

Roman Lunkin

Struggling against the freedom of conscience in Russia: the reasons of success and failure

The principle of the freedom of conscience never used in Russia towards all citizens of the state during various periods of Russian history. That principle didn't apply even to reliable citizens that belong to non orthodox Christian confessions. Denial or perception of religion at all or some religious movements depend on the demands of state ideology – tsarist, soviet or post soviet in new Russia of 1990-s. From the emperor's Russia till our times it is considered that intellectuals (intelligentsia) and all people support the strong state and are orthodox, instead of majority Russians that became non orthodox wash away the bases of the state and potentially split the unity of the country. Therefore the history ridicule that mythology and made everything quite the contrary.

Before the adoption of the Manifesto on the tolerance by Nicholas II in 1905 officials treated as sects old believers - staroobryadtsy (their rights were limited) and evangelical Christians and Baptists – they were exiled to Siberia for the deviation from orthodox faith. Bolsheviks in the first years of soviet power consider that Protestants as their satellites in the struggling against emperor's Orthodox Church. But after 1929 – when was issued the Stalin's laws on religious cults – all religious bodies were persecuted. In spite of the articles of soviet Constitution about the guarantees of the freedom of conscience in the Soviet Union even in late soviet period Protestants and catacomb orthodox believers were taken to prisons. In 1960-80-s the state didn't shoot believers but officials took children from parents and all missionary and social work was prohibited.

In 1990 in Russian was adopted the most liberal Law on religion that buried all past limits for the mission and various forms of activity of religious groups. By the way the religious boom as the scholars call that period paradoxically moved on in the same time with collapsing of religious freedom. The new democratic power in the face of president Eltsyn and regional governors immediately tried to seek the ideological support in orthodoxy and orthodox hierarchy that was formed in soviet time under control of KGB. In 1993 president Eltsyn signed the decree on restitution of church property that legitimate the chaotic restitution of church buildings and monasteries to the Russian Orthodox Church of Moscow Patriarchate (ROC MP) – all others – Catholics, lutherans, old believers, Baptists, Judaists had great problems when they wanted to return their prerevolutionary property.

Finally the Law on religion 1997 legitimizes the new state ideology in the new Russia of state support of “traditional religions” – orthodoxy (not Christianity but only orthodoxy), Islam, Judaism and Buddhism. In fact the main role in official Kremlin performances plays ROC MP. After 2000 when Putin became the president Orthodox Church achieve a role of real state ideological symbol – as president Putin said as a spiritual centre of the “Russian world”. The struggling with missionary activity of foreigners became the base of the “spiritual security” of the state (as it said in the Concept of national security of 2000).

It seemed that the Russian state made the great historical zig zag returned back to it past role of orthodox empire that recognizes only distinctive principles of itself and rejected the European democratic values. Many political and cultural figures loyal to state told about the reviving of the past greatness of Russia – about that are thinking now leaders seated in Kremlin now.

The ideology of the specific orthodox state with “sovereign democracy” was also supported by the head of ROC MP – patriarch Kirill. He is an author of the concept of “Russian civilization” based on orthodox faith, culture and Russian collectivism, on the “harmony of interests of powers and people”. The leaders of ROC MP said that democracy with the fighting of political parties and election companies are not necessary for Russia and they are strange to Russian people.

However the declared ideals of new “Great orthodox Russia” don’t correspond to the reality, to the present power and strength of the country, to the real level of religiosity and at all for the present religious diversity in Russia today.

In practice the local authorities and social opinion percept the restrictions of the freedom of conscience and even agree with extremely non tolerant anti-sect companies against Protestants and new religious movements. There are the following reasons of that:

1. For the central and regional powers the support from Orthodox Church or the declaration “we are the orthodox” is a good substitute for the support from real civic society that are too far from authorities.
2. The majority of citizens treated the orthodoxy as the fuzzy national and cultural ideology but not as a Christian faith with regular church life. That’s why the social opinion easily percept the declared orthodoxy of officials and orthodox motivation of some decisions and actions of the state.
3. The absence of any ideas about organized religious life and cultural orthodoxy helps to understand all religious activity as “sectarian”. The majority of anti sect articles in mass media and persecutions touched the Pentecostals, evangelical and Baptists. The reasons of anti sect hysteria are emotional praying, the gathering of donations, and the active missionary and social actions – the essential features of religious life.
4. Moreover the representatives of ROC MP help by their ideological declarations to the cultural perception of orthodoxy in the mind of state officials, mass media and society. That is the no religious understanding of orthodox faith – “if you baptized in childhood you are orthodox and if you call yourself orthodox you are a patriot Russian state”. In the limits of that ideology the sectarians became the “potential spies”.

The Law on religion of 1997, the plenty of attempts of orthodox politicians to adopt the new laws on privileges for the “traditional religions” (especially to ROC MP), and also the abusive anti sect companies – became the essential part of the struggling against the freedom of conscience in Russia. That is a continuation of the policy on fusion of ROC MP and the state began in the time of president Boris Eltsyn. But that fusion became more active from the ruling of Putin – the orthodoxy of Putin and then of president Medvedev became the part of their political activity. With election of patriarch Kirill in the beginning of 2009 – the new energetic manager as the head of ROC MP – the Church changed – from the passive element of that ideology it became very active.

In the same time when that ideology of “Russian civilization” tried to be real (the officials agreed with all projects of patriarch Kirill to bring orthodoxy to army, public schools, universities etc., and they agreed to limit the activity of other confessions) – appeared some problems. The power that wants to be a heir of empire Russia and church faced with the following problems:

1. The policy of supporting all initiatives of ROC MP and discrimination of others contradicts with the articles of Constitution and the declarations of high officials on democratic way of Russian society. So the non constitutional policy can’t be realized in same way.
2. The state orthodox ideology and the concept of Russian civilization of patriarch Kirill are too far from real life of civic society and intelligentsia. Even the ideas of social opinion about the strong orthodox oriented state are simply declaration with values and principles inside. So the

people can change one empty declaration on another in a second as it was with antireligious companies after 1917.

3. The absence of the habit to the organized religious life, the growing secularization in Russia (as in the many countries of the world) lead to the religious indifference but when the state forces to adopt the moral and church rules of some religion (as the lessons of orthodoxy in public schools or strict moral appeals of priests) the indifferent society rebels against because that is the intervention in private life.

4. Formally patriotic state ideology wants to strengthen country paradoxically ruins the bases of Russian state. At first in Russia already appeared the society of people that confess the other religious traditions – not orthodoxy, Islam, Judaism and Buddhism. Among the “potential” orthodox Russians we can meet Muslims, Catholics, Protestants, the believers of new religious movements. In 1990-s protestant became the second Christian church in Russia after ROC MP. The number of protestant believers is about 2 million in 6-8 thousand churches and groups. In the second the strict orthodox oriented policy divided Russia because the Russian regions of Russian Federation (non Muslim and non Buddhist regions) are very different. Orthodoxy is strong in the Centre and South of Russia, and also in the North-West of Russia where the traditions of tolerance remained. But in Ural and Siberia the influence of Protestantism is the same as orthodox. In Far East of Russia and partly in Siberia the orthodoxy was historically weak and the real power in religious sphere belong to protestant movements. In the Far East and Siberia where always lived exiled believers the ideology of Moscow orthodoxy seemed to be the far and not useful mythology.

Essentially the growing of state and church relations made real the anticlerical reaction of the society. The main fighters for the freedom of the conscience are non orthodox religious forces and secular scholars – intelligentsia. The first outstanding step was made in 2007 – 10 academicians of Russian Academy of Sciences wrote an open letter to the president Putin against the clericalization of society and education. The development of the movement for the freedom of conscience was provoked by the decision of the Ministry of Justice that includes the radical orthodox sect fighters in the Expert Council of the Ministry of Justice. The informal movement was supported by scholars, religious leaders, the movements that support secular school, defend museum values from the uncontrolled and unjust restitution to the church dioceses etc. Became evident that the democratic values united the intellectuals, school teachers, museum researchers and non orthodox movements especially protestant.

On April 22, 2009, the Institute of Religion and Law started “Inquisition - Stop!”, a campaign to take action to save the secular state in Russia and to combat the presence of radical orthodox fighters against sects in the Council for State Religious Expertise at the Ministry of Justice of Russian Federation. “Inquisition - Stop!” is collecting signatures for an open appeal to the Minister of Justice, Alexander Kononov, and a copy will also be sent to the Russian President Dmitry Medvedev and Prime Minister of Russia Vladimir Putin. We have already collected around 13,000 signatures (see - www.sclj.ru). Among supporters - scientific and religious communities, public figures, lawyers and human rights activists, religious organizations, research centers, and ordinary citizens of Russia. This campaign is a protest against clericalization of the society and the destruction of the foundations of the legal and secular state in Russia.

The Russian government has issued a series of restrictive legislations against non-traditional religious organizations. On March 3, 2009, the Ministry of Justice appointed the Council for State Religious Expertise at the Ministry of Justice of Russian Federation. This Council has the same power as the former Soviet Council of Religious Affairs which outlawed religion in Soviet Russia. The Council consists of anti-sect fighters, recognized by the government and the Russian Orthodox Church. On April 3, 2009, the Russian Ministry of Justice held its first

meeting of the Expert Council. In accordance with Federal Law dated July 23, 2008, the Ministry of Justice granted the authority to determine the conduct of state religious exercise.

Another restrictive order was issued by the Ministry of Justice on February 18, 2009, and the order was approved by the Council of State Religious Expertise. The objectives of this order came into force on March 31, and include the following:

- Registration of a religious organization on the basis of constituent documents, information on the basics of faith and the practice of it;
- Verification of information provided by a religious organization;
- Verification of conformity with the declared State standard of religious behavior;

In addition, the order provides that the Ministry of Justice will have Councils for State Religious Expertise in every region in Russia. As such, they are entitled to request the examination of any religious organization and monitor its compliance with the statutes.

A large number of the members of the Expert Council are not only presiding officers of specific religious organizations, but are also well known figures on the side of Orthodox sectology in the fight with non-Orthodox organizations and movements in our country. Activity of sect fighters is a church-social practice, which is realized through direct or indirect support of the Russian Orthodox Church of the Moscow Patriarchate. However, far from all Orthodox hierarchies, clergy members, and laymen agree with the radical statements and publications of the sectologists, which bring discord into interfaith relations in Russia and engender interfaith and government-faith conflicts, of which there are many examples. Meanwhile, exactly these same kind of radical sectologists have also been made members of the Expert Council and have received the right to give recommendations in the name of the government, which sets them starkly apart from the other members of the Council of the Ministry of Justice of the Russian Federation. Furthermore, thousands of officially registered religious organizations that do not belong to the Moscow Patriarchate of the Russian Orthodox Church have experienced public (in the electronic and printed mass media) insult from these sectologists. These religious organizations see the status of "government expert" of these sectologists as a threat to societal stability and integrity.

As it wrote in the petition to the Minister of Justice of the Russian Federation, A. V. Konovalov, the goals and objectives of the government religious expert review committee as well as the presence on the Expert Council of individuals who are involved in heated interfaith conflicts poses a real threat both to the constitutional order in Russia and to the safety the citizens of our country, and does not respect religious pluralism, which historically has been realized in Russia. Destroying the field of religious pluralism throughout the nation could provoke interreligious and international conflicts and lead to the decline of both the country and the civil society, especially as measured by religious and national indicators. Categorization of organizations, which publicly encourage one or another world view, on a nonstandard and illegal basis by either granting or refusing to grant a religious organization official recognition based on the decision of the Expert Council breaks the following:

- Article 14 of the Constitution of the Russian Federation, which declares that the Russian Federation is a secular state and directs that religious assemblies be separate from the state and equal before the law;
- Article 28 of the Constitution of the Russian Federation in total, subsection 2 of Article 29, and part 1 of Article 13 of the Constitution of the Russian Federation, which prohibit propaganda of ideological superiority and inequality;
- the statute that the state may not interfere with the activity of religious groups if it does not contradict the Federal law "About the freedom of conscience and religious assembly" (subsection 2, Article 4, Federal Law №125).

In reply to the Institute of Religion and Justice's petition to the Minister of Justice of the Russian Federation, A. V. Konovalov, the Ministry of Justice of the Russian Federation has rejected all claims made concerning the membership and authority of the Expert Council.

The examination of the preliminary results of the All-Russia action “Inquisition - Stop!” became one of the purposes for the urgent holding of the press conference of church and social figures on 10 June. The action was directed against the designation of religious politicians in the government in accordance with the interests of Russian Orthodox activists – the anti-cultists – with sect-members. The appeals which society has repeatedly presently until now show that the problem of the preservation of the secular character of government in Russia remains very pointed, and that threats are arising from various different sides. The policy of clericalization in various spheres of public life on the part of unprincipled officials and representatives of the Russian Orthodox Church Moscow patriarchy who actively interfere in government affairs has become the reason for such a state of affairs.

In connection with this, it is obvious that society has accumulated a critical mass of annoyance from “governmental orthodoxy,” having nothing in common with the original Russian religious culture or with the orthodox faith. Religious leaders, human rights activists, and scholars have all formulated what various problems exist and their own understandings of those problems. Included in this groups are the authors of a letter of ten academics, the authors of a letter of 227 and 1700 scholars against clericalization of society, and also teachers, staff members of museums and other institutions of culture, and ambitious groups in defense of the Museum “Ryazansky Kremlin” and of memorials of architecture in Pskov, who have come out against the disbanding of museums and the changing over of a national achievement of cultural values to the church in the form of “The Restoration of Historical Justice”.

After the religious boom of the 1990’s, the time came to openly declare that church officials do not have the right to designate as “enemies of the church” anyone who in any way speaks against their attempts to again make governmental the religious organization of the Russian Orthodox Church Moscow Patriarchy, as was done in tsarist and Soviet times. Among the supporters of the Constitution of the Russian Federation, secular government, religious tolerance, secular knowledge, preservation of cultural values are not only religious persons of various confessions and agnostics, but also a large number of Russian Orthodox members who are striving to maintain the Church as a model of Christian life and not an appendage of authority.

The community recognizes its responsibility for the fate of the government, society and the traditions of religious culture, including Russian Orthodoxy, which for one person may be a cultural inheritance, and for another person, it may be participation in church ordinances. This responsibility does not allow for silence, and the voice of the community must be heard and taken into account by governmental and church leadership. The civil position of society is especially important in order to show that those who are for a legalistic democratic government are not “isolated enemies,” but the opposite – patriots of Russia, who strive to prevent the country’s return to an authoritarian and severely ideology-driven government type.

The supporters of the movement propose a Manifesto be discussed in defense of secular government and announce the start of the formation of a vast societal movement in defense of secular government, the participants of which will henceforth speak as a consolidated group, and not as individuals. The Manifesto states for example that “Historically enrooted religious traditions in Russia and other traditions and beliefs can and do receive the overall support of the authorities. Under a secular government these religions and traditions may receive certain privileges, which are clearly defined by law on both the federal and regional level; however, these privileges do not diminish the principles of freedom of conscience and the equality of all religious groups before the Constitution of the Russian Federation (RF)”. But at the same time “Representatives of religious groups which have historical roots in Russia and have developed close relations with the authorities at varying levels (and this, of course, applies most to representatives of the Moscow Patriarchate of the Russian Orthodox Church) should learn to live in the civilized democratic state...”

The fears of the supporters of freedom of conscience became real. Patriarch of Moscow and all-Russia Kirill participated in a meeting conducted by Russian President D.A. Medvedev, which was held in Moscow on 21 July. Opening the meeting, Medvedev reported that he had received

two appeals from leaders of religious associations. One of them dealt with the question of teaching the foundations of religious culture in secondary schools and the second was the introduction of the institution of army chaplains into the armed forces of Russia. Medvedev stressed especially the importance of a religious component in education and military training, which exerts a substantial influence on the formation of the person and Russian citizen. Medvedev said that made the decision to support both of these suggestions. President said that he think it necessary to conduct an experiment in teaching the foundations of religious culture in 18 regions. The head of state noted that pupils and their parents will be able to select the confessional subject themselves, the foundations of Orthodox, Muslim, Jewish, or Buddhist culture. In addition, the president pointed to the necessity of giving those desiring it the right to study the foundations of secular ethics.

As a result of the experiment being conducted, the practice of teaching of these disciplines will be able to extend to the entire country. In the opinion of the head of state, the proposed date for beginning the universal introduction into school curricula of the foundations of religious culture and secular ethics could be designated as 2012.

As regards the second question discussed at the conference, the president stressed that among the armed forces personnel of Russians there are adherents of all traditional confessions of the country. As one variant of the resolution of the question, Medvedev suggested introducing a standard according to which in those units where followers of a certain confession constitute more than 10 percent of the personnel, it would be appropriate for clergy representing it to be on the staff.

So the action for the freedom of conscience (as one of the manifestations among others) which was started as a protest against sect fighters in the Council under the Ministry of Justice gradually found expression as an anticlerical action against sectologists – only one of the indicators of the corrosion of the secular government of the country. For this reason there is participation not only from Protestants, representatives of different religions and new religious movements persecuted by the Russian Orthodox Church and sectologists, but also, for example, atheists and agnostics, for whom one value is the secularity of the government. This has happened because society has accumulated a certain outrage from clericalization, and unrest, in connection with dissatisfaction from the aggressive attempts of the Moscow patriarchy to receive more means, property and educational hours, that it was necessary to find an outlet.

However in the fall of September 2009 the action against sect fighters “Inquisition - Stop!” faced itself with discrimination from authorities. Officials from the President’s Administration in a telephone call demanded to remove all information about action and the appeal to minister Konovalov from the web-site of Slavic Center for Law and Justice and Institute for Religion and Law (www.sclj.ru). Officials threatened Institute for Religion and Law with big problems that can lead to unfortunate results – to the closing of the office, inspections etc. We have to remove the information from the web-site, to find other ways to continue the action against sect fighters “Inquisition - Stop!”, to be more creative in the facilitating of religious freedom. The fears of officials from the President’s Administration based on the future affirmation of minister Aleksandr Konovalov, friend of Dmitry Medvedev, as a head of President’s Administration. But 13 000 scholars and believers already expressed their opinion to the modern orthodox politician in Russia (Konovalov revives in his speeches the XIX century slogan – “Authority, Orthodoxy, People”). Institute for Religion and Law as many others NGOs in the same situation must the new forms of activity.

In the situation in church-state relations in semi-authoritarian states as in Russia there are several approaches to facilitate the religious freedom for NGOs.

- 1.To make evident the religious diversity, to popularize the field sociological work and interreligious dialogue on the local level.
- 2.To make the church-state conflicts and social conflicts in that involved religious groups – the subject of public discussion in research projects and mass-media.

3. To make the suffered religious groups the active part of civil society. The research projects and mass-media, news services have to open the civil role of religious minorities in the democratic process through:

- a) their scientific research as the part of history and religious world of the country;
- b) considering them in a social context. This is a simple way to their respectabilization and socialization.
- c) analyzing all legal conflicts also in ideological context, giving the opportunity to the religious leaders, experts, lawyers, scholars and officials to discuss the activity of various religious groups from the political and social point of view.

The fact is that the social freedom in Russia now is wider than in tsarist or soviet times. The civil society can be more courage and free in its actions, and in almost 20 post-soviet years it became stronger and the society became diverse. The further affirmation of the principle of the freedom of conscience depends now from the activity and energy of the representatives of civil society. The democratic alternative of development in Russia in religious sphere is more real now than in any other period of Russian history. After the post soviet transition the threatening appeals of church leaders and politicians against the West and sects society understands with irony as a farce.

The growing activity of civil society, the controversy of democratic appeals of the state and clerical policy in practice, the present religious diversity in the regions – all that destroyed the strict orthodox oriented ideology of the state that limited the freedom of conscience. In that situation the civil society became the great force – it never be so strong in any other period of Russian history. As in republics of former Soviet Union, in Asian countries which slowly transform to the democratic structures – Russian society also lives in the difficult situation of developing democracy, but that process is already unavoidable.