

Erfurter Vorträge
zur Kulturgeschichte des Orthodoxen Christentums
7/2008

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Russian Orthodox Vision of Human Rights:
Recent Documents and Their Significance



Religionswissenschaft (Orthodoxes Christentum)

Erfurter Vorträge
zur Kulturgeschichte des Orthodoxen Christentums, 7/2008
ISSN 1618-7555
ISBN 3-9809090-4-2

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Preface

Is Orthodox Christianity compatible with (Western) modernity? Does Orthodox Christianity accept at least some fundamental accomplishments of modernity, such as the inviolable individual human rights? What role do the problematic relations between Orthodox and Western Christianity in history play in this context? These questions pertain to complex and multi-dimensional issues that cannot be answered in a general, sweeping way. One thing is certain: there have historically been many problems in different Orthodox cultures due to the import and influence of Western modernity. The virulent Orthodox anti-Westernism accounts for this. Orthodox reactions also stem from the fact that modernization was often identified with Westernization in earlier periods. Yet, the very concept of modernization underwent significant changes in recent decades, especially in the wake of the ongoing globalization, and was deprived of its exclusive Western contours. The possibility of a “syncretic modernity”, adapted to local cultural, social and political conditions, is not categorically ruled out any more. As a result, the discourse on “multiple modernities” (S. Eisenstadt) beyond the Western one has become a dominant pattern of thought in contemporary social and cultural sciences. In this reading, there may thus be a particular way to modernity for Orthodox cultures as well.

Things are, however, not as straight-forward as they seem to be. This is because numerous Orthodox clerics and thinkers, including the official body of the Orthodox Church, have often voiced critique of and objections to the most basic tenets of modernity. The contemporary Orthodox critique of the individual human rights is a case in point. In actual fact, these Orthodox thinkers challenge the entire humanistic and liberal background of the modern concepts as a consequence of secularization. Instead, they argue from a traditional and normative perspective still bound to the pre-modern period, but at the same time embedded in the modern discursive universe. The Orthodox Church of Russia, for example, has in a series of documents since the collapse of the Soviet Union officially formulated its own views on a variety of issues related to modernity. This is a rather unusual phenomenon in the broader Orthodox world, and few other Orthodox Churches have taken similar steps so far. It is thus a welcome development in many respects. It clearly shows that Orthodox Christianity is willing to address the issues related to modernity and that it does not solely remain

attached to its “glorious past.” But, at the same time, these documents reveal several crucial characteristics of the Orthodox Christian tradition and culture, which differentiate it in a fundamental way from Western Christianity.

The seventh issue of the *Erfurter Vorträge zur Kulturgeschichte des Orthodoxen Christentums* contains the contribution of Professor Alexander Agadjanian, who is an expert on the social, cultural and religious changes effected in the post-Soviet era and how they affect Russian Orthodoxy. His interests lie, among other things, in the analysis of the official documents produced by the Orthodox Church of Russia, their background, implications and significance. This is exactly what the present issue, which goes back to a lecture given at the University of Erfurt on October 8th, 2008, is about. Agadjanian performs a close reading of some recent documents concerning the crucial issue of human rights from an Orthodox Christian perspective. He analyzes how the Orthodox Church of Russia has gradually articulated its own vision regarding human rights grounded in the Orthodox Christian tradition and how it takes part in the ongoing discussion about the universality of human rights. In addition, he shows the areas in which the Russian Orthodox vision of human rights diverges from related Western concepts and the consequences thereof.

Professor Agadjanian promptly provided us with the written version of his lecture to be published in this series and I thank him for this. My thanks also go to my new secretary, Ann-Christin Jahn, as well as to the doctoral students at the University of Erfurt, Brigitte Kanngießner and Sebastian Rimestad, who have in different ways decisively contributed to the preparation of this publication.

Erfurt, December 2008

Vasilios N. Makrides

Russian Orthodox Vision of Human Rights: Recent Documents and Their Significance

Alexander Agadjanian

Introduction

This paper was prompted by my study of an ongoing debate around the concept and practice of human rights, initiated by the Russian Orthodox Church since the end of 1990s. Being initially pragmatic and political, this debate later acquired a wider scope and depth touching upon most profound discourses and meanings of the religious and cultural tradition. It became a debate on human nature, linked to the entire *problématique* of religious anthropology and political philosophy, the notions of freedom, dignity, modernity, civil society, and others.¹

It is no wonder that the issue of “human rights,” or the “rights talk” became the prime trigger of the debate. The Russian debate is a belated version of a major discussion started with the 1948 UN “Declaration of Human Rights.” The Declaration of 1948, echoing the historical 17th–18th century prototypes (British, American, and French bills of rights and declarations), shaped a surprisingly enduring and prevailing language, a new “semantic universe;” Elie Wiesel called it “world-wide secular religion” (Wiesel 1999, 3); Michael Ignatieff called it “the lingua franca of global moral thought” (Ignatieff 2001, 320).

¹

Reflections on these matters can be found in *The Bases of the Social Concept of the Russian Orthodox Church* adopted at the Jubilee Bishops’ Council in 2000 (Osnovy 2000); also in a few conceptual articles published in the late 1990s and in the early 2000s; then in a series of discussions and pronouncements in the mid-2000s, of which the most interesting was a round-table in August 2004 at the Moscow Danilov Monastery called “Freedom and Personal Dignity: Orthodox and Liberal Vision” (Round-Table 2004); in the *Declaration on Human Rights and Dignity*, approved by the World Russian Congress in April 2006 (Declaration 2006); and finally, in the document of 2008, *The Bases of the Russian Orthodox Teaching on Dignity, Freedom and Human Rights* (Osnovy 2008). This paper is mostly based upon the last text, with a few references on the previous ones.

However, the “rights talk,” or the human rights discourse (hereafter: HRD), has been constantly defied by various forces that rejected its claim of universality. The HRD was criticized by the socialist governments; by Islamic and Asian thinkers and politicians; by Western Marxists and post-modernists. The Russian Orthodox search for an alternative to “human-rightism” is but the last example from this list of cultural responses. Nevertheless, despite the ongoing debate and criticisms from all sides, the language of human rights continues to be in vogue and, paradoxically, even the critics, finally, do accept this language, and, *volens nolens*, inscribe themselves into this “semantic universe.” One of my objectives is to attempt to analyze this paradoxical acceptance-through-refusal.

In what follows I will analyze the recent, most comprehensive official document adopted by the Russian Church at the 2008 Bishop Council, called *The Bases of the Russian Orthodox Teaching on Dignity, Freedom and Human Rights* (Osnovy 2008) (hereafter: Document), making its analytical overview and then an attempt to grasp its overall cultural significance.

The Analysis of the 2008 Official Document on Human Rights

(a) Soteriological significance of the project

Since the end of the 1990s the notion of “human rights,” or what we can call “the human rights discourse,” along with the notions of “dignity” and “freedom,” became of increasingly frequent use in the publications and discussions of the Church establishment (mostly in the Department of External Relations of the Moscow Patriarchate) and Orthodox lay writers. In the beginning these discussions were polemically targeted against the human rights NGOs, who have unreasonably usurped, according to Church authors, the entire ideology and practice of human rights. Instead, Christian Orthodox intended to propose their own, alternative vision of human rights, with a different foundational approach and with different orientations and emphases.

Why is it important, in the opinion of the Church, to engage in the HRD? It is because, as Metropolitan Kirill of Smolensk and Kaliningrad

stressed in his commentary at the Council when introducing the 2008 Document, the HRD acquires a *soteriological* significance. Why is it so? Because some of the rights, which contradict the Gospels and Christian morality, are being established as legal norms in some countries. These anti-Christian norms are imposed upon the believers, who are citizens and must comply with the changing legislation, and therefore the believers' salvation prospect is directly threatened.

(b) “Dignity,” “freedom,” and “human rights:” the issue of their Christian origin

From the very first attempts to grasp the substance of an alternative vision of human rights, the Orthodox thinkers gauged the notions of human rights, dignity, and freedom with one major criterion: their compatibility, or affinity, with the Christian symbolic and doctrinal framework. It looks like these notions were initially seen as a certain part of the Christian legacy, or at least having Christian roots. In the last official Document of 2008 and the introductory comments by Metropolitan Kirill at the 2008 Bishops' Council, it was clearly stated that the notions of *dignity* and *freedom* are certainly connected to and derived from the Christian message, but later, under the non-Christian influences, the original Christian meaning in these notions has been profaned and therefore distorted. As for the notion of the *human rights* as such, it has *no* direct Christian origin, for it has direct divine determination *neither* in the Scriptures, *nor* in the Church Tradition. The idea of human rights is based not on Christian, but on already *modified* and *distorted* notions of dignity and freedom.²

Let us consider the interpretation of the key notions of *dignity* and *freedom*. The dignity in the Christian sense (the 2008 Document emphasizes that it operates with the *Eastern* Christian meaning of the notion, I.2), is related to the God's creative act, God's image and likeness, which is not

² In some previous pronouncements, Metropolitan Kirill was more positive towards (not only the notions of *dignity* and *freedom*, but also) the concept of human rights: he could say that the concept of human rights and individual liberties has on it “a spark of Divine truth” (Kirill 1999); later Kirill even called the human rights concept “one of the most powerful, positive ideas of the modern world” (Kirill 2005). In the 2008 Document, as we see, the borderline is clearly drawn: “dignity” and “freedom” are approved, in particular sense, as Christian categories, while “human rights” are not.

erased by the original sin. Through *theosis* (θέωσις, deification), the adept seeks to discover the divine image in oneself. Therefore, the notion of dignity is moral (*npravstvennoe*), it does not go beyond this moral scale and is not morally neutral. *Theosis* means restoring the primordial image that existed *before* the original sin, and therefore, the notion of dignity can not apply to anything that is related to sin in Christian sense.

Freedom is the second important category, and its understanding relies upon two major points. First, freedom is not something that is the value for its own sake (freedom of choice as such). Second, freedom – in Christian sense – is precisely the freedom *from* sin, not freedom *in* sin (not freedom *to be* sinful). The text of the Document introduces two terms as used in the Eastern Orthodox tradition to distinguish two kinds of freedom: ἀὐτεξούσιον, freedom of choice in neutral sense, and ἐλευθερία, the freedom in the true Christian sense, freedom from sin (related to dignity in the sense described above) (II.1).³

This means that, according to this theological reasoning, the human rights can not be considered as something related to the highest values or as a dominant cultural paradigm, because the HRD has no direct Christian roots and can not be higher than the spiritual goals set in the Christian teaching (III.2). The moral scale, accordingly, is higher than the law; the divine truth is higher than all human establishments and institutions. Ergo, for example (this is an example given in the Document), there can be no

³ This vision of freedom is in line with the previous discussions published earlier. In fact, these earlier texts were at times much harsher in terms of the critique of the “liberal ethos” (and the liberal meanings of dignity and freedom). Liberal ethos was called, for example, a “universal non-spiritual culture grounded upon the fallen man’s unlimited freedom which is conceived as the absolute value and the measure of truth” (Osnoy 2000, XVI. 3). Liberalism, wrote Metropolitan Kirill, places the “fallen man,” who “abides in sin,” at the center of the “anthropocentric universe” (Kirill 1999). This “unlimited freedom” is in fact the “emancipation of the sinful individual, and therefore, the deliverance of the sinful potential of the human person. The free person can reject anything that binds him, everything that prevents him from the affirmation of his sinful self” (Kirill 2000a). The freedom in this case equals the “freedom of sin,” a “self-will” (*svoevolie*); the human self becomes an autonomous subject of individual rights devoid from divine reference (Osnoy 2000, IV.7). Liberalism is an emancipation of the human being from divine image (Nikiforov and Makarii 2004). Liberalism’s last and now dominant “stage of degeneration” is libertarianism, a manifestation of apostasy (Round-Table 2004, Narohnitskaia). This extreme liberalism/libertarianism goes as far as negating life reproduction through accepting the rights of abortion, homosexual unions, and euthanasia (Ibid., Shafarevich).

justification of offences against the believers' feelings with the references to the freedoms of speech, creativity, or expression.⁴

Naturally, the HRD and the norms that are derived thereof can not be accepted if they contradict the divine truth and Christian morality. Interestingly enough, at this point the Document introduces also the notion of "natural morality," which is coupled with, but not opposed to, the "gospel's morality" (*evangel'skaia ili estestvennaia moral* – "gospel's or natural morality") (III.3). (The elaboration of this distinction goes beyond this paper's scope, however). The examples of the legal norms that contradict Christianity are those norms that "support sins" like sexual license and perversions; the cult of profit and violence (*kult nayhivy i nasilia*); also abortion; euthanasia; use of human embryos in medicine; experiments changing the human nature etc. (Ibid.).

(c) Harmonizing human rights with Christianity?

After this clear opposition – Christian (natural) versus secular value systems – the Document's next step, however, is to try to *harmonize* the Christian Orthodox tradition with the HRD. This leads us to the central issue of the whole project: the compatibility of the liberal secular ethos and the Christian Orthodox ethos. The intention of "harmonization" is by itself emblematic: the very term "to harmonize" has been crucial from the very early publications on the subject by Metropolitan Kirill and other members of his group (see Kirill 2000b, where he spoke of "combination" and "harmonization"). As we see from the 2008 Document, this goal was finally officially integrated, though it must be stated that there have been, certainly, disagreements on this matter. The disagreement were, namely, over the extent, or degree, in which liberal and Christian Orthodox ethos are compatible and, therefore, capable to be "harmonized." Metropolitan Kirill himself might say, quite radically, that the presumption about freedom as "both the goal and means of human existence" and about the "absolute value of human person" is common for liberalism and Christianity (Kirill 2000a); Andrei Kuraev stressed the Christian origins of the freedom of religion (free-

⁴ Here certainly we can feel an allusion to the scandalous anti-religious art works, which were the Russian replicas of the similar world blasphemy cases mostly related to Islam, but also to other faiths. On the most celebrated case, the "Caution: Religion!" art exhibit, see Agadjanian 2006.

dom of conscience), which was the source of all other individual freedoms (Round-Table 2004, Kuraev); a State Duma deputy Sergey Popov pointed out that the liberal “harm principle” (freedom may be only limited by another’s freedom) is simply a form of the “golden rule” of Christian ethics; and the ideas of democracy and pluralism come out of the same source (Round-Table 2004, Popov).

Yet, this opinion has never been unanimous. There have been opinions which simply denied any affinity, any synthesis, or indeed any connection between liberalism and Christianity and which would rather see them as “the two opposed religions,” of which the “religion” of liberalism is aggressively targeted against Christianity (Round-Table 2004, Shafarevich; Osipov); if liberalism is an apostasy, a deviation, there can be no way for Christians to negotiate with it. It is interesting that Metropolitan Kirill has sharply criticized this nihilism in one of his talks, thus trying to defend his position of “harmonization.”⁵ *The Bases of the Social Concept* of 2000, as a compromise text, was restrained and cautious about the possibility to “combine” liberal and Christian Orthodox ethos. Kirill himself has been very ambivalent: he agreed that liberalism *reflects* an apostasy that goes back to three sources: Renaissance, Protestant Reformation and Jewish late-medieval philosophy (Kirill 1999; restated in Kirill 2004). This distortion has created the Western idea of human rights, which can not, as we have already seen, be related to Christianity.

Yet, all this been said, the final verdict, as expressed in the 2008 Document, is that some kind of harmonization *can* and *should* be found. How then can we harmonize these two value sets, related to very different meanings of dignity and freedom? The answer is as follows: there should be, first, a differentiation within the scope of human rights to those that are admissible and those that are not; and second, there should be established a hierarchy where the human rights are subordinate to the higher, Christian values. The condition for the rights to be recognized is that they “do not contradict the divinely instituted moral norms and the traditional morality based on these norms.” And the Document continues (III.5): “The individ-

⁵ Kirill said: “...[S]ome propose to reject completely the concept of human rights and declare it the biggest foe of the traditional Christian mind. The millennial Church tradition, however, suggests that we deal differently with various systems of views that contain a piece of sound thoughts close to Christian ideas. The Church’s principle has always been a careful collecting of smallest grains of truth scattered within the human experience of learning.” (Kirill 2005).

ual human rights can not be opposed to the values and interests of the Fatherland, the community and the family. The realization of the human rights can not serve to justify the offence against religious sacred things (*sviatyni*), cultural values, and the people's identity (*samobytnost'*)."

In this citation we already see some important emphases concerning the limits of the individual human rights. Yet, in principle, some of the rights are recognized in Christian terms, and overall, the Document of 2008 assigns to the HRD a preparatory, auxiliary function, praising "its possible role in the creation of favorable outward conditions for the enhancement of the person on her path to salvation" (IV.1).

(d) Rights that are recognized as valid – but with Christian interpretation

While introducing a few rights as valid, legitimate in Christian terms, the Document supplies respective interpretations; and the interpretations are, indeed, the most important thing here. Let us enumerate these recognized rights as they are put in the Document:

The right for life comes first. Life starts at the moment of conception, therefore, abortion is a murder. However, the death penalty is not rejected straightforwardly, because, the Document states, such a rejection is not confirmed by the Scriptures; rather than rejecting death penalty, the Church should provide generous support and solicit mercy for the convicted. Overall, it is stated that the earthly life of the individual is not the end in itself; and in fact there are "heavenly values" or the "values of one's Fatherland" that may be higher "for the Orthodox Christians" (*dlia pravoslavnykh khristian*) than the value of an individual life.⁶

Freedom of conscience comes next, and the Document reveals a very mixed attitude toward this notion (the previous Church statements, including *The Bases of Social Concept* of 2000, showed a similar ambiguity). On the one hand, it is recognized that this freedom can be in line with the divine will if it protects from an arbitrary interference into the inner life of a person; this freedom also helps the Church to keep independence from the secular state and within the secular society. However, the *legal* principle of

⁶ This passage with its failure to directly oppose the death penalty and to recognize the highest value of life was sharply criticized by many commentators of the Document.

the freedom of conscience as such is a witness of apostasy, and the Church can not admit neutrality, relativity and equal truths of all faiths.

Freedom of speech is also recognized as very important; however, the emphasis in the interpretation is made not on the very *right* to pursue this freedom, but rather on the *responsibility* of a person for his/her speech; and, particularly, any freedom of speech is rejected if the spoken words can spread sins, instigate strife in society and especially when they offend national and religious feelings. The *Freedom of artistic creativity* has the same limits: the artistic expression can not offend other people, promote cultural nihilism and, in particular, contain sacrilege toward the holy symbols and objects of a religion.

The right for education means not only acquiring knowledge, but also the right to be brought up in line with the Creator's design; education should correspond to the cultural tradition of a nation, and the believer must have the right to receive "knowledge about the religion that shaped the culture he lives in."

Civic and political rights come next, and, indeed, this passage, devoted to the very central set of rights as understood in the Western HRD, seems to be rather ambiguous in the 2008 Document. In the beginning paragraph, the Document does recognize the importance of the civil and political rights. Then, however, the Document delves into the issue of the common good, which is valued higher than egoistic individual goals; it refers to the Russian Orthodox tradition of togetherness (*sobornost'*) that puts clear limits to the realization of civic/political rights: within the *sobornost'* paradigm, the unity (not the strife) in society is crucial, and this has evolved into a good tradition of cooperation (*sorabotnichestvo*) between state and society "in the regions served (*okormliaemykh*) by the Russian Orthodox Church;" and although the danger of the total unmotivated control over the individual may threaten the dignity of the person, in some situations, for the sake of the common good, some degree of such a control (over the individual) can be required and accepted. Overall, in this section the central set of rights – rights to challenge the state and society and to vindicate individual selfness – are strongly limited, and the emphasis is made on reconciliation rather than opposition, on unity rather than disputes, cooperation with the state rather than individual's face-off with the state (IV.7).⁷

⁷ Compare, in previous writings, direct criticism of democratic competitiveness by Father Vsevolod Chaplin and Metropolitan Kirill: Chaplin 2005, Kirill 2005.

Socioeconomic rights come next in the list of accepted rights, and the Church stresses the legitimacy of the property rights, the right for work, for protection from employers, but also the right for free entrepreneurship, as well as the right to a decent life quality. Yet, the stipulation for these rights to be legitimate is keeping central their “moral dimension” and their inferiority to the religious goals. The crucial issue of these rights is “to prevent confrontation and disparity” in society (IV.8). Overall, the emphasis in this paragraph seems to be in line with the old anti-liberal tradition of promoting the “second generation rights”, as has been typical of the socialist critique of the HRD.

Collective rights (IV.9) are discussed separately and opposed to the individual rights. Overall, there is an attempt to create a balance between individual and collective values, but the very fact of introducing this special paragraph means an emphasis critically directed against the individual focus of the Western HRD. The critique of individualism has been central to the discussions from its very start, although the text of the Document avoids any sharp polemics on the issue. The family rights seem to be the main form of collective rights, but then a few other follow, including, symptomatically, the right of a collectivity to “preserve its cultural legacy and inner norms regulating the life of various communities,” which is an obvious allusion to the protection of the collective rights of religious communities.

Then, in Part V, the Document goes on in outlining the *practical* principles of the human rights advocacy in Orthodox terms. Interestingly, once again, we can see here a shift from the classical Western HRD (a clear juxtaposition of the individual freedom to arbitrary powers) to an entirely different approach. As it is stated in this section (using a phrase that sounds implicitly polemical toward the classical Western HRD),

in the contemporary world the human rights are violated, and the human dignity trampled, not only by the state authorities, but also by transnational corporations, economic organizations, pseudo-religious, terrorist and other criminal communities (V.2).

In the following list of particular activities that the Church would support, religious freedom (in a particular sense we have seen a few paragraphs above) comes first and opposing the crimes related to religion and nationality comes second; only then comes the “classic” protection of individual rights against authorities, and then follows a list of formulations that are quite specific and not fitting into the classical HRD: protection of the vic-

tims of conflicts; of the military during their service; and some other emblematic points, such as the protection for the victims of the “destructive sects” and “protection of right of nations and ethnic groups to preserve their religion, language and culture” (V.3).

The Document ends with a statement showing the intent of the Orthodox Christians, while respecting the opinions of other social groups,

to keep the right of participating in the arrangement of a society in such a way that would not contradict their faith and moral principles. The Russian Orthodox Church is ready to promote these same principles in the dialogue with the world community and in cooperation with other faithful of the traditional confessions and religions (V.4).⁸

Overall Significance of the 2008 Document: Major Emphases and Ambivalence

It is remarkable that the Russian Church continues to create this kind of official documents (starting with *The Bases of the Social Concept* of 2000), which are the result of more or less public discussion and which are audaciously addressing various social and political issues, thus radically breaking off with the traditional indifference to these issues, the otherworldliness or, rather, a certain liturgical narcissism, the inability to pronounce and to impact the social life outside the divine service, – all which have long been a target of criticism of Eastern Orthodoxy in general and the Russian Church in particular. It must be said that this genre of official statements is exceptional in the Eastern Orthodox world, and a supposed influence of the Western Churches does not seem unrealistic here.

We can assume that the Document 2008 has been a pinnacle of the entire discussion on human rights, and in this sense it may be seen as a summary of the Russian Orthodox vision and approach to the issue. The Document avoided direct polemic and most implacable criticism of the Western HRD, as has been the case in some more radical texts and pronouncements over the last few years. It also avoided direct confrontation with the liberal human rights NGOs, whose critique of clericalism and

⁸ “Traditional” in this case refers to a semi-official classification used in the Russian public discourse; “confessions” in this context include Christian denominations and some non-Christian faiths. We will not speculate here on which of them could have been included in this case. There is an extensive literature on the notion of “traditional religion” and its implications to legal, political and inter-religious practices.

whose unequivocal protection of the religious minorities partly inspired the Church to engage in the entire project.

In a sense, the Document 2008 takes a more conciliatory position and emphasizes dialogue, trying to reconcile the ethos of Eastern Christianity, as the authors see it, with the ethos of the human rights. I can reiterate what I have stated in the beginning of this paper: the overall significance of this discursive negotiation is that the Russian Church, with all its protective and conservative approach, and in spite of many conditions and reinterpretations (I will summarize them below), *does* accept the very language of human rights and finds some ideological and even theological tools to legitimize the discourse associated with the liberal and secular symbolic order. The Church wants to be a player in the public square within Russia and internationally, claiming its own place and role in the arrangements of the national and global society, and appealing to other (“traditional”) religions that can join these efforts.

One important conclusion that we can draw from the analysis of the Russian Orthodox vision of the human rights is that the whole project, as it was clearly seen in the Document 2008 we have just studied, has an ambivalent, protean intent. On the one hand, as I have just mentioned, it is *outward-oriented*, for it contains a claim of the Church to be publicly present and visible, to play a social role and to acquire a political and moral weight; it contains some declarations that are addressed to the wide national and global public.

On the other hand, it seems to be deeply *inward-oriented*. Its major objective is to create a clear reference to believers, to the Church members, to the clergy and lay communities, and to offer some guidelines to the Church on how to deal with the HRD and how to use this legal and ideological instrument with the purpose of *protecting the rights of the Church and its members*. This inward orientation seems to be prevalent. It is expressed overtly in the resolution of the Bishops’ Council, which recommends the Document to be used in dealing with respective issues and to be studied in the seminaries. However, even more important are some ideas found in the text of the Document. The intrusion into the rights to believe and to perform religious rituals is considered a major violation of human rights; the Document warns about the interference into the inner life of believers; it fights against the imposition of alien norms and moralities that contradict the religious ones; it reiterates the threat to the integrity of religious and

cultural traditions and makes the protection thereof a major human rights activity; it singles out offences against religious beliefs, religious feelings and the desecration of the holy objects. Finally and most importantly, as we have seen, the authors speak of the *soteriological significance* of the debate, because the ubiquity of the HRD and respective legal norms directly conflict with some foundational Christian strategies, aimed at salvation. This approach proves that the Document is addressed, first of all, to *believers*, and not to all the rest who do not have to face this crucial conflict in their life strategy. Although we can find references to wider notions of rights and a wider scope of rights' applications, there is an unmistakable penchant in the Document to create a meaningful regime of coordination between Christian Orthodox values and the HRD.

I would like to point out this internal ambivalence between the outward and the inward orientations of the Russian Orthodox human rights project, for, as we shall see quite soon, this clearly reflects an ambiguity in the very *identity* and *self-positioning* of the Russian Church. But to be able to explain this fundamental ambiguity, we first need to quickly overview major substantial emphases as expressed in these texts.

In terms of content of the project and the values promoted there, I would single out the following points. One such interesting point is the treatment of correlation between individual and community, individual rights and communal (group) rights. As I have said, the 2008 Document is trying to soften this opposition, in comparison to some of the previous texts I have studied. The individual and collective rights are said to be interrelated. I think that the Church cannot deny the individual personalistic aspect of the theological language of dignity and freedom, and the recognition of the social consequences of this language is by itself remarkable. Yet, undeniably, the authors' goal is to address, first of all, the community, – or, rather, two kinds thereof: firstly, the community of *explicit* Orthodox believers, and secondly, the community of “the people” at large who are supposed to be *implicitly* Orthodox. Thus, collective or group values certainly dominate, in the final analysis.

Accordingly, a common and ubiquitous feature across the previous texts and the 2008 Document is the emphasis on *national* values, the rights to hold them and the rights to protect them; the nationalist vocabulary goes hand in hand with the religious one, and the “national rights” are thought as

the utmost manifestation of the group, or collective, rights.⁹ (Family is also heavily stressed as the first focus of group values). Also, predictably, as the next step, based on the national discourse, comes an obvious bias in the entire project to diminish the perception of the *state* as a threat to human rights: instead of a clear classical opposition of the individual rights to state authorities, the Document is careful to avoid in many (although not in all) cases such a direct opposition and to negotiate a much more collaborative stance with regards to the national state. For example, this bias is expressed when the Document speaks about the “higher interests” of the Fatherland; or when it endorses the cooperation with the state while downplaying the issue of social strife; or when alluding to the fact that the state should not treat the “nationally formative” Orthodoxy equally with other faiths; or when including some state-related social security activities into the Church’s own repertoire; or when muffling the role of the state by putting it in a long list of other threats to human rights (transnational corporations, pseudo-religious sects, criminal communities, etc.).

Russian Church’s dual identity: minority or majority or both?

Let us get back now to the overall significance of the Russian Orthodox human rights project, as I call it, and to the fundamental ambivalence which can be revealed there. First of all, the objective of the entire project is clearly *not* to refute the Western HRD completely in order to reassert an unchanged, traditional Christian vision of man and society; no: it is rather a negotiation, or even “harmonization”, in the authors’ own language. *Nor* is it an attempt to create a comprehensive *alternative* human rights theory – this might have been, indeed, an initial ambition, but it has not been realized.

In fact, the project seems to be more modest and particularistic: trying to negotiate a place of the community of Russian Orthodox believers *as a*

⁹ In a previous text, Father Vsevolod Chaplin, who has been active in the discussion on human rights, promoted a much more radical idea of an “organic” *symphonia* between Church, Nation and State, the idea of “people-organism”, whose differentiation into individual actors, involved in competition, is undesirable and should be rejected as a direct product of “the world damaged by sin” (Chaplin 2005 and 2007).

minority (perceived individually, but mostly collectively) within the new secular symbolic universe – national and global; this means self-positioning as an institutional, social and moral *enclave*, which uses the human rights rhetoric to create and protect its own niche, its own modest space within the global multicultural universe. The liberal HRD is mostly seen as the cultural environment favorable to protecting the religious rights of the community of Orthodox believers (as well as the communities of other faiths).

On the other hand, however, there is yet another motive – which is less straightforward, not promoted aggressively, but is obviously expressed in many ways. Namely, the authors want to remind the Russian society, the Russian state (and the international community, for that matter) that the Russian Orthodox Church has been a “formative factor” for the Russian cultural ethos, and therefore Christian anthropology, Christian vision of dignity and freedom, Christian version of rights, *must define* – at least in a certain degree – the public discourse of values and morality. This reminder has a totally different tenor: it is not a protective position of a minority, but rather the claim to represent, as a dominant religious and moral force, a *majority* – be it implicit, latent, only potential, but still the majority of the Russian people. (Hence, by the way, comes the staunch refusal to accept the legal norm of religious freedom as a “sign of apostasy;” hence comes also the appeal to the state not to observe equal neutrality to all religions). In *this* aspect, Russian Orthodoxy claims religious, moral and cultural domination, not the protection of a minority enclave.

Here are the roots of ambivalence: self-positioning as minority in one sense, and majority in another sense. If Russian Orthodoxy is a minority, its approach to the HRD represents a typical protective reaction against liberal tradition, with distinct overtones of anti-Western, post-colonial reaction to the dominant language of human rights – the language that claims to be global and universal. To this global secular “monoculture” promoted by the West, the Russian Church responds with a protective celebration of parochial, particular tradition, a “cultural reserve,” within which “the rights” are conceived to be different and only partly applicable.

Conversely, if the Russian Orthodoxy claims to be a majority in Russia, as a “dominant moral force” (and, perhaps, globally, in alliance with all other “traditional” religious traditions that are altogether opposed to secular globalization), its engagement with the issues of human rights means a

more determined and ambitious challenge to the Western “rights talk.” However, in my opinion, at this point, the first, protective tone dominates, while the second claim remains more in a *latent*, less articulated mode – at least in the final official Document we have discussed.

In any case, an obvious significance of the Church’s engagement in the HRD may be further interpreted in the following way: the Church, speaking in sociological terms (I put aside here the more theological definitions of what the Church is), is a huge institution, with a big number of people being its corporate “employees” (not only clergy, but, we can say, in some sense, all the believers, however loose may sound the term). This institution has therefore its particular “corporate interests.” This institution or, we can say, this nationwide and, indeed, transnational Corporation has the right and the will to claim a special treatment, can declare and assert its own vision and interests in the public square. In this sense, it is not at all surprising that one of the main spheres of such a self-assertion and self-protection would be the widely recognized, legally and politically efficient, but also highly contested sphere of human rights – both their discourse and practice.

There is yet another important side of the whole issue: the Russian Church not only *seeks* to assert its “corporate interests,” but also *is able* to do this, and these abilities may be growing since the early 2000s, with the rise of the Putin regime and an overall shift in the Russian society. There is certainly a correlation, if not a direct link, between the Orthodox critique of the Western HRD and the growing anti-Westernism both in the ruling Russian elites and the population. It is true that the new Russian regimes have been looking for some new ideological foundations for a specifically Russian form of societal and political system. The dominant religion has been mentioned many times as one of the possible sources. It goes without saying that the high Church hierarchy is a part of the political establishment, cooperating with the authorities in many ways at all levels. The idea of such cooperation *with* the government – instead of a classic human rights idea of protecting the individual *against* the government – has been obvious in some parts of the Document we just analyzed.

It should be said, in terms of precision, that the political regime’s appeal to the Russian Orthodox tradition and the Church has been quite careful and cautious; in no way is the Church openly invited to become a full-fledged state institution or its official ideological agency; the constitutional

secularity is firmly observed, and religious skepticism and anti-clericalism is quite strong among a part of the ruling elite. Even if the affinity of views on human rights, as on many other issues, in the political and religious elites may be striking, both sides are quite careful about being sufficiently autonomous from each other. The Church, for its part, does want to be increasingly active in its involvement with the state, but not to the point of losing this autonomy.

* * *

Overall, in its particular vision of human rights and the human person, exposed in the last official Document of 2008 and discussed at length in this paper, the Russian Church firmly tries to circumscribe its special institutional space and its interest to assert specific rights of the clergy and believers; it emphasizes the protection of the right to hold and to practice Orthodox values in the world dominated by Western human rights ideology; and it carefully and cautiously reminds to political elites and the Russian society that it possesses a set of values that can be offered as an alternative to the “Western liberal ethos.” Important here is the acceptance, despite and even *through* partial rejection, of the very language of human rights; and the will to use the very notion and principle of human rights in the Church’s own discourse. However, in the final analysis, the ultimate objective here is to use the *rights talk* to assert the *right* to be different.

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