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## **Formation of the Russian Federation as a secular state (XVII century - beginning of the XXI century): historical and theoretical aspects \***

**SUMMARY: 1. Introduction - 2. Pre-revolutionary period - 3. The Soviet period - 4. Modern stage - 5. Conclusion.**

### **1 - Introduction**

After the adoption of Christianity in Rus' (Russia) in 988 the Byzantine idea of "symphony of powers" was chosen as the basic model for relationships between church and state. Its essence presupposed that Church and State had separate areas of activity though interacted with each other to the limited extent. This situation practically ceased, when, after the death of Patriarch, Adrian, it was decided not to elect a new one as having been ordered by secular authorities. In 1701 Monastic Prikaz was restored, which was a secular institution, dealing with church affairs. Church gradually began losing its independence from the state<sup>1</sup>. The reform was actually completed in 1721, when the Emperor Peter I set up Theological College, which later received the name of the Holy Synod. So, the church completely lost its autonomy and became controlled by the state in accordance with the so-called civil type.

The nineteenth century was marked by the improvement of relations between Church and State. As the priest Alexey Nikolin wrote: "It is a period of recognition of their initial objectives that is to safeguard Orthodoxy, protecting it not only in Russia but in other Orthodox

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\* Article peer reviewed.

<sup>1</sup> **М. ГУБИН**, *Становление и развитие идеи светского государства в России: конституционно-правовой аспект*. Дис. ... канд.юрид.наук. Москва, 2014, С. 62. **М. GUBIN**, *Formation and development of the idea of a secular state in Russia: the constitutional and legal aspects*, Thesis for the degree of Candidate of Sciences in Law. Moscow, 2014, p. 62.



countries"<sup>2</sup>. Crucial changes started at the beginning of the emperorship of Nicholas I. It was during his reign that formula "Orthodoxy, Autocracy, National Character" became the basis of the state system. In 1832 complete collection of laws of the Russian Empire (paragraph 62, Chapter 7) recognized Orthodoxy as the leading and dominant religion<sup>3</sup>. This Code of Laws stipulated as well that both nationals of the Russian state and foreigners residing in Russia could freely practice their own religions and forms of worship. This provision referred not only to Christians but also to followers of Judaism and Islam. However, there was one reservation in the law: "all nations residing in Russia praise God Almighty in different languages according to the law and confession of their forefathers, blessing the reign of Russian Monarchs and asking the Creator of the universe to multiply prosperity and to strengthen the force of the Empire"<sup>4</sup>, which established the obligation to pray for the Sovereign Emperor. All confessions except the dominant Orthodox Church were divided into: so-called recognized religions (in the best position there were Lutheran, Reformed, Armenian-Gregorian and Roman Catholic Churches, among non-Christian confessions there were Karaites, Muslims (Sunnis and Shiites), Jews and Buddhists-Lamaists); tolerable denominations (Old Believers, Mennonites, Baptists, Siberian shamanists and Nenets pagans) and unrecognized and intolerable communities (communities of Molokans, Pneumatomachians, Sabbatarianists, Khlystys, Skoptsys)<sup>5</sup>.

## 2 - Pre-revolutionary period

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<sup>2</sup> **Священник А. НИКОЛИН.** *Церковь и государство (история правовых отношений)*. Сретенский монастырь, 1997, С. 104. **Priest A. NIKOLIN,** *Church and State (history of legal relations)*, Sretensky Monastery, 1997, p. 104.

<sup>3</sup> Свод законов Российской империи т.1, 1906, С.5. С использованием СПС "КонсультантПлюс". Code of Laws of the Russian Empire. Volume 1. 1906, p. 5. Legal reference system "Consultant plus".

<sup>4</sup> Свод законов Российской империи т.1, 1906, С.6. С использованием СПС «КонсультантПлюс». Code of Laws of the Russian Empire. Volume 1. 1906, p. 6. Legal reference system "Consultant plus".

<sup>5</sup> Религиозная ситуация в досоветской России // ([http://www.prosv.com/umk/ork/info.aspx?ob\\_no=20370](http://www.prosv.com/umk/ork/info.aspx?ob_no=20370): дата обращения 19.04.2015) The religious situation in pre-Soviet Russia ([http://www.prosv.com/umk/ork/info.aspx?ob\\_no=20370](http://www.prosv.com/umk/ork/info.aspx?ob_no=20370) : access mode 19/04/2015).



At the beginning of the XX century government began realizing the importance of changing their policy towards the church. In 1902 at the direction of Nicholas II, drafting of the Manifesto started, which was intended to determine main areas of reform in domestic policies<sup>6</sup>.

The Manifesto of February 26, 1903 "On the aims for the improvement of the state order" contained a promise

"to strengthen the strict observance (by the authorities) of covenants concerning religious toleration, inscribed in the fundamental laws of the Russian Empire in matters relating to faith"<sup>7</sup>.

However, as pointed out by A.A. Safonov:

"The Manifesto was not about developing new principles of religious policy, but about more accurate and consistent application of the old ones. The act was directed against violations of the principles of religious toleration in the law enforcement practice on the part of authorities"<sup>8</sup>.

A significant step towards the equality of religious communities was made due to the decrees of Emperor Nicholas II in April 17, 1905 "On strengthening religious toleration" and in October 17, 1906 "About methods of formation and activity of Old Believers and other sectarian communities".

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<sup>6</sup> **М. ОДИНЦОВ**, *XX век в Российской истории* (Государство. Церковь. Народ). // (<http://www.rusoir.ru/president/works/142/> : дата обращения 19.04.2015). **M. ODINTSOV**, *The twentieth century in Russian history* (State. Church. Public). (<http://www.rusoir.ru/president/works/142/>: access mode – 04.19.2015).

<sup>7</sup> Манифест 26 февраля 1903 г. «О предназначениях к усовершенствованию государственного порядка» // Полное собрание законов Российской империи. Собр. III.–Т. 1-23. –СПб., 1881-1913. Manifesto on 26 of February, 1903 "About destining to the improvement of state order" // Complete Collection of Laws of the Russian Empire. Sobr. III.-T. 1-23 . SPb., 1881-1913.

<sup>8</sup> **А. САФОНОВ**, Указ 17 апреля 1905 г. "Об укреплении начал веротерпимости" в контексте формирования института свободы совести в законодательстве Российской империи // История и современность: белорусская государственность в восточноевропейском цивилизационном контексте: сборник научных работ, посвященных 90-летию со дня рождения профессора И.А. Юхо. Ответственный редактор: С. Балашенко, Мн.: Бизнесофсет, 2012, С.337. **A. SAFONOV**, Decree on 17 of April, 1905 "On strengthening of religious toleration" in the context of the formation of the institution of freedom of conscience in the legislation of the Russian Empire, History and modernity: the Belarusian State in the context of the Eastern European civilization: collection of scientific papers dedicated to the 90th anniversary of Professor I.A. Juho, Editor-in-chief S. Balashenko. Minsk, Biznesofset, 2012, p. 337.



The decree on April 17, 1905 (Paragraph 1, Article 1) stipulated that "falling apart from the Orthodoxy for some other Christian confessions or denominations shall not be persecuted and should not entail any unfavourable consequences in respect of personal or civil rights"<sup>9</sup>. It is important to note that previously there was freedom of worship for non-Orthodox denominations only (Article 44 of the Code of Laws of the Russian Empire). But propagation of these beliefs and increase in various Christian sects was regarded by the state as a threat to the Fatherland, which consequently led to the persecution of persons belonging to various religious communities of Old Believers, Molokans, Khlysts, etc.

The decree on religious toleration provoked practically immediate conversion of persons formally belonging to the dominating Orthodox Church into other religions. At the same time the decree did not produce any radical changes in the religious structure of the society, as throughout the country the number of religious conversions was insignificant<sup>10</sup>.

The period from 1905 to 1906 was marked by the rapid growth of political parties. In their public manifestos containing programs of activity they often noted "absence of solution in "religious matters", the "constraint" and "lack of freedom" in matters of faith, thus, they offered their own view how to resolve this issue"<sup>11</sup>. In April 27, 1906 State Duma held its first session in the history of Russia. At the time of its first convocation the Duma having worked only for 72 days discussed matters concerning religious freedom and changes in the relationship between State and Church. The second State Duma had more success in regard to the terms of its activities, though did not manage to consider all projects

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<sup>9</sup> Указ императора Николая II от 17 апреля 1905 года «Об укреплении начал веротерпимости» // Священник **А.НИКОЛИН**, *Церковь и государство (история правовых отношений)*. Сретенский монастырь, 1997, С. 350-353. Decree of Emperor Nicholas II on April 17, 1905 "On strengthening religious toleration", priest **A. NIKOLIN**, *Church and State (history of legal relations)*, Sretensky Monastery, 1997, pp. 350-353.

<sup>10</sup> **А.САФОНОВ**, *Модернизация вероисповедного законодательства России в начале XX века* // Гражданское общество и правовое государство как факторы модернизации российской правовой системы. Под общей редакцией: Н. С. Нижник. Ч. I. СПб.: Астерион, 2009, С.347. **A. SAFONOV**, *Modernization of religious legislation in Russia in the early XX century. Civil society and law state as factors in the modernization of the Russian legal system*, Edited by N.S. Nizhnik, Part I, Saint Petersburg, Asterion, 2009, p. 347.

<sup>11</sup> **М. ОДИНЦОВ**, *XX век в Российской истории* (Государство. Церковь. Народ). // (<http://www.rusoir.ru/president/works/142/> : дата обращения 19.04.2015). **M. ODINTSOV**, *The twentieth century in Russian history* (State. Church. Public). (<http://www.rusoir.ru/president/works/142/>: access mode – 04.19.2015).



relating to the reform of religious policy. The most successful is regarded to be the third convocation of the State Duma. However, the Holy Synod of the Russian Orthodox Church did not highly appraise all the proposed projects, indicating their liberal character, so it strongly insisted on keeping for the Russian Orthodox Church its "leading" and "dominant" position<sup>12</sup>.

The most fundamental religious laws were not examined during the work of the Duma of the fourth convocation as well. As a result, even those projects that had gone through debate in the State Duma did not get legal force for various reasons: there was either no "Supreme order" by the Emperor, or they were blocked in the State Council by representatives of right-wing parties.

The February Revolution of 1917 brought the Provisional Government to power. The Provisional Government managed to pass a number of important acts relating to state-confessional relations. In March 20, 1917 there was a decree "On abolition of religious and national restrictions"<sup>13</sup>. For the first time, the document enshrined the equality of all religions before the law and canceled all previous restrictions of rights on religious and national grounds.

In August 15, 1917 the Local Council of the Russian Orthodox Church was convened. It was a tremendous event that had an impact on the further development of relationships between Church and State. The most important result of its activities was the restoration of the patriarchy in Russia and the election of Tikhon (Bellavin), the Metropolitan of Moscow and Kolomna as the Patriarch of Moscow and All Russia.

### 3 - The Soviet period

Russian Revolution of 1917 in the result of which Bolsheviks, headed by Vladimir Lenin, got control over the country, changed the state-religious policy vector.

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<sup>12</sup> М. ГУБИН, Указ. соч. С. 81. М. GUBIN, *Formation and development*, cit., p. 81.

<sup>13</sup> Постановление Временного Правительства "Об отмене вероисповедных и национальных ограничений" от 20 марта 1917 года // (<http://constitution.garant.ru/history/act1600-1918/5413/> : дата обращения – 19.04.2015) Decree of Provisional Government "On abolition of religious and national restrictions" on March 20, 1917 (<http://constitution.garant.ru/history/act1600-1918/5413/>: access mode – 19.04.2015).



In January 23, 1918 the decree "On separation of Church from State and School from Church" was adopted by the Council of People's Commissars (hereinafter referred to as Decree). The Decree did not establish the principle of secularism, but provided for the principle of separation of Church and State. However, the Soviet government saw the separation of Church and State in a very peculiar way.

Actually, if we analyze norms of the Decree, we can see that provisions enshrined in the Decree were rather repressive in their character. For instance religious communities were not able to have the right of legal ownership and were deprived of the opportunity to acquire the legal entity capacity. The principle of separation of School from Church was implemented quite radically as well as the desire to eliminate the influence of religious ideas on the educational process was not restricted to the exclusion of "God's law" from school lessons only. For example, the Circular of the People's Commissars for Education (Narkompros) on March 3, 1919 declared that clergy of all religions could not hold any offices in schools in other words clergymen even could not teach secular (non-religious) subjects<sup>14</sup>.

The Holy Synod characterized the Decree on separation of Church and State in a rather negative way. In January 25, 1918 it published the regulation where it stated:

"The Decree on separation of Church and State passed by the Council of People's Commissars pretending to be the law on the freedom of conscience is in fact an encroachment on all the system of the Orthodox Church and an act of undisguised harassment against it »<sup>15</sup>.

The Soviet government in its turn proclaiming the separation of Church and State declared freedom "to practice any religion or not to profess a religion at all", but in reality, the state actively intervened in religious activities and limited (as much as possible) rights of believers and religious consociations, subjecting them to persecution and repression. The first victim was Metropolitan of Kiev, Vladimir

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<sup>14</sup> **Священник А. НИКОЛИН.** *Указ. соч.* С. 104. **Priest A. NIKOLIN,** *Church and State*, cit., p. 158.

<sup>15</sup> Русская Православная Церковь в советское время (1917-1991). Материалы и документы по истории отношений между государством и Церковью. Книга 1 / Составитель **Г. ШТРИККЕР**, М.: Пропилеи, 1995, С. 115. *Russian Orthodox Church in the Soviet period (1917-1991)*, Materials and documents on the history of relations between State and Church, Book 1, Compiled by **G. ŠTRIKKER**, Propylei, 1995, p. 115.



(Bogoyavlensky), murdered on the 25-th of January, 1918. Subsequently "by 1922 2691 secular clergy persons had been shot down in accordance with court decisions, as well as 1962 men from monastic clergy, 3447 nuns and novices, besides at least fifteen thousand clergymen had been shot down without trial, more than seven hundred monasteries had been destroyed"<sup>16</sup>.

In July 10, 1918 the first Constitution of the Russian Soviet Federative Socialist Republic (RSFSR) was adopted. Article 13 of Chapter 5 of the Constitution provided for separation of Church and State and School from Church, declaring freedom of religious and anti-religious propaganda<sup>17</sup>. Besides Article 65 of the Constitution imposed restrictions on the enforcement of suffrage for ecclesiastical and clergy persons, thus, violating the principle of equality of citizens on grounds of religion.

In 1922 the anti-religious campaign started which was directed to seize church property. The official ground for it was considered the beginning of famine in the Volga region (so-called Povolzhye). First of all, All-Russian Central Executive Committee issued the decree on December 27, 1921 "On valuables held in churches and monasteries", subdividing all church property into three categories<sup>18</sup>. In January 2, 1922 the Central Executive Committee passed the resolution "On the elimination of church property". Later the same Committee adopted the decree on February 23, 1922 "On the procedure of seizure of church valuables being in use of groups of believers"<sup>19</sup>. The act demanded from local Soviets to seize

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<sup>16</sup> Русская Православная Церковь в советское время (1917-1991). Материалы и документы по истории отношений между государством и Церковью. Книга 2 / Составитель Г. ШТРИККЕР, М.: ПроPILEI, 1995, С.251 Russian Orthodox Church in the Soviet period (1917-1991). Materials and documents on the history of relations between State and Church. Book 2, Compiled by G. ŠTRIKKER, Propylei, 1995, p. 251.

<sup>17</sup> Конституция (Основной Закон) Российской Социалистической Федеративной Советской Республики (принята V Всероссийским съездом Советов 10.07.1918) // СУ РСФСР. 1918. №51. ст. 582. Constitution of the RSFSR (adopted by the V All-Russian Congress of the Soviets, 10.07.1918), SU RSFSR. 1918. № 51. P. 582

<sup>18</sup> Декрет ВЦИК от 27 декабря 1921 "О ценностях, находящихся в церквях и монастырях" // СУ РСФСР. 1922. №19. ст. 215. Decree of the All-Russian Central Executive Committee on December 27, 1921 "On valuables held in churches and monasteries", SU RSFSR. 1922. № 19. Art. 215.

<sup>19</sup> Декрет ВЦИК от 13 (26) февраля 1922 "О порядке изъятия церковных ценностей, находящихся в пользовании групп верующих" // СУ РСФСР. 1922. №19. ст. 217. Decree of the All-Russian Central Executive Committee on February 13 (26), 1922 "On the procedure of seizure of church valuables being in use of groups of believers", SU



practically without delay all precious objects made of gold, silver and precious stones which had been made previously available for use of groups of believers from all religions.

These actions drew fierce criticism on the part of the Orthodox Church. Although legally speaking, the decree did not interfere with those things, the seizure of which could "significantly affect the interests of the cult itself", in practice, there was constant gross violation of the provisions of their own resolutions by the authorities<sup>20</sup>.

The Constitution of the RSFSR passed in May 11, 1925 in comparison with the Constitution of 1918 did not change relations between the state and religious associations. Article (item) 4 proclaimed:

"In order to ensure the real freedom of conscience for working people Church is separated from State and School from Church, besides freedom to carry on religious and anti-religious propaganda is recognized for all citizens".

The next milestone in the development of church-state relations became the Decree of the Central Executive Committee and Council of People's Commissars of the RSFSR on April 8, 1929 "On Religious Associations". This regulation was in force till 1990. Only in June 23, 1975 the Presidium of the Supreme Council made some amendments in it. This legally enforceable enactment maintained all the provisions of the Lenin decree of 1918, but, in addition, it made more severe requirements for the activities of religious communities. Furthermore under this Decree a special body was created that was "Standing Commission of the Presidium of the Central Executive Committee considering religious issues"<sup>21</sup>.

In May 18, 1929 the XIV-th All-Russian Congress of the Soviets made a number of amendments to the Constitution of the RSFSR, affecting Article 4 as well. It got the following wording: "Freedom to practice any forms of religious worship and freedom to carry on anti-religious propaganda is recognized for all citizens". Evaluating these changes Tumanov D. drew attention to the fact that "in comparison with the initial

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RSFSR. 1922. № 19. Art. 217.

<sup>20</sup> Д.НИКИТИН, *Изъятие церковных ценностей* // Православная энциклопедия, Т. 21, С. 662. D. NIKITIN, *Confiscation of church property*, in *Orthodox Encyclopedia*, V, 21, p. 662.

<sup>21</sup> Постановление ВЦИК и СНК РСФСР от 08 апреля 1929 "О религиозных объединениях" // СУ РСФСР, 1929, №35, ст. 353. Resolution of the All-Russian Central Executive Committee and Council of People's Commissars of the RSFSR on April 8, 1929 "On Religious Associations", SU RSFSR. 1929. № 35. Art. 353.



version there was evident inequality in regard to believers, since the right to carry on religious propaganda was withdrawn; only freedom of worship being provided"<sup>22</sup>.

The adoption of the Constitution of the USSR in 1936 and the Constitution of the Russian Federation in 1937 marked the proclamation of various rights and freedoms, including freedom of conscience for all citizens of the USSR. However, in reality, the situation was different. The subsequent period of 1937-1938 in modern historiography was called "The Great Terror". Activities of the church were virtually paralyzed. Throughout all Russia there were only about 100 cathedral and parish churches left, and in the Ukraine only 3% of the whole number of pre-revolutionary parishes survived<sup>23</sup>.

During the Great Patriotic War of 1941-1945, attitude of the USSR authorities to the church changed. The patriotic position of Church became the main reason of the fact. On the first day of the war Metropolitan of Moscow and Kolomna, Sergius (Stargorodsky) addressed all believers in his Epistle: "Our Orthodox Church has always shared the destiny of the people and it will not abandon its people now"<sup>24</sup>. Stalin I. could not help noticing this speech and State authorities rejected the idea of complete elimination of religion in the Soviet citizens' life. This way a gradual revival of religious life began.

One of the most important milestones in Church-state relations in that period was the process of negotiations of Stalin with three Supreme

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<sup>22</sup> **Д.ТУМАНОВ**, *Конституционное регулирование свободы совести в советском государстве* // Вестник Пермского университета, 2011, Выпуск 4(14), С. 16. **D. TUMANOV**, *Constitutional regulation of the freedom of conscience in the Soviet state*, in *Bulletin of Perm State University*, 2011, Issue 4 (14), p. 16.

<sup>23</sup> **П. ДОЗОРЦЕВ**, *Развитие России как светского государства: Историко-правовой анализ*, Санкт-Петербургская академия МВД, Санкт-Петербург, 1998. С. 282. **P. DOZORTSEV**, *The development of Russia as a secular state: Historical and legal analysis*, Saint Petersburg, 1998, p. 282.

<sup>24</sup> Послание митрополита Сергия в первый день войны (22 июня 1941 года) "Пастырям и пасомым Христовой Православной Церкви" // Русская Православная Церковь в советское время (1917-1991). Материалы и документы по истории отношений между государством и Церковью. Книга 1 / Составитель **Г. ШТРИККЕР**, М.: ПроPILEI. 1995. С.329. Epistle of Metropolitan Sergius on the first day of the war (June 22, 1941) "To Pastors and flocks of the Christ's Orthodox Church", Russian Orthodox Church in the Soviet period (1917-1991). *Materials and documents on the history of relations between State and Church*, Book 1, Compiled by **G. ŠTRIKKER**, Propylei, 1995, p. 329.



hierarchs of the Russian Orthodox Church (Metropolitan Sergius (Stragorodsky), Alexis (Simansky) and Nicholas (Yarushevich) on the 4th of September, 1943. In the result of the meeting, several crucial decisions were made, for instance, it was permitted to elect the Patriarch of Moscow and all Russia. The proto-priest Vladimir Tsy-pin was absolutely right when wrote: "Actually, they had come to terms of a sort of a "concordat", which basically were observed by the state power until the beginning of the Khrushchev persecution"<sup>25</sup>.

In October 7, 1943 the Council of People's Commissars of the USSR approved the resolution № 1095 "Regulations for the Council conducting the Russian Orthodox Church affairs under the Council of People's Commissars of the USSR"<sup>26</sup>. The initiator of its creation was Joseph Stalin directly, G. Karpov was appointed as the first chairman.

In May 19, 1944 according to the Resolution of the Council of People's Commissars of the USSR one more organ was created, namely the Council for Religious Affairs under the Council of People's Commissars of the USSR in order to maintain contacts between the government and religious communities of all confessions, aside from the Orthodox Church. Polyanski I. was appointed as the Chairman of the Council in June 6, 1944. It should be noted that activities of the Council were positive for some denominations in many ways, as they managed to achieve some success in their relations with the state through this body.

The model of church-state relations existing during the war continued its functioning for several postwar years. But in the 50s antireligious campaign started again being accompanied by persecution of religious believers and closure of churches.

In October 4, 1958 the Central Committee of the Communist Party of the Soviet Union (CPSU) adopted the secret resolution "About the note of the Propaganda Department of the CPSU Central Committee in the union republics "Concerning shortcomings of scientific and atheistic propaganda"<sup>27</sup>. This Resolution demanded from all party and public

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<sup>25</sup> **В.ЦЫПИН**, *История Русской церкви (1917-1997)*. М.: Издательство Спасо-Преображенского Валаамского монастыря, 1997, С.245-246. **V. TSYPIN**, *History of the Russian Church (1917-1997)*, Publishing house of Spaso-Preobrazhensky Monastery, Valaam Monastery, 1997, pp. 245-246.

<sup>26</sup> Государственный архив. Ф. Р-6991, Оп. 1, Д. 28, Л. 17. State Archive. F. R-6991. Op. 1. D. 28. L. 17.

<sup>27</sup> Российский государственный архив новейшей истории. Ф. 4. Оп. 16. Д. 554. Л. 5-13. Russian State Archive of Contemporary History. F. 4. Op. 16. D. 554. L. 5-13.



organizations as well as from governmental bodies to launch a resolute attack towards "religious throwbacks", more over it proposed a number of measures aimed at increasing the level of atheistic propaganda in press and in the sphere of education.

Continuing its struggle against religion, the Council of Ministers of the USSR adopted the resolution № 1160 "On the imposition of income taxes for enterprises under the diocesan administration and of monasteries revenue taxes"<sup>28</sup> and the resolution "On monasteries in the Soviet Union" in October 16, 1958. According to these legal acts higher tax rates were set on land used by monasteries, the number of monasteries land plots was reduced, furthermore there were requirements prohibiting to take citizens under 30 years old to monasteries. As a result, by the mid60s the Russian Orthodox Church had only 18 functioning monasteries left, the Kiev-Pechersk Lavra having been closed as well<sup>29</sup>.

The main peculiarity in development of relations between the state and religious organizations at that time became, that the state pursued the tough policy of oppression towards the church, on the one hand, and, on the other hand, it permitted representatives of the Russian Orthodox Church and other confessions in the Soviet Union to go abroad to promote ideas of a normal free life of religious believers in the Soviet Union (in 1961 the Russian Orthodox Church got membership in the World Council of Churches, and in 1964 the first Russian Orthodox Church representatives participated as observers at the World Fellowship of Orthodox Youth "SYNDESMOS").

In December, 1965 an important event occurred. In accordance with the Decision of the Council of Ministers of the USSR the Council conducting the Russian Orthodox Church affairs and the Council for

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<sup>28</sup> Постановление Совмина СССР от 16 октября 1958 №1160 "О налоговом обложении доходов предприятий епархиальных управлений, а также доходов монастырей" // Собрание действующего законодательства СССР, т. 14, с. 368. Resolution of the Council of Ministers of the USSR on October 16, 1958 №1160 "On the imposition of income taxes for enterprises under the diocesan administration and of monasteries revenue taxes", Code of the existing legislation of the USSR, V. 14, p. 368.

<sup>29</sup> Т. ЧУМАЧЕНКО, *Правовая база государственно-церковных отношений в 1940-е – первой половине 1960-х годов: содержание, практика применения, эволюция.* // Вестник Челябинского государственного университета, 2008, №15, С. 146. Т. CHUMACHENKO, *The legal framework of state-church relations from the 1940s to the first half of the 1960s: content, practical application, evolution,* Bulletin of Chelyabinsk State University, 2008, № 15, p. 146.



Religious Affairs (aside from the Orthodox Church) were abolished. Their powers were transferred to the new body, the Council for Religious Affairs under the USSR Council of Ministers. The main task of the new body was monitoring compliance with legislation in the sphere of religion, as well as analysis and generalization of practical application of laws concerning religious associations.

In June 23, 1975 the Presidium of the Supreme Council (Soviet) of the RSFSR adopted the decree "On amendments and additions to the Decree of the Central Executive Committee and Council of People's Commissars of the RF on April 8, 1929 "On Religious Associations", clarifying the procedure of state registration and the acquisition procedure of objects for the church worship<sup>30</sup>. In addition, the possibility of church activity in some areas, compared to the previous version, became even more limited. For example, paragraph 54 of the decree in the version of 1975 forbade members of groups of believers and religious communities to make collective monetary contributions and donations outside prayer buildings; previously such a possibility had been provided for, though only among members of religious communities and for religious purposes.

In 1977 a new version of the Constitution was adopted in the USSR. Later in 1978 the freedom of conscience was enshrined in Articles 50 and 52 of the Constitution of the RF. These articles copied provisions of corresponding articles of the previous constitutions. But there appeared a new provision prohibiting incitement of enmity and hatred based on religious beliefs.

#### **4 - Modern Period**

First significant changes in the state policy towards religious organizations took place in 1988, when the Secretary-General of the CPSU Central Committee, Mikhail Gorbachev allowed celebration devoted to the Millennium of Christianization of Rus'. Changes in the legal status of

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<sup>30</sup> Указ Президиума ВС РСФСР от 23 июня 1975 "О внесении изменений и дополнений в Постановление ВЦИК и СНК РСФСР от 8 апреля 1929 года "О религиозных объединениях" // Ведомости ВС РСФСР, 1975, №27, ст. 572. Decree of the Presidium of the RSFSR Supreme Council on June 23, 1975 "On amendments and additions to the Decree of the Central Executive Committee and Council of People's Commissars of the RSFSR on April 8, 1929 "On Religious Associations", Bulletin of the RSFSR Supreme Council, 1975. № 27. Art. 572



religious groups were embodied in the USSR Law № 1689-1 "On freedom of conscience and religious organizations" passed in October 1, 1990<sup>31</sup>. Under the law, religious organizations became recognized as legal entities after registration of their charters; for the first time the legislation enshrined the term "secular character" of the state education system in the USSR.

In October 25, 1990 the Law of the RF № 267-1 "On freedom of religion" was adopted<sup>32</sup>. It was almost identical to the Soviet law and revealed only some of provisions. On the same day the Supreme Soviet of the RSFSR passed Regulation №268-1 "On the enforcement procedure of the RSFSR Law "On freedom of religion", which nullified action of previous acts in the religious sphere. Besides, paragraph 5 of the resolution contained instructions concerning two committees of the Supreme Council (Soviet) of the RSFSR which had to draft guidelines on the "Expert Council under the Committee of the Supreme Council of the RSFSR on the freedom of conscience, religion, charity and mercy", creation of which had been provided for in Article 12 of the RSFSR Law № 267-1 "On Freedom of Religion".

Since the time of enactment of the law, the Council for Religious Affairs continued its functioning only at the all-union (federal) level, though its powers were severely restricted. However, it did not last long in this form. The Council for Religious Affairs was abolished in November 14, 1991 according to the Decision of the State Council of the USSR №GS-13 "On abolition of ministries and other central State Agencies of the USSR"<sup>33</sup>.

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<sup>31</sup> Закон СССР от 01 октября 1990 года № 1689-1 "О свободе совести и религиозных организациях" // Ведомости СНД СССР и ВС СССР, 1990, №41, ст. 813. Law of the USSR on October 1, 1990 № 1689-1 «On Freedom of Conscience and Religious Organizations», Bulletin of the Council of People's Deputies and the Supreme Council of the USSR, 1990, № 41, Art. 813

<sup>32</sup> Закон РСФСР от 25 октября 1990 года № 267-1 "О свободе вероисповеданий" // Ведомости СНД и ВС РСФСР, 1990, №21, ст. 240. Law of the RSFSR on October 25, 1990, № 267-1 «On freedom of religion», Bulletin of the Council of People's Deputies of the USSR and the Supreme Council of the USSR, 1990, № 21, Art. 240.

<sup>33</sup> Постановление Государственного Совета СССР от 14 ноября 1991 года №ГС-13 // Ведомости ВС СССР, 1991, №50, ст. 1421. Decision of the State Council of the USSR on November 14, 1991 № GS-13, Bulletin of the Supreme Council of the USSR, 1991, № 50, Art. 1421.



In December 12, 1993 the Constitution of the RF was adopted by the nation-wide vote, taking the secular nature of the Russian state as the spiritual foundation of the constitutional system in article 14. The Constitution of 1993 was the first constitution of Russia containing this term. In September 27, 1997, a new federal law №125-FZ "On Freedom of Conscience and Religious Associations" came into force. The law established the principle of secularism and defined principles of its implementation for the state and religious associations as well.

At the present stage of development of Russia as a secular state, one event which took place in January 2009 should be noted in our opinion, namely, the election of a new Primate of the Russian Orthodox Church, Kirill by the Local Church Council. His election gave new significant momentum to relations of all religious confessions with the state. Work of Patriarch led to the adoption of a number of legal acts and government actions which had the vital role in church-state relations. Let us mention some examples: drafting and enactment of the Federal Law №327-FZ "On the transfer of assets of religious nature being under state or municipal ownership to religious organizations" in November 30, 2010; introduction of the subject "Fundamentals of religious culture and secular ethics" in Russian schools; emergence of the institution of military clergy who began acting as assistant-commanders in the affairs with religious believers serving in the Armed Forces of the Russian Federation.

## **5 - Conclusion**

1. At the time of reign of Peter I and institution of the Holy Synod it was not possible to talk about the symphony of secular and ecclesiastical authorities. During that period, the state made maximum efforts to bring the church administration under control in order to achieve its own pragmatic goals.

2. The Constitutions of the USSR and RSFSR did not enshrine the concept of "secular state" as a characteristic of the social system. For the first time the term appeared in the Constitution of the RF on December 12, 1993 (although the USSR Law № 1689-1 "On Freedom of Conscience and Religious Organizations", on October 01, 1990 and the Law of the RF № 267-1 "On Freedom of Religion", on October 25, 1990 used the term "secularism" to describe the state education system).



3. In the Soviet period, regulations without using the term "secularism", nevertheless formally provided for the secular character of the state. However, in reality, the state was atheistic, and in certain periods took tough repressive measures against religious organizations (1917-1920 - first executions of clergymen and widespread plunder of churches, 1921-1923 - campaign to seize church property, 1929-1931 - "dekulakization", 1937-1938 - mass terror, 1958-1964 - Khrushchev's anti-religious campaign).

4. Today relations between the state and religious organizations can be described on the one hand, as permanently developing in a way of mutual understanding with a constructive dialogue, and on the other hand, "traditional" religious organizations have become rather loyal to domestic and foreign policy of the government obtaining the state support in return. As a result, it leads to some imbalance in these relationships and makes it necessary to seek further for the acceptable model of these relations taking into account the secular character of the state.