



Ecclesiastical Law (Erasmus)

Unit 7th: Church and state relations in Europe (part D)

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Church and state relations in Europe (part D)



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Unit Contents

1. Church and state relations in modern Europe (part D)
2. European countries with predominantly Orthodox majority (part A)



Unit Objectives

- General understanding of the Church and state relations in modern Europe.





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Church and state relations in modern Europe

(part D)

Subsystems of multi-denominational state (1/2)

- Multi-tier structures of legal regimes are grounded on agreements between certain states and the Holy See and on Conventions signed by their governments and -in particular- religious communities (examples: Germany, Hungary, Italy, Spain, Croatia, Israel, Lithuania, Poland etc.)



Subsystems of multi-denominational state (2/2)

- Another criterion for the differentiation of the legal treatment of churches and religious communities is the signing of agreements between:
 - ✓ the state and the Holy See and
 - ✓ the state government and churches or religious communities



Italy's pyramid

- **1st level:** the Catholic Church (Treaty of 1984 between the state and the Catholic Church).
- **2nd level:** the eight churches or religious communities with which the government has agreements.
- **3rd level:** churches or religious communities with legal personality under the special law on minorities of 1929
- **4th level:** churches or religious communities with legal personality under the Civil Code
- **5th level:** churches or religious communities without legal personality



The system of “*Laïcité*” (1/3)

- Otherwise: the system of **positive state secularity** (in France).
- Here we have the same constitutional principles as in the subsystems of multi-denominational state, with only two differences (see next slide):



The system of “*Laïcité*” (2/3)

- ✓ church-state separation
- ✓ positive **state’s secularity**
- ✓ more **absolute equality of religions**
- ✓ benevolent neutrality of the state
- ✓ church autonomy



The system of “*Laïcité*” (3/3)

- **Russia** also constitutes positive state secularity, but in practice the Russian Orthodox Church is a de facto established by the state church.
- In **Turkey**, there is a contradiction in its Constitution concerning the state’s secularity.





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European countries with predominantly Orthodox majority (part A)

Reference Note

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End of unit

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