

RELIGION IN THE HELSINKI PROCESS: RUSSIA
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[Revised text]

It is curious that, even in church circles, freedom of religion has over the years received less attention than some other basic human rights. This may be due in part to the success of Soviet propaganda in the old days which insisted that the Soviet constitution guaranteed “freedom of religious worship”. This statement was itself seriously misleading - “religious worship” is far from being synonymous with “freedom of religion” - and in addition individual Soviet laws, some of them secret, systematically imposed state control, to the point where the very heart of the constitutional guarantee was eroded.

Nevertheless, Soviet claims were widely believed, not least in such influential international institutions as the World Council of Churches, of which the Russian Orthodox Church has been a member since 1961, and the national affiliates of the WCC. At the same time, the manifest existence of religious liberty in democratic societies suggested that many other issues were higher on the international agenda than religious persecution..

Nevertheless, in 1975 the Helsinki Final Act put religious liberty in Europe definitively on the map even while the Soviet Union was proclaiming its record to be one of tolerance:

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience or belief, for all without distinction as to race, sex, language or religion.... Within this framework participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

Not only had the Soviet Union signed a declaration manifestly at odds with its own practice: one of the provisions of the Final Act was that its terms should be published prominently in the press of all the signatory nations. It is a little strange that the Soviet authorities did not anticipate the effect this would have, rallying the self-defence of persecuted believers for the first time under a flag of international legitimacy. The further provision that there would be review of implementation spurred on the internal process among Soviet believers.

The New Soviet (and Russian) Law of 1990

The transition between persecution and freedom of religion in the USSR has been studied in the book, Gorbachev, Glasnost and the Gospel¹¹ and here there is space only to emphasise that the essential change took place de facto about half way through

¹¹ By Michael Bourdeaux, London, 1990

Mikhail Gorbachev's less than seven years in office. The defining moment was in April 1988, when he convened the leading hierarchs of the Russian Orthodox Church to an unprecedented meeting in the Kremlin (the only model was Stalin's summons in 1943 in very different circumstances). Here he spoke of the "common cause" between the social programme of communism and of religious believers and promised that the old Stalinist legislation in force since 1929 would be replaced by a just law.

The church - Orthodox, Protestants and Catholics - was already poised to make full use of the promise of religious liberty and the last vestiges of persecution ceased at once (except for the ban on the Catholics of the Eastern Rite, who still had to wait for some time before emerging from the catacombs).

By a curious coincidence (readily seen as divine timing by millions of Russian Orthodox believers) 1988 was also the year marking the Millennium of the Baptism of Rus' (Prince Vladimir had received baptism in Kiev in 988). Therefore the nationwide celebrations of June 1988 encompassed not only a calendar milestone, but also and more importantly the ending of the worst three quarters of a century during that thousand years (life for the Orthodox Church under the Tatar yoke had been more bearable).

In the event, the promulgation of the new laws on religion in the last months of 1990 simply legitimised the freedom which was by now being universally enjoyed, not only by Christians, but also by Muslims, Buddhists, even Jews and persecuted new sects, such as Hare Krishna.

Curiously, two separate processes were going on simultaneously: the Soviet and the Russian (in the separate and semi-autonomous parliament which the latter now had). In the event, it was the Russian parliament which passed slightly the more liberal legislation, with both sets completely annulling all the old laws and replacing them by a new code guaranteeing freedom of religion. The only significant difference was that the Russian version permitted the teaching of religion in schools and of course this became the norm when the Soviet Union ceased to exist.

After the collapse of the Soviet Union it soon became obvious that the opposition to the Law of 1990 was growing. There were several reasons for this. The flowering of religious freedom in a country which had not experienced much of this in its long history was not easy to live with. Numerous missionaries started to arrive from the West, looking at Russia as a land of abundant opportunities. The impoverished and weakened Russian Orthodox Church (ROC) immediately felt threatened by these rich and experienced newcomers. It was absolutely unprepared to function under the new conditions of religious pluralism which presupposed a free competition between numerous parties involved. The frightened ROC found an unexpected ally among those who had recently persecuted it, the former communists who were now rapidly joining forces with new Russian nationalists. They had in common strong xenophobia, looking at any kind of Western activity as a huge international conspiracy

to weaken and submit Russia to foreign domination. The penetration of foreign-based religions was considered by them to be a part of this evil plot.

Making new friends of old enemies was not an easy task and at first the ROC was anxious to show that it did not completely share the views of nationalistic conservatives who were strong in Russian parliament. At the beginning of 1993, Metropolitan Kirill, head of the Department of External Church Affairs, declared that the ROC considered the Law of 1990 to be a good one and objected to the parliamentary attempts to amend it. However, Kirill changed his position after a few months and supported amendments curbing foreign-based missionary activity in the country. In July 1993 the parliament passed these.

President Yeltsin, understanding all too well that the change of the law might damage his reputation abroad, vetoed this new version. By that time, his relations with an unruly parliament were strained and this also could have prompted his decision. When parliament made new additions to the law the President again did not endorse the bill and at the end of September dissolved parliament. As often has happened in Russian history, a dispute over religious matters became part of a big political game.

When a new Russian parliament (now called by its pre-Revolutionary name, "Duma") was elected in December 1993, it did not drop its attempts to regulate some aspects of church-state relations. This was understandable as the adoption of a new constitution demanded certain legal adjustments in religious matters. However, this objective need was used by communists and nationalists as a pretext to restrict religious freedom in Russia as far as "non-traditional religions" were concerned. By this obscure term they meant practically all religious activity except that of the ROC, Islam and, to a lesser degree, Judaism and Buddhism.

The uneasy alliance between the ROC and the communist-nationalist forces, which held a strong position in the new Duma, remained alive. When in 1995 Patriarch Aleksii II wrote a letter to Duma chairman, Ivan Rybkin, asking for legal regulations governing foreign religious bodies in Russia, he received an ardent response from Zhirinovskiy's Liberal Democratic Party of Russia. Soon this party introduced a bill promoting a ban on the activity of religious sects, including the foreign ones "which cause physical and spiritual degradation of society"

On the other hand, when another bill (supported by liberal legislators) was introduced at the end of 1995 Aleksii sent a letter to chairman Rybkin asking for it to be taken off the agenda, as he did not have sufficient time to study it. Again he was supported by Zhirinovskiy.

In the next State Duma, elected in December of 1995, the nationalist-communist faction strengthened its position even more and became a stable majority. The conflict over the new law on freedom of conscience and religious organisations became more intense. The legislators' agenda had the same issues as before,

including some kind of regulation of missionary activity of foreign-based religious organisations (Catholics, Protestants and various non-Christian religions) and

government control of new religious movements, both of foreign and domestic origin. The problem of special relations between the state and the ROC also came to the fore.

The Orthodox Church was lobbying for privileged official status, justifying it by the special role it had played in Russian history.

After a real tug-of-war a compromise was finally achieved between all interested parties and a draft bill was prepared. However, this still looked unsatisfactory to the ROC and was shelved for almost six months. At the beginning of June 1997 the bill was amended once again by the Duma's committee on religion in a closed session; members of the informal 'working group' representing various religious confessions did not receive a text before it was passed. It includes such repressive measures as denying the right of a 'legal personality' to religious groups founded less than 15 years ago and insisting that a religious group must submit 100,000 signatures and have believers in over half Russia's provinces before calling itself 'all-Russian'.

Meanwhile, the failed attempts to bring Russian legislation concerning freedom of belief into line with the new Constitution brought into being many regional laws governing religious matters. Unfortunately, the majority of them violated religious freedom but regional legislators were not even aware of this fact. For example, in the Tula region Duma a law was passed which severely restricted the work of foreign missionaries and the activity of new religious movements. However, the chairman of the Tula Duma in an interview with a journal explained that the deputies were not against the freedom of belief but "against corruption of the spirit" executed by "emissaries of various sects far from humanitarian spirit of both Christianity and other principal religions". The echo of propaganda against religious equality circulated by communist and nationalist press and by Orthodox fundamentalists is clearly discernible in these words. At present, around thirty regions of the Russian Federation have adopted different local laws variously restricting the freedom of religion.

The arrival of religious freedom in Russia with accompanying problems of church-state relations and religious pluralism encountered real difficulties. Some of them can be explained by Russian history, where the Byzantine ideal of symphony - a symbiosis of Orthodoxy and state - was deeply rooted, preventing any kind of non-Orthodox influence. Indeed, Russia enjoyed relative religious freedom for a very short span between 1905 and 1917. It can also be explained by the present political situation, when the initial openness towards the West after many decades of communist tyranny started to change into popular resentment of "rich and manipulative foreigners", fuelled by the real economic hardship of the majority of people. This popular sentiment is exploited by communists and nationalists, but it also compels the ruling political elite to make certain nationalistic gestures. Talk of the necessity of "new Russian ideology" which has been developing in the Kremlin corridors since the last presidential elections is symptomatic.

On 18 June the bill was passed by the Duma by 337 votes to 5. Whether or not it will be vetoed by president Yeltsin remains unclear. There is another possible scenario. Yeltsin angered by Duma's opposition to his policies might dissolve it again. In this case, the ill-fated new law would remain in limbo for another year or two and the

regional Dumas would continue their legislative initiatives. Such a course of events is unlikely, but the overall situation is fluid and is certain to change between the writing of this paper and its presentation.