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## **Dancing Together: Church and State in Russia Today**



by Adrian Helleman

How can I begin to describe the relationship of church and state in Russia today? The historian in me says, "Begin at the beginning." But that would mean going back at least a thousand years. If I had a few hours, I might be tempted to do that, but I doubt anyone would still be listening when I was finished. The theologian in me says, "Start with the church," while as a political scientist I might prefer to begin by examining the state. Viewed historically,

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the theologian is justified, since the Russian church is even older than the Russian state. From the vantage point of the new millennium, however, the dominant partner always has been, and still is, the state. Yet now I want to examine both church and state, as much as possible, together. To do so, I would like to give you an imaginary mini-tour of Moscow. As we "look" at several important buildings together I will try to describe the relationship of church and state by means of some reflections on what we will see. Along the way, we will stop and briefly examine the 1997 Law on Freedom of Conscience and on Religious Associations, as it is properly called, which is the latest in a series of such laws in Russia. As I will show, these buildings and the 1997 Law illustrate the relationship of church and state in Russia today in a concrete fashion. In them the relationship is given reality.

Just a brief clarification before I proceed. By "church," I am referring to the Russian Orthodox Church. There is no other church that rivals it for the honor that this short-hand implies. Historically and practically speaking, no other church fits the bill when one wants to describe the relationship of church and state in Russia. There are other churches in Russia: other Orthodox denominations, many of which are offshoots of the Russian Orthodox Church: Roman Catholics; and Protestants of many stripes, among which Baptists and Pentecostals predominate. Please note that I do not include Mormons, Jehovah Witnesses, and other sects in my list of churches. The Orthodox Church, in contrast, regards any group that is not Orthodox as a sect.

The classrooms that I regularly use at Moscow State University are located on the eleventh or top floor of the First Humanities Building. No doubt, these are among the highest classrooms in the city of Moscow. From out of these windows I can look across the Moscow River whenever I am teaching and see, not far away, several of the most important symbols of the relationship of church and state in Russia. Particularly when the sun is shining, it is difficult to miss the golden domes of the newly rebuilt Cathedral of Christ the Savior. And just beyond this church, again looking out of my windows, are more golden domes, this time located inside the Kremlin itself.

### The Cathedral of Christ the Savior

Take the metro, or subway, with me, and let's look at these buildings more closely. Our first stop —only four metro stations from where I live—is the Cathedral. Before we walk into the church, look closely at the marble in this station, and you will see a small part of the original building, which was intended to thank God for saving Russia in the Patriotic War of 1812. It took 44 years to build, but was demolished on December 5, 1931, on the personal orders of Stalin, who wanted to erect the Palace of the Soviets on this site. The palace, a gigantic tower crowned with a colossal statue of Lenin, would have reached a height of 415 meters and been the tallest building, at that time, in Russia and the world. Thankfully, this monstrous idol was never built, in part because of the Great Patriotic War, which is how Russians term the Second World War. Another reason, which was even more crucial, was that engineers discovered that the sub-soil could not support such a massive building. For me, this is an example of God's humor. Instead, in 1958, it became the site of an immense open-air swimming pool—the largest in Moscow. There are people who insist that, when it rose from the pool, the steam suggested the original cathedral. That I cannot confirm, however, since the pool was gone by the time I first arrived in Moscow in 1995.

By 1989 the idea of restoring the cathedral slowly grew from the depths of the national consciousness. In November 1994 the Russian Orthodox Church decided to rebuild the cathedral, and the cornerstone of the new Cathedral of Christ the Savior was laid on January 7, 1995, which is Christmas Day for the Orthodox. For the mayor of Moscow, Yuri Luzhkov, the church was the centerpiece of his plan to renovate the city on the occasion of the 850th anniversary of Moscow. By twisting arms, he helped raise the estimated US \$360 million required. I have even heard \$500 million mentioned. Funds came from many different sources, not only the city and its businesses but also from the federal government, the church, and countless individuals. The government has justified this expenditure, according to one explanation, by asserting that, since the state did not have the resources to rebuild all the churches it had

## The cathedral symbolizes the relationship of church and state in Russia.

destroyed after the revolution in 1917, this national cathedral would be the symbol of its desire to make amends

I have never seen this assertion expressed in print, but it fits with the overall picture that I have acquired of how the church and state relate to each other today. Nor have I run across any official documents that clearly state the views of either the church or the state on this issue. The only exceptions are the various laws on religion that have been introduced since the first such law in 1918 spelled out the total separation of church and state. But scholars have written extensively about these laws, especially the 1997 law. And organizations such as the Keston Institute, which has its headquarters in Oxford, England, provide a valuable chronicle of how the relationship of church and state has developed, especially since the beginnings of perestroika, about 1986. We can only observe this relationship from the sidelines, and we are limited to admiring the symbols of this relationship and studying the most recent law governing it.

What can we see when we closely examine the cathedral? I suggest that one can see a monument that first and foremost has great military significance. This cathedral commemorated the Russian victory over Napoleon, which means that it has not only a religious meaning but also an ideological and military one. It is much more than a national cathedral;

it is an expression of Russian nationalism, where ethnicity, culture, and religion are so interwoven that these strands cannot be separated. At the heart of this nationalism lies the assumption, which is deeply rooted in the Russian psyche and is evident even in Russians who are not overtly religious, that to be Russian means to be Orthodox. What can and should have been a house of prayer for all Christians, as is the national cathedral in Washington, DC, has become the symbol of a resurrected Russia, one that the Russian Orthodox Church claims as its exclusive property. For that Church it is a sign of its new role, which is revealed by its proximity once again to the Kremlin. But more than merely proximity is portrayed here; it represents the struggle between church and state, which is a recurrent theme in Russian history. Church and state have been the two main actors on the Russian stage, which are dancing together very cautiously, although the state has led these dances during most of Russia's long history.

Just down the street from the cathedral, looking past the Pushkin Museum, one can see the towers and domes of the Kremlin. The architect who proposed the design for the original cathedral wanted to locate it inside the Kremlin, but Tsar Alexander I did not approve. He preferred the site of what is today the campus of Moscow State University. Tsar Nicholas I later chose another design and a site near the Kremlin that is visible from all over the city. The Cathedral of Christ the Savior and the Kremlin today vie with each other for attention. The golden onion domes attract the eye and they signify both the struggles between them as well as how church and state continue to use each other.

For centuries the Russian church functioned as a department of the Russian state. The reforms of Peter the Great were intended to curb the final expression of the claim by the Orthodox Church to dominance over the state in the person of Patriarch Nikon. The abolition of the Patriarchate, and its replacement by a Holy Synod, which was run by an appointee of the Tsar, was a *de jure* expression of a relationship that had existed *de facto* for centuries. Even the restoration of the Patriarchate in 1917 did not mean that the church and state had become equals. On the contrary, the Patriarchs became tools of the Soviet government. They were powerless to prevent a militantly atheistic regime from

disestablishing the Orthodox Church, desecrating its churches, and reducing believers to second-class citizens. For seventy years, improved relations with the state, as happened briefly during the Second World War when Stalin needed the resources of the church, alternated with intense repression. The church remained silent about the destruction of thousands of churches and the attacks on believers, both clergy and laity. The church was so thoroughly infiltrated by the Soviet secret police that many in the hierarchy today have been exposed as KGB informers and agents. A full confession for their behavior has not yet happened, nor is it likely to occur any time soon.

As a result, the church was unable to defend itself, although it continued to hope for a restoration of the symbiotic relationship, however imperfectly that was realized, that had served both church and state for centuries. The dissolution of the Soviet Union in 1991 allowed the Orthodox Church to dream of regaining the protection of the state against religious rivals and of again occupying a place of honor in the life of the country. The latter part of that dream was realized to a large degree with the building of the new cathedral, while the former became reality in the 1997 law regarding freedom of religion.

The Russian Orthodox Church wants to function as the de facto state church, even though the Russian constitution does not recognize a state The issue is not that the Patriarch is church. accorded certain honors by the state; he is after all, the head of the largest religious body in the country, one that claims 80 percent of the population, even if very few people attend that church regularly. Most Russians identify themselves as Orthodox, even though they rarely go to church. But symbolically, at least, the church seems to be competing with the same state from which it wants to receive recognition. It is returning to its familiar pre-revolutionary role in which it was the established or state church, while occasionally asserting its supremacy over the state. Scholars often cite the Byzantine idea of a symphonic relationship between them. The problem is that such a symphony was rarely found in Byzantium, which is the "Second Rome," or in Moscow as the "Third Rome." Too soon this ideal relationship deteriorated into a struggle for supremacy, and in both the Byzantine Empire and Russia, it was the church that became subordinated. I wonder if the Patriarch today will be satisfied with this traditionally inferior role, as long as he is accorded the honors that accrue to the head of Russia's largest denomination?

During the Soviet period, the state had sought to destroy the Russian Orthodox Church, and thus it is entirely appropriate that it now shares the cost of restoring some Orthodox church buildings, especially the Cathedral of Christ the Savior, since it is a national shrine. That this church is esthetically not very pleasing does not negate in any way the importance of this building. The practical consideration that it will rarely be fully occupied is irrelevant to the desire of the state to make amends for what happened in the past. That many other churches, whether Orthodox or not, need money for rebuilding as well is not a sufficient argument against the state providing financial assistance in the case of the cathedral. And, finally, any objections we may have, in principle, to the state contributing to the building of a church are largely beside the point in a nation that has known their separation only briefly in its long history.

#### The Kremlin

Let's continue our tour by walking to the Kremlin. As one gets closer to its crenellated walls, the domes of churches are very noticeable. Most people are surprised to learn that there are no less than six churches in the Kremlin, which in Russian simply means "fortress." Every ancient city has its own kremlin. Most of these churches do not function as such any more, but are now museums. although church services are held in them on occasion. The Assumption Cathedral is where the patriarchs and metropolitans of Moscow are buried. There is a story that in the winter of 1941, when the Nazis had already reached the outskirts of Moscow, Stalin secretly ordered a service to be held in the cathedral to pray for the salvation of the country. Many of the tsars are buried in the Cathedral of the Archangel Michael. Inside the Kremlin are also various palaces, including the Patriarch's Palace. A double-headed eagle, which symbolized the unity of the spiritual and temporal powers, was erected on the towers of the Kremlin, but these were replaced in the twentieth century with red stars. Only recently have some of these stars been removed and replaced by the double-headed eagles.

In Red Square, outside the Kremlin walls, is the Cathedral of the Intercession of the Mother of God, which is better known as St. Basil's Cathedral. At the other end of the square one can see the Kazan Cathedral and the Resurrection Gates with its Iverskaya Chapel. The cathedral and the gates were destroyed during the '30s in order to let the tanks and other military vehicles enter Red Square, but both have now been restored with state funds. In the middle of the square is Lenin's Mausoleum.

# The Orthodox Church dreams of regaining a place of honor ion the nation.

Red Square and the Kremlin are architectural expressions of the relationship of church and state in Russia, even today. Probably no other capital city in the world has such a spectacular religious setting for its seat of government. This intertwining of church and state in architecture naturally carries with its own political dangers. The temptation for church leaders to play a role in politics is very real. Patriarchs too are not immune to this, as Russian history aptly demonstrates, even though throughout much of that history the state has dominated the church. Thus, it is worthwhile to ask how the current patriarch sees the role of the Russian Orthodox Church in the political sphere.

An article in a Russian newspaper points out that the Russian Orthodox Church does not participate in the political struggle, yet it can and does issue statements in which it evaluates what is happening. In 1994, the council of bishops warned clergymen that they were not allowed to become candidates in elections, nor could they support the candidacies of others. And it stressed the "impossibility for the plenitude of the church to support any political parties, movements, unions, blocs, and similar organizations, or any of their individual leaders, especially during an election campaign." The council of bishops in 1997 did welcome "dialogue and contacts by the church with political organizations in

cases where such contacts do not have the character of political support." But this council considered the participation of bishops and clergy in election campaigns and their membership in political associations to be impermissible. Such associations, which are created by Orthodox lay people, must engage in responsible consultations with the church hierarchy. It decreed, however, that these "organizations, as participants in the political process, cannot have the blessing of the church hierarchy and act in the name of the church." This article claims that some politicians attempt to put pressure on the hierarchy by bribing or intimidating them, or using blatant tactics like putting out posters with a picture of a priest blessing a particular political leader. It warns that the church should not cooperate with organizations that are engaged in production or business, since "he who pays the piper calls the tune." And finally, in the context of the elections for the State Duma that would take place on December 19, 1999, the article points out that Patriarch Alexy II of Moscow and All Russia has called for the conduct of honest elections, a calming of political passions, and concern for peace and harmony.1

This thought is repeated in a recent news agency report in which the patriarch advised candidates running for the State Duma "to campaign properly and honestly." He also warned them against using "the negative experience of the West where candidates participating in such campaigns often seek to destroy their opponents morally and psychologically." After the second congress of Orthodox missionaries, he told journalists that candidates should remember that "the whole world is looking at Russia and our country has always been known for its spirituality, righteousness and patriotism." He advised voters to judge the candidates by their deeds and not their words, and stressed that "the prohibition for the clergy to nominate their candidates for bodies of power is a fundamental and con scientious step". "We understand very well that this is not our area. Our influence should be different pastoral, spiritual and reconciling," he explained. "I have always kept distance from the election campaign," the patriarch concluded, adding, "We are open to representatives of all movements and parties, except extremist ones, but we will never support a concrete candidate or a party."2

Although the patriarch clearly warns the clergy not to involve themselves in election campaigns, he does not hesitate to speak out on social and political issues, even if they are controversial. In an official statement on November 12 he affirmed his support for the policy of the Russian government regarding Chechnya:

Orthodox Christians cannot reconcile themselves with sin and lawlessness. What happened and is still happening in Chechnya, namely, hijacking of hundreds of people, including Orthodox and Muslim clergy, murder, torture, oppression of innocent civilians and rampant crime, cannot be left without a response. Attempts to spread the wave of terrorism to neighboring regions and all Russia also need to be firmly opposed. In view of this, the Russian Orthodox Church supports the anti-terrorist aims that the Russian state authorities have set before the army and the law-enforcement [agencies]. It has become evident today that a political settlement of the Chechen problem is impossible without the restoration of law and order. The hand of murderers, perpetrators of violence and terrorists should be stopped.5

He continues by warning that civilians need to be protected by the military and that the people of Chechnya have the right to choose their own destiny, after peace is re-established. The military clearly have not heeded this warning, and it remains to be seen whether the Chechens will be granted independence by Russia, if they so choose.

This is one example of a recent statement by the patriarch. It illustrates how the Russian Orthodox Church perceives its role today. Only the patriarch can make such official pronouncements. From our perspective, we may question his support of the Russian government and the lack of a prophetic voice in opposition to the war in Chechnya. In this case, the church lends its moral authority to a policy of the state.

I want to explain, before moving to the next section, that I will not deal now with the charges that the Russian Orthodox Church is involved in business enterprises and receives substantial income from them and that it receives many tax concessions from the state. These allegations are probably true, but they are difficult to verify. The Russian Orthodox Church is even less transparent than the state when it comes to its financial affairs. In fact, to put it more strongly, the church is the least reformed institution in Russia. Many of those who led the Orthodox Church during the Soviet period are still in charge today, and few of them have publicly confessed their collaboration with the state, something that is imperative, if the wounds caused by collaboration are ever to be healed. Such a discussion right now would carry us too far afield, unfortunately, although it is an aspect of the relationship of church and state that needs to be examined more closely in the future.

## The 1997 Law on Freedom of Conscience and on Religious Associations

Let us turn, finally, to the controversial 1997 Law on Freedom of Conscience and on Religious Associations. I will not attempt to analyze this law in detail. Those who want to know more about this law should consult the Emory International Law Review (1998). I do want to draw your attention to the preface of the law, which recognizes the special contribution of Orthodoxy to Russia. In addition to Christianity, it mentions three other traditional religions in Russia: Islam, Buddhism, and Judaism. But a preface in Russian law is only a statement of intent, and it carries little legal weight. The law itself divides religious associations into two main categories: religious groups, which have only limited rights; and religious organizations, which do enjoy full legal rights. Article 27, which has been the subject of recent constitutional challenges, requires proof of existing at least fifteen years for registration as a religious organization.

As Larry Uzzell, the director of the Keston Institute, points out, this law denies basic rights to new religious groups simply because they are new. He explains that it was adopted at the urging of the Russian Orthodox Church, which felt threatened by foreign missionaries, indigenous Protestants, Pentecostals, and Jehovah's Witnesses, and argued that it needed special status to survive. The Russian Constitution, which was adopted in 1993, granted broader religious freedoms than in the U.S. and it did not establish a state religion. That makes the 1997 statute illegal, Uzzell claims, since it confers second-class status on all religious congregations that are less than fifteen years old.<sup>4</sup>

This fifteen-year rule was modified by a decision of Russia's Constitutional Court in November, 1999. Judge Valery Sorkin ruled that the requirement that

a group exist for at least fifteen years before registering is indeed constitutional, but that those groups that were established before the law's enactment and are part of a centralized organization are exempt. A Jehovah's Witness congregation and a Pentecostal Church brought this case to the court. Both congregations had been registered before the enactment of the 1997 Law, and both claimed that their legal rights were limited after its passage, based on point 3 of Article 27 of the Law.

That section, the most controversial in the 1997 Law, created a two-tiered set of rights for Russian religious organizations. It gave full rights only to

The 1997 law created a two-tiered set of rights for religious organizations.

organizations that could prove at least 15 years of existence in Russia, thus dating back to the Breshnev era, when only a handful of state-controlled organizations had been allowed to exist. The thousands of newer religious organizations created under the 1990 Law are required by Article 27.3 to re-register annually. They also lacked a number of legal rights, including military service deferments; creating educational institutions and seminaries; producing religious literature, videos, and audio tapes; providing religious services in hospitals and other institutions; as well as inviting foreigners to engage, as professionals, in religious activities. While this ruling helps many groups that can prove their existence for at least fifteen years, those that have arrived in Russia recently or are not part of a centralized organization, such as the Jesuits, must still register and enjoy only limited rights. Other groups, such as the Independent Baptists, who refuse to register at all, are also deprived of many rights.

The Court did not resolve the issue of the constitutionality of Article 27.3 as it applied to such organizations, but it stated that it would do so if a directly affected organization would bring a lawsuit. Nor did it resolve the constitutionality of provisions for refusing registration or for liquidating these organizations, based on their activities or

beliefs. It is clear that the Court was under great pressure to avoid finding the entire Law unconstitutional and thus antagonizing the Russian parliamentary bodies and other power structures that supported the Law and wanted limitations on "new" and "untraditional" religious groups. At the same time, the Constitutional Court and other Russian courts have consistently shown that they do understand their obligation to bring about the rule of law in Russia.

The position of the Moscow Patriarchate is that, during the period of transition in Russia, the internationally recognized legal principle of cultural accommodation permits a state to support legislation that gives traditional religions a preferred position as well as the right to special support by the state. With respect to restricting the proselytism of Russian Christians by foreign missionaries, the Patriarchate insists that such proselytism is anti-Christian. In response to claims by foreign missionaries that their purpose is only to convert Russian atheists to Christianity, the Patriarchate responds as follows: first, the Russian Orthodox Church is the church of all who were baptized in it, including those who are not now believers; and secondly, it charges that foreign missionaries have a distinct advantage over the Russian Orthodox clergy, who currently have virtually no experience in missionary activity. Such activity was strictly prohibited under the Soviet regime. It explains that foreign missionaries often exploit this advantage by giving material benefits to their congregationsfood and clothing as well as Bibles and other religious literature-which Russian churches cannot afford to give. In addition, it claims, rightfully so, not all foreign missions in Russia are benign in their influence. Finally, Orthodox leaders insist that the United States, with its more than two hundred years of democratic pluralism, can tolerate and assimilate such groups, but that today such pluralism would destroy the churches in Russia, if it were implemented there.5

It is important that we understand the religious basis for the opposition of the Moscow Patriarchate to the thousands of foreign missionaries, chiefly American, who flocked into Russia during the 90s, and whose activities led to the Orthodox efforts to restrict their activities. At the heart of that opposition is the belief that the Russian Orthodox Church

is the church of the Russian people, the *narod*, the people viewed as a single collective entity. It is difficult for most Western Christians to accept or even to understand the existence of ethnic Christian churches. In addition, in the West, religious freedom is conceived primarily in terms of the faith of the individual believer.<sup>o</sup>

Foreigners and many non-Orthodox Russians often attribute the effort of the Moscow Patriarchate to make the Russian Orthodox Church an established church and to restrict foreign proselytism simply to its desire for power. That would be a serious misunderstanding, however, because it does not recognize the struggle that is now taking place within the Russian Orthodox Church between an old, autocratic, and centralized form of Christianity and a more modern, local, participatory one. For this reason, as well as not further aggravating the sensitivities of the Orthodox, foreign Christians who go to Russia should make it their mission not to compete with the Russian Orthodox Church, but to cooperate with it in a truly ecumenical spirit to the extent that that is possible.

It is in this context that we must try to understand the comments of Patriarch Alexy, in his November address to the second congress of Orthodox mis-The Patriarch then charged that the majority of foreign missionaries have a "destructive and totalitarian nature," and accused them of feeding psychedelic drugs to young people as a tool for winning converts. "I am convinced that foreign missionaries who arrive in this country are anxious to divide Russians," he affirmed. And the main task of Orthodox missionaries, according to him, should thus be to counter the work of missionaries from other faiths.7 The Russian Orthodox Church clearly feels itself under siege by foreigners. And it shares this feeling with Russians in general, who feel threatened by the West as well. The 1997 Law can be viewed as an expression of this unrest.

The 1997 Law is badly written. The Constitutional Court has not yet ruled on the constitutionality of the whole law but only on Article 27, which it modified slightly. The greatest danger of this law lies in the uneven way in which it has been implemented, especially in outlying regions, far removed from foreign journalists, but I will ignore this very real concern, since constitutional issues are more important for understanding the

relationship of church and state.

Freedom of religion, I should explain at this point, is poorly understood by a majority of Russians. The reason for this is not just historical —a legacy of the Soviet period, with its strong antireligious bias-but it is also cultural, since it involves a different understanding of human rights. In the West we tend to emphasize what are generally called "negative" human rights—such as freedom of speech or religion, which require that others should not interfere with people who are exercising it as long as they are not injuring others. In Russia, as in China, human rights are understood, in contrast, as a "positive" right—for example, the right to health care, education, or housing, which require that others, usually the government, help people in exercising that right. A survey on Russian television revealed that a majority of Russians believe that they have freedom of speech, but a similar majority sees nothing wrong with setting limits on that freedom. Even in the West, no one, except the most rabid defenders of freedom of speech, would deny that some limits on it might be necessary. In Russia, therefore, many people do not recognize the limitations that the 1997 Law imposes on freedom of religion, unless they happen to be part of a group that has been adversely affected. "Positive" rights are basic rights for Russians, while the "negative" ones are not considered to be as important, and thus many do not object if these rights are subject to some limitation. As westerners, therefore, we must be careful not to impose our understanding of human rights on others.

According to the Russian Orthodox Church, the end in this case justifies the means: the mandatory registration of all religious organizations. Such a procedure is so deeply ingrained in the Russian people as a result of the Soviet period, when this was one method by which existing religions were controlled, that they assume that every nation requires this as well. I discovered this assumption when the church that I attend in Moscow, St. Andrew's Anglican Church, had to register, and as part of this process we had to prove that the central office of the Church of England did not need to be registered there. Fortunately for us, the British embassy was prepared to write a letter on our behalf affirming this. Parenthetically, I should add that this church did receive its certificate of registration in January, after two previous attempts had failed. The timely intervention of the Archbishop of Canterbury was necessary for the successful registration. What, I wonder, will happen to churches that do not have prominent people who can intercede on their behalf?

Much more can be said about the 1997 Law, but this brief discussion will have to do for the moment. This law and its interpretation by the Constitutional Court are and will continue to be important for understanding the relationship of church and state in Russia today. Together, we have looked at several buildings, the new Cathedral of Christ the Savior, as well as some inside or near the Kremlin, and we have examined the 1997 Law. I hope that this survey has provided at least a small picture of the complex relationship of church and state in Russia today. Throughout Russia's long history church and state have struggled for supremacy; they have danced together continuously, but the state has led the dance and today still appears to be dominant.

#### END NOTES

- 1. Nezavisimaia Gazeta, Religion, November 10, 1999.
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- 4. Keston News Service, date uncertain.
- 5. Harold J. Berman, "Freedom of Religion in Russia," in John Witte Jr. and Michael Bordeaux, eds., Proselytism and Orthodoxy in Russia: The New War for Souls (Maryknoll, NY: Orbis Books, 1999), 279.
- 6. Ibid., 280.
- 7. RFE/RL Newsletter, November 17, 1999; Associated Press, November 17, 1999.