Dilemmas of the Modern Secular State: The Case of Russia under Putin

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ABSTRACT

The ideal of a secular state has deep roots in Western intellectual history, dating at least to the 14th century. These ideas, however, took several centuries to germinate in the form of widespread acceptance in concrete political practice by the time of the latter 20th century. The early 21st century is witnessing a range of acute pressures on governments to accommodate religious-based political demands in a manner that sometimes compromises the ideal of a secular state. Governments, in turn, have at times responded to these pressures in ways that are shaping the very nature of the political regime itself.

Post-Soviet Russia is a clear example of such a reciprocally deterministic pattern. Russia's multi-nationality and multi-confessional character are manifesting themselves in political forms that present acute challenges to the constitutionally stated ideal of a secular state, particularly regarding the central divide among Orthodox-identifiers (nearly 80% of the population), and Moslems, who comprise about 15 - 18% of the population. This essay explores the manner in which the Russian national government is seeking to navigate this difficult course and draws generalised implications from this case for contemporary church-state relations elsewhere.

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Article 14:

- (1) The Russian Federation is a secular state. No religion may be instituted as state-sponsored or mandatory religion
- (2) Religious associations are separated from the state and are equal before the law.

Article 28:

Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them.

The Constitution of the Russian Federation, ratified December 12, 1993

INTRODUCTION

The last quarter of the 20th century witnessed a reassertion of religion in public affairs in various regions of the world in a manner that appears to have surprised many observers, perhaps especially academicians who tended to view the global spread of modernity as tending to diminish the role of religion in both public and private life. From a formal-legal perspective, and particularly from a constitutional perspective, the prototypically American orientation of public authority to religion — commonly tagged 'separation of church and state' — had clearly become the modal form as

country after country adopted the principle of a secular state as part of its constitutional grounding. Yet the realisation of the ideal of a secular state—religion operating in its domain, and public authority operating in its own—has been problematical since the ancient invocation by Jesus of Nazareth to "give unto Caesar what is Caesar's, and to God what is God's." As an abstract principle from which to derive practical guidance beyond the immediate context of the original expression of this idea (namely, whether paying taxes to an occupying power is just and thus morally obligatory), however, matters quickly become quite complex. Questions immediately arise from the complex multi-dimensionality of the human condition that the nexus of public authority and religious experience necessarily pose. Much of medieval European political thought revolved around such questions, and significantly, it was not until Marsilius of Padua's *Defensor Pacis* (1324) that the concept, essentially, of a secular, sovereign state was put forth. Although his ideas were centuries ahead of his time, the present point is that the core idea of a separation of religious authority from civil authority—with the latter rather thoroughly de-sacralised—has much deeper conceptual roots than the 18th century American revolution.

Matters have not become more simple in the late modern era, which, among other things, has witnessed both a dramatic expansion of the typical reach of public authority, and a dramatic increase of the capacity of that authority to effect human affairs. This occurred within the historical context of *modernisation*, of course, and by the time of the mid-20th century, much of the thrust of social science had come to associate *modernity* with *secularisation*. Thus while more and more governments formally adopted the principle of a secular state, freedom of conscience, and "separation of church and state," there also occurred a rather Euro-centric illusion that religion would become increasingly marginalised in human affairs as modernity proceeded apace. No such thing happened, of course, and by the end of the 20th century there was a widespread discourse about the "resurgence of religion" as a politically salient force.

¹ Joseph Canning, <u>A History of Medieval Political Thought:</u> 300 - 1450 (London and NY: Routeledge, 1996), 154 - 161. See also Nederman, Strauss, etc. on Marsilius.

² For example, leading intellectual sources such as Emile Durkheim, Max Weber, August Comte, Herbert Spencer, Karl Marx, Sigmund Freud and others seem to have taken for granted that religion represented an historical aspect of humanity's development that would eventually be outgrown. For commentary on this aspect of Western intellectual history, see Pippa Norris and Ronald Inglehart, <u>Sacred and Secular: Religion and Politics Worldwide</u> (Cambridge University Press, 2004).

³ For example, Emile Sahliyeh, editor, <u>Religious Resurgence and Politics in the Contemporary World</u> (Albany, NY: SUNY Press, 1990); more recently the volume of such academic literature has predictably risen sharply.

Thus the question of the "rise and fall" of the concept of separation of church and state in the 21st century is an enormously complex matter in any given political context, let alone in globally comparative political perspective. Since religion deals with the one of the most intimate and personally meaningful aspects of who a person (or community) *is*, it is inevitable that the role and place of religion in society shape the nature of governance at some level; similarly, it is inevitable that a given government's attitude and actual behaviour toward religion—specifically the religious disposition of its population—both reflect and shape the character of that regime. Precisely because religion deals with such intimate aspects of a person or community's *being*, it is often the clearest barometer of the degree to which that regime either respects or tramples upon human dignity. This essay focuses on the aspects of religion and politics in early 21st century Russia that appear most significant and consequential.

In the Eastern Orthodox tradition dating to the 6th century a.d., and specifically to the Emperorship of Justinian in Byzantium, the ideal relationship between the Church and public authority is to be one of *symphonia*, or a more-or-less harmonious interaction between the (civilian) imperial power and the religious authority of the Church. Each type of authority was to be supreme in its respective domain. It was this form of Christianity that Prince Vladimir adopted for his principality, the *Kievan Rus*', in 988 a.d.. He thereby placed his principality—which would later expand to become *Russia*—on a particular developmental path regarding church and state. In the course of those centuries, and particularly after the establishment of the czarist autocracy and dramatic territorial expansion in the 16th century and beyond, the general nature of church-state relations was one of *de facto* subordination of the Church to the czarist autocracy. This occurred despite the formal ideal of *symphonia*. There were some episodes in which the Church effectively challenged state power, but the general tenor of relations was characteristically one wherein the Church viewed itself as providing the moral and spiritual grounding for *all* of society, including the organisation of public authority over that society—the state, in other words. The *application* of such public authority was to be the solemn, sacred obligation of the state.

The matter of the deep roots of difference between East and West regarding relations between religious and secular authority, and the outworking of these deeply-rooted differences, has been extensively explored and explicated by students of history and government, and particularly those students of intellectual history. These differences arguably produced in the East, *inter alia*, a different type of early modern state from that which emerged in the West regarding

the critically important aspect of the nature of citizenship, and particularly the nature of citizens' rights.⁴ This difference had profound implications for what the *concepts of religious freedom*, separation of church and state, and indeed the secular state itself actually mean in concrete practice in the modern era. Nonetheless, it is noteworthy that both Eastern and Western Christianity derived from the same intellectual cultural-religious taproot wherein religious authority was and still is largely conceived substantially and essentially different from public (qua secular) authority per se.⁵ This is in sharp contrast to the long-standing Islamic tradition and general practice, in which such a distinction between sacred authority and secular authority is viewed with suspicion, at best, and more usually is simply discarded as a wrong-headed idea.⁶ As we shall see below, this deeply rooted tradition, and the ideas currently deriving from it, are complicating the post-Soviet Russian state's realisation of its stated ideals of a secular state, separation of state authority from religious authority, and indeed even the more fundamental tenet of freedom of conscience. Thus Russia emerged from the rubble of the collapsed USSR in 1991 with several powerful but contradictory legacies: centuries of Orthodox-endorsed autocracy; a sizeable number of Moslems (15 - 20 million); over 70 years of decidedly anti-religious governmental repression; and a new elite determined to embrace Western concepts of a secular state and separation of church

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⁴Brian Tierney, The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150 - 1625 (Atlanta: Scholar's Press, 1997); see also my chapter, "Revisiting the Russian "Constrained Autocracy": "Absolutism" and Natural Rights Theories in Russia and the West," Christopher Marsh and Nikolas Gvosdev eds., Civil Society and the Search for Justice in Russia, (Lanham, Maryland: Lexington Books, 2002), 19 - 39. Works dealing with the intellectual, military, and cultural roots of the early Russian state include Janet Martin, Medieval Russia 980 - 1584 (Cambridge: Cambridge University Press, 1995), Robert O. Crummey, The Formation of Muscovy, 1304 - 1613 (NY: Longman, 1987), Richard Pipes, Russia Under the Old Regime (NY: Charles Scribners's Son, 1974), A.E.Presniakov, The Formation of the Great Russian State: A Study of Russian History in the Thirteenth to Fifteenth Centuries (Chicago: Quadrangle Books, 1970), and Sidney Harcave, editor, Readings in Russian History; Volume I: From Ancient Times to the Abolition of Serfdom (Thomas Y. Crowell Co., 1962).

⁵ Perhaps the clearest early statement of the notion of two distinctly different realms of authority, secular and sacred, was the *Duo Sunt* pronouncement by Pope Gelasius in 494 a.d., often referred to as the "Two Swords" doctrine; see Cambridge History of Medieval Thought, c. 350 - c. 1450 (Cambridge University Press, 1988), 288 - 290. For even deeper roots, see Lester L.Field, Jr., <u>Liberty, Dominion and the Two Swords: On the Origins of Western Political Theology (180-398)</u>. Notre Dame, IN: University of Notre Dame Press: Publications in Medieval Studies: 28, 1998)

⁶ A useful introduction to this topic is Anthony Black, <u>The History of Islamic Political Thought: From the Prophet to the Present</u> (NY: Routeledge, 2001). See also Shireen T. Hunter, <u>Islam in Russia: The Politics of Identity and Security</u> (Armonk, NY: M.E. Sharpe, Inc., 2004), and Juliet Johnson, Marietta Stepaniets, and Benjamin Forest, editors, <u>Religion and Identity in Modern Russia: The Revival of Orthodoxy and Islam</u> (Aldershot, UK: Ashgate Publishing, 2005).

and state (*Article 14, Russian Constitution*). Reconciling these has been no easy task, especially given the plethora of compounding difficulties, which are explored below.

CHURCH AND STATE IN RUSSIA UNDER PUTIN

Unlike the USA, which from its constitutional establishment in 1789 implicitly embraced the principle religious neutrality of the state ("no religious test for public office" clause of the Constitution, amplified in the "no establishment" and "free exercise" principles of the First Amendment in 1791), the Russian state was born in the medieval era, so to speak, with the explicit notion that civil authority derived directly from religious authority in a manner that enabled, indeed obligated, the prince to sanction and impose Eastern rite Christianity upon the populace. The genesis of this was the baptism of the principality of the Kievan Rus' by Prince Vladimir in 988 a.d., and it continued until the Bolshevik takeover of 1917. The period of Mongol-Tatar occupation of Russian during the 13th-16th centuries, ironically, only served to more deeply and tightly intertwine Orthodox Christianity and a sense of Russian-ness in terms of national identity. The eventual overthrow of that occupation was done in a manner that fortified the Church—which meanwhile had become the Russian Orthodox Church in 1389 as the principal cultural force in Russia. That fortification also involved the entrenchment of the principle and practice of autocracy (samoderzhavo), in which the Grand Prince (later, Tsar) derived authority directly from God, and was thus accountable, in the final analysis, only to God. The Church did not "check" or "balance" that authority in any contemporarily recognisable legal or constitutional sense, but did possess immense moral authority as the reflection, in part, of the divine majesty on earth. The other 'part' of that reflection, perhaps needless to say, was the autocracy itself, which generally followed the Constantinian-Byzantine conception of the Emperor as the *mimesis* of the divinely authoritative majesty.⁷

Muscovy embarked on a period of monumental territorial expansion from the mid-16th to the late 19th centuries, and thereby brought scores and scores of non-Orthodox peoples into the realm, including eventually millions of Moslems. Although some measure of toleration of other religions was extended during this time, there was never much questioning that *Russia* was *Orthodox*. When Peter the Great changed the name of *Muscovy* to the *Russian Empire* (*Rossiskaya Imperiya*) in the midst of the Great Northern War with the Swedish Empire in the 1710s, there was

⁷ Canning (1996), 4.

no embrace of the concept of a secular state, even though he placed religious authority within the context of the Holy Synod—and put it firmly under state control, where it was to remain until the collapse of the USSR in 1991.

In the Russian Empire from the early 18th century until the Bolshevik takeover in later 1917, the central government thus handled religious affairs through the Holy Synod. This was effectively a branch of government, albeit with significant religious autonomy yet clearly under the authority of the Tsar. In the Soviet period, there eventually emerged a Ministry of Religious Affairs to centrally handle legal and political matters of religious life in the USSR. The common stereotype of the USSR as a politically repressive environment regarding religion is not off the mark. However, the *degree* of repression, and the religion-specific character of those repressions, varied considerably from time to time *and* across different regions of the vast USSR. Nonetheless, one national Ministry of Religious Affairs held governmental responsibility for coordinating religious matters. That ministry, in turn, was under the control of the Communist Party of the Soviet Union (CPSU), as were all organs of government.

The CPSU's goal was to "build communism" in the USSR and facilitate its spread elsewhere in the world. This involved, among other things, the formation of a society in which public and private religion would eventually be abandoned as obsolete. This did not happen, and eventually it was the attempt to more-or-less forcibly atheize the country that was abandoned. The post-Soviet Russian regime chose to adopt a characteristically Western-style approach to religion, with a formally secular state and separation of church and state. To date nothing like the previous Soviet "Ministry of Religious Affairs" has been restored: there simply is no central governmental organ to handle religious affairs in Putin's Russia. Nor is there even a single Supreme Court of highest appeal for cases involving religion, as in the American case. This has been noted by Forum18, an organisation devoted to watch-dogging patterns of violations religious freedom in the post-Soviet territories:

Unlike most former republics of the Soviet Union, Russia still has no centralised state body dealing with religious affairs. The most senior federal officials who deal exclusively with religious issues are functionaries and not policy makers. Those in the Kremlin (where, under President Vladimir Putin, power has become increasingly concentrated) who are

⁸ As with many European countries, Russia has three courts of final appeal -- a Constitutional Court, a Supreme Court, and a Court of Arbitration -- with an appealed case going to one or another of these depending on the nature of the case. See Articles 125, 126, and 127 of the 1993 Russian Constitution.

authorised to take decisions impacting upon religious freedom are normally immersed in mainstream political issues, which they no doubt consider to be far more pressing. Religious freedom concerns are consequently resolved in an ad hoc manner, if the Kremlin is involved at all, or are more usually left to government departments and/or regional administrations.⁹

It is curious, perhaps, that with so many aspects of Russia's political system undergoing an undeniable move toward greater centralisation and concentration of power, the domain of church-and-state remains quite the opposite. ¹⁰ The reasons for this are not entirely clear, but in all likelihood have to do with the nature of Russia's church-state issues, and the present political, demographic, and religious trends in the country. These are explored in greater detail below.

Shortly after the collapse of the USSR in December 1991, extensive missionary activity by foreign organisations (largely but not exclusively from the USA) was undertaken. By the middle of that decade, pressures began to emerge to restrict such activity, and to impose some sort of administrative control (meaning essentially *restrictions*) on religious activity. This culminated in the 1997 Law on Religious Associations, which was rather heavily supported by the Orthodox Church. The effects of this law during the past decade have been mixed, and the law itself has been recently described thus:

The new law was not a well-conceived, internally consistent, or carefully prepared law, but a short-term enactment, part of a process in which Russia was trying to find its way, moving in various contradictory directions, without firmly established legal norms in place. How these norms would evolve, how the laws would be interpreted and implemented, and how religious organisations would be treated in the next decade would have a great deal to say about Russia's efforts to build a new political, social, and religious order. ¹¹

The Russian case involves certain aspects of church-state relations that are common to other countries, including the USA, and yet has other aspects that are particular to Russia. In order to place the Russian case in historical perspective, it is useful to bear in mind that the US federal courts gave scant attention to the matter of religion and politics from the time of the constitutional

⁹ "Russia: Religious Freedom Survey, 2005", Forum 18 (29 July 2003), accessed at: http://www.forum18.org/Archive.php?article-id=116

¹⁰ The more or less relentless drive for increased centralization of political power in Russia during the Putin years has been catalogued and analyzed in great detail; major scholarly works include M. Steven Fish, <u>Democracy Derailed in Russia: The Failure of Open Politics</u> (NY: Cambridge University Press, 2005); Allen C. Lynch, <u>How Russia is Not Ruled: Reflections on Russian Political Development</u> (NY: Cambridge University Press, 2005), esp. chapter 4, "Russia's "Neopatrimonial System, 1992 – 2004", pp. 128 - 165

¹¹ Wallace Daniel and Christopher Marsh, "Editorial: Russia's 1997 Law on Freedom of Conscience in Context and Retrospect," <u>Journal of Church and State</u> 49, no. 1 (Winter 2007), 11.

establishment of the Republic in 1789 until toward the end of the 19th century. As noted by Wallace and Marsh:

[i]t is instructive to bear in mind that it took nearly one hundred years for the courts to hear cases dealing with issues of primary importance to the separation of church and state in the United States, and it took another fifty years before such critical cases as those mentioned above [Cantwell v. Connecticut, (1940) Sherbert v. Verner (1963), Wisconsin v. Yoder (1972)] came before the court. While it is often alluring to think that our model of separation of church and state was secured with Thomas Jefferson's letter to the Danbury Baptist Association in 1802, we often forget that his letter marked the beginning of a long road to reach the measure of religious freedom that we enjoy today. In charting its own path to freedom of assembly, conscience, and belief, it will take some time for these values to take root [in Russia]. 12

Unlike the American case, it certainly has *not* taken 'nearly one hundred years' for matters of religion and public authority to confront the national government of post-Soviet Russia. The early 21st century is in fact witnessing a range of acute pressures on governments to accommodate religious-based political demands in a manner that sometimes compromises the ideal of a secular state. Governments in turn have at times responded to these pressures in ways that are shaping the very nature of the political regime itself. Post-Soviet Russia is a clear example of such a reciprocally deterministic pattern. Russia's multi-nationality and multi-confessional character are manifesting themselves in political forms that present acute challenges to the constitutionally stated ideal of a secular state, particularly regarding the central divide among Orthodox-identifiers (nearly 80% of the population), and Moslems, who comprise about 15 - 18% of the population.¹³

Problems of Realising the Ideals of the 1993 Constitution

There are several particularly problematical sets of issues regarding the realisation of the principles of a secular state, separation of church and state, and freedom of conscience, as explicated by Alexander Verkhovsky of Russian research center *SOVA*. ¹⁴ These are four, including administrative issues, the problematical role of religion in public schools, the fact that Russia's legal framework is still—16 years after the collapse of the USSR—quite underdeveloped, and perhaps most

¹² Ibid., 14.

¹³ The question of the number of Moslems in Russia does not lend itself to easy resolution. Estimates vary considerably; since the last official census taken in 2003 did not include questions about religious orientation, no official number is available. For commentary on the difficulties of gaining even a rough estimate, see Hunter, <u>Islam in Russia</u> (2004), 43 - 46.

¹⁴ Alexander Verkhovsky, O. Sibireva, *Проблемы реализации свободы совести в России*, available online at: http://religion.sova-center.ru/publications/8EA1CC7/8EA1EB3. See also his edited volume, Demokratiya Vertikaly (Moscow: SOVA, 2006).

problematical, abuses with the "struggle with extremism and terrorism." It will be useful to explore each of these in some detail, then conclude by offering more general commentary on the Russian case and its implications for separation of church and state elsewhere.

1. Administrative issues: these include, but are certainly not restricted to, matters involving property rights of religious groups, registration of religious groups and organisations, etc. The matters of church property, taxation, and other political administrative matters figure squarely and significantly in American issues of church-state relations. They do so also in Russia, but in a manner that is more complex given the long history of de facto if not de jure establishment of Orthodoxy as the official religion, and the tortured history of religious discrimination, repression, and outright persecution of the communist-era (1917-1991). Although the repression and persecution largely disappeared after the Millennium Celebration of Christianity in Russia in 1988, the post-communist government found itself confronted with a barrage of tangled issues of church property, rights of individuals and organisations, the overall role of religious groups in society, etc. For example: should religious-based conscientious objection be grounds for exemption from otherwise obligatory military service?; should chaplains be allowed in the military, and if so, should Moslem clerics also be permitted¹⁵?; which religious groups, if any, should be banned, and why?; these and numerous other issues present themselves as practical matters facing any modern secular state, and Russia is facing them also.

From a political perspective, an important question is *who* decides such issues, and do any religious groups or organisations have any favoured status regarding their resolution? The answer to the first question is being increasing simplified by the aggregation of political power in the central organs of the executive branch of the national government by President Putin, even though a significant amount of cabinet-level and especially regional-level discretionary authority is wielded in religious matters.¹⁶ There is broad consensus both in Russia and in the West that

¹⁵ *Interfax*, "Basics of Islamic Culture Should be Taught in Schools -- Council of Muftis," August 31, 2006. See also *Interfax*, "Russia witnessing second wind in its spiritual revival," April 20, 2006, and "Совет муфтиев России высказывается за изучение в школах истории мировых религий", January 18, 2007; accessed at: www.interfax-religion.ru/?act=news&div=16171.

¹⁶Lawrence Uzell, *International Religious Freedom Watch*; see also Geraldine Fagan, "Russia: Religious Freedom Survey: February 2005," *Forum 18 News Service*, 14 February 2005; accessed at: www.cdi.org/russia/johnson/9061-33.cfm. See also Christopher Marsh and Paul Froese, "The State of Freedom in Russia: A Religious Analysis of Freedom of Religion, Media, and Markets", *Religion, State*, and Society 32, no. 2 (June 2004), 144; For a description of the manner in which local and regional elites wielded considerable discretionary power in religious matters in the USSR, even in the face of more-or-

Vladimir Putin has carried out precisely what he indicated he would do as president when elected in March 2000, namely "reassert vertical authority." He did so initially in a *spatial* sense, namely over the then-89 regions of Russia, many of which had assumed broad autonomy under the Yeltsin administration; but his "reassertion of vertical authority" also involved a substantial and significant aggrandisement of power by the executive branch of government and clearly at the expense, so to speak, of the legislative, judicial, and administrative arms of government. Civil society has also in this process been significantly truncated, and that of course directly impinges on the matter of church-state relations. ¹⁷ On the other hand, as noted above, there is no central governmental organ for handling religion-and-politics issues. This situation has placed the determination of such matters, *de facto* if not *de jure*, in the hands of the central presidential administration. The problem is that as that administration becomes more authoritarian and centrally controlling, Russia's church-state issues that are particularly inflammatory may become increasingly volatile and problematic.

Regarding the matter of favoured status for one religion or another, the Russian Orthodox Church has predictably assumed a hegemonic position in the religious life of post-Soviet Russia, although Moslem, Jewish, and other religious organisations have come to play serious roles as well.¹⁸ This leading role has complicated not only the matter of church-state relations, but more fundamentally of Russia's identity itself.¹⁹ This theme is examined in point 4, below, on the problems of terrorism and extremism.

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less straightforward diktat from Moscow, see James W. Warhola "Central vs. Local Authority in Soviet Religious Affairs, 1964 -1989", Journal of Church and State, 34, no. 1 (Winter 1992), 15 - 38.

17 See in particular Nikolas Gvosdev, "Managed Pluralism" and Civil Religion in Post-Soviet Russia", in Christopher Marsh and Nikolas Gvosdev, editors, Civil Society and The Search for Justice in Russia (Lanham, MD: Lexington Books, 2002), 75 - 88; for the larger question of the fate of civil society in Russia under Putin, see Alfred B. Evans, Jr. et.al, Russian Civil Society: A Critical Assessment (Armonk, NY: M.E. Sharpe, Inc., 2006); Cameron Ross, editor, Russian Politics Under Putin, (Manschester, UK: Manchester University Press, 2004); and perhaps most blisteringly critical, Peter Baker and Susan Glasser, Kremlin Rising: Vladimir Putin's Russia and the End of Revolution (NY: Lisa Drew / Scribner, 2005).

¹⁸ John D. Basil, "Church-State Relations in Russia: Orthodoxy and Federation Law, 1990 - 2004", Religion, State, and Society 33, no. 2 (June 2005); Valentinas Mite, "Russia: Orthodox Church States Its Case For More Involvement In Foreign, Domestic Policies", *Radio Free Europe / Radio Liberty*, February 6, 2004.

¹⁹ Alexander Agadjanian, "Public Religion and the Quest for National Ideology," <u>Journal for the Scientific Study of Religion</u>, 40, no. 3 (September 2001), 351 - 365; see also my forthcoming article, "Political Order, Identity, and Security in Multi-National, Multi-Religious Russia", <u>The Nationalities Papers</u>, *Special Issue: Religion, Culture, and Conflict in the Orthodox World* (forthcoming 2007).

2. The role of religion in public schools. In the middle of the 1990s the Russian Orthodox Church began pressing for a "special place" for Orthodoxy in the required curriculum of public schools in Russia. Although it has only partially succeeded in having such a curriculum placed in some regions of Russia, the issue has been highly contentious, producing what Glanzer and Petrenko called a "storm of controversy" when the national Ministry of Education "officially introduced a sample of the course content, outlining an eleven-year curriculum that would be optional for regional officials and principals to include in the required curriculum." As of this writing, the matter is far from resolved to anyone's full satisfaction. Predictably, perhaps, the official stance of the Putin administration has been decidedly ambivalent and even desultory, not only toward the issue of the role of Orthodoxy in public education, but of church-state issues more generally. Since the issue of religion in public education in a society governed by an ostensibly 'secular state' is something of a political lightning rod and barometer of church-state relations, it is useful to cite at length Glanzer and Petrenko. They accurately conclude:

the Russian government shows little consistency in its approach to church-state issues in education. In some of its building projects, past educational initiatives, and local funding initiatives of private schools, some parts of the government appear to promote an establishment model that favors the Orthodox Church. Yet, at one point soon after communism and more recently in one of its approaches to vospitanie [education] and religious education in state schools, the government promotes structural pluralism. Moreover, in its federal funding of religious educations or charities or how it approaches religious content in public school curriculum, the government appears to take a strict separationist stance.

If any generalisation can be made, it might be said that the state affirms strict separationism when it comes to funding, and managed historical pluralism when it comes to regulating religion in state or private education.²² (emphasis added)

Thus the issue of religion in public education is *not* going to easily go away, but rather is going to become more complex and in some respects will serve as barometer of the overall tenor of how religion-and-politics issues will be dealt with. This is because the dispute over this issue not only raises deeper, more fundamental questions about society, governance, and even the human

²⁰ For background and thorough examination of this issue, see Perry L. Glanzer and Konstantin Petrenko, "Religion and Education in Post-Communist Russia: Russia's Evolving Church-State Relations," <u>Journal of Church and State</u>, 49, no. 1 (Winter 2007), 53 - 73.

²¹ Ibid., 61.

²² Ibid., 73.

condition, *but also* is serving as a catalyst for the ignition of concrete problems of governance well beyond the admittedly complex issue of religion in public schools itself. This issue has spawned calls by Muslim clerics, for example, for similar Moslem-oriented courses to be offered in schools; it has led to charges from non-Orthodox citizens of religious hegemonism by the Orthodox Church; it has led to rather extremist groups to emerge in the name of defending "Orthodox Russia", etc. Perhaps most ominously, however, it has underscored and perhaps even aggravated the manner in which *Russian identity* remains ethnically and religiously problematical. This theme is resumed and pursued in more detail below.

3. The still underdeveloped legal framework for dealing with specific legal matters concerning relations between public authority and religious organisations and groups. n some respects this set of issues is perhaps most unsettling from the perspective of the possible entrenchment of the (admittedly Western) ideal of religious liberty and state neutrality regarding religious thought and practice. Historically, Russia was noted for having a legal system so characterised by vague and general laws and regulations that they could mean virtually anything that the governing powers wished for them to mean. This led to governmental capriciousness that gave rise to a certain political culture regarding the population's expectations of government (i.e., low levels of trust, etc.). This unfortunate characteristic is seen by some close observers as having continued well into the post-communist era.²³ The above-noted "Law on Religious Associations" of September 1997 did little to ameliorate this problem regarding religious affairs, and in terms of some of the content of the law, may have aggravated it.

Elsewhere I have argued that the Putin administration has sought to both accommodate and engage religious organisations, indeed the religious sentiments of the population in general, to bolster support for the political regime; it has done so within a political framework described as

²³ Thomas F. Remington, <u>Politics in Russia</u>, 4th edition (Longman, 2006), notes that although "the post-Soviet regime has made far-reaching modifications to the codes of criminal, civil, and administrative law and procedure", there remain serious obstacles to the actual 'rule of law' in Russia, with the first among those being listed, "bureaucratic rule-making." (pp. 246 - 257). See also Peter H. Solomon, Jr., "Threats of Judicial Counterreform in Putin's Russia", <u>Demokratizatsiya: The Journal of Post-Soviet Democratization</u> (Summer 2005), 325 - 345.

"managed pluralism." This management effort has become gravely more complex, however, with the rise in terrorism and extremism in Russia, to which theme we now turn.

4. Abuses of governmental authority connected with the "struggle with extremism and terrorism."25 This issue is particularly vexing for Russia, and in some respects is likely to foreshadow legal and constitutional problems with separation of church and state elsewhere. Sadly, the incidence and severity of terrorism increased more or less steadily in Russia throughout the 1990s (especially after the onset of the Chechen War in 1994), and has continued into the Putin years. The central government has addressed the problem vigorously, but in a manner that some view as having aggravated the problem by inadvertently stoking the conditions that helped spawn terrorism in the first place.²⁶ There is a growing consensus that the Putin administration's forceful quelling of the separatist fighting in Chechnya has transformed what began as an essentially ethnonationalist movement for independence in the early 1990s into a more-or-less ongoing conflict in which religion, specifically Islam, has become an increasingly salient factor. Even worse for the central government in Moscow, this situation has given impetus to the radicalisation of Islam across the North Caucasus region of Russia. Worse still, it has spread that radicalisation—and the concomitant increase of violent incidents—well beyond this region, and elsewhere into Russia also, particularly into the Volga region and the major cities of Moscow and St. Petersburg. Dmitry Gorenburg noted in autumn 2006:

the violent conflict in the Caucasus has grown beyond its beginnings in the struggle over Chechen independence: it is rapidly spreading throughout the region, even as the conflict has become predominantly religious in nature. ²⁷

²⁴ James W. Warhola, "Religion and Politics Under the Putin Administration: Accommodation and Confrontation within "Managed Pluralism," <u>Journal of Church and State</u> 49, no. 1 (Winter 2007), 75 - 95; this general theme is also pursued in my article, "Political Order, Identity, and Security in Multi-National, Multi-Religious Russia", <u>The Nationalities Papers</u>, *Special Issue: Religion, Culture, and Conflict in the Orthodox World*, forthcoming 2007.

²⁵ See "Russia: 2006 -- A Year Of Muscle And Missteps "*Radio Free Europe/ Radio Liberty,* December 28, 2006; accessed at: http://www.rferl.org/featuresarticle/2006/12/d6adc178-4b45-4f10-ac09-97dfbf370b47.html.

²⁶ See particularly the works of Emil Pain, former Minister of Nationalities under President Boris Yeltsin, "Xenophobia and Ethnopolitical Extremism in Post-Soviet Russia: Dynamics and Growth Factors", forthcoming in The Nationalities Papers. See also Warhola (2007), 75 - 95.

²⁷ Dmitry Gorenburg, "Russia Confronts Radical Islam," <u>Current History</u>, (October 2006), 334; See also his <u>Minority Ethnic Mobilization in the Russian Federation</u> (Cambridge University Press, 2003), and Akhmet A. Yarlykapov, "Separatism and Islamic Extremism in the Ethnic Republics of the North Caucasus", *Russian Analytical Digest, no. 22* (June 6, 2007), 6 - 11 (accessed at: http://www.res.ethz.ch/analysis/rad/). Yarlykapov notes:

Perhaps needless to say, this problem has enormously complicated the situation of church-state relations in Russia, and in various ways. Among others, it has given rise to a Russian nationalist backlash that has not always been peaceful or benevolent. According to a *Radio Free Europe / Radio Liberty* report summarising the major trends in Russia in 2006:

The rising tide of attacks against dark-skinned immigrants and foreigners in Russia further contributed to the shadows cast on the country. According to *Sova*, a group that monitors nationalist violence, at least 45 people have been killed and hundreds more injured in racist attacks in Russia so far this year [2006]—a significant increase from 2005, when 28 people were reported dead in hate crimes.

The Russian government itself has taken a series of steps that have widely been denounced as discriminatory against immigrants. One of them is new legislation that bans foreigners from trading at markets and street kiosks as of April 2007. Putin signed it into law in November.²⁸

In fact, Russian nationalism and xenophobia have gained momentum during the Putin years.²⁹ This has occurred among Russians simultaneous with a mutually reinforcing rise of ethnonationalism *and* heightened religiosity among Moslems, most of whom, again, are ethnically non-Russian. As noted above, this dynamic has been viewed as closely related to the Chechen conflicts (1994-96, and 1999-present). Trenin and Malashenko argue that is has shaped *both* the political regime and the larger society;³⁰ Malashenko elsewhere offered that the Chechen war has "facilitated the radicalisation of Islam in the northern Caucasus, and within Russia as a whole."³¹ The Putin regime's handling of the Chechen problem is widely seen as being connected with the

The ethnic republics of the North Caucasus remain a headache and source of alarm for Russia's central government. Moscow's efforts to improve the political climate and the economic situation have not produced the desired results.

²⁸ "Russia: 2006 -- A Year Of Muscle And Missteps," *Radio Free Europe / Radio Liberty*, December 28, 2006; accessed at: www.rferl.org/featuresarticle/2006/12/d6adc178-4b45-4f10-ac09-97dfbf370b47.html.

²⁹ "Russian Analytical Digest" (6 February 2007), accessed at: http://www.res.ethz.ch/analysis/rad/). For recent news on this aspect of Russian society, see WPS Digest (*Russian Media Monitoring Agency*), "National-Extremism in the Russian Federation Regions", accessed at:

www.wps.ru/en/digests/ru/extremism.rss. Baker and Glasser, Kremlin Rising: Vladimir Putin's Russia and the End of Revolution, devoted an entire chapter to this theme in "Time of the Patriots", pp. 63 - 77. See also Radio Free Europe / Radio Liberty, "Russia: A Timeline of Racial Incidents" (April 3, 2006), accessed at:

 $[\]underline{http://www.rferl.org/featuresarticle/2006/04/7519d643-4b}94-4a1f-856c-83324e05520f.html.$

³⁰ Dmitri Trenin, Alexey Malashenko, <u>The Time of the South: Russia in Chechnya, Chechnya in Russia</u> (Moscow: Moscow Carnegie Center, 2002).

³¹ http://www.carnegie.ru/en/pubs/books/7748время.pdf, p. 257. See also "Chechnya Viewpoints: Valentina Melnikova", BBC News (16 December 2004), accessed at: http://news.bbc.co.uk/2/hi/europe/4075131.stm.

rise in terrorism and inter-group tensions in general throughout Russia.³² This tension seriously complicates the Constitutional ideals of a secular state, and separation of church and state.

Many of Russia's Moslems, arguably, have undergone a something of a *religionisation of politics*, rather than the conventionally described trend toward a politicisation of their religion.³³ Traditionally rather passive political behavior by Moslems is perhaps being energised to a degree of *political* salience commensurate with previous levels of *religious* activity. Yet there also seems little doubt that a *politicisation of religion* has also emerged since the collapse of the USSR.³⁴ There is increasingly clear evidence that both are occurring, and doing so in a manner that makes relations among ethnic Russians and non-Russians increasingly problematical, thus seriously complicating the realisation of the ideal of a secular state, and especially the principle of separation of church and state.

In contemporary Russia the problematical issue of *national identity* seriously and deeply impinges on matters of church-state relations, and specifically is complicated by the differential identity-structure of Orthodox identifiers and Moslems. The principal distinction is that while ethnic Russians are overwhelmingly Orthodox by religious affiliation (thus having an ethnic homogenising factor), the community of Moslems is generally (but not exclusively) of non-Russian ethnic identity.³⁵ With the secular-religious divide, this characteristic is perhaps the single most complicating element in church-state relations in contemporary Russia. The religious and political orientation of Moslems in Russia have tended to be regionally variegated (differing between the

³² This was noted even before the first Putin administration, however; see in particular "The Rise of Xenophobia in Russia", *Human Rights Watch* (1998); three causative factors are cited: "a misguided and failed Soviet nationalities policy; migration caused by ethnic strife and the collapse of the Soviet Union; and economic dislocation resulting from the introduction of a market economy." Accessed at: http://www.hrw.org/reports98/russia/srusstest-03.htm

³³ James W. Warhola, "Coexistence or Confrontation? The Politics of Interaction between Orthodoxy and Islam in Contemporary Russia: Culture, Institutions, and Leadership", presented at a conference, "Islam and Orthodoxy: Confrontation, Cohabitation, and Comparison" at the *Institute for Human Sciences*, Vienna, Austria (March 12 - 14, 2007).

³⁴ See in particular, Juliet Johnson, Marietta Stepaniets, and Benjamin Forest, editors, <u>Religion and Identity in Modern Russia: The Revival of Orthodoxy and Islam</u> (Aldershot, UK: Ashgate Publishing, 2005).

³⁵ I refer to this as a complicating factor in the Putin administration's handling of religious matters in general in "Religion and Politics Under the Putin Administration: Accommodation and Confrontation within "Managed Pluralism", <u>The Journal of Church and State</u> 49, no. 1 (Winter 2007), 75-95, and also address it in "Political Order, Identity, and Security in Multi-National, Multi-Religious Russia", <u>The Nationalities Papers</u>, *Special Issue: Religion, Culture, and Conflict in the Orthodox World*, forthcoming 2007.

central Russia / Volga region, the north Caucasus area, and the major cities in which non-Russian Moslems are numerous). This situation appears to be changing, however, and with it comes the imperative of finding a way to navigate the increasingly complex domain of church-state relations more effectively.³⁶

Russia is multiply divided along religious and ethnic lines in a manner that is particularly ominous regarding the nature of global politics in the early 21st century, specifically the emergence of politically radicalised and violent Islam. Much can be said of the politically problematical character of Russia's divisions. Even after the collapse of the USSR in December 1991 and the formation of 15 newly independent countries based on the independence of the previous ethnicbased Union Republics of the USSR, Russia is in fact still quite deeply divided along ethnic and religious lines. It is also divided in a manner that makes realisation of the principles of a secular state, and thus separation of church and state, highly complex and difficult at best. Here is how and why. Russia is composed of around 160 ethnic groups, but the slightly under 80% of the population registered itself ethnically "Russian" in the 2003 Census. These are mostly Orthodox in terms of religious identity, even though very few of these are actively religious.³⁷ This does not seem to effect the potency of Orthodoxy as an important point of personal identity and of historical-cultural identity for the country as a whole. The matter of the explicitly political ramifications of this identification of and with Orthodoxy is a controverted issue: some observers view it as having a potentially democratising effect sooner or later, whereas others are less sanguine about its effects in this regard.³⁸ Others view Orthodoxy, and in particular the Russian Orthodox Church as an institution, as a hindrance to the possible emergence of a liberal democracy, especially in terms of

³⁶ Alexy Malashenko, "Russia and Radical Islam", *Carnegie Moscow Center*, 06/04/2006; accessed at: http://www.carnegie.ru/en/pubs/media/74135.htm.

³⁷ Kimmo *Kääriäinen*, "Religiousness in Russia after the Collapse of Communism" <u>Social Compass</u> 1999; 46; 35; see also Kimmo Kääriäinen and Dmitrii Furman, "Orthodoxy as a Component of Russian Identity," East-West Church and Ministry Report, volume 10, no. 1 (Winter 2002), accessed at: http://www.eastwestreport.org/articles/ew10109.html, and "Ontario Consultants on Religious Tolerance" places Russian church attendance at 2%, roughly consistent with other sources; accessed at http://www.religioustolerance.org/rel rate.htm.

³⁸ For example, see Christopher Marsh, "Orthodox Christianity, Civil Society, and Russian Democracy," <u>Demokratizatsiya: The Journal of Post-Soviet Democratization</u>, Vol. 13, No. 3 (Summer 2005): 449 - 462, and his edited volume, <u>Burden or Blessing? Russian Orthodoxy and the Construction of Civil Society and Democracy</u> (Boston: Boston University, Institute on Culture, Religion, and World Affairs, 2004), and Nicolai N. Petro, "A Russian Model of Development: What Novgorod Can Teach the West," in Christopher Marsh and Nikolas Gvosdev eds., <u>Civil Society and the Search for Justice in Russia</u>, (Lanham, Maryland: Lexington Books, 2002), 41-53.

the practical realisation of the Constitutional ideals of separation of church and state, religious freedom, and freedom of conscience. The Orthodox Church and major Moslem organisations of Russia have indicated their problematical regard (to put it mildly and politely) of Western concepts of "separation of church and state," thus complicating the realisation of the Russian constitutional principle of a secular state and that "all religious associations shall be separate from the state and shall be equal before the law" (Russian Federation Constitution, Article 14, paragraphs 1 and 2, respectively). The point is that, as the "abuses of authority connected with the struggle against terrorism and extremism" continue, *and* with the implicit or even explicit support of the Russian Orthodox Church of the Russian of the Putin years, and this in turn has made realisation of the ideals of a secular state and separation of church and state increasingly complicated.

After coming to power in the year 2000, the Putin administration established several novel political structures to deal with increased tensions among social groups. The question here is, what effects, if any, are these having on church-state relations? These structures include the State Council, composed of all regional governors (established July 2000); the Social Chamber, composed of 126 members from various civil society organizations (established in 2005), and the Unified Commission for National Policy and Inter-relations Among the State and Religious Groups of the Federation Council (Объединенной комиссии по национальной политике и взаимоотношениям государства и религиозных объединений, est. 2006). Along these lines, the pro-Kremlin political party Unified Russia advanced a "Charter on Counteracting Extremism" in early 2007, clearing indicating thereby the administration's sense of gravity of this problem. The Putin administration established all of the above institutions and measures with the stated intention that they would serve to bolster civil society, further democratise the political process, and thus increase the country's overall harmony, well-being, and national security. Nonetheless

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³⁹ For a very brief statement concerning this, see Father Vsevolod Chaplin, "Orthodoxy and the Societal Ideal", in Christopher Marsh, editor, <u>Burden or Blessing</u> (2004), 31 - 36. See also Father Chaplin's "Пять постулатов православной цивилизации: Восточное христианство предлагает свою модель государства и общества" [Five Postulates of Orthodox Civilization: Eastern Christianity Offers Its Model of Government and Society"], 9 March 2007; accessed at: http://www.religare.ru/monitoring39054.htm.

⁴⁰ Zoe Knox, "Russian Orthodoxy, Russian Nationalism, and Patriarch Aleksii II," <u>The Nationalities</u> Papers 33, no. 4 (December 2005), 532-34; for more depth, see her <u>Russian Society and the Orthodox Church: Religion in Russia after Communism</u> (NY and London: Routeledge, 2004).

⁴¹ Cf. http://www.council.gov.ru/unitcom/about/index.html.

some have questioned the motives behind the establishment of these new institutions, claiming that they will do little but bolster the power of the central government vis-à-vis *all* potentially counterbalancing forces or institutions, certainly including religious ones. To date they have done little if anything demonstrable in terms of countering the aggregation of power in the hands of the central presidential administration. To the extent that these suspicious motives turn out to have been justified, then to that extent the Russian state will likely have to contend with an even greater long-term legitimacy problem by being faced with a population that is increasingly marginalised on behalf of a power-wielding elite not necessarily attuned to their voice, concerns, or long-term interests. And if this unhappy prospect materialises, then the ideals of separation of church and state, and the secularity of the state itself, will simply be additional political casualty as 'reasons of state' eclipse more fundamental human rights. This is not inevitable, however, and hopefully will not occur.

CONCLUSION

The present Russian political system was established in 1993 with ratification of the first post-Soviet Constitution. That document called for a secular state, separation of religious bodies from the state, religious freedom, and freedom of conscience, among a raft of other civil and political liberties. Realising these ideals, however, has been been made vexingly difficult by some issues that are common to modern political systems, including the role of religion in public education, the more pedestrian aspects of administering a modern society replete with numerous religious organisations, and the crafting of a reasonably workable legal system to manage issues of church and state. Specifically, the problems of religion and politics regarding national identity, social harmony among religious or religious-identifying groups, and national security appear most acute. Some aspects of the problematical realisation of the Constitution's ideals can be traced to certain policies pursued by the Yeltsin and Putin regimes, which arguably compounded its own difficulties by unwittingly contributing to a "religionisation" of issues that, if handled differently, might have left the religious element undisturbed. Statecraft inevitably involves a delicate balance of forces as well as ready application of force when necessary: it has been said that religion is about love, mercy, and truth, whereas politics is about power. To the extent to which this is so, their purposes and aims necessarily operate at cross-purposes to some degree. When they operate in tandem, not in a checking-and-balancing capacity but in a mutually reinforcing configuration, the result has historically been deleterious for the state, for religious institutions, and most importantly for the

population subjected to that configuration. Such has been the experience of humanity at least since the European medieval era. But the temptation to join them on various levels, either formally or informally, is ever-present. The political allure of this approach, however, was wisely perceived for what it is by the intellectual founders of the modern secular state: a dangerous mixture, at best. 42 For all the many political and economic missteps of the post-Soviet Yeltsin administration, from a Western perspective it can be safely asserted that the founders of the 1993 Constitution were on a quite firm conceptual foundation by grounding the Russian state on the principles of a secular state, separation of religious bodies from the state, and freedom of conscience. The concrete manifestation of those principles, however, is one of the clearest barometers of the degree to which any given political regime respects the rights of its citizens. The Russian state has had a particularly difficult task in this regard, beset as it has been with an array of complicating factors, many of which it did not create but nonetheless must contend with. One can hope that, to the extent that religion is capable of exerting its above-noted better impulses, it will have the effect of playing a role that will foster a type of political regime in which the state bases its execution of power on the Constitutionally-mandated ideals of secularity of that state, separation of the state from religious bodies, and freedom of conscience. The only alternative, for the state, is to execute its power on less noble impulses, thereby reducing its long-term effectiveness and even viability.

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⁴² Here again it is useful to bear in mind the insights, not just of the founders of the American Republic themselves, nor even of those who most directly influenced them (e.g., John Locke, <u>First</u> and <u>Second Treatise on Government</u>, etc.), but also those of the late medieval era, particularly Marsilius of Padua, Dante, arguably William of Ockham, and others.

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