Religious Toleration, Freedom of Conscience, and Russian Liberalism

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In 2008, Martha Nussbaum published *Liberty of Conscience: In Defense of America’s Tradition of Religious Equality*. She believes that tradition to be under threat, not only from Christian fundamentalists but also from “new atheist” public intellectuals like Daniel Dennett.¹ To defend our tradition of religious freedom and pluralism, a tradition she esteems, Nussbaum begins her book with a chapter on perhaps the most important founder of that tradition, Roger Williams, who established the colony of Rhode Island on the principle of unlimited religious liberty. In works such as his 1644 book *The Bloudy Tenent of Persecution*, Williams anticipates and goes deeper than John Locke’s more famous treatise of 1689, *A Letter concerning Tolerance*. Nussbaum argues that Williams is concerned not only, or even primarily, with civil peace but also with the nature of human personhood, dignity, and equality. He found their source in conscience, which for him meant the capacity for moral choice and aspiration, or for self-determination. In this, Nussbaum notes, he was influenced by Stoic natural-law doctrine. She also points to the striking similarity with Kant’s later ideas of human autonomy and dignity. The link between this natural-law tradition of philosophical anthropology, with its emphasis on conscience as the source of human dignity, and freedom of conscience in the specific sense of religious liberty, is that individuals must be permitted and encouraged to seek God or ultimate meaning in their own way.²

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¹ I am grateful to the other contributors to this forum and to the two *Kritika* referees who read and commented on an earlier version of this essay.


³ Nussbaum, *Liberty of Conscience*, 34–71; on the connection to Stoicism 45, 52, and to Kant 56. Elsewhere she has written on Kant’s debt to Stoicism: Martha C. Nussbaum, “Kant and Cosmopolitanism,” in *Perpetual Peace: Essays on Kant’s Cosmopolitan Ideal*, ed. James Bohman

*Kritika: Explorations in Russian and Eurasian History* 13, 3 (Summer 2012): 611–34.
In the first years of the 20th century, Roger Williams was known by Russian liberals, who appreciated him for the same reasons Martha Nussbaum does today. In 1901, Petr Struve, the leader of the Russian Liberation Movement that would culminate in the Russian revolution of 1905, published an important essay, “What Is True Nationalism?” which lays out his liberal theory. Struve calls Williams the first apostle of the idea of the inalienable rights of man, beginning with freedom of conscience—the “first word of liberalism,” in Struve’s phrase. He refers in this connection to the work of his Russian colleague, Pavel Novgorodtsev, who devoted a few pages of his *History of the Philosophy of Law* to Williams. Struve and Novgorodtsev were then organizing *Problems of Idealism*, conceived as a defense of liberty of conscience and of its importance in liberalism. By the time it was published in November 1902 as a type of philosophical companion to Struve’s famous émigré newspaper *Osvobozhdenie*, the Russian Liberation Movement was well under way. Freedom of conscience was its common platform. “The desire for religious freedom in the empire had accomplished what seemed beyond the capacity of all other public issues,” writes John Basil in one recent study. “It drew together for one purpose all but a handful of Russians.” That purpose seemed to be achieved when Nicholas II issued the Manifesto of 17 October 1905, though, as Paul Werth and others and Matthias Lutz-Bachmann (Cambridge, MA: MIT Press, 1997), 25–58. On Williams’s *The Bloudy Tenent of Persecution*, see also Perez Zagorin, *How the Idea of Religious Tolerance Came to the West* (Princeton, NJ: Princeton University Press, 2003), 196–208.


John D. Basil, *Church and State in Late Imperial Russia: Critics of the Synodal System of Church Government* (1861–1914) (Minneapolis: Minnesota Mediterranean and East European Monographs, 2005), 74. “All but a handful of Russians” surely overstates the degree of popular support for freedom of conscience. Basil himself refers to the view expressed by various speakers at the St. Petersburg Religious-Philosophical Meetings (1901–3) that most of the population would oppose it as a threat to salvation (79–81). Paul Werth, in his contribution to this forum, writes that freedom of conscience had achieved “broad currency” in early 20th-century Russia (586). The extent of popular support for freedom of conscience is a matter for further research; it would seem to be an important measure of how many Russian subjects had become aware of themselves as “citizens,” i.e., as bearers and defenders of rights. I would suggest, though it is virtually a tautology to do so, that freedom of conscience had wide support in civil society...
have recently shown, the October Manifesto granted freedom of conscience more as a promise that was to be implemented through future legislation—legislation that was in fact never enacted.\(^7\)

Before 1905, the autocracy generally described its policy toward non-Orthodox religions in the empire as “religious toleration,” which meant something different from freedom of conscience. The nature of this difference is one of the main themes of this forum. Toleration in imperial Russia was a revocable privilege or concession granted by the state to recognized religious groups, while freedom of conscience is an inalienable individual right. Freedom of conscience, because it specifies an intrinsic and inviolable entitlement or right, is incompatible in principle with autocratic state power—and for that reason the tsarist regime resisted recognizing it as long as possible. This is also why, as Werth indicates in his article here, scholars have tended to treat it (naturally) as a problem in the history of Russian liberalism, which aimed to transform autocratic Russia into a constitutional regime under the rule of law. Russian liberal philosophers, as I shall try to show, understood freedom of conscience as more than one natural right among others: for them it was the essential quality of personhood itself (self-determination) and thus the foundational value of liberalism.\(^8\) In this they followed both Roger Williams, for whom conscience was “indeed the man,” the very quality of being a person, and (more directly) Kant, for whom it was the same.\(^9\) Their conception makes clear why freedom of conscience fundamentally concerns individuals (i.e., as

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\(^8\) I understand liberalism as a political philosophy holding that a just society must recognize the following principles: (1) persons are ends-in-themselves and absolute in value (i.e., there is no higher end that could justify treating individuals merely as means); (2) the fullest possible self-realization of the potential of every person is the supreme justification of any social, economic, or political order; and (3) state power (and the power of one person over another) must be limited by the rule of law, understood as the forcible defense of natural or human rights, in the final instance by civil society. The second principle probably entails a general commitment to human progress or perfectibility. Further, I would maintain that liberalism, so conceived as a philosophy of absolute human value and of human rights, is normative and that it has no contenders for our reasonable allegiance.

persons), while toleration tended to deal with groups—another distinction brought out nicely in this forum.

It is worth emphasizing that tsarist toleration, far from being a right limiting autocratic power, was rather an instrument of that power. As Gary Hamburg puts it in these pages, toleration was “one among many tactics adopted by the government to regulate and control the religious lives of its subjects” (541). Hamburg is referring to the reign of Catherine the Great, but in this respect tsarist religious policy changed little through the late imperial period (in some respects it became more repressive). Thus Peter Waldron, in his influential 1989 essay “Religious Toleration in Late Imperial Russia,” maintains that “religious policy was only one part of the regime’s general strategy” to keep “the strength and authority of the autocracy as intact as possible.” Waldron argues that freedom of conscience was inimical to the idea of autocracy (especially in the mind of the last two tsars). It was granted only as a political necessity in the 1905 revolution and was thwarted after 1905 as the regime recouped and reneged on its promises.

Other scholars have also stressed the importance of distinguishing, in the Russian context, between toleration and freedom of conscience. Robert Crews, in \textit{For Prophet and Tsar}, writes about the autocracy’s “peculiar regime of religious toleration,” peculiar because it was far from a policy of noninterference. Rather the tsarist state attempted to maintain religious conformity and orthodoxy and to suppress dissent within the recognized confessions in the empire. Crews’s case study is Islam, which, he argues, came to rely upon or “capture” state institutions in the policing and disciplining of its own communities. The result was that the tsarist state and the Muslim authorities whom it backed were drawn together, as Crews puts it, “in the common enterprise of curtailing liberty of conscience.”

Laura Engelstein’s contributions to this area of research include her 2000 essay, “The Dream of Civil Society in Tsarist Russia: Law, State, and Religion.” She, too, calls tsarist toleration or “freedom of religion” (svoboda


very) a “peculiar grant.” “In the first place,” she writes, “the freedom to worship consisted of the right to persist in the faith of one’s ancestors, that is, to continue to belong to the religious community into which one had been born. It did not endow individual believers with the right to change religious affiliation,” unless it was to Orthodoxy. “In the second place,” she continues, “the price of recognition was subordination to administrative authority. And third, recognition did not mean equality.” The Russian Orthodox Church was defined by law as the “preeminent and predominant religion” of the empire and it alone had the right to proselytize. To help make the distinction between the state’s policy of tolerating certain religious communities for its own purposes and liberal recognition of the individual’s right to freedom of conscience, Engelstein draws helpfully on the work of the Russian legal scholar Mikhail Reisner (1868–1928). In 1900, he wrote that Russian law “does not observe the division between the state and the religious communities. It acknowledges neither their freedom, nor the freedom of personal belief and conscience.” Tsarist law, according to Reisner, treats religion from the instrumental perspective of state interests, “not as one or another form of a person’s relation to God.” “Our law,” he continues, “supposes that religion is not practiced by individual persons but by national-spiritual entities—peoples, nations, tribes. But in fact religion will always be religion, and its true receptacle is not the nation but the individual human heart.”


14 M. A. Reisner, “Moral’, pravo i religiia po deistviuushchemu russkomu zakonu,” pts. 1–4, Vestnik prava (1900), no. 3 (March): 1–18; no. 4–5 (April): 1–49; no. 8 (October): 1–34; no. 10 (December): 1–46; here no. 4–5: 6, 47, and no. 8: 8, as quoted by Engelstein, “Dream of Civil Society,” 34–35. I am grateful to Professor Engelstein for providing me with a copy of Reisner’s essay, which is reprinted in his Gosudarstvo i veruiushchaia lichnost’: Sbornik statei (St. Petersburg: Obshchestvennaia pol’za, 1905), 141–267. Werth also draws on it in his article in this issue. Reisner’s intellectual and political evolution was dramatic: he later became a Bolshevik and vice-commissar of justice. In 1928, the last year of his life, he remarked that the easiest way to deal with the idle intelligentsia (idle from the perspective of the cultural revolution) might be to put them in “concentration camps.” See Michael David-Fox, Revolution of the Mind: Higher Learning among the Bolsheviks, 1918–1929 (Ithaca, NY: Cornell University Press, 1997), 107. In Church and State in Late Imperial Russia, Basil reports that in the 1930s Reisner took part in Stalin’s antireligious campaigns and as late as the 1950s was writing atheistic tracts against Islam (82). This must be mistaken, but in the 1920s Reisner did write on Islam (he was a prolific scholar in law and religion).
In European thought, toleration developed in the early modern period from the negative, expedient sense of the idea (“mere toleration,” or forbearance from religious persecution) into the positive concept of freedom of conscience. This intellectual development was essentially complete by 1700. By then, “toleration” was being used synonymously for freedom of conscience (which explains why the two concepts must be carefully distinguished in the Russian context, where the first generally did not imply the second). This history of ideas has most recently been reconstructed by Perez Zagorin. In How the Idea of Religious Toleration Came to the West, Zagorin traces the development of the concept of freedom of conscience in the writings of such figures as Roger Williams; the Quaker William Penn, whose book The Great Case of Liberty of Conscience appeared in 1670; Spinoza, whose Tractatus theologico-politicus was published the same year in Amsterdam; John Locke, whose famous A Letter concerning Toleration (1689) was a forceful if imperfect defense of the core notion of freedom of conscience, namely, that “the care of each man’s salvation belongs only to himself” and rests on genuine faith, which can only be a matter of inward conviction, not external compulsion; and finally Pierre Bayle, whose Commentaire philosophique (Philosophical Commentary) was published three years before Locke’s Letter and emphasized that an erring but sincere conscience deserves the same respect as one in possession of the truth. All these thinkers justified toleration in liberal terms of its good for the individual, not merely in cameralist terms of a political expedient necessary for civil peace and the well-ordered society or Polizeistaat. For them, toleration was very close in meaning to freedom of conscience.

The social rather than the intellectual history of toleration is the subject of Benjamin J. Kaplan’s recent book Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe. Unsurprisingly, Kaplan finds that social practices of toleration into the 18th century were based not on widespread recognition of freedom of conscience (a new idea among intellectual elites) but on the need for people with differing, exclusivist, and mutually hostile faiths to find ways to live together. He distinguishes between

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17 For example, both Bayle and Locke spoke of toleration “without distinguishing it from liberty of conscience” (Zagorin, How the Idea of Religious Toleration Came to the West, 287).
two models of toleration. One is the modern liberal model based on individual freedom of conscience; it gained wide recognition only during the Enlightenment, though its intellectual roots go back to the 17th century, as we have seen. The other model, more applicable to the social and confessional reality of early modern Europe, understands toleration not as the positive virtue of respect for the individual but as the regrettable necessity of tolerating people, for the sake of civil order, whose religious views are considered anathema. In this model, the primary units of society are not individuals but groups. Accordingly, Kaplan writes, “toleration extends to communities as communities, not to individual members of those communities.” He refers to the example of the Ottoman Empire, where Jews and Christians were protected subjects (dhimmis) who formed tolerated confessional communities known as “millets.” Imperial Russia clearly fits the group model of toleration: Crews explicitly compares the Ottoman millet and Romanov systems.

The Dutch Republic is an early example of the liberal model of toleration (freedom of conscience), but most practical arrangements of toleration in early modern Europe more closely resembled the group model, based as they were on political expediency, limited and grudging accommodation, and the need for peaceful coexistence among mutually antagonistic confessions. Gradually, however, the idea of freedom of conscience penetrated into law and social practice, transforming the earlier group arrangements as more and more people came to regard freedom of conscience as a natural right. By the end of the 18th century it was so recognized by various constitutional charters and other legal enactments in Europe and the new United States.

In Russia, by contrast, toleration continued to have the earlier, collectivist and instrumentalist meaning identified by the contributors to this forum. True, there were individual thinkers who challenged this meaning. In his remarkable, extensively researched history, “Religious Tolerance in Russian Thought, 1520–1825,” Hamburg shows that even in the Muscovite and early imperial periods there were Russian defenders of toleration who advanced it not merely as a technique of political expediency (or as a traditional

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19 Kaplan, *Divided by Faith*, 240, following Kymlicka, “Two Models of Pluralism and Tolerance.”

Russian political virtue that, as Nikolai Karamzin put it, “made easier our conquests”) but as something close to the natural-rights principle of freedom of conscience. Hamburg discusses, among others, Chrystophor Philaleth, Vasili Tatishchev, Nikolai Novikov, and Aleksandr Radishchev. But their ideas had little influence in autocratic Russia; in most cases their writings were suppressed. It is interesting that the earliest of these thinkers, Philaleth, a Russian Orthodox writer in the Polish-Lithuanian Commonwealth, was nonetheless quite advanced in his “pre-Enlightenment advocacy of toleration based on freedom of conscience and natural rights” (556), as Hamburg characterizes it. A much better known figure is Novikov, whose implicit linkage of freedom of conscience and human dignity in his essay “On Human Dignity in Relation to God and the World” anticipates to a certain extent the thought of Konstantin Kavelin, Boris Chicherin, and Vladimir Solov’ev (on them, see below).21 Tellingly, Catherine II tried to persuade Metropolitan Platon of Moscow to accuse Novikov of heresy; the immediate cause of his arrest in 1792 was the suspicion that he had published a book defending the Old Believer martyrs of the Solovetskii Monastery.22

Hamburg emphasizes that in Russia, with rare exception, “the theory of toleration was always subordinated to practice” (556)—a striking example being Tatishchev, whose theoretical invocations of natural law apparently did nothing to interfere with his murderous practice of empire building during his service in the military and as governor of Astrakhan. But in the period Hamburg covers, most Russian thinking on toleration did not associate it primarily with the natural right of freedom of conscience, which right would have limited tsarist power. Rather, toleration was extolled as a political virtue, perhaps one that especially distinguished Russian government (so Karamzin thought). With this expedient approach, there was usually less of a conflict between theory and practice than with Tatishchev. Indeed the Russian case, like others, demonstrates the dangers of “toleration” when it is not conceived as an inalienable individual right to freedom of conscience: “The selective religious toleration advocated in Russia logically entailed selective intolerance as the other side of the medal,” Hamburg concludes, “and therefore opened the door to schemes of surveillance and control of the state’s purported...


22 Walicki, History of Russian Thought, 26; Isabel de Madariaga, Russia in the Age of Catherine the Great (New Haven: Yale University Press, 1981), 525, 528.
RELIGIOUS TOLERATION, FREEDOM OF CONSCIENCE, AND LIBERALISM

Paul Werth, in his contribution to this forum, argues that freedom of conscience did not become established as a “discourse” until the reform era of the 1860s. His argument is persuasive, though the concept did figure in the somewhat earlier Slavophile–Westernizer controversy. The Slavophiles embedded freedom of conscience within their romantic philosophy, which conceived the individual as part of a social whole. For them, freedom of conscience meant “inner freedom” (one of their slogans) or moral self-determination—of the individual in and through the community (and church) and of the community through its (freely assenting) individual members. Konstantin Aksakov (1817–60), for example, premised his idea of freedom from politics on the inviolability of the inner life of the spirit. He constantly invoked the Russian land’s rights of spiritual freedom, of freedom of thought and speech, against intrusion by the external state (“land” and “state” forming the central binary opposition of his thought). On the basis of these “liberal” elements of Slavophilism, Sergey Horujy has remarked that “attachment to freedom, dignity, and the rights of personhood was in no way a monopoly of the Westernizers. The Slavophiles actively pressed for the establishment of free thought and free speech in Russia, and their declarations and actions were no less radical than those of the Westernizers.”

Aleksei Khomiakov (1804–60), in his ecclesiology or theory of the church, also emphasized the concept of inner freedom: according to him, the true church is a free community of faith, hope, and love, made one through its embodiment of the Holy Spirit. He rejected any form of authority as an impediment to free inner recognition of divine truth. Khomiakov’s ideas were soon celebrated as a ringing defense of freedom of conscience. Iurii Samarin (1819–76), in his introduction to the first edition of Khomiakov’s theological writings (Prague, 1867), wrote that he “represented an original manifestation of total freedom in religious consciousness, one nearly unprecedented in our


24 See his famous essay, “The Church Is One,” which was first published in 1864 but seems to have been written in the 1840s. There is an excellent translation by Robert Bird in On Spiritual Unity: A Slavophile Reader, trans. and ed. Boris Jakim and Robert Bird (Hudson, NY: Lindisfarne Books, 1998), 29–53.
land.” Samarín enlists Khomiakov’s example to counter the notion that civil freedom, “in the sense of the absence of external compulsion in matters of conscience,” is incompatible with the church and to refute the view that faith excludes freedom of thought, “the most precious, most sacred, most necessary of all the freedoms.” These lines make clear that while the Slavophiles’ teaching on conscience as inner truth and freedom may not have been the liberal concept of freedom of conscience as an individual right guaranteed by law, nonetheless it helped promote the rise of such a concept.

By mid-century, the Slavophiles were part of the discourse of freedom of conscience, in their own, collectivist understanding of it. In 1855, Aksakov submitted a memorandum “On the Internal State of Russia” to Alexander II, in which he appealed to the new tsar to respect “the people’s” freedom of conscience, thought, and expression. His younger brother, Ivan, forcefully championed freedom of conscience and church autonomy in his widely read periodical and newspaper articles during the three decades before his death in 1886. Ivan Aksakov was no more a liberal than Konstantin, but his defense of freedom of conscience was admired by Russian liberals such as Struve, Novgorodtsev, and Sergei Trubetskoï at the end of the 19th century.

The Westernizers, or rather the liberals among them, did tend to regard freedom of conscience as a legally enforceable individual right. Their leader was Timofei Granovskii (1813–55), “perhaps the most brilliant star of the period of the Remarkable Decade” (1838–48), in Leonard Schapiro’s judgment. He was appointed professor of history at Moscow University

27 According to Leonard Schapiro, the Slavophiles did not use the language of natural rights, “but it is not very far off from what they believed.” See his *Rationalism and Nationalism in Russian Nineteenth-Century Political Thought* (New Haven: Yale University Press, 1967), 71–72.  
30 Randall A. Poole, “Editor’s Introduction,” in *Problems of Idealism*, 1–78, here 20–21.  
in 1839 and soon became the most revered teacher of his generation. In that capacity he exercised great influence on the subsequent development of Russian liberalism, especially through his student Boris Chicherin (1828–1904). Hamburg has concluded, from his study of Granovskii's lectures and articles, that the historian was disposed “to consider freedom of conscience as the most fundamental civil right.” For him this liberal value was still mostly implicit, as Hamburg notes, but in 1857 Chicherin made it explicit when he, in his programmatic statement of the principles of Russian liberalism, identified freedom of conscience as “the first and most sacred right of a citizen.”

Konstantin Kavelin (1818–85), another Granovskii protégé and one of Chicherin's professors, also seems to have considered freedom of conscience the core liberal value. His 1847 essay, “A Survey of Juridical Life in Old Russia,” is one of the defining statements of Russian Westernism. In it, Kavelin advanced the ideas of personhood (lichnost’) and human dignity as

32 Offord, Portraits of Early Russian Liberals, 44.
33 G. M. Hamburg, ed. and trans., Liberty, Equality, and the Market: Essays by B. N. Chicherin (New Haven: Yale University Press, 1998), 7; Hamburg, Boris Chicherin and Early Russian Liberalism, 1828–1866 (Stanford, CA: Stanford University Press, 1992), 65. In Offord's characterization, Granovskii “belongs to that long and broad humanist tradition in European culture… whose representatives take a warm and catholic interest in all man’s religious, artistic, scientific and political strivings.” He greatly admired the Quakers and their deep respect for human dignity, and he prided himself in having a “true, humane tolerance” (Offord, Portraits of Early Russian Liberals, 54, 58, 69). The last phrase is from Granovskii’s 1847 letter to N. P. Ogarev, translated in Leatherbarrow and Offord, A Documentary History of Russian Thought: From the Enlightenment to Marxism, 170. As Hamburg indicates in this forum, Granovskii is quoted under the entry for veroterpimost’ in the Academy of Sciences’ 1951 Russian dictionary, in a way that implies freedom of conscience.
34 Chicherin, “Contemporary Tasks of Russian Life,” in Liberty, Equality, and the Market, 134–35. This essay was written in the summer of 1855 (on its publication, see below). Curiously, Chicherin also writes here, “The legal code itself recognizes this principle, and it proclaims freedom of conscience as the fundamental right of all citizens in the Russian Empire.” Werth, in his present article, cites two other instances when freedom of conscience was referred to, mistakenly, as a right already recognized by Russian law: by the head of the Caucasus Administration in 1871 and by the Committee of Ministers in early 1905. These may be three cases of trying to make something a reality by asserting that it already is one, here by imputing the widespread Western meaning of toleration—individual freedom of conscience—to the Russian term.
35 On Kavelin, see Offord, Portraits of Early Russian Liberals, 175–213. I am grateful to Professor Olga E. Maiorova (Department of Slavic Languages and Literatures, University of Michigan) for her comments at the Midwest Russian History Workshop, University of Notre Dame, September 2009, highlighting the importance of Kavelin.
36 For summary and analysis, see Offord, Portraits of Early Russian Liberals, 178–86.
the guiding principles of progressive historical development. He attributed these principles to the advent of Christianity, which revealed to human beings an inner spiritual world, infinitely more precious than the external, material world. Christianity, according to Kavelin, called humanity to express and develop its spiritual potential, and this “had to completely change the nature of history.” With the Christian challenge to spiritual self-realization, “human personhood had to acquire a great, holy significance that previously it did not have.” The inner, spiritual world revealed by Christianity negated the external differences among people; all were equally called to salvation. Thus arose, Kavelin writes, the idea of human dignity, the idea of the infinite and absolute value of the human person. Man became the “living vessel of the spiritual world,” indeed God’s representative on earth, in potential if not yet in reality. (Kavelin implies here that human beings are to work to realize that potential.) This “completely new view of man” freed him from slavery to nature and external circumstances: “man went from being determined to being determining.”

Kavelin’s conclusion to this seminal passage is that the principles of “absolute human and personal dignity” (beskonechnoe, bezuslovnoe dostoinstvo cheloveka i chelovecheskoj lichnosti) and of humanity’s “fullest possible moral and intellectual development” have, since their introduction by Christianity, become the “slogans of all modern history.” In fact, he writes, “there is one goal for all peoples of the modern Christian world: unconditional recognition of human and personal dignity [dostoinstvo cheloveka, litsa] and man’s all-round development. But all go toward this goal by various, infinitely diverse paths, like nature itself and the historical conditions of peoples.” Though Kavelin does not use the term “freedom of conscience,” the conception of human dignity that he defends here had long been seen (since at least the Stoics and Cicero, a fact that to a certain extent belies Kavelin’s notion of Christian origins) as consisting in the capacity for self-determination and development according to freely chosen moral ideals. Once again, Chicherin, in later identifying freedom of conscience as the core of human dignity (see below), will make explicit what his teacher left implicit.

37 Bogdan Kistiakovskii called him “the first thinker to substantiate the theory of personality [or personhood] in Russian literature” (“The ‘Russian Sociological School’ and the Category of Possibility in the Solution of Social-Ethical Problems,” in Problems of Idealism, 325–55, here 335).
39 Ibid., 20.
Chicherin's essay “Contemporary Tasks of Russian Life” was part of a “liberal manuscript literature” (including three other essays by Chicherin), which Kavelin privately circulated in 1855–56, and which he then arranged to have published in London by Herzen’s Free Russian Press. Chicherin’s essays formed the most intellectually substantive part of the resulting collection, Voices from Russia. They defined the programmatic content and practical objectives of Russian liberalism at the onset of the era of the Great Reforms. This is one of the main reasons why Hamburg dates the birth of Russian liberalism to this very period. His argument nicely coincides with Werth’s finding that freedom of conscience did not emerge as a discourse until the reform era. In an original and incisive analysis, Werth shows how the concept was used by state officials—an “administrative discourse” of freedom of conscience—in confronting specific problems of confessional policy such as the laws on mixed marriage in the Baltic region. The views of Interior Minister Petr Valuev are especially interesting and far-sighted, anticipating some of the uses of the concept by its defenders later in the century. It is perhaps not a coincidence in this context that Valuev seems to have held Chicherin in some regard.

Victoria Frede also focuses, in her contribution to this forum, on the 1860s—not on state officials but on their revolutionary opponents in the group Land and Freedom. She argues that one of their key demands was “freedom of confession,” the meaning of which was ambiguous: while she defines it as “the right of individuals to practice whatever religion they choose” (562) she also shows that it generally did not imply freedom of conscience. Revolutionaries like Nikolai Ogarev, Nikolai Serno-Solov’evich, and Vasilii Kel’siev may have endorsed freedom of conscience, but they reserved that demand for elite audiences and demanded something different—freedom of confession—in their propaganda for the masses. This second demand meant religious freedom for the particular persecuted groups to whom it

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42 At any rate, Valuev tried to recruit him to write for an official Interior Ministry journal (Hamburg, Boris Chicherin and Early Russian Liberalism, 232).
43 See also Michelson, “‘The First and Most Sacred Right,’” 165–68, on Vasilii Kel’siev’s Collection of Government Materials on Old Believers.
was directed, namely, Old Believer and sectarian peasants, whom Land and Freedom hoped thereby to recruit for the revolutionary movement. Further, the revolutionaries expected that freedom of confession would ultimately undermine religion, which they regarded as superstitious, irrational, and as an obstacle to progress. In both respects the radicals’ demand for freedom of confession was instrumental—a means to their ends of radical political change and of hastening the decline of religion—rather than anything like the absolute value of freedom of conscience. Paradoxically, their attitude reflects the similarly instrumental approach of tsarist toleration, and both the revolutionaries and the autocracy, each in their own way, anticipate the much harsher policies of the Bolsheviks. It is telling that, beginning in the 1902–5 period, Lenin endorsed party toleration toward the Old Believers and sects because he, like his radical predecessors of the 1860s, thought they might serve his revolutionary purposes.\footnote{Basil, Church and State in Late Imperial Russia, 73; Leszek Kolakowski, Main Currents of Marxism, 3 vols. (Oxford: Oxford University Press, 1978), 2:459–61.}

Meanwhile, the spirit of the Great Reforms was soon replaced by the illiberal policies that followed the Polish uprising of 1863 and the Karakozov assassination attempt of 1866. Restrictions on mixed marriages in the Baltic provinces, relaxed in 1865, were reinstated in 1885, its own type of counter-reform, as Werth shows here.\footnote{See also Werth, “Empire, Religious Freedom, and the Legal Regulation of ‘Mixed’ Marriage in Imperial Russia,” Journal of Modern History 80, 2 (2008): 296–331.} Autocracy and freedom of conscience were fundamentally incompatible; and the reassertion of the former, especially with the ascendancy of Konstantin Pobedonostsev (chief procurator of the Holy Synod from April 1880 until October 1905), meant the continued exclusion of the latter from the regime’s religious policies.\footnote{Robert F. Byrnes, Pobedonostsev: His Life and Thought (Bloomington: Indiana University Press, 1968), esp. 165–209, 238–315; A. Iu. Polunov, Pod vlast’u ober-prokurora: Gosudarstvo i tserkov’ v epokhu Aleksandra III (Moscow: AIRO-XX, 1996); and Richard S. Wortman, Scenarios of Power: Myth and Ceremony in Russian Monarchy, 2 vols. (Princeton, NJ: Princeton University Press, 2000), 2, pt. 2, passim, on Pobedonostsev’s role in forging the new myth of power under Alexander III: namely, that the Russian Orthodox Church, autocratic state, and Russian people (narod) were one. The myth continued under Nicholas II but emphasized the tsar’s personal divine authority, unencumbered by institutions of church and state; in both forms it excluded freedom of conscience and liberalism more generally.} Surely this is one of the reasons why freedom of conscience, by about 1880, came to be more forcefully and systematically defended in Russian scholarly, philosophical, and literary circles, as well as more broadly in the press. Werth refers, for
example, to Fedor Terner’s 1876 speech on freedom of conscience before the Society of Lovers of Spiritual Enlightenment in St. Petersburg; the speech was published as a lengthy article and widely reported in the press.47

Far more important was Lev Tolstoi (1828–1910), whose experience of religious conversion forms the subject of A Confession, written in the late 1870s and published in Switzerland in 1884. An earlier set of proofs was copied, circulated, “and debated nationwide in private conversations and correspondence,” according to Inessa Medzhivovskaya. She writes that Tolstoi “drew the attention of the whole nation to the precedent he set for wrestling with the oppressive state and its ideology for freedom of conscience.” 48 The struggle for freedom of conscience occupied him in many subsequent works and was dramatically epitomized by his excommunication in 1901. One of these works, a short essay “On Religious Tolerance” (December 1901), was written in response to Mikhail Stakhovich’s celebrated appeal for freedom of conscience, which he, marshal of the nobility in Orel province, delivered at a September 1901 Russian Orthodox missionary congress in Orel. Criticizing Stakhovich, Tolstoi wrote that it is necessary to distinguish between the Christian religion and the Christian church, and to recognize that only the former, since it pertains purely to religious consciousness (Tolstoi says it is the highest type of such consciousness), can be tolerant, while the church, as an institution, is by its nature exclusive, supported by the ruling classes, coercive, and intolerant. His conclusion succinctly expresses the essence of his whole religious teaching (clearly a type of Christian anarchism): “Only true, free Christianity, untrammeled by any worldly institutions and therefore fearing nothing and no one, and having as its goal only greater and greater knowledge of divine truth and its greater and greater realization in life, can be tolerant.” 49 Tolstoy’s enormously influential defense of freedom of conscience was not a liberal one. 50 By 1880, that task was being taken up in different quarters.
Freedom of conscience occupied a central place in the liberalism of the “thick journal” *Vestnik Evropy*, which began publication in 1866 and soon became the country’s leading popular historical journal. At least into the 1890s, the journal was the “flagship of Russian liberalism,” as Anton Fedyashin describes it in his recent study.\(^{51}\) Konstantin Arsen’ev (1837–1919) was one of four liberal intellectuals who edited it (the others were Mikhail Stasiulevich, Aleksandr Pypin, and Leonid Slonimskii). In 1882, he published a “liberal program” in its pages, listing freedom of the press and freedom of conscience as liberalism’s primary demands.\(^{52}\) In the course of nearly 25 years, he published many articles in *Vestnik Evropy* on religious freedom.

In 1905, Arsen’ev’s articles were collected in his important book *Freedom of Conscience and Toleration*.\(^{53}\) In the introduction, he writes that “words are more elastic than concepts, and never, it seems, has this elasticity been clearer than in the interpretations that the word ‘toleration’ has among us.”\(^{54}\) As an example of this elasticity (or rather, conceptual confusion), Arsen’ev takes to task the conservative paper *Moskovskie vedomosti*. Referring to a lead article on toleration that it ran in 1896, he derides the paper for attempting to maintain both that existing Russian laws on toleration grant the right of freedom of conscience, but also that the “principle of toleration” is “completely inapplicable” if it contradicts state laws.\(^{55}\) According to Arsen’ev, the first assertion is disingenuous and the second misunderstands the idea of right. His critique is an admirable formulation of the liberal concept of freedom of conscience as a natural right: “‘The principle of toleration,’ if made dependent on changeable ‘state laws,’ ceases to be a principle, that is, a criterion by which the worth [dostoinstvo] of positive law is measured…. It is not the principle of toleration that must be sacrificed to state laws, but state laws that must be brought into accord with the principle of toleration.”\(^{56}\)

The principle of freedom of conscience was essential to the thought of 19th-century Russia’s two greatest philosophers: Boris Chicherin and Vladimir

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52 *Vestnik Evropy*, no. 4 (1882): 803, as cited by Fedyashin.
54 Ibid., 21.
55 Ibid., 22, quoting the article at length.
56 Ibid., 24.
Solov’ev (1853–1900). Following his 1857 proclamation that freedom of conscience is “the first and most sacred right of a citizen,” Chicherin gave the defense of this right an increasingly central place in his major philosophical works. In his early book On Popular Representation (1866), he took a skeptical attitude toward the notion of natural rights, as Walicki indicates, but even so he held freedom of conscience to be “the fundamental right of man, a right independent of his civil relations.” At the same time Chicherin qualified this right in important ways:

Freedom of conscience is the best of modern humanity’s achievements. It is the source also of freedom of confession, that is, the right to worship God according to the rites of one’s church. However, here there are limitations necessary for the safeguarding of moral order in society. The forcing of conscience must always be considered an abuse of power, but limitations on the external expression and in particular on the dissemination of religion can often be justified. A religion that is incompatible with the existing foundations of society cannot be tolerated in the state. Its practitioners must leave the society to which they do not want to submit.

He concluded this passage—which betrays the conservative nature of his liberalism in this period—by stating that the teachings of such a religion, if they are the cause of criminal acts, must be suppressed. Over the next 15 years he moved toward “classical liberalism,” with its emphasis on individual rights and civil law.

In his 1879 book Science and Religion Chicherin adopted a liberal interpretation of Hegelianism, writing that the “significance of the human person is not limited by the fact that he is an organ of the world-historical process. As a bearer of the absolute principle, a human being has absolute

57 See the classic account of them as liberal philosophers in Andrzej Walicki, Legal Philosophies of Russian Liberalism (Oxford: Clarendon, 1987), chaps. 2–3.
58 Ibid., 147; B. N. Chicherin, O narodnom predstavitel’stve (Moscow: Grachev, 1866), 490–91.
59 Chicherin, O narodnom predstavitel’stve, 491.
60 For a statement, at points extreme, of his conservatism, see Aileen M. Kelly, “The Rational Reality of Boris Chicherin,” in her Toward Another Shore: Russian Thinkers between Necessity and Chance (New Haven: Yale University Press, 1998), 221–44.
61 Walicki characterizes the change as follows, referring in particular to Chicherin’s work Property and State (1882–83): “The new element in Chicherin’s political views was his growing realization that political authority as such must be qualified and restricted, and that therefore he could no longer support the Hegelian doctrine of the unlimited sovereignty of the state” (Legal Philosophies, 137). For a trenchant analysis of Chicherin’s conservative liberalism, his book On Popular Representation, and the historical reasons underlying his evolution toward classical liberalism, see Hamburg, Boris Chicherin and Early Russian Liberalism, 244–342.
significance in himself.” Human beings have the capacity to freely recognize the absolute principle (conceived in either moral or religious terms) and to determine themselves according to it: this capacity is conscience, and it is the source of personhood and human dignity. On this basis Chicherin now declares: “freedom of conscience is the inviolable sanctuary of the human soul, on which the state has no right to infringe, and freedom of thought, even with all its errors, constitutes the necessary condition of development.”

Thus by 1880 Chicherin had come to conceive freedom of conscience as inner liberty or self-determination by freely recognized absolute ideals (Kantian autonomy). He called this its “supreme meaning.” Directly following Kant, Chicherin regarded moral autonomy as the essential quality of personhood and as the basis of human dignity. In his masterpiece *Philosophy of Right* (1900), written on the eve of the formation of the Russian Liberation Movement, he wrote: “The great moral significance of the secular enlightenment was never expressed so clearly as in the modern recognition of freedom of conscience as the most sacred and inviolable of human rights. It is the cornerstone of the inner freedom of man, and therefore of human dignity as well.” A year later, *Science and Religion* was reissued in a second edition.

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64 Ibid., 231.
65 B. N. Chicherin, *Mistitsizm v nauke* (Moscow: Martynov, 1880), 62. Chicherin makes the distinction between external and inner liberty in several places, including the key first chapter (“Liberty”) of *Sobstvennost’ i gosudarstvo*, 2 vols. (Moscow: Martynov, 1882–83). It is translated in *Liberty, Equality, and the Market*, 353–79. Here Chicherin writes that “legal constraints upon freedom of conscience, once so common, are now rejected as violations of the most sacred rights of the individual” (373).
67 Chicherin, *Filosofia prava*, 191–92. See also Hamburg, “Boris Chicherin and Human Dignity in History,” in *A History of Russian Philosophy, 1830–1930*, 111–30 (he quotes the
Under the circumstances, the classic text no doubt resonated. In it, Chicherin understood freedom of conscience both in the core sense of moral autonomy and, as Paul Valliere has nicely demonstrated, as the relative autonomy of the various distinct spheres of human need, experience, and aspiration: not only church and state, or religion and politics, but also morality, philosophy, science, economy, and art. The autonomous development of each sphere, Chicherin held, is necessary for the integrity of the whole (whether self or society).  

Freedom of conscience was a no less important principle for Vladimir Solovëv, Russia’s greatest religious philosopher. The achievement of bogochelovechestvo or Godmanhood—the central concept of Solovëv’s philosophy—depended on it. Godmanhood refers to humanity’s divine potential and vocation, the ideal of our self-realization in and union with God. The concept is a philosophical development of the patristic doctrine of theosis, or salvation as deification. Solovëv stressed that theosis cannot take place, and Godmanhood cannot be achieved, without human autonomy: “the divine content,” he wrote, “must be appropriated by a human being from within himself, consciously and freely.” The realization of our divine potential rests, in short, on self-determination or freedom of conscience: it must be a free and genuine self-realization, one person at a time. In this conviction, Solovëv was deeply influenced by Kant, whose conception of autonomy and dignity was discussed at some length in Solovëv’s brilliant doctoral dissertation, Critique of Abstract Principles (1880). The Russian philosopher insisted that

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69 This section draws to some extent on my essay “Vladimir Solovëv’s Philosophical Anthropology: Autonomy, Dignity, Perfectibility,” in A History of Russian Philosophy, 1830–1930, 131–49.


72 V. S. Solovëv, Kritika otselechennykh nachal, in Sobranie sochinii, 2:v–xvi, 1–397. Solovëv called Kant’s idea of autonomy or self-determination the “essence of morality” (44). Here he
the realization of our divine potential be internally, rather than externally, determined (autonomously rather than heteronomously, in Kant’s language). Otherwise human dignity would be deprived of its basis. Salvation apart from human free will would violate human dignity, or at any rate be accomplished past it.

For Solov’ev, Godmanhood was necessarily a social and cultural project, since human perfectibility, the ever fuller realization and development of human potential, is inconceivable apart from society and history. Solov’ev called his social ideal “free theocracy”—“free” precisely because it purports to respect human autonomy, not only in the form of freedom of conscience but also as the rule of law. In view of the sorry record of theocracy, Solov’ev was at pains to contrast his social ideal with the historical forms of theocracy, which he calls “abstract clericalism” or false theocracy (Islam and the medieval Catholic Church are his main examples). Abstract clericalism is “abstract” because it takes the divine principle without the human principle. “In personal, inner life it suppresses the purely human or rational principle, the principle of reason and inner freedom or freedom of conscience,” Solov’ev wrote. At the societal level abstract clericalism externally rules over civil society and the economy, subordinating them and violently distorting their development. Free theocracy, by contrast, respects autonomy at both the personal and social levels, which means that it recognizes that the relative independence of each component part of society is necessary for the integrity of the whole. At the metaphysical level, the very concept of the “unity of all” (Solov’ev’s metaphysical ideal of usageedinstvo) assumes the relative autonomy of constituent parts. Authentic diversity and free development are conditions of genuine unity.

In the 1880s, Solov’ev devoted himself to practical aspects of his project of free theocracy, working for the reunification of the Christian churches and for religious toleration in the Russian Empire. In the second half of the decade, following his break with Slavophilism, he started to collaborate with

closely paraphrases and directly translates large parts of Kant’s *Groundwork of the Metaphysics of Morals* (Solov’ev, *Kritika otvelechennykh nachal*, 44–62).


75 Ibid., 185.

76 Here Solov’ev recalls Chicherin’s thinking in *Science and Religion*, published one year earlier.
the editors of *Vestnik Evropy*. Beginning in 1888, the journal ran a series of his articles defending the empire’s ethnic and religious minorities against nationalism and Russification. These articles, among others, were published in two volumes as *The National Question in Russia*.77

In the last decade of his life, Solov’ev returned to his earlier philosophical work. His magnum opus, *Justification of the Good*, appeared in 1897.78 In it, Solov’ev insists that the Kingdom of God is a human project. “Universal history is the realization of this possibility for everyone,” he writes. “This perfection attained by ourselves, this full, conscious, and free union with the Divine, is precisely what God ultimately wants—the unconditional good.”79 It is clear that freedom of conscience must be an intrinsic element of the justification of the good, since the process of perfectibility depends on the subject of progress freely choosing the good and realizing it in him- or herself. Therefore Solov’ev is adamant that the inner or spiritual world of man be free from the coercive power of state and society. What he calls spiritual goods cannot be compulsory but must be freely accepted. Ultimately there are two such spiritual goods, virtue and truth:

All compulsory external action in this sphere is, in the first place, a fraud. The end of externally compelling or forcing a man to have an inner, that is, an inwardly determined, disposition for the good, or an inner receptivity for the true, cannot possibly be achieved, and is indeed a logical contradiction or absurdity; and to use compulsion to no purpose is obviously an evil. Hence, all compulsory measures with regard to spiritual things in the supposed interests of truth and virtue are nothing other than the use of evil means for a false purpose—an abuse in the fullest sense.

Indeed, Solov’ev calls society’s or the state’s intrusion into one’s spiritual life, “with the false purpose of safeguarding the inner goods,” a type of violence that is wholly false and evil, “and may therefore justly be called diabolical.” It

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would be hard to find a stronger condemnation of the violation of freedom of conscience. Nonetheless, Solov’ev remained reluctant, even in Justification of the Good, to part with his ideal of “free theocracy,” even if he now scrupulously avoided the term itself. His combination of autonomy and theocracy confounded his fellow Russian idealist philosophers. Their criticism of him further centralized the value of freedom of conscience in Russian liberalism. Chicherin was an implacable critic of the younger philosopher. He wrote an entire book against Critique of Abstract Principles, taking issue with “free theocracy” in particular, which he saw as obviously incompatible with freedom of conscience, Solov’ev’s assurances aside. In a long essay against Justification of the Good, he compared Solov’ev to Torquemada.

Solov’ev’s most interesting and rewarding philosophical critic was Evgenii Trubetskoi (1863–1920). Unlike Chicherin, Trubetskoi criticized Solov’ev on his own terms: that is, from the philosophical perspective of the idea of Godmanhood, which he fully shared. Indeed Godmanhood was for him the whole “meaning of life,” as he called his last book. Like Solov’ev, he emphasized that Godmanhood cannot be achieved without human autonomy, self-determination, and freedom of conscience, and that working toward Godmanhood is the supreme manifestation of human dignity. These are the main principles that Trubetskoi adopted in criticizing “free theocracy,” which he saw as utterly incompatible with them. Even in 1913, more than a decade after Solov’ev’s death and despite Trubetskoi’s view that the great

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81 Chicherin, Mysticism v nauke. The title (Mysticism in Science) is significant: Chicherin thought that Solov’ev had mystified what he had demonstrated in his own book Science and Religion a year earlier, namely, that the basic metaphysical truths of theism can be derived from pure reason and in that sense represent the results of “science.”


84 E. N. Trubetskoi, Smysl zhizni (Moscow: Sytin, 1918; Berlin: Slovo, 1922).

85 “The justification of freedom consists,” he wrote, “precisely in the fact that without it partnership [druzhestvo] between God and creation would be impossible. A creature deprived of freedom, i.e., the possibility of self-determination, could not be a free collaborator [sotrudnik] with God, a co-participant in His creative work. And this is precisely what God wants from His partner” (E. N. Trubetskoi, Smysl zhizni [Berlin: Slovo, 1922], 104–5).
philosopher had abandoned his theocratic project in the last several years of his life, he still felt obliged to devote many pages of Vladimir Solov’ev’s Worldview, the classic work on the philosopher, to criticizing the idea.\(^{86}\) Clearly he thought that freedom of conscience, the autonomy of church and state, and the transcendence of the Kingdom of God were principles that still needed to be defended—against the autocracy, which had not fulfilled the promise of freedom of conscience that it had made in the October Manifesto; against what Trubetskoï disparaged as the Russian “state church,” which paid for its privileged status with lost spiritual independence; and against the radical intelligentsia, which sought the forcible realization of its own versions of the Kingdom of God on earth.

Russian liberal philosophers believed that their conception of freedom of conscience—individual self-determination according to freely recognized moral and religious ideals—was the only approach to “salvation” that was consistent with human dignity.\(^{87}\) Their conception was at odds with prevailing attitudes in Russia—and with fundamentalist attitudes elsewhere, then and now. As Frede writes in this forum, “Russia was a country in which the vast majority of the population firmly believed that salvation depended on the defense of a single set of religious truths, while disagreeing on what those truths were” (583). Werth concludes his article with the observation that “there were profoundly differing conceptions of freedom of conscience in Russia” (608).\(^{88}\) He refers to Fr. John of Kronstadt, who opposed the very notion on the perfectly Augustinian grounds that people are “fallen and corrupt,” and to Archbishop Antonii (Khrapovitskii), who insisted on using the term “freedom of religious confession” because he thought “freedom of conscience” was an “absurd expression” (608–9).

After the Bolsheviks came to power they decreed freedom of conscience and separation of church and state. In fact, the new regime was based on presuppositions about human nature that, paradoxically, had much in common with the Augustinian view.\(^{89}\) In his 1937 book The Origin of


\(^{87}\) “Salvation” is a somewhat misleading term in this context because it implies external agency.


\(^{89}\) In 1892, Trubetskoï published a major study of St. Augustine. He emphasized Augustine’s extremely pessimistic view of human nature, hopelessly corrupted by sin. Left to our own
Russian Communism, Nikolai Berdiaev depicts the Soviet state as an “inverted theocracy” in which everything assumed the character of orthodoxy or heresy. In his account, both the tsarist and communist autocracies were premised on the denial of freedom of conscience, because for them salvation was not a matter of inner self-determination and individual striving but of collective, external determination. Here Berdiaev compares Lenin and Pobedonostsev. For all their differences, he says, both men held human beings in contempt and believed that “man was so hopelessly bad that his only salvation lay in being ruled with a rod of iron.”

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devices, we are doomed. Weak and depraved, we can be saved only externally, by the grace of God acting through his church. With this conception of human nature, it is clear that freedom of conscience could have no positive role. It could lead only to error. And against error, against heretics and enemies of the church who threatened salvation, Augustine condoned the use of state power. In doing so, he laid the foundations of theocracy and inquisition. For good reason did Trubetskoi often refer to Augustine’s “anti-human” theology. See E. N. Trubetskoi, Religiozno-obshchestvennyi ideal zapadnogo khristianstva v V. veke: Mirorozetsanie bl. Avgustina (Moscow: E. Lissner i Ju. Roman, 1892), 21–49, 78–79, 155–57, and passim.


Berdyaev, The Origin of Russian Communism, 156.