
14. Three models of church-state relations in contemporary Russia

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1. INTRODUCTION

On November 4, 2017, a monument to Vladimir the Great – the medieval prince who was baptized on Crimea and from there initiated the baptism of the Rus' in 988 – was unveiled in Moscow.¹ The monument is placed just outside the Kremlin walls and political commentators did not fail to notice the highly political message of this commemoration. Vladimir's act of conversion to Christianity and the subsequent "baptism of the Rus'" have historically taken place on the Crimean Peninsula; laying a claim to the memory of Vladimir and erecting a monument as a rival to that in Kiev in the Russia of 2016 was an easy-to-decipher strategy by the government to underscore Russia's claim to the Crimean territory, which it annexed in 2014. In the context of this chapter, however, it was another detail of this celebration which merits our attention. The inauguration of the monument was attended by a number of selected Russian religious leaders. The selection and the hierarchy of their appearance showcase Russia's model of selective religious establishment. The religious leaders present were the Patriarch of Moscow Kirill; the Chairman of the Council of Muftis of Russia Ravil Gaynutdin; the Chief Mufti and Head of the Central Spiritual Directorate of Muslims of Russia Talgat Tadzhuiddin; the Chief Rabbi of Russia Berl Lazar; the Head of the Russian Orthodox Old-Rite Church Kornilii; the Archbishop of the Roman Catholic Archdiocese of Moscow Paolo Pezzi; and the leader of traditional Buddhist Sangkha of Russia Bandida Khambo-lama Damba Ayusheyev. The group picture shows the patriarch standing up front next to President Vladimir Putin and the other religious leaders lined up in the first row of the audience. As they were standing there – each of them in a colorful garb or conspicuous hat that made it easy even for the lay observer to decipher which religion he represented – their presence was the epitomized visual expression of the current state of religion-state relations in Russia: the state identifies with Orthodoxy, with the president and the patriarch at the top; other religions are bystanders and minor partners.

Post-Soviet Russia is a secular state by its Constitution. Its current law on religious freedom from 1997 qualifies it as a country with a selective religion-state cooperation model, similar to many other European countries. However, in this chapter I argue that two more religion-state models are at play in the Russian context: a state-church model and disestablishment. These

¹ The original version of this chapter was published in Russian in the journal *Gosudarstvo, Religiya i Tserkov v Rossii i za rubeshom* (October 2018). The first draft of the argument was presented at the Workshop "Religious freedom and the varieties of religious establishment" at the Lichtenberg Kolleg University of Göttingen Institute for Advanced Studies on June 9, 2017. This chapter has received funding from the European Research Council under the European Union's Horizon 2020 research and innovation programme (POSEC, Grant Agreement ERC-STG-2015-676804).

other two models are not official, but they are politically cogent and effectively shape religion-state interactions. In this chapter, I explore the three models of church-state relations in Russia from the perspective of the Russian Orthodox Church.² As I look at the Russian Orthodox Church as a political actor, I distinguish different levels of political activism inside the church: the Patriarchate of Moscow, different branches of the ecclesiastical hierarchy and various activist groups of believers. These different political faces of the Russian Orthodox Church interact with the Russian state in different ways: the patriarchate frequently acts as if the Russian Orthodox Church were a state church and representative of the country as such; on specific policy issues, the same patriarchate seeks cooperation with the state and presents the Russian Orthodox believers as a minority in need of protection; and particular groups inside the church see themselves in a situation of disestablishment, in which Russian Orthodoxy acts like an antagonist of the secular state engaged in a “culture war.” These three models of church-state relations coexist in today’s Russia and are complicated even further by adjacent legislation, ideology and bureaucracy. In this chapter, I will first explain the three models of religion-state relations discussed here in general terms, drawing on literature from comparative politics and sociology of religion. Then I apply these models to the case of the Russian Orthodox Church, using selected empirical examples for illustration of my argument. Several of these examples belong to the sphere of the Russian Orthodox pro-life movement. The chapter points out that the multiple strategies used by Orthodox pro-lifers in the Russian context are rooted in different, in part contradictory assumptions about the role of the church in the Russian state and society.

2. THREE MODELS OF RELIGION-STATE RELATIONS: STATE-CHURCH; SELECTIVE COOPERATION; DISESTABLISHMENT

Following José Casanova,³ the concept of “public religions” offers a corrective to the secularization thesis’s assumption that modernization and secularization necessarily result in the privatization of religion. What Casanova showed was that religions can act as a powerful motor for the public and political engagement of believers; even in societies which in important respects are secularized – that is, which follow the pattern of separation of religion and state, privatization of religion and differentiation.⁴ Originally concentrated on the question how religion motivates civil society action, religions as institutions and organized political actors

² A note on terminology: I speak of “religion-state relations” when I discuss the general models of interaction between religions and the state. I speak of “church-state relations” when I talk about my case, the Russian Orthodox Church and its relations to the Russian state. “Religion-state relations” is the more general term and subsumes also “church-state relations.”

³ JOSÉ CASANOVA, *PUBLIC RELIGIONS IN THE MODERN WORLD* (1994).

⁴ See José Casanova, *Secularization*, in *INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIOURAL SCIENCES* 13786–91 (Neil J. Smelser and Paul B. Baltes eds., 2001); Steve Bruce and Roy Wallis, *Secularization: The Orthodox Model*, in *RELIGION AND MODERNIZATION* 8–29 (Steve Bruce ed., 1992); Ronald Inglehart, *Modernization, Sociological Theories of*, in Smelser and Baltes (eds.), *supra* in this note.

moved into the focus of research on public religions only subsequently. Casanova himself in 2008 enlarged the perspective on public religions to institutional religious actors.⁵

Public religions, at this point, become an object of sociological and political research as actors and institutions that engage in the public sphere. For the sociology of religion, this means that its research domain, frequently focused on “simple believers” or religious practices and applying either statistics or anthropological and ethnographical research methods, expands to include research of public religious actors and institutions. This *political sociology of religions* invites, in disciplinary terms, for a closer dialogue between sociology of religion and comparative politics and institutionalism.⁶

A political sociology of religions brings into focus the complicated reality of religion-state relations in most modern Western democracies. Even though almost all modern democracies implement a strict constitutional separation of state and religion, in most countries religions are to some degree recognized as institutions of public law: for example, in some countries churches and religious organizations enjoy tax exemptions; in others, religious education is a part of public school curriculums or the state contributes financially to the maintenance of the religious-cultural and architectural heritage of church buildings. The empirical interwovenness of religion and state in many liberal democracies stands in contrast to the ideal theory of state religious neutrality that is part of the political theory of liberalism. The political scientist John Madeley even speaks about the “chimera of neutrality” with regard to religion-state relations in Europe. He rightly observes that the religiously neutral state, which has become “the defining feature of liberalism,” is not the European norm at all and that “the heritage of the European confessional state is still around for all to see.”⁷ There is a considerable discrepancy between the liberal idea of state neutrality and actual regimes of religion-state relations in most European democracies, both in Western Europe and in South and Central-Eastern Europe:

The occasionally bizarre and anomalous sets of arrangements which are conventionally referred to under the label ‘church–state relations’ can of course be dismissed as much less important than they are colourful. Alternatively, it can be argued that, in a period where religion-related controversies seem to have a rising profile, such anomalies deserve serious attention, not least from political scientists, who have tended collectively to ignore the subject. The fact of this neglect is perhaps all the more surprising because of the great stress given by normative political theorists of a liberal persuasion to the principle of the neutrality in matters of religion of the liberal democratic state and its arrangements. With this in mind one might have expected greater attention to be paid to the many different ways in which actual arrangements in Europe have deviated – and continue to deviate, some more, some less – from any feasible notion of neutrality.⁸

⁵ José Casanova, *Public Religions Revisited*, in RELIGION: BEYOND THE CONCEPT 111 (Hent de Vries ed., 2008).

⁶ I use the term “political sociology of religions” (in the plural) differently from the “political sociology of religion” (in the singular) in HANS JOAS, *DIE MACHT DES HEILIGEN. EINE ALTERNATIVE ZUR GESCHICHTE VON DER ENTZAUBERUNG* (2017). Joas assumes that religion continues to be a powerful force in secular societies and analyses the political consequences. My interest, instead, is the analysis of how religious actors act as political actors. I ask how religious actors get involved in politics, which strategies and arguments they use, and where they stand inside their own church, without assuming that political activism necessarily amounts to a position of power in state and society.

⁷ John T.S. Madeley, *European Liberal Democracy and the Principle of State Religious Neutrality*, 26 WEST EUROPEAN POLITICS 1–22 (2003).

⁸ John T.S. Madeley, *A Framework for the Comparative Analysis of Church-state Relations in Europe*, 26 WEST EUROPEAN POLITICS 4 (2003).

Madeley observes that the selective cooperation of the state with a limited number of state-recognized religious traditions is the rule in Europe, rather than the exception, and he adds that “in the USA, all of these commitments... would be deemed contrary to the First Amendment ban on establishment.”⁹ The observation that state neutrality *vis-à-vis* religions is not the norm, either in the European or in the global context, has been caught with the term “multiple secularisms” by Alfred Stepan.¹⁰

The different models of relationship between religions and the secular political sphere can be understood as a continuum.¹¹ At one end of the continuum, there is the state church model in which the state recognizes one faith as state religion. Modern examples of state churches are the Orthodox Church of Greece, the Anglican Church of England and the Lutheran Church of Denmark. At the other end of the continuum is the disestablishment model, which maintains that the state is neutral toward all religions on its territory and grants equal status to all of them. The paradigmatic case is the United States; but the French model of *laïcité* also aspires to complete state neutrality *vis-à-vis* religions.¹² In between these two extremes – the state church model and complete disestablishment – there are many different types of selective cooperation models. These models generally implement a multi-layered regime of recognition of religions as bodies of public law and they tie this recognition to specific conditions that the religious communities must fulfill (e.g. a minimum number of faithful and a commitment to constitutional principles). Examples for countries with selective cooperation models in religion-state relations are Austria and Russia. It is important to note that all models along this continuum can, in principle, be compatible with a democratic political regime, but the three models imply starkly different modes of interaction between public religions and the state. In the next three paragraphs, I discuss each of these models in detail.

State church models in Europe are historically rooted in one of the three mono-confessional “culture blocks:” the Lutheran North, Catholic South and Orthodox East.¹³ According to Madeley, state church models across Europe share important common features, but also differ significantly according to confessions. Among the similarities are the monopolistic regulation of religion by church and state authorities, a negative bias toward other religions (true even for the Nordic countries),¹⁴ social and cultural conservatism, and the attempt from the side of the churches to embrace worldly institutions and to guide them.¹⁵ Confessional differences explain, according to Madeley, that in the Orthodox East, state churches have traditionally been closely intertwined with politics and the state; whereas in the Protestant North, “the churches of the Reformation were more willing to accept the virtual privatization of religion,

⁹ Madeley, *supra* note 8, at 14.

¹⁰ Alfred Stepan, *The Multiple Secularisms of Modern Democracies and Autocracies*, in *RETHINKING SECULARISM* (Craig Calhoun, Mark Juergensmeyer and Jonathan Van Antwerpen eds., 2011).

¹¹ Alfred Stepan, *The World's Religious Systems and Democracy: Crafting the “Twin Toleration”*, in *ARGUING COMPARATIVE POLITICS* 213–53 (2001); Gerhard Robbers, *State and Church in the European Union*, in *STATE AND CHURCH IN THE EUROPEAN UNION* 323–34 (Gerhard Robbers ed., 1996); John T.S. Madeley & Zsolt Enyedi (eds.), *CHURCH AND STATE IN CONTEMPORARY EUROPE* (2003).

¹² For the limitations of the French model, see JOHN R. BOWEN, *CAN ISLAM BE FRENCH? PLURALISM AND PRAGMATISM IN A SECULARIST STATE* (2010).

¹³ Madeley, *supra* note 8, at 31.

¹⁴ Anders Bäckström, *Religion in the Nordic Countries: Between Private and Public*, 29 *JOURNAL OF CONTEMPORARY RELIGION* 66 (2014).

¹⁵ Madeley, *supra* note 8, at 36.

thus restricting its purview to matters of personal conscience and social morality.”¹⁶ In a state church model, the established church co-defines the constitutional principles of the state. As a privileged partner of the state, a state church could, for example, seek to protect its own interest *vis-à-vis* other faith groups on the territory by having a say in law making. This has been the case of the Orthodox Church of Greece, which has defined its special position in the Greek state in exclusive terms and uses its influence in order to limit the possibilities for other religious groups to achieve equal recognition.¹⁷ By contrast, the Protestant state churches in twenty-first century Northern Europe have interpreted their role in the opposite way. The proximity between church and state in the Nordic countries has resulted in the inclusion of the national churches into the welfare state systems and has granted special responsibilities to the churches, but has limited their political dimension.¹⁸

In a selective cooperation model, the state usually recognizes more than one religion as cooperation partner and treats all these state-recognized religions as equal political players with equal rights and obligations. In such a model, one religious group will usually pursue only such goals in cooperation with the state that also reflects the interests of other state-recognized religions. In Austria, for example, the Austrian state refrains from interference with internal affairs of religious organizations and vice versa; nevertheless, the state cooperates regularly and institutionally with selected religious bodies. The Catholic Church frequently coordinates its position with other state-recognized Christian churches (the Austrian Protestant Church; the Orthodox Churches) and with the recognized Jewish and Islamic faith communities.¹⁹ On issues of common concern, in a selective cooperation model religious communities cooperate with each other and with the state in order to achieve particular goals. The Austrian Jewish and Islamic faith communities, for example, cooperated in order to achieve an exemption from the Austrian law on protection of animals for securing the right to *kosher* and *halal* slaughtering of animals for religious reasons.²⁰

In a disestablishment model, all religious groups are equal in their equidistance from the state, no matter their size, and there are no constitutional, established channels of cooperation. The only access points to politics for religions are lobbying *vis-à-vis* policy makers and civic action geared at mobilization of the electorate. At the same time, religions are often highly visible in the public sphere and take over important functions in civil society – for example, in the sectors of welfare, care and private education. The paradigmatic disestablishment model, where an ideologically neutral state takes an equidistant stance toward the religious communities on its territory, is the United States. Many religious denominations with very diverse teachings exist side by side and, in part, compete with each other. As a result of the disestablishment clause in the American Constitution, the state remains neutral toward these religious communities; all of them are part of a fragmented and increasingly polarized civil society.²¹

¹⁶ Madeley, *supra* note 8, at 42.

¹⁷ Adamantia Pollis, *Greece: A Problematic Secular State*, in *THE SECULAR AND THE SACRED: NATION, RELIGION AND POLITICS* 155–68 (William Safran ed. 2003); Vasilios Makrides, *The Orthodox Church of Greece*, in *EASTERN CHRISTIANITY AND THE COLD WAR, 1945–91* 253–70 (Lucian N. Leustean ed., 2010).

¹⁸ Bäckström, *supra* note 14, at 63.

¹⁹ Jürgen P. Nautz, Kristina Stoeckl, and Roman Siebenrock (eds.), *ÖFFENTLICHE RELIGIONEN IN ÖSTERREICH. POLITIKGESELLSCHAFT UND ZIVILGESELLSCHAFTLICHES ENGAGEMENT* (2013).

²⁰ HERBERT KALB, RICHARD POTZ, AND BRIGITTE SCHINKELE, *RELIGIONSRECHT* (2003).

²¹ JAMES DAVIDSON HUNTER, *CULTURE WARS. THE STRUGGLE TO DEFINE AMERICA* (1991).

In a situation of ideological polarization, religious groups may choose to “exit” the public sphere. The American author Rod Dreher, in his book *The Benedict Option*, envisions a post-Christian world, where Christians are an endangered minority who should withdraw from society and form small communities to practice the true Christian faith there.²² The title of the book is a reference to Saint Benedict of Nursia, who in the 6th century A.D. fled the late Roman decadence and sought solitude in the woods to build Christian communities that were capable of surviving the breakdown of the existing order. According to this point of view, society is a place of sin, characterized by sexual promiscuity, the loss of communality and spiritual poverty. In this society, the author states, Christians are in fact “persecuted.” They have to react to this persecution by withdrawing from society. They should live in tightly knit communities, teach their children at home to avoid the negative influence of society and choose professions that can be done from home or as self-employed workers. All these measures serve, according to Dreher, to protect Christian communities from the detrimental influence of society. Dreher sees Christians who do not choose this path of rigidity as irresponsible and misguided.

The emergence of religious fundamentalisms, for which *The Benedict Option* is one example, is of course not limited to disestablishment models. Fundamentalist and sectarian religious groups that see the surrounding secular society, the state and even their own ecclesiastical hierarchy as antagonists can emerge in all three models of religion-state relations. However, in a state church model and in a selective cooperation model, fundamentalist groups are bound to remain at the margins of the established channels of religious-political interaction. Furthermore, religious teaching in state church models and in selective cooperation models has the tendency to be accommodative with the world.²³ In a disestablishment model, where established channels of religious-political interaction do not exist and where a free market of religious ideas privileges strong over moderate messages,²⁴ fundamentalist religious groups are likely to flourish more easily.

The three models of religion-state relations – the state church model, the selective cooperation model and the disestablishment model – stand for different ways in which a religion can interpret its public role: as a quasi-state actor in itself, as partner of the state or as antagonist to the state. It is usually one model that defines religion-state relations in a country, clearly circumscribed through constitutional provisions and laws. Also Russia implements, by law, one defined model of religion-state relations: the selective cooperation model. I will describe this model in the next section, before moving on to my argument that in addition to this one constitutional model, also the other two models are at play in the relations between religion and state in the present Russian Federation.

²² ROD DREHER, *THE BENEDICT OPTION: A STRATEGY FOR CHRISTIANS IN A POST-CHRISTIAN NATION* (2017).

²³ Madeley, *supra* note 8, at 36.

²⁴ Roger Finke and Rodney Stark, *Religious Choice and Competition*, 63 *AMERICAN SOCIOLOGICAL REVIEW* 762 (1998).

3. RUSSIAN LAWS ON RELIGIOUS FREEDOM AND TRADITIONAL RELIGIONS

In the year 1990, at the height of *perestroika*, the government of the Russian Soviet Federative Socialist Republic passed a law on religious organizations which approached the country to complete religious disestablishment and state religious neutrality. The law:

prohibited the establishment of a state religion, and denied the state any right of intervention in religious affairs. Churches and other religious organizations were permitted to freely engage in worship and missionary activities, operate schools and seminaries, own property and publish religious literature, all without the requirement of registering with the government.²⁵

After the break-up of the Soviet Union, this law on religion retained validity and, during the first half of the 1990s, guaranteed the revival of religious life in Russia, including the emergence of new religious groups.²⁶ It was exactly the emergence of these groups that soon was to arouse the disapproval of the Russian Orthodox Church, which felt threatened by the activities of missionaries from abroad.²⁷ Religious minorities were also unhappy with the situation – although for opposite reasons, because they saw in the close cooperation between the Russian Orthodox Church and the Yeltsin government a breach of the principle of equality encoded in the law. As a result of the growing public debate on religious freedom, the 1990 law was subject to revision and was replaced in 1997 by a new law on Freedom of Conscience and Religious Associations.

The 1997 Law on Freedom of Conscience and Religious Associations reversed the trend of disestablishment and implemented a model of selective cooperation in religion-state relations. Commentators noted that, while the selective regulation of religion-state relations was not without parallels in the wider European context, the 1997 law was deficient on several grounds. The main controversial aspect of the new law was that it identified only two types of religious associations: “religious organizations” and “religious groups.” Only the former, religious organizations, were granted legal status by the new law. The second, religious groups, were not automatically granted legal status; they had to apply for it and seek registration.²⁸ The condition for registration and for obtaining the legal status of a religious organization was a 15-year-long period of proven activity on the territory of the Russian Federation. At the time, this *de facto* excluded all religious communities that had established themselves in Russia after the breakdown of the Soviet Union and mostly concerned Protestant and evangelical religious communities. Another controversial aspect of the new law was the preamble,²⁹ which – even though having no legal effect – effectively introduced a hierarchy of religions in Russia with

²⁵ Derek H. Davis, *Editorial: Russia's New Law on Religion: Progress or Regress?*, 39 JOURNAL OF CHURCH AND STATE 645–46 (1997).

²⁶ PAUL FROESE, *THE PLOT TO KILL GOD : FINDINGS FROM THE SOVIET EXPERIMENT IN SECULARIZATION* (2008).

²⁷ Marat S. Shterin, James T. Richardson, *Local Laws Restricting Religion in Russia: Precursors of Russia's New National Law*, 40 JOURNAL OF CHURCH AND STATE 319 ff. (1998).

²⁸ See Davis, *supra* note 25, at 645 ff.

²⁹ CESNUR, *Law of the Russian Federation: On Freedom of Conscience and on Religious Associations*, Center for the Study of New Religions (1997) (translation by the Keston Institute), www.cesnur.org/testi/Russia.htm, last accessed October 18, 2018.

the Russian Orthodox Church as the most important religion and traditional religions of the Russian peoples in the second place.

The 15-year provision and the preamble were fiercely criticized by human rights activists within and outside Russia, who feared an infringement of individual religious liberty on the one hand, and the quiet promotion of the Russian Orthodox Church to a state church on the other.³⁰ However, more recently scholars have conceded that for religious associations, the effects of the 1997 legislation have not been as onerous as initially feared.³¹ In 1997, going back 15 years did indeed mean going back to the closed religious system of the Soviet era; the 15-year clause was subsequently dropped from the law. A later amendment introduced a bi-partition of recognized religious organizations in “centralized religious organizations” (registration for the territory of the Russian Federation) and “local religious organizations” (registration only in at least one administrative region). As of 2018, a total number of 30 193 religious organizations had been registered in Russia, of which 601 were in the highest category as “centralized religious organizations” and 28 370 as “local religious organizations.” Of these 30 193 registered religious organizations (which include also monasteries), the Russian Orthodox Church takes the lion’s share (18 191); but also religions which could be considered outliers with respect to the traditional religions according to the preamble of the 1997 Law have obtained the highest level of state recognition as “centralized religious organization” (e.g. the Salvation Army, the Church of Latter Day Saints and several evangelical Christian churches). Even Scientology has been registered as a local religious organization.³² Religion-state relations in today’s Russia are therefore clearly multi-confessional.

The problematic nature of Russia’s selective cooperation model in religion-state relations lies not – or not primarily – in the 1997 Law on Freedom of Conscience and Religious Associations, but in bureaucracy, ideology and adjacent laws and policies. Russia’s selective cooperation model in religion-state relations is deficient on the grounds that problems of recognition and registration often appear related to the malfunctioning of the Russian judicial system and to the federal structure of the administration, which gives a lot of power to local authorities.³³ Also, several laws that are not primarily aimed at religious associations have restricted the effective implementation of Russia’s selective cooperation model in religion-state relations and have worked to the detriment of “non-traditional” religions. For example, in 2016, the Russian *Duma* passed an “anti-terrorism” package known as the Yarovaya Laws (for the key role of United Russia *Duma* Deputy Irina Yarovaya). These laws place severe restrictions on Protestants and other minority religious groups in Russia, essentially banning proselytizing. Also legislation on registration of organizations receiving

³⁰ William J. Kovach, *All Religions Are Equal, but Some Are More Equal than Others*, in 6 DEMOKRATIZATSIYA 424 (1998); Lee Trepanier, *Nationalism and Religion in Russian Civil Society: An Inquiry into the 1997 Law On “Freedom of Conscience”*, in CIVIL SOCIETY AND THE SEARCH FOR JUSTICE IN RUSSIA 64 (Christopher Marsh and Nikolas K. Gvosdev eds., 2002).

³¹ KATJA RICHTERS, THE POST-SOVIET RUSSIAN ORTHODOX CHURCH. POLITICS, CULTURE AND GREATER RUSSIA 38 (2013); IRINA PAKOVA, THE ORTHODOX CHURCH AND RUSSIAN POLITICS 75 (2011); GERALDINE FAGAN, BELIEVING IN RUSSIA. RELIGIOUS POLICY AFTER COMMUNISM (2014).

³² *Federal’naya Sluzhba Gosudarstvennoj Statistiki, Rossiya v tsiffrakh, Oficial’noe Izdanie* (2018), www.gks.ru/free_doc/doc_2018/rusfig/rus18.pdf, last accessed October 18, 2018.

³³ For evidence see SOVA-Center for Information and Analysis (ed.), *Freedom of Conscience in Russia: Restrictions and Challenges in 2016* (2017), www.sova-center.ru/en/religion/publications/2017/05/d36996/, last accessed October 18, 2018.

funds from outside Russia (“foreign agents law”) negatively affects religious organizations.³⁴ Anti-extremism legislation has also worked to the detriment of religious freedom for minority faiths. In 2017, the Russian Supreme Court confirmed the ban of the Jehovah’s Witnesses on the charge that it is a “totalitarian group” and “extremist.” In addition, the extra-legal component of the 1997 law – that is, the preamble about traditional religions – continues to be problematic. The definition of traditional religions in the preamble has *de facto* privileged some religions in Russia over others, mostly to the benefit of the Russian Orthodox Church.

In this situation of contradictory legal competencies and multiple legal, administrative and ideological sources for regulating the religious life in Russia, the Russian selective cooperation model of religion-state relations should be judged as deficient. The existing cooperation model has not created a unitary and unequivocal system of religion-state relations, but a situation of multi-layered competencies and vagueness, in which two competing models of religion-state relations have been able to flourish besides the established legal model: namely, a state-church model and disestablishment. I will now look at all of these three models in more detail with a focus on the Russian Orthodox Church, drawing on selected empirical examples for illustration of my argument.

4. RUSSIA’S THREE MODELS OF CHURCH-STATE RELATIONS AND THE THREE STRATEGIES OF THE RUSSIAN ORTHODOX CHURCH TO INTERACT WITH STATE AND SOCIETY

Russian Orthodox believers represent the largest faith community in the Russian Federation.³⁵ The Russian Orthodox Church is the biggest religious organization in Russia and is recognized as a centralized religious organization by the Russian state. Following my discussion of the three models of religion-state relations – the state-church model, the selective cooperation model, and the disestablishment model – I will now demonstrate that the Russian Orthodox Church interprets its public role according to *all three* models. Depending on the issues and politics that are at stake, the church presents itself as quasi-state actor and exclusive partner to the state, as one cooperation partner among others of the state or as antagonist to the state. These three strategies are logically contradictory (how can you be both an antagonist and a partner of the state?), and they reflect three different understandings of church-state relations. The first strategy mirrors the state-church model, the second strategy the cooperation model and the third the disestablishment model. Practically, in the case of the Russian Orthodox Church, all three strategies work as complementary. The paradoxical fact that all three strategies apply (and are effective) in the public role of the Russian Orthodox Church is an indicator of the fact that the formal selective cooperation model itself has only limited explanatory power.

³⁴ For evidence see USCIRF, *Annual Reports*, United States Commission on International Religious Freedom (2016), www.state.gov/documents/organization/269104.pdf, last accessed October 18, 2018.

³⁵ 72 percent, according to Pew Forum, *Russians Return to Religion, but not to Church*, 10 PEW FORUM ANALYSIS (February 2014), www.pewforum.org/2014/02/10/russians-return-to-religion-but-not-to-church/, last accessed October 18, 2018.

4.1 The Unofficial Russian State-Church Model: The Russian Orthodox Church as Exclusive Partner of the State and Representative of the Majority of the Russian People

The Russian Orthodox Church enjoys a privileged position among the religious organizations in Russia, for which the event of the unveiling of the monument to St. Vladimir cited in the introduction was emblematic. This symbolic privilege of the Russian Orthodox Church has, to some extent, translated into real political power and into an unofficial state-church model following the Orthodox confessional, Byzantine pattern of *symphonia*. Even though the Russian Orthodox Church has officially sought after maximum independence from the state after the collapse of the Soviet Union, the status of a state-church appears to have remained an attractive option for some people inside the church. Scholars such as Anatolij Krasikov and Boris Knorre have pointed out that the church leadership's strategy has changed over time, and that the policy of independence under Patriarch Alexii II has been replaced by a project of Orthodox statehood under Patriarch Kirill.³⁶ Alexey Sitnikov even speaks about "sacralization" of the Russian state through the Church.³⁷

The Russian Orthodox symphony of the twenty-first century is based not on an institutionalized state church, but on a network of informal church-state interactions and personal relations between the church hierarchy and members of the political establishment and public administration – Knorre speaks about "VIP-mission."³⁸ In this way, the Patriarchate of Moscow has influenced directly laws on public morality or public health, and has acted as spokesperson for an alleged majority consensus regarding Russian cultural and moral values. One example of the church's unofficial privileged access to lawmaking is the 1997 Law on Freedom of Conscience and Religious Associations that I discussed above. This law was strongly desired by the Orthodox Church, which had started to lobby for it already in 1993 in order to curtail competition from other faith groups.³⁹ Also, Article 5 of the Federal Law "On the Protection of Children from Information Harmful to their Health and Development and Miscellaneous Legal Acts of the Russian Federation for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values" of 2012 fulfilled a request of the Russian Orthodox Church to prohibit gay parades in the country; and the "Amendments to Article 148 of the Russian Federation Criminal Code and Certain Legislative Acts of the Russian Federation in the Aim of Protecting Religious Convictions and Feelings of Citizens Against Insults" of 2012 likewise matched the interests of the church after the Pussy Riot scandal.

The main example I want to explore in this chapter, however, is the Law "On the Fundamental Healthcare Principles in the Russian Federation" (N232-FZ) of 2012, which introduced important changes to the Russian abortion law. The law included measures such as establishing a mandatory "week of silence" from seven days to 48 hours between the visit

³⁶ Anatolij Krasikov, *Globalizatsiya i pravoslavie*, in RELIGIYA I GLOBALIZATSIYA NA PROSTORAKH EVRASII 50 (Aleksej Malashenko and Sergej Filatov eds., 2009); Boris Knorre, *Rossiiskoe pravoslavie: Potsekulyarnaya institutsionalizatsiya v prostranstve vlasti, politiki i prava*, in MONTAZH I DEMONTAZH SEKULYARNOGO MIRA 47–48 (Aleksej Malashenko & Sergej Filatov eds., 2014).

³⁷ ALEXEY V. SITNIKOV, *PRAVOSLAVIE, INSTITUTY VLASTI I GRAZHDANSKOGO OBSHCHESTVA* (2012).

³⁸ Knorre, *supra* note 36, at 48.

³⁹ See Davis, *supra* note 25, at 645–56.

to a medical facility and the termination of pregnancy, depending on gestational age; and the right of the doctor to refuse to perform medical termination of pregnancy if it does not directly threaten the patient's life and health of others. In the run-up to this law, the Russian Orthodox Church acted as a direct, official consultant to the Russian government. A joint committee was created by the Russian Orthodox Church and the Ministry of Health with the aim to devise strategies to reduce the high number of abortions in the country. The role of the Russian Orthodox Church was exclusive in this case; no other religious groups were involved.

The sociologist Alexander Ponomarev interprets the church's concern with "national health" as a sign of "symphony," in which church officials demonstrate "state-related qualities" and "state-oriented thinking."⁴⁰ The doctrinal basis for the Russian Orthodox Church's engagement as a public religion in the health reform committee is the document *The Bases of the Social Concept*. Chapter 11 on "Personal and national health" deals with abortion not only from a soteriological point of view (abortion as murder and sin), but from the perspective of Russia's demographic crisis:

The Russian Orthodox Church has to state with deep concern that the peoples she has traditionally nourished are in the state of demographical crisis today [...] The Church has been continually occupied with demographic problems. She is called to follow closely the legislative and administrative processes in order to prevent decisions aggravating the situation. It is necessary to conduct continuous dialogue with the government and the mass media to interpret the Church's stand on the demographic and healthcare policy. The fight with depopulation should be included in the effective support of medical research and social programs intended to protect motherhood and childhood, the embryo and the newborn. The state is called to support the birth and proper upbringing of children.⁴¹

Public health is not the only policy area where the Russian Orthodox Church enjoys exclusive consultative status. Regular annual meetings are also held between the Moscow Patriarchate's Department for External Church Relations and the Russian Ministry of Foreign Affairs (Working Group for Cooperation between the Russian Orthodox Church and the Russian Ministry of Foreign Affairs).⁴² All this points toward a model of church-state relations that Ponomarev calls "consonance of powers" and that is interpreted, by the church itself, as a modern form of symphony, which reserves an exclusive status for the Russian Orthodox Church in the Russian state.⁴³

⁴⁰ ALEXANDER PONOMAREV, *THE VISIBLE RELIGION. THE RUSSIAN ORTHODOX CHURCH AND HER RELATIONS WITH STATE AND SOCIETY IN POST-SOVIET CANON LAW* (1992–2015) 174 (2017).

⁴¹ Social Doctrine, *The Bases of the Social Concept of the Russian Orthodox Church* (official translation), Official Website of the Department for External Church Relations of the Moscow Patriarchate (2000), www.mospat.ru/http://www.mospat.ru/en/documents/social-concepts/, last accessed October 18, 2018.

⁴² ROC, *Working Group for Cooperation between the Russian Orthodox Church and the Russian Ministry of Foreign Affairs holds its 22nd Session*, Official Website of the Department for External Church Relations of the Moscow Patriarchate (November 13, 2017), <https://mospat.ru/en/2017/11/13/news152661/>, last accessed October 18, 2018.

⁴³ PONOMAREV, *supra* note 40, at 100.

4.2 The Official Selective Cooperation Model: The Russian Orthodox Church as One Public Religion among Others and Worthy of Recognition of Equal Rights

According to the official legal status of religious organizations in the Russian Federation, the Russian Orthodox Church represents only one – albeit the largest – faith group in Russia, besides other recognized faiths. As such, the Russian Orthodox Church – just like all other state-recognized religious organizations – has some rights and obligations *vis-à-vis* the state; and the state, according to the model of selective cooperation, likewise has some obligations toward the religious organizations.

In a situation of selective cooperation, religious actors are likely to team their efforts in order to obtain desired outcomes from the state (see the example from Austria above). Russia is no exception to this trend. The Russian Orthodox Church – together with the Islamic, Jewish and Buddhist religious organizations – managed to introduce a curriculum about religion in Russian public schools.

Besides access to public services, however, religions in a selective cooperation system also remind the state of its obligation to respect the religious commitments of its citizens. Abortion legislation is not only a good example for how the Russian Orthodox Church acts as state-church, but also a good example for how the church presents itself as a faith group whose equal rights the state should respect. In the *Social Doctrine*, the church insists on the right of Christian doctors to refuse to conduct abortions on the ground of conscience: ‘Sin also lies with the doctor who performed the abortion. The church calls upon the state to recognize the right of medics to refuse to procure abortion for the reasons of conscience.’⁴⁴

The aforementioned 2013 health law introduced, explicitly, the right for medical personnel to refuse conducting abortions. In 2016, the Russian Orthodox Church pushed further along this strategy by demanding that abortions should no longer be a free service on the public health scheme, because this would make Orthodox taxpayers complicit with the sin of murder.⁴⁵ In this situation, the Russian Orthodox Church acts as a public religion with a soteriological purpose: it seeks protection for the spiritual integrity of its own believers (and only them), instead of assuming – as it does in the unofficial vest of a state church – responsibility and the role of a spokesperson for the whole Russian people.

4.3 The Unofficial Disestablishment Model: The Russian Orthodox Church as an Antagonist of the State

The last strategy, to present Orthodox Christians as warriors with an antagonistic state, is maybe the most puzzling and unexpected strategy applied by the Russian Orthodox Church in its interaction with the state and public policy. Actually, most of the time it is not the church which is adopting this strategy, but religious grassroots movements that are, however, supported by the Church hierarchy. These Christian groups act as if they were in a situation of a “culture war” with a Russian state bureaucracy and a majority society that is still prevalently Soviet and atheist in its mindset. Several scholars have discussed this aspect of church-state

⁴⁴ *Social Doctrine*, *supra* note 41.

⁴⁵ ROC, *B Moskvě sostoyalos' sobranie pravoslavnoj obshchestvennosti, vystupayushchej protiv abortov*, Official Website of the Moscow Patriarchate (June 29, 2015), www.patriarchia.ru/db/text/4138346.html, last accessed October 18 2018.

relations in Russia, which may have become virulent for the first time around 2008 on the question of juvenile justice, under different names: “confrontation,”⁴⁶ “political hesychasm”⁴⁷ or “politicized Orthodoxy.”⁴⁸

The strategy of retreat from society and opposition to state policies is, in fact, contemplated as a last resort in the *Social Doctrine* of the Russian Orthodox Church in 2000:

If the Church and her holy authorities find it impossible to obey state laws and orders, after a due consideration of the problem, they may take the following action: enter into direct dialogue with authority on the problem, call upon the people to use the democratic mechanisms to change the legislation or review the authority’s decision, apply to international bodies and the world public opinion and appeal to her faithful for peaceful civil disobedience.⁴⁹

This statement presupposes a cooperation model, but it also goes beyond it. The statement presupposes a cooperation model insofar as the church describes itself as subject to state laws and orders (that it does not co-author, as would be the case in a state-church model) and as dialogue partner for the authorities. But the statement devises an escalation strategy of opposition to the state – democratic means, appeal to international bodies and world public opinion and, at last, civil disobedience – which leaves the grounds of a cooperation model behind and begins to resemble a model of antagonistic disestablishment.

There are several examples where the Russian Orthodox actors have implemented strategies of opposition, rather than cooperation with the Russian state. One is again related to the question of abortion.⁵⁰ In 2015/2016, the Orthodox Christian association *Za Zhizn’* launched a popular referendum to ban abortions completely. The referendum gained little support among politicians, but gathered around half a million signatures according to the organizers; even Patriarch Kirill signed it. Vladimir Potikha, at the time the vice-president of the organization, argued that the prohibition of abortion in Russia should contribute to making Russia a great power again, much like the Soviet Union in the past. For this purpose, he even created an emblem based on the state emblem of the Soviet Union, replacing the hammer and sickle in the center with a baby inside a uterus, his organization’s symbol. He explained that the slogan “Proletarians of the world unite” had a hidden meaning, because the Latin term *proles* originally meant “offspring.” Potikha glossed over the paradox that abortion in the Soviet Union was legal; as a matter of fact, he blamed the legalization of abortion in the Soviet Union on “Jewish doctors” and hailed the Stalinist period of criminalization of abortion as a successful

⁴⁶ ALEKSEY V. ALEKSEEV, *EVOLUTSIYA GOSUDARSTVENNO-TSERKOVNYKH OTNOSHENIJ V USLOVIYAKH SOTSIALN’NO-POLITICHESKOJ TRANSFORMATSII ROSSIJSKOGO OBSHCHESTVA (NA PRIMERE RUSSKOJ PRAVOSLAVNOJ TSEKVI)* (PhD dissertation) (2018).

⁴⁷ VLADIMIR PETRUNIN, *POLITICHESKIJ ISIKHAZM I EGO TRADITSII V SOTSIALNOJ KONTSEPTSII MOSKOVSOGO PATRIARKHATA* (2009).

⁴⁸ ANASTASIA V. MITROFANOVA, *THE POLITICIZATION OF RUSSIAN ORTHODOXY: ACTORS AND IDEAS* (2005).

⁴⁹ *Social Doctrine*, *supra* note 41.

⁵⁰ The empirical material on abortion was initially elaborated for Susanna Mancini and Kristina Stoeckl, *Transatlantic Conversations: The Emergence of Society-protective Anti-abortion Arguments in the United States, Europe and Russia*, in *THE CONSCIENCE WARS. RETHINKING THE BALANCE BETWEEN RELIGION AND EQUALITY* 220–57 (Susanna Mancini & Michel Rosenfeld eds., 2018).

project and as a response to eugenics in Nazi Germany.⁵¹ Sonja Luehrmann has found out that prolife activists in Russia do not feel that they have the Russian government on their side; rather, they lobby and mobilize the public for their ideas in order to force the government into action. One activist interviewed by Luehrmann, who directs a crisis center in Saint Petersburg, characterized her work as an “anti-state activity.”⁵²

Another example of Orthodox groups that seek retreat from the state, rather than cooperation with the state, is the growing phenomenon of Orthodox homeschoolers. A group of Orthodox pro-family activists related to the Patriarchal Commission on the Family has started to actively introduce the idea of homeschooling into Russia. In Spring 2018, this group organized a global congress on homeschooling in St. Petersburg and Moscow. Their approach follows the example of Christian homeschoolers in the United States (they actually adapted their teaching curriculum called “Classical Conversations.”)⁵³ By following this North American model, Orthodox homeschoolers also take over strategies and a rhetoric that has matured in a very different institutional context; namely, in the system of disestablishment of the United States, where religion is kept out completely from public schools. The homeschooling model is one of retreat, contemplated also by Rod Dreher in his book *The Benedict Option*, whereas the official strategy of the church has been to cooperate with the state in the field of education as much as possible. What is noteworthy is that, during some interviews conducted by my research team, these actors presented themselves as independent from the church, even if they had some official functions inside the church. They saw the state as an antagonist, which only pays lip service to things like “traditional values”, but in reality fails to implement policies that would truly further Christian goals.

The antagonism of Russian Orthodox grassroots movements *vis-à-vis* the state frequently involves also opposition to the church hierarchy. The strategies of retreat and cooperation are mutually exclusive, and groups that advocate an antagonistic model of Christianity in the secular Russian state frequently oppose the official close ties between the church leadership and the authorities.⁵⁴ Sometimes, however, it is the church leadership itself that uses antagonistic strategies alongside cooperative models.

5. CONCLUSION

The three models of religion-state relations discussed in this chapter exist in parallel in the Russian context, notwithstanding the formal model of selective cooperation. The main conclusion to be drawn from this complicated picture is that the propagandistic clarity of the Russian religious world in front of the monument of Prince Vladimir is as much as chimera as

⁵¹ Vladimir V. Potikha, *Iz istorii prenatal'nogo infantitsida: vekhi i daty proshedshego stoletiya*, Youtube-Video uploaded by Festival Za Zhizn' on March 2, 2017, registered on January 27, 2017 in the context of the XXV Christmas Readings, Hotel Salyut, Moscow, www.youtube.com/watch?v=8UoE_NvV8So, last accessed October 18, 2018.

⁵² Sonja Luehrmann, *Innocence and Demographic Crisis: Transposing Post-abortion Syndrome into a Russian Orthodox Key*, in *A FRAGMENTED LANDSCAPE: ABORTION GOVERNANCE AND PROTEST LOGICS IN EUROPE* 104 (Silvia De Zordo, Joanna Mishtal and Lorena Anton eds., 2017).

⁵³ This is the Russian website: <http://classicalconversations.ru/>; and this is the American website: www.classicalconversations.com/, last visited October 18, 2018.

⁵⁴ MITROFANOVA, *supra* note 48, at 166.

is state religious neutrality in Western Europe. The claim that the Russian Orthodox Church implements hybrid forms of cooperation in the interaction with the Russian state is supported by the findings in this article, but it is important to limit the claim to the leadership of the church. The current patriarchate skillfully operates according to multiple, even contradictory models of church-state relations. In the case of the Orthodox pro-life, these multiple strategies have the same goal (reduction of abortions in the country), but not the same vision how to achieve this goal: the visions range from a complete ban of abortions to conscientious objection of Orthodox doctors. From the perspective of the church leadership, hybrid interaction is efficient, because by operating at different levels of the policy-making process the church increases its chances of success. The same is not true for the other religious actors discussed in this chapter. Grassroots movements that advocate retreat of the church from state and secular society are likely to see this as their only true strategy, not as one among others. What follows from this analysis of the Russian Orthodox Church as a multifaceted, multivocal and, indeed, contradictory public religion are some questions that deserve further exploration. Future research could concentrate on the question how the modes of interaction between church and state vary from one state institution and from one level of government to another and how the various actors inside the Russian Orthodox Church respond to each other. What becomes clear already at this point, however, is that the field of religion-state relations in Russia is never stable and full of contradictions; and it allows no actor to ever feel safe or in control – not even the Russian Orthodox Church.