

# **A Comparative Analysis of Russian and Indian Secularism**

by

**Puranjay K. Vedi**

**Social, economic, and political problems  
require secular intervention  
not divine!**

*Dedicated to the ultimate reality  
'Time and Space'*

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This book first published 2024

Ethics International Press Ltd, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

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Print Book ISBN: 978-1-80441-638-9

eBook ISBN: 978-1-80441-639-6

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## Preface

Even a perfunctory glance of Russia's historiography can deduce that ever since the avant-garde imperium of Russia ventured upon the intrepid political Odessey to institutionalize a secular State, the template of liaisons between State and religion have been idiosyncratically inconsistent, essentially because of the pendulumlike attitude towards religion displayed by the successive regimes. Although Russian Federation is no exception to this generalization, nevertheless an educated prophesy is still possible, since behind the façade of *misè-en-scène* lies triad of cryptic blueprints. In fact, a *sfumato* version of these blueprints surmises that the newfangled Soviet atheism was a fruit of a symbolic tree planted by Tsarist Russia – to commemorate the dawn of religious reforms – which proliferated its dripline under the aegis of Lenin and Stalin but started to wither away with the Orthodox Millenium Celebration, 1988, and finally died after the enactment of the Law on Freedom of Worship, 1990. The Law of 1990 which was retained by the Russian Federation even after the fall of Soviet regime, paved the Russian soil with a conducive milieu for religion to resurrect and the Russian Orthodox Church (ROC) spang to the surface gasping for ecclesiastic emancipation. However, to its dismal, the vast Russian territory once revered as III Rome and sentinel of Orthodox Christianity had become a *tabula rasa* – a fertile ground for foreign missionaries – whereas the recuperating ROC had only started to install pious scaffolds to crescendo its influence. Apprehensive of being marginalized, ROC steered its efforts and badgered the Russian Federation to attenuate the newly infused religious freedom. Perhaps, frightened by the spectre of a political nemesis, the Russian Federation replaced the liberal Law on Freedom of Worship, 1990, with Law on Freedom of Conscience and Religious Association, 1997, designed especially to garrotte premature opening of Russia's religious soil to the outside world.

Such interesting historiography of Russia's experiment with sec-

ularism makes it an apt candidate to draw a comparative analysis with Indian secularism. Modern India has managed to maintain a fine balance between State and religion and in contrast to Russia, India moulded its secular model right in the beginning and even refrained to adopt secular title in the original Constitution of India, 1950. Perhaps, India knew that it would become necessary to alter its distance with respect to religious minorities, especially the minority Muslims and Sikhs.

I hope this book will benefit all those interested in secularism.

**Puranjay K. Vedi**

## Chapter 1

# Introduction

### **Secularism re-defined**

Secularism as a political theory, manifests in form of a wall of separation between State and religion, prohibiting intervention from either side. However, if we try to understand secularism in constitutional sense it has following essential characteristics, first, that the State should not be influenced by religious ideologies; second, that the State should treat all religions equally; and third, that the State should neither establish nor promote any religion. Therefore, if a constitution has these three essential characteristics it may be called a secular State. Besides this, for secularism to survive, a secular State would also require secular subjects who support secularism and adhere to its essential characteristics. If we try to conceptualize a secular subject, it appears that a secular subject is one who appreciates that State and religion should be separate, who is tolerant to intra/inter-religion divergence of opinion(s), and who advocates that the State should neither establish nor promote any religion. However, to produce secular subjects, State intervention in religious affairs may become necessary, essentially, to dilute and de-circumscribe the limits of religious orthodoxy. The necessity of State intervention can be appreciated e.g. when a religious ideology is such that it seeks to establish a hierarchical order and/or a status quo, whereby a particular class is subjected to discrimination. It is, however, pertinent to note that orthodoxy contrary to popular belief is not limited to religion, in its neutral sense, orthodoxy is a state of mind which makes the orthodox functionally fixed to certain ideologies. Therefore, orthodoxy can also be in form of a political ideology, such as atheistic ideology, which is actively hostile towards religion. In this sense a secular State could either be tolerant, indifferent, or hostile towards religion.

## **Objectives**

This short introductory paragraph brings forth the objectives of this book, i.e. (a) to explain that State intervention in religious affairs has become an essential part of secularism; (b) to determine the limits beyond which State intervention in religious affairs becomes unjustified; and (c) appreciate circumstances wherein a State may protect/re-establish a religion, and even refrain from carrying out intervention in religious affairs. To float the propositions into perspective, this book seeks to re-define secularism, describe the concept of State intervention in religious affairs, determine the limits beyond which State intervention becomes unjustified, suggest an ideal model of secularism, and lay down some guiding principles which a secular State may adopt to re-establish and regain confidence of such religious communities who have been subjected to unwarranted State interventions or have been at the receiving end of conflicts.

## **Reason for comparing Russia and India**

The proposition advanced hereinabove suggest that the original context under which secularism developed has changed and is no longer limited to the idealistic notions attached to secularism which mandates to build a high and impregnable wall of separation between State and religion and prohibit intervention from either side. In this regard, reference to India becomes inevitable, since, Indian secularism is a sensitive notion wherein the State acts as a reformist and is not indifferent towards religion. Whereas by referring to Soviet Russia, the period when religion became an underground reality, the idea is to determine the limits beyond which State intervention in religious affairs becomes unjustified. To put in brief the reason for comparing Russia and India is the fact that although both the countries have plenty of examples to show some noticeable instances of State interventions in religious affairs, however, they both differ as far as stance towards religion is concerned. Another reason for



comparing Russia and India is to determine the role of religion in institutionalizing the class-divide in the respective countries. Therefore, by comparing some noticeable instances of interventions carried out in the respective countries, this book not only determines Russia and India's stance towards religion but it also determines the limits beyond which State intervention in religious affairs becomes unjustified. Another reason for comparing Russia and India was the fact that both the countries have experienced circumstances which necessitated them to refrain intervention in religious affairs, essentially to re-establish and to regain confidence of certain religious communities, e.g. ROC, in case of Russia, and Muslims and Sikhs, in case of India. Having so many parameters upon which Russia and India can be compared, this book will benefit both the countries from comparative perspective, i.e. the idea of adopting foreign solutions to remedy domestic problems.

### **Scope and limitations**

Although this book seeks to trace some noticeable instances of State interventions in religious affairs, however, it is pertinent to note that there can be numerous instances and numerous forms of interventions. Therefore, to channelize this book to a fruitful conclusion and bring the two states (Russia and India) to a focal point, the scope of this book had to be narrowed. The scope is limited to study such aspects of interventions which were carried out, essentially, to de-institutionalize a hierarchical order and/or a status quo, whereby a particular class or section of society<sup>1</sup> was discriminated. This aspect of intervention will manifest very well, from comparative perspective, when we will compare the class-divide in India, rooted in the caste-system (*varna-vyavastha*), with the class-divide in Russia, rooted in serfdom. This is another objective of this book. Other forms of interventions, though relevant, are not extensively dealt in this book, however, in case of Muslim and Sikh religious

affairs, this book is not limited to the afore-mentioned aspect. It was necessary to expand the ambit in case of Muslim and Sikh religious affairs, essentially, to grade the level of interventions carried out by India in Hindu, Muslim, and Sikh religious affairs. Similarly, in case of Russia, to grade the level of interventions carried out in Russian Orthodox Church, other branches of Christianity, Jehovah's Witnesses, and Muslims, it was again necessary to expand the ambit of forms of interventions.

Another limitation of this book is that there can be numerous religions in a country and thus it is not possible to address all the religions. However, religions under consideration in this book are based on a reasoned argument. In case of India, Hindu, Muslim, and Sikh religion are under consideration for the simple reason that the partition of India, 1947, which was essentially a partition of two provinces, *viz.* Punjab and Bengal, affected Sikh and Muslim religious community greatly. Therefore, the reason for choosing Sikh and Muslim community was basically to highlight any differential/special treatment meted out to Sikh and Muslim religion in contrast to Hindu religion – which is the majority religion in India. Similarly, in case of Russia, while other religions, such as different branches of Christianity, Jehovah's Witnesses, and Muslims are relevant and are also referred, however, this book has largely focused upon Russian Orthodox Church (hereinafter referred as ROC) for the simple reason that ROC was at the receiving end of numerous interventions, during Soviet era, which eventually forced it to the brim of extinction. Therefore, by studying different protectionist measures adopted by Russian Federation, to re-establish ROC, this book seeks to do justice to the idea of comparative law and learn from Russian Federation's experience in creating a conducive environment for ROC to revive.

## Conceptual context

Before we move any further and place the propositions in perspective, it is important that we conceptualize some important concepts, trace the origin of secularism, try to define secularism, and understand how secularism functions. The conceptualization is made from a broad and thematic perspective, this was essential, since, secularism cannot be conceptualized by referring to Russia and India alone. Therefore, brief reference to some popular models of secularism such as USA, French, Chinese, and Turkish are also incorporated in the following part. Some ancillary concepts, which are essential to appreciate the origin and to understand the functioning of secularism are also incorporated in the following part. It may become difficult, particularly at this early stage, to fully appreciate the context of the following conceptualization, however, almost all the concepts will be used in the subsequent chapters of this book. Since the proposition advanced by this book is to project that State intervention in religious affairs has become an essential part of secularism, therefore, the conceptual context is divided into two parts, *viz.* 'Secularism' and 'State intervention in religious affairs.' There is another part (Part III) titled 'Stance towards religion determined: Russia and India' which tries to understand the stance towards religion as held by Russia and India, respectively.

## Part I

### *Secularism*

#### a) Birth of secularism:

The feudal-age relationship, between temporal powers and spiritual authorities, as it existed in ancient India, prior to the transition to secular-statehood, was like a marriage where the king represented the temporal powers and the Priest represented the spiritual authorities. The marriage manifested in form of an institution called *rājadharmā* according to which the duty of a Hindu king (*Rājā*) was to protect *dharma*<sup>2</sup> at every cost and it was only the Priest who had the authority to interpret the concept of *dharma*. In the western counterpart, Inquisition is another institution which warrants introspection. Inquisition was once a permanent body established under the Catholic churches but later, in 1231, Pope George IX declared inquisition as a separate tribunal, with inquisitors answerable directly to the Pope and no one else. However, the inquisitors decided religious and administrative matters from a narrow and biased outlook, essentially, to propagate and protect religion at every cost. What necessitated establishment of inquisition courts was the fact that Christianity was at budding stage, in and around Europe, and there was a growing sense of concern that the newly baptized Christians were not practicing Christianity full heartedly and thus a system of inquisition court was adopted. Inquisition courts were authorized to take cognizance of complaints against any person who was practicing an ideology different from Christian theology. Once found guilty of being a heretic the accused was punished severely and sometimes even set on fire at the stake. A similar form of feudal-age relationship functioned under the Byzantine empire (erstwhile Centre of eastern orthodox Christianity and present-day Turkey) in the form of the rule of *Epanagōgē*. *Epanagōgē* is a rule under the Byzantine code, translated in Slavic as *kormchaya kniga*, which seeks to establish ecclesiastical supremacy. *Kormchaya kniga* is a collection of laws (secular and

canon) which once regulated life of every person living in old Russia and, as a matter of fact, it is still followed by the group of old believers living in Russian Federation. However, these laws are not of Russian origin but imported from a Byzantine code, which was an adoption of Roman law by Greeks. Credit of Byzantium code's reception in Russia goes to St. Sava of Serbia who composed the Nomocanon – a Byzantine collection of work on ecclesiastical laws, i.e. canon laws and civil laws – which was later translated into Slavic as *kormchaya kniga* by Metropolitan Cyril in the year 1274. The rule of Epanagōgē seeks to establish a regent (supreme God with unlimited powers) and two bodies *viz.* the temporal powers (concerned with secular matters) and the spiritual authorities (concerned with ecclesiastical matters), both having limited authority and separate jurisdiction, nevertheless, the temporal powers, being the administrators, were duty bound to protect the church and in application of secular and canon laws, they were expected to work in accordance with the interpretations as provided by the spiritual authorities.

Having regard of the discussion done so far it is apparently clear that during feudal-age the distance between altar and throne was not much, however, the growth of human civilization saw a gradual rise in religious conflict, e.g. war of religions (16<sup>th</sup> – 18<sup>th</sup> century) which were fought in Europe, after the reformation<sup>3</sup>, and led to the signing of the peace of Westphalia, 1648. Peace of Westphalia is a collection of treaties signed between May – October 1648, in Osnabrück<sup>4</sup> and Münster, Germany, which ended the 30 years of war (1618-1648) in Holy Roman Empire<sup>5</sup> and the 80 years of war (1568-1648) between Spain and the Dutch Republic, resulting from religious intolerance and conflicts between the Catholics and the Protestants. It is trite to mention that humans have an innate tendency to have differences of opinion and opinion on religious belief is not an exception to this rule. Perhaps, to dilute religious orthodoxy and limit the chances of politicalization of religious conflicts, from 17<sup>th</sup> century onwards numerous scholarly writings, e.g. *Leviathan* written by Thomas

Hobbes (during 1640s), made open attacks on religion and projected God as an abstract idea existing in the mind of the believer. Similar writings were published in France and scholars such as Horace Walpole (1765) wrote extensively on atheism. And finally, in early 19<sup>th</sup> century, August Comte coined the term sociology which replaced religion as the basis of moral judgment. Further contribution was made by Sigmund Freud for his triumph of psychotherapy over the neurotic illusions of religion. This point onward religious theology was extensively attacked by scientific enquiry and led to the formation of a society which openly expressed its neutral regard (at times complete disregard) of religion. Neutral regard towards religion could be one of the reasons which might have led to the formation of the wall of separation, between State and religion, and made it possible for the temporal powers to place limits on the far-reaching theological authority of the church and its capacity to meddle in civil/secular matters. Cumulative effect of abovesaid attempts, to separate State and religion, led to the concretization of a concept which later came to be known as secularism (*laïcité* in French<sup>6</sup>).

b) Definition of secularism:

From contextualist point of view secularism cannot be given a static definition, since, it derives its meaning from the context wherein it is situated. Therefore, different spatial entities give different hue to the word secularism, e.g. in the west, secularism is projected as a wall of separation<sup>7</sup>, whereas the non-western meaning, e.g. Indian secularism, along with some ancillary concepts e.g. *sarva dharma samabhava*<sup>8</sup> and *dharmanirpeksh*<sup>9</sup> which are very integral part of Indian secularism, creates a symbiotic society having a permeable wall of separation and permits religion to enter the public domain, though subject to certain conditions.

c) Essential facets of secularism:

Constitution is a vital piece of document which can help us deter-

mine whether a State is secular or not.<sup>10</sup> However, not every Constitution expressly mentions the term secular, moreover, at times it is mentioned but left un-defined<sup>11</sup> therefore, in such cases it can only be inferred/understood by tracing other provisions such as separation of State and religion<sup>12</sup> or non-establishment of religion<sup>13</sup>. By separation of State and religion it means that both the bodies have separate jurisdictions and intervention from either side is prohibited and by non-establishment of religion it means that the State shall neither sponsor nor support any religion. Collectively these two provisions may be called essential facets of a secular State<sup>14</sup>. Freedom of religion can also be an essential facet of a secular State but not individually, meaning thereby that it is only when the above-mentioned facets are also incorporated that the State could be declared secular. However, if a constitution provides for freedom of religion, equal respect for all religions, and on the same hand also establishes a State-religion then it becomes difficult to answer with exactitude, whether the country is secular or not<sup>15</sup>. It is pertinent to note that there is a difference between indoctrinating the idea of tolerance and tolerating someone, therefore, a State cannot be called truly secular just because it is tolerating other religions. It is pertinent to note that a State becomes truly secular when it provides a conducive environment wherein differences of opinion can, not only exist, but are also encouraged. Therefore, if a State has failed to provide a conducive environment for religious groups to grow, profess, conserve their religious practices, and voice their opinions then it is difficult to accept that the State is secular.

#### d) Different models of secularism:

At the outset it is pertinent to note that almost all the models of secularism can be categorized into three broad categories, which are essentially three types of walls of separation (hereinafter referred as wall) viz. the high and impregnable wall (strict model); the permeable wall (liberal model); and disregard of the wall (atheistic model).

The strict model: American and French model of secularism propose that secularism erects a high and impregnable wall meant to restrict the entry of religion into the public domain. The strict model of secularism totally prohibits entry of religion in the public domain and banning of religious symbols in public is the usual discourse adopted by states such as France.<sup>16</sup>

The Liberal Model: The liberal model of secularism, instead of banning religion from entering the public domain, tries to assist a discourse between State and religion and tries to create a harmonious construct of co-existence where the State may permit religion to operate in the public domain though subject to certain conditions.<sup>17</sup> The liberal model of secularism is based on a two-fold argument, first that the wall is not meant to ban religion but to regulate its entry in the public domain which invariably creates a pluralistic society; and second that in the public domain religious pluralism is possible only when the State gives equal respect to every religion.

The Atheistic model: Lastly, the atheistic model of secularism which is absolute hostility towards religion is a distorted form of secularism which seeks to suppress religion and promote atheism.<sup>18</sup> China and the erstwhile Soviet Russia are good examples to understand this model. Secularization started in China with Anti-clericalism. Literary-intellectuals systematically carved out the upper hand of Buddhist and Taoist clergy class and incorporated a modernized versions of Confucian nationalism, modern education, and western scientism to serve the nation good. Similarly, during Soviet regime the communist leaders believed in the transformative capacity of science and even projected science's ability to challenge the existence of God. Absolute atheism and positively hostility towards religion led to utter disregard of the wall and led to extensive religious persecution, both in China and Soviet Russia.

e) Secularism and Islam:



Some religions find it difficult to adjust in a secular framework, since, their religious ideology does not believe in the separation of State and religion, which often leads to conflict of interest e.g. the issue of Islamic-veil in France. In fact, many Islamic states do not mention the term secular in their Constitution. However, in this regard, it is pertinent to mention the curious case of secularism in Turkey.

By the end of Turco-Greek war (1919-1922), Turkish nationalism was at peak, it manifested in form of 'Turco-Greek Exchange of Population Treaty' signed on 30<sup>th</sup> January 1923, between the Greek Government and Turkish Government, mandating compulsory exchange of Greek orthodox and Turkish Moslem (Muslim) population. Resultantly, Turkey's population became more homogenous having a substantial percentage of the total population representing Turkish Muslims, nevertheless, Turkey's new republic regime was about to give Turkey a secular hue often described as Kemalism of Turkey<sup>19</sup>. Systematic reforms such as abolition of caliphate, adoption of new calendar, abolition of the ministry of Islamic law and pious foundations and religious seminaries, substitution of Turkish lunar calendar and clock with Gregorian calendar and solar clock, enactment of secular legislations to regulate marriage, inheritance, adoption and divorce, abolition of Shariat courts, etc. are some of the unique characteristics of Turkey which need to be emphasized having regard of the population construct of Turkey which substantially comprises of Muslims.

#### f) Secularism and citizenship:

In addition to the above-mentioned facets, granting of citizenship without having regard of the religious affiliation is another essential facet of secularism.<sup>20</sup> However, sometimes it becomes very difficult to ignore the religious affiliation, to substantiate this claim reference to an excerpt from a report on illegal Bangladeshi migrants in India is imperative which provides that "[t]he dangerous consequences of large-scale illegal migration from Bangladesh, both for the people

of Assam and more for the Nation as a whole, need to be emphatically stressed. No misconceived and mistaken notions of Secularism [*emphasized*] should be allowed to come in the way of doing so.”<sup>21</sup> This observation explains that even if secularism is given a non-national character, misconceived notions are possible which should not come in the way of national security. Meaning thereby, that just because religion of an individual is irrelevant does not mean that the secular State cannot regulate the granting of citizenship, e.g. if there is peculiar rise in influx of illegal migrants which is altering the demographic complexion of an area, then it might become justified to disown certain essential feature of secularism.

Another exception to the abovementioned facet of secularism, is the 2019 amendment to the Indian Citizenship Act, 1955, which added a proviso clause to section 2(1)(b) and declared that persons belonging to Hindu, Sikh, Jain, Buddhist, Christian, Jew, and Parsis religion from Afghanistan, Bangladesh, or Pakistan, who entered India on or before the 31<sup>st</sup> December, 2014, and are exempted by Central Government<sup>22</sup> shall not be treated as illegal migrants for the purpose of Indian Citizenship Act, 1955. It is pertinent to refer to the statement of objects and reasons of the Citizenship (Amendment) Bill, 2019, which specifically stated that Bangladesh, Afghanistan, and Pakistan provide for a State religion (Islam) and that people belonging to the afore-mentioned religions face religious persecution in the respective three countries. Therefore, the amendment seeks to facilitate easy return of those who have been facing religious persecution in the three specified countries and acquire citizenship of India. Such amendment can easily be challenged on the ground that it violates an essential facet of secularism, however, high ideals are sometimes comprised in the greater interest.<sup>23</sup>

#### g) Working definition of secularism:

Having regard of the discussion done so far, it appears that with the passage of time the concept (secularism) lost much of the original

context under which it developed. Not just that, at times it was mis-conceived and employed to advance policies which were positively hostile towards religion and sometimes the concept was even dis-owned, e.g. to facilitate easy return of those fearing religious persecution.

Therefore, the concept needs to be reflected upon from the present-day point of view and re-defined.

Working definition of secularism:

Firstly, it will do more justice if secularism is read with pluralism, since, pluralism is definitionally inclusive and a descriptive concept which supports the idea of co-existence. Secondly, instead of employing secularism to erect a high and impregnable wall it should rather be employed to build a permeable wall which is meant to regulate [not ban] the entry of religious symbols and practices into the public domain on the parameters of public order, morality, and health. However, once permitted, the State shall not discriminate against any religious group operating within the public domain and shall also treat every religion equally.

## Part II

### *State intervention in religious affairs*

Autonomy of the Church within a secular construct is a contentious issue. In case of Germany, the issue even reached the European Court of Human Rights (ECtHR) and to preserve religious autonomy, the ECtHR relied upon the wording of article 9 of the European Convention of Human Rights, 1950, which guarantees freedom of thought, conscience, and religion. In Application No. 40825/9870 to the ECtHR it was observed that the autonomy of religious institutions is an integral part to maintain religious pluralism. In Germany the general principle of religious autonomy is based on article 137 of the German Constitution of 1919 read in conjunction with article 140 of the Basic Law of 1949 and together they provide the right of self-determination and religious autonomy with special emphasis on the fact that religious institutions precede the existence of State. This opening paragraph describes an important facet of the wall of separation which seeks to prohibit State intervention in religious affairs by conferring special status to spiritual authorities and by recognizing that, as far as, existence is concerned the spiritual authorities precede temporal powers. However, it did not take long that the divine status attached to religious institutions started to wither away. To explain it further reference to British rule in India is imperative. The British adopted a clear non-intervention policy and since they were essentially traders they focused more on securing economic gains.<sup>24</sup> However, in the face of changing socio-legal dimensions the divinity assigned to religious beliefs could not stand for long and it became impossible, even for the British, who were acclaimed for their religious neutrality, to remain indifferent, e.g. banning of the practice of *sati* i.e. burning of a widow on the funeral pyre of her husband<sup>25</sup>, the passing of the Caste Disability Removal Act, 1850<sup>26</sup>, enactment of uniform criminal law, i.e. the Indian Penal Code, 1860, etc. Therefore, having regard of the fact that even the

British had to expend with the idealistic notions attached to the wall of separation, i.e. the idea of non-intervention, it appears that the original context under which secularism developed got transformed and brought within its ambit another facet i.e. State intervention in religious affairs.

To begin further discussion, it is important that we divide the phrase State intervention in religious affairs into two parts, *viz.* 'State intervention' and 'religious affairs' and discuss them separately.

- a) Meaning of religious affairs: The literal meaning of the term religious could be anything which relates to religion, e.g. worship, and the term affair means any matter, therefore, religious affairs mean any matter relating to religion e.g. public worship. The term place of public worship can be defined as "any place which is used by public for religious worship, for offering prayers, or any other religious activity"<sup>27</sup>. A combined reading of aforesaid terms and phrases brings out that the term 'religious affairs' mean:

"important religious matters<sup>28</sup>, such as prayer, worship, or important decisions taken by authoritative religious bodies or interpreters of religion, such as essential tenets of religion, religious beliefs, identity markers, etc. or religious practices which usually take place within the precincts of religious premises, such as temples, gurdwaras, mosques, churches, etc. and may also include matters such as finance, donation, publication of religious materials, establishing religious educational institutions, carrying out religious procession and pilgrimage, election of administrators and managers of religious institutions, issuing of religious edicts, etc."

- b) Working definition of [valid] State intervention in religious affairs: Literal meaning of the term intervene can be to deliberately meddle in a situation which needs to be resolved and regulated. Therefore, it is reasonable to deduce that State in-

tervention in religious affairs means:

“An act of State whereby it deliberately becomes involved in an issue pertaining to a religious affair so as to resolve it and/or regulate it.”

Therefore, we may hold that for the State intervention in religious affairs to be valid it must be for the purpose of either improving the religious affairs or preventing the religious affair from creating disorder. Finally, we may re-phrase our definition as follows:

“State intervention in religious affairs is an act of State whereby it deliberately meddles in a religious affair either to improve it, e.g. by diluting or de-circumscribing the limits of religious orthodoxy, or to prevent any religious affairs from creating public disorder, causing harm to public health or which is immoral.”

In the light of the discussion done so far, it is time to connect our discussion to the subject matter of this book i.e. Russian and Indian secularism. It is pertinent to note that, secularism is not just about building a wall of separation but also about stance towards religion therefore, the following Part [i.e. Part III, Stance towards religion determined: Russia and India] is divided into two sub-parts, *viz.* Russia and India, which will narrate, as far as possible, in a chronological order some noticeable instances of interaction, to manifest the pattern of relationship between State and religion and get a broad idea of stance towards religion as held by the respective states. The objective of the following Part [III] is only to get a broad idea of stance towards religion as held by Russia and India respectively, detailed analysis will follow in the subsequent chapters.

## Part III

### *Stance towards religion determined: Russia and India*

#### **Russia**

To study the historiography of Russian secularism it is important to divide this part into three manageable units, *viz.* pre-Soviet Russia, Soviet Russia, and Russian Federation.

##### a) Pre-Soviet Russia:

*Rise of orthodox Christianity in old Russia:* Before the baptism of old Russia, Russians worshiped pagan gods, such as, earth, water, air, sky, etc. and the legal system was determined by tribal customs. Families enjoyed much autonomy in laying down rules and the relationship between person and property was not subjected to any legislative determination. Later, when Russia adopted Christianity from Constantinople, Byzantium (Centre of eastern Christendom<sup>29</sup>), in 988, the tribal laws were substituted by formal Byzantine laws. However, soon thereafter, in 1054, a schism took place between western Christendom (Roman Catholics) and eastern Christendom (Greek Orthodox) and resultantly Russia got isolated from western Christendom. Russia's isolation grew further with the Mongol invasion, which started in early 13<sup>th</sup> century and resulted in the capturing of *Kievan Rus'* (capital of old Russia, which is present-day Ukraine) in or around 1240, which severed its trade-routes and arrested its economy. However, it appears that the Tartars (a branch of Mongols) did not interfere in the religious affairs and permitted the orthodox Church to function normally, this is evident from the fact that during the reign of Ivan Kalita (1328-40) the orthodox metropolitan settled in Moscow, whereby, Moscow became the religious Centre of old Russia. Later, the fall of Byzantine Empire, in 1453, escalated Moscow's position. The position strengthened, during the

reign of Ivan III (1462-1505), when Moscow refused to submit to the Tartar domination and overthrew the Tartar yoke, in 1480. Another instance which escalated Moscow's position was its refusal to accept the agreement reached at the Council of Florence, 1439, convened to heal the schism of 1054. Besides its refusal to accept the agreement reached at the Council of Florence, 1439, Russia also declared the Russian Orthodox Church (hereinafter referred as ROC) autocephalous. Soon thereafter Russia became a place of great significance for orthodox Christianity. As a matter of fact, in 1511, monk Philotheus, in his letter to Basil III, acknowledged Moscow as 'third [III] Rome' and the guardian of orthodox Christianity.

*Sub-ordination of Russian Church:* The Law Code of 1649, the *Ulozhenie*, was a lengthy document and had several articles. It dealt with almost every aspect of Russian society. The Law Code of 1649 may be called the first attempt to establish a secular State in Russia, since, it relegated church's powers to meddle in secular (civil) affairs. The Law Code of 1649 converted most of the labour in old Russia into serfs (a form of slave) and created a noble class, who were awarded land, along with serfs to toil the land. The serfs were restricted to leave the land or indulge in any non-agricultural activity, gain education, etc. The Law Code of 1649 made serfdom a civil/secular matter and resultantly the church could not entertain any complaint made by the serfs against an abusive master. Although, The Law Code of 1649 protected religion from any kind of dishonour and kept the order of church and its members intact (*See: Chapter 1 and 10 of the Law Code of 1649*), but it also imposed tax on church land and permitted confiscation of church land, in case of non-payment of taxes (*See: Chapter 19 of the Law Code of 1649*).

*Persecution of old believers:* The next instance of intervention in religious affairs of ROC came within a few years, in or around 1652, when Nikon, the Patriarch of Moscow, contended that Moscow orthodox church's liturgical books were not in conformity with the Greek orthodoxy. Therefore, when Nikon proposed to revise the



liturgical books and icons (religious paintings) it led to a schism among the orthodox believers in Moscow. Those who wished to adhere to old orthodoxy formed a group of old believers. The old believers were anathematized, i.e. banned from Russia forever and there was no way back. In the following years many old believers were persecuted. While some fled to far secluded lands, to avoid persecution, some left Russia altogether and took refuge in far secluded places, e.g. Siberia. The banning, which was initially limited to old icons and liturgical books, became more extensive during the reign of Peter I (1694-1725), also known as Peter the Great, who targeted the very religious identity markers which showed allegiance to old beliefs, such as unshaved beard, traditional clothing of men and women. However, in 1716, Peter introduced a policy which spared the old believers from persecution if they register as schematics and pay double tax. Peter the Great also abolished the Patriarch and substituted it with a Bishop, handpicked by the Tsar himself. Russia also introduced censorship on publishing anything against the State policies. Therefore, at numerous instances radical thinkers were at the receiving end of censorship or imprisonment, most notably A. N. Radischev and particularly Peter Yakovlevich Chaadaev, who openly remarked and charged ROC's failure to protect the serfs from the practice of serfdom. Finally, in 1861, Tsar Alexander II passed the decree of Emancipation of Serfs, 1861. As per the terms of emancipation, the serfs were granted land but its acquisition was not free of cost, since, a redemption cost was attached. For obvious reasons, the serfs did not have the means to pay the redemption cost, therefore, the State made the payment on behalf of the serfs and provided a 49-year period to make the repayment, along with the interest at the rate of 6% p.a. It is reasonable to hold that the decree of emancipation [along with the redemption cost] did not solve the issue of serfdom, and nor did it eliminate the class divide (i.e. between the noble elites and serfs). To substantiate this claim it is pertinent to note that even after the passing of the decree of emancipation, substantial part of Russia's population still comprised of the peasant class. This

could be one of the reasons which might have led to the Russian Revolution, 1917, with Vladimir Lenin in the forefront advocating elimination of all kinds of class divide; transforming Russia into a working-class society<sup>30</sup>; and spread of Marxist philosophy which was actively hostile towards religion.

b) Soviet Russia:

*V. Lenin's Constitution:* The turning point in Russian history was when Vladimir Lenin came up with the Soviet Constitution, 1918, also known as the People's Commission, which declared "[f]or the purpose of securing to the toilers real freedom of conscience, the church is to be separated from the state and school from the church, and the right of religious and anti-religious propaganda is accorded to every citizen."<sup>31</sup> The Communist Party of Soviet Russia (hereinafter referred as CPSR), headed by Vladimir Lenin, admired Marxist philosophy and propagated an ideology which supported absolute atheism and positive hostility towards all religion. Resultantly religious persecution began right after the Russian Revolution, 1917, and became more systematic in 1930s. The Russian Orthodox Church (hereinafter referred as ROC) was attacked with atheistic ideologies and suffered confiscation of church property. In 1929 the Russian Socialist Federated Soviet Republic Law on Religious Association, 1929 (hereinafter referred as Law of 1929), also came into force. The Law of 1929 comprised of 10 provisions which regulated churches, religious groups, sects, religious movements, and other cult associations of all denominations. The Law of 1929 imposed many restrictions on exercise of freedom of conscience which, essentially, compelled the religious associations to conform to the Soviet public policy.

*J. Stalin's Constitution:* After the death of Vladimir Lenin, in 1924, Joseph Stalin brought a new Constitution, the Constitution of Union of Soviet of Socialist Republic (hereinafter referred as USSR), 1936. As far as, attitude towards religion is concerned, Stalin's Constitu-

tion of 1936 did not differ from Lenin's Constitution of 1918. The Constitution of 1936 provided, "[i]n order to ensure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognised for all citizens."<sup>32</sup> Stalin died in 1953, however, Stalin's Constitution survived for the next 24 years.

*Last Constitution of Soviet Russia:* After Stalin's Constitution of 1936, another Constitution was adopted, that is the Constitution of USSR, 1977. One peculiarity of the Constitution of 1977 was that it contained a Preamble, which was missing in earlier Constitutions. As far as attitude towards religion is concerned, the Constitution of 1977 still did not differ from previous Constitution(s), it provided, "Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited. In the USSR, the church is separated from the state, and the school from the church."<sup>33</sup> However, nearing the fall of Soviet regime, i.e. 1991, some formidable developments started to take place in Soviet Russia, viz. in June, 1988, a new concordat took place between State and church, when Mikhail Gorbachev permitted the celebration of millennium of ROC; in election of 1990, priests of various denominations were elected to the Soviet level; and finally, by 1991, the USSR Council of Religious Affairs (CRA), which laid a heavy and harsh hand over the ROC, was disbanded.

#### c) Russian Federation:

Just before the fall of Communist Party of Soviet Russia, i.e. 1991, Law on Freedom of Worship, 1990 (hereinafter referred as Law of 1990) was enacted. The law sought to re-establish freedom of religion in Russia. It is pertinent to note that the Russian Federation retained this Soviet era law even after the fall of Soviet regime. The Constitu-

tion of the Russian Federation, which came into force in 1993, again reinstalled a secular State in Russia and clearly stated “No ideology may be established as the state or obligatory ideology.”<sup>34</sup> The Constitution of 1993 provides further “[t]he Russian Federation is a secular state. No religion may be instituted as the State or obligatory religion. Religious associations are separated from the State and are equal before the law.”<sup>35</sup> However, the religious freedom instituted by the liberal Law of 1990 also attracted foreign missionaries into Russia, therefore, the Law on Freedom of conscience and on religious association, 1997 (hereinafter referred as Law of 1997) replaced the Law of 1990. The Law of 1997 conferred special recognition to Russian orthodoxy in the history of Russia and its culture. The Law of 1997 provided that every religious organization in Russia must be registered and to become eligible for registration the law provided that the religious association must have been in existence for at least 15 years. Later, Russian Federation enacted the Law on Counteracting Extremist Activity, 2002 (hereinafter referred as Law on Extremism, 2002). As per the Law on Extremism, 2002, any individual, group, or religious association advocating extremism can be arrested. A latest addition to Russia’s repertoire of protectionist measures adopted in quest to put limits on extremist activities is a pair of Federal Laws (# 374 and 375-Φ3) which came in force in July 2016. The two federal laws, referred as Yarovaya package, have brought changes to a band of 21 laws. Federal Law (# 374 -Φ3) also brought changes to the Law on Freedom of conscience and on religious association, 1997. The new Law (# 374 -Φ3) provides, that missionary activities can only be carried out in premises designed and recognized by the Russian Federation as religious institutions, therefore, religious, or missionary activities in public places are largely prohibited.

## India

To study the pattern of relationship, between State and religion, this part is divided into following sub-parts *viz.* Ancient India, Muslim rule, British rule, and Independent India.

### a) Ancient India:

*Manusmriti* is an indispensable text to understand the functioning of four organs of ancient India's State machinery, i.e. religion, security, commerce, and service. The text became the basis of caste-system (*varna-vyavastha*) according to which the warrior caste was vested with temporal powers and the priestly caste embodied the spiritual authorities. It is pertinent to note that the priest occupied the position of a guru, i.e. a learned/expert having authority over a subject, and performed ceremonial rituals and was not permitted to interfere in temporal matters. If seen from another perspective this division substantiates that a wall of separation, between State and religion, was employed even during the ancient period. However, *Manusmriti* created a justice system which treated the four castes unequally, e.g. the punitive measures to be meted out to the four castes, for the same offence, were graded differently. To explain it further, offences with respect to which the priestly caste was largely exempted the lower caste was subjected to heavy penal action. Although, the divinity assigned to the priestly caste extended even to the Vedic king, however, the priest always had the upper-hand. To substantiate this claim it is pertinent to note that duty of the Vedic king was to protect *dharma* and it was only the priest who had the authority to interpret the idea of *dharma*. To conclude this sub-section, it is pertinent to note that with the passage of time the lower caste received most ill treatment in India. In coming centuries, the *varna-vyavastha* got very twisted and abusive and resultantly led to a class-divide. The lower caste was forbidden to enter temples, use public wells, gain education, etc. moreover the identity became so functionally fixed that even their coming generations could not get rid of the abuse.

b) Muslim rule:

Muslim rule in India was a polarized version which ranged from commendable tolerance of *Akbar* to the idiosyncratic oppression of *Aurangzib*. Some noticeable instances of oppression are as follows: during Muslim rule, Hindus were forbidden to pray in public, build new temples, or repair the old ones; *Feroz Shah Tughlaq* would desecrate Hindu temples upon conquest; *Sikander Lodhi* would desecrate Hindu temples even during peace times; *Aurangzib* issued a general order to destroy all Hindu temples and schools and forced thousands of Hindus to convert to Islam; *Aurangzib* also restricted any Hindu to be appointed for any government post and also prohibited Hindus from wearing any expensive clothing, ride horses, etc. essentially to remind that Hindus are inferior to Muslims; *Shah Jahan* appointed a superintendent especially in charge of converting Hindus to Islam; a special tax, *jizya*, was also levied on non-Muslims, which was very high. On the contrary, *Akbar* was famous for his tolerance, he prohibited forced conversion, permitted building of Hindu temples, and abolished *jizya* in 1564. A detailed analysis of *Akbar's* idea of tolerance is discussed in the next chapter. To conclude this sub-part, it is pertinent to note that during Muslim rule a new religion came into existence, i.e. Sikhism. The birth of Sikh religion is aligned with the birth of *Guru Nanak* (1<sup>st</sup> Guru of Sikhs), i.e. 1469, when Delhi was under the rule of *Bahlol Lodhi* (founder of Lodi Dynasty), whereas governance of province of Lahore was assigned to *Tatar Khan Lodhi*. Rise of Sikhism soon got the attention of Muslim rulers and faced severe persecution which altogether hampered its natural growth.

c) British rule:

The British rulers who were, essentially, traders focused on securing economic gains and to achieve this goal their stance towards the native Indian population was that of non-intervention. Even the courts were directed to apply the personal laws<sup>36</sup>, and not the English common law, to decide disputes involving native population.