

**RELIGIOUS LIBERTY IN COMPARATIVE PERSPECTIVE:
THE CATHOLIC CHURCH'S THEOLOGICAL ODYSSEY AND THE BASES OF
THE SOCIAL CONCEPT OF THE RUSSIAN ORTHODOX CHURCH**

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How does a church which believes itself to be the one true church react when it finds itself in a pluralistic society and a secular democratic state? Both the Russian Orthodox Church and the Roman Catholic Church have faced this situation, in different historical circumstances, and have struggled with it. Among the characteristics of the modern democratic state that has been particularly difficult to deal with is the principle of religious liberty.¹ Such an idea seems like a major challenge to any church – or any religion, for that matter – which believes itself to be the foremost source of truth. If we know the truth, and everyone else is in error, how can we tolerate being on the same level with them from the perspective of the state? This paper will examine some theological approaches to religious liberty that have appeared in the Roman Catholic church at various times. We will then compare these various approaches with the statements on religious liberty in the “Bases of the Social Concept of the Russian Orthodox Church,” which in 2000 became the first comprehensive official document on social ethics to be issued by an Orthodox Church.² As we will see, The Russian Orthodox Church takes a rather ambivalent stance on religious liberty, raising the question of whether the tenuous character of Russia’s democracy today is partly due to a lack of support for genuine democracy from the church.

¹ This principle is also referred to variously as “religious freedom” or “freedom of conscience.” While these terms can be distinguished, they will be used interchangeably here.

² This document was issued by the Jubilee Bishops’ Council of the Russian Orthodox Church, August 13-16, 2000, in Moscow, and is available online at <http://www.russian-orthodox-church.org.ru/sd00e13.htm>

Development of the Catholic Teaching on Religious Liberty

Early in the twentieth century, some Catholic theologians responded to supporters of religious liberty with the statement that “error has no rights!” i.e., other religions did not deserve to be tolerated because they were false. Thus, the principle of the freedom of conscience was firmly rejected, and for many years the Catholic church’s official position on the relationship between church and state was that the Catholic Church should enjoy a privileged position as the established church in every country where it existed. Having enjoyed various forms of political power for so long, the Catholic Church was having trouble coming to terms with its new status after the Reformation, the French Revolution, and other events which forced it out of its privileged position. But as it became clear that there was no going back, the Catholic Church resigned itself to the new world order. In America and elsewhere, theologians adopted the approach that, although the ideal situation for the Catholic Church was to be the established church in a country, other situations could be tolerated because they prevented worse evils. Religious liberty and the separation of church and state had to be accepted – reluctantly – because the alternative (establishment of the Catholic Church by force) was impractical and could cause great conflict and bloodshed – as Western Europe had learned from the wars of religion.

Part of why the Catholic Church found the principle of religious liberty so distasteful was that it first encountered it in the context of the French Revolution. Liberty, in the French context, was defined in a virulently anti-religious, anti-clerical form, and meant the complete expulsion of religion from public life. It was in reaction to such notions of religious liberty that Catholic theologians developed their arguments against it. Even as other concepts of religious liberty developed and became mainstream in much of Europe, the Catholic Church continued its argument in similar terms.

Catholic arguments against religious liberty also were characterized by an assumption that the great mass of the population was not educated; in such a situation, religious liberty would simply allow unscrupulous people to manipulate the uneducated masses if they were not protected by a state church. There was a certain amount of paternalism in such arguments that became less convincing as the level of education rose among Western Europeans.³

³ See John Courtney Murray. *Religious Liberty: Catholic Struggles with Pluralism*. Edited by J. Leon Hooper, S.J. (Louisville, Kentucky: Westminster/John Knox Press, 1993), pp. 158ff. for a discussion of Pope Leo XIII as responding to the reality of illiteracy in his day, and p. 173 for Murray’s statement that the current reality requires a less “archaistic” response.

Though the principle of religious liberty gained increasing public support after World War I, the official Catholic view of religious liberty remained clearly negative until the Vatican II Council in the 1960s. In the decade prior to Vatican II, the great American Catholic theologian John Courtney Murray began to try to show that religious liberty and Catholic doctrine were actually compatible. Yet Murray encountered great resistance among other Catholic theologians. In 1955, he was silenced by his Jesuit superiors, and instructed not to write on the topic at all. But, in one of the most dramatic theological reversals of the twentieth century, his silencing was overturned and he was invited to the Second Vatican Council. Portions of his argument were adopted in the Vatican II document on religious liberty entitled *Dignitatis Humanae*. The Catholic Church had become a full supporter of the principle of freedom of conscience.

Murray successfully explained that the previous Catholic arguments had been largely shaped by their historical circumstances, and were no longer appropriate. He showed that the principle of religious liberty had moved far beyond the early formulations of the French Revolution, and had in fact become a more general principle which enjoyed a broad consensus in international society. Such an international consensus meant that the Catholic Church needed to take the issue seriously. Finally, and this is the key point, Murray demonstrated that the principle of religious liberty had much in common with Catholic beliefs about the dignity of the human person as created in the image of God. People throughout the world were becoming more aware of this dignity as “an objective truth manifested to the people of our time by their own consciousness” – a truth which had long been asserted by Christianity, but one whose political implications were beginning to be understood in a deeper way.⁴ The Catholic church begin to realize that it should no longer view religious liberty as merely a necessary evil, but rather, should embrace this new awareness of human dignity and its political manifestation in the establishment of freedom of conscience. Murray believed that there were sound theological and philosophical reasons for the Catholic Church to actually support and promote religious liberty throughout the world.

While there is not space here to give a detailed account of Murray’s very careful and intricate arguments, I want at least to provide a summary of some of his arguments and their presuppositions. First of all, Murray believed that it was important to make a clear distinction between the transcendent nature of the church and the temporal nature of earthly

⁴ Ibid., p. 233.

governments. But having distinct natures does not mean that church and state do not have some areas of agreement and joint action. For instance, both the church and the state have a responsibility towards the common good. For the state, its basic duty is to ensure the minimal amount of order that will allow the broader society to pursue the common good. For the church, the common good is to be pursued for the sake of justice and because the existence of a stable, flourishing society is the way to ensure that the Gospel will also flourish.

For both church and state, the best way to pursue public order and the common good is, of course, to act in accordance with the basic nature of the human person. The basic nature of the human person, which both the democratic state and the church agree upon, is the person's inherent human dignity.⁵ This basic dignity, which all people share, is best served by allowing people the greatest amount of freedom. Such freedom is important because it allows humans to live out their most basic responsibility, which is the responsibility to pursue the truth. As the Vatican II declaration puts it, all people "are impelled by their nature and are bound besides by a moral obligation to seek the truth, especially regarding religion. They are also bound, once they have learned the truth, to adhere to it and to regulate their whole lives according to its demands."⁶

Thus, the church and the state can agree on the importance of supporting human dignity by allowing people the freedom to pursue the truth. In Murray's words, governments should allow

As much religious freedom as possible; only as much restriction as necessary to protect the basic conditions of public order (i.e. peace, justice, and minimal conditions of public morality). Government has no responsibility to advance or even to protect religious truth.... In matters religious... "man should act by his own deliberation and purpose, enjoying immunity from all external coercion so that in the presence of God he takes responsibility on himself alone for his religious decisions and acts. This demand of both freedom and responsibility is the ontological ground of religious freedom as it likewise is the ground of the other human freedoms."⁷

⁵ Naturally, the church has a different understanding of the *grounding* of this dignity, i.e. the presupposition that humans are created in the image of God.

⁶ Declaration on Religious Freedom "*Dignitatis Humanae*." Proclaimed by Pope Paul VI, December 7, 1965. Available at <http://www.newadvent.org/docs/dignitatis-humanae.htm>, No. 2.

⁷ David Hollenbach, "Freedom and Truth: Religious Liberty as Immunity and Empowerment." in J. Leon Hooper, SJ and Todd David Whitmore, eds. *John Courtney Murray and the Growth of Tradition*. (Kansas City: Sheed & Ward, 1996), p. 143, quoting Murray, "The Declaration on Religious Freedom," in *War, Poverty, Freedom: The Christian Response*, Concilium, no. 15 (New York: Paulist Press, 1966), p. 13.

Murray was distancing himself from the idea of a totalitarian or omni-competent state that seeks to encompass all of society and claims to possess religious or ideological truth. The duty of good government is *not* to determine what is transcendent truth – that would mean making itself absolute in a dangerous way that actually undermines human dignity and freedom (an ideology that Murray referred to as “Jacobinism”). Transcendent truth lies within the scope and responsibility of the church alone. The state’s only responsibility is to maintain sufficient order so that humans have the freedom to pursue their transcendent destiny, and not to point out that destiny to them. In making this argument, Murray was clearly *not* supporting relativistic claims that there is no such thing as transcendent truth; rather, he held that truth was found in the Catholic Church. But he believed that making the state the guardian and arbiter of that truth would be bad law, would ultimately undermine the social peace, and worst of all, would subordinate the church to the state.⁸

In Murray’s view, then, protecting religious liberty is a duty of the state, but it is also something which the church should actively support. The church’s concern for preserving human dignity, and for promoting justice and the common good require it to offer such support. As he writes further, “Truth and justice, therefore, and love itself demand that the practice of freedom in society be kept vigorous, especially with respect to the goods belonging to the human spirit and so much the more with respect to religion.”⁹ The principle of religious liberty and the deepest convictions of the Christian faith are compatible. Murray believed that Christians should actively support religious liberty as part of their religious duty, and also because it can help the Christian churches flourish by ensuring the freedom of the church. Certainly this was true in his own experience. In America, the strict separation of church and state has actually allowed the Catholic Church to flourish and become an active participant in the public sphere. Despite a secular government, church attendance in America is among the highest in the world.

Furthermore, the separation of church and state in America and the principle of religious liberty have *not* led to the total privatization of religion; religious discourse continues to make up a significant part of the public conversation in America on a wide variety of political and social issues. This experience is in line with Murray’s argument that religious liberty did not necessarily mean the alienation of religion from public life. He was very careful to distinguish the narrow sphere of the *state* (from which decisions about

⁸ See, for example, Murray. *We Hold These Truths*. (New York: Sheed & Ward, 1960), pp. 55ff.

⁹ Murray, 1993, p. 241.

religious truth are excluded) from the much broader arena of the *society*, in which religious communities and discourse play a vital role.¹⁰

Murray also argued that religious liberty and the other basic human rights codified in the American Constitution had a strong social component. Such rights “do not rest on the thin theory proper to eighteenth-century individualistic rationalism, that a man has a right to say what he thinks merely because he thinks it.”¹¹ In contrast to such individualism, the very purpose of these rights was to create a good society – because they were understood to offer the best possible means to ensure good, responsible government and lasting civil peace. However, in order for the exercise of these rights to produce such good effects, the underlying presumption was that they must be exercised by a virtuous people, who understand that freedom is “not the power of doing what we like, but the right of being able to do what we ought.”¹² Not only must religion not be utterly privatized in such a system, but it is the essential moral foundation which shapes the kind of citizens and communities who can exercise these rights properly in order to fulfill their duty to promote the common good in society.

Religious Liberty in the “Social Concept”

Of course, the Russian Orthodox Church has had a very different experience, historically, from the Catholic Church, particularly the Catholic Church in America. No doubt Murray would caution that this historical experience must be considered very carefully before any critique of Russian theology is offered. “Religious liberty” as a concept carries heavy baggage for those who lived through the Soviet regime, which consistently claimed to support “religious freedom” while actually meaning “freedom from religion” and while carrying out the extermination of vast numbers of clergy and believers. Westerners, who hear primarily positive overtones in terms such as “freedom of religion,” must remember how much Soviet doublespeak has polluted many such terms for Russian ears. Given such painful memories of persecution, it is not surprising that many Russian Orthodox Christians long for a state which is overtly friendly towards and supportive of the Church – as is fitting for a tradition which has long espoused the Byzantine ideal of “symphony” between church and state. Still, one might hope that earlier, negative experiences of being too close to tsarist

¹⁰ Murray, 1960, pp. 74ff; Murray, 1993, pp. 144-45.

¹¹ Murray, 1960, p. 45.

¹² Ibid., p. 47, citing Lord Acton.

regimes, and thereby being controlled and co-opted by Peter the Great and others, might give more Russian Orthodox theologians pause about heralding a return of such problematic “symphony.”¹³ Such experiences could lead to a greater appreciation for a genuine form of religious liberty. However, judging from the new “Bases of the Social Concept of the Russian Orthodox Church,” that Church does not yet fully embrace the principle of religious liberty.

Though the Social Concept arises out of a very different historical experience, it does show a number of similarities to Catholic theology. For instance, the Concept acknowledges at the beginning of the section on religious liberty that the principle of religious liberty has enjoyed a broad international consensus since World War II, when it was made part of the Universal Declaration of Human Rights. The implication is that the Russian Orthodox Church must therefore give the principle a certain respect. Clearly, the Orthodox Church has acknowledged the fact that establishment of religious liberty will be the *modus operandi* of the majority of states, including the Russian state.

In the Social Concept we read that “the form and methods of government are conditioned in many ways by the spiritual and moral condition of society. Aware of this, the Church accepts the people’s choice or does not resist it at least.”¹⁴ It appears that this position is similar to the one in which the Catholic Church found itself in the past – confronting the fact that democracy and religious liberty have been established in society and attempting to determine its attitude towards this fact. There is a certain ambivalence here which, as we have seen, has also been present in Catholic theology in the past. The last part of the statement just quoted reads “the Church accepts the people’s choice or does not resist it at least.” This suggests that the Church is not entirely enthusiastic about the new form of government in Russia, but is willing to tolerate it. What is not yet clear is whether certain aspects of the Russian Constitution, such as the establishment of religious liberty, will actually find genuine support from the Orthodox Church. Is this an attitude like that of the Catholic Church prior to Vatican II, i.e. one of reluctant, grudging toleration?

¹³ For an interesting critique of such an appeal to “symphony”, see Alexander Bogolepov, “The Church in Byzantium and in Democratic Countries.” in *St. Vladimir’s Seminary Quarterly*, I no. 2, pp. 8-17. Bogolepov reviews *The Restoration of Holy Russia* by A.V. Kartasheff and ultimately concludes that the “symphony” which the author ends up advocating is in fact a major departure from previous understandings of it, thereby calling into question the continuing legitimacy of the concept altogether.

¹⁴ III.7.

Elsewhere it seems clear that the Social Concept does *not* regard the establishment of religious liberty as an ideal situation, generally. It acknowledges that at times, the church may wish to support religious liberty for utilitarian purposes: we read that “this principle has proved to be one of the means of the Church’s existence in the non-religious world.”¹⁵ But on the other hand, the Concept tells us that “The establishment of freedom of conscience as a legal principle points to the fact that society has lost religious goals and values and become massively apostate and actually indifferent to the task of the Church and to the overcoming of sin.”¹⁶ John Courtney Murray saw religious liberty as something which can contribute to the *flourishing* of Christian society in a pluralistic, secular state, as he had observed in America. But here in the Concept we find the attitude that the establishment of religious liberty goes hand in hand with the *disintegration* of Christian society. It says that the process of establishing religious liberty in a state “indicates that the spiritual value system has disintegrated and that most people in a society which affirms the freedom of conscience no longer aspire for salvation...the freedom of conscience has ultimately turned the state into an exclusively temporal institution with no religious commitments.”¹⁷ While Soviet society may indeed have been marked by such a disintegration of spiritual values, I believe that the American example shows that the establishment of freedom of conscience does not *necessarily* mean that the majority of society no longer aspires for salvation. As Murray was careful to point out, a secular *state* is distinct from a secular *society*. While he believed that the *government* should make decisions based on only temporal, not religious grounds, he certainly did not believe that religion should be exiled from public life. The separation of church and state is not the same as the exclusion of the church from the society.

Just as the Social Concept takes a somewhat negative view of religious liberty, it is also rather ambivalent about separation of church and state. However, this view is affected by a particular concept of religious liberty and the secular state. What the Russian Orthodox Church is *not* willing to support is the kind of radical secularism of the French Revolution. As we read in the Social Concept

In the European continent [the separation of church and state] has resulted from the anticlerical or outright anti-church struggle well known, in particular, from the history of the French Revolutions. In these cases, the Church is separated from the State...because the State identifies itself with a

¹⁵ III.6. This is partly an acknowledgment of the fact that the Soviets did at least allow the Orthodox Church a very limited amount of freedom to continue to practice its cult – under great duress, however.

¹⁶ Ibid.

¹⁷ Ibid.

particular anti-Christian or altogether anti-religious ideology, making it pointless to speak about its neutrality towards religion and even its purely secular nature.¹⁸

Whether this idea of religious liberty continues to exist in France or elsewhere today is not the topic of this discussion. The point here is that what the Social Concept really opposes is the principle that both state and society should enjoy freedom *from* religion. As we saw earlier, some Catholic theologians also strongly reacted against the establishment of religious liberty because the only form of religious liberty they recognized was the radically secularist, anti-religious form. Murray's achievement was to show that in the American context, experience had revealed that there *was* another approach to religious liberty. And this other approach was far more compelling theologically and philosophically, because it was based on the idea of the dignity of the human person as created in the image of God.

Of course, the Orthodox Church also has a very strong belief in the dignity of the human person and the importance of free pursuit of the truth. Thus, it seems logical to suggest that a notion of religious liberty based on human dignity would be something the Orthodox Church could not only tolerate, but could actively support. There is much in common between the Orthodox faith and support for human rights. Kallistos Ware is particularly eloquent about this connection in Orthodox theology, including patristic sources. Describing the way in which humans are created in the image of God, he explains that

...the image is to be seen reflected particularly in our possession of free choice....God is free; and so, as human persons made in His image, we also are free.... Despite every limitation, our human liberty continues to be a genuine reflection of the divine Trinitarian liberty.

This God-given freedom of each human person is a master theme in patristic anthropology. In the words of St. Cyril of Alexandria (d. 444), "Human beings were created in the beginning with control over their own decisions, and were free to direct their will as they chose. For they were formed in God's image, and God is free." "If the human person," says St. Maximos, "is created in the image of the blessed and supraessential Godhead, then--since the Godhead is free by nature--this signifies that as God's image the human person also is free by nature." "Heaven, sun, moon and earth have no free will," state the Homilies of St. Makarios (? Late fourth century). "But you are in the image and likeness of God; and this means that, just as God is His own master and can do what he wishes and, if He wishes, He can send the righteous to hell and sinners to the Kingdom, but He does not choose to do this...so, in like manner, you also are your own master and, if you choose, you can destroy yourself...." We are never to lose sight of this

¹⁸ III.4.

royal liberty that is our birthright as persons in God's image...through personal decisions each expresses the divine image in his or her characteristic and distinctive way.¹⁹

Given the theological importance of human freedom in Orthodoxy, perhaps the Orthodox Church might also support the political principles which have arisen to protect and enhance that freedom, such as the principle of religious liberty. One finds hope in such statements as the following one made by Patriarch Aleksei a number of years ago, in which he expressed a view of the important relationship between human freedom and the separation of church and state. During an interview with the *Megapolis Express*, he explained that

I am not a supporter of the idea of state religion. I suppose that the majority of the clergy and believers think the same. I have said repeatedly that the best relations of the church with the state are relations of free cooperation. The doctrines of the church and state are different. But they are called to mutual assistance – without pressure on one another, without replacing one another, without red tape, without attempts to limit the freedom of the church, the state, society, or the individual.²⁰

Indeed, the Russian Orthodox Church's Social Concept also clearly acknowledges the importance of certain types of human freedom and human rights, noting that "The idea of the inalienable rights of the individual has become one of the dominating principles in the contemporary sense of justice. The idea of these rights is based on the biblical teaching on man as the image and likeness of God, as an ontologically free creature."²¹ The Concept goes on to speak about the importance of the freedom of conscience and other kinds of human rights in Christian ethics:

The Christian socio-public ethics demands that a certain autonomous sphere should be reserved for man, in which his conscience might remain the "autocratic" master, for it is the free will that determines ultimately salvation or death, the way to Christ or the way away from Christ. The right to believe, to live, to have family is what protects the inherent foundations of human freedom from the arbitrary rule of outer forces. These internal rights are complimented with and ensured by other, external ones, such as the right to free movement, information, property, to its possession and disposition.²²

¹⁹ Kallistos Ware. "The Uniqueness of the Human Person." In John T. Chirban, ed., *Personhood: Orthodox Christianity and the Connection Between Body, Mind, and Soul*. (London: Bergin & Garvey, 1996), pp. 10-11.

²⁰ Vsevolod Chaplin. "The Church and Politics in Contemporary Russia." In Michael Bourdeaux, ed., *The Politics of Religion in Russia and the New States of Eurasia*. (Armonk, New York: M.E. Sharpe, 1995), p. 107-8. Citing interview with Patriarch Aleksei in October 1992 in the Moscow weekly *Megapolis Express*.

²¹ IV.6.

²² Ibid.

This strong statement in support of the freedom of conscience is somewhat surprising, given the document's earlier association of religious liberty with apostasy. But it shows once again that what the Social Concept is skeptical about is merely a *certain conception* of religious liberty. A notion of religious liberty based, instead, upon the theological doctrine of human freedom could be very compatible with the overall message of the Social Concept, and with Orthodox theology in general.

Yet the fact remains that the Social Concept expresses a certain ambivalence about religious liberty.²³ This is partly because, as a synodal document, it represents a synthesis of opinions. It is also possible that this ambivalence stems from the difficult situation in which the Russian Orthodox Church has found itself in recent years with regard to proselytism and new religious movements. In the Social Concept, there are several sections which suggest that the Russian Orthodox Church supports government suppression of new religious movements. For instance, one section suggests that an area for cooperation between the Church and the state is in the "opposition to the work of pseudo-religious structures presenting a threat to the individual and society."²⁴ The definition of pseudo-religion is a difficult issue here. In a democratic society, the state does not possess the power to determine what is true religion or pseudo-religion. This is a matter of opinion and unless it affects the public order in a clearly negative way, the government has no jurisdiction. Elsewhere, the Social Concept states that

The Church...should point out to the state that it is inadmissible to propagate such convictions or actions which may result in total control over a person's life, convictions and relations with other people, as well as erosion in personal, family, or public morality, insult of religious feelings, damage to the cultural and spiritual identity of the people and threats to the sacred gift of life.²⁵

There is a problematic term here: it is not up to the state to determine whether a certain group is causing "insult to religious feelings." In a democracy where religious liberty and the separation of church and state fully exist, blasphemy is *not* a crime. Furthermore, who is to determine what constitutes "damage to the cultural...identity of the people?" Again, this is a matter of opinion which should be the subject of debate in civil society more so than within

²³ In his presentation of the document to the Bishops' Council for approval, Metropolitan Kirill acknowledged this ambivalence by noting that the relationship of the Church to the principle of freedom of conscience was "dvyakoye" or "twofold": "On the one hand...on the other hand." The Metropolitan's remarks are available (in Russian only) at www.russian-orthodox-church.org/ru.s2000r23.htm

²⁴ III.8.

²⁵ III.6.

the government itself. Yet the Social Concept wants to maintain the right of the government to intervene in this areas – an intervention which potentially undermines religious liberty and perhaps the integrity of religion itself.

Prospects for Future Development of Theological Grounding for Religious Liberty

Clearly, the Russian Orthodox Church's ideas about religious liberty are in a process of development. The Roman Catholic Church's position on this question is also in need of further clarification and development. John Courtney Murray himself was not completely satisfied with the arguments for religious liberty which the Catholic Church adopted in the document *Dignitatis Humanae*. He spoke strongly about the need to develop better, clearer arguments which explained the Church's stance. Certainly this is important for the Orthodox Church as well, and a possible area for joint theological endeavors.

Murray provided some very interesting reasons about exactly *why* it is important for the Church to be clear about its support for religious liberty. The first is credibility. He acknowledged that many in American society and elsewhere did not have a great deal of trust in the good will of the Catholic Church, because in the past the Church had been opposed to civil freedoms. If the Church wants people to understand that it is now affirming those civil freedoms, such as the freedom of conscience, "the church must demonstrate that its affirmation is not simply a concession to superior forces, to human weakness, or to sinful social institutions. The church is not merely caving in to religious freedom because all other practical alternatives are worse."²⁶ In *Dignitatis Humanae*, the church had expressed its basic support for religious liberty. But it was important to Murray that the broader society understand that this support was genuine and active.

In Russia, there are also issues of trust. Members of minority religions are by no means confident that their rights to practice and witness publicly to their religion will be protected. The Russian Orthodox Church has the advantages of numbers and of history, and at times has used this advantage to influence the government against the liberty of other religious groups.²⁷ A clear statement in support of religious liberty from the Russian

²⁶ Hooper, J. Leon. "General Introduction" to Murray, John Courtney, *Religious Liberty: Catholic Struggles with Pluralism*, p. 18, citing a letter of Murray to Archbishop Joseph Sheehan, as reported by Pelotte, Donald E., *John Courtney Murray: Theologian in Conflict*. New York: Paulist, 1976.

²⁷ Some have interpreted the rather restrictive 1997 law on "Freedom of Conscience" as an example of this; leaders of the Russian Orthodox Church were actively involved drafting it. See Trepanier, Lee. "Nationalism and Religion in Russian Civil Society: An Inquiry into the 1997 Law 'On Freedom of Conscience.'" in Christopher Marsh and Nikolas K. Gvosdev, eds., *Civil Society and the Search for Justice in Russia*. Lanham, MD: Lexington Books,

Orthodox Church will contribute to increasing trust in society. It may also allow the Church more credibility in its criticism of the forms of manipulative and even violent proselytism which have, on rare occasions, undermined human dignity in parts of Russia; unless the Russian Orthodox Church makes clear that it actively supports religious liberty for groups which do *not* use such tactics, its criticisms sound to some ears like “sour grapes” or jealousy of these groups’ success.

Murray explained that not only is it important for the Catholic church to make a clear public statement in favor of religious liberty, but it is also important for the church to show how that statement is grounded theologically. As J. Leon Hooper has summarized, Murray argued that

If the church’s affirmation of religious freedom is not publicly seen to be rooted in its own deeper commitments, non-Catholics will continue to suspect that Catholics will curtail those freedoms wherever and whenever they get the chance. In such an atmosphere [of mistrust], all else that the church has to say about a just social order (and even about the love of God) will be ignored. For the sake of the church’s redemptive mission, better arguments [in favor of religious liberty] must be developed.²⁸

Furthermore, Murray wrote that the church has a unique role to play with regard to religious liberty. Precisely because some early formulations of religious liberty were secular and even atheistic, it is important for religious people to demonstrate that other approaches are possible. In Murray’s view, Catholics now have the responsibility to

demonstrate that moral and religious thought can offer similarly strong, or even stronger, foundations for [human rights]. The arguments that the Catholic might offer can advance or retard the future of those freedoms throughout the world. Since those freedoms are social goods, and since the church has a God-given responsibility toward the temporal order, it must develop better arguments.²⁹

Clearly, the development of moral and religious thought in this regard is something for which both Catholics and Orthodox can work in concert.

Finally, Murray gave a third reason for the importance of developing strong theological arguments for religious liberty. This reason has to do with the nature of a democracy. A democratic society is a society in constant conversation and dialogue – that is part of why the freedom of expression is so important to it. In a democracy, decisions are

2002, pp. 57-73.

²⁸ Hooper, J. Leon. “General Introduction” to Murray, John Courtney, *Religious Liberty: Catholic Struggles with Pluralism*, p. 18.

²⁹ Ibid.

reached when people are convinced of the truth of an idea, and are not imposed by violent force. In the public policy discourse that is essential to a democratic society, Murray argued that the dialogue needs to go beyond merely discussion of practical choices in order to address the deeper level of their theoretical justifications. Citizens in a democracy “must be able to perceive why and how deeply a policy commitment reaches into the moral universe of others. Without those discussions, [the public] forum remains simply an arena in which force, not truth, determines public policy.”³⁰ Thus, the church must be able to explain its theological reasoning in a way which finds comprehension, if not agreement, in the broader society.

This last argument brings us to a very important issue with regard to religious liberty in Russia. If a democratic society is a society in conversation, the question arises as to whether Russian society is at a point where it can have a productive conversation. Democratic, limited government and the principle of religious liberty presuppose an active civil society, as is clear in Murray’s arguments. But Benjamin Novik points out that “in communist Russia a civil society never came to be, and it almost does not exist now...It is not accidental that a section on ‘Church and Society’ is absent in [the Social Concept].”³¹ Inna Naletova makes a similar point when she notes the absence of any mention of non-governmental organizations in the Social Concept. The Social Concept outlines in detail possible spheres of cooperation with the state –

spheres in which the Church, indeed, has common interests not only with the state, but also with various NGOs, the number of which, including the ones with an explicit Orthodox orientation, are growing in Russia. Unfortunately these organizations – their mission and role in the society and even the fact of their existence – were hardly mentioned in the document.³²

Though the document’s failure to address these issues may partly reflect an archaic outlook on the part of its drafters, it is hard to imagine that this outlook would persist for very long if Russian civil society were flourishing instead of severely underdeveloped.

Murray’s arguments for religious liberty assume a particular kind of civil society, one he defines as a society “locked in argument.” This argument is a civil argument, however, that relies upon a certain minimal level of agreement about the terms of the argument.

³⁰ Ibid., p. 19.

³¹ p. 7.

³² Naletova, Inna. “Symphony Re-considered: The Orthodox Church in Russia on Relations with Modern Society.” in *Österreichisches Archiv für Recht & Religion* 48 no. 1 (2001), p. 106.

Without this minimal consensus on terms, chaos will reign.³³ Murray explains that the “American consensus” regarding certain ethical and political principles allows American society to enjoy a high degree of freedom and order. Can one speak of a “Russian consensus?” Nikolas Gvosdev evidently does not believe that there is sufficient unity within Russian society to provide such a foundational consensus, and therefore argues that some degree of enforced unity is appropriate to maintain the public order until a more robust civil society can develop. At the current stage, “a civil society based on unrestrained ideological pluralism – and on unrestricted competition between various belief systems – is viewed as neither desirable nor feasible for Russia.”³⁴ Instead, he proposes a form of “managed pluralism” that admits only the religions which have traditionally been present in the region, i.e. Orthodoxy, Buddhism, Judaism and Islam:

This type of ‘pluralism within unity’ may prove to be the way forward to ensure that a long-lasting and durable type of civil society firmly rooted in Russian values and experiences emerges, as opposed to a more superficial variety which, although more pleasing to Western eyes, may be unable to survive the harsh realities of twenty-first-century Eurasia.³⁵

While such a proposal is indeed worrisome to “western eyes,” perhaps Gvosdev is correct in his appraisal of the fragility of Russian civil society today.

It is possible that John Courtney Murray would have conceded Gvosdev’s point; Murray was clear that religious liberty is not an *absolute* right. Though he believed that maintaining the principle of religious liberty was the best way to ensure civic peace and order in most historical situations, he also acknowledged that it may have to be overridden for the sake of public order, i.e. in times of great social crisis. In addition, he explained that the Catholic church’s past opposition to religious liberty could be seen as an understandable response to a situation in which the populace was largely illiterate and subject to easy persuasion. Though the Russian population is highly educated, one might argue that the years of communism have left them “religiously illiterate” and in need of some protection from aggressive proselytism.

Still, such paternalistic arguments do not sit well with a Christian notion of human dignity. Murray was clear that a social crisis must be really dire for such arguments to obtain,

³³ Murray, 1960, pp. 21-3.

³⁴Nikolas K. Gvosdev.. “‘Managed Pluralism’ and Civil Religion in Post-Soviet Russia.” in Christopher Marsh and Nikolas K. Gvosdev, eds., *Civil Society and the Search for Justice in Russia*. (Lanham, MD: Lexington Books, 2002), p. 84.

³⁵ Ibid., p. 85.

and it is difficult to judge whether the situation in Russia really ought to be regarded as such a severe crisis. Furthermore, given Russia's long history with overly paternalistic rulers and severe limitations on civil liberties, supposedly for the sake of "social order," it might be wise to err on the side of supporting too much liberty rather than too little. In any case, if the Orthodox Church wishes to make the argument that the current historical moment is not ripe for full support of religious liberty in Russia, it would at least be wise to acknowledge that this is a temporary situation which one hopes will soon be overcome, *and* to propose some possible steps towards overcoming it. Given the theological importance of human dignity, the Church ought to be clear in its hopes that very soon, it will be able to offer full support to the political arrangement which, in the minds of *many* Christians, best reflects and upholds the human dignity endowed to us by our creator – that is, the political institution of religious liberty.

Conclusion

If democracy depends on public conversations, then the Social Concept is an important and valuable contribution to Russian democracy and Russian civil society. Of course, since it covers so much ground in a short space, it leaves plenty of room for future development and greater detail – particularly with regard to its view of religious liberty. Attention to existing *theological* – not just secular – arguments for religious liberty might lead to a better understanding among Russian Orthodox leaders that the establishment of religious liberty need not be seen as a sign of apostasy. Furthermore, the Social Concept offers a rich theological foundation which could potentially add to the depth of the current theological conversation about what it means to live in a pluralistic society and to support religious liberty. As Arola and Saarinen point out in their commentary on the Social Concept, the traditional Orthodox idea of *sobornost* provides a uniquely rich theological foundation for its social ethic, thereby serving as an important model and resource for Christian ethicists everywhere.³⁶ If the Russian Orthodox Church were to draw on this and other aspects of its rich theological tradition to provide support for religious liberty, Christians throughout the world would benefit. Orthodox theology can help Christians throughout the world come to a deeper understanding of the theological grounding for human rights, and better live out our religious responsibility to promote human rights such as

³⁶ Pauliina Arola and Risto Saarinen. "In Search of *Sobornost* and 'New Symphony': The Social Doctrine of the Russian Orthodox Church." *The Ecumenical Review* 54 no. 1 (Jan-April 2002), pp. 130-141 at 139-40.

religious liberty. The ecumenical conversation awaits the next foray by the Russian Orthodox Church into the sphere of social ethics.

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