013). Corporate social responsibility and corporate social irresponsibility: Introduction to a special topic section. *J. of Busin. Res.*, 10(66), 1810.
- Shapkin, I. N. (2016). Theoretical and methodological origins of the corporatism theory. *Human. and Soc. Sci.. Bull. of the Financial Univer.*, 3(6), 47.
- Simonov, V. V. (2018). Socio-economic issues in the theory and practice of institutional Christianity. *Outlines of global transformat.: polit., econ., law*, 4(11), 94.
- Yarotsky, P. (2016). *Value dimensions of the development of modern Europe in the light of cooperation between the Vatican and the European Union*, 1(37), 110.
- Yazkova, V. E. (2016). The Catholic Church and Society: “Church Models” in Modern Italy. *Contemporary Europe*, 1(67), 132.