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Searching for Spiritual Security: The Tangled Relationship of the Russian Orthodox Church, the Russian State and Religious Freedom

June "Bonnie" M. Kelly

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Recommended Citation

June "Bonnie" M. Kelly, *Searching for Spiritual Security: The Tangled Relationship of the Russian Orthodox Church, the Russian State and Religious Freedom*, 25 U. Miami Int'l & Comp. L. Rev. 263 (2018)

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SEARCHING FOR SPIRITUAL SECURITY: THE TANGLED RELATIONSHIP
OF THE RUSSIAN ORTHODOX CHURCH, THE RUSSIAN STATE AND
RELIGIOUS FREEDOM

June "Bonnie" M. Kelly

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I. INTRODUCTION

The Hagia Sophia is one of the finest surviving examples of Byzantine architecture “rich with mosaic and marble pillars and coverings.”¹ The distinctive dome was a technical triumph and the basilica the reigning architectural achievement of Late Antiquity.² The splendor of this magnificent building would have great impact on the future of Russia.

Christianity had penetrated Kiev Rus, as Russia was then known, by the 900s, and about 955 the grandmother of

¹ *Hagia Sophia, Istanbul*, SACRED-DESTINATIONS (Feb. 13, 2018), <http://www.sacred-destinations.com/turkey/istanbul-hagia-sophia>.

² *Id.*

Vladimir, the pagan prince of Kiev Rus, was baptized.³ Prince Vladimir was not a Christian, but a pagan renowned for cruelty. He had hundreds of concubines and several wives.⁴ Wanting to unite his people in one religion, but not particularly moved by the usual spiritual stirrings, he sent envoys to the center of the world's major religions. It was the envoys' description of Hagia Sophia that got Vladimir's attention.

Then we went to Greece, and the Greeks led us to the edifices where they worship their God, and we knew not whether we were in heaven or on earth. For on earth there is no such splendor or such beauty, and we are at a loss how to describe it. We only know that God dwells there among men, and their service is fairer than the ceremonies of other nations. For we cannot forget that beauty.⁵

In 988 Vladimir was baptized and married Anna, the sister of the Byzantine Emperor Basil III. Perhaps it was the influence of his grandmother, or perhaps the beauty of the Hagia Sophia that caused true religious stirrings in Vladimir. Whatever the cause, practical or mystical, Vladimir changed.

³ PAUL D. STEEVES, KEEPING THE FAITHS. RELIGION AND IDEOLOGY IN THE SOVIET UNION 18-22 (1989).

⁴ *100 Most Important Events in Church History, 988 Vladimir Adopts Christianity*, 28 CHRISTIANITY TODAY (1990), <http://www.christianitytoday.com/history/issues/issue-28/988-vladimir-adopts-christianity.html>.

⁵ Steeves, *supra* note 3.

Significant for church history, Vladimir then ordered all the inhabitants of Kiev to appear at the Dnieper River for baptism or be considered enemies of the kingdom. Not only did he build churches, he also destroyed idols, abolished the death penalty, protected the poor, established schools, and managed to live in peace with neighboring nations. On his deathbed he gave all his possessions to the poor.⁶

He could not have known, though maybe he hoped, that his embrace of Christianity would be felt in Russia more than a millennium later. Ironically, Vladimir's reasons for finding religion were political - he wanted to unite his people. His religious legacy, the Russian Orthodox Church, has a rich and beautiful history tangled in politics - even as the Church undergoes a religious revival today.

This complex, tangled relationship, historical and current, between the Russian Orthodox Church and the Russian state stands in stark contrast to the relationship between church and state in the United States where the U.S. Constitution separates the two. Excluding seventy years of Soviet rule the Russian Orthodox Church enjoyed a position of prominence in Russia, government favor and is experiencing renewed growth after the collapse of communism partly at the expense of other religions.

Part I of this paper traces the Russian Orthodox Church's history in Imperial Russia. Although a complete history of the Church is impossible in the scope of this paper, I try to provide enough history to illuminate the relationship between the church and the state. Part II examines the Soviet relationship with the Russian Orthodox Church and the Soviets' treatment of religion in an officially atheist nation.

⁶ Christianity Today, *supra* note 4.

Part III examines the current situation of religious freedom in the Russian Federation and the Russian Orthodox Church's return to prominence. Just as a complete history of the Russian Orthodox Church is impossible, so is a recounting of the historical and worsening religious persecution in Russia. Therefore, the paper will concentrate on Christian persecution, at times of the Russian Orthodox Church, and in Part III what is considered competitors to the Russian Orthodox Church.

II. THE HISTORY AND PROMINENCE OF THE RUSSIAN ORTHODOX CHURCH IN IMPERIAL RUSSIA

After Vladimir's baptism "[t]he new religion spread out from the cities to the countryside and though pagan resistance and ritual lingered for centuries, especially in the north, evangelization was on the whole remarkably peaceful and swift."⁷ From the earliest times this foreign church depended on the backing of the Russian princes for legitimization. Therefore, the church followed the doctrine of *caesaropapism*, which is the submission of the church to the state, unlike western Catholicism⁸ where popes had the ability to excommunicate rulers.

An early example of a church-influenced political decision was one made by Prince Alexander of Neva. After the Mongol invasion of 1237 his principedom of Novgorod was the only independent principedom in Russia. However, facing

⁷ EDWARD ACTON, *RUSSIA THE TSARIST AND SOVIET LEGACY* 4 (2d ed. 1995).

⁸ Arina Lekhel, *Note: Leveling the Playing Field for Religious "Liberty" in Russia: A Critical Analysis of the 1997 Law "On Freedom of Conscience and Religious Associations,"* 32 VAND. J. TRANSNAT'L. 167, 174 (1999).

enemies to the west, including German Teutonic Knights, Alexander knew he could not protect two fronts. His choice was based on religion.⁹ The Teutonic Knights wanted to bring the Russian Orthodox Church back into the fold of the Pope of Rome, while the Mongols, or Tartars as the Russians referred to them, “required formal subordination and tributes, but did not intervene in church life.”¹⁰ Alexander choose Tartar-Mongol rule and thus saved the independence of the Russian Orthodox Church, who by this time owned about one-third of Russian land.¹¹

Another example of the intertwined relationship between church and state is the blessing Prince Dmitry Donskoy received from Abbot Sergius. Now growing weary of Tartar rule, in 1380 the Prince “asked the abbot’s blessing on his struggle with the Tartars. Sergius blessed him and told him to attack the foe without fear: “God will be with you.” Dmitry met the enemy at Kulikovo Polye and it was a decisive victory in Russian history. Thereafter, Abbot Sergius was in constant demand as a reconciler of discords in both church and state.”¹² A beautiful sculpture of his blessing of Prince Dmitry adorns the walls of the Cathedral of Christ the Saviour in Moscow, a memorial to a Russian victory both for both

⁹ Alexey D. Krindatch, *Changing relationships between Religion, the State, and Society in Russia*, 67 GEOJOURNAL 267, 268 (2006) (Prince Alexander of Neva is celebrated as one of the most venerated saints in the Russian Orthodox Church).

¹⁰ *Id.* at 268.

¹¹ *Id.*

¹² McNamara, Fr. Robert F., *St. Sergius of Radonezh*, SAINT KATERI (2018), <http://www.katerirondequoit.org/resources/saints-alive/sabas-stephen-the-younger/st-sergius-of-radonezh>.

church and state and a modern reminder of their relationship.¹³

Until the mid-15th century “the Patriarchs of Constantinople appointed the Metropolitans, the heads of the Orthodox Church in Russia.”¹⁴ But the fall of Constantinople in 1453 led the Muscovite princes to declare Moscow the “Third Rome.”¹⁵ After this time the Russian Orthodox Church became independent from the Byzantine church and was the national church of Russia.¹⁶ However, by the early 16th century a split occurred within the church between the *stjazhateli* or “possessors” and the *nestjazhateli* or “non-possessors.”¹⁷ The non-possessors, perhaps Russia’s first religious freedom promoters, “urged the clergy to shed

¹³ See *The Donskoy Monastery*, NEW WORLD ENCYCLOPEDIA (2018), <http://www.moscow.info/orthodox-moscow/donskoy-monastery.aspx>. (The Cathedral was originally “commissioned by Tsar Alexander I on December 25, 1812, following the defeat and withdrawal of Napoleon's troops from Russia. The Tsar proclaimed the cathedral a monument of gratitude for the intervention of “Divine Providence for saving Russia” from doom, and as a memorial to the sacrifices of the Russian people.” In 1931, on order of Stalin, the church was demolished and the site became a swimming pool. The only remnants of the cathedral were the original marble reliefs, which are now on display at the Donskoy Monastery built on the site where Prince Donskoy defeated the Tartars. The monastery did not fare well under Soviet rule either, as it was closed soon after the Russian Revolution, and chosen by the Bolshevik government as the site for a Museum of Atheism. The Patriarch of the church was held prisoner in the monastery from 1922-1923. Finally, the monastery was returned to the church in 1992. The Russian Orthodox Church received permission to rebuild the Cathedral at the end of the Soviet rule in February 1990. The new cathedral, built as a replica of the old, opened on December 31, 1999 and is the largest in Russia, an ability to accommodate 10,000 worshipers. Both Abbot Sergius and Prince Dmitry Donskoy are venerated as Saints in the Russian Orthodox Church).

¹⁴ Krindatch *supra* note 9, at 268.

¹⁵ Acton, *supra* note 7, at 18.

¹⁶ Krindatch, *supra* note 9, at 268.

¹⁷ *Id.*

material wealth and pursue their spiritual mission unencumbered,"¹⁸ and "objected strongly to all forms of constraints or violence toward heretics."¹⁹

Conveniently, Ivan III backed the non-possessor movement since this would have relieved the church of monastic lands and influence.²⁰ However, the possessors were led by a fiery abbot, Joseph of Volokolamsk, and emphasized a strong relationship between church and state and the more common sixteenth century religious view on treatment of heretics: "if heretics do not give up their beliefs, the Church should seek the help of the State to severely persecute them."²¹ The conservative response of the possessors won out and the union between the Orthodox Church and the Russian state was cemented.²²

By the eighteenth century, Russia was a major European power.²³ Peter the Great (1689-1725) opened relations with the west. "Culturally, it was a painful experience because it exposed Russia to competing socio-economic norms and demonstrated Russia's backwardness, especially in education, economics and technology."²⁴ By Peter's reign, the church had become the one institution with which the monarchs were still compelled to reckon,²⁵ and the nature of the union would change. As he had modernized Russia with autocratic orders, he turned to the church,

¹⁸ Acton, *supra* note 7, at 19.

¹⁹ Krindatch *supra* note 9 at 269.

²⁰ Acton, *supra* note 7, at 19.

²¹ Krindatch, *supra* note 9, at 269.

²² *Id.*

²³ Acton, *supra* note 7, at 39.

²⁴ Lekhel, *supra* note 8, at 176.

²⁵ Acton, *supra* note 7, at 47.

abolishing the position of Patriarch of the Russian Orthodox Church in 1721 and creating the Holy Synod. The Holy Synod was comprised of “three bishops and nine monastic or married clergy” and most importantly “were appointed or dismissed solely at the Emperor’s discretion.”²⁶ Later, Catherine the Great (1762-1796) seized church lands and enterprises and closed more than half the monasteries.²⁷ The national church of Russia had become nationalized and clergy considered state employees.²⁸

Peter’s contact with the West attracted westerners to Russia and brought both Catholics and Protestants into the country. Throughout the Imperial Period these groups enjoyed varying degrees of tolerance. Peter allowed great personal religious freedoms for newcomers as he continued to try and attract westerners but persecuted domestic non-Orthodox believers.²⁹ Territorial expansion under Ivan the Terrible into Siberia brought Muslims into the country while eighteenth century expansion in today’s Latvia and Estonia brought many Lutherans into Russia.³⁰

“Ethnic” religions like Islam, Buddhism and Judaism were tolerated by the Russian state.³¹ Among other Christian denominations, the Protestants fared better than Roman Catholics for two reasons. First, the state perceived Catholics to be more loyal to Rome than Russia. And second, the

²⁶ Krindatch, *supra* note 9, at 269.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Lekhel, *supra* note 8, at 177.

³⁰ Krindatch, *supra* note 9, at 270.

³¹ *Id.*

Russian Orthodox Church viewed them as a closer competitor than the Protestants.³²

Later the inclusion of non-Russians into the empire would have severe consequences.

The 1897 census showed only forty-three percent of the population to be Great Russians.³³ The last two tsars pursued a harsh policy of Russification aimed to “create a uniform legal order and administrative system, but accompanied by measures promoting Russian culture and Orthodoxy and discriminating against minority languages and religions.”³⁴ The regime’s overt identification with the ethnic Russians and the Russian Orthodox Church alienated the minority nationalities and spelled doom for the Church once the tsars were no longer in power.³⁵

III. RELIGIOUS FREEDOM IN THE SOVIET UNION

A. THE FALL OF THE RUSSIAN ORTHODOX CHURCH

Beginning in 1917, the communist revolution brought an end to Imperial rule and the prominence of the Russian Orthodox Church. In the Soviet Union, officially an atheist state, religion was pushed from public life. In January 1918 the new communist authorities adopted the “Decree about separation church from the State and the school from the church’ [which] would fit nicely into the legal framework of

³² *Id.*

³³ The term is formerly used to distinguish ethnic Russians from other constituent peoples of the Soviet Union or the Russian Empire.

³⁴ Acton, *supra* note 7, at 106.

³⁵ *Id.*

Western democratic societies.”³⁶ It stated “[f]or the purpose of securing to the workers real freedom of conscience, the church is to be separated from the state and the school from the church.”³⁷ However, there are fundamental differences in freedom of religion in United States and that found in the Soviet Union. Freedom of religion, or conscience, in the Soviet Union meant that churches “were forbidden to engage in any activities that were within the sphere of responsibilities of the state. That meant, for example, churches could not give to the poor or carry on educational activities.”³⁸ In the U.S. churches are allowed to carry on charitable and educational activities, and even encouraged to do so by receiving tax-exempt status. Furthermore the official link between the Russian Orthodox Church and the Russian State prior to the communist revolution, if emulated in the United States, would have been a violation of the U.S. Constitution’s Establishment Clause, which forbids the government from establishing a state religion, and favoring one religion over another.³⁹

The Soviet government recognized religious freedom and separation of church and state only nominally. “But renunciation of religious faith is a condition of membership in the ruling Communist Party and in its junior organization, the Union of Communist Youth; and no effort of agitation and

³⁶ Krindatch, *supra* note 9, at 271.

³⁷ GENERAL PROVISIONS OF THE CONSTITUTION OF THE RUSSIAN SOCIALIST FEDERATED SOVIET REPUBLIC [CONSTITUTION] July 10, 1918, art. 2.

³⁸ HAROLD J. BERMAN, FAITH AND ORDER THE RECONCILIATION OF LAW AND RELIGION, 395 (1993).

³⁹ U.S. Const. amend. I “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

propaganda is spared to wean away the peoples of the Soviet Union from all forms of religious practice.”⁴⁰

At the same time as the communists were espousing the separation of church and state, they passed legislation stripping the Russian Orthodox Church of its previous privileged position.⁴¹ “Until the mid-1920s the major target of the State’s anti-religious policy was the Russian Orthodox Church because it was directly associated with the demolished Russian monarchy.”⁴² Some of the most sacred places of worship, like the Donskoy Monastery, became museums of atheism.⁴³ The words of Lenin summed up the new government’s attitude:

Religion is one of the forms of spiritual oppression, lying everywhere on the masses of the people, who are oppressed by eternal work for others, need and isolation. The helplessness of the exploited classes in their struggle with the exploiters just as inevitably generates faith in a better life beyond the grave as the helplessness of the savage in his struggle with nature produces faith in gods, devils, miracles, etc. To him who works and is poor all his life religion teaches passivity and patience in earthly life, consoling him with the hope of a heavenly reward. To those who live on the labor of others

⁴⁰ WILLIAM CHAMBERLIN, *SOVIET RUSSIA: A LIVING RECORD AND A HISTORY* (1930), <https://www.marxists.org/archive/chamberlin-william/1929/soviet-russia/ch13.htm#foot-1>.

⁴¹ Lekhel, *supra* note 8, at 178.

⁴² Krindatch, *supra* note 9, at 271.

⁴³ Acton, *supra* note 7, at 183.

religion teaches benevolence in earthly life, offering them a very cheap justification for all their exploiting existence and selling tickets to heavenly happiness at a reduced price. Religion is opium for the people.⁴⁴

Not only did the communist regime seek to end the practice of religion but, in an ironic twist, it sought to replace it with atheism in an almost religious manner. After Lenin's death in 1924 "[t]he writings of Lenin were treated as sacred text from a prophet and became the final justification of any act. Lenin's embalming further played on the Russian Orthodox belief that the bodies of saints decompose at a slower rate. Placing Lenin under glass in a state of suspended animation directly replicated the display of the bodies of saints in monasteries throughout Russia."⁴⁵

By April 1929 priests were not considered to be "workers," and thus were taxed at a rate similar to entrepreneurs. Priests were also denied entrance into the military and then required to pay a special non-service tax. In some cases, these two taxes combined were more than one hundred percent of a priest's income.⁴⁶ By the mid-1930s organized religious activity was illegal and thousands of clergy were arrested, placed in concentration camps, expelled

⁴⁴ Chamberlin, *supra* note 40.

⁴⁵ Paul Froese, *Forced Secularization in Soviet Russia: Why an Atheistic Monopoly Failed*, 43 JOURNAL FOR THE SCIENTIFIC STUDY OF RELIGION, 35, 43 (2004).

⁴⁶ *Studies in Soviet Thought*, 41, no. 2, 147-150 (1991) (reviewing Dimitry V. Posielovsky's *A History of Soviet Atheism in Theory and Practice and the Believer*).

or executed.⁴⁷ The policy was frighteningly successful. “[T]he Russian Orthodox Church had about 54,000 parishes in 1914, [but] by the beginning of World War II only 200-300 Orthodox parishes were still functioning in Russia. Only four bishops remained in their positions in 1939 as legally acting ruling bishops.”⁴⁸

B. THE GREAT RETREAT AND WORLD WAR II

By 1934 Soviet leaders were faced with a rising threat from Nazi Germany. In what is known as the Great Retreat, leaders decided to retreat from socialism and “restore some traditional institutions and culture to gain the population’s support. They thus . . . resorted to patriotic appeals; they buttressed the family and schools as key institutions in Soviet society. . . .”⁴⁹ Similar to Tsarist policies of Russification, the trend towards centrally imposed uniformity grew even stronger, and the measure of cultural autonomy enjoyed by the minority republics was further narrowed. Growing emphasis on the Russian language was one facet of this: at school all children were to learn Russian as their second language, if not their first. Likewise, the ‘Great Retreat’ saw further, if more measured anti-religious measures which hit minority groups, including Muslims, Buddhists, Baptists and the Armenian and Georgian Churches, as much if not more than the Russian Church.⁵⁰

⁴⁷ Krindatch, *supra* note 9, at 271.

⁴⁸ *Id.*

⁴⁹ David L. Hoffman, *Was There a “Great Retreat” from Soviet Socialism? Stalinist Culture Reconsidered*, 5 *KRITIKA: EXPLORATIONS IN RUSSIAN AND EUROPEAN HISTORY*, 651-674 (2004).

⁵⁰ Acton, *supra* note 7, at 237.

Interestingly, the 1937 census indicated that fifty-seven percent of Soviets were still believers. The census results were suppressed and the question about religious beliefs was eliminated from the census of 1939.⁵¹

In 1941 Hitler invaded the Soviet Union, violating the non-aggression pact. The first to appeal to the Soviet people's patriotism was the Metropolitan Sergi.⁵² In 1943 he was elected as a new Patriarch of the Russian Orthodox Church, an "action that symbolized the beginning of legalization and restoration of the institutional structure of the Russian Orthodox Church."⁵³

In 1943 Stalin met with the Metropolitan Sergi at the Kremlin and shortly afterward the Council for the Affairs of the Russian Orthodox Church was created (CAROC). Churches and monasteries began to reopen as did theological schools, and the number of clergy began to grow.⁵⁴ There are a number of explanations as to why Stalin allowed this. Perhaps the social authority of the church would mobilize the population during World War II, foreign policy made it necessary to demonstrate to the allied powers the existence of religious freedom in the Soviet Union, or perhaps it was to gain the sympathy and support of the millions of Russians abroad.⁵⁵ Also, the western areas of the Soviet Union under Nazi control during World War II were experiencing a remarkable religious revival, often times

⁵¹ PHILIP WALTERS, *The Russian Orthodox Church and the Soviet State*, 483 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, 134-145 (1986).

⁵² *Id.* at 137.

⁵³ Krindatch, *supra* note 9, at 271.

⁵⁴ Walters, *supra* note 51, at 139.

⁵⁵ Krindatch, *supra* note 9, at 271.

encouraged by the German military authorities. Stalin was forced to win the sympathy of believers that still existed in the Soviet Union.⁵⁶

In 1944 the Council for the affairs of religious cults (CARC) was founded to oversee the actions of churches other than the Russian Orthodox Church.⁵⁷ I.V. Poljanski was appointed to head the CARC, a position he held until 1957.⁵⁸ "Poljanski told the representatives that the main task of the Council is to establish ties between the government of the Soviet Union and the leaders of religious associations for the resolution of issues requiring a governmental decision, such as the opening of cultic (that is, worship) buildings. Poljanski stated that the Council would contribute to the normalization of the state's relations with religious associations."

Further, Poljanski gave his viewpoint on how the Soviet government should view these cults. "Such religious organizations as the Roman Catholic, Greek Catholic and Lutheran churches defected to the enemy and started to almost entirely defend the interests of German imperialism."⁵⁹ The conclusion is that different religions would fare differently in the Soviet Union depending primarily on their perceived loyalty to the communist regime, and their level of influence and activity among the

⁵⁶ *Id.*

⁵⁷ Riho Altnurme, *Religious Cults, Particularly Lutheranism, in the Soviet Union in 1944-1949*, 6 *TRAMES, J. HUMAN. & SOC. SCI.*, 3, 4 (2002). (Later this group and the Council for the Affairs of the Russian Orthodox Church were merged into the Council for Religious Affairs in 1965).

⁵⁸ *Id.*

⁵⁹ *Id.* at 6.

people.⁶⁰ For example, the government was particularly concerned with "Baptists and Adventists - the clergy was closely related to believers and in many respects dependent on them, as stated in the document. Churches that had close relations with people [unlike the hierarchy structure of the Roman Catholic Church] were dangerous in the eyes of Soviet authorities. ...Baptists and Adventists became the particular targets of government attacks."⁶¹

To exist legally in the Soviet Union, a religious group had to register with the state.⁶² This was a very effective method of control for the Soviet government. First, it could deny registration to any group of which it did not approve and second it provided information as to who belonged to what group. Poljanski made reference to using this information.

While not placing obstacles to the existence of the latter [that is, the Roman Catholic and the Lutheran Church] and performing the registration of the already existing congregations of the said cults, the Council and its local employees shall implement all the measures to the effect that the administration of the said churches and other prominent figures among cultic servants and believers take the path of the full recognition of the Soviet power,

⁶⁰ *Id.* at 9.

⁶¹ *Id.* at 12.

⁶² Lekhel, *supra* note 8, at 179.

together with all the consequences arising from that.⁶³

It is important to note that “legal” religious activity for registered churches was very limited. The “favored” Russian Orthodox Church was required to get “permission to ring the church bells or organize a religious procession around the church building.”⁶⁴ The Church was allowed to conduct worship services and eventually to print a small number of worship materials. But social work or religious education were not permitted.⁶⁵

C. POST-WORLD WAR II

By 1949 the trend towards reopening places of worship reversed itself. Buildings would not be opened without the request from at least one thousand worshippers. The CARC was authorized to close churches that had only a handful of faithful worshippers and “churches where “counter-revolutionary” activity was taking place.”⁶⁶ The political landscape had changed as well. The end of World War II meant foreign policy considerations no longer required the Soviet Union to appease allies or gain support from Russians abroad.

On December 10, 1948, fifty-six countries gathered in Paris to sign the Universal Declaration of Human Rights.⁶⁷

⁶³ Altnurme, *supra* note 57, at 7.

⁶⁴ Krindatch, *supra* note 9, at 272.

⁶⁵ *Id.*

⁶⁶ Altnurme, *supra* note 57, at 15.

⁶⁷ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948). [hereinafter Universal Declaration].

Eight United Nations member states abstained: the USSR, Ukraine, Belorussia, Czechoslovakia, Poland, Yugoslavia, Saudi Arabia, and South Africa.⁶⁸ The USSR's abstention was the result of a very different conception of human rights in the Soviet belief system. Western views of human rights are that of "'negative' rights: that is, rights of individuals *against* the government. The Soviet system, on the other hand, emphasized that society as a whole, rather than individuals, were the beneficiaries of "positive" rights: that is, rights *from* the government." Soviet ideology placed great emphasis on economic and social rights like adequate healthcare and food supplies, housing, education and guaranteed employment – much different that the capitalist West where the rights of the individual and the importance of civil and political rights was emphasized.⁶⁹ Article 18 of the Universal Declaration of Human Rights states, "Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."⁷⁰

Instead of committing to the religious freedom the Declaration put forth, within the Soviet Union church

⁶⁸ Bertrand M. Patenaude, *Regional Perspectives on Human Rights: The USSR and Russia, Part One – USSR*, SPICE (Fall 2012),

http://spice.fsi.stanford.edu/sites/default/files/RPHR_part1.pdf.

(Ukraine and Belorussia, although union republics of the USSR, had been granted separate status as member states of the United Nations, as requested by Stalin).

⁶⁹ *Id.*

⁷⁰ Universal Declaration, *supra* note 67.

property had been seized and many congregations registered. After Stalin's death in 1953, Nikita Khrushchev came to power. "The Geneva Summit of 1955 among Britain, France, the Soviet Union, and the United States, and the Camp David Summit of 1959 between Eisenhower and Khrushchev raised hopes of a more cooperative spirit between East and West."⁷¹ In the area of religious freedom, Khrushchev would prove anything but cooperative. While Stalin, for political reasons, slowed the assault on religion, Khrushchev renewed persecution, particularly in rural areas.

By the 1950s the collective farms had failed in modernizing agriculture and improving yields. Instead "collective farms still suffered from widespread absenteeism and drunkenness, particularly on religious holidays, foot-dragging, low-productivity, and other traditional forms of peasant discontent."⁷² The Soviets considered religion to be a cause of this rural backwardness. Eliminating religion was one of Khrushchev's "policies of rural modernization" so that the rural Soviet Union could "finally overcome its backward past, abandon religion, and enjoy an equal place in the communist future."⁷³

Church closures continued although not always smoothly for the government. Khrushchev's anti-religion campaign first targeted monasteries. On July 3, 1960 the Rechulsky's Women's Monastery was emptied and closed,

⁷¹ The Soviet Union and the United States, *Revelations from the Russian Archives*, LIBRARY OF CONG. (2004), <https://www.loc.gov/exhibits/archives/sovi.html>.

⁷² Andrew B. Stone, *Overcoming Peasant Backwardness: The Khrushchev Antireligious Campaign and the Rural Soviet Union*, 2 THE RUSSIAN REVIEW 67, 296,301 (2008).

⁷³ *Id.*

but not without a show of true conviction by the nuns and surrounding parishioners. The nuns of the monastery told their relatives and nearby villages they were being oppressed and threatened with closure. Ringing the church bells, they summoned workers from the surrounding collective farms. Within two days 200-250 workers surrounded the monastery armed with "pitchforks, sticks and stones" and ready to do battle with the Soviet militia sent to close the monastery.⁷⁴ This protective mob "brutally beat up an agronomist" from a collective farm and seriously injured, among others, a Lieutenant Dolgan when villagers tried to murder him with a pitchfork.⁷⁵

Education was considered the primary weapon in fighting rural backwardness during the Khrushchev years. "Drawing on Marxist explanations for the origins of religion, Soviet ideology equated all religious belief with superstition and ignorance about natural phenomena, and consequently presented scientific knowledge and technological innovation as the antidote."⁷⁶ Lecture bureaus were formed with instructions that at least half of lectures given in rural areas need to be on scientific-atheist themes.⁷⁷

Another tactic of the Soviet regime was to limit the influence of the *samochintsy*, or "self-appointed religious leaders. These were individuals who took it upon themselves to perform the duties that were often left vacant by the lack of clergy."⁷⁸ It was in this area that the Soviets had an unlikely

⁷⁴ F. Corley, *Religion in the Soviet Union: An Archival Reader* 208 (1996).

⁷⁵ *Id.* at 208.

⁷⁶ Stone, *supra* note 72, at 302.

⁷⁷ *Id.*

⁷⁸ *Id.* at 304.

ally: the Russian Orthodox Church. The *samo-chintsy* were viewed by the Orthodox church as a threat to their canonical authority and of further jeopardizing the church's precarious position in the officially atheist Soviet Union. Politics and the church tangled again as they agreed on this issue, even if their motives differed.⁷⁹

The 1977 Fundamental Law again laid out the freedom of religion and separation of church and state within the Soviet Union. Article 52 states, "Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited."⁸⁰ In the USSR, the church is separated from the state, and the school from the church." However, "[t]he underlying principle of the policies toward religion can be seen in article 51 of the 1977 Constitution which permits only those organizations which contribute to the building of communism."⁸¹

In regards to whether Articles 51 and 52 conflict with each other, evidence shows that by the 1970s dissatisfaction with communism was producing a religious revival within the Soviet Union and a large number of protests that demanded religious rights in the Brezhnev era.⁸² The pitchfork incident described above shows that there were

⁷⁹ *Id.*

⁸⁰ Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, Oct. 7, 1977

<https://www.departments.bucknell.edu/russian/const/77cons02.html>.

⁸¹ David Kowalewski, *Religious Belief in the Brezhnev Era: Renaissance, Resistance and Realpolitik*, 3 J. FOR THE SCIENTIFIC STUDY OF RELIGION 19, 280-92 (1980).

⁸² *Id.* at 290.

areas of the Soviet Union through the 1960s that never embraced atheism. The September 8, 1971 issue of the *Leningradskaya Pravda* newspaper [The Leningrad Truth], “deplored the fact that ‘the number of [Christian] [. . .] ceremonies [such as christenings and weddings] is increasing [. . .] and the participants of such rites [. . .] are naturally young.’”⁸³ Most frightening to the Soviet authorities was the fact that religious awakenings did not seem to be a whim, but a true search for the meaning of life—a sure sign that communism was failing.

In the early days [. . .] young people [. . .] could throw their enthusiasm into building a new life and a new future. But for most of them the new future has not turned out as they had expected. Ideals have been abandoned. The Soviet Union is now merely following the West on the road of materialism [. . .]. Small wonder there is a craving for higher goals than these. Atheist articles in the press have remarked that what young people are looking for most of all is a meaning to life.⁸⁴

IV. AFTER THE COLLAPSE OF THE USSR

The year 1988 marked the millennium of Prince Vladimir’s baptism in 988 and of Christianity in Russia. In April of that year, Mikhail Gorbachev pledged to the leadership of the Russian Orthodox Church that he “would implement policies that allow the church to carry out its activities without state interference and that ‘a new law on freedom of conscience, now being drafted, will reflect the

⁸³ David Kowalewski, *Protest for Religious Rights in the USSR: Characteristics and Consequences*, 4 THE RUSSIAN REVIEW 39, 426-41 (1980).

⁸⁴ *Id.* at 282.

interests of religious organizations.”⁸⁵ Gorbachev made that same promise to Pope John Paul II when he became the first Soviet head of state to visit the Vatican.⁸⁶ At the time Gorbachev made these promises, there were “less than 7,000 functioning parishes and 21 monasteries belonging to the Moscow Patriarchate in 1988.”⁸⁷

The celebration of the millennium marked the end of state attempts to ban the Russian Orthodox Church from public life.⁸⁸ Churches began to re-open, monasteries were restored, prayers and processions reappeared in public, and there was media coverage of religious events.⁸⁹ Suddenly religion was no longer a sign of the “backwardness” that Khrushchev fought, but of “civic boldness and liberalism.”⁹⁰ In October 1990, the law Gorbachev promised was incorporated into the Soviet legal code and known as “Law on Freedom of Conscience and Religious Organizations.” This declared all religions equal under the law and “prohibited the state from ‘any direct or indirect limitation on the rights of a citizen or the establishment of any advantages for citizens’ because of their religion.”⁹¹ Further, there was to be “no state religion, no state function assigned to religion, no state intervention in religious affairs, and no funding of organizations or activity associated with the ‘propaganda of

⁸⁵ James E. Woods, Jr., *The Battle over Religious Freedom in Russia*, 35 J. OF CHURCH AND STATE 491 (1993).

⁸⁶ *Id.*

⁸⁷ Tobias Köllner, *Works of Penance: New Churches in Post-Soviet Russia*, In VERKAAIK OSKAR, RELIGIOUS ARCHITECTURE: ANTHROPOLOGICAL PERSPECTIVES, , AMSTERDAM UNIVERSITY PRESS (2013), 83-95.

⁸⁸ *Id.* at 83, 85.

⁸⁹ *Id.* at 83.

⁹⁰ Lekhel, *supra* note 8, at 183.

⁹¹ Woods, *supra* note 85, at 491-492.

atheism.'"⁹² The law passed the Supreme Soviet with a vote of 341-2, and was the most sweeping religious freedom law in Russian history.⁹³

The Soviet Union's last day of existence was Christmas Day in 1991.⁹⁴ With the collapse of the Soviet Union and subsequent democratic election of Boris Yeltsin,⁹⁵ the Russian Federation would reaffirm these freedoms in its 1993 Constitution. The following Articles show the new nation's early attempts to commit to religious freedom.

Article 14

1. The Russian Federation shall be a secular state. No religion may be established as the State religion or as obligatory.
2. Religious associations shall be separate from the State and shall be equal before the law.

Article 19

3. The State guarantees the equality of human and civil rights and freedoms regardless of sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, membership

⁹² *Id.* at 492.

⁹³ *Id.*

⁹⁴ Kim Hjelmgaard, *25 Years Later: Shockwaves from the Breakup of Soviet Union*, USA_TODAY (Dec. 21, 1996), <https://www.usatoday.com/story/news/world/2016/12/21/soviet-union-25th-anniversary-collapse-russia-putin/95341672>.

⁹⁵ Krindatch *supra* note 9 at 272.

of public associations, or of other circumstances. All forms of limitations of human rights on social, racial, national, language or religious grounds shall be prohibited.

Article 28

Everyone shall be guaranteed freedom of conscience and religion, including the right to profess individually or collectively any religion or not to profess any religion, and freely to choose, possess and disseminate religious and other convictions and act in accordance with them.⁹⁶

These new freedoms brought waves of missionaries and religious groups into Russia, including Catholics and mainline Protestants, but also Hare Krishnas,⁹⁷ Jehovah's Witnesses⁹⁸ and Mormons.⁹⁹ Within the span of two years there were many religious movements, which included national television programs by western evangelicals.¹⁰⁰

⁹⁶ RUSSIAN FEDERATION CONSTITUTION 1993 (rev. 2014), art. 14, 19, & 28.

⁹⁷ Woods, *supra* note 85, at 492.

⁹⁸ See Tom O'Conner, *Religion in Russia: Jehovah's Witnesses Declared 'Extremist Organization' by Russian Justice Ministry*, NEWSWEEK.COM (2018), <http://www.newsweek.com/russia-religion-jehovah-witnesses-declare-extremist-organization-569953>. (Jehovah's Witnesses were officially registered in the Soviet Union in March 1991 after the passage of the 1990 Freedom of Religious Confession law).

⁹⁹ Mike Eckel, *Russia's 'Yarovaya Law' Imposes Harsh New Restrictions on Religious Group*, RADIO FREE EUROPE, RADIO LIBERTY (July 11, 2016), available at <https://www.rferl.org/a/russia-yarovaya-law-religious-freedom-restrictions/27852531.html>.

¹⁰⁰ Woods, *supra* note 85, at 492.

The influx of these groups threatened the position of the Russian Orthodox Church, which was only just regaining prominence, and the in the minds of many, the unity of Russian society.¹⁰¹ The 1997 law known as "On Freedom of Conscience and Religious Associations" was the response. Much more restrictive than what had been adopted in the 1993 Constitution, this law required new religious communities to be in existence for fifteen years before gaining legal recognition of the state, which only then would allow groups to "open a bank account, own property, issue invitations to foreign guests, publish literature, enjoy tax benefits, or conduct worship services in prisons, state-owned hospitals, and the armed forces."¹⁰² In short, there was now a fifteen-year waiting period to do all the things religious groups do and had been doing in Russia since October 1990.

The introduction of the 1997 Law states that the Russian Federation is a secular state, but then "[r]ecognizing the special contribution of Orthodoxy to the history Russia and to the establishment and development of Russia's spirituality and culture" adopts the federal law.¹⁰³ Among the many provisions proclaiming freedom of conscience and religion are others that are disturbing. For example, Section 3.2 states:

The right of man and citizen to freedom of
conscience and to freedom of creed may be

¹⁰¹ *Id.* at 493.

¹⁰² U.S. DEP'T. OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: RUSSIA (2008), <https://www.state.gov/j/drl/rls/irf/2008/108468.htm>.

¹⁰³ Note, *Russian Federation Federal Law: "On Freedom of Conscience and on Religious Associations"* reprinted 39 JOURNAL OF CHURCH AND STATE, 873, 873(1997). (hereinafter 1997 Law).

restricted by federal law only to the extent to which this is necessary for the goals of defending the foundations of the constitutional system, morality, health, or the rights and legal interests of man and citizen, or of securing the defense of the country and the security of the state.¹⁰⁴

This language is ambiguous and open to interpretation. History is full of missionaries and religious minorities accused of disrupting the security of the state, early Christians being a prime example, and this language provides the government an easy tool for suppression or expulsion. The 1999 U.S. State Department's International Religious Freedom Report states the "new, restrictive, and potentially discriminatory law on religion . . . raise[s] questions about the government's commitment to international agreements honoring freedom of religion."¹⁰⁵ The report describes the 1997 law as "very complex, with many ambiguous and contradictory provisions."¹⁰⁶

Chapter two of the law creates a two-tiered system that categorizes all religious associations into either groups or organizations. Only organizations have achieved registration and have legal recognition from the state. Aside from the

¹⁰⁴ *Id.* at 874.

¹⁰⁵ BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP'T. OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 1999: RUSSIA (Feb. 23, 2000), <https://www.state.gov/j/drl/rls/hrrpt/1999/356.htm> [hereinafter State Dep't., Russia Report].

¹⁰⁶ *Id.*

fifteen-year requirement, the organization must consist of at least ten adult members.¹⁰⁷ This precludes single missionary families from ever achieving legal status. Section 8.5 states “[a] centralized religious organization the structures of which been active on the territory of the Russian Federation for no fewer than 50 years as of the moment when the said organization files its application for state registration to the registering organ has the right to use ‘Russia’ and ‘Russian’ in its names the words and derivatives.”¹⁰⁸ In other words, if the group wasn’t operating under Joseph Stalin, it would not be identified with the nation.¹⁰⁹

The State Department report provides a litany of examples of groups denied the right to register, denied the right to distribute Bibles, individuals’ employment threatened, and groups not given permits to hold gatherings. One year after the passage of the law, according to the Russian Ministry of Justice:

[A]pproximately 80 percent or 320 out of 400 religious organizations were reregistered on the federal level, representing 40 percent of the total number requiring reregistration. At year's end, the Ministry estimated that about half of the 16,850 religious organizations still were not reregistered on the local level.¹¹⁰

¹⁰⁷ 1997 Law *supra* note 103, at 878.

¹⁰⁸ *Id.*

¹⁰⁹ State Dep’t., Russia Report *supra* note 105. (This requirement was struck down by the Russian Constitutional Court in November 1999 when the Court declared that groups registered before the 1997 law did not need to re-register. However, the registration requirement was upheld).

¹¹⁰ *Id.*

In the same way, the millennium celebration marked the end of official communist persecution of religion, a second event highlighted the Orthodox resurgence within the nation.

The surprising resignation of President Yeltsin in December 1999 left Prime Minister Vladimir Putin temporarily in charge until presidential elections could be held. In a move reminiscent of Prince Dmitry Donskoy's blessing from Abbot Sergius before meeting the Tartars, Putin received a blessing from the Russian Orthodox Patriarch Alexi II when becoming acting-president.¹¹¹ A week later, during Mass at the newly reconstructed Cathedral of Christ the Saviour in Moscow, acting-president Putin made this statement: "Why has Christ come into the world? To liberate people from sicknesses, troubles, and from death. In its essence, Christmas is a holiday of hope."¹¹²

The end of the 1990s marked a change in Russian feelings. No longer satisfied to be "a poor copy of the West, people began searching for a distinctly Russian identity."¹¹³ The constant in the lives of the Russian people, at least for the last one thousand years, is the Russian Orthodox Church. Seventy-two percent of Russians claim to be Orthodox.¹¹⁴ This classification can be misleading as it ranges from those who are devout followers of the Russian Orthodox Church to those who equate Orthodoxy to being Russian.¹¹⁵ "Over time the

¹¹¹ Krindatch, *supra* note 9, at 272.

¹¹² Andrei Zolotov, *As Russians Prepare to Elect New President Putin Shows Interest in Religion*, CHRISTIANITY TODAY (Jan. 1, 2000), <http://www.christianitytoday.com/ct/2000/januaryweb-only/23.0a.html>.

¹¹³ ANNE GARRELS, PUTIN COUNTRY A JOURNEY INTO THE REAL RUSSIA 120 (2016).

¹¹⁴ O'Connor, *supra* note 98.

¹¹⁵ Köllner, *supra* note 87, at 84.

Russian government has come to treat the Moscow Patriarchate of the Russian Orthodox Church as a de facto state church, strongly favoring it in various areas of state-sponsorship, including subsidies, the educational system, and military chaplaincies; this favoritism has fostered a climate of hostility towards other religions."¹¹⁶ This favoritism also runs counter to Russian Law. Last July President Vladimir Putin signed the 'Yarovaya Law,' a measure intended to battle terrorism and extremism.¹¹⁷ However, the law also included tighter restrictions on religious activities, particularly those of smaller denominations. For example, the law forbids prayer meetings from taking place anywhere except recognized religious buildings, like home churches.¹¹⁸ The law broadly bans missionary activities like "preaching, praying, disseminating religious materials" and answering questions about faith outside official designated areas.¹¹⁹ "Those convicted of extremism are now subject to up to six years imprisonment, major fines equal to several years of annual wages, and/or bans on professional employment."¹²⁰ In an approach frighteningly similar to the Soviet era, "the Russian government views independent religious activity as a major threat to social and political stability."¹²¹ Numerous groups are targeted by Russian authorities including

¹¹⁶ U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, 2017 ANNUAL REPORT 69 (2017), <http://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf> [hereinafter USCIRF Report].

¹¹⁷ Eckel, *supra* note 99. (The law is named for Irina Yarovaya a member of the State Duma and United Russia Party. She is the Head of the Parliamentary Committee for Security and Anti-Corruption).

¹¹⁸ *Id.* at 3.

¹¹⁹ USCIRF Report, *supra* note 116, at 73.

¹²⁰ USCIRF Report, *supra* note 116, at 70.

¹²¹ *Id.* at 69.

Muslims, particularly in the North Caucasus, as well as Jewish and Buddhist communities.¹²²

The Russian authorities have particularly targeted Jehovah's Witnesses. Indeed, since the passage of the law the Justice Ministry filed suit in the Russian Supreme Court seeking the "liquidation and prohibition" of the Jehovah's Witnesses' faith, and requested the immediate closure of the group's headquarters in Moscow.¹²³ The case sought to label Jehovah's Witnesses' as an extremist group citing their refusal for military service and their criticism of traditional Christianity and Orthodoxy as reasons. The refusal to join the military is an express right given to Russian citizens in the 1997 law. Article 3.4 states "A citizen of the Russian Federation, in the event that military service contradicts his convictions or creed, has the right to substitute alternative civilian service for it."¹²⁴ Apparently, exercising this right makes Jehovah's Witnesses distinctly un-Russian.

The "group's absolute opposition to violence, [is] a stand that infuriated Soviet and now Russian authorities whose legitimacy rests in large part on the celebration of martial triumphs, most notably over Nazi Germany in World War II but also over rebels in Syria."¹²⁵ This stand also makes Jehovah's Witnesses a good target. As pacifists, they will never organize a protest and they do not vote, and therefore have no political power. This lack of interest in politics is itself

¹²² *Id.* at 72-73.

¹²³ O'Connor, *supra* note 98.

¹²⁴ 1997 Law, *supra* note 103.

¹²⁵ Andrew Higgins, *Russia Moves to Ban Jehovah's Witnesses as 'Extremist'*, NEW YORK TIMES (Apr. 4, 2017), https://www.nytimes.com/2017/04/04/world/europe/russia-moves-to-ban-jehovahs-witnesses-as-extremist.html?_r=0.

seen as suspicious behavior. "From the Russian state's perspective, Jehovah's Witnesses are completely separate. [. . .] The idea of independent and public religious activity that is completely outside the control of – and also indifferent to – the state sets all sorts of alarm bells ringing in the Orthodox Church and the security services."¹²⁶

On April 20, 2017, the Russian Supreme Court voted to accept the label of extremist and to liquidate the Administrative Center of Jehovah's Witnesses in Russia along with 395 Local Religious Organizations used by Witnesses throughout Russia. The Jehovah's Witnesses have thirty days to appeal the ruling.¹²⁷

As the Russian Orthodox Church continues to become a symbol of Russian nationalism other minority faiths may find themselves similar victims and this puts many of these groups in an uncomfortable position. Jehovah's Witnesses are theologically opposed to mainstream Christianity, and therefore counter to Russian Orthodoxy, on several key points. They do not believe in the Trinity and they avoid celebrating Christian holidays and symbols like Christmas, Easter and the cross.¹²⁸ Other evangelical groups try to build on the Russian familiarity with Christian history and Orthodox culture which up to this point has allowed them to escape the kind of widespread repression the Jehovah's

¹²⁶ *Id.*

¹²⁷ *Russia's Supreme Courts Rules Against Jehovah's Witnesses*, JW.ORG (Apr. 20, 2017), www.jw.org/en/news/releases/by-region/russia/supreme-court-rules-against-jehovahs-witnesses.

¹²⁸ *See What Do Jehovah's Witnesses Believe?*, JW.Org (Apr. 2017), <https://www.jw.org/en/jehovahs-witnesses/faq/jehovah-witness-beliefs>.

Witnesses have endured.¹²⁹ But if other minority groups remain silent in their opposition to the liquidation and prohibition of the Jehovah's Witnesses, these same groups may find themselves also targeted. The current Moscow Patriarch Kirill has said "there can be no place in Russia for a free market in religious life" and called "foreign missionary activity a sinister threat to the nation's security."¹³⁰ The Russian Orthodox Church is rumored to use its authority to prevent religious groups from registering with the government, and therefore keeping them from attaining legal status.¹³¹

In 2006, The World Council of Russian People, an annual event hosted by the Russian Orthodox Church, was held at the Christ the Saviour Cathedral. That council produced Russia's Declaration of Human Rights and Dignity, a document that contradicts the Universal Declaration of Human Rights.¹³² Unlike the inalienable concept of rights in the United Nation's document, according to the Russian document "rights are either given by God or the State and the maintenance and exercise of those rights is dependent on the motives and actions of the individual."¹³³

Excerpts from the Russian Declaration highlight the differences in how Russia views human rights compared to

¹²⁹ Kate Shellnut, *Russia's Plan to ban Jehovah's Witnesses Puts Evangelicals in a Tight Spot*, GLEANINGS (Mar. 20, 2017), <http://www.christianitytoday.com/gleanings/2017/march/russia-liquidate-jehovahs-witnesses-evangelicals.html>.

¹³⁰ Garrels, *supra* note 113, at 126.

¹³¹ *Id.*

¹³² Josh Wilson, *The Russian Declaration of Rights from the Russian Orthodox Church*, SCHOOL OF RUSSIAN & ASIAN STUDIES (Apr. 19, 2006), http://www.sras.org/the_russian_declaration_of_human_rights.

¹³³ *Id.*

those set out in the Universal Declaration's preamble, which recognizes "the inherent dignity and of the equal and inalienable rights of all members of the human family...."¹³⁴ The Russian document, largely assumed to be authored by Patriarch Kirill, reads, "[i]n performing good works, the individual receives his dignity. Thus we distinguish the value and dignity of the individual. Value is inherent; dignity is acquired."¹³⁵ What are these good works? Are they to be solely defined as state enhancing? The document helps answer these questions.

The individual, in realizing his own interests, is commanded to do so in correlation with the interests of his neighbors, family, community, nation and all mankind We must not allow situations to occur in which the realization of human rights tramples upon religious or moral traditions, insults religious or national feelings or sacred objects, or threatens our homeland's existence. It is dangerous to "invent" such "rights" which make legal that behavior condemned by traditional morality and all historic religions.¹³⁶

It is easy to read this document and see how the actions of the door knocking Jehovah's Witnesses might "insult religious feelings," or their refusal of military service offends "national feelings" and threaten the "homeland's existence." The other religious minorities in Russia must be terrified as well.

¹³⁴ Universal Declaration, *supra* note 67.

¹³⁵ Wilson, *supra* note 132.

¹³⁶ *Id.*

V. CONCLUSION

Actions of the Russian state, the Russian Orthodox Church and the Russian Declaration show an emerging relationship closer to that of the Tsars and the church rather than the commitment to freedom of conscience promised at the collapse of communism. Prince Vladimir sought to unite his people under the banner of religion. His intentions were spurred by nationalism, although there is evidence he became a true believer. Under the Vladimir Putin regime there has been a religious revival of the Russian Orthodox Church as the Russian people throw off the religion-smothering blanket of atheism. But in “finding God” the Russian people risk losing freedom of religion if God can only be found in the Russian Orthodox Church.

Religion and nationalism are very similar. “Both share an imagined community and rely on the importance of symbols to provide shared meaning for members. ... Both offer a belief system to members to assist them as they navigate through a complex world. In addition, religion and nationalism develop a common identity for their members to relate to.”¹³⁷ Russian’s search for spiritual security cannot be at the expense of spiritual freedom. By only supporting the Russian Orthodox Church, the Russian state tramples religious freedom, alienates portions of its own citizenry and damages its reputation in the world. By assisting the state in the very suppression she was once victim, the Church violates its Christian commandment to serve all humanity.

¹³⁷ Barbara-Ann J. Reiffer, *Religion and nationalism: Understanding the consequences of a complex relationship*, 3 ETHNICITIES, 215, 216 (June 2003).