Whither Secular Bear: The Russian Orthodox Church’s Strengthening Influence on Russia's Domestic and Foreign Policy

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INFLUENCE ON RUSSIA'S DOMESTIC AND FOREIGN POLICY

ROBERT C. BLITT

I. INTRODUCTION

As 2012 presidential elections in Russia draw near, evidence points to a collapse in that country's constitutional obligation of secularism and state-church separation. Although early signs of this phenomenon can be traced back to the Yeltsin era, the Putin and Medvedev presidencies have dealt a fatal blow to secular state policy manifested both at home and abroad, as well as to Russia's constitutional human rights principles including nondiscrimination and equality of religious beliefs. The first part of this article argues that leadership changes in the Russian government and the Russian Orthodox Church (ROC) have triggered an unprecedented deepening of state-ROC ties manifested by a number of key domestic "breakthroughs" for the Church, including bestowing its long-coveted prizes of access to the public education system and the military.

But this is only half the story. In addition to encroachment on domestic state policy, the second part of this article illustrates that the ROC has been actively participating in shaping and executing Russia's foreign policy not only in the "near abroad" specifically, but more generally across the European continent and beyond. By welcoming this exclusive ROC function, the government has enabled a paradoxical situation whereby a secular state openly advocates on behalf of Orthodoxy and "traditional" values abroad. This ensuing relationship not only generates deleterious implications for the content of international human rights law, but also serves to reinforce the already deficient human rights situation within Russia, thus further widening the rift between constitutional promise and government practice.

In the face of these developments, the ROC today enjoys unprecedented influence on virtually every aspect of Russian government policy, an arrangement that coincides with the vision set out by the Moscow Patriarchate in its Bases of the Social Concept. More immediately in the context of 2012 presidential elections, this favored treatment has positioned the Church to reap further dividends given its de facto role in validating the government's legitimacy. From this vantage point, an explicit return to Putinocracy promises continued disdain on the part of the Kremlin and ROC for

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2 The terms Russian Orthodox Church, ROC, Russian Church, the Church, and Orthodox Church are used interchangeably herein to refer to the Moscow Patriarchate.
freedom of thought, conscience, and religion or belief, as well as freedom of expression and related human rights, in the domestic and international arena alike.

II. A RUSSIAN ORTHODOX CHURCH “NO LONGER POWERLESS AND WEAK” AT HOME

During Vladimir Putin’s first two terms as president, most of the informed opinion concerning Russian government-ROC dealings agreed that the relationship undercut Russia’s official constitutional secularism, with the ROC gaining influence and state support for the church growing stronger.3 This situation continued until March 2008, when presidential candidate Dmitry Medvedev scored an “overwhelming victory” in an election described as “more coronation than contest.”4 At this point, preliminary signs indicated that Medvedev would continue President Putin’s relationship with the Church.5 However, no one could have predicted that Alexy II, leader of the Russian Orthodox Church for nearly two decades, would die less than one year later and leave the position of ROC Patriarch an open race.6

Upon learning of the Patriarch’s demise, Medvedev, abroad in India and only seven months into his presidency, dramatically canceled a planned visit to Italy and returned forthwith to Russia.7 A Kremlin statement described Alexy’s death as a “very grievous event... in the life of this country, our society.”8 As if to emphasize the point, Medvedev swiftly declared Alexy’s funeral a day of national mourning,9 signed a decree requiring cultural institutions and television and radio stations to “cancel entertainment events and programs on the day of the patriarch’s burial,”10 and ordered national media to provide live coverage of the almost eight-hour long funeral ceremony.11

Metropolitan Kirill of Smolensk and Kaliningrad, the ROC’s locum tenens (interim leader), eulogized the departed Patriarch at a funeral service attended by Medvedev, Putin, and other officials from the Kremlin and Duma: “Today his Holi-

5 Blitt, supra note 3, at 773–78.
8 Halpin, supra note 3.
10 Media Say Church Divided, supra note 3; see also Yulia Taratuta & Pavel Korobov, Russian Church to Elect New Patriarch, Kommersant (Moscow), Dec. 8, 2008, at 1 (discussing Alexy’s political legacy).
11 Alexander Osipovich, Russia Buries First Post-Communist Church Leader, AFP, Dec. 10, 2008.
ness, standing before the face of God, can say that he left us with a different Church: no longer powerless and weak.” Press accounts concluded that the ceremony signaled “the elevation of the Russian Orthodox Church to de-facto state religion.” After Alexy’s burial, the Church Council turned to the task of electing a new patriarch. Kirill, despite his conspicuous position as locum tenens, was by many accounts not a shoo-in for the revered post in part because of criticism he was too “liberal”. Nevertheless, the Metropolitan—after a flurry of speculation and jockeying amid the candidates—secured election as the 16th Patriarch of Moscow and All Russia.

To cement the vote, on February 1, 2009, Russian President Medvedev and Prime Minister Putin, alongside other government officials, waited with bated breath in Moscow’s Christ the Savior Cathedral, as bells chimed for fifteen minutes before Kirill arrived in a limousine for his enthronement ceremony. Like Alexy’s funeral, Russian television provided live coverage of the ceremony. Although Putin did not give a speech, he and other dignitaries queued up to congratulate the new Patriarch and for the opportunity to kiss Kirill’s crucifix. Svetlana Medvedeva, Russia’s First Lady, was first in line to receive communion from Kirill.

In a speech delivered after his enthronement, Patriarch Kirill offered thanks to Putin and Medvedev. President Medvedev declared the enthronement:

an outstanding event in the life of our country and of all Orthodox nations—an event that opens a new chapter in the development of Orthodox religion in our country, and which, hopefully, creates new conditions for a fully-fledged and solidarity dialogue between the Russian Orthodox Church and the state.

As if to demonstrate his commitment to fostering these “new conditions,” Medvedev invited the newly enthroned Patriarch—as his first duty as head of the ROC—to lead a service in the Kremlin’s Assumption Cathedral. At a reception in Georgy Hall for ROC Local Council delegates following the service, both Kirill and Medvedev addressed the assembled clergy. Medvedev’s speech stressed that relations between church and state are built on the foundation of the constitutional principles of freedom of conscience and worship and non-

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12 Russian Orthodox Patriarch Alexy II Laid to Rest, RIA Novosti (Moscow), Dec. 9, 2008.
13 E.g., Osipovich, supra note 11.
14 Media Say Church Divided, supra note 3. E.g., Halpin, supra note 3.
16 Russian Orthodox Church Enthrones New Patriarch, Radio Free Eur./Radio Liberty (Feb. 1, 2009).
17 Russian Orthodox Church Enthrones New Patriarch, AFP, Jan 31, 2009.
18 Leonid Sevastyanov & Robert Moynihan, 100 Days of Patriarch Kirill, Moscow Times, May 18, 2009.
19 Russian Orthodox Church Enthrones New Patriarch, supra note 17.
20 Medvedev: Kirill’s Enthronement Creates New Setting for Broader Dialogue Between Church and State, Interfax (Moscow), Feb. 1, 2009 [hereinafter Dialogue Between Church and State].
22 Russian Orthodox Church Enthrones New Patriarch, supra note 17. Georgy Hall is the largest and most ceremonial room within the Kremlin compound.
intervention by the state authorities in religious organisations' activities, and at the same time, on the state authorities' recognition of the Church's great contribution to building Russia's statehood, developing its national culture and affirming spiritual and moral values in society.\(^{23}\)

Although Medvedev acknowledged that the Constitution provides for freedom of conscience and separation of religious associations from the state, he conspicuously omitted mention of Article 14's affirmation that the "Russian Federation shall be a secular state" and religious associations "shall be equal before the law."\(^{24}\) In essence, Medvedev's myopic and selective pronouncement on church-state relations cast aside constitutional principles in favor of the malleable mortar of "the Church's great contribution to building Russia's statehood"—a contribution that has no basis or authority in operative Russian law.

Faced with the death of one patriarch and the election of another during his first year in office, President Medvedev missed two major opportunities to redefine the controversial church-state relationship charted during Putin's previous two terms. Rather than begin to remedy the profound infidelity to Russia's constitutional touchstone of secular rule, Medvedev's management of church-state relations in the era of Patriarch Kirill has further weakened Russia's rule of law and widened the chasm between constitutional promise and practice. Although some examples of this conduct might strike the casual observer as quaint or trivial, when added to the context of more significant policy concessions, the emerging picture underscores a burgeoning relationship between Orthodoxy and the state which effectively displaces secular rule, forecloses the possibility of all religious groups benefitting from the promise of nondiscrimination, and undermines Russian respect for fundamental human rights.

### A. PREFERENTIAL ROC TREATMENT IN THREE ANECDOTES

Three revealing if seemingly innocuous examples of preferential ROC treatment set the tone for larger concessions to the Church on more sensitive policy issues. First, consider the coveted *migalki* or flashing light affixed to the Patriarch's automobile. Under a 2006 government decree, fewer than one thousand Russian cars belonging to senior government officials were supposed to be equipped with special flashing lights intended to facilitate bypassing traffic when "absolutely necessary."\(^{25}\)

Yet Patriarch Kirill, despite the fact that he is not considered a government official, has been extended this privilege to the exclusion of other religious leaders, including

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\(^{23}\) President Dmitry Medvedev, Speech at a Reception Given by the President of Russia in Honour of Senior Clergy Who Took Part in the Russian Orthodox Church Local Council (Feb. 2, 2009).

\(^{24}\) Konst.RF art. 14.

\(^{25}\) Alexander Bratersky, Angry Drivers Take Stand Against Flashing Blue Lights, Moscow Times, Apr. 6, 2010.

Electronic copy available at: https://ssrn.com/abstract=2008331
representatives from Russia’s so-called traditional religions. During public debates over the omnipresent migaliki—sparked in part due to related traffic fatalities—Yuri Luzhkov, the now sacked Mayor of Moscow, asserted that only three individuals were worthy of the blue light: “the President, the Prime Minister, and the patriarch of the Orthodox Church.”

In the second instance, when the Patriarch—flashing blue lights and all—needs to escape Moscow’s temporal but ever-vexing traffic jams, he too needs a dacha getaway. Construction of a new summer residence near the Black Sea resort town of Gelendzhik commenced during Alexy’s tenure, following an unusual land grant from the mayor of the village. A travel guide describes this up-market and idyllic location as an ostensibly protected nature reserve boasting fantastic air, which has become all the rage of Russia’s new elite. To execute the grant of protected forestland to the ROC, the local government openly flaunted federal law permitting removal of protected status only in exceptional cases limited to where the state or municipality is implementing “international commitments of the Russian Federation,” or acting for a purpose of “state or local significance in the absence of other options.” It is not immediately obvious how the transfer of protected land to the Church might fulfill the narrow requirements stipulated under the law, or how such a move could occur without public consultation. At least one individual present at a town hall meeting protested the fact that the Patriarch’s residence was proceeding without any environmental impact study: “We are present at a farce. Everything has already been put up, so what are we discussing? And how could a three story building appear without an ecological expert test?” Despite these issues, the local prosecutor’s office maintained that “there was no violation” of the applicable law.

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29 Zemelnii Kodeks Rossiskoi Federatsii [ZK] [Land Code] art. 101(3) (Russ.) (repealed 2006) (“Изъятие земель, занятых лесами первой группы, для государственных или муниципальных нужд допускается только в исключительных случаях, предусмотренных подпунктами 1 и 2 пункта 1 статьи 49 настоящего Кодекса.”). See also Yevgeniy Titov, К Путину в плавках [To Putin in Swimwear], Novaya Gazeta (Moscow), July 1, 2009.


31 Titov, supra note 29.

32 Id.
Lastly, Russia’s Federal Court Marshals Service recently inked a deal with the Church whereby ROC priests nationwide will denounce the failure to repay debts, including “men dodging their alimony payments,”33 in sermons and during private meetings with debtors organized by court marshals.34 Russia’s Chief Bailiff, Artur Parfenchikov, observed that the ROC “will exercise spiritual influence over the debtors to teach them about the unacceptability of living in debt.”35 According to another spokesperson for the Marshals, “[p]riests will say that unpaid debt is the same as theft in Christianity.”36 While the global economic crisis might justify extreme measures, this is not the first time the ROC and state have mixed sermonizing with public policy. In December 2008, priests preached to unsuspecting scofflaws flagged down by traffic police,37 despite the fact that Article 4(4) of Russia’s 1997 Law on Freedom of Conscience—passed at the behest of the ROC—mandates that:

The activity of agencies of state power and . . . local administration [shall] not [be] accompanied by public religious rites and ceremonies. Officials of state power, or of other state agencies, or of agencies of local administration, as well as military figures, [shall] not have the right to use their official status for advancing one or another religious affiliation.38

One reaction to the developments outlined above may be: “So what? Flashing lights and a land grant do not establish a state church or even pose a challenge to the principle of secularism.” From this perspective, any benefits—even those handed out exclusively to the ROC—are more quaint than illustrative of a breakdown in Russia’s constitutional principles of secularism and equality for all religions. However, the reality is more complicated and troubling. In practice, these examples demonstrate a consistent and pervasive pattern of special treatment for the ROC, carried over and enlarged under Medvedev’s rule. In addition, each instance carries potentially negative implications for upholding respect for Russia’s Constitution. For example, flashing lights for the Patriarch’s car are problematic not only as discriminatory against other religions, but also as an erosion of the government’s separation from religious associations. Likewise, the issues arising from a cost-free grant of federally protected land for a summer residence raise red flags concerning preferential treatment and the flaunting of constitutional and federal law. It is even more troubling to consider what consequences might follow from blending the coercive force of the

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33 Russian Orthodox Priests to Help ‘Shame’ Debtors, AFP, June 24, 2009.
34 Natalya Krainova, Church Calls on Debtors to Repay or Face Hell, St. Petersburg Times, June 26, 2009. The Moscow Patriarchate’s department on cooperation with military forces and law enforcement agencies brokered the deal. Id.
35 Russian Orthodox Priests to Help ‘Shame’ Debtors, supra note 33.
36 Krainova, supra note 34. Reports indicate that the Marshals are in talks to sign similar agreements with Muslim and Buddhist religious leaders as well. Id.
37 Priests, Cops Fight Traffic Violation, AFP, Dec. 4.
state (embodied in the traffic cop or court bailiff) with the Orthodox priesthood. The agent of a specific religious denomination walking in lockstep with an agent of the state in the course of carrying out state functions presents a clear challenge to the constitutional obligation of secularism, but it also forces a citizen—whether nonbeliever, Protestant, Catholic, or Mormon—into an uncomfortable situation in which a specific religious point of view appears to be sanctioned by the governing authority. Russia’s Constitution specifically guarantees that “[n]obody shall be forced to express his thoughts and convictions or to deny them.”39 However, if an Orthodox priest, with a police officer standing at his side, hurls Orthodox dogma at a driver for running an amber light, the driver could foreseeably be placed in such a position. Moreover, simply duplicating the practice with Buddhist monks or Muslim imams does nothing to relieve this burden on freedom from coercion or to correct the ensuing inequality and government endorsement of one or more select religions.

As Nikolai Mitrokhin has observed, “Kirill has already received more from Medvedev than [Patriarch Alexy II] got from Putin during his whole presidency.”40 Yet, in the Patriarch’s mind these mere perquisites—not unlike the Putin-era practice of government institutions adopting patron saints and official prayers, and building churches within state owned structures41—are indicative only of an innocuous church-state “partnership” and “fruitful cooperation.”42 According to Kirill, the absence of such agreements with certain other religious organizations active in Russia is not evidence of discrimination.”43 In the face of this favoritism “lite”, some observers, Mitrokhin included, have maintained that Kirill’s influence reaches “over a very narrow sphere—education, culture, spirituality—but not more than this.”44 Similarly, Irina Papkova writing in 2008 concluded that the ROC is “unable to exercise real social or political influence... at least where it concerns the federal plane of Russian life.”45

Kirill himself has expressed revulsion at the slightest implication that the ROC might enjoy anything approaching the status of an official church. Writing in 2005 to then U.S. Secretary of State Condoleezza Rice, Kirill demurred that there “are

39 Konst. RF art. 29(3).
40 Brian Whitmore, Russia’s Patriarch Increasingly Becoming Major Force in Politics, Radio Free Eur./Radio Liberty (Sep. 6, 2009).
41 Blitt, supra note 3, at 740–41.
42 Department for External Church Relations of the Russian Orthodox Church, Представитель Русской Православной Церкви поздравил Президента России Д.А.Медведева с днем рождения [Presetant of the Russian Orthodox Church Congratulates President of Russia Dmitry Medvedev on his Birthday] Sept. 14, 2009.
43 Letter from Metropolitan Kirill of Smolensk and Kaliningrad to Condoleezza Rice, U.S. Sec’y of State (Dec. 6, 2005) [hereinafter Letter from Kirill].
44 Whitmore, supra note 40.
45 Irina Papkova, The Orthodox Church and Civil Society in Russia, and: Russian Society and the Orthodox Church: Religion in Russia after Communism, and: Russkia pravoslavnaia tserkov: Sovremennoe sostoyanie i aktual’nye problemy [The Russian Orthodox Church: Contemporary Condition and Current Problems], 9 Kritika: Explorations in Russian and Eurasian History 481, 483, 485 (2008).
absolutely no grounds” to make such an assertion because ROC “clergy do not participate in the work of the state organs or political parties and movements,” and the Church operates without state funding of religious activity.46

From the present vantage point, however, the above conclusions and assertions downplaying the extent of the ROC’s influence on Russian government policy appear dubious at best. Examining developments in matters of greater gravitas—including education, the military, and foreign policy—it becomes untenable, even disingenuous, to profess that the clergy do not participate in the work of the state organs or that the Church operates without state funding. This underlying reality confirms two things: first, that the Church is successfully advancing a wide-ranging legislative and policy vision that extends beyond the narrow confines identified by Mitrokhin (which in any event already challenges Russia’s constitutional order). And second, that the Medvedev government has little regard for safeguarding separation of church and state or upholding human rights in Russia.

B. BREAKING THE ROC’S DOMESTIC GLASS CEILING

Metropolitan Hilarion Alfeyev’s open-ended vision of “noninterference” in the context of church–state relations is instructive for framing the extent of the ROC’s growing political muscularity:

And this is what we call noninterference: We on our side do not interfere . . . into concrete political affairs. Which does not mean that the Church does not express views on various political and social issues. On the contrary, the Church is free to explore not only purely theological or moral themes, but also themes related to history, related to present political situations, [and] to the future. And this is what I call noninterference.47

The doctrine of “non-interference” is mirrored in the nonexhaustive list of areas for church-state cooperation enumerated in the ROC’s Bases of the Social Concept.48 One of these areas where the Church has tirelessly pursued the opportunity to express its views is access to Russia’s military. Kirill has addressed elements of Russia’s military on numerous occasions. In Severodvinsk, Russia’s largest military shipyard, he called upon workers to harness Orthodox Christian values to reinforce Russia’s defense capabilities: “You should not be ashamed of going to church and teaching the Orthodox faith to your children...Then we shall have something to defend with our missiles.”49 On a separate visit to Russian sailors stationed in Sevastopol, the headquarters for Russia’s Black Sea Fleet, Kirill stressed the need to offer spiritual support to the military: “For warriors to be capable of [sacrificing their lives], we

46 Letter from Kirill, supra note 43.

47 Russian Archbishop Describes Limits of Noninterference in Church–State Ties, Ria Novosti (Sept. 18, 2009). Hilarion replaced Kirill as head of the Moscow Patriarchate’s external relations department following Kirill’s election to Patriarch.

48 See Russian Orthodox Church, The Bases of the Social Concept [hereinafter Bases of the Social Concept].

49 Whitmore, supra note 40
must support them with our prayers, while clergymen should be working with the armed forces. 50 In another ceremony held at the Strategic Missile Forces Academy in Moscow, Patriarch Kirill presented the Commander of the Missile Forces with a banner emblazoned with the image of the Holy Great Martyr Barbara. 51 Kirill opined that "such dangerous weapon [sic] can be given only to clean hands—hands of people with clear mind, ardent love to Motherland, responsibility for their work before God and people." 52 The Patriarch also reminded the audience that the Church had been teaching Orthodox culture at the Academy for thirteen years and that over 1,600 officers and members of their families had graduated from that program. 53

These episodes, with their heady mix of military hardware and Orthodox pageantry, further complicate the entanglement of church and state. Under Putin, practices including the blessing of the President's nuclear launch code briefcase and the sprinkling of holy water by a ROC priest on a S-400 Triumph surface-to-air missile system during a ceremony broadcast on national television became commonplace, ostensibly to strengthen statehood and state security. Remarkably, despite the Church's vehement objection to "consecrat[ing] places that can serve a 'double purpose' and establishments directly or indirectly encouraging sin," 54 no high-level ROC priest has objected to sanctifying weapons of mass destruction 55 or the successor agency to the KGB, the institution responsible for defiling and laying waste to the Church under Soviet rule.

More troubling still, this comingling of church and military has reached new heights under Medvedev's rule. In 2009, the president announced his intention to support on "an ongoing basis the work of chaplains from our traditional Russian faiths in our Armed Forces." 56 This sea change in policy—pursued by the ROC during the eight years of Putin's rule but never officially attained 57—signals a dramatic deepening of the church-state relationship. In Medvedev's view, the new chaplaincy program is intended to "help strengthen the moral and spiritual foundations of [Russian] society," as well its "multiethnic and multireligious" unity. 58 However,

52 Id.
53 Id.
54 Patriarch Kirill Believes It Unacceptable to Consecrate Nightclubs and Restaurants, Interfax, Dec. 23, 2009. For Kirill, places that can serve a "double purpose" appear limited to "night clubs, discos, restaurants, [and] shops selling dubious production." 55 For example, when asked whether he thought it was inappropriate for the Church to bless "all kinds of weapons," Kirill replied, "[p]riests do that when they are asked." Interview with Russian Orthodox Metropolitan Kyrill [sic]: 'The Bible Calls it a Sin,' Spiegel Online Int'l, Jan. 10, 2008.
56 President Dmitry Medvedev, Opening Remarks at Meeting on Teaching the Fundamentals of Religious Culture and Secular Ethics in Schools, and the Introduction of a Chaplains Institute in the Armed Forces (July 21, 2009) [hereinafter Medvedev Opening Remarks].
57 Even prior to Medvedev's formal approval of military chaplains, over 2,000 Orthodox priests ministered to soldiers on a voluntary, unofficial basis. Blitt, supra note 3, at 741. This allowed for a situation whereby "o[n]ly the Orthodox clergy [were] entitled to give ecclesiastic guidance to the military." Zarakhovich, supra note 6.
58 Medvedev Opening Remarks, supra note 56.
some critics of the program have voiced concern that the ROC is better-situated than other “traditional” faiths to capitalize on state-sanctioned access to the military, in part because of its “nationwide infrastructure of seminaries and colleges to train priests” for missionary work, something the Muslim, Jewish, and Buddhist faiths do not share. This head start has in turn prompted concern that members of the military who adhere to other faiths will either go without spiritual care or be led to Orthodoxy as a more accessible alternative.

Even if the three other “traditional” religious groups manage to train and field their own chaplains, the state is poised to reject their admission into the military. The terms governing the chaplaincy program require adherents of a “traditional” religious faith to account for 10 percent of a military unit before the state will authorize an official chaplain. According to a recent Russian Defense Ministry survey, 83 percent of soldiers identifying themselves as religious adherents are Orthodox. Based on this official government statistic, it appears unlikely that any of the “traditional” religious minorities will be able to satisfy the 10 percent per unit bar with any regularity. Coincidentally, the 10 percent hurdle endorsed by Medvedev marries well with the ROC’s desire to retain a monopoly—or at least a very tightly guarded oligopoly—over access to the Russian military. As early as 1995, the Moscow Patriarchate told military officials that if its access to the armed services could not be exclusive, only Muslim clerics should be tolerated, and no other religions should be permitted to “penetrate” fighting units.

Patriarch Kirill, a longstanding advocate of inserting Orthodox clergy into Russia’s military, was quick to praise Medvedev’s plan to admit clergy into the ranks of the military. Shortly after the President’s historic proclamation, Defense Minister Anatoly Serdyukov announced that he would “hire up to 250 clerics and would pay their salaries.” By December 2009, thirty ROC priests were already selected, and some dispatched, to serve at Russian military bases, including in the North Cauca-
sus. The state, therefore, is now paying the ROC directly for its religious activities, and the ROC’s priests, in turn, have become agents of the state. Notably, much of the development of the chaplain system is taking place by administrative decree, outside formal legislative channels. This procedure has given rise to concerns over the implementation of the framework that will govern rights and obligations of clergy, their responsibilities, and their competences. For its part, the Church reportedly is preparing “a textbook of Orthodox Christian culture for conscript servicemen” and is developing methods for countering the “penetration of totalitarian sects, especially neo-pagans, to the army.”

Putting aside the 10 percent rule for “traditional” faiths and the methods used to implement the program, the most troubling aspect of the military chaplain program stems from its confirmation that the preambulary distinction between “traditional” and “nontraditional” faiths contained in the 1997 Law on Freedom of Conscience has become the law of the land. As a consequence of this distortion, the President is able to freely divide religious groups into three tiers, with each assigned a distinct degree of privilege or lack thereof: first, the Russian Orthodox Church; second, the other “traditional” faiths, which are afforded the opportunity to operate with the blessing of the government, at least on paper; and finally, the so-called nontraditional faiths, which are saddled with government-sanctioned barriers of discrimination that obstruct the ability to practice faith and service communities freely and equally. By giving legal effect to the distinction between “traditional” and “nontraditional” religious groups under Russia’s plan for military chaplains, the program facially discriminates against certain religions without anything more than a preambulary reference as the basis for establishing such a distinction in the first instance. As currently implemented, the program goes beyond what President Putin permitted and stands in stark contradiction to the Constitution’s guarantees of equality, nondiscrimination, and freedom of religion.

Church access to the public education system represents a second long-coveted area where Medvedev has seen fit to extend the ROC’s influence. During his address announcing the military chaplain program, the president endorsed teaching the
fundamentals of religious culture and secular ethics in Russia's schools. The ROC has for many years advocated introducing such a course, as an opportunity to infuse the state's educational curriculum with traditional Orthodox values. In the official view of the Church,

it is desirable that the entire educational system should be built on religious principles and based on Christian values. . . . The danger of occult and neo-heathen influences and destructive sects penetrating into the secular school should not be ignored either, as under their impact a child can be lost for himself, for his family and for society.

In vowing to allow religious instruction in public schools, Medvedev stated that the new educational program would adhere to "fundamental constitutional provisions at every stage." However, implementation of the program is being driven by input from the representatives of only designated traditional religions, thus omitting from the outset all other so-called nontraditional faiths. Moreover, Medvedev's promise that "every legislative act in this area will have to be appraised by experts" offers little assurance for compliance with constitutional or human rights norms because Russia's record is mixed at best when it comes to employing "experts" to reach "objective" decisions.

Even if the pilot program currently being implemented in 19 regions under the banner "The basics of religious cultures and secular ethics" proves capable of providing adequate accommodation to students from religious minorities, based on the current discourse and track record of previous efforts such as the "Foundations of the Orthodox Culture" course, national deployment seems fated to generate another fault line of inequality and discrimination for religious minorities and nonbe-

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72 Medvedev Opening Remarks, supra note 56.
73 Bases of the Social Concept, supra note 48, art. 14(3).
74 Medvedev Opening Remarks, supra note 56.
75 Id.
76 Id.
77 For example, in February 2009, the Justice Ministry established an Expert Religious Studies Council. The U.S. Commission on International Religious Freedom (USCIRF) reported that this Council has "wide powers to recommend investigations of religious groups during the registration procedure, to assess if a registered community's activity is in accord with its charter, and to ascertain if an organization, one of its members, or the literature it produces or distributes is extremist." Yet, the Council is chaired by Aleksandr Dvorkin, an individual who lacks academic credentials as a religion specialist and is known as "Russia's most prominent 'anti-cult' activist." Other members of the Council include five ROC-affiliated individuals known for their "anti-sect" activities and attacks on the Protestant faith. U.S. Comm'n on Intl Religious Freedom, supra note XX, at 181-182 and 279.
Moreover, it is unlikely the ROC will abandon efforts to further influence the emerging curriculum if their desired outcome is not forthcoming. According to Metropolitan Hilarion, “[t]he time has come for the monopoly of Darwinism and the deceptive idea that science in general contradicts religion. These ideas should be left in the past... Darwin’s theory remains a theory. This means it should be taught to children as one of several theories, but children should know of other theories too.” In addition, the ROC continues to advocate that all students—regardless of religious persuasion—be required to study the specifics of “Orthodox culture” in some standalone framework: “the rising generation of citizens cannot fail to have basic notions of... icon painting, church architecture, and the historical path of the Orthodox Church.”

III. THE RUSSIAN ORTHODOX CHURCH AS A LYNCHPIN IN RUSSIA’S NATIONAL SECURITY AND QUEST FOR RESTORED SUPERPOWER STATUS

The policies discussed above represent significant “concessions from the secular government that [Kirill’s] predecessors had been trying to obtain for years.” But they are by no means the only concessions. Turning to the foreign policy arena, multiple points of cooperative overlap and commonality shared by the ROC and the Russian state underscore the breakdown of secularism and church-state separation, and further suggest that the continued disregard for Russia’s constitutional order has negative implications for the content and development of existing international human rights norms. This emerging church-state collaboration and mutual reliance has

80 For example, how will the schools determine what critical mass is necessary before a specific course is made available to an individual or small group of students? Similarly, in light of Russia’s constitutional guarantee that “[n]obody shall be forced to express his thoughts and convictions or to deny them”, what implications arise from potentially compelling an individual student to self-identify as a religious minority? Konst. RF art. 29(3).


82 Conor Humphries, Russia Church Wants End to Darwin School “Monopoly,” Reuters, June 10, 2010.

83 Patриарх Московский и всея Руси Кирилл — “известия”: “Церковная жизнь должна быть служением” [Patriarch of Moscow and All Russia, Kirill to Izvestiya: “Church Life Should Be Service”], Izvestiya (Moscow), May 12, 2009 [hereinafter Patriarch Kirill to Izvestiya].

been neglected in much of the existing literature analyzing Russian foreign policy. Patriarch Kirill today enjoys the ear of Russia’s Foreign Ministry and the Moscow Patriarchate plays a key role in both formulating and advancing Russian interests abroad. The Church’s interest in foreign relations is not limited to the “near abroad” former Soviet bloc states or its self-declared canonical territory. Rather, the Church actively seeks to engage with all other states where Russian Orthodox Christians may be living, provided they “voluntarily” join the Patriarchate’s jurisdiction. This purview is truly global, covering virtually every country as well as many major intergovernmental institutions. In Kirill’s mind, “The Church acts on equal footing as a subject of relations with different states and with international public and political organizations. We defend our values and promote the rights and interests of our congregations.”

Most of the ROC’s effort abroad is managed through its department of external church relations (DECR), which is tasked with the sweeping responsibility of “maintain[ing] the Church’s relations with Local Orthodox Churches, non-Orthodox Churches, Christian organizations and non-Christian religious communities, as well as governmental, parliamentary, inter-governmental, religious and public bodies abroad and public international organizations.” In practice, the DECR operates as a foreign ministry that hosts ambassadors, travels widely, and interacts with the United Nations (UN), European Union (EU), and Organization for Security and Cooperation in Europe (OSCE), among others. The Church’s foreign policy objectives are multi-pronged and diverse, yet they share a remarkable amount of overlap with the Kremlin’s perspective. As Patriarch Kirill observed in a letter to Foreign Minister Lavrov: “During your service as foreign minister, the cooperation between the Russian foreign policy department and the Moscow Patriarchate has considerably broadened.” The following section highlights several examples of this broad-
ened cooperation and demonstrates how the ROC and Russian government’s shared objectives compromise Russia’s secular constitution and respect for human rights generally, both abroad as well as at home.

A. “SPIRITUAL VALUES” UNDERPIN RUSSIA’S NATIONAL SECURITY

One of the central rhetorical pillars of Russia’s foreign policy is encapsulated in the constant if ironic refrain in favor of “spiritual values.” So pervasive is this notion that it has implanted itself at the apex of Russia’s strategic planning documents and is repeatedly invoked by Russia’s Ministry of Foreign Affairs (MOFA) as well as in speeches by President Medvedev and others. Yet this vague, seemingly nondiscriminatory concept in fact has a very specific and problematic meaning that is discernable in concrete policy ventures implemented abroad, and illustrates a governmental willingness to further burnish the already glossy—but nevertheless constitutionally verboten—patina of religious favoritism routinely demonstrated in the context of domestic affairs.

Russia’s National Security Concept (NSC) from 2000 garnered attention for its unusual emphasis on the need for “spiritual restoration.” According to this document, Russia faced a dual threat: internally by “the depreciation of spiritual values” which promotes tension in relations between regions and the center; and externally by “cultural-religious expansion into the territory of Russia by other states.” To eliminate these risks, the NSC called for inter alia, protection of the cultural, spiritual and moral legacy... the formation of government policy in the field of the spiritual and moral education of the population, and... counteraction against the negative influence of foreign religious organizations and missionaries.” Although the NSC invoked the generic term “spirituality”, in substance the policy objective intended the restoration of Orthodoxy specifically, and to a much lesser degree Russia’s other “traditional faiths.” Indeed, the NSC went on to brand foreign religious organizations a “negative influence”, despite the fact that many of these religions had existed in Russia for decades. The ROC had long endorsed this view, painting missionary groups as a threat to “the integrity of [Russia’s] national consciousness and our cultural identity,” bent on destroying Russia’s “traditional organization of life” and “the spiritual and moral ideal that is common to all of us.”

In 2008, the Medvedev government released a revised National Security Strategy

92 Pt. III, Id.
93 Pt. IV. Id.
94 Id.
95 Marat S. Sheterin & James T. Richardson, Local Laws Restricting Religion in Russia: Precedents of Russia's New National Laws, in Religious Liberty In Northern Europe In the Twenty-First Century, at 155 n.48 (Derek H. Davis ed., 2000).
(NSS) intended to replace the NSC. However, many aspects of Medvedev's plan embody a clear continuation of Putin's strategic vision. For example, "intelligence and other activities of special services and organizations, foreign governments and individuals" is listed as the primary threat to Russia's national security, beating out even the activities of terrorist organizations. The need to combat this bogeyman—ostensibly manifested under the guise of foreign religious organizations and non-governmental organizations (NGOs)—through the creation of various bureaucratic hurdles and other tactics is ripped directly from Putin's playbook and enthusiastically supported by the ROC.

To make more explicit this continuation in policy, Medvedev specifically singles out the perceived threat posed by religious and other organizations intending to disrupt Russian unity and territorial integrity, and destabilize the political and social status quo. Such groups have at various times been labeled as "weapons of destruction" designed to promote American geopolitical interests, and more recently, by a Russian court in the case of Scientology, as extremist and "undermining the traditional spiritual values of the citizens of the Russian Federation." This latter feat is impressive particularly in the face of a European Court of Human Rights (ECtHR) ruling rejecting Russia's decision to deny the same Scientology branches status as a religious group because they had not existed for at least 15 years in Russia.

Even Medvedev's stated belief that the "main idea" behind his NSS is "security through development" appears derivative of Putin's previous approach and

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98 Id.
99 For more on the Church's relationship to Russia's NGO law, see Robert C. Blitt, Babushka Said Two Things—"It Will Either Rain or Snow; it Either Will or Will Not": An Analysis of the Provisions and Human Rights Implications of Russia's New Law on Nongovernmental Organizations as Told Through Eleven Russian Proverbs, 40 Geo. Wash. Int'l L. Rev. 1 (2008).
101 Anderson, supra note 3, at 194.
102 UPI, Russia Bans Scientology Literature, Apr. 22, 2010.
103 Church of Scientology Moscow v. Russia, application no. 18147/02, April 5, 2007. Scientology now joins the Jehovah Witnesses and the collected works of Said Nursi on Russia's ever-lengthening list of banned extremist materials. As of July 2011, the list included 918 prohibited items (up from 614 items listed in March 2010). Federation Ministry of Justice, Федеральный список экстремистских материалов [The federal list of extremist materials].
creates prominent space for the role of spirituality and the ROC. Coincidentally also in 2009, the ROC and United Russia expressed their intent to “jointly decide... what their common values are and what modernization tasks must be accomplished” in the context of Russia’s development plans. The party of Putin and Medvedev then went on to assert that “Russian modernization should be based on Orthodox faith.” Conveniently, Medvedev’s NSS lays the groundwork for this by calling for greater cooperation with institutions of civil society, including religious groups.

Medvedev’s fallback on spirituality as the adhesive for a coherent national security policy generates significant opportunities for the Church to play an instrumental role in shaping Russia’s national development priorities, and as a natural extension of this, impacting Russia’s security policy and threat perception as well. Notably, all senior political figures in Russia are speaking from the same set of spirituality-infused talking points: at an exhibit on Orthodox Russia, Medvedev remarked that the “Intransient spiritual values of Orthodoxy and other traditional confessions have always been at the centre of our national identity.”

During an Orthodox Christmas Eve meeting with Patriarch Kirill at the ROC’s Danilov Monastery, Prime Minister Putin praised the Church for “educating citizens in a spirit of patriotic love for their country and passing on a love for spiritual values and history.” Speaking to the OSCE, Russia’s Deputy Minister of Foreign Affairs invoked spiritual values as a component of Russia’s security interests. And finally, Foreign Minister Lavrov has explained the Russia government’s interest in Orthodox religious sites outside of Russia as a natural extension of the “spiritual revival...taking place in Russia, [and] our return to spiritual values and shrines.”

To be clear, the ostensibly dogma-neutral concept of “spiritual development” entails a very particular meaning limited in the main to Russian Orthodoxy. This is evidenced in the active promotion of government-funded programs such as Days of Russian Spiritual Culture, as well as in Russia’s 2008 Foreign Policy Concept

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106 Remarkably, two separate analyses of the 2009 NSS fail to mention even in passing the central role envisioned for spirituality and culture in guaranteeing Russia’s national security. See Marcel de Haas, Medvedev’s Security Policy: A Provisional Assessment, 62 Russian Analytical Digest 2 (June 18, 2009) and Henning Schröder, Russia’s National Security Strategy to 2020, 62 Russian Analytical Digest 6 (June 18, 2009).
107 Church, United Russia want state-church partnership sealed by laws, Interfax, Dec. 1, 2009, [Factiva DANS00020091202e5c1000yrl].
108 United Russia considers Orthodoxy as moral basis for modernization, Interfax, Feb 17, 2010.
110 Medvedev’s Wife Visits Exhibition ‘Orthodox Russia’, Inter-Press, Nov. 4, 2009.
111 Alexandra Odynova and Galina Stolyarova, Church Calls For Return of Treasures, St. Petersburg Times, May 11, 2010.
114 This program is discussed in greater detail in Part III(B)(3), below.
(FPC) which, among other things, acknowledges that the Russian government “actively interacts with the Russian Orthodox Church and other main confessions of the country” for the purpose of strengthening Russia’s international security.

The discussion of how “spirituality” has infiltrated into Russia’s national security strategy rhetoric would be incomplete without also examining the connection between spirituality and culture in Russia’s NSS and FPC. From the content of these documents, it is clear that culture is deemed to include religion, and more particularly, Russian Orthodoxy. This linkage in turn generates additional points of entry for the ROC, from which it is able to further challenge the secular promise of Russia’s constitution. According to the NSS, national security threats within the cultural arena are exemplified in the domination of mass (i.e. western) culture targeting the spiritual needs of marginalized groups and the unlawful encroachment on cultural objects. To meet these challenges, the NSS endorses the paramount role of Russian (Orthodox) culture in reviving and preserving moral values and strengthening the spiritual unity of the multinational people of the Russian Federation. The FPC paints a similar picture, concluding that the increase in cultural and civilizational diversity necessitates creating a larger role for religion in shaping international relations. To facilitate this role, the document calls for engaging the “common denominator that has always existed in major world religions.” Minister of Culture Alexander Avdeev makes the equation of Russian culture with Russian Orthodoxy explicit: “Russian culture will flourish and remain the center of the national idea only if it will be in very close dialogue with the Russian Orthodox Church, if it is connected with the understanding that the spiritual and historical value are both sacred values.”

Confirming the Moscow Patriarchate's intent to take advantage of these entry points, its Basis of the Social Concept already endorses cooperation with the state in “spiritual, cultural, moral and patriotic education”, as well as “culture and the arts” more generally. For the Church, culture at its essence is religion. Metropolitan Hilarion has called for the “complete destruction of the wall between the

116 Part III "Priorities of the Russian Federation for addressing global problems", Id.
118 Part IV(7)(84), Id. "The task of strengthening the spiritual unity of a multinational—and multireligious—people may strike some as being contradictory. It is also questionable whether the promotion of such a task is rightfully suited to a secular government.
119 Part II “The Modern World and the Foreign Policy of the Russian Federation”, The Foreign Policy Concept of the Russian Federation, supra note 115. Use of the term “major world religions” implies an exclusive and discriminatory approach regarding which groups might reasonably be part of such engagement.
120 Russkiy Mir Foundation, Александр Авеев: Российская культура будет успешно развиваться только в сотрудничестве с Русской православной церковью, [Alexander Avdeev: Russian culture will flourish only in cooperation with the Russian Orthodox Church].
121 Part III(8) “Church and State,” Russian Orthodox Church, The Bases of the Social Concept, Russian Orthodox Church: Official Website of the Dept for External Church Rel.
122 Part XIV(2), “Secular science, culture and education,” Id.
Church and culture that was established in Soviet times,” and asserted that “If the Church does not take part in the country’s cultural life, culture is running the risk of turning into an anti-culture.” In a similar vein, Patriarch Kirill has reasoned that the ROC’s parishes abroad “fulfill a cultural mission. They are an important link between their Motherland and the people living far away from their native country. The parishes [enable children] to be educated in the spiritual and cultural traditions of their native country.”

Feeding into the government’s emphasis on spiritual values, spiritual revival, and spiritual development—or perhaps even as shorthand for all these terms—is the Russian notion of “spiritual security”, a concept embodying efforts to protect Orthodoxy by framing the threat of religious competition from missionaries and “non-traditional” faiths as endangering nothing less than Russia’s national security. In part, this protection is achieved through an alliance between the ROC and the FSB, as well as the burgeoning relationship with Russia’s predominant political party, United Russia. The ROC is at the vanguard of projecting spiritual security abroad as well: in its interactions with other “Sister-Churches”, the ROC defends “the national and spiritual identity of Russians”; and through collaboration with the MOFA, it “protect[s] the spiritual security of the Russian diaspora from non-Orthodox religions and especially from the spread of secularism.” Medvedev has allowed his administration to grow this exclusive partnership significantly. At the 3rd World Congress of Compatriots Living Abroad, Medvedev approved “the role of the Russian Orthodox Church and our other traditional confessions in reviving the spiritual unity of compatriots and strengthening their humanitarian and cultural ties with the historical homeland” and expressed his intent to “certainly continue contacts between the state and appropriate confessions.”

The outcome of this ongoing arrangement has the following symbiotic results: abroad, the government benefits from the ROC’s efforts as a willing partner in


124 Church Diplomacy Is not Just a Matter of Inter-Church Relations, supra note 88.

125 Anderson, supra note 3, at 194.

126 Julie Fedor, Russia and the Cult of State Security: The Chekist Tradition, From Lenin to Putin (Routledge, 2011), 162 and 168.


128 Id., at 8.

129 DECR, Patriarch Kirill attends the opening of the 3rd Congress of Compatriots living abroad, Dec. 1, 2009. Medvedev’s inclusion of “traditional confessions” rings hollow here. As part of the Congress, a meeting was held at the Danilovskaya hotel (within the Danilov Monastery compound, which serves as the patriarch’s official residence) entitled “The Russian Orthodox Church and other traditional confessions in consolidating the united spiritual space of the Russian World.” The substance of this meeting focused exclusively on increasing cooperation between the MOFA and the ROC abroad. See DECR, 3rd World Congress of Compatriots section meeting on “The role of the ROC and other traditional confessions in consolidation of united space of the Russian World”, Dec. 2, 2009.
reinforcing Russia’s “spiritual security”, which in turn boosts available channels for the projection of Russian power. On the home front, the government ensures that religious groups or “sects” deemed by the ROC to constitute a threat are sufficiently repressed. But the potential damage caused by the Russian government’s preoccupation with spiritual security runs deeper still. According to Julie Fedor, insofar as Russia’s FSB has “cloak[ed] itself in spiritual rhetoric, [it] will not only attain moral respectability, but will effectively place itself beyond the reach of any legitimate criticism, scrutiny or control.”

From this more contextualized vantage point—and even before considering practical ramifications—it would appear that the theoretical notions of safeguarding and promoting spiritual development, culture and spiritual security already establish a conceptual approach to foreign policy and national security that undercuts Russia’s constitutionally mandated secularism and separation of religion and state. To underscore the incongruity of this position, the vast majority of Russia’s own citizens appear to reject restoring and protecting “spiritual” values and culture as an overriding national security priority. According to recent polling data, only three percent of respondents shared the ROC and government’s perspective, whereas eleven percent considered the economic crisis and weak industry as the major threat facing Russia. Despite this reality check, as the next section demonstrates, the government and the ROC have worked diligently to put their rhetoric into concrete practice through a variety of tacit and intentional endeavors and partnerships. These tangible efforts more definitively confirm Medvedev’s willingness to encourage an expanded influence for the Moscow Patriarchate, as well as the enthusiasm both parties have for intensifying the relationship despite its toxicity for Russia’s constitutional directives of secularism, separation of religion and state, and nondiscrimination.

**B. PUTTING “SPIRITUAL VALUES” INTO PRACTICE IN RUSSIA’S SECULAR FOREIGN POLICY**

**I. Russian Orthodox Church- Ministry of Foreign Affairs Working Group**

In 2003 a delegation of ROC officials headed by Patriarch Alexy paid their first official visit to Russia’s MOFA. During their inaugural meeting, the two parties agreed to establish an official working group dedicated to developing policies intended to defend and deepen Russia’s “spiritual” values and the ROC’s interactions overseas. In Foreign Minister Lavrov’s words, the new working group would enable the Church and Foreign Ministry to work “together realizing a whole array

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130 Fedor, supra note 126 at 181.
131 Opinion poll: Only 3% of Russians think the lack of spiritual values to be a major national threat, Interfax, Jul. 13, 2009. Other threats most cited by those polled included alcoholism, drug addiction, and Russia’s shrinking population (9%).
of foreign policy and international activity thrusts,"133 including the maintenance of cultural and spiritual links with Russians abroad, the upholding of their rights, and preserving "the cultural and historic legacy of [the] Fatherland and of the Russian language."134 Cementing the ROC-MOFA partnership in the form of a permanent working group struck Lavrov as natural, reflecting "an age-old tradition of Russian domestic diplomacy."135

Meetings of the ROC-MOFA working group serve as strategy sessions that address the planning of the Patriarch's international travels and evaluate the ROC's activities in international organizations as well as developments in its inter-religious relations, including with the Vatican.136 From this vantage point, the Church's past and future actions are coordinated (and possibly modified) based on implications for—and advantages to—Russia's "secular" foreign policy. In this manner, the Church and MOFA operate in tandem to advance the state's foreign policy goals, including, for example, giving the ROC and "traditional" religious values greater prominence within the international system.137

At the same time, the existence of the working group is another tangible reminder of the ROC's special treatment, the inequality of other religious faiths, and the state's failure to abide by its constitutional obligations. This is particularly evident when the working group's substantive sessions are juxtaposed with the apathetic and intermittent efforts of MOFA's advisory council on cooperation with Muslim organizations. The latter group has met only a handful of times since its establishment in June 2007138 and has limited its discussions to the status and prospects of Islamic education, and problems encountered by Russian Muslims during the hajj to Saudi Arabia.139

2. The Russkiy Mir Foundation: A Chimera State-Church Foreign Policy Tool

In addition to the collaboration growing out of the ROC-MOFA working group, the government and Church have established additional avenues for coating Russia's foreign policy with a veneer of Orthodoxy. The Russkiy Mir (Russian World) Foundation140 is a quasi-governmental institution141 established by Vladimir Putin

134 Id. Lavrov has described the ROC as nothing less than "a huge mainstream of government actions in this sector."
135 Id.
137 Id.
140 The Russian word "mir" also means "peace" and "community".
141 It might also be considered a government-organized NGO, or GONGO.
in 2007 under presidential decree. The foundation's stated purpose is to “promot[e] the Russian language, as Russia’s national heritage and a significant aspect of Russian and world culture, and [to support] Russian language teaching programs abroad.”

More broadly, Russkiy Mir’s mission statement provides for “supporting, enhancing and encouraging the appreciation of Russian language, heritage and culture” by “showcas[ing] vibrant examples of Russian art and culture around the world” in the form of “artistic, musical, literary, and scientific contribution[s]” by Russia's “talented writers, artists and academics spreading and uniting Russian language and culture.”

The Russian government retains significant ties to Russkiy Mir because it operates as “a joint project of the Ministry of Foreign Affairs and the Ministry of Education and Science and [is] supported by both public and private funds.” At the foundation’s 2009 annual meeting, a statement by Prime Minister Putin hailed the “close cooperation established between the foundation and the government.” To be certain, this high level of cooperation is ensued by the presence of foreign minister Lavrov, Andrei Fursenko, Minister of Education and Science, and Sergey Vinokourov, Head of president Medvedev’s Office for Interregional and Cultural Relations with Foreign Countries, on Russkiy Mir’s board of trustees.

Coupled with its governmental linkage, the foundation also has developed an increasingly overt connection with the ROC. The Russian language version of the Russkiy Mir website elaborates no less than 17 main objectives of the foundation (beyond those cited above), including, at the very end of the list, interaction with the Russian Orthodox Church and other religions in promoting Russian language and Russian culture. As an outgrowth of this, much of the content posted to Russkiy Mir’s website is Orthodoxy-driven, consisting of a constant stream of entries seemingly unrelated to the mandate of advancing the Russian language. These stories carry headlines such as: “Russia’s Patriarch Visits Azerbaijan”, “Orthodoxy Should Become Foundation Of Russia’s Life - Patriarch Kirill”, “Russian Pilgrimage Center To Open In Jordan This Autumn”, “European Population Will Die If It Fails To Come Back To Its Spiritual Sources - Patriarch Kirill”, and “Patriarch Kirill”.

Electronic copy available at: https://ssrn.com/abstract=2008331
Interested In Space Travel."152

As noted, Russkiy Mir is ostensibly focused on the seemingly secular task of promoting the Russian language and related teaching programs abroad.153 At the time of its inception in 2007, no ROC representative was included either on the founding executive staff or board of trustees.154 Despite this apparent disconnect, Putin’s 2000 NSC explicitly foreshadowed the linkage between language and Russia’s “spiritual renewal” now embodied by Russkiy Mir:

The spiritual renewal of society is impossible without the preservation of the role of the Russian language as a factor of the spiritual unity of the peoples of multinational Russia and as the language of interstate communication between the peoples of the member states of the Commonwealth of Independent States.155

The NSC’s vision demonstrates that the ROC’s connection to Russkiy Mir is not a stroke of kismet, but rather part of a longstanding, long-term vision originally espoused by Putin and continued today under the Medvedev administration: Orthodoxy shall be promoted not only under the banner of an ostensibly more inclusive notion of spirituality or culture, but also as part of the government’s broader effort to safeguard the Russian language. Taking a deeper look at Russkiy Mir’s most recent interactions with the ROC, it becomes obvious that the relationship is intensifying as the foundation drifts away from its core mission of promoting the Russian language and wanders into the realm of disseminating an exclusively Orthodox version of spirituality and Russia culture abroad.

At the end of 2009, Russkiy Mir and the ROC entered into a formal cooperation agreement intended to solidify systematic collaboration. This milestone agreement calls for inter alia “strengthening the spiritual unity of the Russian world,”156 preserving the “spiritual, linguistic and cultural identity” of Russians abroad,157 and promoting structures created by the Moscow Patriarchate overseas,158 including or-

154 Id.
155 Id. Pt. IV, National Security Concept of the Russian Federation, supra note 91.
157 Department for External Church Relations of the Russian Orthodox Church, Подписано соглашение о сотрудничестве между Русской Православной Церковью и фондом "Русский мир" [An agreement on cooperation between the Russian Orthodox Church and the Foundation "Russian World"], Nov. 3, 2009.
158 Russkiy Mir Foundation, Заключено соглашение между патриархом Кириллом и фондом "Русский мир" [Agreement between Patriarch Kirill and "Russian World" Foundation], Nov. 3, 2009.
ganization of tours to Orthodox pilgrimage sites outside of the Russian Federation. \(^{159}\)

The agreement also acknowledges the importance of the ROC’s foreign activities, \(^{160}\) mandates that ROC representatives will be appointed to Russkiy Mir’s grant making council and board of trustees, \(^{161}\) and establishes a permanent ROC-Russkiy Mir working group. \(^{162}\)

The newly minted and far-reaching formal alliance between Russkiy Mir and the ROC places the Kremlin in a constitutionally untenable position. As a consequence of its direct financial and political support for the foundation, the Kremlin has created and sanctioned a proxy body that represents nothing less than a fusion of Orthodox and state institutions. Consequently, this chimera body—originally tasked with the modest goal of showcasing examples of Russian art and culture abroad—today embodies how gravely respect for secularism and religious equality has deteriorated within the context of Russia’s foreign policy priorities.

3. Support for Days of Spiritual Culture: “A Little Door, Tiny and Unnoticeable; and—Lo!—Faith Appears”

One of the projects to emerge from the ROC-MOFA working group is the “Days of Russian Spiritual Culture.” This program, part of a broader “Days of Russia” public relations initiative launched by the Russian government, is operated with support from Russia’s MOFA, the Ministry of Culture, and the ROC, among others. \(^{163}\) To date, the program has been a traveling roadshow of sorts, held in over a dozen states including Serbia, Croatia, Costa Rica, Venezuela, Brazil, Argentina and Chile. \(^{164}\) In 2010, the Vatican hosted a similar program, which included an “international theological forum…devoted to the common Christian roots of the Roman Catholic and the Eastern Orthodox Churches and the common tasks they are facing in today’s Europe.” \(^{165}\)

According to Foreign Minister Lavrov, the “Days of Russian Spiritual Culture” program offers “a series of meetings, exhibitions, film showings and concerts…and…joint divine services”\(^{166}\) to help acquaint others with Russian spiritual culture. Putting aside the question of whether the foreign ministry is operating ultra vires of

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\(^{159}\) An agreement on cooperation between the Russian Orthodox Church and the Foundation “Russian World”, supra note 157.

\(^{160}\) Id.

\(^{161}\) Agreement between Patriarch Kirill and “Russian World” Foundation, supra note 158. At present, the Orthodox Church enjoys a monopoly as the sole religious organization bestowed with a seat on the foundation’s board of trustees. Metropolitan Hilarion, Chairman of the Moscow Patriarchate Department for External Church Relations, represents the Church in this capacity. “Board of Trustees”, supra note 146.

\(^{162}\) An agreement on cooperation between the Russian Orthodox Church and the Foundation “Russian World”, supra note 157.

\(^{163}\) Russkiy Mir Foundation, Days of Russia to Take Place in Latin America for First Time, Oct. 9, 2008.

\(^{164}\) Latin America to celebrate the Days of Russian Spiritual Culture, Interfax, Sept. 30, 2008. See also Days of Russian Spiritual Culture in Serbia, The Voice of Russia, Sept. 15, 2010.

\(^{165}\) Vatican to hold Days of Russian Spiritual Culture, Interfax, Feb. 12, 2010. See also Russkiy Mir Foundation Information Service, Days of Russian Spiritual Culture Kick off in Vatican, Feb. 12, 2010.

\(^{166}\) Transcript of Foreign Minister Lavrov Remarks at Orthodox Easter Reception, supra note 133.
Russia’s constitution by actively promoting religious services, Lavrov’s description conveniently ignores the fact that the program is wholly Orthodox in orientation and directly pairs the Moscow Patriarchate with the state to the exclusion of all other faiths existing in Russia today.\textsuperscript{167}

More accurately, a program organizer describes the Days of Russian Spiritual Culture exhibit as designed to generate “positive public opinion” about the reunification of the ROC and the ROCOR, and highlight the revival of Orthodoxy and the restoration of its holy sites in Russia.\textsuperscript{168} A press release—coincidentally published by Russkiy Mir—explains that the “exhibition highlights the life of Russian churches today and spiritual development in society, the revival of sacred sites and the historic significance of the Russian Orthodox Church Outside Russia and its reunification with the Moscow Patriarchate.”\textsuperscript{169}

Beyond concerts by the Sretensky Monastery Choir for the “secular public”, the Foreign Ministry’s sponsorship of the program has facilitated sales of orthodox literature published by the Moscow Patriarchate,\textsuperscript{170} and “the introduction of modern Russian Orthodoxy to believers in Latin America.”\textsuperscript{171} When viewed from ground level, the Foreign Ministry’s support for “Days of Russian Spiritual Culture” has in fact embroiled the Russian government directly in the work of supporting ROC proselytizing abroad. Father Alexy Aedo, a Chilean native and Orthodox archpriest, lauds the program for help[ing to] draw [people] closer to the Orthodox faith because during...the Days of Russian culture, Chileans have had the chance to converse with clergy—with priests and hierarchs...people may be very far from the Church...until they become acquainted with a priest. The Lord God literally opens for them a little door, tiny and unnoticeable; and—lo!—faith appears.\textsuperscript{172}

In addition to actively sponsoring the ROC’s missionary efforts, the “Days of Russian Spiritual Culture” also advances Russia’s temporal foreign policy. According to Dmitry Kravtsov, director of “Russia House” in Buenos Aires, the program is

\textsuperscript{167} Remarkably, Lavrov in the same breath goes on to describe Russia as having “for centuries existed as a multinational and multiconfessional society.” Id.

\textsuperscript{168} Latin America to celebrate the Days of Russian Spiritual Culture, supra note 164.

\textsuperscript{169} Russkiy Mir Foundation, Days of Russian Spiritual Culture start at Vatican, May 19, 2010. See also Days of Russia to Take Place in Latin America for First Time, supra note 163.

\textsuperscript{170} Interfax, Sept. 29, 2008.


\textsuperscript{172} Hieromonk Paul Scherbachev, Opening a Door for the Lord in People’s Hearts: An interview, XIII(1) The Voice of Orthodoxy, Jan-Feb 2009.
important because it works to strengthen Russia's public diplomacy abroad. Mixed in with the icons and clergy, activities include sessions on promoting regional cooperation, strategic partnership and profitable investments. From this perspective, the "Days of Russian Spiritual Culture" initiative crystallizes the synthesis between Russia's foreign policy objectives and the active propagation of Russian Orthodoxy.

4. Facilitating an Exclusive Podium for Russian Orthodoxy on the International Stage

i. Sponsoring a UN Exhibit on the Spiritual Revival of Russia

The Russian MOFA also has sought to establish a prominent role for the Moscow Patriarchate within a variety of UN fora. Similar to the "Days of Spiritual Culture" program described above, Russia's Permanent Mission to the UN sponsored an exhibit at UN Headquarters in New York entitled "Russian Orthodox Church and Interreligious Dialogue: Spiritual Revival of Russia." While the title purported to emphasize "interreligious dialogue", the event's production and content reflected a transparent effort to undercut Russia's constitution and legitimate ongoing discrimination against so-called "nontraditional" religions in Russia. Remarks at the opening ceremony by then Patriarch Alexy glaringly excluded thousands of believing Russian citizens by proclaiming "we, Russian Orthodox Christians, Muslims, Judaists, and Buddhists, live in peace. And at the heart of this peace is our respect for each other's traditions, ways of life and social models."

Not to be outdone, Vitaly Churkin, Russia's Permanent Representative to the UN, affirmed this exclusionary and disingenuous view when he boasted that his Mission "wanted to show how modern Russia is addressing the challenging task of promoting interreligious and intercultural understanding." This brash statement came only months after the ECtHR ruled that Russia's effort to deny re-registration to the Salvation Army on the basis that it was a "paramilitary organization" amounted to an unjustifiable interference with the right to freedom of religion and association under the European Convention on Human Rights.


174 Days of Russia to Take Place in Latin America for First Time, supra note 163.


176 Id.


178 The Court inter alia found "no reasonable and objective justification for a difference in treatment of Russian and foreign nationals as regards their ability to exercise the right to freedom of religion through participation in the life of organised religious communities." ¶ 82. Case of the Moscow Branch of the Salvation Army v. Russia, (Application no. 72881/01), Judgment, Strasbourg, Oct. 5, 2006 (Final, Jan. 5, 2007) (internal notes omitted).
Pushing for a Consultative Council of Religions

During the UN General Assembly's 62\textsuperscript{nd} session, Foreign Minister Lavrov labeled the "spiritual and moral foundations of human solidarity" increasingly vital and proposed "establishing under the UN auspices, a special forum—a kind of consultative Council of Religions—for the exchange of views among representatives of major world confessions."\textsuperscript{179} Since this time, Russia has consistently and repeatedly advocated in favor of such a council across a variety of international fora\textsuperscript{180} as part of a methodical effort to increase the points of entry available to the ROC on the international level and in turn boost the projection of Russian state power. For example, the desire to establish a religious council has been a prominent selling point in Russia's bid to bolster ties with the Muslim world. In 2008, Lavrov invited the Organization for the Islamic Conference (OIC) to support Russia's UN initiative, framing the need for the council in the context of the "legitimate and growing role of the religious factor in the modern-day international relations."\textsuperscript{181} One former Indian diplomat familiar with the region described the move as a "major political initiative", elevating Russian standing in the Muslim world to a "qualitatively new level."\textsuperscript{182} Soon thereafter, Saudi Arabia and other Muslim states embraced Russia's proposal as part of the fourth forum of the "Strategic Vision Group: Russian and the Islamic World."\textsuperscript{183} The final communiqué issued by the group—which included representatives from the ROC\textsuperscript{184}—not surprisingly adopted a recommendation to endorse the Russian government's proposal for a consultative council.\textsuperscript{185}

While international interreligious cooperation may be a laudable objective, it is important to recognize that Russia's implementation of such an endeavor is rooted in its own skewed and exclusionary domestic vision for religious dialogue and intended to serve as a vehicle for boosting its own political power within a "polycentric"

\textsuperscript{179} Minister of Foreign Affairs of the Russian Federation, Address By Sergey V. Lavrov, Minister of Foreign Affairs of the Russian Federation at the 62nd Session of the UN General Assembly, New York, Sept. 28, 2007.

\textsuperscript{180} See Russia's Foreign Minister answers your questions exclusively, RT, Apr. 30, 2009, and Minister of Foreign Affairs of the Russian Federation, Transcript of Speech by Minister of Foreign Affairs Sergey Lavrov at the XIV World Russian People's Council, Moscow, May 25, 2010, (Doc. No. 719-25-05-2010). As if to confirm how closely the ROC and MOFA operate on the foreign policy level, it was the ROC rather than MOFA that set out for UN Secretary General Ban Ki-moon "the essence of Russia's proposal to create a consultative council of religions under the aegis of the UN." Minister of Foreign Affairs of the Russian Federation, Visit to the Russia of UN Secretary General Ban Ki-moon, Apr. 14, 2008, (Doc. No. 483-14-04-2008).

\textsuperscript{181} Minister of Foreign Affairs of the Russian Federation, Points of the address by the Minister of Foreign Affairs of the Russian Federation Mr. S. Lavrov at the XI Summit of the Organization of the Islamic Conference, March 13, 2008.

\textsuperscript{182} M. K. Bhadrakumar, Russia challenges US in the Islamic world, Asia Times Online, Mar 29, 2008.

\textsuperscript{183} The Strategic Vision Group was established in 2006 "to broaden cooperation between Russia and the Muslim countries." The group held its fifth meeting in December 2009. Kremlin.ru, Dmitry Medvedev sent his greetings to delegates and guests of the fifth meeting of the Russia-Islamic World Strategic Vision Group, Dec. 21, 2009.

\textsuperscript{184} Russia-Islamic World group backs Russia's proposal to set up UN religious council, Interfax, Oct.31, 2009.

international system. President Medvedev himself has confirmed this approach, stressing that such consultations “should help to address important issues such as the settlement of interreligious conflicts, [and] combating defamation of religions…” President Medvedev himself has confirmed this approach, stressing that such consultations “should help to address important issues such as the settlement of interreligious conflicts, [and] combating defamation of religions…” This gross distortion of Russia’s actual track record in the context of religious freedom, fundamental rights and tolerance is, not surprisingly, echoed by the ROC in its effort to preach the virtues of adopting Russia’s model on the global level. According to Archpriest Vsevolod Chaplin, head of the ROC’s department for church-society relations, Russia’s example of inter-religious harmony “is in demand in the world which increasingly understands that it is necessary to respect different civilizations with their religious or secular roots, their laws, rules, social models and political systems.” Yet the ROC plainly asserts that any cooperation with international bodies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), can only be achieved “on condition of constructive interaction with traditional religious communities” exclusively. In other words, before any “dialogue” can commence, minority and “nontraditional” faiths, as well others, must be left by the wayside or permitted merely as token participants.

The Russian MOFA’s continued advocacy of this type of international pseudo-interreligious engagement ratifies the discriminatory status quo that persists within Russia’s domestic context and reinforces the government’s unwillingness to respect

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186 Transcript of Speech by Minister of Foreign Affairs Sergey Lavrov at the XIV World Russian People’s Council, supra note 180.
187 Kremlin.ru, Dmitry Medvedev met with Director-General of UNESCO Koichiro Matsuur a and members of the high level group for interreligious dialogue under the aegis of UNESCO headed by Patriarch Kirill of Moscow and All Russia, Jul. 21, 2009.
191 Sergei Lavrov has expressed his conviction that only the “main world religions” can restore the “common moral denominator” underpinning the concept of rights, and that “harmonious development of all humanity is impossible without this.” Minister of Foreign Affairs of the Russian Federation Sergey Lavrov addresses the XV Assembly of the Council on Foreign and Defense Policy (Mar. 17, 2007), Info-Digest. Mar 21, 2007, at 3. For example, consider the ROC’s decision to break off a 50 year “dialogue” with the Evangelical Church in Germany (ECG) following the election of Bishop Margot Kaessmann as head of the Church Council. Archbishop Hilarion’s answers [sic] questions from Der Spiegel, Dec. 14, 2009, http://www.mospat.ru/en/2009/12/14/news10180.
its constitutional obligations. More problematically still, on the international level, such activities undermine existing international human rights norms by denying equal and nondiscriminatory treatment to all religious groups, and underpin a larger effort to upend traditional international human rights norms by generating political space for promoting, inter alia, a ban on “defamation” of religion and the downgrading of other recognized rights in light of so-called “traditional” and “religious” values.

iii. Sponsoring and Endorsing Patriarch Kirill’s Tirade Against Universal Human Rights

In between lobbying the UN and its individual member states for the establishment of a consultative council on religions and sponsoring Russia’s “spiritual” renewal in lockstep with the ROC, the Russia MOFA also facilitated a key speech by then Metropolitan Kirill to the UN Human Rights Council (HRC). In March 2008, the HRC held a discussion entitled “Intercultural Dialogue on Human Rights”, “[a]ctively supported by the Russian Federation and Russian Orthodox Church.” Metropolitan Kirill took this opportunity to lament his belief that:

The human rights approach has been...used to justify the outrage against and distortion of religious symbols and teachings...to impose a certain course of introduction to various religions in schools instead of teaching the basics of their own religion...In addition, there is a strong influence of extreme feminist views and homosexual attitudes to the formulation of rules, recommendations and programs in human rights advocacy, which are destructive for the institution of family and reproduction of population.

Further on in his address, Kirill stressed the need for a relativistic approach to


\[196\) The address of Metropolitan Kirill of Smolensk and Kaliningrad, Chairman of the Moscow Patriarchate DECR on the panel discussion on Human Rights and Intercultural Dialogue at the 7th session of UN Human Rights Council, Interfax, Mar. 18, 2008.

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international human rights, one that ought to be “implement[ed]…taking into account the cultural distinctive features of a particular people.” In closing, the Metropolitan (as he then was) called for the fundamental moral norms of “major world religions” to inform the development of international law as a means of avoiding “alienation and opposition of a considerable part of humanity to the [existing] global processes.” Shortly after the speech, the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations (CONGO) Sub-committee on Freedom of Religion and Belief decried the fact that “no government had criticized Metropolitan Kirill’s dismissive remarks about multi-cultural education and also about the rights of women.”

What is most remarkable about Kirill’s railing against 60 years of human rights development (to say nothing of his ignorance concerning the diversity of views included in the drafting of the Universal Declaration of Human Rights), is the fact that the Russian government went out of its way to publicize the event, in essence elevating Kirill to the status of government spokesperson. A survey of 150 “Info-Digests” published by Russia’s Permanent Mission to the UN between 2007 and 2010 reveals that Kirill’s speech was the only non-governmental event ever reported by that office. Further augmenting the impression that the Metropolitan’s words carried the weight of state sanction is the fact that Russia’s delegation in Geneva, in addition to promoting the address through its office, took the time to Xerox Kirill’s speech onto the Permanent Mission’s official government letterhead for circulation in both paper and electronic format. Likewise, the Information and Press Department of Russia’s Foreign Ministry distributed Kirill’s speech in its entirety, and supplemented it with a separate press release excerpting highlights from the Metropolitan’s address.

197 Id.
198 Id.
199 CONGO Committee on Sub-committee on Freedom of Religion and Belief, Draft Minutes of Meeting of 22 April 2008.
201 A copy of Kirill’s address on the Permanent Mission’s letterhead is on file with the author.

Electronic copy available at: https://ssrn.com/abstract=2008331
5. Enlarging the ROC’s Presence Abroad

Another way the Russian government has put the rhetoric of spiritual values into practice is manifested in its intimate involvement in enlarging the ROC’s physical and geographic reach abroad. Perhaps most dramatically, President Putin played an instrumental role in ending the 80-year schism between the ROC and the long-estranged Russian Orthodox Church Outside Russia (ROCOR). The merger brought the ROCOR’s 400 parishes and 400,000 members worldwide within the fold of the Moscow Patriarchate. As the Wall Street Journal observed at the time, “The [ROC] gains influence in the U.S., Western Europe and South America, where it had little presence. Mr. Putin also gains. The [merger] blunts what has been one of his largest group of critics—Church Abroad clerics who regularly attacked his policies and human-rights record.”

Although the accord ostensibly preserves the ROCOR’s autonomy in organizational and economic matters, this assurance has proven inadequate for assuaging the concerns of many ROCOR clergy and parishioners who believe the Moscow Patriarchate has failed to adequately address its legacy of KGB infiltration or sufficiently insulate itself against current Russian government interference. On this latter point, it is instructive to note Foreign Minister Lavrov’s observation that the signing of the Act of Canonical Communion heralded “a new stage in our efforts to consolidate the Russian World” and a means of ensuring stability and a “just world order.”

More directly, President Medvedev welcomed the Moscow Patriarchate’s growing significance as a force for securing Russia interests abroad, and pointed to the ROC-ROCOR merger as the first step in consolidating Russia’s “near abroad”:

We support the Church’s efforts to strengthen the fraternal ties between Russia and its close neighbours. We are separated by national borders but we share a common past and common historic destiny...[The reunification of the ROC and ROCOR] gave decisive impetus to consolidating the Russian world, making our ties with our compatriots all around the globe stronger than ever.

In Medvedev’s view, part of strengthening ties with compatriots abroad means ensuring a local foothold for ROC churches and clergy. Accordingly, the Russian government has been a strong proponent of building new Orthodox churches and

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203 David Holley, Russian Orthodox Split is Mended, L.A. Times, May 18, 2007. The split occurred in the 1920s when members of the Russian Orthodox faith severed ties with the Moscow Patriarchate in response to Patriarch Sergy’s decision to swear loyalty to the communist government.


205 Estimates put the number at almost one third of ROCOR’s clergy pre-merger. See Sataline, Id., and Alexander Osipovich, Pushing 2 Churches Closer to Each Other, Mosc. Times, Feb. 12, 2008.

206 Oleg Kalugin, Spymaster: My Thirty-Two Years in Intelligence and Espionage Against the West (2009), at 225-226 (discussing the KGB’s “nearly total control” of the ROC “both at home and abroad.”).

207 Diplomacy Needs a Moral Foundation, supra note 138.

208 President Dmitry Medvedev, Speech at a Reception Given by the President of Russia in Honour of Senior Clergy Who Took Part in the Russian Orthodox Church Local Council (Feb. 2, 2009).
pursuing ownership claims against property currently maintained or controlled by Russian Orthodox communities that have either grown estranged from the Moscow Patriarchate or are actively affiliated with the Constantinople or Ecumenical Patriarchate.209

New Orthodox churches are being built across the globe, situated in far-flung and often strategic locales such as Africa,210 Argentina,211 China,212 Tokyo, Havana,213 Thailand,214 Madrid,215 and the United Arab Emirates.216 According to Patriarch Kirill: “our parishes [abroad] fulfill a cultural mission. They are an important link between their Motherland and the people living far away from their native country.”217 But Kirill has also opined that new churches operate as “another bridge to unite” Russia with other nations.218 To be certain, the construction of new churches represents more than just a facility for providing spiritual succor to an Orthodox Russian flock now living in a global village. As journalist Geraldine Fagan has observed, “One of the very few things the Soviet government ever encouraged the Russian Orthodox Church to do was promote national interests abroad.”219 And this is precisely what ROC churches abroad are doing today. In the words of one high-level Russian government official, new church construction is “a very important event even for Russia's secular power.”220

To be certain, the ROC does not undertake the impressive task of building new onion-domed churches singlehandedly. Russia's MOFA is virtually omnipresent in the Church's construction efforts abroad. Sergei Lavrov has stated that the MOFA and its diplomatic missions abroad “comprehensively help the expansion of the pres-

209 See Alicja Curanovic, The Attitude of the Moscow Patriarchate towards Other Orthodox Churches, 35(4) Religion, State & Society 301-318 (Dec. 2007). See also Archpriest Vsevolod Chaplin wants Russia to become “Byzantium without its faults”, Interfax, Feb. 29, 2008, (According to Chaplin, Byzantium “has reincarnated in Russia.”)
211 A new Russian church to be constructed in Argentina, Interfax, Nov. 7, 2008.
212 Department for External Church Relations of the Russian Orthodox Church, An Orthodox church consecrated in the territory of Russian embassy in Beijing, Oct. 13, 2009.
213 Orthodox Church spreads Kremlin's word, Intelligence Online, March 11, 2010 (Factiva Doc. No. INT-000020100414e4e5e00060).
215 Department for External Church Relations of the Russian Orthodox Church, Russian Orthodox Church to be given a plot of land for building a church in Madrid, June 24, 2010.
217 Payne, supra note 127, at 6.
220 Putin's visit to UAE to consolidate RFs positions in Arab world, Organization of Asia Pacific News Agencies, Sept. 4, 2007.
ence of the Russian Orthodox Church." What this means more specifically, Lavrov explains at length:

The Foreign Ministry of Russia actively helps communities of the Russian Diaspora, even to meet their spiritual needs. And, whenever our compatriots say they want to build a church, we begin working on the matter in close cooperation with [ROC] leaders... and the host country concerned. This is also so when it comes to transferring the property rights to temples that are monuments of Russian culture and faith back to Russia. We proceed from the assumption that the establishment of spiritual life is one of the key factors in the well-being of the Russian Diaspora.

The most prominent recent example of this commitment came in February 2010 when the Russian government "went to extraordinary lengths" to emerge as the highest bidder for a two acre plot of land abutting the Seine River in downtown Paris, "à deux pas de la tour Eiffel." Despite president Medvedev’s office publicly pitching the project as a generic "spiritual and cultural center", all other indicators—including a 2007 meeting between President Nicolas Sarkozy and then Patriarch Alexy II point to the upmarket property as being earmarked for exclusive use as a Russian Orthodox Church and "seminary for educating priests." Indeed, the Russian government’s international architectural competition that closed in October 2010 more candidly sought the “best design” for a “Russian Orthodox Religious and Cultural Center...intended as a place for meetings, cultural events and spiritual nourishment for the Russian community and for introducing Parisians to the Russian Orthodox culture.” The construction cost for the winning design announced in March 2011 is estimated at upwards of $50 million dollars, while the purchase

221 Ministry of Foreign Affairs of the Russian Federation, Russian Minister of Foreign Affairs Sergey Lavrov Interview with RIA Novosti on Russian Relations with the Countries of Latin America and the Caribbean Basin, Nov. 17, 2008, (Doc. No 1830-17-11-2008), http://www.in mid.ru/rp-4msf/678a48070f1287b4325699005bcbb3/40dff07826435c32575230309f19?open(emphasis added). The interview also underscores the secular importance and relevancy of Latin America for Russian foreign relations.

222 Diplomacy Needs a Moral Foundation, supra note 138.

223 Among other steps, it "employed a French lobbying firm to get across the message: the Kremlin would consider a sale to anyone else an 'unfriendly act.'" Matthew Campbell, Onion domes to rise in Paris, The Sunday Times, June 6, 2010 (Factiva Doc. No. ST0000000210060566660005e).


225 Jauvert, supra note 224.

226 Department for External Church Relations of the Russian Orthodox Church, A Russian Orthodox church to be built in downtown Paris, Feb. 9, 2010.

227 Putin thanks France for decision to build Russian spiritual center, ITAR-TASS World Service, June 11, 2010 (Factiva Doc. No. TASS0000201006061666600005).

228 Department for External Church Relations of the Russian Orthodox Church, International contest for best design of Russian Orthodox Religious and Cultural Center announced in Paris, Oct. 1, 2010.

price of the land acquired by the Russian government has been pegged at nearly $100 million dollars.\textsuperscript{230}

Plainly, the Russian government’s commitment to this decidedly high-priced transaction demonstrates its utter disregard for the constitutional propriety of expending state funds abroad to promote a single privileged faith.\textsuperscript{231} It also confirms the fact that in its view, the term “spirituality” translates not into “traditional” Buddhism, Islam or Judaism (to say nothing of other so-called “nontraditional” faiths), but rather into Orthodoxy alone to the exclusion of all others. The government’s decisive action in this case also begs the further question: precisely what interest is advanced by building a landmark Russian Orthodox Church in a city where the majority of Russians—immigrants from the Bolshevik revolution—already have a church, and in any case are affiliated with the Ecumenical Patriarchate and thus do not recognize the Moscow Patriarchate’s jurisdiction?\textsuperscript{232} This conduct is rendered more dubious against the backdrop of hundreds of rural churches in Russia lying in disrepair and hundreds of thousands of Russian Orthodox parishioners living in poverty.\textsuperscript{233}

The government’s active support for repossessing old churches and building new ones underscores that these facilities are not mere houses of worship; rather, they operate as concrete manifestations of Russia’s willingness to avail itself of the Church as a potential lever of soft power. As a means of further facilitating this relationship—and expanding its own geographic reach—the Moscow Patriarchate appears willing to contravene its own doctrine of “canonical territory”, an ecclesiastic rule which posits the principle of “one city—one bishop—one Church.”\textsuperscript{234} Daniel Payne observes that the “establishment of multiple churches in a single territory goes against the ecclesiological basis of the Orthodox Church.”\textsuperscript{235} However, this is precisely what the ROC is poised to do in a variety of locales. The manner in which the ROC has pursued the establishment of churches abroad betrays that the strategy is in no way intended to be limited or restricted to the narrow rationale of providing “full-fledged, effective spiritual support to its flock.”\textsuperscript{236} As noted above, one of the express purposes of the new Orthodox Church planned for Paris is to share Orthodox “culture” with Parisians at large, not only existing Orthodox parishioners. In fact, the ROC has exhibited a tendency to stray beyond even the most generous reading of canonical

\textsuperscript{230} Jauvert, supra note 224.

\textsuperscript{231} The government will provide the Moscow Patriarchate with exclusive use of the property at no charge. Alexander Soldatov, Широкорытситетпроклалячаткоев [Wide Strides for the Orthodox Church], Novaya Gazeta, No. 18 Feb. 19, 2010.

\textsuperscript{232} Id.

\textsuperscript{233} Id.


\textsuperscript{235} Payne, supra note 127, at 14.

\textsuperscript{236} Patriarch Alexy II, The Russian Orthodox Church in the Modern World: The International Activity of the Russian Orthodox Church, 55 Int’l Affairs 2 (2009) (Moscow, All-Union Society “Znaniye”).
IV. A VICIOUS CIRCLE: INTERNATIONAL EFFORTS TO DEGRADE HUMAN RIGHTS REINFORCE RIGHTS VIOLATIONS AT HOME

The Orthodoxy-tinged foreign policies currently advocated by Russia and the Moscow Patriarchate augur grave implications for the scope, coherence and enforcement of existing international human rights norms. In essence, these policies demonstrate a willingness to constrain freedom of thought, conscience, religion or belief, and reduce the free exchange and expression of ideas on a global level. Furthermore, by insisting on a role for so-called “traditional values” in informing universal human rights norms, Russia has sanctioned the unlocking of a relativistic Pandora's box full of detrimental practices such as female genital mutilation and discrimination against women and religious minorities—to say nothing of Orthodox traditional values that reject rights for homosexuals, “non-traditional religions”, and others. As Patriarch Kirill has asserted: “The [Orthodox] religious tradition...contains a criterion for discerning good from evil. From the perspective of this tradition, the following cannot be accepted as normative: mockery of sacred things [i.e. blasphemy], abortion, homosexuality, euthanasia and other actions that are actively advocated today by the concept of human rights.”

Meanwhile, the government and ROC energetically use the challenge mounted against human rights law on the international level to legitimate further hostility towards these norms at home. This is evident across a variety of areas, including discrimination against religious and other minority groups, and the prosecution of “defamation of religion” offenses. For example, Patriarch Kirill continues to denounce gay pride parades as a “blatant display of sodomy” that “degenerates public morality.” In 2010, the ROC “welcome[d] solidarity between the government and society in rejecting sex minorities’ attempts to hold a gay pride parade in Moscow.” According to the Moscow Patriarchate, the gay pride parade—banned in Moscow since 2006—symbolizes a challenge to “the values of traditional religions...[designed] to erode the clear borderlines between the good and the

237 Whitmore, supra note 40.
238 Russian Church to help expand dialog between United Russia and western conservatives, Interfax, May 31, 2010.
Despite an ECtHR ruling that Russia's ban violated rights to free assembly and nondiscrimination, the government—with ringing endorsement from the Church—continues to dispatch police forces to break up gay rights protests and related gatherings.

Russia's efforts to promote an international norm prohibiting defamation of religion also lend legitimacy to the government's parallel willingness to prosecute related offenses under the guise of incitement in domestic courts. The ROC continues to be a steadfast proponent of such laws as well as the organization that primarily benefits from its enforcement. For example, one art exhibition entitled "Forbidden Art" landed the organizers in court, where a judge branded the artwork on display "a public offense to Christianity" and concluded the organizers were guilty of inciting hatred. This trial, "allegedly instigated by elements within the Moscow Patriarchate," followed the heels of a similar lawsuit filed against a 2003 art exhibit entitled "Caution, Religion!" In the latter case, after an "organised group of self-professed Orthodox believers" ransacked the exhibit, the state opted to prosecute the exhibit's organizers for "inciting hatred and enmity" under the same provision of Russia's Criminal Code. At trial, the prosecution led testimony from six expert witnesses, none of whom had a background in contemporary art. The court convicted the defendants and fined each in the amount of $4,000. On appeal, the Moscow City Court upheld the judgment in its entirety.

V. CONCLUSION

In the short timespan of three years, the Medvedev–Kirill partnership has opened multiple new channels of influence for the ROC in Russian social and political life, handed the Church its long-coveted prizes of access to the public education system and the military, and continued to entrench a discriminatory three-tiered status system for religious groups. Much of this activity is premised on rhetoric—
endorsement of “spiritual values”—or more accurately Orthodoxy—as a glue for national security and Russian identity. These growing channels of influence are reinforced by a burgeoning—if similarly constitutionally suspect—role for the ROC in the formation and execution of foreign policy. This latter ROC-state partnership—manifested in efforts to supplant universal human rights norms and give credence to the belief that certain select religions merit greater influence than others in the formulation of international rules—indicates that the Kremlin’s disregard for constitutionally-mandated separation of church and state generates negative implications on the international level as well. Moreover, espousal of these international policies in turn reverberates within Russia’s domestic realm to exacerbate an environment already hostile to human rights.

Ultimately, the current ROC-state dynamic—premised on the creeping infusion of religiosity and discriminatory treatment into official state policy—leaves both parties as deliberate collaborators in the ever-worsening collapse of Russia’s constitutional order and respect for human rights. Disturbingly, this relationship also carries the toxic risk of compromising the Church’s post-Communist independence and bringing about a return of the subordination of the Russian Orthodox faith to the Kremlin’s political diktats. Given this state of affairs, the church-state relationship is likely to prove a critical focal point as Russia moves towards 2012 presidential elections. To maintain its privilege of place, the Moscow Patriarchate likely will be expected to rally behind Putin’s orchestrated return to power in 2012, and also potentially open itself up to greater government control and influence. At the same time, Putin is likely to further incentivize the ROC in exchange for securing its public endorsement as well as for the validating function it will play in blessing the pretense of democratic rule in Russia.
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SECULARISM AND RELIGIOUS FREEDOM

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