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## The Church and Personal and Public Morality: Church and Morality, Public and Personal

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## **The Church and Personal and Public Morality: Church and Morality, Public and Personal**

**Response  
by  
Archpriest Vladislav Tsylin**

The basic imperatives of the Christian ethics do not undergo changes under the influence of historically altering temporal circumstances. "Jesus Christ is the same yesterday, and to day, and for ever" (Hebrews 13, 8), and His doctrine is not subject to revision. Even the Old Testament commandments such as "Honour thy father and thy mother... Thou shalt not kill, Thou shalt not commit adultery, Thou shalt not steal... Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife... nor his ox, nor his ass..." (Ex. 20, 12-17) are equally significant in any age, on any continent and in any socio-cultural context, no matter whether the actual public morality of the society recognizes or denies them. The more so this is the case of the Sermon on the Mount. The beatitudes of the poor in spirit, the mourning, the meek, those who hunger and thirst after righteousness, the peacemakers, those who are persecuted for Christ's sake (cf. Matthew, 5, 3-11) is from the Christian point of view a self-evident truth. It does not depend of whether those following the narrow way of Christ's commandments are considered blessed, miserable or even unworthy of bliss in this world's eyes.

For centuries European humanity considered Christ's doctrine and its moral component in particular sacred, and worshipped it, no matter to what extent societies and people actually fulfilled Christ's commandments in their life. Obviously, there were still rudiments of pagan ethics in the medieval times, and even more obviously, evil deeds and evil human passions and thoughts had always been there, for St. John's words "the whole world lieth in wickedness" (1 Jn. 5, 19) are true, though to a degree that may vary, for all ages of the history of mankind. Still, even while committing sins, the medieval man was well aware of it and in doing things against the Gospels he knew that the truth was in the Gospels. Certainly, it would be non-realistic over-simplification to argue that in the age of Church's predominance sin was reduced to individual deeds and that Christian moral basics exclusively permeated public morality. There were of course powerful ethic systems in the medieval European society that in their principles contradicted Christian morals. The medieval code of chivalry (later that of noblemen) is a good example of such contradiction, its rules approving of a pride inappropriate to the Christian behavior. On the one hand, bearers and adepts of the nobility code completely deluded, with all sincerity, about compatibility of Christ's teachings and their class ethics. On the other hand, they were quite aware of the contradiction and never dared to rise against the Gospels; and in the end used to bring the actions that the class ethics had been imposing on them to the Church's trial – for instance, they repented the duel killings that because of code of honor they could not prevent. I am of course talking about norms, and not about excessive departures from them.

Nowadays the situation is different in the main. The riot against Christ's doctrines, born during the Renaissance, when ancient idols that seemed long dead were indeed reborn in many humanists' hearts, is celebrating victory time and again. These victories, however, were foreseen by Our Savior: "And because iniquity shall abound, the love of many shall wax cold" (Matthew 24, 12) and "when the Son of man cometh, shall he find faith on the earth?" (Luke 18, 8). The refusal to include in the European Council Constitution a mere mention of the European civilization's Christian roots (though the historical correctness of this seems indisputable) can be viewed as one of such victories of the modern worldly spirit. European Christians trying to introduce this obvious historical fact into the project of the Constitution one more time lost their fight.

In the case of the Eastern Europe, and of Russia in particular, the Church's fight against her opponents, so-called scientific atheists, was won by the former after the crash of communism. But the triumph becomes less evident when looking at the moral condition of the contemporary Russian society. The slogan of non-scientific atheists "Carpe diem", which basically means "eat, drink, and be merry, for tomorrow you die", is quite widespread. And even among those who

cannot 'be merry' because of their abject poverty, the Christian acceptance of poverty as salutary comes hand by hand with an absolutely non-Christian bitterness and despair, leading to alcoholism and drugs, destroying families, inciting to crimes against one's neighbors and even to sinful attempts to put an end to one's own life: the number of suicides has been lately dreadfully increasing.

But even in facing the world turning away from Christ, the Church cannot confine her concerns to the faithful children safely sheltered in her ark, without striving to help those who stay outside to see the Truth. Neither can she abandon the task of bringing the withering world to be in its ways as close as possible to Christ's truth. In this the Church follows the example of St. Paul, who, though being "free from all", made himself "servant unto all, that [he] might gain the more..." and who was "made all things to all men, that [he] might by all means save some" (1 Cor. 9, 19, 22).

One has to recall (for we remember all too well an entirely opposite situation) that nowadays in Russia social problems can be discussed freely. After decades of ghetto-like existence the Church has finally gained freedom and her influence in the society has increased. The faithful, the outers, those who seek the truth and those who are already on the way to her gates are all expecting from the Church firm and responsible judgments on questions of public morality. The Russian Orthodox Church had to state its position on the most important issues of modern society, including legal, political, economic and state problems, without taking a political position itself, but staying in its assessments on the grounds of Christian ethics. As a result, a document appeared in 2000, adopted by the Sacred Bishops' Council of the Russian Orthodox Church and entitled *Bases of the Social Concept of the Russian Orthodox Church*, which will be our main subject.

I am going to touch upon the subject of law, as discussed in the *Social Concept* and represented in the light of Christian ethics and Christian anthropology. Law is a necessary and unavoidable factor of human social life. It is obvious and cannot be contested. However, in the law theory there is a concept that tightly links law with State realities. For instance, during the absolute monopoly of Marxism in the human sciences in Russia, Soviet theorists viewed law as consequence of class struggle and interpreted it as the will of the ruling class made law. The very phenomenon of law in itself was therefore considered secondary to that of State, and law could be defined as totality of obligatory rules sanctioned or established by the State, with the State ensuring observance of the rules. The common law such as it existed on the patriarchal stages of history long before the very phenomenon of State, the corporate law and the canon law are excluded from this system. But such an approach is biased from the political point of view and limited from the scientific one. At least the old axiom "ubi societas, ubi jus est", that states that law exists whenever there is society seems to correspond more adequately to the actual status of law.

However, legal nihilism, the strife to narrow the very notion of law or even, in the sphere of social practice, to overcome law and to deny its vital significance, is quite usual for non-religious social and utopian, anarchic ideologies overemphasizing or rejecting state control, but also for certain systems with religious basis, sometimes contiguous to Christianity and even placing themselves within the Christian tradition. The refusal of the law's positive value has also been common to many heretical trends and to sects, such as Gnostics, montanists, paulicians in Antiquity, waldenses and Anabaptists in the Middle Ages, to most of the teachings of the early Reformation and recently to Russian tolstovians. The antinomist and anti-statist ideas both of quasi-Christian religious sects and of secular anarchism visibly betray Manichean and millennial influences.

The antinomist ideas influenced the orthodox thought as well. They can be easily detected in early Slavophilian writings, in those of K.S. Aksakov and A.S. Khomyakov, who believed the main reason of the Western Church's break with Orthodoxy to be the former's rationalism and its legalism of Roman origin.

The skeptic view on law's value characterizes works of archpresbyter Nikolai Afanassiev, a known XXth-century Russian theologian and canonist. In order not to ignore real conditions of human existence, he on the one hand admits that "law is a necessary basis of empirical life", that it is "humanity's highest achievement on its historical route" (p. 288) and that the Church "acknowledges" law as the most important feature of the State's social life "in which the Church sojourns". But his judgment of consequences of what he calls "law's penetration in church life" is quite negative and he cannot help saying that "since Constantine the Great the Church has found the peace she needed, but it also took her unwillingly under a foreign yoke: that of the Roman Caesar and the Roman law. St. Paul's fears of communion of light and darkness, of believers and infidels, have come true". (p. 284). To illustrate his argument, arch. Nikolai Afanassiev quotes the apostle: "And what communion hath light with darkness? And what concord hath Christ with Belial? or what part hath he that believeth with an infidel?" (2 Cor. 6, 14-15). In this context the idea of complete alienation of the legal basics to the Church leads to the fact that images such as "foreign yoke", "Belial" and "darkness", define law's nature from the Christian historical perspective. But it is not at all clear how the necessary element of 'empirical life' can be compared in its nature to the realm of "darkness" and "Belial" unless the point of view we take should be similar to the Manichean dualism.

At the same time, the Church itself gave quite a different value to law and took quite a different position concerning law's relationship with Christianity's basics. In recognizing this position, arch. Nikolai Afanassiev considers it a great catastrophe for the Church. The Church's thankfulness to God for having appointed a faithful king can be seen in many liturgical texts, such as those of St. Constantine celebration: "Forever-remembered king, the first he was to willingly commend his crown to Christ" or "Enlightened by the sun-like glow of the Holy Spirit, and by baptism received from St. Sylvester, he became triumphant among kings, for he gave the universe like a gift to his Creator". These words taken from liturgical canticles are far indeed from regrets about the "foreign yoke: that of the Roman Caesar and the Roman law" (p.284). Arch. Nikolai Afanassiev, however, comments such attitude of the Church to St. Constantine's conversion in the following way: "The fact of the Caesar's conversion conquered the Christian consciousness. Bewitched by this fact, they did not notice that the Roman empire basically stayed as it had been when it prosecuted the Church, and it goes without saying that morally and spiritually Constantine's Empire was inferior to that of Marcus Avrelius or Trajan". The statement goes further indeed than Donatus's "What has the Emperor to do with the Church?"

Constantine's Christian Empire, as well as that of his successors, certainly did not stay "as it had been when it prosecuted the Church". But the continuity that the Christian Rome showed in relation to the pagan Rome, including the continuity in legal matters, is evident enough. Thus, St. Justinian's "Codex iuris civilis" that constituted part of the Christian Roman Empire actual laws, included imperial laws since St. Adrian (117 AD). It is also important to say that the Roman law, going back to pagan emperors, was adapted by the Church and that some of its statements were included in important books of canon law. The definition of law included in St. Justinian's *Digests*, further borrowed by Byzantine legal texts collections such as *The Basilics* and *Prochiron* (IX c.), and also in the canonical collection *Syntagma Canonum* by Blastares, went as follows: "Law is creative work in the domain of the good and the equal". This definition, however, had been drawn up by the pagan Rome lawyers, although adapted, as we have seen, both by the law of the Christian Empire and that of the Church.

Law's purpose is to regulate human relationships by establishing rules of conduct common for all who are subject to the law. It also provides for coercive measures for making people obey it, if necessary. "The legislative sanctions to restore the trampled law and order make law a reliable clamp of society unless, as it has often happened in history, the whole system of the enforced law capsizes. However, as no human community can exist without law, a new legislative system always emerges in place of the destroyed law and order" (*Social Concept*, IV, 2).

Distinguishing between law and morality is the most difficult problem in law theory, unless law's existence should be considered in direct dependence from the state functioning and the state existence itself.

Our Lord's wise parable about workers in a vineyard shows us a practical case drawing clear distinction between law and morality. The master paid the same amount – a penny - to the workers who came about the eleventh hour and to those “which have borne the burden and heat of the day”. The latter murmured against the goodman of the house, but he answered: “Friend, I do thee no wrong: didst not thou agree with me for a penny? Take that thine is, and go thy way: I will give unto this last, even as unto thee. Is it not lawful for me to do what I will with mine own? Is thine eye evil, because I am good?” (Matthew, 20, 1-15).

The master's actions were just in the case of all workers, for no one received less than a penny – the amount that was agreed upon. But the master was not only just, but also generous to those who came about the eleventh hour, and his love and generosity lies in the field of morality. The jealous worker tried, without right or reason, to make a legal norm out of the master's generosity and hoped that he would as well receive a penny per hour, instead of per day as agreed. He blamed the master for lack of equal generosity to all workers, thus failing to distinguish between right and morality.

V.S. Soloviev, a Russian philosopher, wrote: “Right is the lowest bar, a minimum morality compulsory for all”. He believed that law's goal was not “to turn the world lying in evil into the Kingdom of God, but to prevent it from turning into hell”. Law, according to the *Social Concept* ‘is called to manifest the one divine law of the universe in social and political realms. At the same time, any legal system developed by the human community, being as it is a fruit of historical development, carries a seal of limitation and imperfection’ (IV, 2). Thus, law is on the one side a vital element for human existence, with its appearance and development sanctioned in some sense by God. On the other side, its very existence is the symptom of problem, for “the righteous do not need law”. First, if mankind had solely consisted righteous and sinless men, there would have been no necessity of such thing as law. Secondly, even blessed by God, law in itself is developed within history by effort of human societies and therefore, being product of human activity, cannot avoid imperfection.

The anthropologic reason of law's ambivalence is obvious and takes root in the Fall. The phenomenon of law, similar to that of State, has God's blessing as a required element of life in the fallen world, where one should be protected from dangerous consequences of each other's sinful nature as well as from one's own, for they threaten the very basics of life. At the same time, the need for law is not originally inherent to God's intentions about the first-created Adam, but it is a consequence of the Fall and of the sin's reign in this world. The Fall of Adam and Eve that distorted man's nature, will and reason, does not allow him to accept the divine law in all its fullness. But according to God's will, even the imperfect law created by mankind, blemished as it is, has to be observed with eagerness. That is why anarchy, lack of state and order, and any tendency to destroy law contradict both Church's doctrine and God's commandments.

The Son of God Who reigns over heaven and earth (Mt. 28:18) through becoming man subjected Himself to the worldly order of things, obeying in particular the bearers of state power. In telling His crucifier Pontius Pilate, the Roman procurator in Jerusalem, “Thou couldest have no power at all against me, except it were given thee from above” (John 19:11), He confirmed that earthly power had Divine sanction. And His answer to the tempting question of a Pharisee was: “Render unto Caesar the things which are Caesar's” (Mt. 22:21).

St. Paul talks unambiguously about obeying state power as well as the order established by those who hold it. “Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honour to whom honour” (Rom. 13, 7). Similarly, St. Peter says: “Submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evildoers,

and for the praise of them that do well. For so is the will of God, that with well doing ye may put to silence the ignorance of foolish men: as free, and not using your liberty for a cloak of maliciousness, but as the servants of God" (1 Peter 2, 13-16). We see that the Apostles teach the faithful to obey state power whatever the relation between this state and the Church. One should remember that during the apostolic age the Church was persecuted both by local Jewish authorities and the central Roman ones. This fact did not prevent martyrs and other Christians of the time from praying for the persecutors nor from recognizing their political authority. The Church therefore not only prescribes to her children to obey state power regardless of the convictions and faith of its bearers, but also prays for it, "that we may lead a quiet and peaceable life in all godliness and honesty" (1 Tim. 2, 2).

Our Lord was also the One to define limits of the obedience to the authorities. When the Jewish Council tried to forbid the Apostles to profess Christ, the answer of St. Peter and St. John was: "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye" (Acts 4, 19).

In the *Bases of the Social Concept of the Russian Orthodox Church* there is a clause explaining that in some cases and in some conditions law ceases to be lawful and is not to be followed by Christians: "However, in the cases where the human law completely rejects the absolute divine norm, replacing it by an opposite one, it ceases to be law and becomes lawlessness, in whatever legal garments it may dress itself. For instance, the Decalogue clearly states: 'Honour thy father and thy mother' (Ex. 20:12). Any secular norm that contradicts this commandment indicts not its offender but the legislator himself. In other words, the human law has never contained the divine law in its fullness, but in order to remain law it is obliged to conform to the God-established principles, rather than to erode them" (*Social Concept*, IV, 3).

Law of the Christian States, especially that of the Roman Empire, revised the pagan law while absorbing it, and rejected pagan legal norms going against the Divine Law. But there was no utopian aim of creating a law system based entirely on the Christian code. Any attempt to develop the civil, criminal and public law based on the Gospel alone cannot be efficient, for without the full churching of life, that is without complete victory over sin, the law of the Church cannot become the law of the world. This victory is possible, however, only in the eschatological perspective, and in such a perspective there would be no need of any kind of civil law.

Even in a Christian State, the Sermon on the Mount cannot constitute the basis for law. What it can do is to exercise a benign influence on the State's legal system, for a Christian State would obey Christ's doctrines. Clearly, the Gospels influence the Christian society's perception of law. Any legal system is based on the dichotomy of right and obligation, but when it comes to the emphasis in this dichotomy, Christian and non-Christian perception will differ. For a Christian, obligation or duty is the cornerstone, and he needs rights as far as they enable him to accomplish the duty. The *Social Concept* states that "the Christian needs rights so that in exercising them he may first of all fulfill in the best possible way his lofty calling to be 'the likeness of God', as well as his duty before God and the Church, before other people, family, state, nation and other human communities" (IV, 7). However, as secularism developed and moved the society away from the Christian principles, the idea of inalienable human rights turned into a notion of the rights of the individual beyond his relations with God and without taking into account his fallen nature begging for cure. The theory of natural law that dominates modern philosophy goes precisely in this direction.