



Ecclesiastical Law (Erasmus)

Unit 4th: Church and state relations in Europe (part A)

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European Union
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Unit Contents

1. Church and state relations in modern Europe (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 A)

Object of the lecture

- General explanation of church and state relations in modern Europe:
 - ✓ These relations determine the scope of religious freedom and equality.
 - ✓ Comparison between states with institutional unity with church (communities of believers and non-believers) and states with an institutional separation → these systems prevail.



System of separation

- The system of separation is divided in several characteristics:
 - ✓ European states do not have a legal definition of religion that can be considered compatible with international standards.
 - ✓ Common characteristics: accepted to all religions.



Common characteristics

- Religions have the right to choose to register or not (registration is the acquisition of legal personality in accordance with the state law).
- European Union does not have a legal definition of religion (contrary to the U.S.A.).



Institutional unity

- **Systems of institutional unity:**
 - ✓ These systems do not inherently ensure equality between religious communities.
 - ✓ Here we have religious autonomy for the state.



Church state system

- The right to religious autonomy is limited for the state.
- Freedom to autonomy: the religious community has the right to enact/legislate for its internal affairs (not the state).
- Affairs of religious communities are: internal, external and mixed.



Internal, external and mixed affairs

- **Internal affairs** → only the religious communities can legislate (religious organizations, religious administrations).
- **External affairs** → only the state is competent to legislate for them (regulation of the forms of the legal personalities for religious communities).
- **Mixed affairs** → co-operation between state and some religions, realized through legislation (eg. religious instructions in public schools, regulation for religious agency in the army).



System of state church

- It retains the properties of state religion.
- Limited extent of autonomy.
- **Greece** → state church system: the full extent of the right of autonomy is determined by Greek law under no. **4301/2014**.



Not state churches/religious communities

- Private or public law persons (sui generis).
- They have the right to autonomy either by the state constitution or recognized by the ECtHR.
- **Case of Orthodox Church of Bessarabia against Moldova (ECtHR) → Right to autonomy results from religious liberty.**



Some examples of state systems

- **Denmark** → Evangelical Lutheran Church.
- **Norway** → institutional protection of both religious and non-believers communities.
- **Greece** → building houses of prayers for non-orthodox religious communities (1939 law).
- **United Kingdom** → atheistic definitions of religion.



Reference Note

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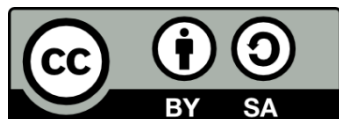
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End of unit

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