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UKRAINE ON THE WAY OF INTEGRATION TO THE EUROPEAN COMMUNITY

Abstract

The article analyzes the problems of political and religious influence of Russia on the formation of the Ukrainian state in historical retrospect and in modern conditions of hybrid war.

Europe wants to see the civilized Ukraine, based on the primacy of law, sustainable development, values of democracy and freedom for all citizens without exception. It is not only about political and economic aspects, but also about spiritual and cultural ones. Constituting the Local Ukrainian Orthodox Church is a powerful spiritual and ideological pillar of the Ukrainian State in building a democratic society, strengthening its image in the world. With the above in view and under the described situation the issue of fast integration of Ukraine into the European and world community becomes more urgent. Religion plays a significant role in this process, which is so important to regulate by the legislation. Thus we see the need for continued reform of the Ukrainian legal system starting from the fundamental political system governed by the Constitution of Ukraine, electoral laws and in particular the body of laws governing the fundamental rights and freedoms of the citizens of Ukraine. The article suggests some high priority measures aimed on creation of conditions for realization of integrative opportunities of religious factors. The proposals provide concrete and effective tools, the implementation of which is aimed at neutralizing the threats of «russkiy mir» in Ukrainian society and formulates recommendations for effective organization of political and legal mechanisms to protect national interests and strengthen national security of Ukraine.

Keywords: European integration, national interests of Ukraine, state-church relations, Russian aggression against Ukraine, religious organizations, international religious relations.

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УКРАЇНА НА ШЛЯХУ ІНТЕГРАЦІЇ ДО ЄВРОПЕЙСЬКОГО СПІВТОВАРИСТВА

Резюме

Стаття висвітлює дослідження та законодавчу діяльність, що допомагає розв'язати проблеми цивілізованого співжиття громадян України. Автор аналізує основні типи державно-церковних відносин, як приклад особливостей європейських держав. Найбільша увага привертається до специфіки етнорелігійних відносин і до встановлення відносин діючими національними церквами. У статті аналізуються проблеми політико-релігійного впливу Росії на становлення Української Держави в історичній ретроспективі та в сучасних умовах гібридної війни. Показано загрози і виклики національній безпеці України внаслідок діяльності московського патріархату.

В Європі бажають бачити цивілізовану, базовану на пріоритеті права Україну, яка стабільно розвивається, твердо дотримуючись цінностей демократії та свободи для всіх громадян без винятку. Йдеться не лише про політичний та економічний бік справи, але й про культурний і релігійний аспекти. Конституювання Помісної Української Православної Церкви — це могутня духовно-ідеологічна опора Українській Державі у справі розбудови демократичного суспільства, зміцнення її іміджу на світовій арені.

У світлі наведеного в цьому контексті більш поважно постає проблема якнайшвидшої інтеграції України у європейське та світове співтовариство. Релігія відіграє у цьому процесі значну роль, котру так важливо гарантувати законами. Відтак ми бачимо необхідність продовження реформування української правової системи, починаючи з фундаментального блоку політичної системи, що регулюється Конституцією України, виборчих законів і зокрема корпусу законів, що регулюють основні права і свободи громадян України.

У статті означені пропозиції щодо деяких головних пріоритетів та цільових критеріїв для створення умов реалізації консолідуючих можливостей релігійних чинників. У пропозиціях подано конкретний і дієвий інструментарій, реалізація якого спрямована на нейтралізацію загроз «руського міра» в українському суспільстві та сформульовано рекомендації щодо ефективної організації політико-правових механізмів захисту національних інтересів і зміцнення національної безпеки України.

Ключові слова: європейська інтеграція, національні інтереси України, державно-церковні відносини, Російська агресія проти України, релігійні організації, міжнародні релігійні відносини.

Introduction

In all societies, at least prior to the Enlightenment, religion served as a basis for formation of ideology determining the existence of culture. All important areas of society and its institutions were determined by the religious legitimacy this way or the other. Today they are separated from the order of life and culture specified for the society as a whole by the religion and have the status of independent subsystems. However, in fact, religion has become one of the spheres of social life. Now it coexists with the art, philosophy, science, politics, economics and so on. According to the differentiation and specialization of society the individual acquires the status of free and autonomous entity: he is not required to submit to the power of the religious tradition. He is free to use the opportunities to choose any branch of knowledge opening prospects for his capacities. Man has the right to profess any religion or profess none being limited to purely secular activities.

Over the past five centuries the European cultural space has been developing under the banner of secularization. It was one of the major forces that have shaped the image of modern Europe. Secularization in society reaffirmed the secular spirit inherent to modern human. This manifests in considerable decrease of human appeals to God, religious explanation of various aspects of life and involvement of religious institutions in solving daily problems of society and an individual. Language of religion and its concepts largely distance from everyday experience. Life of the modern world and church sermon share less and less common space. According to P. Berger: «the current situation is not conducive to the authority of religious truth» [1].

Naturally, now no one attempts to see in theology that «queen of the spirit», which previously possessed the human mind and served as a supreme censor in any field of knowledge. However, the above does not indicate the death of the sacred in today's life (for example, theology of «dead God» by D. Bonhoffer, and others). Religion continues to exist. It is not isolated from other areas of society and often is quite active in stating its social position. Its relations with the society remain comprehensive and are not identical in different countries, even if they

are democratic. The fact is that the nature and specificity of these relationships are determined by several factors—by historical tradition, archetypes of the local culture, the current regime, form of government, the socio-economic development and so on.

Since the confessional segment is an integral institutionalized part of the society, its functions are determined by the state policy towards religion. There are certain types of the church-state relations, which in their turn provide an understanding of social and religious processes in general. The most common types of church-state relations in the modern world are the following: — **Legal support of the church in the state.** In other words, we are talking about the model of the state church, which primarily involves public funding of particular religious organizations assigned to perform certain public functions (registration of newborns, death, marriage etc.). Often the statutes and regulations adopted by the higher authorities of such religious bodies acquire a legal status of an official law. The status of state church in different ways is typical for denominations in Greece, Denmark, England, Sweden, Saudi Arabia and secured in the constitutions of more than 40 countries. — **The concordat system.** This model envisages the conclusion of appropriate agreements between one or more religious institutions, on the one hand, and the state, on the other. Signing the concordat has the power of international law, and its provisions can not be changed by the government unilaterally. In addition, the concordat system provides significant benefits to certain churches in different areas of their activities. This model of church-state relations is characteristic for Italy, Chile and Argentina. — **Separation of the church from the state.** The essence of this type of relations is the inability of the church institutions to interfere in the affairs of state with simultaneous presumption of the reverse perspective. The model is inherent to the former socialist countries and is preserved in several regions of the post-communist domain. — **Church and state separation.** In this approach, the relations of state and church are based on the complete non-intervention of both institutions into each other's affairs and on guarantee of the general freedom of religion, formation of tolerance, the lack of special government body for oversight over the religious entities. A typical example of this model are the United States, where religious freedom is one of the highest democratic values.

Let us consider the role and place of religion in the modern society on the example of some countries. In particular, we will look at the experience of the Netherlands, Germany and Greece.

The system of the church-state relations in the Netherlands is characterized by separation of the church from the state, but it is not completely polar, when the subjects of relationships do not contact with each other. In practice this is the freedom of religion and confession and neutrality of the state towards them. The Constitution guarantees the freedom to practice or not to practice

religion. This right may be restricted only by a special Act of the Parliament in order to protect the public health and keep the peace. In addition, as Sophie van Beesberweld writes: «The Constitution guarantees not only freedom of religion, but also freedom to act according to person's own beliefs without the risk of being responsible before the law. This means that only the national legislature is competent to outline the specific scope of expression of the religious freedom» [2].

The Fundamental Law also prohibits discrimination on religious, philosophical, racial or other ground. In addition, it provides freedom of religious education.

Regarding the latter statement, the public education presupposes respect for any religion. Various educational documents provide respect for the values and traditions of different religions. Secular education is represented and subsidized under the same conditions as religious education. Private schools are funded by the state, if their curricula meet the approved standards. Almost 60 per cent of primary schools in the country are private (owned by denominations). Since the late 19th century there are also universities of confessional nature supported by the state.

Religion occupies a decent place in the information domain of the Netherlands. Religious associations are widely presented in the media. In this area they work alone or with certain broadcasters of religious orientation. Procedure and scope of broadcasting as well as financing are regulated by law.

There is no direct financial support from the state, though it exists in some ways. It is about some religious ceremonies, for example in the army, in prisons, hospitals and others. In this case the spiritual service is viewed as an inseparable part of such activities. Indirect financial support is provided in the form of tax exemptions. It should be pointed out that the legal status of churches as legal entities is different to that of other organizations, such as associations or foundations.

There is no constitutional authorities for consulting churches on the relevant aspects of the current legislation. Religious organizations are expected to monitor the current law themselves.

In the Netherlands there are quite a lot of social and cultural institutions in the sphere of education, mass media and health care based on religion. The Government in many ways supports the activities of such institutions, encouraging them to work in the mainstream of public interests.

The German model of the church-state relations is of democratic nature. The researchers indicate that it is based on three core principles—neutrality, tolerance and equality—and occupies an intermediate position between the model and the state church and the model of complete church and state separation.

Neutrality implies that a state does not interfere in the internal affairs of religious organizations, neither supports any of them nor associates itself with any denomination available. Tolerance manifests itself by respect of the state to religious preferences of its citizens. Equality implies a legal aspect in the first place — similar legal norms are applicable to all churches. However, the German Constitutional Court specifies that under certain circumstances (the social impact and the number of followers) the State may maintain a different attitude towards various confessions.

Financially the church is independent on the state. However, government provides subsidies, particularly for hospitals, military chaplains and others.

The relations between the state and the church in Germany are regulated by the Ministry of Culture with departments functioning in each administrative-territorial district.

The state-church relations in Greece are somewhat different and may be reduced to a few basic principles: Christianity is proclaimed the state religion; the church is seen as a corporate institution operating in the system of public law; it enjoys a privileged status; the state vests the church with powers inherent in the state authorities. The State reserves the right to intervene in the affairs of the church, even internal affairs. However, this intervention does not rely on direct coercion and is implemented through legislation and legal tradition.

Freedom of religion applies to adherents of all religions in Greece. The Greek Constitution states in this regard: «Freedom of religious conscience shall not be abused. Completeness of personal and civil rights of an individual is independent on his\her religious beliefs. All recognized religions are free in their worships and protected by law. Only those forms of religious practice shall be prohibited, which... violate the public order or moral principles...» [3].

The Charter of the Hellas Church has the status of the public law. The Holy Synod is entitled to issue its own regulations becoming effective after their publication in the Gazette.

Greece has the law on the non-Orthodox denominations. For example, in order to construct a church, a mosque or a synagogue one needs along with other formalities a permission of the local Orthodox Bishop. Although, refusal of the Bishop does not have capacity of the administrative prohibitions, the relevant state authorities take it into consideration.

The Hellas Church remains influential in the sphere of education and family relations. In particular, religious education in elementary and secondary schools is based on the tenets and traditions of the Eastern (Orthodox) Church. Non-Orthodox pupils are not required to attend these classes.

Religious marriage has the same legal force as civil (introduced in 1982). Although many barriers for marriage are removed from the Civil Code, the Orthodox Church preserves them. It is primarily about the third marriage, marriage to non-Orthodox, marriage between close relatives and others.

It is noteworthy that it is a norm for the state to fund the Orthodox Church.

In order to determine the role of religious systems in Europe it is worth compare it with the place of religious tradition in the Muslim societies. In brief, the historical-religious factors and social-political relations developed on their basis were important components specifying domestic and foreign policy of the most Arab countries. This factor remains one of the political and ideological foundations of the Islamic states structure reflected in their constitutional provisions.

For example, Saudi Arabia is a country, where Islam is not only a state religion, but also the main law of the country, which determines the nature of the socio-economic system, a system of state administration and authorities, the order of their establishment and functioning as well as duties and obligations of the citizens. The Fundamentals of Power (Article 1) adopted in 1992 state: «The Kingdom of Saudi Arabia is a sovereign Arab state. Islam is its religion, the Book of Almighty Allah and the Sunnah of his Prophet, peace be upon him, is its Constitution» [4].

Thus, one may state that the current stage of the social and state development of Arab countries is marked by extensive use of Islam regulations and Sharia norms.

Comparison of social and religious processes in Europe and in the Muslim East demonstrates significant differences between them. The religious environment of the West is a part of the civil society and is sufficiently pluralistic. Plurality suggests development of various, often competing confessions, while religion more often becomes a «matter of individual taste», a subjective choice of an individual. In other words, freedom of conscience in the Western world has really wide frames contributing to the democratization of the religious life.

The Arab world, on the contrary, tends mainly to practicing values of a single religious system – Islamic. This system receives the state status and as normative regulatory covers all spheres of the functioning society as normative regulatory instrument. Non-Islamic religions in society and their impact is insignificant.

It is appropriate to analyze the specifics of the religious life for the Ukrainian society at the present stage of its development in the legal context in order to see of it corresponds to the international law and the European democratic standards.

The need to realize necessity and opportunities for forming a non-conflict strategy for solving political, economic and social problems put forward a task of implementing guarantees for fundamental human rights affecting spiritual constitution of a human being. The church-state relations in Ukraine have eventful history. There was a time, when the church law was a part of the Code of Law of the Russian Empire and regulate civil legal relations of not only the

believers of the Russian Orthodox Church, but also of all citizens. At present there are a number of problems in the relations of the subjects of the right in the civil and church law spheres (e. g., family issues, morality, international and inter-ethnic marriages, child rights, military and alternative service, etc.).

Educating and awareness raising activities should form the non-conflict models for addressing religious and social differences in society, contribute to the constitution of the civil society in Ukraine and consolidation of the Ukrainian people around the democratic values and guarantees for rights of a human and a citizen with the right for freedom of conscience and religion as their essential components.

Today Ukraine joins the European and world democracy. The International Charter of Human Rights and other international instruments preventing violation of human rights occupy a prominent place in this context.

The International Charter of Human Rights (in particular. Art. 18 of the Universal Declaration of Human Rights in the Sphere of Right for Freedom of Conscience and Religion) puts strict requirements for guarantees of individual and civil rights of a citizen. Certainly, most of the laws of Ukraine complies with the international law. Well-known, for example, is the opinion of the former OSCE High Commissioner Mr. van der Stoel on the Ukrainian legislation regulating the rights of minorities, which, according to him, is a model for many countries in Europe.

One can cite the Laws of Ukraine *On Citizenship of Ukraine, On Languages in Ukraine, or On Education*, whose Art. 20 equals the clergy with educators in the educational process along with figures of science, culture, public employees and public organizations. The action of such rules of law in Ukraine is extremely fruitful, because the priesthood is recognized as the national intelligence and other layers of intelligence adhere to the eternal values of religion.

It is to be recalled that before the 1000-year anniversary of Christianity in Ukraine there were 18 different confessions, denominations of various directions and types counting 5500 communities. Now there are more than 100 religious flows with a total number of entities 35,000. Moreover, in addition to the Eastern and Western Christian orientations traditional for Ukraine, there are Protestant churches, religious communities of national minorities in Ukraine (by the way, at least five of them are for believers of Russian origin, while the Ukrainian communities in Russia do not have this). Orientalist (or with oriental elements) teachings and practices that require a specific approach in the European Christian tradition, have become also popular in the recent time.

Such developments in the religious and clerical life in Ukraine shows that in a short period of time there appeared many new legal objects in its civil and legal environment. Unfortunately, not all of them have proper legal culture, so their relations often switch from religious sphere to political, violating the rights

of the Ukrainian citizenship. If new legal subjects were created in the sustained legal environment, probably the situation would be less critical.

The Ukrainian state should particularly take into account the fact that its interests and ethical orientations are certainly based on the Christian axiological system, because almost the entire spectrum of the Ukrainian religious beliefs traditionally rests in the Christianity domain.

The above statistics and contemporary sociological research testify to the capacity of Ukrainian churches. More than half of citizens in Ukraine consider themselves believers, and in some western regions they are more than 80%.

Matter apart from the spirit is sick and evil. Therefore, a special form of human rights violation, namely clericalism in its most surrogate forms propagated in the transition period in some spheres of the society activities. Primarily this is true for pre-school, secondary school and the armed forces, because there is no comprehensive concept of the church-state relations in the Ukrainian state (like the National Security Concept of Ukraine or the Ethnic Policy Concept of Ukraine developed in due time by the State Committee of Ukraine on Nationalities and Religions with involvement of academic institutions).

Ukraine will continue the tradition of European secular state, which guarantees equal rights to all citizens and their associations, with the exception of anti-Ukrainian and anti-human activities, that contradict to item 3 of Article 1 and item 5 of Article 5 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (Resolution 36/55 of the UN on November 25, 1981).

Experience in many countries indicates the need to have special policies and instruments of governance in this field for a transition period. It is in the first place the state agency that should work in the state-legal environment, i. e. to operate with different (including religious) organizations as legal entities. Then their activities will be predictable and subject to legal adjustments in contrast to arbitrary or spontaneous emotional fluctuations, with no corporate priorities and national interests.

Analysis of the current legal framework of Ukraine shows a number of problems of legal entities in the sphere of constitutional, civil and canon law, in particular problems of minorities, family, morality, international and inter-ethnic marriages, children's rights, women, military and alternative service and others.

If the Church considers the interests of the nation, it naturally supports the desire to build the state as a civilized instrument of its vital interests. However, often the Church does not reflect the interests of the nation, but considers merely its own interests and often the interests of another nation (or representatives of natives, which dominate in its spiritual establishment).

In Ukraine this negative tendency is supported by the fact that for over thousand years the religious centers, to which the Ukrainian churches were

subordinate, were located abroad. So, all powers of the Orthodox church was used for russification of Ukrainians and even changing their intrinsic mental structures. That is why the process of establishing its own statehood and an independent church as an inseparable attribute of its sovereignty proves so important and so painful for the Ukrainian people.

Influence of religious factors on implementation of the strategy of Ukraine's integration into the European community and protection of the rights and freedoms of human and citizen according to the international standards is, in our opinion, an interesting subject for consideration by scientists.

Movement of the Ukrainian state in the European direction is a multidimensional process in its nature. It requires involvement of various components of social life—from political to, relatively speaking, domestic and customary. However, on a subjective level, i. e. on the decision-making level there is no understanding of the European progress of Ukraine as a complex problem. Some one-sided vision of the European integration dominates. Today, for example, political, economic and military incorporation of Ukraine into the European context is being extensively discussed, but that's it. The subject is virtually exhausted. However, little (if any) is mentioned about the effect of fundamental cultural factors, such as religion, language, morals, traditions, etc. in implementation of the European intentions of our country. However, these factors can be predominant in implementation of the Euro-Atlantic integration in purely material sphere.

Ignoring the spiritual dimension of the European integration does not only reduce the understanding of Ukraine's progress towards the EU, but also acts as a significant obstacle on the way. Specifics of the religious life of society raised by the needs of the nation in its own denominational structure significantly helps the ethnic community to realize its self-esteem and self-sufficiency, thus being a powerful factor in development of the nation state as a full and equal partner in the international relations. The Italian philosopher Vincenzo Gioberti wrote: «Everywhere and at all times the social order was built on sacerdots, a city emerged from the temple, the laws were derived from the oracles... education and culture of the people developed from its religion. Religion in relation to all other institutions and orders is the same as creation in relation to existence... that is a dynamic and organic principle, which produces, preserves, restores and improves them» [5]. The truthfulness of the above is confirmed in the global and national historical context.

By the end of the 10th century the Kievan Rus (including the territory of modern Ukraine) even geographically did not belong to the European countries. At that time, Europe was a geopolitical space synthesized by the Christian spiritual tradition. Everything located to the east of this area was associated with pagan and barbaric world with Rus-Ukraine being a part of it. To rise to the level of civilized nations, it was not enough to maintain political,

economic, commercial, and military contacts with them. A necessary condition for Rus to converge with the Western countries was the need to prove its spiritual similarity. The best was to adopt the new faith and such step was made. The Grand Prince of Kyiv Volodymyr Svyatoslavovych made it.

Christianization of the national culture actually initiated a new history of the Ukrainian spirituality. «Thanks to the introduction of Christianity Byzantine, old Bulgarian and through them the ancient spiritual heritage came to Rus, wrote V. Gorsky, and became a part of the spiritual ground facilitating the growths of the Ukrainian culture» [6]. Moreover, the Byzantine Christian tradition (it was established in the Ukrainian land in the times of the principedom) led to an intensive dialogue held with representatives of various faiths throughout the history of the Rus state. «Neither in the 11th century, nor later stopped its active engagement in the political and spiritual realm with the Catholic West. Active exchange of ambassadors with the Pope was implemented. KyevanRus Princes had international dynastic relations with the Catholic Europe — Prince Yaroslav with France, Prince Vsevolod with England, Prince Mstislav with Sweden, Norway, Denmark, etc» [7].

Why is the integration potential of the confessional factor not used properly in the European integration movement in Ukraine? After the Moscow Patriarchate Metropolitan take-over in 1683 the Kiev metropole the religious sphere of the Ukrainian society underwent major modifications not for the better. Ideological pluralism and tolerance inherent in the national Ukrainian Orthodox Church were abused. The democratic organization of the Ukrainian Orthodox Church was also changed. The latter as a part of the Russian Orthodox Church transformed into the ideological instrument of the autocracy.

Then there was the Soviet era and for over 70 years the official policy of the imperial was aimed at rejection of the religious organizations. Religious institutions were actually forced out of the society.

The consequences of «building communism» left its marks. It manifests primarily in mass consciousness stereotypes producing a phenomenon that can be called «liberal nihilism». Today we are witnessing a somewhat paradoxical situation. Despite the fact that the period of independence of Ukraine was called the period of Ukrainian national-religious renaissance, we observe indifferent and sometimes negative attitude of the people to the sphere of religious life. Despite the freedom of conscience and religion, guarantees of equality before the law regardless of confessional belonging, rapid development of a network of religious institutions, active participation of the latter in public events there is a lack of understanding of the internal logic of these processes. It is essential to receive clear answers to the following questions: What is the role of confessional factor in the development of the state? How should the Ukrainian society be structured according to confession? What is the national church? How to address

the confessional confrontation? It is impossible to resolve these issues at the level of parliamentary factions, political parties and even in the government.

The state policy towards religion and church in Ukraine is not organically dialectic, but formally situational. Authorities either demonstrate their conspicuous attitude to religious organizations by participation in a variety of spiritual and secular forums, public decorations of the Church leaders for «outstanding achievement for the sake of the community» or on certain occasions (such as on the eve of parliamentary or presidential elections) they are trying to appease the religious associations of numerous concessions in exchange for their support. It is indicated in the collective monograph of the National Institute of Strategic Studies that «Politicians are trying to win support of religious organizations and believers because they compose a considerable share of the potential electorate, while the religious institutions in exchange for the votes of their members require from the party leaders (if elections are successful) to guarantee their own interests and needs» [8]. These relations do not develop beyond this superficial interaction of the two subjects of social life. Further developments are hardly possible, because in the recent year there were not attempt made to improve the legal mechanisms for regulation of this sphere. Power entities meet their own interests at the account of confessions and the other way round. The rapprochement is rather limited and swift.

As most of the national elite is pragmatic, there is no understanding that «further prosperity depends on the spirituality of the nation» [9]. The religious factor as one of the tools of spiritual validation of the people is relegated to the background, while its functional capacity is not considered in the development of different statehood strategies. Domestic specialists in religious studies are correct in stating that «Religious associations exist in Ukraine today largely for themselves to meet their own spiritual needs without touching the urgent problems of social life. This does not facilitate either stability in the society, or the necessary changes, thus damaging the religious institutions themselves» [10].

Thus, the state-church relations in Ukraine still lack strategic depth in contrast, for example, to Russia, where cooperation is indeed in place, which was briefly but quite informatively stated by the former Foreign Minister of Russia S. Ivanov: «...gathering of the Russian World is a joint effort of the Russian state and the Russian Orthodox Church» [11]. Moreover, the rapprochement of the Russian state and the Russian Orthodox Church is not declarative, but real.

The historical past is being analyzed and reconsidered in Ukraine on its way to the community of the European nations. The Ukrainian elite can not do without reappraisal of values. For us this means that it is impossible to comprehend the role of the religious factor in the state building process without ideological transformation among decision-makers and officials.

It is necessary to jell the specificity of the socio-religious relations establishing in Ukraine, and on this basis to take a number of measures on improving the confessional domain of the Ukrainian society regarding its cultural development specifics in Ukraine in view of its European aspirations.

The above suggests the conclusion that the following features are inherent in the current national socio-religious context: 1) liberalism of the legal framework on freedom of conscience and religious organizations; 2) regionalization and conflict potential of confessional space; 3) crisis of the Ukrainian Orthodox, and 4) development of the society clericalization symptoms.

1. Liberalism of the legal framework on freedom of conscience and religious organizations. Domestic legislation in this area knows no equals in Europe as to its humanistic pathos and restrictive sanctions. Declaring the principle of strict church and state separation, it proclaims the autonomy of both institutions, equality between all religions without exception providing them with opportunities to realize their own interests and granting no privileges to any. The Constitution of Ukraine states: «Everyone has the right to freedom of belief and religion. This right shall include freedom to practice any religion or profess no religion, to perform alone or collectively religious rites and rituals, conduct religious activities... The Church and religious organizations in Ukraine are separated from the State... No religion shall be recognized by the State as mandatory» [12].

These facts are generally consistent with the democratic values of the Ukrainian society. However, they do not fully harmonize with the Ukrainian cultural and historical tradition formed under the decisive influence of at least two powerful religious flows – Orthodox and Greek Catholic. However, neither Constitution of Ukraine, nor the Law of Ukraine *On Freedom of Conscience and Religious Organizations* reflect their achievements and contributions to the liberation struggle of the Ukrainian people, to the national statehood building.

Most Western and Eastern European countries are fundamental in assessing relation of their past and the present (Greece, Great Britain, Georgia, Bulgaria, Romania, Serbia), set special privileges for the historical churches, assign to the state an important role in regulation of the of religious communities functioning (Hungary, Croatia, Slovenia), conclude special agreements with influential religious associations or determine the list of selected public confessions as a priority (Lithuania, Czech Republic, Latvia) [13].

Ukraine, though, chose not European but American model of dealing with confessions This happened not so much because of objective turn of events, but because of romantic euphoria that swept the Ukrainian society after the collapse of the USSR. The USA by demonstrating its favorable attitude toward our country and supporting the government's reforms transformed for Ukraine into a model of freedom and democracy not only in political but also in spiritual sense. The desire to Americanize the Ukrainian reality led to a rapid

invasion of the Ukrainian religious environment with new cults of the American origin. Confession hierarchy typical for the West was rejected by the Ukrainian authorities. The American experience was not critically reviewed, which was a significant methodological error.

Unlike Europe (Ukraine as its essential component) USA never had the dominance of one or more religious traditions. Development of confessions overseas proceeded on totally different basis than in the Old World. Representatives of confessions persecuted in Europe moved to the North American continent and participated in creation of the American nation, which developed as a multi-religious nation. «...Americans in general, emphasizes A. Genis, do not know religious limitations, which is conditioned by their history. The New World, unlike the Old one, never knew religious wars, never had state religion. The USA, a country of thousands of beliefs, has always been fruitful in religious creativity. For Americans it is naturally to move from one church to another. Not family or ethnic traditions, but free search determines their spiritual life. At different stages, according to the Americans, a person may need different forms of religion. Life is a spiritual experiment, above which there is no dogma, only faith» [14]. Therefore, the recognition of the equality of all religious confessions, not only before the law but also before the history and proclamation of the right to freedom of conscience as the highest human value is quite natural.

However, Ukraine did not consider this specificity. Not surprisingly, the direct extrapolation of the American experience on the national conditions did not produce the desired effect.

2. Regionalization and Conflictogenity of Confessions Domain.

These have resulted from «civilizational split» with its effect on formation of the Ukrainian nation, and from political realities of the last five centuries. The Ukrainian lands were for a long time separated. In different historical periods they were part of some statehood formations, which could not but affected the religious preferences of the local population.

Rule of Poland and Austria-Hungary in the Western Ukraine over several centuries strengthened position of the Greek Catholic Church, which became traditional religion in the region. Expansion of Russia was marked by destruction of the Ukrainian Orthodox and its replacement by the Russian Orthodox spiritual tradition of the Left Bank area. According to V. Klimov: «The policy of the Great Russian autocracy toward religion in Ukraine was accompanied by many factors, first of all, by the course of the center on elimination of the national characteristics of church and religious life of the Ukrainian people... Ways of its implementation were evident: unification of Ukrainian church structures according to the model functioning in the Russian Empire; appointments of Russians or foreigners to key clerical positions... Russification of Ukrainian clergy staff...» [15]. Seizure of the Ukrainian territory by the Soviet Russia was indeed a tragic page in the history of many faiths propagated in the territory of Ukraine. In particular, the

Ukrainian Autocephalous Orthodox Church and the Ukrainian Greek Catholic Church were liquidated, Crimean Tatars, the followers of Islam, were forcibly deported. Temples and monuments of all Ukrainian Autocephalous Orthodox parishes were transferred to the Russian Orthodox Church, the only formal religious organization to which the Soviets were tolerant and which actively helped the communist totalitarian regime to persecute gentiles.

Regionalization of the Ukrainian society by confessions in the East-West direction supports the fact of dependence of UGCC and UOC–MP, the largest churches of Ukraine, on foreign religious centers – the Holy See and the Moscow Patriarchate (although it is important to see the difference between the Vatican as an international religious center and the state, which is a full subject of international relations, and the Moscow Patriarchate, which is exclusively Russian national religious institution and, therefore, protects only the interests of the Russian State).

In such circumstances, our state becomes an arena of struggle for the interests of the third parties, which, of course, are not concerned with the problems of consolidation of the Ukrainian society, national security and defense of the national interests of Ukraine.

3. Crisis of the Ukrainian Orthodox. Good luck of three Orthodox jurisdictions (UOC MP, UOC–KP and UAOC) to come to terms and to achieve unity is more and more evident. If recently certain variants of their unification were considered, then now this idea is not even discussed.

The Ukrainian Orthodox Church of the Moscow Patriarchate by referring to the complexity of obtaining autocephaly in the canonical way, actually accepted the «broad autonomy» powers granted to it. Since nomination of the Kyiv Exarchate (eparchy) in the UOC was only ideological and tactical step (as in the other republics of the collapsing Soviet Union), then this meant nothing not only in obtaining autocephaly, but also in winning the real autonomy recognized by other churches. Moreover, the example of the Belorussian Church, which is again in the Exarchate status, demonstrates the fallacy of such clerical policy.

Emergence of new lines of confrontation aggravates contradictions in the Ukrainian Orthodox, primarily because of jurisdictional situation that does not allow the Ukrainian Orthodox Church to act in the international arena as a full subject of international relations. Therefore, when not so long ago the Ukrainian Orthodox Church of the Kyiv Patriarchate took under its jurisdiction a part of the UOC community in the United States subordinate to the Patriarch of Constantinople, it was accused of destructive activities. Though at the same time a UOC–KP center was established in the United States to coordinate the activities of UOC sites in the diaspora transferred under the jurisdiction of the Kyiv Patriarchate, it proved all the same impossible to avoid disputes between the diaspora and mainland Ukrainian Orthodox jurisdictions.

Among the UAOC communities this situation caused actual split. A misunderstanding between the UAOC hierarchies questioned the integrity of religious institutions. Additionally, strife would likely to negate implementation of the Ecumenical Project in the Ukrainian Orthodoxy providing unification of diaspora UOC under the aegis of Constantinople Orthodox Church with the UAOC and obtaining by the latter of the canonical status in the manner as it happened in Estonia.

As we can see, development trends in the Ukrainian Orthodox environment not only have conflict potential, but also threaten with local conflicts and, which is more important, may destabilize the entire Ukrainian society. Considering religious opposition a famous Ukrainian expert on religious studies, former Chairman of the State Committee of Ukraine on Religious Affairs V. Bondarenko emphasizes that the Orthodox conflict «determines much in the religious life in Ukraine. It can even be classified as the national problem» [16]. At the same time it is clearly impossible to form the Local Ukrainian Orthodox Church (which is necessary for sustainable development of Ukraine) exclusively by the subjects of conflict.

4. Development of the Society Clericalization Symptoms. One observes rather paradoxical situation in Ukraine, which is adherent to the values of secular humanism. It looks like that arbitrary activities of the Religious Organizations in Ukrainian have become an average phenomenon. Illegal actions of churches acquire greater scale, while the public authorities give virtually no response. Impunity of the clergy only enhances its aggressiveness. Confessions become especially militant, when it comes to resolving property issues. As an example, a description of the situation in the Lavra by the Ukrainian journalists: «The monks of the monastery began a campaign that can not be described other than «expropriation of expropriators» (robbing the robbers). «Supermen» in cassocks knock the locks and erect barricades behind the locked doors seizing object by object (a good plot for action series). The UOC–MP hierarchy completely forgot that it is not about Laura assets, but about the communal and state property (land, buildings, museum values)» [17].

Despite of the blatant law violation (in this case by the UOC–MP), the Ministry of Interior and the General Prosecutor's Office took the position of an observer, rather preferring not to intervene in the conflict. Such indulgence plays into the hands of some religious groups. They gradually loose perception between the permitted and the forbidden.

There is no doubt about the influence of churches and religious organizations on the Verkhovna Rada. For nearly ten years the People's Deputies of Ukraine cannot adopt new legislation on freedom of conscience and religious organizations. It is because the submitted draft laws do not fulfill the ambitions of certain religious institutions and MPs supporting them.

Therefore, increasing pressure of the confessions on all spheres of public life threatens establishing the rule of law and civil society in Ukraine, and thus, socially oriented market economy, retarding direct democratic progress of the Ukrainian society and material welfare of all Ukrainian citizens.

Europe wants to see the civilized Ukraine, based on the primacy of law, sustainable development, values of democracy and freedom for all citizens without exception. It is not only about political and economic aspects, but also about spiritual and cultural ones.

That is why the current state policy of Ukraine on reformation of the religious aspect of the social relations should be based on awareness of the need to implement the following measures: — ranking of churches and religious flows functioning in the Ukrainian territory according to their belonging to the national spiritual traditions; as we suggested earlier in 2015, «the Ukrainian Parliament should adopt the Bill 1244 of 04.12.2014 on amendments to the Law of Ukraine «On freedom of conscience and religious organizations» concerning the names of organizations, ruling centers of which are located outside Ukraine. This legal procurement would oblige UOC (MP) to re-register and disclose in its name the dependence on Russian Orthodox Church, and this will put an end to misleading millions of Ukrainian believers» [18]; — development of a new model of the church-state relations. Balkan and Central European model may serve as an example in this regard. The former provides certain preferences to the historical church (or several churches) and direct government involvement in arranging the church life, the latter specifies a concordat (contracting system) that regulates the relationship between the state and religious associations, clearly defining their rights and obligations; — moratorium on official approval by the government of the documents related to return of the property to the religious institutions before adoption of the Law of Ukraine *On Restitution of Property in Ukraine*; — facilitation of the Ukrainian State in the UOC (OC of UA) consolidation; — bringing the current legislation on freedom of conscience and religious organizations in line with the realities of today and its coordination with similar international legal instruments and standards of the European Union.

Constituting the Local Orthodox Church is a powerful spiritual and ideological pillar of the Ukrainian State in building a democratic society, strengthening its image in the world.

In the current situation only the religious institution as Orthodox Church of Ukraine is capable to perform this mission. The Russian Orthodox Church in Ukraine (UOC–MP) is not recognized by the world. Moreover, there is confrontation of hierarchies in the latter. Although the Greek Catholic Church has become traditional for considerable part of Ukrainians in addition to the western Ukrainian regions, it is greatly dependent on the Apostolic See and has a number of unsolved internal problems. The Russian Orthodox Church in Ukraine (UOC–MP) with its religious-canon and administrative subordination to the Moscow

Patriarchate, is primarily protecting the national interests of Russia. As stated at the Primates Council of UOC–KP on May 13, 2016, «the religious organization (UOC–MP), ...though misappropriated the name «Ukrainian Orthodox Church», in fact is neither Ukrainian – as subordinate to Moscow, nor the Church – as it has not canonically established autocephalous status or autonomy. Actually, it is an association of structures of the Moscow Patriarchate, that is the Russian Orthodox Church, which operate in Ukraine» [19]. Also, protestant associations in Ukraine, unfortunately, do not all act in the spirit of the Ukrainian national interests.

Religious factors receive a great opportunity to prove their integrative power. It is primarily about forming sustained relations on the basis of faith between Ukrainian citizens and their spiritual brothers and sisters abroad. However, it is necessary to put an end to inter-religious oppositions within the country, which are many.

Religious centers and churches should, as it was before, act as an interlink in the spiritual and cultural dialogue between the nations, promote exchange of relevant experience, which is extremely important for formation of a common spiritual space.

It is not very wise to deny the existence of this cultural dialogue with involvement of confessions in the current historical period. It is very limited because it is private, often only with certain religious organizations and does not have support from the Ukrainian state. Thus, the results are minor. Spiritual identification of Ukrainians with the family of European nations is extremely slow and contradictory. After a very long time the Ukrainian people were scattered in different parts of the empire, and thus cut off from the European context as a full and equal partner in the international relations.

With the above in view and under the described situation the issue of fast integration of Ukraine into the European and world community becomes more urgent. Religion plays a significant role in this process, which is so important to regulate by the legislation. Thus we see the need for continued reform of the Ukrainian legal system starting from the fundamental political system governed by the Constitution of Ukraine, electoral laws and in particular the body of laws governing the fundamental rights and freedoms of the citizens of Ukraine.

That is why today it is so important to conduct active research and legislative activities that will help to solve problems of civilized coexistence of the citizens of Ukraine. The foremost attention in this case should be paid to ethnic religious specifics and arrangements of relations with the relevant national church, because the national rights of minorities and generally all citizens in Ukraine are completely regulated by law [20].

The state by pursuing appropriate legal policy in the religious sphere should be diplomatic in the current situation [21], but at the same time there should be no exemptions from the law, but manifestation of a clear confidence, consistency

and determination in focusing on the best European and international standards and naturally and primarily in guaranteeing the implementation of the national interests of the Ukrainian people, which will be an important step for Ukraine's accession to the European Union.

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