



OPTIMIZATION OF THE MODEL OF RELATIONS BETWEEN THE STATE AND RELIGION IN MULTI-CONFESSIONAL KAZAKHSTAN: DEVELOPMENT OF THE REGULATORY FRAMEWORK

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ABSTRACT

Objective: The purpose of the study presented in the article is to identify the characteristic features of the modern model of relations between the state and religion in Kazakhstan and find solutions for further optimization of the relationship between the secular and religious lives of the state. **Methods:** The main research method is an expert survey. **Results:** Most experts recognize the influence of religion on certain aspects of social life. Most of the respondents noted that there is complete freedom of conscience and equality of religions before the law in Kazakhstan. However, a significant part of the respondents recognized the existence of an unofficial primacy of one of the religions at the state level. The number of opponents of the introduction of the institution of state religion was 52% of the respondents. **Conclusion:** As a result of the study, the authors noted a formed public demand for limiting the interference of the power factor in the sphere of freedom of conscience and political and geopolitical influences on religious life and state-religious relations. The development of an optimal model of state-religious relations should be aimed at establishing partnerships between the state and religious organizations and filling legal gaps to democratize them, considering the multi-confessional nature of Kazakhstan. It seems necessary to bring the legal framework of relations in line with the content of international legal documents on issues of religious freedom and individual rights.

Keywords: Secular state. Religion. Civil society.



OTIMIZAÇÃO DO MODELO DE RELAÇÕES ESTADO-RELIGIÃO NO CAZAQUISTÃO DE CARÁTER MULTI-CONFESSIONAL: DESENVOLVIMENTO DE UMA ESTRUTURA LEGAL E REGULATÓRIA

RESUMO

Objetivo: O objetivo da pesquisa apresentada neste artigo foi identificar as características do modelo moderno de relações entre o Estado e a religião no Cazaquistão e encontrar soluções para otimizar ainda mais a relação entre a vida secular e religiosa do Estado. **Métodos:** O principal método de pesquisa foi uma pesquisa com especialistas. **Resultados:** A maioria dos especialistas reconhece a influência da religião em certos aspectos da vida pública. A maioria dos entrevistados observou que no Cazaquistão há total liberdade de consciência e igualdade de religiões perante a lei. Entretanto, uma proporção significativa dos entrevistados reconhece a primazia não oficial de uma religião a nível estadual. O número dos que se opõem à introdução de uma religião estatal foi de 52% dos pesquisados. **Conclusão:** Como resultado do estudo, foi observada a exigência pública de limitar a interferência governamental na esfera da liberdade de consciência e de limitar as influências políticas e geopolíticas na vida religiosa e nas relações entre estados e religiões. O desenvolvimento de um modelo ideal de relações entre o Estado e as organizações religiosas deve ter como objetivo estabelecer uma parceria entre o Estado e as organizações religiosas e preencher as lacunas legais a fim de democratizá-las, levando em conta o caráter multi-confessional do Cazaquistão. É necessário adequar a estrutura jurídica das relações ao conteúdo dos documentos jurídicos internacionais sobre liberdade religiosa e direitos individuais.

Palavras-chave: Estado secular. Religião. Sociedade civil.

1. INTRODUCTION

The relationship between state and religious organisations arose immediately after the establishment of the significant institutions in Kazakhstan. History proves that religion can be one of the main factors unifying people and state; moreover, it can improve the international standing of a country. However, apart from the consolidating effect they have produced, religious beliefs have often become a bone of contention between various religious confessions, which had a direct impact on the stability of the state. This is because religion, as a particular system of beliefs reflecting human morality and values, influences the perception of the world and social patterns. Therefore, any actions that curtail the right or freedom of religion lead to social unrest,



which directly affects social stability and the situation in the country in general. Alongside, religion can be used as a tool for social influence, and religious organisations can communicate national myths that encourage the unification of people.

The relationship between state and religious organisations is characterised not only by the dynamics of historical development but also by regional differentiation. In this case, the state and a religious organisation are viewed from the hierarchical and institutional perspectives. State functions as a structure of public authorities and the apparatus of government, while a religious organisation represents an integral hierarchical organisation made up of clergy headed by personal or collective management (Shalyapin, 2014). Although the relations between these institutions develop in different dimensions, their legitimisation is important, including at the level of legislative acts.

Models of relationships between state and religion have often been researched by modern scholars (Petyukova, 2010; Volodina, 2013) and others. At the same time, scholars have looked at particular countries (EU countries (Mladenović & Mircov, 2016; Perchoc, 2018; Robbers, 2009), Turkey (Yavuz & Öztürk, 2019), Kazakhstan (Dzhikibaeva, 2017; Kozyrev, 2016)) or specific models (the model of cooperation by Miroshnikova (2007), the secular model by Okhotskiy (2015)) without producing the general picture of the existing relationship between state and religion in the modern world. Moreover, a few hypotheses developed by scholars are field-specific probing only from the perspective of a particular subject area without taking into account the results of studies carried out by experts in other fields. Analysis of the current situation shows that religious organisations influence state governance in virtually all countries to a certain degree, and there is no doubt that they have significant authority. Leaders of religious organisations quite often express their views on the development of the state, which do not always coincide with the official position on this issue. At the same time, the current processes of globalisation and integration lead to gradual levelling of indigenous features of different nations, including spiritual and worldview values promoted by religion (Aimukhambetov et al., 2019).

Nowadays, there is no unified approach to classification of models of relationships between state and religion in philosophical, theological and sociological



literature. Scholars have conducted analyses of such classifications and provided their detailed characteristics numerous times.

For example, according to Chumakov (2014), there are three models of interaction between state and civil society institutions: confrontation (the state and civil society institutions are in a state of confrontation), paternalism (civil society institutions are subordinate to the state) and consensus (the state and civil society institutions are in a state of agreement, cooperation with each other). The author believes that the last model is preferable.

Indeed, the various models of state-confessional relations conclude that the state model of interfaith tolerance in modern multi-ethnic societies arose from minimising or neutralising the reasons that contributed to the manifestations of intolerant relations. Many critics recommended for improving state model of interfaith tolerance in modern multi-ethnic societies (Chumakov, 2014; Nieuwenhuis, 2012; Petyukova, 2010; Volodina, 2013). This study attempts to analyse the already existing state of state-religious relations in Kazakhstan, based on the existence of a secular model of Kazakh statehood.

As far as the relationship between state and religion is concerned, it is worth considering the classification made by Nieuwenhuis (2012), which suggests six models of relationships between the state and the church based on the example of Christianity:

- the system of immediate power of the church over the state based on the statement that God entrusted double power to the church in Christian countries, that is, secular and spiritual power, the former of which is exercised by the state under papal blessing;
- the system that suggests the power of the church, which influences the attitudes of believers and manifests itself through provisions of the law created by the state; the church is entitled and obliged to interpret the law from the perspective of morals; it can even hold the law invalid if it is unfair; at the same time, the church is not endowed with secular power;
- the system of mediated power, according to which the church is not endowed with any power in secular matters, but can enter into relationships involving the state when religious or moral aspects require it, that is, when human activities bear signs of sin;



- the system suggesting the dependence of the church on the state signalling that the state has supreme power on earth, which also extends to the church; in other words, the system expresses the supremacy of the state in respect of the church;
- the system suggesting the separation of the church from the state, according to which, the church preserves freedom of actions while being deprived of the state patronage and privileges; the priests have the same rights as other citizens. And religion is viewed as a private matter of each individual;
- the system of coordination based on equality and independence of the church and the state as two separate communities that have exclusive competencies in the spiritual and secular spheres; the interaction between them should rely on agreement reflected in a contract — the so-called concordat.

Relations between state and different religious organisations historically constituted the primary form of the relationship between political and religious institutions. It is a well-known fact that none of the world religions withdrew from interactions with the state. The modern system of relations between state and religious organisations is a result of a long evolution, the initial point of which was the final formation of both the state and religious organisations. In the course of this evolution, the things that were changing in the first place were a state, its organisational structure, the sphere and action methods and, as a result, the essence and forms of interactions with religious organisations (Sgibneva, 2012).

Nowadays, especially in European countries, the model of immediate interaction between state and religion tends to disappear; on the contrary, in Islamic states, where Muslim legal doctrine is primarily based on religious principles, it dominates. Fundamentally, it can be explained by attempts of the state to use doctrines or structures of religious organisations to fulfil non-religious functions or achieve non-religious goals (Lewis, 2005).

Taking these arguments into account, it can be said that the issue of developing a balanced relationship between state and religion is relevant in many countries. Despite the centuries-long experience of coexistence, correction of the relationship between the two institutions is necessary because it is the peaceful dialogue between secular and religious authorities that determine social stability within a certain country to a large extent.



A secular state is quite a broad term that reflects the general state of things without specifying the nature of the relationship between state and religious organisations in individual countries (for example, in Germany or France) based on their historical, cultural and national traditions. The main feature of these countries is the officially declared decision made by central government authorities on the delimitation of secular and religious powers in society. Within this system, religious organisations have to content themselves with the status and role in the state system allotted to them by authorities. Understanding that it is impossible to destroy religion, secular power goes to great lengths to reduce its influence on society.

Secularism was first recognised as a legal principle on 26 August 1789 in Article 10 of the French Declaration of the Rights of Man and Citizen (“No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law”) and in the USA, where this principle was formalised in legislation on 15 December 1789 in the Bill of Rights, which declared the right of each citizen to practice any religion or not to practice religion at all (Lehman, 2010).

Ye. Okhotskiy (2015) identifies the following essential features of a secular state: 1) separation of religious associations from the state; 2) legal equality of all religious associations; 3) unacceptability of establishment of compulsory religion, ideology, etc.

Taking these features into context, it can be argued that the relationship model between state and religion appears to be secular in Kazakhstan.

Hence, the primary objective of this study is to analyse the current relationship between state and religion in the context of the secular model of the state in Kazakhstan.

The hypothesis of this research consists of the following:

The period of recovery of religious life and the relationship between state and religious organisations is over, and a new stage in the development of this relationship has started, the core of which is the search for a preferable model of such relations for Kazakhstan

Achieving the goal of the study provided a consistent solution to a number of problems:



- determination of the role and moral authority of religion, religious organisations and religious figures in Kazakh society;
- analysis of the state of ensuring freedom of conscience in Kazakhstan;
- analysis of the relationship between religious organisations and the state in Kazakhstan;
- consideration of the stages of formation of state-religious relations in Kazakhstan;
- consideration of the features and prospects of development of the secular model of the Kazakhstan state.

The next section describes the methods deployed for this study.

2. METHODS

The study used a survey among experts in this field. Experts were invited to fill in a semi-formalised questionnaire.

The survey was conducted among a group of 23 experts in the field of relations between state and religion. Out of 23 experts, 11 represents the Republican State Agency—the Committee on the Affairs of Religion of the Ministry of Information and Social Development of the Republic of Kazakhstan, 6 — the Republican State Agency —the International Center of Culture and Religions, 6 — the non-commercial joint-stock company “Otandastar Fund”. The experts included people whose professional activities are related to the relationship between the institute of religion and state authorities for more than three years.

We argue that the choice of experts who represent the secular view on the relationship between state and religion will allow us to address the problem areas of these relations in the context of the secular model of Kazakhstan.

The experts were asked several questions regarding the role and moral authority of religion, religious organisations and the clergy in society, the degree of ensured freedom of conscience and freedom of the relations between religious organisations and the state. Besides, the expert participants were asked to comment on the overall evaluation of the situation looking for general conclusions based on the history of the development of the relationship between state and religious



organisations within the last few decades after Kazakhstan gained independence on December 16, 1991.

All the participants were informed about the purpose of the survey. After the participants gave their consents, the survey was conducted anonymously (Das et al., 2020) in Russian and Kazakh based on their choice. The responses of the participants were then translated and transcribed into English by us.

The following section discusses the results.

3. RESULTS

The role and moral authority of religion, religious organisations and the clergy in society

Only 22% of the participants deny any influence of religion on the life of Kazakh society; 78% do not agree with this opinion and believe that religion, to one degree or another, impacts the life of Kazakhstani society. The majority of the participants recognise the influence of religion on specific aspects of social life. To be more precise, 74% of the participants think that the role of religion lies in “improving the morals and spirituality in people”; 65% believe that it is “one of the important means of restoration of the national identity and culture”; 57% call religion as “one of the factors of democratic society”. Interestingly, 35% of the respondents believe that religion is poorly adapted to the needs of a modern person. In response to the question as to whether or not the religious organisation is a moral authority, the share of the participants who recognise religious organisations as a moral authority is 52%. Over a third of the experts (35%) do not view religious organisations as moral authority; while 17% remained undecided. It is to be noted that the moral authority of religious organisations is not associated with the moral authority of the clergy in the public consciousness. Only 26% of the respondents believe that “the majority of the clergy are deeply moral and spiritual people”, while 52% of the participants think that they are just like the common citizens and 17% remained undecided.



Current state of ensuring freedom of conscience

The majority of the participants (that is, 65%) agree with the statement that “in Kazakhstan, there is absolute freedom of conscience and equality of confessions in the eyes of the law”. However, 35% of the participants believe that that “the freedom of conscience and equality of confessions are declared in Kazakhstan, but are not implemented” is 35%.

Although, as it has been mentioned above, that 65% of the participants believe that in Kazakhstan, there is absolute freedom of conscience and equality of confessions in the eyes of the law, only 17% responded that “state authorities treat all religious organisations in Kazakhstan equally”. At the same time, over a half of the respondents (52%) think that either “the authorities treat Islam better than other religions” or that “the authorities elevate Islam as opposed to other religions”

Relationship between religious organisations and the state

In response to this statement, 74% participants believe that “religious organisations should not interfere in the relationship between a person and state power”, whereas the percentage of the participants who think that religious organisations should either support or criticise the power depending on the situation is only 17%. These 17% participants reckon that “religious organisations should criticise power since their mission is to expose lies or abuse of authority”. Surprisingly, only 9% participants believe that “religious organisations should support state power since there is no power without God’s decree”. However, 31% participants think that “religious organisations abuse the vested rights and freedoms”.

The findings further suggest that while only 9% of the participants support the introduction of the institution of the state religion, however, 52% participants oppose this idea. Of the 52% participants, 48% participants who do not support the introduction of the institution of state religion explain their views by saying that it “contradicts the right to freedom of conscience and will lead to discrimination of believers of other religions”; 39% of the participants think that “Kazakhstan is historically a multiconfessional country giving priority to any confession will cause additional tension in interconfessional and state-church relations”.



4. DISCUSSION

Stages of development of the relationship between state and religion

Over nearly 30 years of Kazakhstan's state sovereignty, the relationship between state and religious organisations has gone along a long trajectory of development. Indeed, it is possible to identify five stages of such development associated with particular circumstances between state and religion.

- The first stage is the emergence of the national-state model of state-religious relations, where the state is clearly separated from the Church; religion is considered a private affair of every citizen, which is reflected both in the Constitution of the Republic of Kazakhstan and in the Law of the Republic of Kazakhstan "On freedom of religion and religious associations" (1992).

- The second stage is from the end of the 1990s to 2005—the crisis of state-religious relations, the practical absence of state control, the multiplication and rapid development of various religious organisations, which led to the need to create a Committee on Religious Affairs under the Ministry of Justice of the Republic of Kazakhstan (2005).

- The third stage is 2005-2008—counteraction to the activities of religious extremist organisations, the adoption of the Law of the Republic of Kazakhstan "On Counteraction to Extremism", approval by the Mazhilis of amendments to the legislation on matters of religion and religious associations (2008).

- The fourth stage is 2008-2011— increase in the role of traditional confessions, improving the interaction of the state with traditional confessions in strengthening the consolidation of Kazakhstani society, creating an Agency for Religious Affairs and the adoption of the Law "On Religious Activities and Religious Associations" (October 11, 2011).

- The fifth stage is from 2011 until present—Islam of the Hanafi Madhhab and Russian Orthodoxy are becoming culture-forming religions, the process of creating interreligious harmony and national unity continues.

- On the whole, development of the relationship between state and religion is not a closed process — it depends on the general condition of society, its civilisational orientations and transparency of democratic procedures. Partly, it also depends on geopolitical aspirations of neighbouring states and interests of the internal political



class and to a far too large extent — on the interests of the ruling elite that makes decisions that are important for the whole country.

It is the evolution of the attitude of the ruling elite to religion, the executive orders it issued and the reaction of the religious community thereto that constitute the history of the relationship between state and religious organisations in Kazakhstan. Therefore, the topic of discussion based on the results produced from the survey is an overall evaluation of the situation looking for general conclusions based on the history of the development of the relationship between state and religious organisations over the last decades. The problem concerning this relationship arose after religious life was restored in Kazakhstan, and equality of all confessions was introduced (at least in the eyes of law). These processes gave way to the problem of optimisation and further development of the relationship between state and religious organisations. In the first place, these stages are connected by logic and historical sequence.

Analysis of the content of the participants in our survey testifies to the following:

- Today, there is no clear scientifically-based conceptually defined state policy in respect of religion and religious organisations. The participants unanimously insist on the development and implementation of such policy.
- Current state practices lack a clear idea of the stages and central patterns of the development of the relationship between state and religion. There is only an understanding of the sequence of events in this area, as well as its subordination to the task of the development of a sovereign state.
- A number of participants pointed out the preservation of former stereotypes (when state ideology focused on socialism and dismissed church as a social institution) about religion as something relating only to family traditions and folk customs, relevant only in terms of charity, but not at all connected with the vital interests of society, such as culture and ethics of doing business or the priority of moral and spiritual values over material and financial leverage.
- Over the last 100 years, the relations between state and religious organisations in Kazakhstan have changed a few times. In the Soviet period, the existence of religious organisations was publicly denied.

Before the collapse of the USSR, the situation regarding freedom of religion started changing via the establishments of religious education institutions alongside publications of religious literature as well as the beginning of the process of returning



religious buildings expropriated by the Soviet rule to religious organisations. When Kazakhstan's sovereignty was proclaimed, these achievements became logical. In the 1990s, these processes swept the whole country. It meant that the nature of relations between religious organisations and state, religious organisations and society and among religious organisations themselves had changed drastically in sovereign Kazakhstan. At the turn of the 21st Century, it became clear that an entirely new type of relationship between these entities had been established. Its main characteristics are assistance provided by the state to religious organisations in finding solutions to legal and economic problems, cooperation in charity matters and fighting diseases of society, as well as improvement of partnership relations in these spheres.

From the mid-2010s, a period of development of partnership relations between state and religious organisations started. The new law "On religious activities and religious associations" of October 11, 2011 guarantees the right of citizens to freedom of speech, their equality regardless of their religious views and determines the order of acquiring legal status by religious organisations.

Up to 2010, nearly for 18 years, a separate administrative expert body had been preserved that provided a qualified approach to religious issues, protected religious life from personal preferences of the authorities, manifestations of regionalism in the course of implementation of the above-mentioned law and maintained the interconfessional dialogue.

Specific features and prospects for the development of the secular model of state

The system of state-church relations that has evolved over the last three decades has the following specific features.

Kazakhstan is consistently committed to legal equality of confessions, which is protected by the law to quite a high degree. The state proclaims that in respect of religions, it sticks to the principles of legitimacy and fairness, ensuring equal rights and opportunities for all religious organisations. There is no religious opposition in Kazakhstan, which can surely be triggered by unfairness, discrimination of religious minorities and absence of the dialogue between power and organisations of believers.



Kazakhstan is free from such phenomena, and this can be called an achievement of this country.

However, state governance in the religious sphere requires addressing the following issues:

- Religious and theological education;
- The necessity of improving interconfessional relations in Kazakhstan;
- International religious centres are exercising an influence on the activity of different confessions in Kazakhstan.

As far as religious and theological education is concerned, it is essential to point out the fact that Kazakhstan is facing the need to establish formats of such activities. The urgency of this issue is primarily connected with the politicisation of religion.

This topic can be illustrated by the examples of secular countries of the European Union (Germany, Austria, Poland), where, in the majority of schools religious education is a compulsory subject. If it is implemented within the legislative framework, it leads to a reduction of the level of threats posed by pseudo-religious and extremist organisations. To integrate Muslim communities into the European cultural and political space (Ozhiganova, 2017), the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools (OSCE, 2007) and the EU governing bodies (OSCE) suggest that it is necessary to teach fundamentals of religions (not theology) at schools. Besides, over recent years, the Parliamentary Assembly of the Council of Europe has adopted a few resolutions and recommendations saying that religious education develops religious tolerance in young people (Koukounaras-Liagkis, 2015).

We argue that using stringent measures of control, the system of religious education in Kazakhstan should be expanded in the context of religions that remain traditional for the Kazakh culture, and with the informed consent of the parents for their children to receive such education. We believe that widely introduced elements of religious education (not only at specialised religious education institutions) must have a positive impact on religious literacy, which will reduce the influence of the threatening pseudoreligious environment, prevent extremist preachers from manipulating young people's minds, raise the level of religious tolerance and make Kazakh society capable of interconfessional dialogue both within Kazakhstan and beyond its borders.

The state should also constantly focus on and monitor the international influence on the activities of religious organisations in Kazakhstan, which can be both



positive (consistent with national interests of Kazakhstan) and negative. The Kazakh state must also control the financing of religious organisations.

5. CONCLUSIONS

This study aimed at examining the relationship between state and religion in the context of Kazakhstan's secular state model. The survey confirmed the hypothesis that the period of recovery of religious life and the relationship between state and religious organisations is over and a new stage in the development of this relationship has started, the core of which is the search for the preferable model of such relations for Kazakhstan.

On one hand, the experience of the past years demonstrates that society demands the restriction of the interference of power in the delicate sphere of freedom of conscience and limitation of political and geopolitical influence on religious life and the relationship between state and religion; on the other hand, what society needs is more active cooperation between the agents and actors of this process via the establishment of partnership relations between state and religious organisations, filling legal gaps for their democratisation taking into account the polyconfessionality of Kazakhstan. In addition, optimisation in terms of their compliance with international legal acts regarding religious freedom and individual rights.

In general, the significance of the issues connected with the relationship between state and religion in Kazakhstan is based on the following factors:

- The insufficient degree of exploration of the sphere of state-church relations in modern Kazakhstan, alongside increased attention paid by the state authorities to the functioning of religions in Kazakhstan, there are still several problems in this sphere: the absence of a scientifically based state policy in relation to religion and religious organisations and clear understanding of the stages and basic laws of the development of state-religious relations; preservation of old stereotypes regarding religion;
- Low awareness of Kazakh population about dogmatic foundations of both traditional and, especially, non-traditional religions;



- The need to involve both the expert community and the religious organisations themselves in the most competent study and open discussion of fearful religious and pseudo-religious teachings and practices;
- Improvement of the interaction between state and religious organisations to take effective countermeasures against the radicalisation of religion and the rise of extremism.

All of the findings mentioned above can become the foundation for further research, oriented at the analysis of the opportunities for the establishment of partner relations between state and religious organisations taking into account the polyconfessionality of Kazakhstan.

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