

RELIGION IN SOCIETY**STATE AND RELIGIOUS ASSOCIATIONS
IN KAZAKHSTAN:
LEGAL REGULATION AND
POLITICAL CONTEXT****Roman PODOPRIGORA***D.Sc. (Law), Professor at the Caspian University
(Almaty, Kazakhstan)***Nargis KASSENOVA***D.Sc. (Political Science), Associate Professor at KIMEP University
(Almaty, Kazakhstan)***ABSTRACT**

The article discusses the main features of social, political and legal status of religious associations in contemporary Kazakhstan. The data of sociological studies and the analysis of state policy and legislation allow drawing the conclusion that the ongoing religious revival and an increase in the number of religious associations in the post-Soviet period have not led to a significant growth in religiosity of the Kazakhstani society and dramatic change in the role of religion and religious associations in the political and public life. Nevertheless, after a

certain period of liberalization (1991-2004), the state resumed tough control of the religious sphere and re-installed constraints on public activity of religious structures. This change was triggered, among other things, by processes of politicization of religion, mainly associated with Islamic associations or movements that are unrecognized or banned in Kazakhstan. Despite the principle of separation of religion from the state, stipulated in the legislation, the state develops its own policy in the religious sphere aimed at the consolidation of secularity of the Ka-

zakhstani society. However, such consolidation—in the way it takes place in Kazakhstan—is accompanied by exerting pressure on believers and religious associations, the majority of which distance themselves from any political activity. The state also creates

unequal opportunities for religious associations, cultivating the privileged status of the Spiritual Board of the Muslims of Kazakhstan and the Russian Orthodox Church in Kazakhstan to gain more legitimation of the system both in its domestic and foreign policy.

KEYWORDS: *religious associations, Kazakhstan, religious policy, legislation on religious associations.*

Introduction

In 2017, Kazakhstan, along with other states of the post-Soviet space, is summing up the results of its 25 years of existence as an independent state. Many phenomena and institutions of social life have undergone a series of changes both in terms of their status and meaning in society, and the relevant state policy.

Religion and religious institutions give a vivid example of such changes. If relatively recently, on the historical scale, religion was considered as a temporary phenomenon that did not play any role in the public life, today nobody would deny the importance of religious factors in the political, social and cultural spheres. Believers and religious associations stopped being pariahs; they are introduced into the public and legal spaces. The head of the state regularly meets with leaders of the largest world religions and participates in religious holiday celebrations, two of which are official holidays.¹ Since 2003, Astana, the capital of Kazakhstan, has been hosting every three years a Congress of Leaders of World and Traditional Religions enjoying the patronage of President Nazarbayev.

However, despite such an incorporation of religion in the public life of the country, both the state and society retain a cautious attitude toward religion. The heritage of the Soviet atheist past and perception of religion as “opium of the people” and element of the archaic past are well alive in the Kazakhstani society. The majority of the society has positively accepted religious revival, but it is afraid of growing religious pluralism that is growing due to the country’s openness to various external influences, including the entry of foreign missionaries and religious associations. It is believed that this process leads to the dissolution of national identity. As for the state, it sees in religious associations and ideologies, especially the so-called “non-traditional” ones, a challenge and threat to the political security of the country. This threat has become visible since 2011 when Kazakhstan experienced extremist and terrorist acts carried out by radical Islamists.²

The cautious attitude of the state and society toward religion and religious processes has created a difficult environment for the existence and development of religious associations in Kazakhstan. Since the conditions for their activities are first of all determined by the state, this article mainly focuses on the state policy toward religious associations and the legal regulation as its main instrument. First, we consider the situation with religiosity of the population and the dynamics of both the number of religious associations and the proportionate representation of different religions and movements. Further, we describe the evolution of legal regulation of religious activities in the context of

¹ The first day of Kurban-ait and Christian Orthodox Christmas.

² See: “Terakty v Kazakhstane. Khronika pyati let,” *The Open Asia*, 6 July, 2016, available at [<http://theopenasia.net/articles/detail/terakty-v-kazakhstane-khronika-pyati-let/>], 14 July, 2017.

various factors that influenced the state policy. In the concluding part we analyze the current model of relations between the state and religious associations.

Religiosity of the Population and Religious Associations

In the course of the last national census of 2009, 70.2% of Kazakhstani respondents indicated themselves as Muslims, 26.2% as Christians, 0.1% as Buddhists, 0.2% as other, and 2.8% as atheists.³ These numbers, at first glance, give evidence of the ongoing processes of religious revival in Kazakhstan that accompany the consolidation of ethnic identity in the post-Soviet period. Religious identity has become a component of ethnic self-identification. To be Kazakh or Russian almost automatically means to consider oneself Muslim or Orthodox. Kazakhs and Russians constitute two biggest ethnic groups in Kazakhstan—63.1% и 23.7% according to the census.⁴

However, sociological studies show the rather shallow level of this revival. At present, it has not resulted in a drastic change in the level of religiosity of the Kazakhstani society and has not created a serious challenge to the secular way of life of the majority of the population. Kazakhstani visit cult buildings, follow religious rites and participate in religious events more frequently than before. At the same time, they often do not join concrete religious associations, celebrate all kinds of religious holidays, and not only the holidays of their own religion, and do not follow religious prescriptions in their daily lives. According to one of the latest national studies of the ethnic-religious identification of the youth in the regions of Kazakhstan, 76% of respondents consider themselves believers. However, less than half of respondent believers consider that they do have religious knowledge. More than one third of them have never read Quran, Bible or other primary religious texts. 71% once, rarely or never attended a mosque, a church or any other religious building. The majority of respondent believers feel themselves relatively free from the main religious prescriptions and rites, carrying out only some of them. Every fifth of them ignores religious canons and prescriptions. Only every fifth respondent consistently follows religious prescriptions and rituals. Seventy two percent are not members of religious associations.⁵

In another study of the level of religiosity of the adult population, 86.4% said that they believe in God. However, only 15.4% regularly visit religious buildings; 19.1% pray regularly; 35.8% try to live according to the commandments; 10.1% regularly read religious literature.⁶

Estimates of the real religiosity of the population of Kazakhstan vary from 15-20% to 40-50%.⁷ Experts note the overall non-religious consciousness of the predominant part of the population, indif-

³ See: *Perepis naseleniia Respubliki Kazakhstan 2009 goda. Kratkiye itogi. Statisticheskii sbornik*, ed. by A. Smailov, Astana, 2010, pp. 10, 101.

⁴ See: *Ibid.*, p. 10.

⁵ See: B. Bekturganova, M. Nurgaliyeva, "Etnoreligioznaia identifikatsiia regionalnoi molodezhi," Association of Sociologists and Political Scientists, 23 April-6 May, 2016, available at [http://ru.soros.kz/uploads/user_68/2016_14_12__02_4_55__981.pdf], 8 May, 2017.

⁶ See: *Religiia v sovremennom Kazakhstane—otsenki naseleniia*, Institute of World Economy and Policy Under the Foundation of the First President of the Republic of Kazakhstan, Almaty, 2013, p. 12.

⁷ See: Z. Shaukenova, E. Burova, D. Sikhimbayeva, "Phenomen religioznoi konversii: metodologiya issledovaniia," *Al-Farabi*, Journal of Social and Humanities Studies, No. 3, 2015, p. 11; "Kak chuvstvuesh sebya, strana?," *Mezhdunarodnaia gazeta*, No. 11-12, December 2014-January 2015, available at [<http://gazetavesmir.com/kak-sebya-chuvstvuesh-strana/>], 10 May, 2017; E. Burova, A. Kosichenko, *Aktualnye problemy razvitiia religioznoi situatsii v Respublike Kazakhstan*, ed. by Z. Shaukenova, Institute of Philosophy, Political Science and Religious Studies of the Committee of Sciences of the Ministry of Education and Sciences of the Republic of Kazakhstan, Almaty, 2013, p. 56.

ferent to religion as faith, meaning and way of life, and the remaining rather significant number of citizens with atheist dispositions.⁸

It is worth mentioning that the surveys carried out in the mid-1990s showed the proportion of active believers at 26.3%.⁹ In the 1980s, the number of believers and those sympathizing to religion varied from 20% to 70% depending on the region.¹⁰ The south and west of the republic were considered to be more religious. Thus, the figures show that the number of people identifying themselves as believers has grown, but the number of people actively participating in the activities of religious organizations and following religious prescriptions in their lives has not changed much since the mid-1990s.

The low level of religiosity is one of the reasons behind the active missionary activities by foreign subjects. Kazakhstan has been viewed as an open field with big possibilities for conversion. While Muslim missionaries do not pay much attention to the Slavic population, Christian missionaries often consider Kazakhs and representatives of other traditionally Muslim ethnic groups as their primary target.¹¹ Having this rather stable situation with the religiosity of the population, the dynamic of the religious associations in the country at first seems paradoxical. In 1989, there were 671 religious organizations. Protestant organizations stood out: out of 671 registered, 171 were Lutheran, 168—Evangelical Christian-Baptist, only 62—Orthodox and 46—Islamic.¹² The strong position of Protestantism in Kazakhstan during Soviet times can be explained by the presence of many ethnic groups, first of all, Germans for whom religion was an element of maintaining their culture and identity.¹³ Out of all religious communities in 1990 more than 70% were fully or partially composed of ethnic Germans.¹⁴

The largest number of registered religious organizations in the post-Soviet period—4,551—was fixed in 2011 (as of 1 January).¹⁵ Such a rapid growth in the number of religious associations against the slow positive dynamic of the number of believers can be explained by different reasons.

- The first factor was the adoption of the liberal Law of the Republic of Kazakhstan on Freedom of Religion and Religious Associations in 1992. According to this law the registration of a community required 10 members, while in Soviet times 20 members were required. Registration procedures became simpler.
- Secondly, multiple structures that could not have received registration during Soviet times, such as the Jehovah's Witnesses, were legalized.

There appeared representatives of religious groups previously absent in Kazakhstan: Charismatic, Neo-Pentecostal, Neo-Apostolic Churches, Scientology Church, Unification Church and oth-

⁸ See: Z. Shaukenova, E. Burova, D. Sikhimbayeva, op. cit., p. 11.

⁹ See: "Otnosheniye kazakhstantsev k religii. V zerkale oprosa." *Informatsionno-analiticheskiy bulleten Assotsiatsii sotsiologov i politologov Kazakhstana*, Almaty, 1998, p. 11. However, there were other assessments as well: 39.7% of respondents providing positive answer to the question "Are you a believer?" and 85.3% of respondents not participating in the activities of religious organizations (see: K. Kuserbaev, E. Nazarbayev, N. Sadykov, *Uroven religioznosti i konfessionalnye orientatsii naseleniia Respubliki Kazakhstan*, Institute of Development of Kazakhstan, Almaty, 1996, pp. 7, 13).

¹⁰ See: L. Kolesnikov, A. Artemyev, "Sovremennaiia religioznaia situatsiia v Respublike Kazakhstan," in: *Kazakhstan: realii i perspektivy nezavisimogo razvitiia*, ed. by E. Kozhokina, Russian Institute for Strategic Studies, Moscow, 1995, p. 295.

¹¹ See: S. Peyrouse, "Christian Proselytism in Kazakhstan," *CACI Analyst*, 25 January, 2006, available at [<https://www.cacianalyst.org/publications/analytical-articles/item/10590-analytical-articles-caci-analyst-2006-1-25-art-10590.html>], 14 June, 2017.

¹² See: V. Ivanov, Y. Trofimov, *Religii v Kazakhstane*, Higher School of Law "Ödilet", Almaty, 1999, p. 4.

¹³ See: R. Podoprigora, *Gosudarstvo i religioznye organizatsii: administrativno-pravovoye voprosy*, Arkaim, Almaty, 2002, p. 242.

¹⁴ See: A. Artemyev, *Ateizm, religii, lichnost*, Kazakhstan, Alma-Ata, 1990, p. 50.

¹⁵ See: K. Lama Sharif, "Religioznaia gramotnost—zalog bezopasnosti obshchestva," *Kazakhstanskaya pravda*, 16 November, 2012.

ers. As a result of the adoption of the 2011 Law on Religious Activities and Religious Associations that contained a requirement of re-registration, the number of religious associations decreased to 3,088 (as of 25 October, 2012, the end of the term of re-registration).¹⁶ Thus, around one third of religious associations could not pass the re-registration. The main hindrance was the increased number of members required for the establishment of a local religious association—from 10 to 50. There was obvious reluctance of the authorities (despite the fulfillment of the registration requirements) to re-register the Akhmedi community and organizations of the Scientology Church. The Spiritual Board of the Muslims of Kazakhstan is actively against the registration of the Akhmedi community, and the state does not consider Scientology as a religion. As of 1 January 2017, there are 3,658 religious associations registered in Kazakhstan, the most numerous group being Islamic—2,250, Protestant—667 (Pentecostals, Baptist Churches, Presbyterian Churches, Seventh Day Adventists and Lutheran Churches), Christian Orthodox—325; Roman-Catholic—85.¹⁷

Thus, since the end of the 1980s, the composition of the religious organizational structures in Kazakhstan has changed considerably. At present, Islamic religious associations dominate the field. All Christian religious associations add up to only half of the Islamic ones. It is important to keep in mind the existence of around 2,000 unregistered religious associations.¹⁸

The above-mentioned figures show that religious associations today occupy a rather significant niche in the social structure of the Kazakhstani society. The comparison with other non-governmental organizations is revealing. According to the official statistics, there are 18,000 registered non-governmental organizations in the country now, however, only 8,000 of them are active.¹⁹ Therefore, religious associations that in the overwhelming majority are functional, in terms of their number are only half of the total number of all active non-governmental organizations.

In this regard, the situation in Kazakhstan, at first glance, does not differ from the situation in other countries, where religious associations constitute a considerable part of the non-governmental sector and represent an important form of self-organization by citizens. In political science, there is a body of research on linkages between membership in religious association and participation in public life, political life and democratization.

Thus, one of the biggest and most authoritative international studies carried out by Pippa Norris and Robert Inglehart using the data of two waves of World Value Survey in the early 1990s and in 1999-2001, makes the following conclusions: regular church-attendance is strongly associated with membership in associations concerned with the traditional philanthropic functions of religious institutions, including those for social welfare such as for the elderly or handicapped, educational and cultural groups, local community action groups on issues such as poverty, housing and racial equality, women's groups, and youth work. The relationship between church attendance and membership in religious organizations is strongest for Protestants and Hindus, weaker for Muslims (possibly due to the limited number of cases from Muslim states), and becomes negative for the Orthodox Christians.

¹⁶ Ibidem.

¹⁷ See: *Kontsepsiia gosudarstvennoi politiki v religioznoi sfere Respubliki Kazakhstan na 2017-2020 gody*, Adopted by Decree of the President of RK on 20 June, 2017, available at [www.din.gov.kz/details/ndownload.php?fn=737&lang=rus], 14 July, 2017.

¹⁸ 1,463 religious associations did not pass re-registration in accordance with the requirements of the Law on Religious Activities and Religious Associations adopted in 2011. Most of them continue to exist in different forms. As of 1 January, 2012, there were 579 small-size religious groups (without the right of a legal entity), which also did not disappear after the small-size religious group institute was liquidated (see: "K. Lama Sharif: Malochislennye religioznye gruppy ozhidaiut peremen," *Zakon.kz*, 1 March, 2012, available at [<https://www.zakon.kz/4476912-kajjrat-lama-sharif-malochislennye.htm>], 14 July, 2017). The existence of such small unregistered groups is proven by their regular disclosure and corresponding administrative punishment (see: "Kazakhstan: Pensioners Fined as Parliament Awaits New Law," *Forum 18 News Service*, 31 August, 2016, available at [http://www.forum18.org/archive.php?article_id=2212], 14 July, 2017).

¹⁹ See: S. Sadyrova, "Nadezhnyi partner gosudarstva," *Yuridicheskaya Gazeta*, 5 October, 2016.

The study also confirms the positive correlation between the level of political development, that is, the state of political rights and civic liberties, and associational membership.²⁰

We can assume that members of Kazakhstani religious associations also possess a considerable potential for participating in the public life and addressing societal problems. However, it is difficult to realize it due to serious constraints on their implementation of social projects imposed by the legislation. For example, religious associations have practically no access to public healthcare and education organizations, state institutions that are in charge of social protection, penitentiary institutions and Armed Forces. Besides, the existing taxation policy does not allow receiving and spending significant resources on socially useful projects.

Thus, the state limits the sphere of activity of religious associations to carrying out exclusively religious activities (rituals, services, other religious events). The only exception is charity but on the condition that it will not involve using citizens' material needs for their engagement in religious activities.²¹

Evolution of the Legal Regulation of Religious Associations

The current model of relations between the state and religious associations did not emerge at once. The analysis of the legal regulation of religious associations in the post-Soviet period allows defining two stages.

- The first stage lasted from 1992 till 2004. During this period, Kazakhstan, as many other former Soviet republics, adopted legislation addressing the issues of freedom of religion, religious activities and religious associations.²² Religious associations were acknowledged as legal entities (as non-commercial organizations) with all relevant consequences: possibility of participation in legal relations, ownership, use and disposal of property, defense of their rights and interests in court. Their ownership status changed considerably. Religious associations acquired their own property, received the right to conclude labor agreements and other contracts, and to enter into contact in one's own name with state authorities. Religious associations independently or in cooperation with the state actively engaged in socially useful activities. There was no state organ on religious affairs, and the administrative impact on religious associations was not excessive. For example, during this period, there were no requirements of compulsory registration of religious associations and missionaries, and also there were no religious examination and rigid conditions with regard to places of conduct of religious services and distribution of religious literature.
- The second stage started in 2005 and has lasted since then. It is characterized by stronger administrative pressure on religious associations and return of control and supervisory functions. The institute of compulsory registration of religious associations was revived, and a special state body dealing with religious affairs (today it is the Committee on Religious Affairs of the Ministry of Religious Affairs and Civil Society) was created. There

²⁰ See: P. Norris, R. Inglehart, "Religious Organizations and Social Capital," *The International Journal of Not-for-Profit Law*, Vol. 7, Issue 1, September 2004.

²¹ Art. 10, Item 2 of the Law of the Republic of Kazakhstan of 11 October, 2011 On Religious Activities and Religious Associations.

²² During Soviet times the legal status of religious associations was regulated by acts of less juridical force than law.

appeared an institute of religious examination and compulsory registration of missionaries. The Law on Religious Activities and Religious Associations adopted in 2011 established rigid registration requirements for religious associations, added limitations on places for religious activities and distribution of religious literature.

The comparison between the current post-Soviet legal status of religious associations with the Soviet one will not be in favor of the latter. The legal capacity that religious associations have today seem mundane, but only 30 years ago, for example, all property used by religious associations belonged to the state, labor contracts with workers of religious associations, when it was allowed, were registered in trade unions, any presence in court was out of the question, since these associations did not possess legal standing.

Therefore, a fundamentally new level of legal recognition provided religious associations with multiple legal capacities that they did not have before. At the same time, the style of legal regulation of religious associations has not changed much since Soviet times. This style is characterized by rigid administration and domination of state control and supervisory functions. Thus, new legal capacities exist only for registered religious associations that received the status of legal entity. Unregistered religious associations, and it does not make sense to deny their existence in society, are outside of the legal space. Their activities are not allowed and punished in accordance with the Administrative Offences Code of 2014.

Compulsory state registration of religious associations and criminalization of the activities of non-registered structures is one of the most problematic of legal institutions. All arguments that international legal acts signed by Kazakhstan (such as the International Pact on Civil and Political Rights of 1966) do not stipulate collective confession with a state permission, proved to be weaker than arguments about the necessity of state registration as an instrument of control over the activities of religious associations. During post-Soviet times there were periods when religious associations could operate either without state registration (1991-2005), or in the status of small-size religious group, not having the status of a legal entity (2005-2012), which caused no serious problems with unregistered associations.

However, even if a religious association wants to register (and this does not apply to all religious associations), it is not easy to do so. Although formally the registration is supposed to confirm the new ownership status of the community of believers, in practice, in the process of registration the state assesses the utility of the religious association, its loyalty to the existing social and legal order, and clarifies its religious attitudes. That is, issues of legality are combined with issues of expediency. Out of all non-commercial organizations religious associations, along with political parties, face the toughest registration requirements. For example, if to establish any other non-commercial organization, it is necessary to have from 1 to 10 founders, a religious association needs 50 citizens of Kazakhstan, and, as assumed by representatives of state bodies, residing in the same administrative-territorial unit, where the association will be active.²³

Even in case of successful registration, religious associations face legal constraints to a greater extent than other legal entities.

- First, their activities are limited primarily to religious services, rites and ceremonies, which can be justified considering the main goals of religious structures. However, religious associations, as a rule, are also interested in other types of activities: educational, cultural, medical, and provision of social support, and encounter serious legal constraints to pursue those. For example, many organizations in the social and cultural sphere are state-run. The appearance of a religious association representative there will not be a violation of law, but

²³ The law does not contain such a requirement.

administering any religious rituals and conducting a service or a meeting, which might accompany a socially useful activity, would be.

- Second, religious associations in their activities are attached to the place of registration. The vast majority of religious associations have the status of a local religious association, and their activities cannot spread beyond the boundaries of the appropriate province, city of the national importance and capital.
- Third, the activities of religious associations should be carried out either in buildings dedicated to religious services (religious buildings) or in premises agreed with the state authorities (except for cemeteries, crematoriums, residences, public catering facilities).
- Fourth, religious associations are not permitted to form all-national associations. Regulations of the current Law on Religious Activities and Religious Associations with regard to the possibility of establishing all-national structures mostly take into account the interests of the Spiritual Board of Muslims of Kazakhstan (SBMK). There is one center (SBMK), which has branches (Muslim communities) in all provinces (*oblasts*) of Kazakhstan. Branches do not have the legal entity status, and therefore, all their property belongs to the SBMK that decides all the matters of local mosques, including the appointment and resignation of religious personnel. Many other religious associations cannot agree with such strict centralized system of governance, but the law does not allow them to self-organize in any other way.²⁴
- Fifth, while in the issues related to property not used in religious activities religious associations are not different from other legal entities, the use of religious literature, information materials with religious content and religious items is conditioned in a special way. The importation, production, publication and distribution of such literature and materials are allowed after receiving a positive conclusion of the religious examination. Distribution of religious literature and other information materials of religious content is allowed only in religious buildings, spiritual education organizations and stationary premises defined by the state bodies.

Thus, while there has been considerable progress in the legal regulation of non-religious activities of religious associations, the legal regulation of religious activities remains rather Soviet-style. The state resorts to tested administrative instruments: registration, approval of activity, control, and liability. The only different with the Soviet period is that regulations on administrative pressure are constrained in laws and not in sub law acts. The specifics of religious associations (presence of their own rules and governance systems) are not taken into account in law making and law enforcement practices. Besides, issues of legal regulation in the religious sphere are often considered through the lens of combatting extremism and terrorism, which creates additional tension in relations between the state and religious groups.

Special Features of the Kazakhstani Model and the Political Context

The analysis of legal regulation allows defining the following features of the current model of relations between the state and religious associations in Kazakhstan.

²⁴ At present, only two structures have the status of national religious association: Spiritual Board of Muslims of Kazakhstan (SBMK) and Metropolitan Diocese of the Russian Orthodox Church in the Republic of Kazakhstan.

- First, despite certain liberalization of the general legal regime to put it more in line with the provisions of developed liberal democracies and international conventions, the style of regulation remains Soviet in spirit with the high level of state interference in the religious sphere. Religion is perceived as a source of risks and challenges for the state and society.
- Second, the state both at the legislative and law enforcement levels does not allow religious associations in the political and public spheres. It should be noted that the vast majority of religious associations do not show any political ambition and this issue arises in connection with Islamic radical groups that are outside of the control of the state. The state tries to limit not only political, but any other public activity of religious associations in the spheres that are remote from politics (education, healthcare, social protection, etc.), afraid of direct or indirect development of religious institutions.
- Third, the state does not create equal conditions for the activities of religious associations. Representatives of the so-called “world” and “traditional” religions enjoy certain privileges, and their centralized structure comfortably fits the centralized structure of the state.

The privileges of traditional religious associations are not normatively defined, but emerge in the practice of their interaction with the state bodies. The latter create dialog platforms with the representatives of SBMK and Russian Orthodox Church (ROC), conclude memoranda on cooperation with them, and attract them to discussions of matters of public importance. For example, on 15 February 2017, the Ministry of Religious Affairs and Civil Society and SBMK signed an agreement on cooperation that would include joint “events, aimed at the prophylactics of spreading of religious extremism, making additional steps for spiritual and moral upbringing of the younger generation.”²⁵

The state patronage of SBMK and ROC allows their engagement in socially useful activities even if its legality is dubious. The other religious associations doing the same activities risk to be punished and therefore do not try to be active in the social sphere.

- Fourth, along with the privileged structures, there is a group of “outcast” associations. The state pushes into the illegitimate space not only radical extremist religious groups, but also associations that do not fit the strict requirements determined by the legislation or the state’s idea of useful associations.

Thus, despite the principle of separation of religion from the state, enshrined in the legislation, the state clearly actively participates in the formatting of religious life in Kazakhstan. It incorporates in its system of governance the privileged “traditional” religious associations. Such cooperation is mutually beneficial: SBMK and ROC enjoy status and relative freedom from pressure, and the state receives a certain share of “sacrality” through the support of religious representatives, providing itself with an element of “traditional” legitimacy, along with the rational-legal and charismatic, using the typology of Max Weber.²⁶ It also acquires instruments to shape society in order to support the Kazakhstani model of secularity. That is, the state, on the one hand, protects the public and political space from religious influence, and on the other, actively uses religious associations for its own legitimation and maintenance of the political system.

The state relies on cooperation with representatives of “traditional” religions to carry out its foreign policy and create a positive image of a country of inter-confessional concord. As already

²⁵ “Mezhdu Ministerstvom po delam religii i grazhdanskogo obshchestva i DUMK podpisano soglasheniye,” *Zakon.kz*, 15 February, 2017, available at [<https://www.zakon.kz/4844330-mezhdu-ministerstvom-po-delam-religij.html>], 10 May, 2017.

²⁶ See: M. Weber, “Politics as Vocation,” in: *From Max Weber: Essays in Sociology*, ed. by H.H. Gerth and C. Wright Mills, Oxford University Press, New York, 1946, pp. 77-128.

mentioned in the beginning of this article, every three years Astana hosts Congresses of leaders of world and traditional religions under the patronage of President Nazarbayev. Kazakhstan's model of tolerance (including religious one) was offered as a model one during the chairmanship of Kazakhstan in the Organization for Security and Cooperation in Europe (OSCE).²⁷ Rigid control over the under-privileged religious associations is part of the general control over society and its capacity to self-organize and mobilize. It is difficult to imagine what would be the dynamics of the development of society given full liberalization of the religious sphere, however, we can suppose that partial liberalization of the legislation allowing religious associations to freely engage in socially useful activities, would have helped the state in resolving problems and would contribute to humanization of society by the society.

Conclusions

Over 25 years of Kazakhstan's independence, the role and place of religion and religious associations of citizens have changed considerably. The search for identity and religious revival led to self-identification of citizens as believers, and the new post-Soviet legislation in this sphere—to the growth in the number of religious associations and the change in the share of Islamic associations. Although sociological data does not register a significant increase in the number of people with stable religious attitudes and behavior based on religious norms, religious associations occupy a rather big niche in the structure of Kazakhstani society and represent an important form of self-organization of citizens.

As the experience of other countries shows, religious associations can actively engage in charitable activities and play a considerable role in resolving social problems. We can suppose that Kazakhstani religious associations also have such potential. However, its realization is constrained by the legislation. The analysis of legal regulation shows that the current model of relations between the state and religious associations has emerged in two stages. Liberalization of legislation in the 1990s provided religious associations with multiple legal capacities first of related to property ownership and contract making that they had not had before. However, during the second stage that started in 2005, the state decided to return its control and supervisory functions and started to rigidly administer the religious sphere.

The established model has a number of special features.

- First, the style of regulation remains Soviet in spirit with a high level of state interference in the religious sphere. Religion is perceived as a source of risks and challenges for the state and society.
- Second, the state both at the legislative and law enforcement levels does not allow religious associations in the political sphere and strongly limits their presence in the public sphere.
- Third, the state does not create an equitable playground for religious associations.

Representatives of “world” and “traditional” religions enjoy various formal and informal privileges. At the same time, there are religious associations that do not fit the rigid requirements determined by the legislation or the state's idea of useful associations and therefore are pushed outside the legitimate space. Cooperation with representatives of “traditional” religions, SBMK and ROC, gives the state a certain share of “sacrality” and “traditional” legitimacy, and also the opportunity for using them as instruments of shaping society in order to maintain Kazakhstan's model of secularity. That

²⁷ See: “Kazakhstanskaia model tolerantnosti mozhet byt adaptirovana na vsem prostranstve OBSE—Nazarbayev,” *Kazakhstan Today*, 29 June, 2010, available at [https://www.kt.kz/rus/politics/kazahstanskaja_modelj_tolerantnosti_mozhet_bitj_adaptirovana_na_vsem_prostranstve_obse_nazarbaev_1153520413.html], 14 July, 2017.

is, the state, on the one hand, protects the public and political space from religious influence, and on the other, actively uses religious associations for its own legitimation and maintenance of the political system. Such active participation of the state in the religious sphere contradicts the principle of separation of religion from the state, enshrined in Kazakhstan's legislation. Rigid control of the rest of religious associations is part of the general control over society and its capacity to self-organize and mobilize. In our view, partial liberalization of the legislation would allow religious associations to freely engage in socially useful activities, would help the state in resolving problems and would contribute to humanization of society by the society.
