Russian Orthodoxy and Human Rights

Paul Valliere

Butler University, pvallier@butler.edu

Follow this and additional works at: https://digitalcommons.butler.edu/facsch_papers

Part of the Christianity Commons

Recommended Citation


This Book Chapter is brought to you for free and open access by the College of Liberal Arts & Sciences at Digital Commons @ Butler University. It has been accepted for inclusion in Scholarship and Professional Work - LAS by an authorized administrator of Digital Commons @ Butler University. For more information, please contact digitalscholarship@butler.edu.
This essay describes the situation and orientation of the Russian Orthodox Church with respect to human rights. Along the broad spectrum of rights I focus mainly on the civil rights of individuals and nonstate associations rather than the subsistence rights and rights to social services that figure so prominently in socialist theories of rights. By this I do not mean to suggest that the rights with which socialists are concerned are of secondary importance. It is simply a question of accepting the demands of my subject. Ever since the disestablishment and disenfranchisement of the Russian Orthodox Church as a result of the Russian Revolution the rights with which the church has been concerned are the rights of individual believers and of the church as an institution. These concerns were stimulated not by theology or ideology but by the harsh facts of life in the Soviet period: widespread persecution of religious believers and the virtual absence of civil rights respecting religion. The extent to which prerevolutionary Russian Orthodoxy may have helped to prepare the ground on which Soviet socialism was built is an issue that exceeds the scope of this essay.

Whether the Russian Orthodox Church is concerned about human rights at all has been a matter of debate. The view that the church is little more than a tool in the hands of whatever state governs Russia at a given time is widespread in the West and may not be much affected by the qualification that "Russian Orthodox Church," in this essay, means not just the hierarchs who represent the church on the national or international level but the whole company of Orthodox believers who accept the church as their own. But even sympathetic observers might agree that the church has been more subservient to the state in modern times. In recent years the case of the Roman Catholic Church illustrates itself as a kind of surrogate civil society in the zone of Soviet hegemony.

To explain the relative passivity of the Orthodox Church, observers have pointed to special characters of the Orthodox Church, including the Russian Orthodox Church, the church by the Soviet state in the 1920s. The most obvious cause of the social and political willingness of the church, and the last deserves attribution. Whether the church is concerned about human rights at all has been a matter of debate. The view that the church is little more than a tool in the hands of whatever state governs Russia at a given time is widespread in the West and may not be much affected by the qualification that "Russian Orthodox Church," in this essay, means not just the hierarchs who represent the church on the national or international level but the whole company of Orthodox believers who accept the church as their own. But even sympathetic observers might agree that the church has been more subservient to the state in modern times. In recent years the case of the Roman Catholic Church illustrates itself as a kind of surrogate civil society in the zone of Soviet hegemony.

To explain the relative passivity of the Russian Orthodox Church, observers have pointed to special characters of the Orthodox Church, including the Russian Orthodox Church, the church by the Soviet state in the 1920s. The most obvious cause of the social and political willingness of the church, and the last deserves attribution. Whether the church is concerned about human rights at all has been a matter of debate. The view that the church is little more than a tool in the hands of whatever state governs Russia at a given time is widespread in the West and may not be much affected by the qualification that "Russian Orthodox Church," in this essay, means not just the hierarchs who represent the church on the national or international level but the whole company of Orthodox believers who accept the church as their own. But even sympathetic observers might agree that the church has been more subservient to the state in modern times. In recent years the case of the Roman Catholic Church illustrates itself as a kind of surrogate civil society in the zone of Soviet hegemony.

Whether the Russian Orthodox Church is concerned about human rights at all has been a matter of debate. The view that the church is little more than a tool in the hands of whatever state governs Russia at a given time is widespread in the West and may not be much affected by the qualification that "Russian Orthodox Church," in this essay, means not just the hierarchs who represent the church on the national or international level but the whole company of Orthodox believers who accept the church as their own. But even sympathetic observers might agree that the church has been more subservient to the state in modern times. In recent years the case of the Roman Catholic Church illustrates itself as a kind of surrogate civil society in the zone of Soviet hegemony.

To explain the relative passivity of the Russian Orthodox Church, observers have pointed to special characters of the Orthodox Church, including the Russian Orthodox Church, the church by the Soviet state in the 1920s. The most obvious cause of the social and political willingness of the church, and the last deserves attribution. Whether the church is concerned about human rights at all has been a matter of debate. The view that the church is little more than a tool in the hands of whatever state governs Russia at a given time is widespread in the West and may not be much affected by the qualification that "Russian Orthodox Church," in this essay, means not just the hierarchs who represent the church on the national or international level but the whole company of Orthodox believers who accept the church as their own. But even sympathetic observers might agree that the church has been more subservient to the state in modern times. In recent years the case of the Roman Catholic Church illustrates itself as a kind of surrogate civil society in the zone of Soviet hegemony.
and orientation of the Russian Orthodox Church. Along the broad spectrum of rights and services that figure so prominently in my subject. Ever since the disestablishment of the Russian Orthodox Church as a result of which the church has been concerned and of the church as an institution. These factors are important, although the last deserves attention first because it is the most obvious cause of the social and political weakness of the church in present-day Russia.

In 1914 the Russian Orthodox Church was the largest Christian church in the world after the Roman Catholic Church and the largest of all national churches. It supported 68 dioceses, over 50,000 priests, more than 60,000 deacons and psalmists, almost 100,000 monks and nuns in more than 1,000 monasteries, 57 theological seminaries, and 4 graduate schools of theology. The vast majority of the Russian empire's 100,000,000 Great Russians, Ukrainians, and Belarusians as well as significant numbers of minority peoples were baptized members of the Orthodox Church.

This huge church was also an institution struggling to renew itself. A reform movement had begun in the early years of the twentieth century and acquired new strength after the February Revolution of 1917. The restoration of the Patriarchate of Moscow in November 1917 after a lapse of more than two centuries was the signal accomplishment of the movement. However, the disestablishment of the church by decree of the Soviet government in January 1918, the dislocations of the civil war and the violent repression of the hierarchy and clergy in the early 1920s left the church in a state of distress by the time Patriarch Tikhon died in 1925. The refusal of the Soviet government to allow the church to hold a national council to elect a successor to the deceased patriarch further weakened the institution. The refusal of the Soviet government to allow the church to hold a national council to elect a successor to the deceased patriarch further weakened the institution. The declaration of loyalty to the Soviet state in 1927 by the locum tenens of the patriarchal office, Metropolitan Sergii, brought the church no secular benefits and precipitated a schism in the Orthodox community. What remained of the institution was consumed in the general holocaust of the 1930s. By 1939 the Russian Orthodox Church was one of the weakest churches in Christendom. It had no head, no diocesan administration, few priests or bishops at liberty, and very few functioning parishes.
The revival of the Russian Orthodox Church began during World War II. It was a spontaneous phenomenon at the local level as well as the result of the wartime government policy of fostering traditional Russian patriotism. Metropolitan Sergii was elected patriarch by a small meeting of bishops in 1943, and after Sergii's death in 1945 Metropolitan Aleksii of Leningrad was chosen to replace him. Diocesan administration was restored, and a few theological schools and monasteries were reconstituted. The restored church was not comparable in size, much less in power, to the prerevolutionary church. Nevertheless, the postwar situation represented a dramatic change for the better.

Unfortunately the church's gains proved vulnerable to the caprices of Communist policymakers. In the early 1960s the Khrushchev government launched a new antireligious campaign that led to the closing of about half the churches reopened during the war. After Khrushchev's fall in 1964 the government discontinued the campaign but did not restore what had been wrested from the church. In this sense the campaign was a victory for the state. However, it produced an unintended and unprecedented side effect: the Orthodox rights movement.

The Orthodox rights movement is a natural focal point for the discussion of Russian Orthodoxy and human rights. However, to appreciate the significance of the movement one must consider the ecclesiastical and civil contexts in which it arose. The ecclesiastical context was shaped by Eastern Orthodox tradition. The civil context was shaped by Soviet law.

ORTHODOX TRADITION AND HUMAN RIGHTS

Historically Eastern Orthodox tradition has been less disposed to defending human rights than Roman Catholic or classical Protestant traditions. The Roman Catholic Church, while often antagonistic to individual liberty, has always defended its rights as an international ecclesiastical polity standing above secular polities and having certain claims on them. The church's claims serve to limit the power of the state over persons in Roman Catholic countries. Protestantism, while lacking the international structure and legalist genius of the Roman Catholic Church, provides a hospitable ground for the cultivation of rights by according individual conscience a central role in the religious value system. The configuration of values in Eastern Orthodoxy shares something with both Roman Catholicism and Protestantism, but not those aspects that most prompt an interest in rights. Like Roman Catholicism, Eastern Orthodoxy propounds a highly corporate and sacramental view of salvation and so does not encourage individualism on religious grounds.

Like Protestantism, however, Eastern Orthodoxy is a religion of grace, not law, counter-secular legalism of Roman Catholic conceptuality less promising for the cultivation of Western Christian traditions.

Yet it would be wrong to deny the possibility in Eastern Orthodoxy. Like all great faiths, concepts of human dignity which can be historically generated, the idea of human rights. Ever historic challenges people often find new ways while some of the most important ideals of individuals from viewing themselves as rights-bearing, and discrediting the community from the state, these ideals did not prevent a lively developing in the very untraditional context.

The Orthodox view of the relation of the church to the state has been profoundly shaped by the ideal of wholeness in Christ. When the church or "body of Christ" comes about through in the community, the church or "body of Christ" initiation through its liturgy, dogmas, and cultic mystical wholeness which these forms are "the church" means the whole company whole of humankind and reconcile it with the word for this wholeness is sobornost'. It contains "Conciliarity" and "catholicity" are special the term. Sobor also means "cathedral," which is an outer meaning of sobornost'. One imagines a crowd of life gathered for liturgy under the dome unfurls, the choral music, the colorful incense and wax and the hieratic vestments of the clergy conspire to induce a powerful sense of wholeness. Indeed, the Orthodox liturgy sobornost': it actualizes it.

Orthodox thinkers are careful to distinguish egalitarianism. They see the church as a unique contribution to make to the whole, close to sobornost' in the Orthodox hierarchy, example, in the group portraits of traditional typically accords to each individual some deference, expression, posture, or function. The laity ample opportunity to direct their
Orthodox Church began during World War II, at the local level as well as the result of fostering traditional Russian patriotism. The Patriarch, by a small meeting of bishops in 1943, Metropolitan Aleksii of Leningrad was administratio restored, and a few years were reconstituted. The restored church was less in power, to the prerevolutionary situation represented a dramatic change.

In 1960s the Khrushchev government that led to the closing of about half the churches did not restore what had been wrested from them. This was a victory for the state. A led and unprecedented side effect; the campaign was a victory for the state. The church's claims on them. The church's claims on all persons in Roman Catholic communities have been profoundly shaped by the ideal of wholeness. In the Orthodox vision salvation in Christ comes about through incorporation into his sacramental community, the church or "body of Christ." The church achieves public definition through its liturgy, dogmas, and canons; but its essential quality is the mystical wholeness which these forms are meant to embody. For Orthodoxy "the church" means the whole company of saints seeking to embrace the whole of humankind and reconcile it with the whole cosmos. The Russian word for this wholeness is sobornost'. It comes from a root meaning "gather." "Conciliarity" and "catholicity" are specialized ecclesiastical translations of the term. Sobor also means "cathedral," which suggests perhaps the best picture of sobornost': One imagines a crowd of worshipers of all ages and stations of life gathered for liturgy under the dome of a cathedral. As the liturgy unfolds, the choral music, the colorful icons of saints and angels, the smell of incense and wax and the hieratic vestments, postures, and processions of the clergy conspire to induce a powerful sense of incorporation into a great, pulsating whole. Indeed, the Orthodox liturgy offers more than a picture of sobornost'; it actualizes it.

Orthodox thinkers are careful to distinguish sobornost' from collectivism or egalitarianism. They see the church as a community of persons, each with a unique contribution to make to the whole. Lichnost', "personhood," stands close to sobornost' in the Orthodox hierarchy of values. It is reflected, for example, in the group portraits of traditional iconography in which the artist typically accords to each individual some distinguishing feature of dress, coiffure, expression, posture, or function. The structure of the liturgy, too, offers the laity ample opportunity to direct their attention to individual needs, con-
282  Paul Valliere
cerns, and sources of inspiration. Still, in classical Orthodoxy the individual is not regarded as the telos of the community. The idea of lichnost' suggests person-

alism but not individualism. To the Orthodox mind the whole appears greater, more estimable, more secure than the parts. The tendency of Orthodox thinkers is to synthesize, not analyze; to integrate, not isolate. This is especially true of modern Orthodox thinkers, who have had to defend the Orthodox ethos against material and spiritual threats from the West. Most Russian Orthodox thinkers in modern times, such as Khomiakov, Kireyevsky, Dostoevsky, Leontiev, Fyodorov, and Solzhenitsyn, have held a community based on sobornost' and lichnost': wholeness and personhood, to be ethically superior to a community based on the social contract and individual rights. Hand in hand with this view went a "tradition of the censure of law" in Russia, an anti-legal prejudice which inevitably impeded the development of modern conceptions of human rights.6

If the ideal of wholeness discouraged individuals from viewing themselves apart from the community, it also made the Orthodox Church slow to dis-

tinguish itself from the state. The political dependency of the churches in the Orthodox East contrasts sharply with the pattern of church-state relations that developed in the West. Since the Reform Papacy of the eleventh century the Roman Catholic Church has defined itself juridically as a counterstate or superstate distinct from secular sovereignties. While Rome was by no means always successful in enforcing its claims, the ideal took root. Also, the need to arbitrate between ecclesiastical and secular sovereignties was one of the chief motivations for the development of law in the West, including the language and methodology of rights. Among the theological disciplines canon law played a particularly dynamic role. In the Orthodox East, by contrast, the pattern of church-state relations took shape much earlier, in the fourth and fifth centuries, and embodied the ideal of harmony (symphonia) rather than dual-

ism. Church and state were seen not as competing jurisdictions but as two aspects, sacramental and lay, of an organic whole. The ideal left little room for concepts of conflict or prophetic tension between church and state. Canon law was a conservative discipline.

To be sure, there were conflicts between church and state in the Christian East, including fierce confrontations such as the Iconoclastic controversy in eighth-century Byzantium and the Schism (Raskol) in seventeenth-century Muscovy. But these episodes did not inspire creative new concepts of church-state relations. The chief effect of the Russian Schism, for example, was to weaken the established church and cause it to accept an even more subservient role in the Russian state system on the eve of modern times.

The ascetical ideal also presents an obstacle to a rights orientation in Orthodoxy. The most esteemed form of religious virtuosity in Orthodoxy is not that of the the prophetic emissary, militant but that of the monk. The monk is a kind of individualism inspired by the call to leave the world for religious life of monks. While this arrangement has its advantages, it has not been the divisive issue in Orthodox (Catholicism), it has unquestionably limited mobilization of the secular rights of the church. The secular rights of the church are too enmeshed in the economic and familial, to lend it the name of the next.
still, in classical Orthodoxy the individual is community. The idea of lичност' suggests personally, not analytically; to integrate, not isolate. This thinking, who have had to defend the spiritual threats from the West? Most modern times, such as Khomiakov, Kireevsky, and Solzhenitsyn, have held a community holiness and personhood, to be ethically and religiously oriented. The tradition of the censure of law" in Russia, in the age before the parish clergy were mostly married men, but bishops must be monks. While this arrangement has its advantages (e.g., clerical celibacy has not been the divisive issue in Orthodoxy that it has been in Roman Catholicism), it has unquestionably limited the capacity of the clergy to mobilize in defense of the secular rights of the church. Parish priests have been too enmeshed in the economic and familial networks of "this" world to challenge it in the name of the next.

The hierarchy, on the other hand, while bearing the chief responsibility for the government of the church in "this" world, has all too often failed to value this responsibility in positive terms. Practicing ascetical renunciation at the expense of the church, so to speak, Orthodox hierarchs have often accepted oppression by secular authorities as a test of patience rather than of power. Commenting on this informal "cooperation of tradition and oppression," Vladimir Zelinsky rightly observes that "in Orthodoxy it is not weakness of the will as such but precisely a zealous piety that demands a spirit of boundless submissiveness."

Along with a weak parish clergy went a weak parish structure. In tsarist Russia the Orthodox parish was a sleepy, unprogressive place because it was too much a part of its environment. Religious and social community were basically identical. The local priest usually inherited his position from his or his wife's father. The concept of the parish as a unit of social, political, or missionary mobilization rarely arose, and the concept of the church as a voluntary association did not arise at all. These ideas were absent during the Soviet period, too, although for the opposite reason; religious and social community were too sharply divorced. Because gatherings of believers outside liturgy were prohibited, people who prayed together had little opportunity to work or even talk together. Also, since open churches were few, far apart, and crowded, worshippers usually did not get to know each other or their clergy very well. The Orthodox parish became an impersonal and diffuse community despite the fervent piety which no observer could fail to note.

The ideal of national religious establishment also contributed to the passivity of the Orthodox Church toward the state. In tsarist Russia the Orthodox parish was a sleepy, unprogressive place because it was too much a part of its environment. Religious and social community were basically identical. The local priest usually inherited his position from his or his wife's father. The concept of the parish as a unit of social, political, or missionary mobilization rarely arose, and the concept of the church as a voluntary association did not arise at all. These ideas were absent during the Soviet period, too, although for the opposite reason; religious and social community were too sharply divorced. Because gatherings of believers outside liturgy were prohibited, people who prayed together had little opportunity to work or even talk together. Also, since open churches were few, far apart, and crowded, worshippers usually did not get to know each other or their clergy very well. The Orthodox parish became an impersonal and diffuse community despite the fervent piety which no observer could fail to note.

The ideal of national religious establishment also contributed to the passivity of the Orthodox Church toward the state. In tsarist Russia the Orthodox establishment dulled the church's awareness of the extent to which it was a captive of the state system. The Russian Revolution swept away the establishment but not the cultural and ecclesiastical mentality underlying it. To this day more Russian Orthodox clergy and laity cherish the ideal of a national church. Russian Orthodox people do not think of their church as one denomi-
ination or sect among others but as the Church of Russia, a church whose destiny is tied to that of the Russian people. This view disposes the Orthodox community to be more patient with the Russian people and their state than religious groups that see themselves as a prophetic minority.

The continuing hold of an establishmentmentarian, antisectarian mentality helps to explain some of the episodes of accommodation to the state in the Soviet period beginning with Metropolitan Sergii's declaration of loyalty in 1927. Father John Meyendorff has written about this controversial event:

The goal of Metropolitan Sergii was to preserve not himself, but the church, with all its liturgical order, buildings and central administrative organs. He consciously refused to limit his thinking to "the salvation of the minority, not the majority," as was done by Bishop Damaskin and others who went "underground." In his view the Church—with its essential apostolic succession in the episcopate and its (sometimes burdensome) heritage of divine services, theology and canons—could not exist for long at a sect. The historical example of the Russian Old Believers had confirmed this. Such an interpretation of the church's accommodation to the state is more satisfying than one focusing on political terror, moral cowardice, or the infiltration of the hierarchy by state agents, for it takes the Orthodox value system into account. Metropolitan Sergii was speaking about Orthodoxy, not other churches, when he asserted that "only impractical dreamers can think that such an immense community as our Orthodox Church, with all its organizations, may peacefully exist in this country while hiding itself from the government." One may question the wisdom of Metropolitan Sergii's policy on tactical grounds, for it brought the church no real gains. But one can scarcely fault the Orthodox Church for trying to remain itself.

At the same time, the ideal of a national church can make a positive contribution to the consciousness of rights in a country to the extent that it fosters a sense of legitimacy on the part of the religious community. The sense of legitimacy is typically long-lasting. To put it another way, if the negative side of Orthodox passivity is passivity in the face of oppression, the positive side is endurance. Despite decades of Communist propaganda and repression, countless Russians persist in the conviction that the Orthodox Church has a rightful place in their land and a self-evident claim to its alienated monuments. These people may not express their view in legalistic terms. Moreover, the rights at stake are not generalizable: we might call them "historic rights" rather than "human rights." Nevertheless, the view that Orthodoxy has rights in the Russian land is a key factor in the behavior of the Orthodox Church in present-day Russia and was also an important, if ambiguous, resource for the Soviet human rights discussion later.

SOVIET LAW ON RELIGION

On October 1, 1990, the Supreme Soviet of the USSR adopted a new law on religious conscientious objection and religious organization. The law on freedom of religion and belief overturned previous Soviet legislation on religious orthodoxy and human rights, and must examine the earlier legislation.

Soviet law on religion embodied two contrasting principles: individual believers had rights; churches and religious associations sought to exercise their rights of citizens of the Soviet Republic, in their right to "confess any religion or profess no religious rites ... as long as it does not disturb the rights of citizens of the Soviet Republic," religious instruction privately.

Religious associations, however, were deprived of the privileges connected with religious establishments, an act of religious instruction privately. The decree barred religious associations, and going to law. It stated that religious associations "do not have the right...

The only concession concerned access to buildings and objects intended especially for religious instruction privately. "Buildings and objects intended especially for religious instruction privately, or by special decision of the local or central authorities, may be put at their disposal for use to responsible religious associations, and the article left the granting of use of state property...
the Church of Russia, a church whose des-
people. This view disposes the Orthodox
the Russian people and their state than
as a prophetic minority. 
ablishmentarian, antisectionary mentality
es of accommodation to the state in the
opolitan Sergii’s declaration of loyalty in
rs about this controversial event:
 to preserve not himself, but the church, with
central administrative organs. He consciou-
vision of the minority, not the majority, as
etters who went “underground.” In his view
ic succession in the episcopate and its (some-
t services, theology and customs)—could not
example of the Russian Old Believers had

church’s accommodation to the state is more
tical terror, moral cowardice, or the infil-
, for it takes the Orthodox value system
as speaking about Orthodoxy, not other-
ly impractical dreamers can think that
Orthodox Church, with all its organi-
country while hiding itself from the gov-
ion of Metropolitan Sergii’s policy on
churoh no real gains. But one can scarcely
ning to remain itself.

ional church can make a positive con-
tients in a country to the extent that it fos-
religious community. The sense
eg. To put it another way, if the negative
ativity in the face of oppression, the positive
of Communist propaganda and represen-
conviction that the Orthodox Church
ed a self-evident claim to its alienated
tress their view in legalistic terms. We
generalizable, we might call them “his-
ights.” Nevertheless, the view that
land is a key factor in the behavior of
Russia and was also an important, if
ambiguous, resource for the Soviet human rights movement. I return to the
discussion of historic rights later.

SOVIET LAW ON RELIGION

On October 1, 1990, the Supreme Soviet of the Congress of People’s Deputies of
the USSR adopted a new law on religion, the Law on Freedom of
Conscience and Religious Organizations. Later in the same month the
Supreme Soviet of the Russian republic (RSFSR) passed a comparable piece
of legislation, the Law on Freedom of Religion. These two laws completely
overturned previous Soviet legislation on religion. To understand the situa-
tion of Russian Orthodoxy and human rights in the Soviet period, however, one
must examine the earlier legislation.

Soviet law on religion embodied two cardinal principles. First, only indi-
idual believers had rights; churches and religious associations did not.
Second, the right of believers to pracrice their religion was limited to the area
of ritual.

These principles stood out clearly in the first piece of Soviet legislation on
religion, the decree of the Soviet of People’s Commissars on Separation of the
Church from the State and the Schools from the Church of January 1918.
The decree revoked all civil restrictions connected with religious affiliation
and mandated that “in all official documents every mention of a citizen’s reli-
gious affiliation or nonaffiliation shall be removed.” It granted citizens the
right to “confess any religion or profess none at all,” “free performance of reli-
gious rites . . . as long as it does not disturb public order or infringe upon the
rights of citizens of the Soviet Republic,” and the right “to receive and give
religious instruction privately.”

Religious associations, however, were denied virtually all rights, not just the
privileges connected with religious establishment such as administration of
oaths, sanctification of public ceremonies, and registration of marriages and
births. The decree barred religious associations from holding property, orga-
nizing schools, and going to law. It stated categorically that ecclesiastical and
religious associations “do not have the rights of a legal entity.”

The only concession concerned access to property designed for ritual use:
“Buildings and objects intended especially for religious rites shall be handed
over, by special decision of the local or central governmental authorities, free
of charge for use to responsible religious associations.” Since this provision
appeared in the article nationalizing the property of religious associations
(Article 13) it is clearly meant to distinguish use from ownership. Moreover, as
the article left the granting of use of state property to the “special decision” of
the state authorities, it could scarcely be interpreted to imply a firm right to such use. Finally, the use of state property by believers was granted specifically for the performance of rituals. Social service, missionary work, political action, religious publishing, and other types of religious activity outside the ritual sphere were not mentioned at all.

It is interesting to note that the decree of the Soviet of People's Commissars made no mention of atheism. The right to profess no religion covers the case of atheism but extends also to agnosticism, free-thinking, and deism. Furthermore, the decree did not accord special privileges to nonbelievers or systems of nonbelief. Yet atheism played an integral role in the formation and evolution of the Soviet Union as an ideological state, and eventually it found a privileged place in Soviet fundamental law. The constitution of 1977, continuing in the tradition of its predecessor (1936), granted the right to religious associations of 1929. The 1929 Law introduced the distinctive mechanism for the regulation of religion in the Soviet Union, the dvadtsatka, or “group of twenty.” The decree of January 1918 provided that buildings and cult objects could be handed over for use to “responsible religious associations.” The problem for the state was how to implement this policy without appearing to extend recognition or privileges to actual ecclesiastical institutions, such as conciliar bodies, the patriarch, bishops, assemblies of clergy or parish councils. The Law on Religious Associations came up with a solution: the authorities at the city or district level would lend state property (to groups of not fewer than twenty believers who accepted formal registration as a religious association and responsibility for the property temporarily entrusted to them. The dvadtsatka was an ad hoc group, not a corporate body. The rights of legal entity and the right of assembly without the permission of the local authorities were denied to it. Needless to say, the dvadtsatka did not correspond to the canonical institutions of any church. Strictly speaking, with the introduction of the dvadtsatka the Russian Orthodox parish as well as all ecclesiastical institutions beyond the parish level ceased to exist as entities enjoying recognition or protection under public law.

As long as state policy aimed at the destruction of the church the Law on Religious Associations corresponded to reality and assisted the implementation of policy. The change of direction produced a contradictory situation. The Soviet and even encouraged to reconstitute itself in its own terms. On the local level this meant the clerical rector at its head. The regulations produced by the National Council of the Russian Orthodox Church acknowledged the dvadtsatka but stipulated that it could not correspond to the canonical institutions of any church. The “religious association” of 1975 was the same as the dvadtsatka of 1929, but with the sanction of Soviet law.

The contradiction lasted until the Khrushchev era, when the religious settlement of the war years was honored. The law of the Russian Orthodox Church approved by the National and Government, but its structure was different. The bishops were to perform pastoral work. In fact the hierarchy was to be a strict interpretation of the dvadtsatka of 1918, the head of the “religious association” being the parish rector. The “religious association” of 1975 included the arrangements of 1961, nor did the national council of the church replace the old system of parishes. The Gorbachev reforms of the mid-1980s were the first indication that Soviet law on religion needed to be changed.

**The Orthodox Rights Movement**

The Orthodox rights movement was partly spontaneous and developed along parallel lines. It began in 1963 with the Constitution Day demonstration on a street of Washington, D.C., by intelligentsia Andrei Sinyavsky and Yuly Daniel. On the same day the Orthodox rights movement was also active in Moscow, protesting in support of Andrei Sakharov. The priests presented a detailed brief allegations against the state authorities. Two days earlier Patriarch Alexii I arguing their case in the Supreme Court of the Russian Orthodox Church. The priests presented a detailed brief allegations against the state authorities. Two days earlier Patriarch Alexii I argued that the law on religious associations violated the Constitution.
to imply a firm right to property by believers was granted specifically for social service, missionary work, political or other types of religious activity outside the all.

The constitution of 1977, promulgated (1936), granted a kind of establishment for religious associations (Article 6). In the matter of propagating their faith: 

Article 52). 

in the Soviet period was 1929. The law introduced the distinction between religions in the Soviet Union, the pious decree of January 1918 provided that build religions be used for "responsible religious services, the patriarch, bishops, assemblies of believing who accepted formal registration in the Russian Orthodox parish as well as at the parish level ceased to exist as entities under public law.

A sense, the destruction of the church the Law on property by believers was granted specifically by citizens of the USSR, that is, the atheists had no freedom of conscience or religious activity whatsoever, in contrast to law; believers did not.

The contradiction lasted until the Khrushchev persecution, which undid the religious settlement of the war years. In July 1961 a council of bishops of the Russian Orthodox Church approved the elimination of the clergy from chairmanship and membership of parish councils, effectively removing them from parish government. The bishops claimed to be relieving priests of burdensome secular duties to allow them more time for pastoral work. In fact the hierarchy was bowing to state pressure to restore a strict interpretation of the dvadtsatka of 1919. The All-Russian Council of 1971, the first national council of the church held after 1945, did not abrogate the arrangements of 1961, nor did the amendments to the Law on Religious Associations in 1975 change them in any fundamental way. Not until the Gorbachev reforms of the mid-1980s was there a hint in any official source that Soviet law on religion needed to be changed.

THE ORTHODOX RIGHTS MOVEMENT

The Orthodox rights movement was part of the Soviet human rights movement and developed along parallel lines. The Soviet human rights movement dates from the Constitution Day demonstration in Moscow's Pushkin Square on December 15, 1965, by intelligentsia protesting the arrest of the writers Andrei Sinyavsky and Yuly Daniel. The key demand was a public trial for the accused. The protesters believed that publicity would expose the gap between the letter of Soviet law and its administration by the authorities. "Respect the Soviet Constitution!" was the slogan of the day. On the same day the Orthodox rights movement surfaced in an open letter to N. V. Podgorny, chairman of the Presidium of the Supreme Soviet of the USSR, written by the Moscow priests Gled Yakunin and Nikolai Eshliman. The priests presented a detailed brief alleging violations of Soviet law on religion by the state authorities. Two days earlier the priests had sent a letter to Patriarch Alexei I arguing their case in theological terms. They sent copies of both letters to the entire Russian Orthodox hierarchy. While there had been
other protests by Orthodox clergy and laity in 1965 regarding the state of affairs produced by the Khrushchev persecution, the witness of Yakunin and Eshliman was especially important because of its connection with the wider Soviet human rights movement. The number of clergy and laity involved in the Orthodox rights movement was small. It was a movement of heroic individuals, as was the Soviet human rights movement generally. As for the hierarchs, they made a practice of disciplining activist clergy and keeping their distance from dissident laity. 25 Yakunin and Eshliman, for example, were removed from their parishes and banned from exercising priestly office (although not defrocked) following the open letters of 1965.

There were numerous links between the Orthodox activists and the wider human rights movement. The first human rights organization in the Soviet Union, the Initiative Group for the Defense of Human Rights in the USSR, formed in 1969, counted the Orthodox lay historian Anaroly Levitin-Krasnov among its founders. The Committee for Human Rights in the USSR, formed in 1970 by Valery Chalidze and others, took a lively interest in religious rights cases. 26 Orthodox publicists contributed frequently to the samizdat literature in which the Soviet dissident intelligentsia conducted its debates. 27 The greatest publicist of the period, the Orthodox layman Aleksandr Solzhenitsyn, publicly embraced the Orthodox rights movement in his "Lenten Letter" to Patriarch Pimen in 1972. The letter appeared in the Western press shortly after Solzhenitsyn's first major interview with Western reporters in many years in March 1972. 28 The interview marked the beginning of the explosive period of Solzhenitsyn's activism, culminating in the publication of The Gulag Archipelago in December 1973 and his expulsion from the Soviet Union the following February.

The Moscow Helsinki Watch Group, which announced its program in May 1976, found its Orthodox counterpart in the Christian Committee for the Defense of the Rights of Religious Believers in the USSR, although Orthodox Christians were also to be found in the leadership of the Helsinki Group. The Christian Committee, founded in December 1976 by Father Gleb Yakunin and others, was a watch group specializing in religious cases. 29 Its interdenominational concern with the rights of all believers, not just Orthodox, reflected the extent to which the Orthodox rights movement had been shaped by the general human rights movement. The Christian Committee also followed the lead of the Helsinki Group in promoting the internationalization of the struggle for human rights on the basis of the Helsinki accords of 1975. In October of that year Father Yakunin and the lay church historian Lev Regelson addressed an open letter to the delegates of the Fifth Assembly of the World Council of Churches meeting in Nairobi in which they put forward the idea of religious rights, in essence the idea that the execution as to its own international reputation.

Yakunin and Eshliman's letter to Podgorica was the earliest examples of the new legal consciousness which preserved the policies of the Council for conducting most of its business
and laity in 1965 regarding the state of persecution, the witness of Yakunin and because of its connection with the wider
involved in the Orthodox rights movement.

In the Orthodox rights movement, the hierarchs, they made a practice of dis- tangible distance from dissident laity.25

Under pressure from the Orthodox activists and the wider
human rights organization in the Soviet
Defense of Human Rights in the USSR, the Orthodox lay historian Anatoly Levitin-Krasnow formed a group, which announced its program in
December 1976 by Father Gleb Yakunin
Group, which announced its program in
the beginning of the explosive period of
in the publication of The Gulag his expulsion from the Soviet Union the

For the first time the intelligentsia recognized that the Soviet constitution, in spite of all its imperfections, is a fundamental law which in its letter protects their dignity as citizens, on paper defends human rights. The human rights movement discovered a powerful lever of social transformation, namely law, when it turned the attention of the Soviet bureaucracy as well as of society and the rest of the world to
the lack of conformity between the conduct of the regime and the constitution and Soviet legislation, and also to the many international conventions and treaties on human rights which the Soviet Union has ratified so much with a view to their execution as to its own international reputation.29

The same attention to law was typical of the Orthodox rights movement. Yakunin and Ezhiman's letter to Podgorny is a good example, indeed one of the earliest examples of the new legal consciousness cited by Litvinov. The letter protested the policies of the Council for Russian Orthodox Church Affairs of the Council of Ministers of the USSR, the state agency responsible for supervision of the Orthodox Church.30 The priests charged that the council's policies violated both the principles and the particulars of Soviet law on religion. In the introduction to the letter, for example, the priests faulted the council for conducting most of its business orally. "The very method of using

in which they put forward the idea of an interchurch effort to defend religious rights, in essence the idea that the Christian Committee was formed to serve a year later.30

During the repressions of the late 1970s and early 1980s the Orthodox rights movement suffered the same fate as the general human rights movement. The attack on the leadership of the Helsinki Group began with the arrest of many of its founding members in February and March 1977, including Yury Orlov, Anatoly Shcharansky and the Orthodox layman Aleksandr Ginzburg. The repression of the Christian Committee began on the eve of the invasion of Afghanistan and the exile of Andrei Sakharov from Moscow (December 1979-January 1980). Father Gleb Yakunin was arrested in November 1979, and most of the other leaders were detained in the following months. In 1980 Yakunin was sentenced to five years in prison followed by five years of internal exile.

The association of the Orthodox rights activists with the general human rights movement was not just pragmatic but extended to values and methodology. The distinguishing characteristic of the Soviet human rights movement in contrast to other dissident tendencies (especially nationalism) was its paramount concern with law and the cultivation of respect for law in Soviet society. In the words of Pavel Litvinov the movement represented

not only a rebirth of goodness and mercy, but the birth of a sense of law in Soviet society. For the first time the intelligentsia recognized that the Soviet constitution, in spite of all its imperfections, is a fundamental law which in its letter protects their dignity as citizens, on paper defends human rights. The human rights movement discovered a powerful lever of social transformation, namely law, when it turned the attention of the Soviet bureaucracy as well as of society and the rest of the world to
the lack of conformity between the conduct of the regime and the constitution and Soviet legislation, and also to the many international conventions and treaties on human rights which the Soviet Union has ratified so much with a view to their execution as to its own international reputation.29

The same attention to law was typical of the Orthodox rights movement. Yakunin and Ezhiman's letter to Podgorny is a good example, indeed one of the earliest examples of the new legal consciousness cited by Litvinov. The letter protested the policies of the Council for Russian Orthodox Church Affairs of the Council of Ministers of the USSR, the state agency responsible for supervision of the Orthodox Church.30 The priests charged that the council's policies violated both the principles and the particulars of Soviet law on religion. In the introduction to the letter, for example, the priests faulted the council for conducting most of its business orally. "The very method of using
unofficial oral decrees, which the leaders and representatives of the Soviet for Russian Orthodox Church Affairs chose as a means of systematic interference in the internal life of the Orthodox Church, is a violation of the principles of the Law.

In the body of the letter the authors discussed eight types of violations of Soviet law on religion: registration of clergy as a means of interfering with their placement, mass closing of churches and monasteries and illegal liquidation of religious societies, registration of baptisms and other sacramental acts, restriction of ritual practices, violation of the principle of freedom of conscience with respect to children, interference in the financial life of church communities, limitation of the number of members of a religious society to the group of twenty, and limitations on the staffing of clerical positions.

The argumentation in all of these cases was deliberately legalistic. The priests took their stand on the decree on Separation of the Church from the State and the Schools from the Church, the Law on Religious Associations, and other relevant legislation. In many particular their arguments were quite compelling. It was difficult to deny, for example, that the registration of baptisms by local governmental authorities amounted to official documentation of religious affiliation, specifically excluded by the decree on Separation of the Church from the State and the Schools from the Church. The priests also made a good case when they argued that the customary limitation of the responsible membership of religious associations to twenty individuals was not warranted by the Law on Religious Associations, which required only that associations be composed of "not fewer" than twenty citizens. The authors exposed another unwarranted inference when they argued that legal liquidation of a prayer house by local authorities should not automatically signify the dissolution of the religious association that occupied it.

From the beginning the Soviet human rights movement wrestled with the tension between respect for Soviet law and the need to change it. In the area of religious rights this tension was especially severe because of the paucity of rights accorded to religion in the first place. In their letter to Podgorny, Yakunin and Eshliman held firmly to the theme of respecting and enforcing existing Soviet law. As the rights movement gained momentum, however, its critique became more radical. The internationalization of the struggle for rights after the Helsinki accords of 1975 also tended to sharpen criticism of Soviet reality. In 1977, when a nationwide discussion of the draft of the new constitution was taking place, the Christian Committee ventured to raise the issue of the preferential treatment of atheism in the constitution in a letter to Brezhnev.

To be sure, there was no contradiction between preaching respect for law and attempting to change it at the same time. The new legal consciousness embraced both causes. Almost no one in the Soviet human rights movement advocated working for change by violent, extralegal means.
The Orthodox rights activists represented a challenge to the church as well as to the state. They did not question the legitimacy of the Patriarchal church, as some Russian Orthodox splinter groups did. They did not even question the policy of peaceful accommodation with the Soviet state. They did question the church's acquiescence in policies that turned accommodation into a one-sided relationship of dependence prejudicial to the integrity of the church, and they challenged the Patriarch and the bishops to play a more aggressive role in contesting such policies.

Again, Fathers Yakunin and Eshliman stated the case best. Their letter to Patriarch Aleksii I in 1965, incorporating the legal case made in the letter to Podgorny, lent theological and ecclesiastical perspective to their critique. In spirit the letter was prophetic rather than legalistic. The priests cried out against practices in the earthly, everyday church which contradicted the transcendent reality of the church.

The letter consisted of three parts. In the first the authors pointed out that a theological as well as a legal principle was at stake in the violation of religious rights. Citing the words of Jesus, "Render unto Caesar the things that are Caesar's, and unto God the things that are God's" (Mark 12:17), the priests argued that these words "put an end to the claims of a pagan state to total dominion over man," which is why "for the first time in history Christian doctrine proclaimed the infinite value of human personality." In the second part of the letter the authors discussed a matter not raised in the letter to Podgorny: the prerogatives of the parish priest. With copious citations from Orthodox canon law the authors argued that the decision of the council of bishops in 1961 to remove priests from the parish councils produced a flagrantly uncanonical state of affairs at the local level of Orthodox church life and offended the dignity of the priestly office. An epigraph to this section of the letter put it poignantly: "the hireling is not a shepherd" (John 10:11). In the last part of the letter the authors reviewed the glories and tribulations of the Orthodox Church in Russian history and concluded with an appeal to the patriarch to lead the church out of its bondage to secular authority, if necessary at the price of his own security. "The patriarch is appointed to be like John the Forerunner, the friend of the Bridegroom, who lays down his life for the purity of the bride." More particularly they called on Aleksii to summon a widely representative national council of the Russian Orthodox Church which would meet to restore the canonical norms of church life.

Patriarch Aleksii I did not take up the challenge addressed to him by the dissident priests. The next national council took place after his death, in 1971, and met for the purpose of electing his successor. It did not undo the arrangements of 1961. The new patriarch, Pimen, soon faced a similar challenge, however. In his "Lenten Letter" of 1972, Aleksandr Solzhenitsyn cited the
examples of Yakunin and Ezhilman seven years earlier and implored Pimen to take the initiative in the struggle to free the church from bondage even at the price of personal martyrdom. "Do not let us suppose, do not make us think that for the archbishops of the Russian Church earthly power is higher than heavenly power, earthly responsibility more fearsome than responsibility before God."37

Nor all Orthodox rights activists approved of the tactic of challenging the patriarch and bishops to confront the state authorities at any price. One of the responses elicited by Solzhenitsyn's "Lenten Letter" provided evidence of divided opinion. It came from the pen of Father Sergei Zheludkov, a priest in the city of Pskov with a long record of involvement in the struggle for Orthodox rights and close ties to the dissident intelligentsia. He took exception to Solzhenitsyn's all-or-nothing approach, arguing that it would lead to martyrdom and an underground church. He held that the legal church "cannot be an island of freedom in our strictly and homogeneously organized society run from a single Center." He approved of the hierarchy's policy "somehow to sign into the system and for the time being to make use of the opportunities permitted by it."38 But in spite of disagreements over the hierarchy's actual or potential role in the struggle for rights, most Orthodox dissidents agreed that the patriarchal church was the Russian Orthodox Church on whose behalf they were fighting. This consensus in itself reflected a considerable degree of goodwill toward the church on the part of the activists. Their tolerance demonstrated Christian patience and love. It also reflected a recognition that the real antagonist of the human rights movement was not the Orthodox Church but the Soviet state.


In many ways the outlook for human rights in the Soviet Union seemed bleaker in 1980 than it did in 1965. The repressions of the late 1970s closed down the Soviet human rights movement and confirmed the doubts of many concerning the prospects for changing the Soviet system by legal means. Orthodox activists experienced these doubts as acutely as their secular colleagues. Legalism seemed to have led to a dead end. The way was open for reconceiving the struggle for Orthodox rights along more radical lines, such as an underground church or an alliance with right-wing Russian nationalism.

Yakunin, as ever the leading Orthodox dissident, announced his break with the legalist approach in a report on "The Present Situation of the Russian Orthodox Church and the Prospects of a Religious Renewal in Russia," dated August 15, 1979.39 In it he advocated the creation of a "catacomb church" through secret (though canonical) ordinations and underground clergy would minister to Orthodox Christians whose needs were restricted Moscow Patriarchate. If the Patriarchate was setting up such a network, as it almost surely was, it would become a sister Orthodox church, such as the Finnish Orthodox church, as a model for assistance.40 The practicality of such an underground church was already on trial, however, when Yakunin had lost confidence in his own new network.

Yakunin's pessimism toward the Moscow Patriarchate was so far as to assert that "if the freedom we seek was suddenly granted in our country, the Orthodox Church would be incapable of providing a positive, favorable judgment, Father Dmitry Dudkin had already suggested a year earlier with a community a few months later with a nationwide movement for human rights struggle of the 1970s.

And so it was, though more benignly than imagined in the dark days of 1979-80. Feudalism of prison, exile, or capitulation to church-state relations and in the Soviet system produced a more favorable environment than at any time since the Bolshevik revolution of the Orthodox Church's vindication. Russian land enhanced the visibility of church-state relations and in the Soviet system. The accession to power of a group of reformers in the human rights struggle of the 1970s.

And so it was, though more benignly than imagined in the dark days of 1979-80. Feudalism of prison, exile, or capitulation to church-state relations and in the Soviet system produced a more favorable environment than at any time since the Bolshevik revolution of the Orthodox Church's vindication. Russian land enhanced the visibility of church-state relations and in the Soviet system. The accession to power of a group of reformers in the human rights struggle of the 1970s.
seven years earlier and implored Pimen to
free the church from bondage even at the
not let us suppose, do not make us think
isian Church earthly power
is
higher than
bility more fearsome than responsibility
s approved of the tactic of challenging the
the state authorities at any price. One of the
i's "Lenten Letter" provided evidence of
ord of involvement in the struggle for
he dissident intelligentsia. He took excep­
g approach, arguing that it would lead to
urch. He held that the legal church "can­
Cticrly and homogeneously organized soci­
approved of the hierarchy's policy "some­
the time being to make use of the oppor­
itve of disagreements over the hierarchy's
ngle for rights, most Orthodox dissidents
was the Russian Orthodox Church on
is consensus in itself testified to a consid­
churc on the part of the activists. Their
ience and love. It also reflected a recog­
the human rights movement was not the
ite.

erves

human rights in the Soviet Union seemed
The repressions of the late 1970s closed
ement and confirmed the doubts of many
ing the Soviet system by legal means.
the doubts as acutely as their secular col­
to a dead end. The way was open for
odox dissenters along more radical lines, such
ence with right-wing Russian nationalism.
odox dissident, announced his break with
em. "The Present Situation of the Russian
Religious Renewal in Russia," dated
through secret (though canonical) ordinations of bishops and priests. The
underground clergy would minister to the far-flung masses of Russian
Orthodox Christians whose needs were not being met by the severely
restricted Moscow Patriarchate. If the Patriarchate refused to collaborate in
seeking up such a network, as it almost surely would, Yakunin advocated turn­
ing to a sister Orthodox church, such as the Orthodox Church in America,
for assistance. The practicality of such an approach was debatable. In the
context of the human rights struggle, however, the important point was that
Yakunin had lost confidence in his own movement.

Yakunin's pessimism toward the Moscow Patriarchate was unrelieved. He
went so far as to assert that "if the freedom to conduct religious propaganda
were suddenly granted in our country, the members of the Moscow
Patriarchate would be incapable of profiting from this opportunity."
Ironically, the one servant of the patriarchal church on whom Yakunin passed
favorable judgment, Father Dmitry Dudko, scandalized the dissident com­
nity a few months later with a nationally televised retraction of his role
in the human rights struggle of the 1970s. It seemed as if history were plays­
ing tricks on Yakunin.

And so it was, though more benignly than he or his colleagues could have
imagined in the dark days of 1979–80. For even as the dissidents walked the
via dolorosa of prison, exile, or capitulation, changes were in the making in
church-state relations and in the Soviet state itself which by the mid-1980s
produced a more favorable environment for human rights in the Soviet lands
than at any time since the Bolshevik revolution. On the one hand, an accel­
eration of the Orthodox Church's vindication of its historic rights in the
Russian land enhanced the visibility of the church in Soviet society. Second,
the accession to power of a group of reform Communists led by Mikhail
Gorbachev in 1985 opened the way to a rapid advancement of human rights
in all spheres of Soviet life.

The improvement of the church's historic rights began before Gorbachev's
accession to power. In the late 1970s and early 1980s the Patriarchate's long­
term strategy of loyalty to the state began to pay off more palpably than
before, at least for the central church institutions. The number of theological
students doubled between 1971 and 1981. The Publishing Department of the
Patriarchate increased its staff and managed to get a new building constructed
in central Moscow to accommodate work on an expanded range of projects.
A large construction project was authorized in 1983 with the return of the
buildings and grounds of the Danilov Monastery to the church. The Danilov
named for St. Danil, a medieval grand prince of Moscow, was the city's old­
est monastery. The restoration of the facility brought an Orthodox monastic
presence to the capital for the first time in decades as well as providing a highly
visible residence for the patriarch and a seat for the Holy Synod and some other units of the Patriarchate.

The church in the provinces did not benefit to the same extent as the central institutions, although there were some improvements. There was a modest increase in the building and reopening of churches in some parts of the country starting in the late 1970s.43 At about the same time deanery and diocesan conventions of clergy, indispensable to the rebuilding of the Orthodox Church on the provincial level, began to be held again after a lapse of almost three decades.44

The gains for the Orthodox Church in the early 1980s, while small compared to the expansion at the end of the decade, were exceptional in two respects. First, they exceeded earlier gains by an appreciable margin. Second, they occurred during a time of unprecedented latitude and decline in the Soviet Union as a whole. Indeed, the Orthodox Church was about the only institution in the country to show any vigor in the late 1970s and early 1980s.

To explain this phenomenon one should probably reckon with a number of factors ranging from the hand of Providence to the machinations of atheist bureaucrats. The timing of the concessions to the church, for example, makes it tempting to suspect that they were intended as a reward to pliant hierarchs at a time when harsh punishment was being meted out to Orthodox rights activists. But the growth in the church's strength could also be seen as an example of the countercyclical capacity of religion to show vitality when secular power structures fall into decline.

In any case, the Orthodox hierarchy won real gains, not just cosmetic improvements, during the period. The bishops showed particular skill in their manipulation of a date of great symbolic importance in Russian history: 1988, the millennial anniversary of the baptism of the people of Kiev under Prince Vladimir in 988. In the struggle for historic rights, historic occasions play a key role. By declaring their intention to celebrate the millennium in a grand way the Orthodox hierarchy was able to wage a more or less open campaign to enhance the visibility of the church in Soviet society. In this effort the church probably benefited not a little from the support it enjoyed among some of the more nationalist members of the Soviet establishment.

But the decisive change that allowed the Moscow Spring of 1988 to happen occurred not in the church but in the ruling elite of the Soviet state. Coming to power in 1985, Mikhail Gorbachev and his associates promptly set about implementing an ambitious reform agenda: first glasnost', or freedom of expression; then perestroika, or the restructuring of social, political, and economic institutions. In terms of rights issues the most promising aspect of the reform effort was the idea of "a state based on law" (pravo"ve gosudarstvo) and the calls for upgrading the legal profession, making legal services more available to ordinary citizens, and establishing a human rights movement. That the immediate source of these ideas was the Soviet human rights movement was too poorly kept a secret, albeit posthumously.

In the spring of 1988, virtually on the eve of the reform process took a great leap forward: in June the People's Deputies declared its intention to create a new national parliament. Elections to this body would be held for the first time in June. Similar parliamentary elections were planned at the provincial level. A substantial body of human rights legislation was introduced, including provisions for freedom of religion mentioned above, as well as other achievements of the new parliamentary institutions.

Before 1988 the Communist reformers thought about the reform process. In May 1987 a group of clergy and laymen tied to the Orthodox hierarchy called for a head in open letters to Ch. Pimen.45 They called on Gorbachev to open the religious sphere by granting believers the right to religious literature, to be heard in the mass media, and to participate openly in the work of the new parliament. The idea of restructuring that lies ahead. But the process will not be left out of it."

To the patriarch the nine declared that they did not know what freedom to be any easier to achieve in the future. "Immobilized, mute and timid for so long, let us learn all over again how to walk and talk," they called for a consistent policy: "We do not want to let slip the unique historical opportunity to enhance the visibility of the church in Soviet society. In this effort the church probably benefited not a little from the support it enjoyed among some of the more nationalist members of the Soviet establishment.

But the decisive change that allowed the Moscow Spring of 1988 to happen occurred not in the church but in the ruling elite of the Soviet state. Coming to power in 1985, Mikhail Gorbachev and his associates promptly set about implementing an ambitious reform agenda: first glasnost', or freedom of expression; then perestroika, or the restructuring of social, political, and economic institutions. In terms of rights issues the most promising aspect of the reform effort was the idea of "a state based on law" (pravo"ve gosudarstvo) and the calls for upgrading the legal profession, making legal services more available to ordinary citizens, and establishing a human rights movement. That the immediate source of these ideas was the Soviet human rights movement was too poorly kept a secret, albeit posthumously.

In the spring of 1988, virtually on the eve of the reform process took a great leap forward: in June the People's Deputies declared its intention to create a new national parliament. Elections to this body would be held for the first time in June. Similar parliamentary elections were planned at the provincial level. A substantial body of human rights legislation was introduced, including provisions for freedom of religion mentioned above, as well as other achievements of the new parliamentary institutions.

Before 1988 the Communist reformers thought about the reform process. In May 1987 a group of clergy and laymen tied to the Orthodox hierarchy called for a head in open letters to Ch. Pimen.45 They called on Gorbachev to open the religious sphere by granting believers the right to religious literature, to be heard in the mass media, and to participate openly in the work of the new parliament. The idea of restructuring that lies ahead. But the process will not be left out of it."

To the patriarch the nine declared that they did not know what freedom to be any easier to achieve in the future. "Immobilized, mute and timid for so long, let us learn all over again how to walk and talk," they called for a consistent policy: "We do not want to let slip the unique historical opportunity to enhance the visibility of the church in Soviet society. In this effort the church probably benefited not a little from the support it enjoyed among some of the more nationalist members of the Soviet establishment.

But the decisive change that allowed the Moscow Spring of 1988 to happen occurred not in the church but in the ruling elite of the Soviet state. Coming to power in 1985, Mikhail Gorbachev and his associates promptly set about implementing an ambitious reform agenda: first glasnost', or freedom of expression; then perestroika, or the restructuring of social, political, and economic institutions. In terms of rights issues the most promising aspect of the reform effort was the idea of "a state based on law" (pravo"ve gosudarstvo) and the calls for upgrading the legal profession, making legal services more available to ordinary citizens, and establishing a human rights movement. That the immediate source of these ideas was the Soviet human rights movement was too poorly kept a secret, albeit posthumously.

In the spring of 1988, virtually on the eve of the reform process took a great leap forward: in June the People's Deputies declared its intention to create a new national parliament. Elections to this body would be held for the first time in June. Similar parliamentary elections were planned at the provincial level. A substantial body of human rights legislation was introduced, including provisions for freedom of religion mentioned above, as well as other achievements of the new parliamentary institutions.

Before 1988 the Communist reformers thought about the reform process. In May 1987 a group of clergy and laymen tied to the Orthodox hierarchy called for a head in open letters to Ch. Pimen.45 They called on Gorbachev to open the religious sphere by granting believers the right to religious literature, to be heard in the mass media, and to participate openly in the work of the new parliament. The idea of restructuring that lies ahead. But the process will not be left out of it."

To the patriarch the nine declared that they did not know what freedom to be any easier to achieve in the future. "Immobilized, mute and timid for so long, let us learn all over again how to walk and talk," they called for a consistent policy: "We do not want to let slip the unique historical opportunity to enhance the visibility of the church in Soviet society. In this effort the church probably benefited not a little from the support it enjoyed among some of the more nationalist members of the Soviet establishment.

But the decisive change that allowed the Moscow Spring of 1988 to happen occurred not in the church but in the ruling elite of the Soviet state. Coming to power in 1985, Mikhail Gorbachev and his associates promptly set about implementing an ambitious reform agenda: first glasnost', or freedom of expression; then perestroika, or the restructuring of social, political, and economic institutions. In terms of rights issues the most promising aspect of the reform effort was the idea of "a state based on law" (pravo"ve gosudarstvo) and the calls for upgrading the legal profession, making legal services more available to ordinary citizens, and establishing a human rights movement. That the immediate source of these ideas was the Soviet human rights movement was too poorly kept a secret, albeit posthumously.
and a seat for the Holy Synod and some benefit to the same extent as the central some improvements. There was a modernization of churches in some parts of the At about the same time deanery and indispensable to the rebuilding of the level, began to be held again after a lapse in the early 1980s, while small com­|\n|\n
The Moscow Spring of 1988 to happen ruling elite of the Soviet state. Coming and his associates promptly set about agenda: first glasnost', or freedom of structuring of social, political, and eco­|\n|\n|\n
able to ordinary citizens, and establishing the independence of legal counsel. That the immediate source of these ideas was the "legalist" thinking of the Soviet human rights movement was too plain to be missed. The movement had won its case, albeit posthumously.

In the spring of 1988, virtually on the eve of the church millennium, the reform process took a great leap forward when Gorbachev's government declared its intention to create a new national parliament, the Congress of People's Deputies. Elections to this body were held in March 1989; it met for the first time in June. Similar parliaments were later created on the republican level. A substantial body of human rights legislation, including the 1990 laws on freedom of religion mentioned above, was one of the most notable accomplishments of the new parliamentary institutions.

Before 1988 the Communist reformers made no public statements on religion. Their silence left the religiously oriented public in a state of uncertainty about the reform process. In May 1987 a group of nine prominent Orthodox clergy and laymen tied to the Orthodox rights movement tried to bring the matter to a head in open letters to Chairman Gorbachev and Patriarch Pimen. They called on Gorbachev to extend glasnost and perestroika to the religious sphere by granting believers the right to publish scriptures and religious literature, to be heard in the mass media, to participate in the preparation of legislation affecting religious life, to engage in philanthropy and social service—in short, to participate openly and equally in Soviet society. In effect the nine called for a consistent policy: "We wish to believe in the reality of the restructuring that lies ahead. But the process of democratization going on in our country is essentially indivisible. The Russian Orthodox Church cannot be left out of it."

To the patriarch the nine declared that they did not expect the renewal of freedom to be any easier to achieve in the church than in Soviet society at large: "Immobilized, mute and timid for so many years, [the church] has to learn all over again how to walk and talk." The group implored the patriarch "not to let slip the unique historical opportunity which the Lord is sending our Homeland and our Mother Church."

Despite the lack of official statements, however, a great liberalization of the conditions of religious life was already underway by mid-1987. Religious dissidents, including Father Yakunin, were released from exile or detention. Yakunin's sacerdotal functions were restored by the Patriarchate, and he was assigned to a parish in the Moscow area. A program to upgrade Jewish institutions was openly discussed by official spokesmen. Adult baptisms and parents presenting children for baptism, at least in Moscow, were no longer asked to show their domestic passport before receiving the sacrament, i.e., the site was no longer subject to civil registration. As we have noted, this prac-
tice was long singled out by critics as an affront to religious conscience and a flagrant violation of Soviet law. Another sign of improvement was the series of three international scholarly conferences on Russian Orthodox history and tradition commemorating the millennium of the baptism of Russia. The conferences marked the first time that the church was allowed to sponsor international meetings on a subject other than ecumenism or world peace. The second and third conferences in the series featured participation by distinguished Soviet scholars from secular institutions as well as theologians. The open collaboration between secular and ecclesiastical scholars was another "first" for the postwar period.

As for the legal status of religion, there was evidence that new legislation was being prepared at the highest levels. In the January 1986 issue of the Journal of the Moscow Patriarchate there appeared a mysterious last page entitled "Our Legal Advice: The Rights and Obligations of Religious Societies." In actuality the page did not relay "advice" from any ecclesiastical source but presented eight draft paragraphs of a secular law code employing the terminology, but departing from the substance, of the Law on Religious Associations of 1929. The draft explicitly recognized religious associations as legal entities with the right to make contracts and act as plaintiff or defendant in a court of law. It granted religious associations the right to purchase (not merely take on loan) and hold title to various kinds of property including ritual objects, means of transport, and buildings. The right of religious organizations to employ temporary or permanent staff on contract was also recognized. In short, the "Advice" subverted the entire tradition of Soviet legislation on religion. Since such a publication could not have appeared at the time without official approval, it encouraged hopes for a breakthrough to religious liberty in the USSR. The unanswered question was whether the principles of "Our Legal Advice" would be written into state law; and if so, when?

The intentions of the Communist reformers with respect to religion were publicly clarified in April 1988 when Chairman Gorbachev held an unprecedented and highly publicized roundtable meeting with the senior hierarchs of the Russian Orthodox Church. The tone and substance of his remarks were conciliatory even though he felt obliged to declare that Lenin's 1918 Decree on the Separation of the Church from the State and the School from the Church was a measure that "opened the way for the church to pursue its activities without any sort of outside interference." He conceded that "mistakes" were made with respect to the church and religious believers in the 1930s and thereafter, observed that the errors were being corrected, wished the church well on the eve of its millennium and invited the Orthodox community to collaborate in the work of perestroika on the grounds that "we have a common history, one Fatherland and one future." The last point was especially poignant in that it was a major ideological revision to envision religion as having any sort of future. Most importantly, Gorbachev's talk on freedom of conscience is being devised for religious organizations as well as others will be established was now official.

When the church observed its millennium in the spirit of confidence and independence of the church council composed of the hierarchs and clergy, the gathering was only the third time the Russian Orthodox Church in the Soviet period (when the first was held in 1845) was the first to be held for a purpose other than the deceased patriarch. In the area of rights the most important was the proposal of a fundamental statute for the Russian Orthodox Church firmly on Orthodox canon law and the all-Soviet statute formally ended the bondage of the church to the Law on Religious Associations of 1925 and the Law on Religious Associations of 1961. It went much further than the statutes of authority and decision-making institutions at the diocesan, episcopal, and national levels. The church's newly won sovereignty over its affairs, in course, the statute contradicted existing Soviet laws. The contrary placed at the head of the church council the question of why the church delayed formulating a statute. Nevertheless, the text circulated freely and was announced immediately following the council. Thus the millennium passed amidst a spirit of confidence and independence of the church's newly won sovereignry over its activities. The new era is without precedent of its kind and the Belief of the Church. The new era is without precedent of its kind and the Belief of the Church.

Russian Orthodoxy and Human Rights

The annus mirabilis of 1988 marked the end of the Bolshevik revolution, the Russian Counter-Revolution, the Russian Communist revolution, and the Russian Orthodox Church. The new era is without precedent of its kind and the Belief of the Church. The new era is without precedent of its kind and the Belief of the Church.
as an affront to religious conscience and a
other sign of improvement was the series of
ences on Russian Orthodox history and
nium of the baptism of Russia. The
that the church was allowed to sponsor
ther than ecumenism or world peace.
series featured participation by dis-
stitutions as well as clergy and the-
secular and ecclesiastical scholars
, there was evidence that new legislation
levels. In the January 1986 issue of the
ere appeared a mysterious last page enti-
md Obligations of Religious Societies. "Advice" from any ecclesiastical source but
a secular law code employing the termi-
stance, of the Law on Religious Associa-
ecognized religious associations as legal
acts and act as plaintiff or defendant in a
ciations the right to purchase (not merely
ious kinds of property including ritual
ings. The right of religious organiza-
tment staff on contract was also recog-
ized the entire tradition of Soviet legisla-
could not have appeared at the time
aged hopes for a breakthrough to religious
question was whether the principles of
into state law; and if so, when?
reformers with respect to religion were
an important meeting with the senior hierarchs of
the tone and substance of his remarks were
ed to declare that Lenin's 1918 Decree on
the State and the School from the Church
by for the church to pursue its activities
ce." He conceded that "mistakes" were
religious believers in the 1930s and there-
being corrected, wished the church well
invited the Orthodox community to col-
the grounds that "we have a common
. The last point was especially
poignant in that it was a major ideological retreat for a Communist leader to envision religion as having any sort of future, never mind the same as his own. Most importantly, Gorbachev announced that "at the present time a new law on freedom of conscience is being devised in which the interests of religious organizations as well as others will be reflected." The long-rumored prospect was now official.
When the church observed its millennium in June 1988, then, it did so in a spirit of confidence and independence. The main event was a national church council composed of the hierarchy and elected clerical and lay repre-
atives. The gathering was only the third national council of the Russian Orthodox Church in the Soviet period (the others were in 1945 and 1979). It was the first to be held for a purpose other than electing a successor to a deceased patriarch.
In the area of rights the most important action of the council was the adoption of a fundamental statute for the Russian Orthodox Church. Based
firmly on Orthodox canon law and the abrogated precedent of 1945, the new
statute formally ended the bondage of the church to the pattern dictated by
the Law on Religious Associations of 1929 and the humiliating pseudo-coun-
cil of 1961. It went much further than the statute of 1945 in spelling out struc-
tures of authority and decision-making in the church. A tiered set of institu-
tions at the diocesan, episcopal, and national level was set up to exercise the
church's newly won sovereignty over its affairs. At the time of its adoption, of
course, the statute contradicted existing Soviet laws on religion despite a note
the contrary placed at the head of the document. The discrepancy may
explain why the church delayed formal publication of the statute. Nevertheless,
the text circulated freely and its provisions began to be imple-
mented immediately following the council.
Thus the millennium passed amidst a great liberation. Seventy years after
the Bolshevik revolution, the Russian Orthodox Church emerged from its
Babylonian exile to claim "a future and a hope" (Jeremiah 29:10).

RUSSIAN ORTHODOXY AND HUMAN RIGHTS SINCE 1988

The annus mirabilis of 1988 marked the end of the long struggle for civil rights and the beginning of a new period in the history of the Russian Orthodox Church. The new era is without precedent. Never before, not even in prosper-
ous periods of its life under the tsars, did the Russian Church enjoy the freedom of action that it possesses today. What the church will do with its freedom — how it will respond to the challenges of a complex modern civil-
ization, how it will deal with the religious pluralism of post-soviet society,
what positions it will take with regard to the state, the schools, private property, and the whole range of modern rights issues—all of these are open questions. The answers will come, some soon, others more slowly, as the Russian Orthodox community brings its rich tradition of piety and theology to bear on them. One safe prediction is that the new situation will stimulate a great deal of fresh theological reflection.

In terms of Russian Orthodoxy and human rights the period since 1988 has been shaped by three developments: the rebuilding of church institutions, the codification of legal rights, and the emergence of rights issues quite different from those which occupied the church in the Soviet period.

The rebuilding of the Russian Orthodox Church has proceeded with remarkable rapidity and on a larger scale than even the friends of the church expected. In the period 1985–1987 the church opened or reopened a total of 29 parishes, a respectable number by prereform standards. In 1988, however, 809 new parishes were registered; in the first nine months of the following year, 2,185. In roughly the same period a half dozen new theological schools and a dozen new monasteries were opened. The repossessing of historic monuments large and small—from the Kiev Caves Monastery to street corner chapels and rural pilgrimage sites—also proceeded rapidly in all areas of Orthodox settlement. The boom continued in the 1990s. By late 1993 the number of new and reopened parishes in the Moscow Patriarchate surpassed 7,000, bringing the total number of patriarchal parishes more than 14,000. In other words, the Patriarchate doubled in size in a five-year period. In the same period the number of monasteries rose from about 20 to more than 200; the number of theological schools, from four to 38. The number of historic Orthodox monuments restored during the period is incalculable.

The scale of the Orthodox renewal in Russia and the other countries of the Moscow Patriarchate would appear to make it the largest revival of historical Christianity in the twentieth century. At the very least the rebuilding of Orthodoxy has dramatically altered the Russian landscape. Russia is beginning to look like an Orthodox country again.

To be sure, one would have to examine the spiritual dimensions of the Orthodox revival in order to evaluate it adequately. But the material facts alone prove at least a couple of things. They prove that the Orthodox Church’s claim to possess historic rights in the Russian land enjoys a good measure of popular support. Second, they show that the Moscow Patriarchate, whatever its failings, possesses greater reserves of energy and imagination than its Soviet-era detractors allowed. When Father Yakunin wrote in 1979 that “if the freedom to conduct religious propaganda were suddenly granted in our country, the members of the Moscow Patriarchate would be incapable of profiting from this opportunity,” he scarcely imagined that the hour would come when his proposition could be verified. But it turned out not to be.

The codification of the civil rights of Russian Orthodox and other religious associations in the Soviet laws of laws on religious freedom by the legislature in October 1990. The All-Union law came into effect on the USSR at the end of 1991. The 1990 Russian Orthodox law).

The All-Union (USSR) law carried the Russian Civil Code (1964) to its logical conclusion. It recognized religious groups, associations, and institutions (Article 13) and their right to acquire legal personality (Articles 17–20). It recognized as “religion” any religious group (Article 1) and any religious association or institution of religious organizations” (Article 2). It recognized “directorates and central organizations” (Articles 28–31) and other religious organizations to establish ties with religious organizations “in the language of the Russian Federation.” It also recognized the right to religious education “in the language of the Russian Federation.”

The law granted religious organizations the right to acquire a variety of properties, including land, buildings, and churches (Article 26). It also granted religious organizations the right to conduct religious services and other religious activities in churches, chapels, and other religious centers; to conduct religious instruction in schools, colleges, and universities, and to form religious organizations (Article 3). The law also granted religious organizations the right to conduct religious services and other religious activities in hospitals, prisons, and other public institutions (Article 4). The law recognized the right to religious education “in the language of the Russian Federation.”

The law granted religious organizations the right to engage in religious and cultural activities (Article 5). It also granted religious organizations the right to conduct religious services and other religious activities in churches, chapels, and other religious centers; to conduct religious instruction in schools, colleges, and universities, and to form religious organizations (Article 3). The law also granted religious organizations the right to conduct religious services and other religious activities in hospitals, prisons, and other public institutions (Article 4). The law recognized the right to religious education “in the language of the Russian Federation.”

The law also granted religious organizations the right to engage in religious and cultural activities (Article 5). It also granted religious organizations the right to conduct religious services and other religious activities in churches, chapels, and other religious centers; to conduct religious instruction in schools, colleges, and universities, and to form religious organizations (Article 3). The law also granted religious organizations the right to conduct religious services and other religious activities in hospitals, prisons, and other public institutions (Article 4). The law recognized the right to religious education “in the language of the Russian Federation.”
Russian Orthodoxy and Human Rights

To the state, the schools, private property rights issues—all of these are open questions, others more slowly; as the Russian tradition of piety and theology to bear the new situation will stimulate a great deal of human rights the period since 1988 has been the rebuilding of church institutions, the emergence of rights issues quite different than in the Soviet period.

Orthodox Church has proceeded with scale than even the church church opened or reopened a total of 29 reform standards. In 1988, however, 809 first nine months of the following year, a half dozen new theological schools and a tepossession of historic monuments, of the Caves Monastery to street corner also proceeded rapidly in all areas of continued in the 1990s. By late 1991 the in the Moscow Patriarchate surpassed patriarchal parishes to more than 14,000, tripled in size in a five-year period. In 1992, it rose from about 20 to more than 200; from four to 38. The number of historic churches during the period is incalculable.

In Russia and the other countries of the Russian landscape, Russia is beginning again.

Examine the spiritual dimensions of the is it adequately. But the material facts prove that the Orthodox Church's Russian land enjoys a good measure of energy and imagination than its Yakunin wrote in 1979 that "if the willed, any land was suddenly granted in our country would be incapable of profiting imagined that the hour would come when his proposition could be verified. But the hour came, and the proposition turned out to be wrong.

The codification of the civil rights of the Russian Orthodox Church and other religious associations in the Soviet lands was achieved with the adoption of laws on religious freedom by the legislatures of the USSR and the RSFSR in October 1990. The All-Union law ceased to apply after the dissolution of the USSR at the end of 1991. The 1990 RSFSR law remains in effect in the post-soviet Russian Federation.

The All-Union (USSR) law carried the principles of "Our Legal Advice" (1986) to their logical conclusion. It recognized religious organizations as legal entities (Article 13) and their right to acquire and hold various kinds of property (Articles 17-20). It recognized as "religious organizations" not just local congregations but "dioceses and central institutions, monasteries, religious brotherhoods, missionary societies (missions), religious schools and also associations of religious organizations" (Article 7). It confirmed the right of religious organizations to establish ties with groups outside the territory of the USSR, the right of believers to leave the country for pilgrimages and other religious purposes (Articles 9, 22, 24), the right of parents and guardians to raise children in a religion (Article 3), and the right of all Soviet citizens to pursue religious education "in the language of their choice, individually or together with others" (Article 6). It recognized the right of religious organizations to conduct religious services and other rituals in houses of worship, religious centers, private homes, cemeteries and crematoria without conditions. Services in hospitals, prisons, and homes for the elderly and invalids were admitted "at the request of citizens" inhabiting the institutions, with religious organizations having the right to solicit such requests (Article 21).

The law granted religious organizations the right to solicit voluntary contributions of money and other property, exempting such contributions from taxation (Article 28). The right of religious organizations to form business enterprises (e.g., publishing, restoration, agricultural concerns) and social service institutions such as hospitals and shelters was also recognized. Profits from such enterprises were declared taxable (Article 19) unless applied to charitable or educational ends (Article 23). Discriminatory tax rates on clerical income were eliminated (Article 26).

The RSFSR law recognized all the aforementioned rights and then some, allowing considerably wider latitude to religious expression than the All-Union law. The law explicitly recognized the religious liberty of foreign citizens on Russian soil (Article 4). It authorized the Russian government "upon the request of mass religious organizations . . . to make decisions regarding the declaration of great religious holidays as additional non-working holidays" (Article 14). It recognized the right of registered religious organizations to
offer instruction in schools and other educational institutions "on an optional
basis." As for the military, the All-Union law provided only that "the com-
mand of military units will not prevent military personnel from taking part in
religious services or performing religious rituals during their free time"
(Article 21). The RSFSR law put the matter in more positive terms, speaking
of "the right to conduct and participate in religious rites in military units of
all branches of service" and charging military administrations actively to assist
officers and arrange for religious observance (Article 22). The RSFSR
law also provided for conscientious objection to the bearing of arms by means
of an alternative service option (Article 7).

Another area in which the All-Union and RSFSR laws differed was that
concerning the monitoring of religious organizations. Under the All-Union
law, registration with the state authorities was required of all religious organi-
izations seeking recognition as legal entities. To supervise the process the law
provided for a "state organ on religious affairs" to be formed by the Council
of Ministers of the USSR (Article 29), i.e., a body much like the Soviet-era
Council for Religious Affairs. The responsibilities of the "organ" included liai-
sion with analogous bodies on the republican level, information gathering on
religious activities and on implementation of the laws on religion, offering
expert advice to organs of administration and the courts, assisting religious
organizations in negotiations with state authorities and promoting under-
standing and tolerance between religious confessions in the country and
abroad. Such a broad mandate clearly envisioned the continuation of an
active, even interventionist, role for the state in religious affairs.

The RSFSR law broke with the Soviet tradition of monitoring religion
when it declared that "executive or administrative organs of state authority
and state job positions specially intended to resolve issues related to the
exercise of citizens' rights to freedom of religion may not be instituted on
the territory of the RSFSR" (Article 8). Implementation of the law on reli-
gion was assigned to the Ministry of Justice and local law enforcement agen-
cies. The Council for Religious Affairs was duly abolished in the RSFSR on
January 1, 1991. On the other hand, the RSFSR law preserved the same reg-
istration requirement as the All-Union law.

The Russian Orthodox episcopate were among the most vocal in critici-
sing the draft of the All-Union law (1990) as abrogating religious freedom
and establishing a state-church relationship. For example, they urged deletion
of church and state providing that "the state may not establish or promote
rituals and ceremonies." The provision was intended to bar state occasions
from religious observance, such as the way for blessings, prayers, and other
activities not permitted on state occasions. So, for example, the patriarch of
Moscow took part in the consecration of new parishes, and making a speech exhorting the presence of all believers, and each other's burdens, and thus... fulfills the holy column, the bishops proposed wording that "the state could be given "in the (public) sphere of conscience and religion." Patriarch Aleksii, a member of the
governmental and religious authorities sought to avoid.

In the past, of course, state interests were often promulgated mainly by ideological concepts of atheism and discourage religious belief and equal footing with other attitudes toward free to confess any religion or none at all to propagate their views. The new laws

With the adoption of the 1990 laws, the Russian Orthodox Church was
exercised the Russian Orthodox Church during the long years of captivity
of the new rights will take time, and then many will be taken place.

One of these came into view even before
were finalized: the role to be played by the
process itself. During the Soviet period, the
church to play in the legislative arena. If the
legislative process is presumably responsible for the church's role, and that of other religious organizations.

The Russian Orthodox episcopate were among the most vocal in critici-
sing the draft of the All-Union law (1990) as abrogating religious freedom
and establishing a state-church relationship. For example, they urged deletion
of church and state providing that "the state may not establish or promote
rituals and ceremonies." The provision was intended to bar state occasions
from religious observance, such as the way for blessings, prayers, and other
activities not permitted on state occasions. So, for example, the patriarch of
Moscow took part in the consecration of new parishes, and making a speech exhorting the presence of all believers, and each other's burdens, and thus... fulfills the holy column, the bishops proposed wording that "the state could be given "in the (public) sphere of conscience and religion." Patriarch Aleksii, a member of the
governmental and religious authorities sought to avoid.

In the past, of course, state interests were often promulgated mainly by ideological concepts of atheism and discourage religious belief and equal footing with other attitudes toward free to confess any religion or none at all to propagate their views. The new laws

With the adoption of the 1990 laws, the Russian Orthodox Church was
governmental and religious authorities which a more precise law might have sought to avoid.

In the past, of course, state intervention in the religious sphere was prompted mainly by ideological considerations. The aim was to promote atheism and discourage religious belief. The new laws placed atheism on an equal footing with other attitudes toward religion. Soviet citizens were always free to confess any religion or none at all, but only atheists enjoyed the right to propagate their views. The new laws granted all citizens the right to propagate their views and barred the state from financing either atheist propaganda or religious activities. In terms of the constitutional history of the USSR the disestablishment of atheism was perhaps the most significant achievement of the new legislation. A year before its demise the USSR became a secular state.

With the adoption of the 1990 laws on religious liberty most of the issues which exercised the Russian Orthodox Church and the Soviet human rights movement during the long years of captivity passed into history. Implementation of the new rights will take time, and there will be complications along the way. But the old issues are unlikely to recum to center stage. New issues are already taking their place.

One of these came into view even before the 1990 laws on religious liberty were finalized: the role to be played by the Orthodox Church in the legislative process itself. During the Soviet period, of course, there was no role for the church in the legislative arena. But in a democratic Russia, where the legislative process is presumably responsive to civil society, the question of the church's role, and that of other religious forces, naturally arises.

The Russian Orthodox episcopate was deeply involved in official discussions of the draft of the All-Union law of 1990. The bishops went so far as to publish critical commentaries on the draft before and after its adoption, winning a number of changes to their liking and failing to get their way on others. For example, they urged deletion of a sentence in the section on separation of church and state providing that "the activities of state organs, organizations and employees may not be accompanied by divine liturgies, religious rituals and ceremonies." The provision was in fact deleted, which opened the way for blessings, prayers, and other overtly religious actions to be performed on state occasions. So, for example, when Boris Yeltsin was inaugurated as the first democratically elected president of Russia in July 1991, the patriarch of Moscow took part in the ceremony, blessing the new officeholder and making a speech exhorting the president and people of Russia "to take up each other's burdens, and thus ... fulfill the law of Jesus." In the negative column, the bishops proposed wording guaranteeing that religious instruction could be given "in the [public] schools on a voluntary extra-curricular basis." Patriarch Alexii, a member of the Soviet parliament at the time, vig-
Paul Valliere

Although the amendment was supported by many, it was rejected by a vote of 303 to 46. The All-Union law did not explicitly bar religious instruction from the schools, however; and, as we have noted, the RSFSR law was hospitable to it. In fact many Russian schools currently accommodate religious instruction, usually conducted by clergy or itinerant missionaries. The decision to allow or disallow rests with local school administrations.

Another deficiency in the All-Union law from the bishops’ point of view was its treatment of Orthodox parish communities as legal entities distinct from the church as a corporate body. As the bishops saw it, the legal entity of parishes should derive from that of the church as a whole because “in the Orthodox Church there cannot be ‘religious communities’ which are independent from the hierarchical center and from each other.” The practical issue was the degree of latitude to be enjoyed by local Orthodox churches in relation to the central church administration. The Moscow Patriarchate faced vigorous challenges from competing Orthodox jurisdictions in the late Gorbachev and early post-soviet years and feared secessionist movements in its ranks (with good reason). The bishops wanted to ensure that any Orthodox parish that abandoned the Moscow Patriarchate would lose its property and rights of legal entity.

The theoretical issue was the degree to which the “self-understanding of the Church,” as the bishops called it, should be taken into account by secular lawmakers. Secular law aims to treat all religions equally, but this is easier said than done. A law that regards local religious communities as autonomous entities, for example, has a different meaning for churches with congregationalist polities (e.g., Baptist churches) than for a church with an episcopal-sacramental polity.

The prominence of the Orthodox hierarchy in the legislative debates of 1990 pointed to a larger issue: the role to be played by the Orthodox Church in the post-soviet Russian state. Religious minorities as well as atheists and secularists worry that the church is bent on securing a privileged position for itself in the new Russia. The sheer size of the Orthodox Church and its thousand-year tradition of state establishment are certainly grounds for the minorities’ fears. So is the display, episodic but frequent, of the symbols and clerical personnel of Orthodoxy on all sorts of official occasions. So are the innumerable cases of direct church-state collaboration, including pooling of funds, which can be documented throughout Russia today.

One may cite the reconstruction of the Cathedral of Christ the Savior in central Moscow as a case in point. This church, once the largest in Moscow, was built in the nineteenth century to commemorate Russia’s victory over Napoleon. In 1931 it was dynamited by the Communist city government. In January 1995 the patriarch and the mayor of Moscow laid the cornerstone of a replacement structure, which is being built. Naturally the finished product will not be a shrine or Baptist or Adventist prayer house.

Privileged treatment of the Orthodox of its official registration as a legal entity. The formal act of registration had to be the Ill’s pilgrimage to the Holy Land and return. Meanwhile, other religious organizations—Mormons, Baptists, Seventh-Day Adventists—registered by the republican authorities returned home and went to register by letters received from the hands of the Minister of Education, a rich in symbolism: the number of Russian civil society as a whole, including words, the issue of church-state relations a long time to come.

Foreign experts can play a useful role countries to the attention of Russian scholars; but in the end the issues of settled in a way that makes sense to the tradition represents a synthesis of universal historical conditions and commitments. American critics of Russia has been to consider the particular. But in Russia as elsewhere...

In the present case respect for the penetration of the modern history of other Orthodox churches) is a rich sub-

The study of religious establishment, which is a vast phenomenon, one of the most neglected subjects in the special pathos of the Russian church is
Privileged treatment of the Orthodox Church was evident on the occasion of its official registration as a legal entity in the RSFSR in the spring of 1991. The formal act of registration had to be postponed because of Patriarch Alexei II’s pilgrimage to the Holy Land and other scheduling complications. Meanwhile, other religious organisations including Jehovah’s Witnesses, Mormons, Baptists, Seventh-Day Adventists, and Buddhists were officially registered by the republican authorities. Nevertheless, when the patriarch returned home and went to register his church, the official document he received from the hands of the Minister of Justice bore a registration number rich in symbolism: the number 1.

In short, the blurring of distinctions between church and state is pervasive in present-day Russia and will remain so until clarified by more precise laws. Clearer legislation, in turn, depends on the clarification of attitudes in Russian civil society as a whole, including the Orthodox Church. In other words, the issue of church-state relations will remain a lively one in Russia for a long time to come.

Foreign experts can play a useful role by bringing the experience of other countries to the attention of Russian legislators, church leaders and legal scholars; but in the end the issues of religion and policy facing Russia must be settled in a way that makes sense to the Russians themselves. Every legal condition represents a synthesis of universal notions of rights with concrete historical conditions and commitments. The tendency of European and American critics of Russia has been to concentrate on the universal and ignore the particular. But in Russia as elsewhere the particular demands its due. In the present case respect for the particular means making a sympathetic penetration of the modern history of the Russian church and resisting doctrinaire approaches. Because the mentality of Russian Orthodoxy is deeply colored by a long tradition of religious establishment, and because the idea of religious establishment is viewed with suspicion by most modern human rights theorists, the application of human rights theory to the case of Russian Orthodoxy can quickly degenerate into polemics and simplistic dichotomies. But if the job of thinking about human rights is in the first instance not to change the world but to understand it, the case of Russian Orthodoxy (and other Orthodox churches) is a rich subject for the investigator.

The study of religious establishment—particularly de facto sociocultural establishment, which is a variet phenotype than the juridical variety—is one of the most neglected subjects in the comparative study of religion. The special pathos of the Russian church in the twentieth century is also scantily
The Russian Orthodox Church was not disestablished by a constitutional process but by a cruel and arbitrary power determined to eradicate the church altogether. Far from living “at ease in Zion,” the leaders of the church trod the path of persecution and martyrdom. That the blood of the martyrs is the seed of the church is a theme of church history. What is not so widely recognized is that the principle applies just as much to priestly church establishments as to prophetic minorities. The aura of sanctity about the patriarchal church was enhanced, not diminished, by Communist persecution.

The mentality of establishment is not confined to church circles. The Russian state is as interested in promoting close church-state relations as the episcopate, and with good reason. Present-day Russia is not a peaceful, prosperous, or productive country. Devastated by decades of oppression, Russian civil society must be rebuilt from the ground up. In these circumstances no Russian government, particularly not a democratic one, can afford to draw a cordon sanitaire between itself and the largest and best organized institution of Russian civil society.

Interreligious, intercommunal, and international relations are other arenas in which complex rights issues are emerging for Russian Orthodoxy. Most of the faith communities of post-Soviet Eurasia are experiencing genuine religious liberty for the first time, and there is confusion about what it means. There is a real danger that the free market in religion will spawn violent ethnic and religious conflicts. In Ukraine, for example, no fewer than three separate Eastern church jurisdictions—Ukrainian Orthodox (Moscow Patriarchate), Ukrainian Autocephalous, and Ukrainian Catholic—vie for a share of the rich ecclesiastical patrimony of the region. Competing Orthodox jurisdictions also disturb the peace of the church in the Russian Federation.

The growth of nontraditional Christian sects and exotic non-Christian or pseudo-Christian cults in Russia represents an even more baffling challenge to Orthodoxy. The Russian Orthodox community has long been used to dealing with Muslim Tatars, Buddhist Mongols, and other peoples of the Russian Federation whose religious orientation is a matter of historic tradition. It has a harder time coming to terms with Russians who embrace nontraditional religious options. Orthodox sensitivities in this regard have been greatly exacerbated by the tidal wave of foreign missionaries that has washed over Russia since 1988. The church views most of the newcomers as interlopers whose vocation is to rustle the Russian people away from its true shepherds. The irony is that the foreign missionaries operate under the warrant of the 1990 law on religious liberty which the Orthodox Church helped put in place.

Refusal to accept this irony for what it is led the senior hierarchy of the Russian Orthodox Church to launch what can be termed its most controver-

sial initiative of the 1990s relative to the 1990 legislation on religion in such a way as to court international opprobrium. The amended law was in fact adopted by the parliament in 1993, only to be vetoed by President Yeltsin. The parliament also turned out to be a dead letter in the bitter conflict over the issue has not been laid to rest. Another round of discussion in the Duma since 1994. At his time the Patriarchate let it be known that it still plans activities of foreigners in Russia.

The Patriarchate’s campaign drew wide international attention and prompted the intervention of Western intergovernmental conferences on the issue with proposed limitations on religious activities of foreigners violating the international human rights Declaration, the Helsinki Final Act, (1989), and other instruments to which Russia is bound to suppose that the monitoring of religious activities of foreigners will cease and human rights groups are well organized politically. Russian church leaders will continue to claim that a democratically oriented Russian government violations of treaties to which it is signatory on the All-Union law of 1990, for international human rights instruments and the first piece of Soviet legislation the Universal Declaration on Human Rights reached by participating governments in the Helsinki process.

Even more important as a stimulus for the patriarchal church itself. Always an advocate of the internationalization of the Moscow Patriarchate became a trusted partner for Russia in the post-Communist states will cease any international human rights groups are well organized politically. Russian church leaders will claim that a democratically oriented Russian government violations of treaties to which it is signatory on the All-Union law of 1990, for international human rights instruments and the first piece of Soviet legislation the Universal Declaration on Human Rights reached by participating governments in the Helsinki process.

Even more important as a stimulus for the patriarchal church itself. Always an advocate of the internationalization of the Moscow Patriarchate became a trusted partner for Russia in the post-Communist states will cease any international human rights groups are well organized politically. Russian church leaders will claim that a democratically oriented Russian government violations of treaties to which it is signatory on the All-Union law of 1990, for international human rights instruments and the first piece of Soviet legislation the Universal Declaration on Human Rights reached by participating governments in the Helsinki process.
Church was not disestablished by a
and arbitrary power determined to
from living "at ease in Zion," the lead-
and martyrdom. That the
church is a truism of church history.
That the principle applies just as much
to prophetic minorities. The aura of
which was enhanced, not diminished, by
not confined to church circles. The
ring close church-state relations as the
day Russia is not a peaceful, pros-
bated by decades of oppression, Russian
ground up. In these circumstances no
democratic one, can afford to draw a
largest and best organized institution of
international relations are other arenas
baffling challenge to
ism has long been used to
to dealing with
Russian church leaders will not be able
less will a democratically oriented Russian government find
Hard to counte-
ence violations of treaties to which it is a signatory. In effect, the environ-
ment in which the Russian Orthodox Church carries out its ministry has
been internationalized.
The outlook for relations between the Russian Orthodox Church and
Western religious and rights organizations should not be painted too
darkly. Strong international currents have long existed in the church, especially
among the hierarchy. An interesting feature of the Russian bishops' commen-
tary on the All-Union law of 1990, for example, was their commendation of
international human rights instruments. The bishops hailed the All-Union
law as the first piece of Soviet legislation that "answers to the fundamental
principles of the Universal Declaration of Human Rights, the Final Act of the
Conference on Security and Cooperation in Europe and the other agreements
reached by participating governments in the course of implementing the
Helsinki process."

Even more important as a stimulus to internationalism is the composition
of the patriarchal church itself. Always more cosmopolitan than its reputation,
the Moscow Patriarchate became a truly international community of churches
following the breakup of the USSR in 1991. Preeminent not just in Russia, the
sional initiative of the 1990s relative to human rights: agitation to amend the
1990 legislation on religion in such a way as to bar or otherwise limit the reli-
gious activities of foreigners on the territory of the Russian Federation. An
amended law was in fact adopted by the Russian parliament in the summer of
1993, only to be vetoed by President Yeltsin. A revised version of the amend-
ment also turned out to be a dead letter following Yeltsin's forcible dispersal of
the parliament in the bitter conflict of September-October 1993. Still, the
issue has not been laid to rest. Another revision of the 1990 law has been under
discussion in the Duma since 1994. At hearings in early 1995 the Patriarchate let it be known that it still favors limitations on the religious
activities of foreigners in Russia.

The Patriarchate's campaign drew a good deal of international attention
and prompted the intervention of Western-based human rights activists.
International conferences on the issue were held in 1994 and 1995 at which the
proposed limitations on religious activity in Russia were roundly criticized as
violating the international human rights norms stated in the Universal
Declaration, the Helsinki Final Act, the Vienna Concluding Document
(1989), and other instruments to which Russia is a party. There is no reason
to suppose that the monitoring of religious conditions in Russia and other
core Communist states will cease any time soon. Western missionary and
human rights groups are well organized, well financed, and well connected
politically. Russian church leaders will not be able to ignore them. Even less
will a democratically oriented Russian government find it easy to counte-
ence violations of treaties to which it is a signatory. In effect, the environ-
ment in which the Russian Orthodox Church carries out its ministry has
been internationalized.

The outlook for relations between the Russian Orthodox Church and
Western religious and rights organizations should not be painted too
darkly. Strong international currents have long existed in the church, especially
among the hierarchy. An interesting feature of the Russian bishops' commen-
tary on the All-Union law of 1990, for example, was their commendation of
international human rights instruments. The bishops hailed the All-Union
law as the first piece of Soviet legislation that "answers to the fundamental
principles of the Universal Declaration of Human Rights, the Final Act of the
Conference on Security and Cooperation in Europe and the other agreements
reached by participating governments in the course of implementing the
Helsinki process."

Even more important as a stimulus to internationalism is the composition
of the patriarchal church itself. Always more cosmopolitan than its reputation,
the Moscow Patriarchate became a truly international community of churches
following the breakup of the USSR in 1991. Preeminent not just in Russia, the
patriarchal church is the largest church in Ukraine and Belarus, one of the largest in the Baltic countries, and a significant presence on the religious scene in all fifteen post-soviet states. The church also has close, no longer juridical ties to a daughter-church in North America, the Orthodox Church in America. The leadership of the Patriarchate is deeply committed to holding this diverse community of churches together to the extent possible in the face of ethnic, political, and ecclesiastical pressures to the contrary. Many churchmen surely recognize that the interests of the Patriarchate and its huge flock in the Near Abroad and elsewhere will be better protected in the long run through reliance on international human rights norms than by religious pacification, ad hoc political pressures, or other artificial arrangements.

Critics of the Moscow Patriarchate view its efforts to preserve its organization in the Near Abroad as a dangerous manifestation of neo-soviet "empire-saving." The accusation should not be dismissed lightly, since the alienation of some twenty-five million Russians from the Russian state is certainly a political earthquake that will send aftershocks through the region for years to come. But it is equally important to recognize that there is an ecclesiastical principle at stake in the ambitions of the Moscow Patriarchate. Sectarianism, splintering and the proliferation of jurisdictions are not the final word in church polity. But it may be a good thing for post-soviet Eurasia to divide into ethnically based democratic republics. But the Russian church is not a republican entity any more than it was a tsarist or Soviet entity. Its citizenship is in heaven. Like the cross of Christ in which it glories, the Orthodox Church stands "towering o'er the wrecks of time."

Notes

2. There were approximately 15,000 functioning Orthodox churches in the Soviet Union by the end of World War II, many of them in the newly incorporated territories. After the Khrushchev persecution there were about 6,000 or 7,000. The best recent sources of information on the Russian Orthodox Church prior to the expansion of the late 1980s are Nathaniel Davis, A Long Walk to Church: A Contemporary History of Russian Orthodoxy (Boulder: Westview Press, 1993); Jane Ellis, The Russian Orthodox Church: A Contemporary History (Bloomington and Indianapolis: Indiana University Press, 1985); Dimitry Popielovsky, The Russian Church Under the Soviet Regime 1917-1982, 2 vols. (Crestwood, N.Y.: St. Vladimir's Seminary Press, 1983); and William C. Fletcher, Soviet Believers: The Religious Sector of the Population (Lawrence: The Regents Press of Kansas, 1981).
In Ukraine and Belarus, one of the significant presence on the religious scene also has close, if no longer juridical, ties with America, the Orthodox Church in those two states is deeply committed to holding together to the extent possible in the face of issues to the contrary. Many churchmen of the Patriarchate and its huge flock are better protected in the long run by religious prohibitions on other artificial arrangements.

But even so, the Russian state is certainly a political entity based on the religious scene which has not yet become part of her, everything which has not visibly and perceptibly entered into her. For we know that nowhere, not on any paths, will man reach the fullness of what God has revealed in His Body—the Holy Church. "Pravda gumanizma," Samsonovic, shrorek stai, ed. P. Levinov, M. Merzoyan-Akmen, and B. Shragin (New York: Khrionika Press, 1976), p. 26.

The uniqueness of persons is connoted by the root word of ichei, iche, "face." Like (sing.) is also used as a collective noun referring to the company of saints, angels, or choirs, as in the expression prichel san, iche svyashh, "to reckon among the face(s) of the saints," i.e., to canonize.


7. One should not forget that "the rights of man and citizen" came to Russia on the point of Napoleon's bayonets.

8. See Andrzej Walicki, Legal Philosophies of Russian Liberalism (Oxford: Clarendon Press, 1987), ch. 1: "The Tradition of the Centre of Law." A notable exception to antilegalism among Russian Orthodox thinkers was Vladimir Sergeevich Soloviev (1853-1900), whose contribution to legal consciousness and the theory of human rights in Russia is analyzed by Walicki in ch. 3: "Vladimir Soloviev: Religious Philosophy and the Emergence of the 'New Liberalism.' "


10. See the penetrating discussion of this problem in Zelinsky, Prithodiasheche v tserkov, pp. 45-47.

11. In the fall of 1990 a journalist asked new Patriarch Alexei II whether he believed the Russian Orthodox Church needed to repent for any of its actions during the Soviet period. His answer illustrates the organic, establishmentarian view we are discussing. "Has the Russian Church sinned against the Russian people?" he asked. "But what is the Russian Church if not this same Russian people viewed in terms of their spiritual aspirations? In the Russian Church as a whole there is no sin which is separate from the sin of the Russian people." The patriarch went on to defend Metropolitan Sergii's controversial declaration of loyalty to the Soviet state in 1927 which I discuss below, Litteraturnia gvezda, November 28, 1990., p. 9.

3. The primacy of grace was the theme of one of the earliest and most celebrated Russian sermons, Metropolitan Hilarion's "Sermon on Law and Grace." Hilarion became the first Russian (non-Greek) metropolitan of Kiev in 1015. For a partial English translation see Sergei A. Zenzovsky, Medieval Russia's Epic, Chronicles, and Tales, rev. ed. (New York: Durton, 1974), pp. 85–90.

4. Ergely Barabanov sums up the view of many modern Russian Orthodox thinkers when he writes: "The Church is not defined just by her sanctuary and liturgy, her theology and tradition. In essence and idee she is that Absolute Reality whose being is not and cannot be divided. Over against the Church stand evil and death, the falsehood and darkness of the world, but in all being there does not exist a positive reality or grace which on its deepest level, if not in our ideologized consciousness, could be opposed to the Church. The Church is the emerging solidarity of all things, and her essence lies in joining together everything divided and broken. All of us are called to build the Church out of everything which has not yet become part of her, everything which has not visibly and perceptibly entered into her. For we know that nowhere, not on any paths, will man reach the fullness of what God has revealed in His Body—the Holy Church." "Pravda gumanizma," Samsonovic, shrorek stai, ed. P. Levinov, M. Merzoyan-Akmen, and B. Shragin (New York: Khrionika Press, 1976), p. 26.

5. The uniqueness of persons is connoted by the root word of ichei, iche, "face." Like (sing.) is also used as a collective noun referring to the company of saints, angels, or choirs, as in the expression prichel san, iche svyashh, "to reckon among the face(s) of the saints," i.e., to canonize.


7. One should not forget that "the rights of man and citizen" came to Russia on the point of Napoleon's bayonets.

8. See Andrzej Walicki, Legal Philosophies of Russian Liberalism (Oxford: Clarendon Press, 1987), ch. 1: "The Tradition of the Centre of Law." A notable exception to antilegalism among Russian Orthodox thinkers was Vladimir Sergeevich Soloviev (1853-1900), whose contribution to legal consciousness and the theory of human rights in Russia is analyzed by Walicki in ch. 3: "Vladimir Soloviev: Religious Philosophy and the Emergence of the 'New Liberalism.' "


10. See the penetrating discussion of this problem in Zelinsky, Prithodiasheche v tserkov, pp. 45-47.

11. In the fall of 1990 a journalist asked new Patriarch Alexei II whether he believed the Russian Orthodox Church needed to repent for any of its actions during the Soviet period. His answer illustrates the organic, establishmentarian view we are discussing. "Has the Russian Church sinned against the Russian people?" he asked. "But what is the Russian Church if not this same Russian people viewed in terms of their spiritual aspirations? In the Russian Church as a whole there is no sin which is separate from the sin of the Russian people." The patriarch went on to defend Metropolitan Sergii's controversial declaration of loyalty to the Soviet state in 1927 which I discuss below, Litteraturnia gvezda, November 28, 1990., p. 9.
dobrykh deputatov i Vserossiyskogo Soveta RSFSR, no. 31 (1990), Statiia 340. For further com-
ment, see note 60.
17. Konstitutsia SSSR, Stat'ia 51. The corresponding article of the constitution of 1936 is Article 144.
19. Polozhenie ob upravlenii russkoi pravoslavnoi cerkvi. Pravoslavnii sotsial'nii kalendar' na 1946 god (Moscow, 1946), pp. 58-60. An English translation may be found in Stroyn, *Communist Russia and the Russian Orthodox Church*, pp. 156-156. Article 39 and 40 pertain to the donatskoe.
20. The text of the measures approved by the council of bishops in 1966 was published in Zbornik mnenij patriarhii, no. 8 (1966): 15-17. See also the summary of the consolar-
discussions on pp. 9-15.
21. An English translation of the 1975 amendments to the law on Religious Associations along with the articles which they replaced may be found in Pasieleskov, *The Russian Church Under the Soviet Regime*, 2: 493-500.
Russian Orthodoxy and Human Rights 309


25. There were a few bishops, however, who resisted the anti-religious campaign, criticized the council of 1961 and supported Orthodox dissidents. The most vocal episcopal dissidents, Ermogen (Golubev) of Kaluga (earlier, Dr. Golyshev) of Novosibirsk, were eventually forced out of service. Their activities and fates are described by Ellis, The Russian Orthodox Church, pp. 17, 69, 135-44; and by Pospielovsky, The Russian Church Under the Soviet Regime, pp. 137, 193-94, 421-22. See also the materials on the case of Archbishop Ermogen in Bourdeaux, Patriarch and Prophecy, pp. 238-44.


27. For a fairly representative sample of dissident samizdat from the period of the human rights movement, see Michael Meereon-Aksenov and Boris Shragin, eds., The Political, Social, and Religious Thought of Russian "Samizdat": An Anthology, trans. by Nicholas Lupinin (Belmont, Mass.: Nordland, 1977).


29. See Alexeyeva, Soviet Dissent, pp. 155-56. Ellis, The Russian Orthodox Church, pp. 177-81.


32. The Council for Russian Orthodox Church Affairs was later replaced by the Council for Religious Affairs.


34. See Ellis, The Russian Orthodox Church, pp. 155-56.

The letter to Gorbachev was published in the Paris newspaper **Dvushekov khrisri.amkogo dvizheniia** (Moscow: Izdatie Moskovskoi Parriarkhi, 1988, no. 2-3 (1991): 157-59. See also Kyryl, archbishop of Alexandria in the Church in Relation to Society Under Pereslrostvo, originally appeared in **Zhurnal moskovskoi patriarkhii**.

The data are in the letter to Patriarch Alexei.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The conference was held in Kiev, July 1986, Moscow, May 1987, and Leningrad, February 1988.


See the report in Pravda, April 10, 1988.


Prior to formal publication in 1990 (see note 53) the statute was published in typescript format in the newsletter of the Patriarchate's Department of External Church Relations: "Informatsionnyi biulleten' ot Moskovskogo Patriarhata," 1988, no. 7-9 (October 30, 1988). In the preparation of this essay I have used the French translation, "La situation actuelle de l'Eglise orthodoxe russe et les perspectives d'un renouveau religieux en Russie," in Gleb Yakounine, *Un pretre deul au pays des soviets*, pp. 157-74.


Ibid., p. 151.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.

The Russian Orthodox Church, Under the Soviet Regime, pp. 120-21.


The nine were Father Gleb Yakunin, Father Nikolai Gainov, Andrei Bessmermyi, Valery Borshchov, Viktor Burdiug, Vladimir Zelinsky, Evgeny Pawkhin, Viktor Popkov, and Alexander Sudakov.

The reference is the same.
Relations: "Informationnii byulleten'" as cited in the text of the document.


58. The data are gathered in Ko duu zaozem@etvaiia Predstoyashchee Rusckoi Pravoslavnoi Tserkvi," Zhurnal moskovskoi patriarkhii, no. 2 (1991). See also a scrupulously careful presentation of the data on the size and material condition of the Russian Orthodox Church since World War II, see Nathaniel Davis, A Long Walk as Church: A Contemporary History of Russian Orthodoxy (Boulder: Westview Press, 1991).


66. The cost of the project is estimated at $200 million; see "A Rebirth in Russia," New York Times, April 24, 1995, p. A4. The project is not popular with the intelligentsia, including Orthodox intellectuals who see it as misdirecting resources that would better be applied to rebuilding the church at the parish level. See "Pokazanie rothe mothet by' vzygodnym," Nezavisimaya gazeta, April 7, 1994, p. 6 and "Lichnyi narodnyi khram: khram Khrista Spasirelia prevrashchaetsia v banal'nuiu sroiku," ibid., January 10, 1995, p. 2. The host of a television show on Orthodoxy and Russian culture recently said of the

1: velikopostnoe pis'mo," Vostnik russkogo studi-
2: zhurnal moskovskoi patriarkhii," 1988, no. 7-9 (October 4, 1988). A gloss on the title of the text reads: "This Statute has been composed in harmony with existing legislation on religious cults and may be changed or supplemented in the event of new legislation." I thank Mr. Alexis Liberovsky, archivist of the Orthodox Church in America, for supplying me with a copy of the "Informationnii byulleten'": edition of the statute.


58. The data are gathered in Ko duu zaozem@etvaiia Predstoyashchee Rusckoi Pravoslavnoi Tserkvi," Zhurnal moskovskoi patriarkhii, no. 2 (1991). See also a scrupulously careful presentation of the data on the size and material condition of the Russian Orthodox Church since World War II, see Nathaniel Davis, A Long Walk as Church: A Contemporary History of Russian Orthodoxy (Boulder: Westview Press, 1991).


66. The cost of the project is estimated at $200 million; see "A Rebirth in Russia," New York Times, April 24, 1995, p. A4. The project is not popular with the intelligentsia, including Orthodox intellectuals who see it as misdirecting resources that would better be applied to rebuilding the church at the parish level. See "Pokazanie rothe mothet by' vzygodnym," Nezavisimaya gazeta, April 7, 1994, p. 6 and "Lichnyi narodnyi khram: khram Khrista Spasirelia prevrashchaetsia v banal'nuiu sroiku," ibid., January 10, 1995, p. 2. The host of a television show on Orthodoxy and Russian culture recently said of the
challenges facing contemporary Russia: "the main thing is to build the spiritual cathedral of St. Sophia, not the crude material cathedral of Christ the Savior; the main thing is to create the spiritual foundations of democracy." "Impetuzia kultury, ili o pravoslavnykh znaniiakh demokraticheskoi Rossi," Literaturnia gazeta, April 26, 1991, p. 15.


68. Writing of the early Soviet decades, Vladimir Zelinsky rightly observed: "The future historian will by no means judge those times to be the worst in the life of the Russian episcopate. One cannot deny it: individuals to whom fate seemed to have guaranteed a peaceful existence under the wing of tsarist Orthodox Russia did not go to pieces when faced with arrest, prison, and concentration camps. Some were even able to die in joy with a prayer for their executioners on their lips, as in apostolic times. Should the age of persecution return again, the majority of our bishops would find the strength to walk the same path as their predecessors." Prikhodiashchii v tserkov', p. 104.

69. No less an authority than James H. Billington offered the following assessment in mid-1994: "With the collapse of the world's first atheistic state, the historic religion of Russia has emerged as the central cultural force in the country's new national self-consciousness. As a cohering ideology, Orthodoxy has replaced communism as the lodestar of Russian society. Along with the army, the Church is one of the few national institutions that is still respected." "The Case for Orthodoxy," The New Republic, May 30, 1994, pp. 24-25.

