ALEXANDER POLUNOV

BISHOPS AND BUREAUCRATS IN LATE IMPERIAL RUSSIA: THE CASE OF THE CHURCH COURT REFORM PROJECT OF THE 1870s

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The history of the Russian Orthodox Church in the Imperial era is often portrayed as a story of the total submission of the ecclesiastical institutes to the secular authorities, which were assisted in this by high-rank church officials (bishops). Though not totally unfounded, this concept seriously distorts the real picture of church-state relations in the Russian Empire, leading scholars to underestimate the complexity of the religious life of that period. The history of the abortive church court reform of the 1870s, an important subject mostly neglected by historians, helps to correct widespread notions about the Russian Church in the Imperial era by providing new and important insights on the processes of secularization and confessiona- lization, which were characteristic of many European countries in the second half of nineteenth century.

In 1873, a special committee established by the Holy Synod of the Russian Church put forward a project of church court transformation which was just another link in the long chain of the ecclesiastical reforms proposed by secular authorities in 1860s and 1870s. Though seemingly related to just one concrete aspect of church administration, this reform engendered a vivid discussion, accompanied by acute struggles among various factions within the bureaucracy, society, and church hierarchy. “This project came from hell and will return there,” declared one of the most prominent Russian bishops, Innokentii (Veniaminov), metropolitan of Moscow, in a private conversation. “As a pastor of our native Orthodox Church, I am sure that it’s my duty to entreat the statesmen of our days to surmount their wrong passions evoked by flattery” and to quit the reform plans, exclaimed Agafangel (Solov’ev), archbishop of Volynia. Archbishop of Kostroma Platon (Gorodetskii) asserted that each hierarch should rise against the proposed reform “according to his bishop’s oath and in order to retain his dignity.”

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If the reform would be adopted, the famous explorer of the Christian Near East, Bishop Porfirii (Uspenskii), noted in his diary, “I’ll be the first to quit the fence [of the official church] and join the Old Believers, who are impeccable from the dogmatic and canonical point of view.” Rumors were spreading that the bishops were about to declare a collective resignation in protest against the proposed measure. In the end, the church court reform was cancelled, despite the fact that it had already been approved by the secular authorities and supported energetically by the chief procurator of the Holy Synod, Dmitrii Tolstoy. What was, then, the reason for the failure of the measure, which was treated as undeniably useful by the highly influential members of the secular bureaucracy? Why did this reform engender such intense discussion? And what place did this measure occupy within the general context of the church-state relationship in the Imperial era?

In order to answer these questions, we should overview the main landmarks of the ecclesiastical policy of Russian autocracy in the eighteenth and the first half of the nineteenth century. Since the early eighteenth century, as is well known, the tsarist state (transformed under Peter the Great according to the principles of contemporary European Polizeistaat) strove to submit the Orthodox Church and even to incorporate it into the secular bureaucratic apparatus. The main stages of this process were the abolition of the patriarchate and its replacement in 1721 by the collective (and much less powerful) body, the Holy Synod; the appointment of a chief procurator, a lay official who supervised the activities of the synod; and secularization of church lands and peasants in 1764. The number of parish clergy was limited in the eighteenth century according to shtaty (special registers). Priests were burdened with many secular duties, such as assisting in land surveys or communicating state decrees from the pulpit. In the early nineteenth century, an attempt was even made to establish a special Ministry for Religious Affairs (Ministry for Spiritual Affairs and Public Education). The new ministry felt it was necessary to absorb the synod and turn it into another one of its integral agencies, and to govern the church through purely bureaucratic methods. These bureaucratic and secularist tendencies, powerful as they were, met at least one serious obstacle, which prevented them from reaching their logical conclusion: the traditional prerogatives of the bishops, especially the power they wielded on the local level, within their own dioceses.

According to canon law, the bishop, traditionally addressed by his flock as vladyka (lord or sovereign), wielded in his diocese enormous administrative and judicial power which applied to both clergy and Orthodox laymen. The bishop oversaw the service activities of clerics and had the right to resolve many cases related to the life of his lay flock, most importantly in the areas of marriage and family relations. The concentration of judicial and administrative prerogatives in the bishop’s hands contradicted overtly the principles of cameralism and the well-ordered police state and was treated by the secular authorities as highly dangerous and potentially subversive for unconditional state domination. “Each bishop is a Pope of Rome in miniature,” asserted Chief Procurator Dmitrii Tolstoy who, inter alia, authored a book on the history of Roman Catholicism in Russia and was well aware of the contradictions between
church and state in the West. “If bishops got freedom, they immediately would try to submit the state.”

Treating the monocratic power of bishops with suspicion and even hostility, the secular bureaucracy did its best to erode its foundations so that the prelates would have been transformed into mere officials and integrated into the administrative apparatus of the state. Serious progress was achieved in this effort under Nicholas I (1825–55), when the control over church finance and education were transferred to bureaucratic bodies (Fiscal Committee, Bureau of Ecclesiastical Education), which, subordinate to the chief procurator, functioned de facto independently from the synod. The prerogatives of the bishops in the dioceses, however, remained even in this epoch mostly untouched. Numerous attempts to establish diocesan procurators, who would be instruments of the chief procurator at the local level, were rejected by the episcopate as anti-canonical. The time for a new, resolute onslaught on the bishops’ power came with the advent of a new epoch, the era of the Great Reforms in Russia (1860s–70s).

Well known for their liberal character, the Great Reforms of Alexander II (1855–81) had another important feature, an obvious secularist coloring which was in fact deeply connected with the reformist agenda. Assuming the new, ambitious tasks, the reforming state did not want to tolerate any rival in the public arena. It strove to oust the church from and assume control over all spheres of life, public education, finance, marriage, and divorce. The new course included, especially in the late 1860s and 1870s, such measures as closing down church primary schools, reducing the number of parishes and clergy, and reforming ecclesiastical academies and seminaries on the model of secular educational institutions.

The suspicions and even hostility of the secular bureaucracy toward the hierarchy were determined not just by the general secularist atmosphere of the times, but by yet another important factor. Being quite aware of the possibilities provided by the new approach, with its openness and relatively unrestricted forms of public polemics, bishops renewed their fight for the autonomy of the church, claiming that a sobor (ecclesiastical council) should be convened, the powers of the chief procurator diminished, and even the patriarchate restored. The most respected Russian bishop, Filaret (Drozdov), metropolitan of Moscow, was widely perceived as a possible candidate for the post of patriarch. Not surprisingly, the secular bureaucracy was highly alarmed by these tendencies and did its best to stop them. “A remarkable and rather dangerous person,” a description given by Minister of Interior Piotr Valuev to Porfirii (Uspenskii), could easily have been applied by the government bureaucrats to many church hierarchs of that period.

Striving to subvert the remaining elements of the church hierarchy’s independence, secular bureaucrats widely exploited splits within the clergy, first of all, contradictions between the bishops (who were monks) and the white (married) clergy. Thus, Dmitrii Tolstoy refused to take measures against publications of liberal clerics, who blamed the bishops for their alleged “despotism” and claimed that the white clergy should have played a greater role in church administration. The leading publication of clerical liberalism, Tserkovno-Obshchesvennyi Vestnik (Church-Social Messenger), was protected and even
secretly subsidized by Tolstoy. It is within this context that a synodal committee was formed to draft a proposal for church court reform. This committee consisted of lay legal experts, professors of ecclesiastical academies, and members of the white clergy. In 1873, the draft project of the reform was submitted for discussion to the bishops and diocesan administrative bodies (consistories).

One striking feature of the project immediately noted by contemporaries was the attempt to emulate secular models, especially the secular court reform of 1864 which strictly adhered to the principle of the separation of judicial and administrative powers. According to the project, bishops lost their judicial prerogatives to ecclesiastical judges (priests) elected by the parish clergy. Minor cases came to district judges (there should have been several in the diocese), while important cases came to regional courts, which should have covered several dioceses, thereby leapfrogging the bishop as a judicial entity. Responsibility for investigation and prosecution of offenders would be transferred from diocesan administration to professional lay procurators, who would have formal legal training and be accountable to the chief procurator.

In many respects, the project overtly contradicted requirements of canon law, under which, for example, priests of a diocese could not be independent from the bishop, and all aspects of ecclesiastical administration were connected with the diocesan center. From the very beginning of the project’s discussion, reformers were accused of Protestant tendencies, of an attempt to introduce congregational principles into the organization of the Orthodox Church. “It is possible,” wrote Platon (Gorodetskii),

to eliminate completely the bishop’s dignity, as Protestants did, and this would be a consistent action. But it is impossible to retain bishops with all their formal rights and to admit simultaneously the existence in their dioceses of priests who would be independent of them. This would be a false doctrine incompatible with anything [изучение, нисче, несобранно].

In fact, the judicial rights of bishops were the last barrier which did not permit the secular authorities to finish successfully the process started in the early eighteenth century. Losing their traditional judicial prerogatives would easily transform the bishops into ordinary officials, supposed to function according to the formal regulations put forth by the state. “No reform since Peter the Great was so dangerous for the church,” wrote A. N. Muraviev, “since all previous measures, even the abolition of the patriarchate, touched on its external side. Now the internal being of the church will be shaken.” What, then, was the reaction of the Russian hierarchy to the reform project? And, especially important, how did it manage to stop the implementation of the proposed measure?

Later on, analyzing the reasons for their failure, the proponents of church court reform accused the bishops of using various backstage machinations aimed at ruining the reform plans. It is difficult to deny that the official church hierarchy, deeply intertwined with the state, was really resorting to such methods. Thus, Aleksei Lavrov-Platonov, the conservative member of the reform committee and professor at the Moscow Ecclesiastical Academy, used his
connections in the government to organize, without the permission of the church censorship, the publication of his book criticizing the proposed reform. The rising star of the conservative bureaucracy, member of the State Council and future chief procurator Konstantin Pobedonostsev, corresponded at that time intensively with the bishops, informing them about the most recent tendencies within imperial ruling circles and inspiring them to oppose vigorously the proposed reform. Significant as they were, however, all of these factors did not play a decisive role in the failure of the church court reform. Much more important was the ability of the bishops to use instruments of the open polemics and form a common front when they had to defend, as Gregory Freeze puts it, the fundamental traditions and undeniable canonical prerogatives of the church.

Soon after the official discussion of the reform project started, Agafangel (Solov'ev) published without the synod’s permission his negative response to the proposed measure in his diocesan newspaper, Volynskie eparkhid'anye vedomosti. Though the brave prelate got an official reprimand from the synod and was severely chastised by the chief procurator, his publication (a “heroic deed,” as some contemporaries noted) was widely popular among the hierarchy and served, together with Lavrov-Platonov’s book, as a focal point for the bishops’ opposition. “With genuine pleasure I read your article on the reform of the church court,” wrote to Agafangel the Bishop of Polotsk Savva (Tikhomirov). “May the Great Chief of all pastors Lord Jesus Christ reward you for all that!”

Those few bishops (Pavel of Pskov and Nafanail of Chernigov) who chose to follow the desires of the secular authorities and approved the reform project became outcasts in the bishops’ milieu and were overtly despised by other prelates. In their correspondence, the bishops often refer to Pavel or Nafanail as “Judas,” “traitor,” “lackey.” Despite his high hierarchical status, the chairman of the reform committee, Makarii (Bulgakov), was also sharply criticized by his colleagues. Porfiri (Uspenskii) wrote in his diary that this prelate should have repented for his support for the reform project, or face the appropriate punishment. But should we not assess such statements as manifestations of petty intra-bureaucratic wars, which did not seriously threaten the position of state power? Were they not elements of a harmless Fronde which in no way would engender any serious repression by the state?

It seems that we should give a negative response to these questions, taking into account the whole history of church-state relations in Russia since Peter the Great and especially the character of the man who occupied the post of chief procurator in the 1860s and 1870s. A strong-willed, resolute, purposeful person, Dmitrii Tolstoy was famous among contemporaries for his intolerance and harshness toward disobedient clerics. “He is highly ambitious and dictatorial,” wrote Savva (Tikhomirov) in his diary. “He doesn’t tolerate any resistance. Each objection, especially with regard to synodal affairs, is treated by him as a personal affront.” It is not a coincidence that Agafangel’s publication was perceived by contemporaries as a “heroic deed.” When he learned about the first manifestations of the bishops’ opposition, Tolstoy openly declared that episcopal responses to the reform project “should be investigated by the Third Section” (political police). There was a possibility that Agafangel
would have been brought to trial for violation of censorship laws. The archbishop of Volynia confessed that he dared to publish his response only because he felt himself at that time being at death’s door.\textsuperscript{24}

Facing the sharp discontent of the secular bureaucracy and striving to demonstrate their political reliability, many bishops responded by resorting to arguments borrowed from the arsenal of political conservatism, which, in any case, were basically consonant with the foundations of their worldview. The “no bishops, no king” logic was widely used in the polemics. Piotr, bishop of Ufa, noted:

\begin{quote}
The claim to separate judicial power from executive and legislative powers was put forth for the first time during the French Revolution of 1789, and nowadays it is being repeated by arrogant people of free spirit and bad temper who are not willing to tolerate submission to anybody . . . Will the liberal priest preach to his flock unconditional submission to the government? If the small and middle pillar [i.e. church, hierarchy] are shaken, thus, most possibly, the big ones will also be overthrown.\textsuperscript{25}
\end{quote}

In opposing the ecclesiastical court reform, the bishops emphasized that the church is “a kingdom not of this world” and could not be compared with mundane structures and organizations. “Church laws,” underlined the metropolitan of Moscow, “have their source in a highest, i.e. Divine, authority and cannot be suspended or altered by human authorities according to the circumstances of the new times.” “Though the phrase spiritual department [\textit{dukhovnoe vedomstovo}] has been widely used in the bureaucratic world since the early nineteenth century, the church cannot be equated to an ordinary administrative institute,” argued Lavrov-Platonov; “it is parallel with the state as a whole, not with any of its ministries.”\textsuperscript{26} It is tempting to treat such statements as self-serving attempts to retain an isolated status for the church as a privileged institute and defeat the modernizing plans of long-awaited reform. The real motivation behind the bishops’ opposition, however, was quite different and based on much deeper considerations.

Emphasizing the differences between the secular and spiritual realms, the \textit{temporal} and \textit{spiritual}, prelates thought to demonstrate that the ecclesiastical leadership had profound peculiarities which did not permit to treat it as a sort of an ordinary management. The members of the hierarchy explained that it is impossible to deprive a bishop of his judicial prerogatives because he is a spiritual guide and mentor, not just a mere official who is supposed to follow mechanically a formal set of administrative rules and regulations. He is to discern and punish sin and spiritual misdemeanors, and this task could not be implemented without a right to “bound and unbound,” i.e. without judicial power the administrative prerogatives of the bishop would be senseless. The metropolitan of Moscow noted:

\begin{quote}
There are rules which gave the bishop a right to resolve some cases on the basis on his own power, «as under the inspection of God» (Canon 38 of Apostolic Canons), being responsible only before God and his own conscience . . . It is impossible to separate bishop from clerics, or clerics from bishop, as it
is impossible to separate father from children, since the bishop is a father of an ecclesiastical family, while other members of this family are his children.  

The ideals of total standardization and unification, so dear to the leaders of modern rational bureaucracy, did not promise undeniably positive results when applied to ecclesiastical institutions, and the most far-sighted bishops did not fail to stress this point in their responses. “The church, which is totally similar to the state,” asserted Platon (Gorodetskii),

is not useful for the state, at least no more useful than any other governmental agency . . . The church can be of use for the state only if it lives its own life, is governed by its own laws, has special church forms for its institutions, and gives the state those elements which the state itself does not have and which cannot be received by any administrative means. The church gives the state the highest consecration and highest meaning of its existence. 

Agafangel (Solov’ev) stressed that an attempt to introduce lay procurators into the church would submit relations between clergy and flock to bureaucratic and external control, in fact making impossible all kinds of pastoral and spiritual activities. Such control, the bishop claimed, would place the church under a heavy yoke, “filling the clerics with horror and making them mute.” The chief procurator would be turned into a minister of religious affairs, a “secular patriarch” or “bishop over bishops,” and the church would lose the last remnants of its independence. “There will be no freedom in the life of the church anymore,” asserted Agafangel, and freedom is a necessary precondition of any creative activity. “Stand fast therefore in liberty,” cited the archbishop in this regard the Epistle of Paul to the Galathians, “wherewith Christ hath made us free, and be not entangled again with the yoke of bondage.”

The opinion expressed by Agafangel was consonant with the arguments of other hierarchs of that time to broaden the autonomy of the church. Thus, in 1873–74, Bishop Nikodim (Kazantsev) composed a memorandum on the status of the Holy Synod in which he openly announced that “there is no tsar above the church” (nad tserkov’iu net tsaria). The church, the bishop stressed, loses under secular government its first dignity, freedom . . . Members of a secular power could be admitted to the sessions of the church council, but only as spiritual children, not as co-rulers, for receiving lessons, not giving commands.

It should be noted that, by the time the memorandum was written, Nikodim was already in retirement and could thus express his thoughts more freely. It goes without saying, however, that Nikodim’s key ideas were shared to a greater or lesser extent by many members of the hierarchy.

No state officials, be they procurators or other high-placed bureaucrats, can interfere in ecclesiastical affairs and oversee the clerics’ activities, since, as laymen, they are mere spiritual children and the clerics are their shepherds, stressed the critics of the court reform. Reacting to the clumsy attempt of the secular bureaucracy to intrude on the sacred area of church order, the bishops
not only resisted the reform project but undertook a vigorous counter-attack, boldly stressing the superiority of canon law over secular law.\footnote{Alexander Polunov} The centuries-old foundations of church-state relations in Imperial Russia were called into question. Some prelates argued in their responses that the elements of the traditional church order should be reestablished. Specifically, periodic regional episcopal councils (sobory) should once again be convened, and the enormous power of the chief procurator diminished. Confronted by the common hostile reaction of the bishops, Dmitry Tolstoy did not dare to implement the court reform. As Gregory Freeze put it, the failure of the reform became “Tolstoy’s greatest and most public defeat.”\footnote{Alexander Polunov}

Of course, it would be naïve to expect that the desideria of bishops could be implemented immediately. Though Tolstoy lost his post in 1880 and was replaced by Pobedonostsev, who in the 1870s supported the episcopal opposition to the church court reform, the new chief procurator could not, or did not want for various reasons to broaden the autonomy of the church.\footnote{Alexander Polunov} The story of the church court reform, however, had many important implications. As a symptom of important changes in the ideological and spiritual atmosphere of Russia, it demonstrated, using the words of Hugh McLeod, that secularization was not an “impersonal process” but rather “a contest in which adherents of rival world-views battled it out,” and the believing Christians “were able to devise a wide variety of strategies to counter the danger of secularization.”\footnote{Alexander Polunov}

For the bishops, the attempt of the court reform became to a large extent a turning point in the formulation of their socio-political position. As Freeze put it, “it triggered a significant shift in opinion, inspiring a heightened distrust of the state and a determination to defend Episcopal prerogative and privilege.”\footnote{Alexander Polunov} As tensions between the church hierarchy and the state mounted in the last decades of nineteenth century, the call for regular councils and other reforms gained increasing support among the episcopate. In 1905, the prelates seized on the vulnerability of autocracy to press their demand for reform, and in 1917 finally achieved their goal with reestablishment of the patriarchate.\footnote{Alexander Polunov} The ability to resist the secular onslaught and the strengthening of corporative ties possibly helped the bishops protect traditional ecclesiastical order in the Soviet period, when religious organizations in Russia became the subject of much fiercer persecutions than they had ever experienced.

NOTES

1. Savva (Tikhomirov), Arkhiiepiskop Tverskoi i Kashinskii, \textit{Kchronika moei zhizni} (The chronicle of my life) (Sergiev Posad, 1904), 5:3; and \textit{Mneniia preasviashchennyykh arkhiereev otnositel’no proekta preobrazovaniia dukhovno-sudebnoi chasti} (Opinions of diocesan bishops regarding the project of the reform of ecclesiastical courts), vol. 1 (St. Petersburg, 1874), 196, vol. 2 (St. Petersburg, 1878), 279. Translations throughout this essay are the author’s.


3. In an interesting recent work, Ernest Zitser undertook a cultural anthropological analysis of the ecclesiastical policy and religious worldview of Peter the Great:


7. As a result, according to Gregory Freeze, the chief procurator “remained essentially a general with a staff of officers in St. Petersburg,” but without “soldiers in the field” who had no instruments “to supervise diocesan bishops in the way he was supposed to oversee Synodal administration” (Gregory L. Freeze, “Handmaiden of the State? The Church in Imperial Russia Reconsidered,” *Journal of Ecclesiastical History* 36, no. 1 [January 1985]: 92).


9. In regard to special importance, was the memorandum of Agafangel (Solov’ev), at that time bishop of Reval (1857), and three memoranda (1856–67) of A. N. Murav’ev, well-known conservative official who was advocating at the Imperial court and in the bureaucratic spheres the interests of bishops. See Freeze, *Parish Clergy*, 194-200, 236, 330-32; and Rimskii, *Rossiiskaia tserkov’*, 51-56, 190-96.


12. The only prelate in the committee was its chairman, Makarii (Bulgakov), archbishop of Lithuania and Vilna. A distinguished theologian, Makarii as an administrator was prone to obey the directives of the state. “In Synodal affairs he is highly evasive and dependent on others,” wrote Makarii Bishop Nikanor (Brovkovich). “In many cases when it would be desirable to hear his voice, he fears to compromise his opinion” (Nikanor [Brovkovich], “Moia khirotoniiia” [My ordination], *Russkii arkhiv* 2 [1908]: 191-92).

14. Within the international context, the reform project could be compared with the measures undertaken during the *Kulturkampf* in Germany, such as the establishment of the Royal Tribunal, where the Roman Catholic clerics could submit their complaints about bishops. In France, according to one variant of the separation of church and state (1905), it was supposed to register the Roman Catholic Church as a conglomerate of independent congregations. Priests were supposed to be responsible to their flock, not to bishops (D. Hatfield, “Kulturkampf: The Relationship of Church and State and the Failure of German Political Reform,” *Journal of Church and State* 23, no. 3 [winter 1981]: 472; and Jean Baubret, “Two Thresholds of Laicization,” in *Secularism and Its Critics*, ed. Rajeev Bhargava [Delhi: Oxford University Press, 1998], 116).


16. See [A. F. Lavrov-Platonov], *Predpolagaemaia reforma tserkovnogo suda* (Proposed reform of church court), vols. 1-2 (St. Petersburg, 1873), and vol. 1, 2nd ed. (St. Petersburg, 1874). Lavrov-Platonov, who shared the views of conservative bishops, was himself tonsured in 1878 and occupied several bishop’s sees until his death in 1890.


18. Freeze, “Handmaiden of the State?,” 86.


20. Ibid., 4:739-41, 751; and Nikanor [Brovkovich], “Moia khirotoniia,” 192.


26. Ibid., 1:73-74; and [Lavrov-Platonov], *Predpolagaemaia reforma*, vol. 1, 2nd ed., 123.


28. Ibid., 2:247.


33. As Agafangel (Solov'ev) put it, “it is not a man or a human society which gave the judicial power to bishops. It is delivered directly from Jesus Christ. While founding God’s Church on the earth, the Lord entrusted it not to laymen, but to Apostles whom he sanctified” (Mneniiia preasviashchennykh arkhiereev, 2:124).
34. Freeze, Parish Clergy, 401.
37. Freeze, Parish Clergy, 405.
38. The most recent works on the church reform movement in the early twentieth century are S. L. Firsov, Russkaia tserkov’ nakanune peremen (konets 1890-kh-1918) (The Russian Church on the eve of changes [1890s–1918]) (Moscow: Dukhovnaia biblioteka, 2002); and G. Orekhanov, Na puti k soboru: Tserkovnye reformy i pervaya russkaia revolutsiia (On the way to the council: Church reforms and the first Russian revolution) (Moscow: PSTBI, 2002).