

## Church-State Relations in Russia: Orthodoxy and Federation Law, 1990–2004

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One of the most carefully watched issues in Russian life and politics today concerns the Orthodox Church and its relationship with the Russian federal government. Hardly a day goes by without questions being raised in the mass media about its significance, and by June 2003 the State Duma had already passed no fewer than 55 legislative acts touching on the topic in one way or another (Zorkal'tsev, 2003). A special commission of experts under the chairmanship of V. N. Zhibankov (a Justice Ministry official)<sup>1</sup> was even appointed by the government to examine all aspects of the question, and its report, which I shall refer to as the Concept (since this is how Russians refer to it), was filed in 2001: *Proyekt (ot 27-07-2001) kontseptsii gosudarstvennoi politiki v sfere otnoshenii s religioznymi ob'yedineniyami v Rossiiskoi Federatsii (Draft (27-07-2001) Concept of State Policy in the Sphere of Relations with Religious Associations in the Russian Federation)*. The Concept was analysed by both public and church bodies, although it seems to have contributed little more to the discussion than a cautious review of mutual problems now confronting the two institutions (O projekte, 2002, pp. 6–16). It should also be noted that no fewer than three major theoretical works on church-state relations have been published recently in Russia,<sup>2</sup> and additional research studies as well as concept-reports are now nearing completion (Shakhov and Shutova, 2003).

This theme is not an especially new one, having been among the principal points of public discussion throughout the late imperial period when controversy over the subject of church and state first gave rise to Russia's celebrated tradition of religious journalism. Even in Soviet times, the issue was never far from the table, even though all action undertaken after official deliberations was designed solely for the benefit of the Communist Party. It should also be mentioned that other topics closely associated with church-state relations are now receiving public attention, as they did in the past, because the central question of Orthodoxy and government power still remains unsettled. For example, the state of relations among the various religious faiths in Russia (particularly Islam) and criticism of Russia's religious politics coming from foreign countries are regularly and openly discussed now, as they once were in the late nineteenth and early twentieth centuries by Berdyaev, Leont'yev, Rozanov and even Pobedonostsev.

Will the present day Orthodox Church soon drift into a close and exclusive relationship with the Russian federal government, following patterns known from the imperial period and in some respects Soviet times as well, or will a greater distance

come to separate the two institutions, as has been the general trend in the modern western world? It is impossible at this point in time, of course, to look into the future and see with any degree of accuracy what sort of arrangement will eventually come about. The predictions of many westerners on the subject have already proved to be far off base, and thoughtful Russians standing close to the issue have been careful to guess the outcome only with abundant qualifiers of one sort or another (Kyrlezhev, 2003; Shchipkov, 2003b). Even the wealth of available information which now makes it possible to observe many unfolding events has not left a clear picture, although it generally suggests that a stalemate has developed with neither the church nor the government yet able to resolve their key differences.<sup>3</sup> To encourage even greater immobility, and make matters even more interesting, Russian society itself is divided into various groups and factions with contending opinions on how the question of church and state ought to be settled.

The evidence of a stand-off on the subject, amid strongly held and often divisive views, is particularly abundant in the State Duma in its capacity as an open forum and as the initiator of formal legislation for the Russian Federation. An understanding both of the laws enacted by the Duma as well as of the factional manoeuvring taking place within its chambers is an essential part of a study of the Orthodox Church in its connections with the political authorities, even if it does not tell the whole story on the issue. Furthermore, activity in the Duma, aside from its legislative achievement, is usually a good indication of many social and political currents running throughout all Russian society. It is, therefore, the aim of this essay to review the question of church-state relations in postsoviet Russia as it has thus far been taken up in the Duma and also to look at the events that explain how federal legislation arrived at its present state.

Oddly enough, the history of contemporary Russian law on the issue of church and state did not actually begin with either the Duma or the Russian federal government but with the Executive Committee of the Communist Party in 1990. Responding to gradually building pressures from international organisations in favour of religious freedom, and looking for collaborators at home to help bolster its flagging energy, the tottering regime introduced the first substantial legal changes since the early 1920s when the People's Commissariat for Internal Affairs had imposed atheism as the country's official and only religious dogma (Pospelovsky, 1984, pp. 102, 104, 164–65). Despite the fact that the Soviet leadership under Mikhail Gorbachev was clearly 'playing the religious card' as part of its survival tactics, the new law, *O svobode veroispovedanii* (Freedom of Religion), was a significant legislative victory for the Russian Orthodox Church, which now gained the freedom to teach religious doctrine throughout the country and celebrate liturgical services without harassment from state officials.<sup>4</sup> In fact, the law's articles protected these rights for all religious organisations and also granted to most of them the privilege of appearing in legal proceedings as independent judicial persons (Kudryavtsev and Protopopov, 1993).

Moreover, the public discussion surrounding the legal changes of 1990 went even further. Among other things, it raised old questions about how to remove permanently all government supervision from church life, and the Russian preconstitutional parliament elected in March 1990 put forth bolder recommendations than the legislation approved by the Soviet government. There may be some question about the substantive legality of this parliamentary action, which resulted in a final draft proposal in October 1990, but there is no doubt about the strong desire of the elected deputies to extend religious freedom to limits enjoyed in Western Europe and the United States (Ellis, 1966, pp. 158–62).

After the regime's abrupt collapse in 1991, Russia's new leadership realised that most of the contents of the Soviet Union's sunset legislation on religious affairs, as well as the parliamentary recommendations of October 1990, deserved to be a part of the country's new democratic structure. Articles 14, 19 and 28 of the Russian Federal Constitution (*Konstitutsiya Rossiiskoi Federatsii*), approved by the Duma in 1993, took steps in this direction. In wording that was obviously inspired by the American example its authors separated all churches from state control and forbade the establishment of any official church or compulsory religion. It should be pointed out, however, that these measures were not designed to limit the scope of religious activity but to protect religion and the churches from threats that might emanate from state authorities. The Constitution also guaranteed unrestricted freedom of religion and conscience as well as the right to propagate one's belief. A most significant break from Russia's Soviet and imperial past came in what was not declared. After centuries of strong and often restrictive ties linking the state bureaucracy and the Orthodox Church together, the Constitution made no mention of a government agency empowered to monitor religious life in the country (*Konstitutsiya*, 1994, pp. 48–52).

Perhaps naturally, the heavy western influence of the early 1990s proved to be shortlived. By 1995 an altogether different and quite complicated social and cultural atmosphere was quickly sweeping through Russia, and with its appearance a growing chorus of voices called for legislation more in keeping with the country's longstanding traditions. The courageous if somewhat naive spirit which had done so much to undermine confidence in the old communist leadership and inspire the 1990 liberal-minded legislation on religion was quickly losing its dominance to feelings of social insecurity, strong nativist sentiment and a belief that some limits once set by laws and government regulations should be restored. The earlier euphoria was being successfully challenged by an understandable fear that unrestricted legal freedom was making it difficult for society to cope with internal disorders and the outside threats now appearing in the wake of the Soviet collapse. There was a great deal of talk in the mass media about the devastation of lives and of all society by narcotics, alcohol and pornographic publications (to say nothing of difficult economic circumstances), and also discussion about how increased public authority should move to rectify the situation.

Among other signs, the conservative reaction was readily detected in a desire to establish a stronger legal place for the Orthodox Church as a moral and patriotic standard of Russian life. The church hierarchy itself opened a campaign against religious rivals, some of which were presumably contributing to the national confusion by weakening this primary institutional bastion of stability among the East Slavs. The proselytising activity of many new church organisations with close ties to Western Europe and the USA was singled out as a danger to Russia. Protestant missionaries, received warmly in the early 1990s, now came under suspicion. In 1995 the Co-Mission (Christian Social Project) and the International School Project (ISP), both American Protestant groups, were ordered by the government to terminate their operations. They were accused of breaching the 1992 agreement signed with the Ministry of Education, especially the understanding that only educational programmes not designed to establish Protestant churches in Russia would be introduced (Glanzer, 2002, pp. 175–76). In 1996 Metropolitan Kirill (Gundayev) of Smolensk and Kaliningrad delivered a scathing attack against the activity of western missionaries in Russia during a speech to the World Council of Churches (Witte and Bourdeaux, 1999, pp. 72–76). In addition, direct action by the government was now recommended against the Roman Catholic Church, which came under sharp

criticism from the Moscow Patriarchate after Pope John Paul II elevated two apostolic vicariates in Russia to diocesan rank.<sup>5</sup> Among the many regional governments in the Federation, calls for restrictive legal action against foreign missionaries also became strong (Shterin, 2000, pp. 238–39).

In this negative atmosphere, the widespread support given to the next important piece of ecclesiastical-religious legislation in the postsoviet era is readily understood. In September 1997 a substantial majority in the Duma, including members of the Communist Party and with the strong approval of the Orthodox Church, passed a proposal entitled *O svobode sovesti i o religioznykh ob'yedineniyakh* (Freedom of Conscience and Religious Associations). It was presented as a necessary step toward clarifying the few references made to religion in the Constitution as well as a defensive measure aimed at controlling the chaos that seemed to be threatening Russian society. It limited the generous scope of freedoms granted by both the Soviet government and by the parliamentary deputies in 1990, and it also appeared to contradict some of the articles in the Russian Federal Constitution of 1993.

This 1997 Duma legislation required all religious organisations to register with the state and in a great many cases to reregister on an annual basis. The registration application called for submission of information to the Ministry of Justice about church doctrine, leadership and numerical strength, leaving the distinct impression that a government agency would now play a part in determining which church could organise itself in Russia and which could not. The legislation also allowed for a panel of experts, armed only with advisory powers, to review the applications submitted to the Ministry of Justice (members of this panel were to have an academic background in religious knowledge but no strong religious commitment) (Kanterov, 2004). At first, President Boris Yel'tsin vetoed the measure (in June) and sent it back to the Duma, but he soon signed (in September) a revised proposal that was little changed from the initial bill (*O svobode*, 1997). One change, however, was in the conservative direction. While the legislation reaffirmed the right of freedom of creed and conscience to all citizens as well as equality before the law of all religious associations, it now gave to Orthodoxy (represented in the Moscow Patriarchate) special recognition for its cultural and spiritual contributions to Russian history. The fact that Islam, Buddhism, Judaism and Christianity (in general) were also mentioned as contributors did not in the least diminish the favourable nod to the Orthodox Church, even though it was singled out only in the preamble, which was not legally binding.

Despite its widespread popularity in the Duma and with the public at large, the new legislation's turn away from the liberal posture of the early 1990s provoked controversy and eventually a redirection of tactics among some of Russia's most important figures in the area of church-state relations. The law that was passed in 1997 in reaction against a completely open religious life quickly gave rise to a reaction all its own. How to weaken, or strengthen, or amend, or even scrap the law Freedom of Conscience and Religious Associations quickly became important questions of public discussion as well as the new dividing lines among competing opinions on ecclesiastical affairs. The issue of church-state relations in Russia was clearly not going to be settled once and for all by the legislation of 1997 any more than it had been by action undertaken in 1993, 1990, 1922 (see Pospelovsky, 1984, p. 104) or, for that matter, between the years 1905 and 1917. Even the Orthodox Church hierarchy, while it defended the new law as a step in the right direction, began to sense a threat to its independence from government control if future Duma legislation on church and state relations were not carefully fashioned.

Criticism of the 1997 Act came first from western sources, particularly the USA and Great Britain, with a somewhat more mild rebuke delivered by the World Council of Churches, which the Moscow Patriarchate had joined in 1961. The Smith Amendment to the United States Foreign Appropriations Act (also in 1997) even delayed action for a time on US\$200 million in aid to Russia. Furthermore, the new Russian law was seen by many western independent religious-rights associations as a threat to non-Orthodox congregations, now faced with unreasonable scrutiny from the organs of state power. The registration system embodied in the law came under fire for encouraging 'a presumption of guilt mentality burdensome for legitimate groups but ineffective for groups dangerous to society'.<sup>6</sup> According to these critics, trouble in Russia stemming from severe social problems would not be corrected by restrictions on religious freedom.

In Russia, reaction against the legislation was varied in both origin and intensity, and it spread well beyond groups and figures that can generally be labelled as liberal. Outspoken defenders of unfettered religious liberty were quick to declare the new law unconstitutional, of course, as well as a dangerous threat to smooth interconfessional relations in Russia. These commentaries were often accompanied with ominous references to past history, particularly to a fear that any legislation increasing the privileges of the Orthodox Church would return Russia to its pre-1917 tight church-state bond, which, according to these critics, had been an important factor opening the door to the catastrophe of Bolshevism (Pchelintsev, 1997). There were also accusations that the principal aim of the hierarchy in Moscow was to establish an Orthodox monopoly similar to the atheistic monopoly once imposed by the Communist Party.

It would be a mistake to conclude, however, that such forceful and ideologically tinged opinion stood alone and at a great distance away from a general public in complete support of the new legislation. A considerable body of moderate and even mild criticism, much of it from Orthodox Christians, pointed to these same lessons supposedly taught by history. Moderate opinion also emphasised a strong approval for the secular characteristics of the Russian Federation with special reservations about religious and ecclesiastical laws that might threaten the principle of church-state separation. There were also warnings that close relations between church and state would endanger the freedom presently enjoyed by the church. The embrace of the state, history had shown, would benefit only the state (Firsov, 2003).

Nor did the administration of the Federation's government remain completely neutral, even though its ranks held many good friends of Orthodoxy and the Orthodox Church. The deputy head of the Department of Public Affairs and Religious Associations of the Ministry of Justice, Aleksandr I. Kudryavtsev, visited the USA in 1998 and seemed to undermine the new law President Boris Yel'tsin had just signed. He assured western critics that state enforcement would not result in limitations placed on legitimate worship.<sup>7</sup> Meanwhile in Russia, Andrei Sebentsov, a one-time member of the government's Committee of the Russian Federation for Questions Relating to Religious Associations (*Kommissiya po voprosam religioznykh ob'yedinenii pri pravitel'stve Rossiiskoi Federatsii*), was at first sharply critical and then continually outspoken against both the legislation and the motives of the Orthodox Church leadership.<sup>8</sup> His conclusions were his own, of course, but there is some suspicion among his opponents that Sebentsov would not have been such a nuisance if higher authorities had disapproved of his expression of views. Moreover, since his election to the presidency in 2000, Vladimir Putin has been cautious and at times even standoffish in his relations with the Orthodox Church. For a time during the summer

of 2000 the stony silence between the president and the patriarchate even attracted the attention of the media. Although relations between the two have improved recently (especially after the president's reelection in March 2004), there is still a good deal of tension, particularly on the questions of taxation and the control of property confiscated from the church for secular purposes by the Soviet regime (Konstantinov, 2004).<sup>9</sup>

One other phenomenon should also be mentioned. There has been an increasing number of published books and articles in Russia questioning the high level of popular support supposedly enjoyed by the Orthodox Church. Many of these surveys are based on solid scholarship and raise interesting sociological and political questions about the practice of religious faith among the peoples of the Federation, although a number of them are no more than shallow expressions of opinion and often not very friendly to the church. It is impossible to trace this open scepticism to the passage of the law of 1997, of course, but it is also difficult to miss a distinct change in media coverage which has gone from an overall favourable treatment of the church in the early 1990s to recent strong doses of negative reporting (Agadjanian, 2000, p. 253). Certain groups and figures within the Russian Orthodox hierarchy have become particular objects of journalistic finger-wagging.

There is no question that the negative responses to the 1997 law Freedom of Conscience and Religious Associations have delayed (perhaps for some considerable time) additional legislation strengthening the legal bond between the Orthodox Church and the Russian federal government. In fact, the Duma may have signalled its own reluctance to continue work on the issue by officially accepting in 1998 the European Convention on Human Rights, a document strongly supporting complete freedom of worship, and by its passage in October 2003 of a tax law that drew a strong rebuke from the Orthodox hierarchy (Dazhe, 2003).

The strongest evidence that legislative action has stalled is revealed in the failed efforts of conservative Duma deputies to pass proposals designed to strengthen further the legal standing of the Orthodox Church. A series of recommendations, usually accompanied with a call to grant advantages to 'the traditional religions of Russia', were first brought to the attention of the Duma in May 1999 by V. U. Korninko, V. A. Lisichkin and V. I Shandybin. In some later versions (spring 2003) the proposals were put forth by S. Yu. Glaz'yev and A. N. Belousov, and these bills proposed extensive cooperation between the 'traditional religions' and the state. All these motions clearly encouraged the strengthening of the legal status of the Orthodox Church, and if they had enjoyed success the establishment of the church in Russia would have come much closer to reality (Verkhovsky, 2003, pp. 98–99). These legislative efforts were most pronounced, however, in the initiatives put forth by A. V. Chuyev.

At the time of the Soviet collapse, Aleksandr V. Chuyev was a leading figure, if not the chief member, of the small patriotic *Rossiiskaya khristiansko-demokraticeskaya partiya* (Russian Christian-Democratic Party), which was renamed in 2002 the *Vserossiiskaya velikoderzhavnaya partiya* (All Russian Great Power Party). He has consistently supported conservative programmes in both legislative and journalistic endeavours, and in January 2000 he was elected to the Duma's *Komitet Gosudarstvennoi Dumy Federal'nogo Sobraniya Rossiiskoi Federatsii po delam obshchestvennykh ob'yedinenii i religioznykh organizatsii* (Duma Committee for Charitable Organisations and Religious Associations). At the moment he is a member of the *Rodina* faction. His proposals, aimed at giving a privileged legal place to what he specifically designates as Russia's traditional religions, began to appear in the

Duma committee of which he was a member in 2002 (Portret, 2002; Rossiiskaya, 2002).

The first bill and the many variations that have followed up to the present day were, according to Chuyev, to give a firm moral base to society as well as to create a harmonious relationship between the state and all the churches. They would also open the door to cooperation between the government and the 'traditional confessions' in the areas of education, use of public property and administration of charitable institutions. Finally, the proposal called for the establishment of a permanent high-level federal bureau to oversee national ecclesiastical policies. This body would be composed of several elected members of the Duma, an unspecified number of officials appointed by the president, and representatives named from the traditional religious organisations. The fact that Chuyev's proposal mentioned Orthodoxy, Islam, Judaism and Buddhism only once, and then only in passing, did not convince critics who believed the Russian Orthodox Church to be the chief beneficiary of this bill which would bring about a much closer relationship with the state (Tekst, 2002).

Reception given to the Chuyev initiatives was either hostile or friendly, depending on how people analysed the deputy's motives or answered questions about the constitutionality of government ties to the Orthodox Church, but it was clear that many people who were pleased to support the religious legislation of 1997 were hesitant to go any further. Even friendly critics were wary of how the bill (and its subsequent variations) would affect the future of church-state relations in Russia, and the Orthodox Church itself was among Chuyev's most sceptical admirers (Yelizarov, 2002).

The Historical-Legal Committee of the Moscow Patriarchate praised Chuyev for bringing to the attention of the Duma the importance of a legislative act specifically defending the place of traditional religious organisations in Russia. It also noted with approval his emphasis on cooperation between church and state in the spheres of charity and education. On the other hand, the Committee was critical of the proposal's sloppy legal thinking and especially of its establishment of a government ministry or even bureau to oversee national religious and ecclesiastical affairs. Up to this point, the church has been opposed to the idea as a threat to its independence, although the creation of such a ministry or bureau in a legislative form has been for some time strongly recommended by any number of government and academic groups as a necessary step toward reaching national religious stability (My, 2003; Shchipkov, A., 2003a; Shchipkov, D., 2003).

The Orthodox Church reserved its gravest concerns, however, for Chuyev's treatment of the concept of tradition itself. He had granted this privileged status to religious organisations based on the number of their active years on Russian soil (the actual length of time depending on which version of the bill you read), but the church promptly denied to the Duma as well as to the government administration the right to assign the mantle of tradition to anything, least of all to a religious organisation. Tradition was a fact of a people's cultural history that could not be bestowed on them by law. State law could extend legal recognition to a specific association, and also revoke it (the Committee wryly noted), but no amount of legislation or official edict writing could create a living custom. Russian tradition was a social and historical phenomenon resting far beyond the authority of politicians and bureaucrats (Zaklyucheniye, 2002, 2003). In other words, there was far more depth to Orthodoxy and religion in Russian history than laws alone could ever hope to describe. This aspect of the Orthodox Church's analysis of the Chuyev proposals, incidentally,

comes very close to the position held by Konstantin Pobedonostsev, the last strong procurator of the Holy Synod in Imperial Russia.

The failure of the Chuyev initiatives to advance in the Duma and the ongoing controversy over the church legislation of 1997 appear to have delayed action on formal efforts to close or widen the gap between the Orthodox Church and the state in Russia. Some provincial legislation in Russia and legislation in Belarus' have taken bolder steps toward making Orthodoxy a national religion and the church itself an established institution, but these changes are little more than indications of support in specific quarters and are not likely to survive for long the moment when the government of the Russian Federation, the Duma and the Moscow Patriarchate resolve the church-state issue. It has also been suggested by some critics in the media that recent Duma enactments against religious extremism have had the result of bringing the Orthodox Church closer to the state, but these statements are exaggerations. Certainly, the church has made no effort to exploit the provisions in these laws. Up to this point, neither the new laws (important though they may be) nor any other Duma action has shown notable movement away from the settlement reached in 1997.

Following the Duma elections in December 2003, and Vladimir Putin's easy reelection as president of the Russian Federation in March 2004, speculation in the mass media has suggested that a friendlier atmosphere will now prevail for those hoping to fashion legislation favourable to the Orthodox Church (Nedumov, 2003). Certainly, many successful Duma candidates who competed for seats in the assembly emphasised their sympathy for Orthodoxy and the Orthodox Church, and indeed the ecclesiastical legislation of 1997 is scheduled to undergo a reconsideration in the Duma during the 2004–05 session (Sergei, 2004). Unquestionably, Chuyev has shown every intention of introducing yet another and even more ambitious variant of his legislative proposal to extend the privileges of the Orthodox Church, and any success in this endeavour would be likely to strengthen its ties to the government of the Federation (Chuyev, 2004a–d).

On the other hand, the section of public opinion opposed to any ecclesiastical legislation that may strengthen links between the Orthodox Church and the state is determined to hold its ground, and the passage of laws aimed at changing the present situation to the greater advantage of Orthodoxy faces an uphill battle. For example, action favouring efforts to include courses on church dogma and history in the curriculum of the state schools is certain to provoke substantial resistance if legislation to this effect is proposed. (These courses are often referred to as *Zakon bozhi*, the Law of God – erroneously, since the academic courses now being recommended by the Orthodox Church are nothing like the old doctrinal and liturgical instruction which used to go under this name.) President Putin has already called for a national discussion on this crucial issue, revealing once again his own caution in the area of church-state relations (Resheniye, 2004). Merely by making a public announcement, the president has indicated that a final course of action in this sphere will not be decided behind the closed doors of a government committee meeting room with reserved seats open for special guests only. It should also be pointed out that the chairmanship of the Duma Committee on the Affairs of Charitable Organisations and Religious Associations did not fall to Chuyev after the elections, nor was his criticism of the new chairman (Sergei Popov) well received by the media (Deputat, 2004). At the present time, it does not seem as though strong legislation changing the relationship between Orthodoxy and the federal government will be enacted. By the end of 2004, in fact, no substantial

action beyond a proposed law to allow certain land revenues to fall into church hands has been approved.

This essay deals only with laws and political pressures on the question of the Orthodox Church and the federal government during the past thirteen years. It does not examine other areas of activity that could also weaken or strengthen the bonds between the two institutions. It should be kept in mind in this regard that negotiations thus far in the area of teaching religion in the state school system have included only government bureaucrats (particularly in the Ministry of Education) and church officials but excluded representatives from the Duma. In addition, Putin has undertaken policy initiatives in ecclesiastical affairs without consulting the Duma. Even more importantly, temporary agreements made in the area of military affairs have no formal legislation supporting them. In 1998, for example, the church signed a number of contracts with Russian military authorities paving the way for Orthodox priests to take up chaplaincy duties in the armed forces (Krasikov, 2001, pp. 65–66). Finally, recent statements by government officials on the need to award pensions to some retired priests have not received sanction by the Duma, even though this particular facet of the government budget did come under Duma scrutiny during the last years of the empire. Certainly, these agreements have brought the church somewhat closer to the state.

These extra-legislative events are well worthy of note, of course, but they should leave no great cause for pessimism in the minds of Duma supporters. It is unlikely that the elected legislators of the Russian Federation will be denied a significant role in any lasting compromise in the question of church-state relations. The issue is too important to be settled *in camera* and (as the Russians know) steps taken toward its resolution are being carefully watched from abroad by interested and influential parties. Moreover, a balanced element in the Russian media is alert to ‘ecclesiastical lobbying’ of appointed ministry officials by the church and has also been openly critical of ‘theoreticians’ who advise Putin to ‘play the Orthodox card’ as a clever way toward strengthening the presidential grip on Russian politics (Morozov, 2004). Finally, and quite significantly, the church is jealous of its newly found independence, and it keenly recognises how fragile that freedom will be if not protected by sound and popular legislation (Ilarion, 2003, pp. 261–63).

Whether a stable legal standard for church-state relations in Russia (once it is found) will satisfy all the friends of religious freedom is, of course, another matter. One can only hope.

## Notes

<sup>1</sup> N. Zhbakov’s official title is *Zamestitel’ nachal’nika glavnogo upravleniya ministerstva yustitsii Rossiiskoi Federatsii po g. Moskve*.

<sup>2</sup> For a sample of theoretical studies recently published in Russia on church-state relations, see Kunitsyn, 2000; Podoprigora, 2002; Ponkin, 2003.

<sup>3</sup> I owe a special note of thanks to Professor Paul Steeves of Stetson University in Deland, Florida, USA, for his efforts in locating many Russian websites devoted to religious themes (see <http://www.stetson.edu/~psteeves/relnews>).

<sup>4</sup> Chumachenko (2002) places the initial revival of the Russian Orthodox Church as early as 1943 with Stalin’s restoration of the Patriarchate. She concludes, however, that its freedom to manoeuvre in any direction except the one indicated by the Communist Party was nonexistent: ‘the state’s ecclesiastical policy determined the nature and contents of relations with the church in . . . any . . . period of (Soviet) society’s development’ (p. 193).

- <sup>5</sup> It should be added that other difficult issues also divide the Moscow Patriarchate and the Vatican, although by the turn of the century relations between the two churches were slowly stabilising. See Nedumov, 2004 and Sveshnikova, 2004.
- <sup>6</sup> A sample of criticism from American and British groups can be found in Davis, 1997, pp. 647–48; Durham and Hunter, 1998; Elliot and Corrado, 1999; Uzzell, 1998.
- <sup>7</sup> Kudryavtsev's sensitivity to foreign reactions to new laws enacted by the Russian Federation in the sphere of church-state relations is expressed in two articles he wrote in 2000: Kudryavtsev, 2000a, b.
- <sup>8</sup> Sebentsov, 1997, 2002, 2003. The Sebentsov 'Commentary' (1997) is ostensibly a defence of the 1997 legislation, but some of its interpretative sections are clearly in opposition to the intent of the Duma. One discussion emphasising the contradictions between the law and the 'Commentary' can be found in Ponkin, 2003, pp. 245–49. More recent evidence of Sebentsov's stand against legislation favourable to the Orthodox Church can be found in Seminar, 2003.
- <sup>9</sup> In all his speeches on ecclesiastical matters, Putin includes reassurances that the government of the Russian Federation adheres firmly to the principle of separation of church and state.

## References

- Agadjanian, A. (2000) 'Russian religion in media discourse – entropy interlude in ideocratic tradition', in M. Kontiranta (ed.), *Religious Transition in Russia* (Helsinki, Kikumora), pp. 251–88.
- Chumachenko, T. A. (2002) *Church and State in Soviet Russia: Russian Orthodoxy from World War II to the Khrushchev Years* (E. E. Roslov, trans. and ed.) (Armonk, NY, M. E. Sharpe).
- Chuyev, A. (2004a) 'A. Chuyev ostayetsya na postu zam. predsedatelya dumskogo komiteta po svyazyam s obshchestvennymi ob'yedineniyami i religioznymi organizatsiyami', *Religiya i SMI*, <http://religare.ru/print8288.htm>.
- Chuyev, A. (2004b) 'Proyekt federal'nogo zakona o sotsial'nom partnerstve gosudarstva i religioznykh organizatsii (avtor – A. V. Chuyev, variant ot iyunya 2004 g.)', *Gosudarstvo i religiya*, <http://state-religion.ru/cgi-bin/cms/show.cgi?in = 104070716410243 . . .>
- Chuyev, A. (2004c) 'Vserossiiskaya organizatsiya pravoslavnykh izbiratelei provela krugly stol "Sotsial'noye partnerstvo gosudarstva i tserkvi"', *Religiya i SMI*, <http://religare.ru/print8323.htm>.
- Chuyev, A. (2004d) 'Zakonoprojekt o sotsial'nom partnerstve gosudarstva i traditsionnykh religioznykh organizatsii budet vnesen na rassmotreniye v Gosdumu', *Religiya i SMI*, <http://religare.ru/print8295.htm>.
- Davis, D. H. (1997) 'Russia's new law on religion: progress or regress?', *Journal of Church and State*, 39, 4, pp. 645–55.
- Dazhe (2003) 'Dazhe v sovetskoye vremya, v period ozhestochennykh gononii na religiyu, s imushchestva religioznykh organizatsii ne vzimalsya nalog', *Gosudarstvo i religiya v Rossii*, <http://state-religion.ru/cgi/run.cgi?action = show&obj = 1821>.
- Deputat (2004) 'Deputat GD Sergei Popov imeyet opyt raboty v oblasti gos-tserkovnykh otnoshenii. Vopreki zayavleniyem deputata GD A. Chuyeva', *Religiya i SMI*, <http://religare.ru/print8356.htm>.
- Durham, C. W. and Hunter, L. B. (1998) 'Russia's 1997 Law on Freedom of Conscience and Religious Associations: an analytical appraisal', *Emory International Law Review*, 12, 1, pp. 100–246 (especially p. 112).
- Elliot, M. and Corrado, S. (1999) 'The Russian law on religion: the impact on Protestants', *Religion, State & Society*, 27, 1, pp. 109–34.
- Ellis, J. (1966) *The Russian Orthodox Church: Triumphalism and Defensiveness* (New York, St. Martin's Press).
- Firsov, S. (2003) 'Stalinsky konkordat: so dnya znamenitnoi vstrechi vozhdya s pravoslavnyimi iyerarkhami proshlo 60 let', *Nezavisimaya gazeta*, [http://religion.ng.ru/printed/history/2003-09-03/6\\_konkordat.html](http://religion.ng.ru/printed/history/2003-09-03/6_konkordat.html).

- Glanzer, P. (2002) *The Quest for Russia's Soul: Evangelicals and Moral Education in Post-Communist Russia* (Waco, TX, Baylor University Press).
- Ilarion (yepiskop Irarion Alfeyev) (2003) 'Arkhieyreisky sobor Russkoi Pravoslavnoi Tserkvi 2000 goda: obzor osnovnykh deyanii', in J. Sutton and W. van den Bercken (eds), *Orthodox Christianity and Contemporary Europe* (Leuven, Peeters), pp. 249–70.
- Kanterov, I. (2004) 'Ekspertnyye sovery kak sub''yekty konfessional'noi politiki', *Religiya i pravo*, 2–3, pp. 5–10.
- Konstantinov, N. (2004) 'Otnosheniya tserkvi i gosudarstva blizki k optimal'nym odnako etu idillyu mozhet omrachiit' vvedeniye lichnykh identifikatsionnykh nomerov grazhdan', *Nezavisimaya gazeta*, [http://religion.ng.ru/printed/polotic/2004-01-21/1\\_inn.html](http://religion.ng.ru/printed/polotic/2004-01-21/1_inn.html).
- Konstitutsiya (1994) *Konstitutsiya Rossiiskoi Federatsii* (Helsinki, Finnish Lawyers' Association).
- Krasikov, A. A. (2001) 'Russkaya pravoslavnyaya tserkov' i politika', in Zh.I. Kal'vez and A.A. Krasikov (eds), *Tserkov' i obshchestvo* (Moscow, Interdiakt), pp. 53–79.
- Kudryavtsev, A. I. (2000a) 'Konstitutsionno-pravovyye aspekty vzaimodeystviya gosudarstva i religioznykh ob''yedenenii', in A. V. Pchelintsev and T. V. Tomayev (eds), *Zakonodatel'stvo o svobode sovesti i pravoprimenitel'naya praktika v sfere ego deystviya: Materialy seminarov noyabr'-dekabr' 2000 g; Moskva* (Moscow, Institut Religii i Prava), p. 7.
- Kudryavtsev, A. I. (2000b) 'Konstitutsionno-pravovyye osnovy svobody sovesti v sovremennoi Rossii', in *Materialy seminarov: svoboda sovesti v pravovom gosudarstve: yuridichesky i informatsionnyy aspekt*, [wysiwyg://3/http://www.rinfo.ru/projects/suzdal/index.html](http://www.rinfo.ru/projects/suzdal/index.html).
- Kudryavtsev, A. I. and Protopopov, A. O. (eds) (1993) *Zakonodatel'stvo Rossiiskoi Federatsii o svobode veroispovedanii i religioznykh ob''yedeneniyakh* (Moscow, Zlatoust), pp. 14–25 (especially articles 9, 10, 18 and 22).
- Kunitsyn, I. A. (2000) *Pravovoi status religioznykh ob''yedenenii v Rossii* (Moscow).
- Kyrlezhev, A. (2003) 'Politicheskaya identichnost' tserkvi', in A. Kyrlezhev (ed.), *Vlast' tserkvi; publitsisticheskiye stat'i: 1994–2000* (Moscow, Mediasoyuz), pp. 156–61.
- Morozov, A. (2004) 'Iskusheniye pravoslavnyem', *Religiya i SMI*, <http://religare.ru/print8619.htm>.
- My (2003) 'My stoim na poroge novogo kachestva vzaimodeystviya gosudarstva i religioznykh organizatsii', *Religiya i SMI*, <http://religare.ru/article.php?num=130>. (Interview with Vladimir Zorin, at the time minister of the Russian Federation (without portfolio).)
- Nedumov, O. (2003) 'Politicheskoye torzhestvo pravoslaviya: Gosduma novogo sozyva budet bespredsedentno loyal'na po otnosheniyu k tserkvi', *Nezavisimaya gazeta*, [http://religion.ng.ru/printed/facts/2003-12-17/\\_duma.html](http://religion.ng.ru/printed/facts/2003-12-17/_duma.html).
- Nedumov, O. (2004) 'Moskva i Vatikan ishchut vykhod iz tupika', *Nezavisimaya gazeta*, [http://religion.ng.ru/printed/facts/2004-02-18/2\\_vatican.html](http://religion.ng.ru/printed/facts/2004-02-18/2_vatican.html).
- O projekte (2002) *O projekte kontseptsii gosudarstvennoi politiki v sfere otnoshenii s religioznymi ob''yedeneniyami: sbornik dokumentov* (Moscow, Slavyansky dom u istokov trekh velikikh rek Volga-Dnepr-Zapadnaya Dvina).
- O svobode (1997) 'O svobode sovesti i o religioznykh ob''yedeneniyakh', *Religiya i pravo*, 2–3, pp. 5–10.
- Pchelintsev, A. V. (1997) 'Sovest' i vlast': ostanetsya li Rossiya v sovete Yevropy?', *Religiya i pravo*, 2–3, pp. 3–4.
- Podoprigora, R. A. (2002) *Gosudarstvo i religioznyye organizatsii (administrativno-pravovyye voprosy)* (Almaty) (Izdatel'sky dom Arkaim).
- Ponkin, I. V. (2003) *Pravovyye osnovy svetskosti gosudarstva i obrazovaniya* (Moscow, Progress).
- Portret (2002) 'Portret: Chuyev, Aleksandr Viktorovich, predsedatel' obshcherossiiskoi obshchestvennoi organizatsii khristiansko-demokraticeskaya perspektiva', *Portal Credo.Ru*, <http://portal-credo.ru/site/?act=rating&=20>.
- Pospelovskiy, D. (1984) *The Russian Orthodox Church under the Soviet Regime, 1917–1982*, vol. 1 (Crestwood, NY, St Vladimir's Seminary Press).

- Resheniye (2004) 'Resheniye o prepodavanii zakona Bozhiya budet prinyato posle publichnogo obsuzhdeniya zayavil V. Putin', *Religiya i SMI*, <http://religare.ru/print8279.htm>.
- Rossiiskaya (2002) 'Rossiiskaya khristiansko-demokraticeskaya partiya (RkhDP)', *Religiya i SMI*, [wysiwyg://7/http://religare.ru/section.php?num=46](http://wysiwyg://7/http://religare.ru/section.php?num=46).
- Sebentsov, A. Ye. (1997) 'Kommentarii k federal'nomu zakonu O svobode sovesti i o religioznykh ob'yedineniyakh', in *Religiya, svoboda sovesti, gosudarstvenno-tserkovnyye otnosheniya v Rossii: spravochnik* (Moscow, Rossiiskaya akademiya gosudarstvennoi sluzhby pri prezidente RF), pp. 1–111.
- Sebentsov, A. Ye. (2002) 'V nashem gosudarstve net mesta dlya tserkvi? Otdelyat' tak otdelyat'? Krugly stol na radio Radonezh 25-04-02', *Radonezh*, <http://www.radrad.ru/new/radio/efir.asp?radioID=19>.
- Sebenstov, A. Ye. (2003) 'Oshibki stoyat dorogo: dlya resheniya problem vo vzaimootnosheniyakh vlasti i tserkvi neobkhodim kvalifitsirovanny gosudarstvenny organ', *Nezavisimaya gazeta*, [http://www.religion.ng.ru/printed/politic/2003-05-21/3\\_mistakes.html](http://www.religion.ng.ru/printed/politic/2003-05-21/3_mistakes.html).
- Seminar (2003) 'Seminar-soveshchaniye po voprosam tserkovno-gosudarstvennykh otnoshenii v Gosudarstvennoi Dume' (20 January), *Religiya i SMI*, [http://religion.ru/article\\_print.php?num=5272](http://religion.ru/article_print.php?num=5272).
- Sergei (2004) 'Sergei Popov prinyal v Gosdume rukovoditelei protestantskikh tserkvei', *Religiya i SMI*, <http://religare.ru/print8701.htm>.
- Shakhov, M. and Shutova, O. (2003) 'Balans sil', *Religiya i pravo*, 3, pp. 10–15.
- Shchipkov, A. (2003a) 'K simfonii – chrez partnerstvo', *Konservator*, [http://www.egk.ru/ext.php?article\\_id=2216](http://www.egk.ru/ext.php?article_id=2216).
- Shchipkov, A. (2003b) 'Regulirovaniye gosudarstvenno-tserkovnykh otnoshenii (k simfonii chrez partnerstvo)', in A. Shchipkov, *Soborny dvor: publitsisticheskiye stat'i: 1991–2001* (Moscow, Mediasoyuz), pp. 306–17.
- Shchipkov, D. (2003) 'Minust – protiv total'nogo kontrolya nad religiyei', *Nezavisimaya gazeta*, [http://religion.ng.ru/printed/politic/2003-05-21/4\\_minust.html](http://religion.ng.ru/printed/politic/2003-05-21/4_minust.html).
- Shterin, M. (2000) 'Church-state relationships and religious legislation in Russia in the 1990s', in M. Kotiranta (ed.), *Religious Transition in Russia* (Helsinki, Kikimora Publications), pp. 218–50.
- Sveshnikova, M. (2004) 'Dialog mezhdru Moskovskim Patriarkhatom i Vatikanom truden, no vozmozhen', *Religiya i SMI*, <http://religare.ru/print8426.htm>.
- Tekst (2002) 'Tekst razrabotannogo deputatom Gosudarstvennoi Dumy RF A. V. Chuyevym proekta federal'nogo zakona O traditsionnykh religioznykh organizatsiyakh v Rossiiskoi Federatsii', *Gosudarstvo i religiya v Rossii*, <http://state-religion.ru/cgi/run.cgi?action=-show&obj=1362>.
- Uzzell, L. (1998) 'Concrete effects of Russia's new religion law', *Keston News Service*, April 1998.
- Verkhovskiy (2003) *Politicheskoye pravoslaviye: Russkiye pravoslavnyye natsionalisty i fundamentalisty 1995–2001 gg* (Moscow, Tsentr' Sova).
- Witte, J., Jr. and Bourdeaux, M. (eds.) (1999) *Proselytism and Orthodoxy in Russia: The New War for Souls* (Maryknoll, NY, Orbis Books).
- Yelizarov, V. (2002) 'Zaklyucheniye V. Yelizarova ot 15 fevralya 2002 g. po proyektu federal'nogo zakona o traditsionnykh religioznykh organizatsiyakh v RF ot 05-02-2002 g. deputata Gosudarstvennoi Dumy RF A.V. Chuyevym', *Gosudarstvo i religiya v Rossii*, <http://state-religion.ru/cgi/?action=show&obj=1419>.
- Zaklyucheniye (2002) 'Zaklyucheniye otvetstvennogo sekretarya, eksperta istoriko-pravovoi komissii Russkoi Pravoslavnoi Tserkvi, kandidata yuridicheskikh nauk I. A. Kunitsyna ot 1 marta 2002 g. po proyektu federal'nogo zakona O traditsionnykh religioznykh organizatsiyakh v Rossiiskoi Federatsii razrabotannomu deputatom Gosudarstvennoi Dumy Federal'nago Sobraniya RF A. V. Chuyevym', *Gosudarstvo i religiya v Rossii*, <http://state-religion.ru/cgi/run.cgi?action=show&obj=1400>.

- Zaklyucheniye (2003) 'Zaklyucheniye istoriko-pravovoi komissii Russkoi Pravoslavnoi Tserkvi ot 4 aprelya 2003 g. po proyektu federal'nago zakona O sotsial'nom partnerstve gosudarstva i traditsionnykh religioznykh organizatsii razrabotannomu deputatom Gosudarstvennoi Dumy RF A. V. Chuyevym,' *Gosudarstvo i religiya v Rossii*, <http://state-religion.ru/cgi/run.cgi?action=show&obj=1741>.
- Zorkal'tsev, V. (2003) 'Problemy razvitiya zakonodatel'stva o svobode sovesti i o religioznykh ob'yedineniyakh', *Religiya i SMI*, [wysiwg://6/http://www.religare.ru/article\\_print.php?num=5222](http://www.religare.ru/article_print.php?num=5222).