



<https://doi.org/10.22363/2312-8674-2021-20-1-8-31>

Research article / Научная статья

Russian Empire's Religious Institutions in the 18th – Early 20th Century: The Evolution of “Friend – Alien – Foe” Relations

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Abstract: The Russian government's three principal institutions to regulate the empire's diverse religions from the 18th to the early 20th century are examined. Its author describes the evolution of these bodies, their features and purpose, as well as defining the concept of religious security by analyzing its specific historical content. The author also discusses the relationship between the institutions of the official Russian Church, religious tolerance for “foreign confessions,” and discrimination against the Old Believers through the prism of “friend – alien – foe” relations. This approach helps us understand the hierarchical nature of the relations and contradictions that existed between the institutions, whose activities regulated the religious life of the Russian Empire's subjects until 1905. The article goes on to analyze the relationship between the official legal status of the Russian Church, imperial tolerance, and religious discrimination. It concludes that the formation of the three state-religious institutions that began in the 18th century ended during the reign of Emperor Nicholas I. That time saw the beginning of the gradual evolution of “friend – alien – foe” inter-institutional relations, which peaked under Emperor Nicholas in 1904–1906. The author also considers the changes in the government's policy towards the Russian “schism” of the 17th century, which ultimately removed the “friend-or-foe” opposition in the relations between the Russian state, the Russian Church and the “schismatic” Old Believers. In accordance with the modernized legislation on religious tolerance, lawful Old Believers and sectarians moved from the category of religious and political “foes” to that of “aliens”, to which “foreign confessions” traditionally belonged. Under the new legal and political conditions, intolerance and religious discrimination against the “schism” ceased to be an instrument of state policy.

Keywords: the official Russian Church, the institution of religious tolerance, discrimination, proselytism, “schism,” foreign confessions, the Russian Empire, religious security

Acknowledgements and Funding: This study was supported by the BRFFR-RFBR grant No. G20R-211 “Images of ‘friend,’ ‘alien’ and ‘foe’ in the context of the tradition of religious tolerance in the Belarusian-Lithuanian provinces, central and northern Russia: a comparative historical and philosophical-religious analysis (late 19th – early 20th century).”

For citation: Bendin, Alexandre Yu. “Russian Empire's Religious Institutions in the 18th – Early 20th Century: The Evolution of ‘Friend – Alien – Foe’ Relations.” *RUDN Journal of Russian History* 20, no. 1 (February 2021): 8–31. <https://doi.org/10.22363/2312-8674-2021-20-1-8-31>

Государственно-религиозные институты Российской империи в XVIII – начале XX в.: эволюция отношений «свой – иной – чужой»

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Аннотация: Рассматриваются вопросы формирования и функционирования трех основных государственно-религиозных институтов, которые обеспечивали религиозную безопасность Российской империи в XVIII – начале XX в. Показаны исторические особенности административно-



правового становления каждого из названных институтов, выявлены их признаки и функциональное предназначение. Дано определение понятия «религиозная безопасность Российской империи», основанное на анализе его конкретного исторического содержания. Автор рассматривает отношения, сложившиеся между институтами «господствующей» Русской церкви, веротерпимости «иностранных исповеданий» и дискриминации великорусского «раскола» сквозь призму отношений «свой – иной – чужой». Названный подход позволяет выяснить иерархический характер отношений и противоречия, существовавшие между институтами, деятельность которых до 1905 г. регламентировала религиозную жизнь всех подданных Российской империи. В статье анализируется зависимость, существовавшая между «господствующим» правовым статусом Русской церкви, имперской веротерпимостью и религиозной дискриминацией. Автор приходит к выводу, что административно-правовое формирование трех государственно-религиозных институтов, начавшееся в XVIII столетии, завершилось в период правления императора Николая I. С этого времени начинается процесс постепенной эволюции межинститутских отношений «свой – иной – чужой», пик которой, в связи с изданием указов императора Николая II, выпадает на 1904–1906 гг. В статье рассматриваются перемены правительственной политики в отношении великорусского «раскола», которые в конечном итоге сняли оппозицию «свой – чужой» в отношениях между Российским государством, Русской церковью и «расколом». Из категории религиозно и политически «чужих» легализованные старообрядцы и сектанты в соответствии с положениями модернизированного законодательства о веротерпимости перешли в категорию «иных», к которой традиционно принадлежали «иностранные исповедания». В новых правовых и политических условиях нетерпимость и религиозная дискриминация «раскола» перестали быть инструментом обеспечения религиозной безопасности Российского государства.

Ключевые слова: «господствующая» Русская церковь, институт веротерпимости, дискриминация, прозелитизм, «раскол», иностранные исповедания, Российская империя, религиозная безопасность, понятия «свой – иной – чужой»

Благодарности и финансирование: Исследовано поддержано грантом БРФФИ-РФФИ № Г20Р-211 «Образы “своего”, “другого” и “чуждого” в контексте традиции веротерпимости в белорусско-литовских губерниях, центральной и северной России: сравнительный исторический и философско-религиоведческий анализ (конец XIX – начало XX в.)».

Для цитирования: Бендин А.Ю. Государственно-религиозные институты Российской империи в XVIII – начале XX в.: эволюция отношений «свой – иной – чужой» // Вестник Российского университета дружбы народов. Серия: История России. 2021. Т. 20. № 1. С. 8–31. <https://doi.org/10.22363/2312-8674-2021-20-1-8-31>

Introduction

One of the Russian autocracy's key challenges was to ensure the religious security of the state. Confessional stability was maintained through the legal and political distinction between the notions of “friend – alien – foe,” on the basis of three elements: the “predominant” Russian Church, religious tolerance, and religious discrimination. Taking into account the specific historical content of this concept, the religious security of the Russian Empire should be understood as the protection of the official Church and tolerated “foreign confessions” on the one hand, and religious discrimination against the Old Believers on the other. This article's theoretical understanding of “religious security” in the context of Russian law is based on the work jurists, sociologists and philosophers, including I.A. Tarasevich, A.I. Ovchinnikov, M.D. Fominskaia, A.V. Zhukov, S.I. Samygin.¹

The author's goal is to study how the Russian state endeavored to maintain its religious security, viewed through the prism of the “friend – alien – foe” concept on the evo-

¹ I.A. Tarasevich, *Religioznaya bezopasnost' Rossiyskoy Federatsii* (Tyumen': [N.s.], 2013); A.I. Ovchinnikov, M.D. Fominskaya, “Pol'skiy vopros» i pravitel'stvennaya politika na territorii Belarusi v pervoy polovine XIX v.,” in *Vybrannya naukovyya pratsy BDU* (Minsk: [N.s.], 20017): 85–87; S.I. Samygin, “Religious safety of the society in terms of providing the religious freedom and counter religious extremism,” *Humanities of the South of Russia* 6, no. 4 (2017): 167–179; A.V. Zhukov, “Religious security as a subject of scientific discourse in Post-Soviet Russia.” *Gramota*, no. 12 (2017): 66–71.

lution of the Russian Church's institutions, as well as religious tolerance and discrimination. He will do so by taking on three tasks:

- considering the main features, functions and evolution of the three above-mentioned institutions that ensured religious security of the Russian Empire in the middle of the 19th and early 20th centuries;
- identifying the relationship between the Church's privileges, the norms of religious tolerance and measures to discriminate against the Old Believers;
- analyzing the changes in the political and legal distinction of the notions “friend – alien – foe,” as a result of new conceptions of religious security from the second half of the 19th to the early 20th centuries.

Historians and jurists have paid considerable attention to the history of the Russian Orthodox Church, Old Believers, non-Orthodox confession, as well as state-religious and interreligious relation. However, Imperial Russia's institutions to ensure the state's religious security have been relatively neglected.²

This article addresses this lacuna by examining these departments, in addition to religious tolerance and discrimination, and efforts by the authorities to address relations between the categories it defined as “friend – alien – foe.” The research is based on both archival and secondary sources. The former was carried out in the Russian State Historical Archive (GARF), the Foreign Policy Archive of the Russian Empire (AVPRI), the National Historical Archive of Belarus and the Lithuanian State Historical Archive, while published primary sources include the Complete Collection of Laws of the Russian Empire, and the Code of Laws of the Russian Empire. The author has also relied on studies by pre-revolutionary historians, canonists, legal scholars, as well as the works of more modern domestic and foreign scholars on the confessional history of the Russian Empire, confessional-state and interreligious relations.

In the wake of its victory in the Great Northern War against Sweden (1700–1721), Russia formally declared itself to be an empire. By 1800, it had expanded to include the Baltic, much of the former Polish-Lithuanian Commonwealth, as well as territories wrested from the Ottoman Empire. The conquest of the North Caucasus, the annexation of Transcaucasia and Central Asia, as well as the development of Siberia and the Far East during the 19th century turned the Russian Empire into a great Eurasian power. The many ethnic groups the emperor now ruled stood at different levels of political, economic, social, and cultural development, and were distinguished by great ethno-cultural and religious diversity. Russian Orthodoxy, the largest religion, joined Great Russians with many Ukrainians and Belarusians, most of whom were in union until 1839.³ Some of the Russians who had broken away from the official church during the 17th century were subjected to discrimination as “schismatics.”

² A.Yu. Bendin, “The phenomenon of Russian religious tolerance,” *Russian History*, no. 5 (2013) 143–149; A.A. Safonov, *Gosudarstvo i konfessii v pozdneimperskoy Rossii. Pravovyye aspekty vzaimootnosheniy* (Moscow: Prospekt Publ., 2017).

³ G. Shavel'skiy, *Posledneye vossoyedeniye s Pravoslavnoy tserkov'yu uniatov Belorusskoy yeparkhii* (St. Petersburg: Tipografiya Sel'skogo vestnika Publ., 1910), 378; *Zapiski Iosifa mitropolita Litovskogo, izdannyye Imperatorskoyu Akademiyey Nauk po zaveshchaniyu avtora* (St. Petersburg: Akademia nauk Publ., 1883), 45; A. Romanchuk, *Vysokopreosvyashchennyy Iosif (Semashko), mitropolit Litovskiy i Vilenskiy: ocherk zhizni i tserkovno-obshchestvennoy deyatel'nosti* (Moscow–Minsk: Izd-vo Obshchestva lyubiteley tserkovnoy istorii Publ., 2018); I.V. Orzhekhovskiy, V.A. Teplova, “‘Pol'skiy vopros’ i pravitel'stvennaya politika na territorii Belarusi v pervoy polovine XIX v.,” in *Vybrannyya navukovyya pratsy BDU* (Minsk: BDU Publ., 2001), 85–87.

Meanwhile, the non-Russian peoples of the empire professed various Christian denominations – Catholicism, Protestantism, Armenian Gregorianism, as well as other faiths, such as Islam, Buddhism and Judaism. They also included smaller nationalities in the North and the Far East, who held pantheistic or shamanic beliefs. Despite its Eurasian geography as well as its religious and ethnic diversity, because most of the population was Christian the Russian Empire considered itself to be a European state. The most important feature of the ethno-cultural identity of the tsar's subjects was religion rather than language.⁴

The confessional affiliation of the emperor's subjects was hereditary, and the “fear of God” was considered to be legally obligatory for the law-abiding and moral behavior of believers. The clergy and laity of all confessions and religious communities, including Old Believers and sectarians, were to offer prayers for the health of the emperor so that he would reign for the good of Russia. Thus, the legitimacy of the autocratic monarch as the “supreme defender” of the Orthodox Church and the “patron” of non-Orthodox confessions and religious communities was religiously sanctioned.⁵

Russia's great religious, ethnic and cultural diversity, ruled by an autocratic Orthodox monarch, faced threats both to the political and religious security of the state and the Russian Church. From the time Russia had declared itself to be an empire in the early 18th to the middle of the 19th century, the greatest religious challenge in the relations between the state and the Russian Church with “foreign confessions” consisted of efforts by the latter to convert the Orthodox population to their beliefs, as well as mutual proselytism among “foreign” clergy and laity.⁶ As a result, legislation strictly prohibited such proselytism.⁷

Blasphemy, sacrilege, the spread of heresies and schisms, interreligious conflicts, manifestations of religious intolerance and violence against the conscience of believers were also seen as threats to public order and the clergy.⁸ Therefore, the religious security of the Russian Empire was determined, above all, by the degree of protection of the official Orthodox Church from external proselytism and internal schisms.

From the 1830s, the Russian state faced new political threats, typically with a religious component, in the form of minority nationalisms, irredentism, ethnic separatism,

⁴ A. Kappeler, *Rossiya – mnogonatsional'naya imperiya. Vozniknoveniye. Istoriya. Raspad* (Moscow: Traditsiya; Progress Publ., 2000), 119–120; L.A. Tikhomirov, “Veroispovednyy sostav Rossii i obyazatel'nost' dlya russkogo gosudarstva istoricheskoy veroispovednoy politiki,” *Missionerskoye obozreniye*, no. 3 (1902): 435.

⁵ A. Lokhvitskiy, *Kurs russkogo ugolovnoy prava* (St. Petersburg: Skoropechatnaya Yu.O. Shredera Publ., 1871), 307; N.S. Timashev, *Religioznyye prestupleniya po deystvuyushchemu russkomu pravu* (Petrograd: Gosudarstvennaya tipografiya Publ., 1916), 14; I.S. Berdnikov, *Kratkiy kurs tserkovnogo prava* (Kazan': Tipografiya Imperatorskogo universiteta Publ., 1888), 231–232; “Osnovnyye gosudarstvennyye zakony,” *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 41–42; *Ulozhenii o nakazaniyakh ugovolnykh i ispravitel'nykh* (St. Petersburg: [N.s.], 1845), 223; Rossiyskiy gosudarstvennyy istoricheskiy arkhiv (thereafter – RGIA), f. 821, op. 125, d. 26, l. 21–22.

⁶ A.S. Pavlov, *Kurs tserkovnogo prava* (Svyato-Troitskaya Sergiyeva lavra: Sobstvennaya tipografiya Publ., 1902), 177.

⁷ RGIA, f. 821, op. 10, d. 215, l. 17–20; “Svod ustavov o preduprezhdenii i presechenii prestupleniy,” in *Svod zakonov Rossiyskoy Imperii* (St. Petersburg: [N.s.], 1832), 78.

⁸ “Ustav o preduprezhdenii i presechenii prestupleniy,” in *Svod Zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 134–138; “Ulozheniye o nakazaniyakh ugovolnykh i ispravitel'nykh,” in *Svod Zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 235–269; V.B. Lebedev, *Religioznyye prestupleniya v zakonodatel'stve Rossiyskoy imperii v XVIII – nachale XX vv.* (Pskov: Pskovskiy yuridicheskiy in-t Federal'noy sluzhby ispolneniya nakazaniy Publ., 2007).

pan-Turkism and pan-Islamism, which non-Orthodox clergy often encouraged. Such efforts to break up the empire also had a geopolitical component, since the centers of their faiths were located abroad: Rome for Russian Catholics, Constantinople for Armenian Gregorians, Mecca, Medina and Constantinople for Sunni Muslims and Lhasa for Buddhists.⁹

The Institutions of the Russian Church

Before Emperor Alexander II's Great Reforms in the 1860s and 1870s, the state's approach to incorporating newly annexed peoples and territories was distinguished by pragmatism and religious tolerance. The emphasis was on political and strategic goals, rather than economics or religious and linguistic assimilation.¹⁰

To manage both Russian and non-Russian nationals, from the 18th to the middle of the 19th centuries various institutions of the state regulated the religious lives of all of the emperor's subjects, including the Great Russians, Ukrainians and Belarusians who belonged to the official Orthodox Church, as well as two minorities – Old Believers and non-Russian ethnic groups worshipped according to approved “different faiths.”

The important links of the imperial mechanism of management in the pre-reform period were the following ones: the Holy Governing Synod as an institution of law and government of the official Orthodox Greek-Russian Church; the institution of religious tolerance, which regulated the structure and functioning of “foreign confessions of Christian and other faiths”; the institution of religious discrimination, the object of which was the Great Russian ecclesiastical “schism” (it operated until 1905).

The existence of these three supervisory institutions indicate that the government's relations with religious organizations not only failed to provide for their equality in the field of religious rights and privileges, but also placed some of them outside of the law. The established inter-institutional relations formed the triad “friend – alien – foe,” whose differences were fixed by the empire's legislation. The religious, political and legal right to be a “friend” historically belonged to the Russian Orthodox Church as the “leading and dominant” faith.¹¹

The famous pre-revolutionary canonist A.S. Pavlov noted:

The Orthodox Church alone enjoys the direct patronage of the government; all other confessions are just tolerated.¹²

⁹ *Narys gistoryi Pol'skay Dzyarzhavy i Naroda. X-XXI stst* (Varshava: Demart Publ., 2005), 125–129; “Pol'skoye vosstaniye 1830 i 1863 gg.,” in *Entsiklopedicheskiy slovar' Brokgauza i Yefrona* (St. Petersburg: [N.s.], 1898), 417–422; O.R. Ayrapetov, “Tsarstvo Pol'skoye v politike imperii v 1863–1864 gg.” In *Russkiy sbornik: Issledovaniya po istorii Rossii* (Moscow: Modest Kolerov Publ., 2013), 7–138; A.Yu. Bendin, *Mikhail Murav'yev-Vilenskiy: usmiritel' i reformator Severo-Zapadnogo kraya Rossiyskoy imperii* (Moscow: MMO «CIS-EMO» IP Lobanov V.I. Publ., Knizhnyy mir Publ., 2017); P.D. Bryantsev, *Pol'skiy myatezh 1863 g.* (Vil'na: Tipografiya A. G. Syrkina Publ., 1892); P. Vert, *Pravoslaviye, inoslaviye, inoveriye: Ocherki po istorii religioznogo raznoobraziya Rossiyskoy imperii* (Moscow: Novoye literaturnoye obozreniye Publ., 2012); M. Gammer, *Shamil'. Musul'manskoye soprotivleniye tsarizmu. Zavoyevaniye Chechni i Dagestana* (Moscow: 'KRON-PRESS Publ., 1998); A.K. Tikhonov, *Katoliki, musul'mane i iudei Rossiyskoy imperii v posledney cheverti XVIII – nachale XX v.* (St. Petersburg: Izdatel'stvo Sankt-Peterburgskogo universiteta Publ., 2007), 241–258; Arkhiv vneshney politiki Rossiyskoy imperii (thereafter – AVPRI), f. 136, op. 890, d. 1, l. 23–26 ob; RGIA. f. 821, op. 10, d. 64, l. 1–4, 6.

¹⁰ B.N. Mironov, *Sotsial'naya istoriya Rossii perioda imperii (XVIII – nach. XX vv.)* (St. Petersburg: Dm. Bulanin Publ., 1999), 62–63.

¹¹ “Osnovnyye gosudarstvennyye zakony,” in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1832), 40, 42.

¹² A.S. Pavlov, *Kurs tserkovnogo prava* (Svyato-Troitskaya Sergiyeva lavra: Sobstvennaya tipografiya Publ., 1902), 538.

The Russian Church's exclusive legal position had a direct impact both on the legal foundations of religious tolerance, and on the institution of religious discrimination of the Old Believers.¹³

Mikhail Speranskii's "Digest of Laws of the Russian Empire," which was put into effect in 1835, included legislation related to the Russian Church, under the aegis of the Holy Synod.¹⁴ Approved by Nicholas I, this law code also affected the empire's officially recognized "foreign confessions." However, because of its dominant position, the law firmly placed the Russian church in the category of "friend," and the others in that of "alien."

For the legislator, the notion of friend had dogmatic, canonical and political and legal implications.¹⁵ The status of the Russian Church as leading and dominant, meant that the law code recognized the Orthodox faith as

the only true religion on earth, the confession of which is certainly in accordance with the teachings of the Savior, his apostles and teachers, and the tradition of the universal Church.¹⁶

The legal recognition of the Orthodox Church as true, pious, and the only one capable of granting salvation was defined in Article 40: "The leading and dominant faith in the Russian Empire is Christian, Orthodox and the universal Eastern confession." The ruler's religious affiliation confirmed the primacy of the Orthodox Church: "The Emperor, reigning on the All-Russian throne, cannot profess any other faith except the Orthodox one." He acted as "the supreme defender and keeper of the dogmas of the dominant faith and the guardian of the orthodoxy and of all holy clergy in the Church."¹⁷ Consequently, the emperor's duties included protecting the Russian Church from "aliens" and "foes," that is, from external proselytism on the part of heterodox Christians and gentiles, as well as the internal schisms of Old Believers and sectarianism.

At the same time, the Fundamental Laws codified both the traditional Byzantine-Muscovite and absolutist relationship of the Russian emperor to the Orthodox Church, which was ruled by "autocratic power... through the Holy Governing Synod, established by it."¹⁸ On this basis, the church's administration was singled out as a special institution.¹⁹

¹³ D. Littl, "Izucheniye religioznykh prav cheloveka: metodologicheskiye osnovaniya." In *Prava cheloveka i religiya. Khrestomatiya* (Moscow: Bibleysko-bogoslovskiy in-t sv. apostola Andrey a Publ., 2001), 173.

¹⁴ B.N. Mironov, *Sotsial'naya istoriya Rossii perioda imperii (XVIII – nach. XX vv.)* (St. Petersburg: Dm. Bulanin Publ., 1999), 148.

¹⁵ RGIA, f. 821, op. 150, d. 7, l. 39–40; V.A. Tishkov, "Both Russian and Russian," *Russian Nation Journal*, no. 51 (2008–2016): 52.

¹⁶ G.P. Dobrotin, *Zakon i svoboda sovesti v otnoshenii k lzheucheniyu i raskolu* (Kiyev: Tipografiya S.V. Kul'zhenko Publ., 1896), 88–90; M.P. Klobutskiy, *Issledovanie glavnykh polozheniy osnovnykh zakonov Rossiyskoy imperii v istoricheskom ikh razviti* (Khar'kov: Universitetskaya tipografiya Publ., 1839), 88–89; A.A. Safonov, "Gosudarstvo i Tserkov' v imperskoy Rossii: pravovyye aspekty vzaimootnosheniy," in *Gosudarstvo, tserkov', pravo: konstitutsionno-pravovyye i bogoslovskkiye problemy: IX Rymyantsevskiy chteniya* (Moscow: Izd-vo Rossiyskogo gosudarstvennogo torgovo-ekonomicheskogo universiteta Publ., 2011), 28–40.

¹⁷ "Osnovnyye gosudarstvennyye zakony," in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1832), 40–42.

¹⁸ "Osnovnyye gosudarstvennyye zakony," in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1832), 43; I.S. Berdnikov, *Kratkiy kurs tserkovnogo prava* (Kazan': Tipografiya Imperatorskogo uni-

The Russian Church's primacy was confirmed the fact that church holidays were as important as civic ones, and on the former government, and educational institutions also closed. According to the law, the following were all classified as holidays: all Sundays, all the Twelve Great Feasts, some days of remembrance of saints, such as the Day of St. Nicholas the Wonderworker on 9 May and 6 December, the Day of the Apostles Peter and Paul on 29 June, etc.; Friday and Saturday of Shrovetide, Thursday, Friday and Saturday of the Holy Week, all Easter week, the period from 23 December to 2 January.²⁰

The exclusive status of the Russian Church was confirmed by the privileges that foreign confessions did not have. Thus, only it had the right to proselytize among the empire's non-Orthodox population, and missionary work forbidden for other faiths:

Within the state, only the dominant Orthodox Church has the right to persuade followers of other Christian confessions and gentiles to accept its doctrine of faith (a). Spiritual and secular persons of other Christian confessions and gentiles are strictly forbidden to influence the beliefs of those who do not belong to their religion; otherwise, they are subject to penalties specified in criminal laws.²¹

Meanwhile, all children in mixed marriages of Orthodox and non-Orthodox people were legally Orthodox.²²

Legal protection of its internal and external borders from the missionary activities of "aliens" and "foes" was an integral part of the Russian Church's exclusive privileges. According to the law:

Both those born in the Orthodox faith and those who converted to it from other faiths are prohibited from withdrawing from it and adopting a different faith, even a Christian one.²³

Therefore, it was illegal to deny church membership and join any "foreign confession." There were various criminal and administrative penalties for persuading someone to convert from Orthodoxy to non-Orthodox Christianity, other faiths, or the "schism." The Russian state recognized the exclusive role of the Church not only in religious and legal, but also in historical, political and ethno-cultural terms. As A. Reisner noted, "the entire historical development of the Russian people is determined by the Orthodox religion," adding that "under the direct influence of the Orthodox religion, from time immemorial the mental and moral development of the Russian people and the main forms of its social structure, family, economic and state life, took shape." Orthodoxy was considered to be the national faith of Russia's sovereigns and people, "the living force of the Russian nationality" and one of the "main foundations of Russian statehood".²⁴ The

versiteta Publ., 1888), 231; Ar.V. Popov, *Sud i nakazaniya za prestupleniya protiv very i npravstvennosti po russkomu pravu* (Kazan': Tipo-litografiya imperatorskogo universiteta Publ., 1904), 445, 508.

¹⁹ I.K. Smolich, *Istoriya Russkoy tserkvi. 1700–1917* (Moscow: Izd-vo Spaso-Preobrazhenskogo Valaamskogo monastyrja Publ., 1997), 1–2.

²⁰ "Ustav o preduprezhdenii i presechenii prestupleniy," in *Svod Zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 30; I.S. Berdnikov, *Kratkiy kurs tserkovnogo prava* (Kazan': Tipografiya Imperatorskogo universiteta Publ., 1888), 242.

²¹ "Svod uchrezhdeniy i ustavov upravleniya dukhovnykh del inostrannykh ispovedaniy khristianskikh i inovernykh," in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 4.

²² PSZRI. I. T.VI. № 3798.

²³ "Ustav o preduprezhdenii i presechenii prestupleniy," in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 47. M. Krasnozhen, *Inovertsy na Rusi. Polozheniye nepravoslavnykh khristian v Rossii* (Yur'yev: Tipografiya K. Mattisena Publ., 1900), 162.

²⁴ See: G.P. Dobrotin, *Zakon i svoboda sovesti v otnoshenii k lzheucheniyu i raskolu* (Kiev: Tipografiya S.V. Kul'zhenko Publ., 1896), 88; RGIA, f. 821, op. 10, d. 215, l. 19–21; Idem., op. 150, d. 7, l. 238.

idea of Orthodoxy as one of the main foundations of Russian statehood made it possible officially to classify “tolerated confessions” as “foreign,” despite the fact that some of them had a long history in Russia.²⁵

Thus, at the highest legislative level, the Orthodox Church appeared in two guises, first, as the true Church and the only one capable of salvation, and second, as a social, national and moral force, historically playing an exceptional, creative role in the life of the Russian people and state. Approved by imperial legislation as “friend,” protecting the Orthodox Church was the main objective of Russia's religious security.

Religious Tolerance as an Instrument of the Russian Empire's Religious Security

Established in 1721 by Emperor Peter I (1682–1725) to govern the Russian Orthodox Church, the Holy Synod became a kind of model for creating institutions to regulate and manage the heterodox Christian and non-Christian confessions of the empire. Having granted it an exclusive legal status, the law also set out the basic principles of religious freedom for “aliens,” or non-Orthodox nationals of the empire. According to Article 44 of the Fundamental Laws:

All nationals of the Russian state who do not belong to the dominant Church, native (a), those who acquired citizenship (b), as well as foreigners who are in the Russian service, or those temporarily staying in Russia (c), practice their faith and worship according to its rituals everywhere.

Article 45 of the “Fundamental Laws went on to elaborate”

Not only Christians of other faiths, but also Jews, Mohammedans and pagans have freedom of Faith (a): all peoples in Russia may glorify God Almighty in different languages according to the law and the confession of their forefathers, blessing the reign of the Russian Monarchs, and praying to the Creator of the universe to increase prosperity and strengthen the Empire (b).²⁶

Like the Holy Synod, the regulation of “other faiths” was separated from the general complex of state administration as a special institution.

According to Article 46: “The affairs of the church of different faiths in the Russian Empire are conducted by their spiritual authorities and special administrations accordingly designated by the Supreme Authority.” A note to this article pointed to “the special institution for the administration of different confessions” and that “the rules for the protection of religious tolerance and its limits are detailed in Part IV of the Code of the Clergy.”²⁷

Article 46 and its notes were formulated in a slightly different way in the revised Fundamental Laws of 1857: “The church affairs of Christians of foreign confessions and gentiles in the Russian Empire are conducted by their spiritual authorities and special administrations, as designated by the Supreme Authority.” A note explained: “The rules for the protection of religious tolerance and its limits are detailed in the Statutes on confession,” while the “Code of resolutions on the management of spiritual affairs of foreign

²⁵ M.A. Reysner, *Gosudarstvo i veruyushchaya lichnost'* (St. Petersburg: Obshchestvennaya pol'za Publ., 1905), 193.

²⁶ “Osnovnyye gosudarstvennyye zakony,” in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1832), 44–45.

²⁷ *Ibid.*, 46.

Christian confessions and different religions, as well as the Statute on the prevention and suppression of crimes”.²⁸

The changes in the wording of Article 46 in the revised law code legally established that the apparatus for imperial religious tolerance that had been launched under Peter I had fully taken shape in the reign of Nicholas I.

The roots of the state’s administration of religious tolerance can be traced back to pre-Petrine Russia.²⁹ The Russian jurist Mikhail Krasnozhen noted:

The attitude of the Russian state authorities towards gentiles throughout the entire history of the Russian state was determined by two principles: the preservation of the dominant Orthodox faith, on the one hand, and complete religious tolerance towards [other] gentiles and non-interference in their internal church life, on the other hand.³⁰

A.S. Pavlov, an authority on church law, also noted the traditional character of Russian religious tolerance:

But if the Russian state laws do not allow the formation of sects or schisms within the dominant Orthodox Church, then we have always been tolerant, to a greater or lesser extent, to other Christian confessions of *foreign* (author’s italics) origin.³¹

The absence of forcibly converting non-Orthodox Christians to the Orthodox faith testifies to the fact that both the Russian tsar and the Church considered them “alien,” rather than “foe,” and treated them in accordance with the established practices of religious tolerance.

The legal and administrative construction of the imperial institution of religious tolerance began during the reign of Peter I (1682–1725). At the same time, the emperor radically transformed the administration of the Russian Church by establishing the Holy Governing Synod in 1721. The abolition of the patriarchate and his replacement by the Holy Synod, which thereby became a *government* institution rather than a religious one, legally subordinated the Church to the absolute monarch.³²

In the era of Peter I, the structure of the state’s institutions of religious tolerance was motivated by the need to modernize Russia and developed according to the practices of the day; foreigners (Protestants and Catholics) were invited from Western Europe as

²⁸ “Osnovnyye gosudarstvennyye zakony,” in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 46.

²⁹ D.V. Tsvetayev, *Iz istorii inostrannykh ispovedaniy v Rossii v XVI i XVII vekakh* (Moscow: Universitetskaya tipografiya (M. Katkov) Publ., 1886), 94, 290; I.I. Sokolov, *Otnosheniye protestantizma k Rossii v XVI i XVII vekakh* (Moscow: Tipografiya E. Lissner i Yu. Roman Publ., 1880), 28; N.D. Kuznetsov, “Upravleniye delami inostrannykh ispovedaniy v Rossii v yego istoricheskom razvitii,” *Vremennik Demidovskogo yuridicheskogo litseya*, no. 5 (1898): 306; I.K. Smolich, *Istoriya Russkoy Tserkvi. Kn. 8. Chast’ pervaya* (Moscow: Izd-vo Spaso-Preobrazhenskogo Valaamskogo monastyrya Publ., 1996), 120; H.H. Nolte, *Religiöse Toleranz in Rußland 1600–1725* (Göttingen, Zürich, Frankfurt am Main: Musterschmidt-Verlag, 1969), 185–192; R. Dzherasi, *Okno na Vostok. Imperiya, oriyentalizm, natsiya i religiya v Rossii* (Moscow: Novoye literaturnoye obozreniye Publ., 2013); D.M. Makarov, *Samoderzhaviye i khristianizatsiya narodov Srednego Povolzh’ya vo vtoroy polovine XVI–XVIII v.* (Cheboksary: Izdatel'stvo Chuvashskogo universiteta Publ., 2000).

³⁰ M. Krasnozhen, *Inovertsy na Rusi. Polozheniye nepravoslavnykh khristian v Rossii* (Yur'yev: Tipografiya K. Mattisena Publ., 1900), 151.

³¹ A.S. Pavlov, *Kurs tserkovnogo prava* (Svyato-Troitskaya Sergiyeva lavra: Sobstvennaya tipografiya Publ., 1902), 527–528.

³² I.K. Smolich, *Istoriya Russkoy Tserkvi. Kn. 8. Chast’ pervaya* (Moscow: Spaso-Preobrazhenskogo Valaamskogo monastyrya Publ., 1996), 111–112.

advisors. The first emperor's religious legislation, based on Muscovite traditions of religious tolerance, guaranteed freedom of religious conscience to foreign specialists as well as Protestants of Estonia and Livonia, which he had annexed to Russia.³³

To prevent the empire's newly acquired non-Orthodox subjects, while still considered aliens, from turning into religious enemies, new legislation on religious tolerance followed Byzantine-Muscovite legal precedent, which prohibited efforts to convert members of the Russian Church.³⁴

During the reign of Empress Catherine II (1762–1796), religious tolerance became systematized as she acquired new territories and attracted foreigners to settle some of them. As a result of her three partitions of the Poland in 1772, 1793 and 1795, many Roman Catholics, Uniates as well as Jews also became subjects of the Russian Empire. At the same time, large settlements of German colonists were established in the Volga region and Novorossia, while many foreigners migrated to Moscow and St. Petersburg. Meanwhile, in 1783 Catherine also annexed the Crimea, with its Muslim and Karaite population. She also granted these new populations the right to freedom of faith and worship.³⁵

Catherine's "enlightened absolutism" guided her principles of religious tolerance, which formed the basis of subsequent imperial legislation regulating different faiths. Responding to the Procurator General of the Senate, Aleksandr Viazemskii, in 1773, Catherine explained her thoughts about religious tolerance:

As the Most High God tolerates all faiths, languages and confessions on the earth, then Her Majesty, by the same rules, by His holy will, will act, wishing only love and harmony among the subjects.³⁶

The legal implementation of the principles of imperial religious tolerance were particularly important in the newly annexed Polish territories, since Russia had to overcome the long-standing persecution and legal discrimination of its Orthodox and Protestant communities by the Roman Catholic Church, the Polish state, as well as the nobility.

In this era of Enlightened Absolutism the composition of the central government's institutions that regulated "different faiths" was also revised to govern the numerous new communities of non-Orthodox Christians. While Peter I had initiated this process, Catherine II streamlined the non-Orthodox spiritual bureaucracy, which formed the administrative basis of the state's religious tolerance.

The empress removed the management of "confessions of different faiths" from the jurisdiction of the Holy Synod and transferred these functions to the Justice Colle-

³³ I.A. Kunitsyn, *Pravovoy status religioznykh ob'yedineniy v Rossii* (Moscow: Pravoslavnoye delo Publ., 2000), 26; I.K. Smolich, *Istoriya Russkoy Tserkvi*, 359; S.A. Luk'yanov, "Tolerance in Russia during the Peter the Great era," *Vestnik of Moscow University of the Ministry of Internal Affairs of Russia*, no. 7 (2008): 162–165.

³⁴ A.D. Gradovskiy, *Nachala russkogo gosudarstvennogo prava. O gosudarstvennom ustroystve* (St. Petersburg: Tipografiya M.M. Stasyulevicha Publ., 1907), 333–336.

³⁵ N.D. Kuznetsov, "Upravleniye delami inostrannykh ispovedaniy v Rossii v yego istoricheskom razvitiy," *Vremennik Demidovskogo yuridicheskogo litseya*, no. 5 (1898): 320–325; N.V. Revunenkov, *Protestantizm* (St. Petersburg: Piter Publ., 2007), 52; D.A. Tolstoy, *Rimskiy katolitsizm v Rossii* (St. Petersburg: V.F. Demakova Publ., 1876), 3–4; Arapov, D.Yu. "V.P. Ponomarev Departament dukhovnykh del inostrannykh ispovedaniy." In *Pravoslavnaya entsiklopediya* (Moscow: Pravoslavnaya entsiklopediya Publ., 2006); PSZRI. I. XIX. № 13865. P.1; AVPRI, f. 136, op. 890, d. 1, l. 25.

³⁶ I.K. Smolich, *Istoriya Russkoy Tserkvi*, 202.

gium of Livonian, Estonian and Finnish affairs to meet the challenges of “freedom of faith.” At the same time, in 1775 Catherine established the Mogilev Roman Catholic consistory, which was later transformed into the Roman Catholic spiritual collegium. In 1788, she also set up a collegiate spiritual body in Ufa to manage the affairs of Russian Muslims – the Spiritual Assembly of the Mohammedan Law, which in 1796 became known as the Orenburg Spiritual Mohammedan Law Assembly. Thus, under Catherine Muscovy’s proto-imperial traditions of religious tolerance acquired a qualitatively different institutional dimension as she sought to integrate the millions of religious “aliens” of her growing empire.

As the empress began to set up an administrative apparatus that was meant to institutionalize tolerance of her non-Orthodox subjects’ beliefs, that bureaucracy was also charged with ensuring her empire’s spiritual security, protecting Orthodox Christians from proselytization by other faiths, and preventing religious and ethnic conflicts in her new territories.

Emperors Paul I (1796–1801) and Alexander I (1801–1825) continued to refine the administrative apparatus for tolerating the beliefs of their non-Orthodox subjects.³⁷ As part of Speranskii’s administrative reforms, in 1810, Emperor Alexander authorized the Main Directorate of Spiritual Affairs of Confessions other than the Greek-Russian, which Nicholas I transformed into the Department of Spiritual Affairs and incorporated into Dmitrii Bludov’s Ministry of Internal Affairs in 1832.³⁸

Nicholas also established the legislative basis for institutionalizing religious tolerance, which, together with the Fundamental Laws, included charters of spiritual affairs of foreign confessions as well as for the prevention and suppression of crimes.³⁹ The empire’s new religious legislation took into account the particularities of the structure and administration of its “foreign confessions.” As stated in the “Note on the method of revising current regulations that hamper the religious life of heterodox and non-Orthodox population” of the Ministry of Internal Affairs in December 1904:

The initial emergence of the statutes of the Evangelical Lutheran church in 1832, the Armenian Gregorian church in 1836, mainly codified their religious and legal norm, which were proposed by their representatives when their communities were integrated into Russia’s legal system. Without changing the essence of such norms, as developed by traditions alien to Russia, the government completely transferred them into its code.⁴⁰

³⁷ D.A. Tolstoy, *Rimskiy katolitsizm v Rossii* (St. Petersburg: V.F. Demakova Publ., 1876), 102; N.D. Kuznetsov, “Upravlenie delami inostrannykh ispovedaniy v Rossii v yego istoricheskom razvitii,” *Vremennik Demidovskogo yuridicheskogo litseya*, no. 5 (1898): 320–325; PSZRI. I. XXV. № 18733–18734; PSZRI. I. XXIV. № 17879.

³⁸ Ye.A. Teryukova, “Department of Spiritual Affairs of Foreign Confessions and Ethno-Confessional Policy of the Russian State (XVIII – early XX century),” *State, Religion, Church in Russia and Abroad*, no. 4 (2010): 205; Arapov, D.Yu. “V.P. Ponomarev Departament dukhovnykh del inostrannykh ispovedaniy,” In *Pravoslavnaya entsiklopediya* (Moscow: Tserkovno-nauchnyy tsentr “Pravoslavnaya entsiklopediya” Publ., 2006); N.D. Kuznetsov, “Upravleniye delami inostrannykh ispovedaniy v Rossii v yego istoricheskom razvitii,” *Vremennik Demidovskogo yuridicheskogo litseya*, no. 5 (1898): 320–325.

³⁹ “Svod uchrezhdeniy i ustavov upravleniya dukhovnykh del inostrannykh ispovedaniy khristianskikh i inovernykh,” in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857); “Ustav o preduprezhdenii i presechenii prestupleniy,” in *Svod Zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857), 92–122; A.K. Tikhonov, *Katoliki, musul'mane i iudei Rossiyskoy imperii v posledney chetverti XVIII – nachale XX v.* (St. Petersburg: Izdatel'stvo Sankt-Peterburgskogo universiteta Publ., 2007), 138.

⁴⁰ RGIA, f. 1022, op. 1, d. 8, l. 148 ob.

Thus, the principles of ecclesiastical law for Christian confessions, and those for the administration of non-Christian communities in the “Statutes of Spiritual Affairs of Foreign Confessions” came into force by statute.⁴¹

At the same time, the estate rights and privileges of the foreign clergy were secured by law; the government set up funding for religious institutions and its spiritual bureaucracy, and the Ministry of Internal Affairs formed a special division. As a result, the empire established an institutional mechanism to ensure its religious security while also providing for the political loyalty of its many non-Orthodox subjects.

The legal relationship of the official Russian Church and foreign confessions fit into the dichotomy of “friend – or – foe.” Moreover, the degree of otherness of the “foreign confession” depended on the legal status of its bearer in the two-stage hierarchy of the institution of religious tolerance. The hierarchy of “foreign confessions” descended as follows:

- I. Christian churches: 1) Roman Catholic and Armenian Catholic, 2) Evangelical Lutheran with German colonist societies in Transcaucasia and with Evangelical brotherly society in the Baltic provinces, 3) Evangelical Augsburg, 4) Evangelical and Reformed, 5) Armenian-Gregorian.
 - II. Non-Christian confessions: 1) Karaite, 2) Jewish, 3) Islamic (Shiite and Sunni), 4) Lamaistic-Buddhist.
- Herrnhuters, Scottish and Basel colonists, Mennonites, Transcaucasian Baptists, Siberian shamanists and pagan Samoyeds were recognized but deprived of any privileges.⁴²

According to this gradation, non-Orthodox Christian confessions stood closer to the Russian Church in dogmatic and canonical terms, while heterodox (non-Christian) communities were much more distant. Thus, all non-Orthodox confessions and religious communities recognized by law in Russia were ranked into higher – Christian and lower – non-Christian categories. The former had the most rights, while the lower ones had the least.⁴³

Despite this hierarchy, which influenced the extent of legal privileges for each confession, the existence of the “friend or foe” dichotomy was primarily confirmed by the fact that both the Russian Church and “foreign confessions” were subject to civil and religious law, enjoyed protection and patronage of the emperor, and acted within the framework of Russian legislation.⁴⁴

⁴¹ RGIA, f. 821, op. 10, d. 35, l. 222.

⁴² Attention should be paid to the legal status of the above “foreign denominations.” According to the definition of the Ministry of Internal Affairs: “The provisions stipulating the organization and procedure for the activities of these denominations obtained legislative approval and are listed in Volume XI of the Code of Laws. All these denominations are assigned by the law the status of state institutions. According to the law, the protection of the inviolability of their rights and freedom is the direct responsibility of the administration [...]. Clergymen of all the aforementioned denominations are considered to be in civil service, and therefore, on the one hand, they enjoy the rights assigned to the latter, on the other hand, they perform the duties related to civil service.” (See: “On heterodox religious societies.”) See: RGIA, f. 821, op. 150, d. 7, l. 127a–128; “Svod uchrezhdeniy i ustavov upravleniya dukhovnykh del inostrannykh ispovedaniy khristianskikh i inovernykh,” in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857); *Russkaya Pravoslavnaya Tserkov' i pravo: kommentariy* (Moscow: Bek Publ., 1999), 30.

⁴³ N.S. Timashev, *Religioznye prestupleniya po deystvuyushchemu russkomu pravu* (Petrograd: Gosudarstvennaya tipografiya Publ., 1916), 15.

⁴⁴ I.K. Smolich, *Istoriya Russkoy Tserkvi*, 120; G.P. Dobrotin, *Zakon i svoboda sovesti v otnoshenii k lzheucheniyu i raskolu* (Kiyev: Tipografiya S.V. Kul'zhenko Publ., 1896), 88; “Osnovnyye gosudarstvennyye zakony,” in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1832), 44–46; “Ustavy dukhovnykh del inostrannykh ispovedaniy,” in *Svod zakonov Rossiyskoy imperii* (St. Petersburg: [N.s.], 1857); *Ustav dukhov-*

These confessional “friends” and “aliens” were also linked by the fact that both were incorporated into the empire’s bureaucracy. While the Holy Synod was subordinate to the authority of the emperor and chief procurator, the institution of religious tolerance was subordinate to the emperor and came under the jurisdiction of the Ministry of Internal Affairs. From the government’s perspective, the legal and administrative coexistence of “friends” and “aliens” seemed effective and politically expedient.

Religious Discrimination against the Old Believers

The legal status of the relationship between the official Russian Church and the Old Believers was fundamentally different.⁴⁵ Not recognized by law, the “schismatics” were persecuted, especially during the reign of Emperor Nicholas I.⁴⁶ The degree of the government’s hostility to the schism of the Old Believers, according to its special decrees and religious policy, confirmed a “friend-or-foe” opposition that had a long and tragic history.⁴⁷

For the most part law-abiding subjects of the Russian monarch, beginning in 1667 the Old Believers were in permanent canonical conflict with the Russian Orthodox Church, which it considered to be a schism. The exclusive legal status enjoyed by the Russian Church in Muscovy, and then in the Russian Empire, categorized the Old Believers as foes both from a religious and a political point of view. For Old Believers, the official Church was also an enemy.⁴⁸

The Old Believers never considered themselves to be schismatics; on the contrary, they recognized themselves as true “children of the united holy, cathedral, apostolic, ancient Orthodox catholic Church,” who preserved, in contrast to the followers of Patriarch Nikon, the “ancient holy church traditions.” They were certain that they had neither betrayed their native Russian Church, nor the ancient apostolic and universal Eastern Church. The Old Believers saw the members of the official Church that adopted the new rites of Patriarch Nikon (1652–1666), as followers of Nikon and neophyte, and considered the government’s designation as “schismatics” to be an insult.

From the second half of the 17th century to the end of the reign of Emperor Nicholas I in 1855, the Russian government’s attitude to the Church’s schism continued to evolve. In the Tsardom of Russia, after the publication in 1685 of “12 Articles of Tsarevna Sophia” aimed at the complete destruction of the “schism,” Old Believers began to be subjected to severe persecution, which ruled out any possibility of their community’s legal existence. From the reign of Peter I, the state’s intolerant attitude towards the schism began to change. For practical reasons, the monarch abolished the “12 Articles of Tsarevna Sophia” and legalized the existence of registered “schismatics,” albeit in the form of

nykh konsistoriy (St. Petersburg: [N.s.], 1843). 1–2; RGIA, f. 821, op. 10. d. 215, l. 19–21; RGIA, f. 821, op. 150, d. 7, l. 238.

⁴⁵ *Sbornik pravitel'stvennykh svedeniy o raskol'nikakh, sostavlennoy V. Kel'siyevym* (London: Trubner Publ., 1860), 185–187; P.S. Smirnov, *Istoriya russkogo raskola staroobryadstva* (St. Petersburg: Tipografiya Glavnogo upravleniya udelov Publ., 1895), 217–223.

⁴⁶ P.S. Smirnov, *Istoriya russkogo raskola staroobryadstva* (St. Petersburg: Tipografiya Glavnogo upravleniya udelov Publ., 1895), 217–223; G.E. Blossfel'd, “Polozheniye inovertsev i raskol'nikov soglasno Svodu zakonov,” *Zhurnal ministerstva yustitsii*, no. 3 (1905): 190–193.

⁴⁷ S.A. Zen'kovskiy, *Russkoe staroobryadchestvo* (Moscow: Kvadriga Publ., 2009), 242–252, 299–320; F.Ye. Mel'nikov, *Kratkaya istoriya drevlepravoslavnoy (staroobryadcheskoy) Tserkvi* (Barnaul: Lestvitsa Publ., 1999), 101–104, 110–115.

⁴⁸ *Kratkoye obozrenie sushchestvuyushchikh v Rossii raskolov, yeresey i sekt, kak v religioznom, tak i v politicheskom ikh znachenii. Sostavil Liprandi (1853 g.)* (Leyptsig: [N.s.], 1883), 57.

harsh discriminatory legislation. From that time, the executions and other persecutions of the Old Believers gradually subsided.⁴⁹

As a supporter of the ideas of the French Enlightenment, Empress Catherine II was more tolerant of the Old Believers and lessened the severity of discrimination.⁵⁰ However, neither Catherine nor Paul or Alexander legally recognized them on religious and political grounds.

The Church considered schismatics, including sectarians who in accordance with the Orthodox faith fell under the category of “heretics,” to be rebels. According to Nikolai Suvorov, the Church “views any separation from it as a criminal violation of its order.” In turn, “the state does not allow schismatic and heretical sects as recognized religious societies.”⁵¹ The Church’s attitude to the Old Believers also affected politics, which compounded views of them as hostile. In the pre-reform period, the government considered the schism not only an “anti-church element... but also an anti-state, anti-social element, of secret rebels in general”.⁵²

At the time, both church and state believed that only belonging to the official faith could ensure the political loyalty of the Russian people to their monarch.

Today it has almost become an axiom that the Orthodox Church serves as the adamant bulwark of the state, that loyalty to the Church is the most reliable guarantee of the loyalty to the state, whoever rebels against the Church rebels against the state.⁵³

One might conclude that the government’s discrimination against the Old Believers, carried out to reunite them with the Russian Church, was seen as a politically expedient measure that would strengthen the empire’s religious security. As a result, to the autocracy any tolerance for the schism, like that provided to “foreign confessions,” was unacceptable either politically or canonically.

Metropolitan of Moscow Filaret (Drozdov) expressed the ecclesiastical perspective that the interests of the Church took precedence over the government’s policy of religious toleration:

The schism cannot be equated with the situation of various faiths existing in the state. The schism cannot be compared with the confessions tolerated in Russia, which do not hide their teachings from the government and do not concern the indigenous Russian population. On the contrary, the schismatics do not give the government an account of their actions and, in the spirit of their proselytizing, will never differentiate themselves from Orthodox Christians.⁵⁴

⁴⁹ S.A. Zen'kovskiy, *Russkoye staroobryadchestvo*, 437–448; I. Lilejev, *Iz istorii raskola na Vetke i v Starodub'ye. XVII – XVIII vv.* (Kiev: G.T. Korchak-Novitskogo Publ., 1895); *Khronograf Litovskiy, sirech' Letopisets stepenny drevlepravoslavnogo khristianstva* (Vil'nyus: Vil'nyusskiy universitet Publ., 2011).

⁵⁰ P.S. Smirnov, *Istoriya russkogo raskola staroobryadstva* (St. Petersburg: Tipografiya Glavnogo upravleniya udelov Publ., 1895), 196; I.K. Smolich, *Istoriya Russkoy Tserkvi. Kn. 8. Chast' pervaya* (Moscow: Izd-vo Spaso-Preobrazhenskogo Valaamskogo monastyraya Publ., 1996), 146.

⁵¹ N. Suvorov, *Uchebnik tserkovnogo prava* (Moscow: Universitetskaya tipografiya Publ., 1902), 522; G.P. Dobrotin, *Zakon i svoboda sovesti v otnoshenii k lzheucheniyu i raskolu* (Kiyev: S.V. Kul'zhenko Publ., 1896), 7.

⁵² “Russkiy raskol i zakonodatel'stvo,” *Vestnik Yevropy*, no. 5 (1880): 72.

⁵³ G.P. Dobrotin, *Zakon i svoboda sovesti*, 89–90.

⁵⁴ *Sobranie mneniy i otzyvov Filareta, mitropolita Moskovskogo i Kolomenskogo, po uchebnym i tserkovno-gosudarstvennym voprosam, izdavayemoye pod redaktsiyey preosvyashchennogo Savvy, arkhiepiskopa Tverskogo i Kashinskogo* (Moscow: Sinodal'naya tipografiya Publ., 1887), 465–466.

One of the means of restoring the religious and ethnic unity of the Russian people was through missions, which were under the jurisdiction of the Holy Synod and diocesan bishops.⁵⁵ Beginning in the early 19th century, the Church attempted to welcome the Old Believers back into its fold through a common faith, which was considered a “conditional unity” of Old Believers with the Orthodox Church by preserving the old rite among the co-religionists. However, this did not lead to any significant results.⁵⁶

The reign of Nicholas I saw a recurrence of discrimination against the Old Believers, since the emperor considered them as harmful not only for the Church, but also for the state.⁵⁷ In addition to the current laws and politics, he created a secret institution to eliminate the schism through a complex of covert administrative orders.⁵⁸

In 1836, a bureaucratic apparatus was also set up in the church to implement the decisions of the Secret Committee on Schismatics, with representatives of the Holy Synod, the Ministry of Internal Affairs and Section II of His Majesty's Own Chancellery. There were also provincial secret committees, which included the diocesan bishop, the governor, the chairman of the chamber of state property and the field officer of the gendarmerie. To centralize the management of the latter, a special Secret Directorate for Schismatics was created in 1853. The moderate discrimination, which had existed before the reign of Nicholas I, once again took a harsher and more extensive turn. More than 250 houses of worship were destroyed, sketes and monasteries were closed and there was wide-scale administrative violence against the conscience of Old Believers and sectarians.⁵⁹

The activities of these secret institutions did not yield the expected results. The schism continued and the Old Believers and sectarians were never reunited with the Russian Church. As a result of compulsory administrative measures, the religious “foes” became neither “aliens” nor “friends.” The activities of such covert measures, which took place in parallel with codifying the institution of religious tolerance, confirms that the autocracy considered both legal discrimination of Old Believers and tolerance for foreign confessions to be necessary its religious security.

However, the Polish revolt in 1863 clearly indicated that the Old Believers, who were officially considered to be foes, were nothing of the sort in political terms. Both in central Russia and the western provinces, the schismatics supported Emperor Alexander

⁵⁵ I.K. Smolich, *Istoriya Russkoy Tserkvi*, 154–166.

⁵⁶ “Yedinoveriye,” in *Pravoslavnyaya entsiklopediya* (Moscow: Pravoslaviye Publ., 2008), 42–43.

⁵⁷ V.I. Belikov, *Deyatel'nost' moskovskogo mitropolita Filareta po otnosheniyu k raskolu* (Kazan': Tipo-litografiya Imperatorskogo universiteta Publ., 1895), 14, 560; Friz, Gr. “Pastyr' i tserkovnyy deyatel': svyatitel' Filaret Moskovskiy i staroobryadcheskiy raskol 1825–1855 gg.,” in *Filaretovskiy al'manakh* (Moscow: PSTGU Publ., 2008), 122–146.

⁵⁸ I.K. Smolich, *Istoriya Russkoy Tserkvi*, 147, 194; Natsional'nyy istoricheskiy arkhiv Belarusi (thereafter – NIAB), f. 295, op. 1, d. 226, l. 8–9, 24.

⁵⁹ N. Varadinov, *Istoriya ministerstva vnutrennikh del. Istoriya rasporyazheniy po raskolu* (St. Petersburg: Tipografiya Ministerstva vnutrennikh del Publ., 1863), 157–443; *Sbornik pravitel'stvennykh svedeniy o raskol'nikakh, sostavlenyy V. I. Kel'siyevym* (London: Tribner Publ., 1860), 185–187; *Sobranie postanovleniy po chasti raskola. Postanovleniya ministerstva vnutrennikh del* (London: [N.s.], 1863), 62–264; *Izvlacheniya iz rasporyazheniy po delam o raskol'nikakh pri imperatore Nikolaye i Aleksandre II, popolnennyye zapiskoy Mel'nikova* (Leyptsig: [N.s.], 1882), 51; A. Mikhaylov, “Po voprosu o veroterpimosti k raskolu,” *Vestnik Yevropy*, no. 3 (1882): 70–92; P.S. Smirnov, *Istoriya russkogo raskola staroobryadstva* (St. Petersburg: Tipografiya Glavnogo upravleniya udelov Publ., 1895), 217–223; M.N. Vasil'yevskiy, *Gosudarstvennaya sistema otnosheniy k staroobryadcheskomu raskolu v tsarstvovanie imperatora Nikolaya I* (Kazan': Tsentral'naya tipografiya Publ., 1914); NIAB, f. 299, op. 2, d. 13611, l. 8; NIAB, f. 1430, op. 1, d. 31375, l. 4–5; NIAB, f. 1430, op. 1, d. 31678, l. 11.

II (1855–1881) in his confrontation with the Western European states and his suppression of the Polish uprising. Some of the Old Believers of the Northwest region, who joined the armed struggle against the rebels, also became their victims.⁶⁰

Catholics, instigated by extremist priests, carried out the Polish uprising, and thereby religious aliens turned into political enemies of the Russian state.⁶¹ Vilna's governor, Stefan Paniutin, explained:

During the riots, the worst and most dangerous enemy of Russia was the Roman Catholic clergy. Forgetting the sanctity of its purpose, it took the lead in the rebellion. The monks and priests preached outright rebellion from the pulpits, inciting people to street demonstrations and singing revolutionary hymns. In the monasteries, which became dens of gangs, the rebels were put on oath. The rebellion was incited and developed by the Catholic clergy. It is difficult to say whether the riots would have been so large-scale and hostile if the Catholic clergy had not taken such a direct part in them.⁶²

Meanwhile, the Old Believers, who were suspected of being politically hostile to Russia, voluntarily joined the ranks of its defenders, becoming what they, for the most part, actually were, that is, “friends.” Vilna's governor-general, Count Mikhail Murav'ev considered the Old Believers of the Northwest region to be Russia's political friends of Russia. In his report to Emperor Alexander II in April 1865, the count wrote that

only the rural population and Old Believers of that land, who tried hard to suppress the rebellion, are devoted to your imperial majesty; whereas the so-called Polish gentry, lords and priests were and will always be our enemies.⁶³

The changes in Russian society in the early 1860s convinced Alexander's reformist government gradually to begin dismantling Nicholas' secret institution to repress the Old Believers, lessening administrative pressure, and beginning to vest them with civil and religious rights. On 17 April 1874, the emperor issued a decree that recognized their marriages, and on 31 October 1879 he directed the Committee on Schismatics (1864) to permit the Ministry of Internal Affairs tacitly to permit “schismatics of less harmful sects” to repair their houses of worship, which had fallen into disrepair. His heir, Emperor Alexander III issued a decree on 3 May 1883 granting Old Believers and sectarians civil and some religious rights. However, he did not legalize the religious communities of Old Believers, and the traditional ban on “public manifestation of the schism” remained.⁶⁴

⁶⁰ A.Yu. Bendin, “Polish revolt of 1863 in destinies of old believers of the northwest territory of Russian Empire,” *RUDN Journal of Russian History*, no. 1 (2011): 77–92; RGIA, f. 1281, op. 7, d. 39, l. 77; RGIA, f. 1281, op. 7, d. 41, l. 63–64; RGIA, f. 1281, op. 7, d. 51, l. 38; *Vilenskiy vestnik*, January 4, 1863.

⁶¹ RGIA, f. 1267, op. 1, d. 3, l. 25; RGIA, f. 1281, op. 7, d. 39, l. 76; “Vsepoddanneyshiy otchot grafa M.N. Murav'yeva po upravleniyu Severo-Zapadnym krayem,” *Russkaya starina*, no. 6 (1902): 490, 502–503; *Revoluytsionnyy pod'yem v Litve i Belorussii v 1861–1862 gg.* (Moscow–Wroclaw: [N.s.] 1964), 133; P.D. Bryantsev, *Pol'skiy myatezh 1863 g.* (Vil'na: Tipografiya A.G. Syrkina Publ., 1892), 66–83; *Vestnik Yugo-Zapadnoy i Zapadnoy Rossii*, no. 4 (1863): 62; A.I. Lyaskovskiy, *Litva i Belorussiya v vostanii 1863 g. (po novym arkhivnym materialam)* (Berlin: Arzamas Publ., 1939), 80–81.

⁶² RGIA, f. 1281, op. 7, d. 34, l. 68.

⁶³ “Vsepoddanneyshiy otchot grafa M.N. Murav'yeva po upravleniyu Severo-Zapadnym krayem,” *Russkaya starina*, no. 6 (1902): 496; *Vilenskiy vestnik*, April 25, 1863.

⁶⁴ O.P. Yershova, *Staroobryadchestvo i vlast'* (Moscow: Unikum-tsentr Publ., 1999), 169; N.I. Ivanovskiy, “Po povodu novykh zakonov otnositel'no raskol'nikov,” *Pravoslavnyy sobesednik*, no. 9 (1883): 24–32; *Reformy veroterpimosti na poroge XX veka i sostoyaniye gosudarstvennoy tserkvi Rossii* (Nizhniy Novgorod: O. Provorovoy Publ., 1905), 11; D.V. Chichinadze, *Sbornik zakonov o raskole i sektantakh, raz'yasnennykh resheniyami Pravitel'stviyushchego Senata i Svyateyshego Sinoda* (St. Petersburg: Tipografiya D.V. Chichinadze Publ., 1899), 152–165; *Obzor meropriyatiy ministerstva vnutrennikh del po raskolu s 1802 po 1881*

According to its legislation, the government believed that its protection of the official Church from the schism still ensured the Russian Empire's religious security:

The supreme power, as a defender of the tenets of the dominant faith, certainly cannot, without obvious temptation, place into equal conditions of freedom both the Orthodox Church and the teachings that directly reject its apostolic hierarchy and those that are hostile to it.⁶⁵

Nevertheless, the government's attitude did not remain unchanged. A commission of the Ministry of Internal Affairs, created in 1875, concluded that the "schism" did not pose threat.⁶⁶ Old Believers still were not promoted to the legal level of tolerable religious "aliens," but they already ceased to be political "foes" and hostile to the state.

However, until the beginning of the 20th century, religious, legal and ideological obstacles remained on the path of being recognized as alien.⁶⁷ During Prince Petr Sviatopolk-Mirskii's tenure as Minister of Internal Affairs (26 August 1904 – 18 January 1905), the state's attitude towards the Old Believers greatly improved. Nicholas II's decrees "On the plans for improving the state order" of 12 December 1904, and "On strengthening of the principles of religious tolerance" of 17 April 1905 for the first time granted legal status to the Old Believers. The freedom of faith approved by the Fundamental Laws and legislation on religious tolerance now also extended to legalized "schismatics." The subsequent decree of 17 October 1906 "On the order of the formation and action of Old Believer and sectarian communities" regulated the procedure for legal registration of religious organizations of Old Believers and sectarians.⁶⁸ The government no longer considered religious discrimination against them as necessary to protect Russia's religious security.

The institution of religious tolerance, created by Nicholas I, was also brought more up to date, since the religious rights of foreign confessions were expanded by reducing a number of exclusive privileges of the official Russian Church. In 1909, in keeping with the regime's greater religious tolerance, the religious organizations of the Old Believers and sectarians were legally transformed from religious "foes" into "aliens."⁶⁹ During

god (St. Petersburg: [N.s.], 1903), 271–316; *Zakony o raskol'nikakh i sektantakh* (Moscow: [N.s.], 1903), 1–117; A.P. Vvedenskiy, *Deystviyushchiye zakonopolozheniya kasatel'no staroobryadtsev i sektantov* (Odessa: Tipografiya Odesskikh novostey Publ., 1912), 18–21; *Izvlecheniya iz rasporyazheniy po delam o raskol'nikakh pri imperatorakh Nikolaye i Aleksandre II, popolnennyye zapiskoy Mel'nikova* (Leyptsig: [N.s.], 1882), 57–58; RGIA, f. 821, op. 133, d. 2, l. 2–3, 6, 8, 15.

⁶⁵ RGIA, f. 1022, op. 1, d. 8, l. 29 ob.

⁶⁶ "Obshchiy zhurnal Komissii dlya vsestoronnego obsuzhdeniya i razrabotki vysochayshe utverzhdennykh 16 avgusta 1864 goda prednachertaniy." In *Svod deystviyushchikh postanovleniy o raskol'nikakh* (St. Petersburg: [N.s.], 1875), 12–15; A.S. Palkin, "P.A. Valuev's Planned Review of the Legislation on Old Believers in 1863," *Bulletin of the Ekaterinburg Theological Seminary*, no. 4 (2017): 1–14.

⁶⁷ Смолич И.К. История Русской Церкви. М., 1996. Кн. 8. Ч. 2. С. 148.

⁶⁸ *Zakonodatel'nye akty perekhodnogo vremeni 1904–1908 gg.* (St. Petersburg: [N.s.], 1909), 35–36, 424–439.

⁶⁹ A.Yu. Bendin, "Evolyutsiya ponyatiya veroterpimosti i Ukaz 17 aprelya 1905 g.," in *Istoricheskiye zapiski* (Moscow: Nauka Publ., 2006), 113–136; NIAB, f. 299, op. 2, d. 13611, l. 1; *Trudy o s"yezde staroobryadtsev vsego Severo-Zapadnogo, Privisl'yanskogo i Pribaltiyskogo krayev i drugikh gorodov Rossiyskoy imperii, sostoyavshemsya v gorode Vil'ne 25–27 yanvarya 1906 goda* (Vil'na: [N.s.], 1906); NIAB, f. 299, op. 2, d. 13813, l. 1–22; NIAB, f. 299, op. 2, d. 14139, l. 1–47; NIAB, f. 1430, op. 1, d. 47162, l. 1–5; NIAB, f. 1430, op. 1, d. 47382, l. 19–20; NIAB, f. 1430, op. 1, d. 47162, l. 1–22, 47–48; Litovskiy gosudarstvennyy istoricheskiy arkhiv (thereafter – LGIA), f. 378, op. 1905, d. 352, l. 55; LGIA, f. 378, op. 1905, d. 352, l. 92–94.

the Russian Revolution of 1905-1907, the Old Believers sided with the monarchy, confirming, as in 1863, that they still remained “friends.”⁷⁰

Now legalized, the schism was no longer seen by the government as a threat to the official Orthodox Church. At the same time, having lost some of its exclusive privileges to protect external and internal borders, the Church had to act in a new legal environment through missionary work and the help of Orthodox brotherhoods.

Conclusion

The reign of Emperor Nicholas I marked the beginning of the final stage in the history of three institutions (the official Russian Church, the institution of religious tolerance and the institution of religious discrimination) that regulated the religious life of all of his subjects. The administrative, legal and religious differences between these institutions formed the triad “friend – alien – foe.”

The government and the official church considered this hierarchy of state-religious institutions to be necessary to ensure the empire’s religious security. The Great Reforms that began in the 1860s also affected state-religious and inter-religious relations, while perceptions of threats to the empire’s religious security based on notions of the religious and political hostility of the “schism” also began to change.

The laws Emperors Alexander II and Alexander III approved began gradually to legalize the schism. Still categorized as religious foes, the schismatics, above all the Old Believers, already ceased to be seen as hostile to the state. Meanwhile, legislation in 1905–1906 changed the hierarchical inter-institutional triad. The loss of some of the official Church’s exclusive privileges led to broader rights of foreign confessions, thereby modernizing Nicholas’s institution of religious tolerance. In this respect, the former dichotomy of “friend-or-foe” retained its main characteristics.

The institutional opposition of “friend-or-foe” changed radically. By having legally become “alien” and tolerated, the Old Believers and sectarians destroyed this conceptual triad by removing the traditional opposition “friend-or-foe” and replaced it with the dichotomy “friend-or-alien.” From that time, the Russian Empire’s religious security of the Russian Empire was ensured by two institutions – the official Church and the modernized institution of religious tolerance.

Received / Поступила в редакцию: 01.09.2020.

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⁷⁰ *Vsepoddanneyshiy otchet ober-prokurora Svyateyshego Sinoda po vedomstvu pravoslavnogo isповедaniya za 1905–1907 gody* (St. Petersburg: [N.s.], 1910), 29–36, 157–161; *Za pervyy god veroisповедnoy svobody v Rossii* (St. Petersburg: [N.s.], 1907), 122–164; “Izvestiya i zametki,” *Pribavleniya k tserkovnym vedomostyam*, no. 5 (1905): 1290–1293, 2211; “Zadachi Pravoslavnoy tserkvi na Zapade i Yugo-Zapade Rossii,” in *Zhurnaly i protokoly zasedaniy vysochayshe utverzhennogo Predsobornogo Prisutstviya* (St. Petersburg: [N.s.], 1906): 285–300.

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