

Russia's 1997 Law Renews Religious Persecution

JOHN B. DUNLOP

In October 1990, both the USSR under President Mikhail Gorbachev and the RSFSR under Boris Yeltsin (at the time, chairman of the Russian parliament or Supreme Soviet) adopted new laws on freedom of conscience and religious organizations.¹ These laws revoked the draconian 1975 “Brezhnev” legislation on religion, which had incorporated much of the 1929 “Stalin” law, whose implicit purpose had been to eradicate all religious “survivals” from Soviet territory.²

While the two 1990 laws—adopted about a year before the final collapse of the USSR—contained flaws, they generally embraced an American-style approach to church-state relations. In the aftermath of the adoption of the two laws, something roughly approximating freedom of religion as we understand it in the United States came into existence in the Russian Republic, which had become an independent state in December 1991. Parishes of several Orthodox ecclesiastical jurisdictions in direct competition with the official Russian Orthodox Church (or “Moscow Patriarchate”) were legally established, and Roman Catholics and numerous Protestant groups were able legally to expand their activities. Even religious organizations representing what Russian political leaders today refer to as “totalitarian sects”—Mormons, Hare Krishna, the Unification Church, Jehovah’s Witnesses, Baha’i, and so forth—were able to develop their activity relatively unhindered.

According to a useful handbook (*spravochnik*), issued by the Russian Council of Federation in early 1996, the Moscow Patriarchate was able to expand the number of its officially registered parishes in Russia from 3,451 in 1990 to 7,195 as of January 1996 (that is, the number of its registered parishes more than doubled in six years.)³ But the Moscow Patriarchate’s Orthodox religious competitors were also able to broaden their activities. Thus the Free Orthodox Church

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under Archbishop Valentin of Suzdal' claimed ninety-eight registered parishes as of January 1996, while the "catacomb" True Orthodox Church had twenty-six (plus a number of unregistered parishes). The Russian Orthodox Church Abroad under Metropolitan Vitaly of New York had succeeded in opening five dioceses in Russia (although none of its parishes had apparently gained official registration), and even the Ukrainian Orthodox Church/Kievan Patriarchate, a body excommunicated by the Moscow Patriarchate, possessed seven registered parishes in Russia. In backing new legislation on religion, the Holy Synod of the Moscow Patriarchate above all wanted to rid itself of such pesky Orthodox competitors.

In addition, the official Russian Orthodox Church found itself in competition, as of early 1996, with 183 registered Roman Catholic parishes, 677 Evangelical Christian Baptist ones (with many more Baptist parishes being unregistered), 248 Evangelical Christian parishes, and 141 Lutheran ones. Islam, not surprisingly, boasted the second-largest number of registered religious communities—2,494 in early 1996, up from 870 in 1990—while Buddhism had 124, and Judaism, 80. There also existed, as of early 1996, 129 registered Jehovah's Witnesses parishes, 112 registered Hare Krishna communities, and 20 registered Baha'i groups. As can be seen, the 1990 Russian law on religion had fostered religious diversity in the country.

The Moscow Patriarchate leadership, under Patriarch Aleksii II (a high-ranking church official since the Khrushchev years), strongly resented the religious competitors, a number of which they saw as "foreign" bodies attempting to make inroads on their traditional religious "turf." Although the official Russian Orthodox Church evidently had difficulty tolerating an Islamic presence in areas of the country where Muslims had traditionally predominated, and while it was also prepared to countenance the presence of Buddhists and Jews—but again, only in those regions where they had previously existed—it was manifestly not prepared to acquiesce to the expansion of efforts by other religious bodies. By 1996, the Patriarchate was lobbying hard for passage by both houses of the Russian parliament of restrictive legislation that would muzzle and throttle its religious competitors, both Orthodox and non-Orthodox.

One large and significant Duma faction, in particular, was prepared to assist the Patriarchate in this effort: namely, the Communist Party of the Russian Federation (KPRF), headed by Gennady Zyuganov, the man who had come in second in the 1996 presidential elections. As Zyuganov and his fellow Russian communists saw it, Western religious denominations were invading Russia, seeking "to brainwash [its] younger generation."⁴ Zyuganov warned sternly against "the uncontrolled activity of totalitarian sects in Russia, whose activity is often dangerous to people's lives."⁵ In their efforts to curb a perceived Western religious invasion, the communists were firmly backed by neo-fascist demagogue Vladimir Zhirinovskiy and his so-called Liberal Democratic faction in the parliament.

By summer 1997, the alliance of the Moscow Patriarchate, the communists, and the Zhirinovskiyites had managed to achieve a decisive victory. A new restrictive law on freedom of conscience and religious associations was passed on 23 June by the State Duma, the lower house of parliament, by an overwhelming

majority: 300 votes in favor, with a mere eight votes against.⁶ In similar fashion, on 4 July 1997, the Federation Council, the upper chamber of parliament, also gave the law overwhelming support: the vote was 112 in favor, four against, with one abstention.⁷ The governor of Kaluga Oblast', a member of the Federation Council, insisted that the new law was needed to "protect society from the massive expansion of pseudo-religious cults and organizations, which through their proselytising endanger individual rights and freedoms and the health of citizens."⁸

It was at this point that Western political leaders, including the Clinton administration and the U.S. Congress, became aware, with some shock, that a major rollback of religious liberties was about to occur in Russia. Twenty-six members of the U.S. Congress appealed to President Boris Yeltsin not to sign the new law, as did President Clinton and representatives of the European Union. The U.S. Congress threatened to cut off \$200 million in aid to Russia if the new restrictive legislation were signed into law.⁹

On 23 July 1997, President Yeltsin arrived at a difficult decision and vetoed the new bill on freedom of conscience and religious associations.¹⁰ In letters to the speakers of the two houses of the Russian parliament, Yeltsin underlined that the new law contradicted "the fundamentals of the constitutional system of the Russian Federation . . . [as well as] universally recognized principles and norms of international law." Yeltsin went on to assert that the new law infringed sixteen articles of the 1993 Russian constitution (he named them) as well as a number of international human rights agreements of which Russia was a signatory: for example, the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Convention of the Council of Europe. The Russian president underlined that, according to article 15.4 of the Russian constitution, "acts of international law [are] an inalienable part of the Russian Federation's legislation on freedom of conscience."¹¹

Yeltsin was warmly applauded in the Western media for what was perceived as a courageous act, but he was vilified within Russia for having buckled under to Western pressure. Within two months, on 26 September 1997, Yeltsin signed into law essentially the same legislation that he had vetoed in July.¹² In fact, the new law was in some ways more restrictive and harmful to religious rights (for example, in its notorious Article 27) than the measure that he had earlier vetoed.

Natalya Babasyan, a journalist who covers religious affairs for several pro-democracy Russian publications, has noted the oddly muted Western reaction to Yeltsin's retreat of September 1997. Al Gore, the American vice president, had visited Yeltsin and Prime Minister Chernomyrdin in Moscow, she noted, just days before the draconian law was signed into effect. "[E]vidently," Babasyan wrote, "the expression of [Gore's] concern was formulated so correctly and so carefully" that Yeltsin felt free to proceed with signing the law. If press reports were to be believed, she added, the president of France and the prime minister of Britain had not even mentioned the law during visits to Moscow following that of Gore. The European Union, Babasyan observed, "did not, it appears, even notice the law." The World Council of Churches and the European Council of Churches—the Moscow Patriarchate is an influential member of both bodies—kept silent.

Only in the Parliamentary Assembly of the Council of Europe was there a significant reaction. One deputy to the assembly, David Atkinson of Great Britain, stated his opinion that Russia's membership in the Assembly should be halted because of the passage of a new discriminatory law on religion; Atkinson was supported by forty-one deputies from ten countries.

Summing up her survey of foreign reactions to the new law, Babasyan concluded: "The 'washing of hands' by the world community in relation to an anti-democratic law in Russia can be seen as a signal that the West will close its eyes to the Russian situation with regard to human rights. All the more so because the economic situation in [Russia] is seen as stabilizing and the climate for investment, as auspicious."¹³ (The economic situation in Russia had, of course, worsened immeasurably one year after the appearance of Babasyan's article.)

In an apparent attempt to mislead critics of the law, Yeltsin's staff in the presidential administration proceeded to introduce minor changes into the text of the legislation that he had vetoed in July. Yeltsin's official representative to the Duma, retired general Aleksandr Kotenkov, asserted that the new version of the law removed all the "odious" points existing in the earlier version; the new law, he maintained, was fully in conformity with international law. But such assertions were mendacious.¹⁴

Viktor Zorkal'tsev, the Communist Party chairman of the Duma's committee on public organizations and religious associations, was correct when he claimed, "We [the communists] did not surrender a single position of principle [to Yeltsin]." And he added that Yeltsin's new amendments had in fact even "made the text of the law better and significantly developed its ideas."¹⁵

Support for the new law, which was presented to the Duma on 19 September 1997 by General Kotenkov and communist deputy Viktor Zorkal'tsev, turned out to be almost unanimous: 358 deputies voted in favor, six against, with four abstentions.¹⁶ It is perhaps worth noting the names of the deputies who had the courage to vote against a flagrantly discriminatory bill: five of those who voted against came from Grigorii Yavlinsky's Yabloko faction (Alekssei Arbatov, Valery Borshchev, M. Glubokovsky, A. Kuznetsov, and Viktor Sheinis), and one was an independent deputy (Yuli Rybakov). Among the four who chose to abstain was leading democrat Galina Starovoitova. Four members of the Yabloko faction, it should be remarked, voted *for* the bill, while thirty-seven (including Yavlinsky) chose not to participate in the vote.¹⁷ In the vote on the bill in the Federation Council, there was not a single vote against and no abstentions; the bill passed unanimously.¹⁸

In an attempt to build support for the new law that Yeltsin was shortly to sign into effect, the presidential administration had carried out extensive consultations with representatives of leading religious bodies in Russia: with the Moscow Patriarchate, the Muslims, Buddhists, Jews, Old Believers, Roman Catholics, Pentecostals, Seventh Day Adventists, and several other groups. Representatives of these religious associations had discussed what they thought would be the final draft of the law with officials of the presidential administration, whose leader was A. Protopopov. It turned out, however, that they were crudely deceived by the presidential administration. The final text of the law that Yeltsin signed into effect

differed in noteworthy ways from the draft text that they had been shown (especially in the clandestine insertion of Article 27, to be discussed later).

As Archbishop Tadeusz Kondrusewicz, the apostolic administrator of Roman Catholics in the European part of Russia, has noted, the new law was “not the one the interdenominational commission had been working on.” He therefore surmised that “another law was being drafted in parallel. And this indicates that something was being done behind the backs of the religious confessions.”¹⁹

To understand why an overtly discriminatory bill was able to garner overwhelming support in both houses of parliament and in the Russian presidential administration, it is useful to turn to an article by Aleksander Morozov that appeared

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in the religion section of the influential daily newspaper *Nezavisimaya gazeta*. “The role of the [Russian Orthodox] Church in the socio-political life of Russia,” Morozov wrote, “is growing in colossal fashion.” “This thesis,” he noted, “may seem unconvincing to many. Usually such critics allude to various statistics: they point out that the number of

[regular Orthodox] communicants, that is, of ‘churched’ people, wavers between 0.5% and six percent of the Russian populace. But it is in fact much more important to look at other figures. In 1997, all public opinion polls showed that the army and the church occupied the two top places in terms of trust by Russians [*rossiyan*].”

And Morozov went on: “Another point is also interesting. To the question asked in a poll, ‘Should the Russian Orthodox Church enjoy privileges within the state?’ forty-nine percent of respondents answered ‘no,’ but twenty-seven percent answered ‘yes.’²⁰ And we have to consider what stands behind that 27%. . . . [I]n 1997, the rating [of the Moscow Patriarchate] was maintained despite a torrent of anti-church publications, despite accusations of obscurantism, of engaging in illegal financial operations, etc. The reason for this is obvious. In Russia, there is no civil society; there is only the populace and the regime, while the regime does not enjoy the support of a majority of the populace. And regional processes are such that the breakup of the [Russian] Federation over the next twenty-to-thirty years seems inevitable to many analysts. Under such conditions, the role of the Russian Orthodox Church as the sole state institute which conjoins all ethnic Russians [*russskikh*] is naturally growing.”

Morozov’s conclusion was: “Journalists can write about the fact that [the mayor of Moscow, Yuri] Luzhkov does not come forward to receive communion, but that does not alter the inevitability of a soldering together of the leaders of various political forces and the church. The vote on the new law ‘On the Freedom of Conscience’ should be viewed in this light.”²¹

Morozov’s point that the political clout of the official Russian Orthodox

Church was growing markedly at the same time that a majority of self-identified Russian Orthodox remained ignorant of and did not practice their faith was also made by Boris Dubin of the polling organization The Russian Centre for Public Opinion Research (VTsIOM). In an article appearing in the journal *Svobodnaya mysl'*, Dubin showed, on the basis of polling data, that only 3 percent of Russian men and 10 percent of Russian women were regularly attending the Russian Orthodox Church (once a month or more). "According to the letter of the Church rules," he noted, "82–85% of those who call themselves Orthodox people cannot be considered members of the Church [because they do not attend confession and receive communion at least once a year]."

Only 7 percent of survey respondents, Dubin went on to report, read the Holy Scriptures at least once in a given month, and only 7 percent stated that they planned to attend the midnight Orthodox Easter service (67 percent, by contrast, planned to color Easter eggs, while 38 percent intended to bake *kulich*).

Dubin also drew attention to the fact that Russian television had been emphasizing the "statist" and "great power patriotic" aspects of Russian Orthodoxy.²² With Dubin's data in mind, one can understand why both the ruling Holy Synod of the Moscow Patriarchate and strong political "statists" such as the Russian communists and the Zhirinovskiiites wanted to muzzle the Patriarchate's religious competitors, both Orthodox and non-Orthodox.

The New Law "On Religious Associations and Freedom of Conscience"

The legislation signed into effect by Yeltsin in September 1997 represented a juridically illiterate hodgepodge riddled with internal contradictions and directly violating eight articles of the 1993 Russian constitution as well as numerous articles of international treaties of which the Russian Federation, the self-proclaimed legal successor of the USSR, was a signatory.²³ According to Vladimir Ryakhovskii of the Christian Legal Center in Moscow, as well as other legal commentators, the new law directly infringes Articles 14, 15, 19, 28, 29, 45, 54, and 55 of the constitution and violates Articles 18, 19, 26, and 29 of the Universal Declaration of Human Rights; Article 13 of the International Treaty on Economic, Social and Cultural Rights; Articles 18 and 26 of the the International Treaty on Civil and Political Rights; Articles 1, 2, 3, 4, 5, 6, and 7 of the UN Declaration on the Elimination of All Forms of Discrimination on the Basis of Religion and Beliefs; and Articles 16 and 17 of the Concluding Document of the 1989 Vienna Meeting of the OSCE.²⁴

In the new law's preamble, the Russian Federation is unequivocally declared to be "a secular state," and Article 4.1 states: "The Russian Federation is a secular state. No religion may be established as a state or compulsory religion." The same preamble that asserts that Russia is a secular state, however, recognizes "the special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." Other religions said to constitute "an inseparable part of the historical heritage of Russia's peoples" are "Christianity, Islam, Buddhism, Judaism." The vagueness inherent in the use of the term "Christianity" allows the law's authors to avoid having to determine

whether or not, say, Old Believers, Lutherans, or Roman Catholics represent part of Russia's "historical heritage."

A critical distinction is made in the law between a "religious group" (*religioznaya gruppa*) and a "religious organization" (*religioznaya organizatsiya*). Members of religious groups are explicitly denied numerous rights guaranteed by the 1993 constitution, while members of registered religious organizations are accorded all such rights in their plenitude. It should also be noted that religious associations seeking to gain registration as officially approved religious organizations, but then being refused such registration, fall into the same extralegal position as do religious groups.

In describing the "rights" of religious groups, the law resorts to deliberately misleading language. A religious group, Article 7.1 proclaims, is "a voluntary association [*ob"edinenie*] of citizens formed for the goals of joint confession and dissemination of their faith, carrying out its activities without state registration and without obtaining the legal capabilities of a legal personality. . . . Premises and property necessary for the activities of a religious group, are to be provided for the use of the group by its participants." (Article 7, it will be noted, affirms unambiguously that members of religious groups lack the right of juridical person, that is, they may not seek redress in the courts for perceived injustices suffered at the hands of state or local authorities.)

As Article 27 of the new law makes clear, members of religious groups, and indeed all members of unregistered religious organizations, are not eligible to own premises or any other property; they are not, for example, permitted to own church buildings. They are also not free to disseminate their faith in public meetings or through the printed word. And they may not hold church school picnics. The only right that they in fact possess is to hold religious services in private apartments. However, if neighbors or local law enforcement officials were to conclude that such activity is disruptive, then even that right could be taken away from them, and the members of said religious groups could then be arrested, sentenced, and imprisoned. In short, with Article 27, we have effectively returned to the harsh 1975 "Brezhnev" law on religion.

Article 8.3 of the new law defines a "religious organization" as a body "consisting of ten or more participants who are at least eighteen years old and who are permanently residing in one locality"; a religious organization consisting of no fewer than three local branches may be recognized as "a centralized religious organization." This language obscures the fact that not just any religious body consisting of ten or more adults may be granted official registration. Before obtaining official registration, members of religious organizations seeking legalization must jump through a number of excruciating hoops. First and most significantly, there is the "fifteen year rule." As the language of Article 27 makes clear, a religious body seeking to gain official registration as a "religious organization" must be in possession of an official document confirming that it has "legally existed on a given territory for at least fifteen years." In September 1997, when Yeltsin signed the new law into effect, the "fifteen year rule" would have meant that only those Russian religious bodies that had obtained official regis-

tration in 1982 (the last year of Brezhnev's reign) could be deemed lawful religious organizations. Since the ruling communists in 1982 were extremely loath to register any religious associations, the number of Russian religious bodies eligible for registration in 1997 was of necessity very small.

As Vladimir Ryakhovsky of the Christian Legal Center in Moscow has commented: "[Article 27] of the law is retroactive, which directly contradicts Article 54.1 of the Constitution of the Russian Federation: all religious associations which cannot receive—from state organs not specified by the law, according to procedures not specified in the law—a document proving their existence in 1982, must now be deprived of their rights. . . . In effect this denial of rights reproduces the 1929 Stalinist Law on Cults. . . . In the law itself is now introduced the concept of inequality of religious associations before the law."²⁵

Not only must a religious organization seeking legalization have been lawfully registered for the past fifteen years, it must also, as Article 27 underscores, have been so registered "on a given territory."

Thus, for example, if an officially recognized Russian "historical religion" (Islam, Judaism or Buddhism) were to seek registration in a town or region where that religion had not previously existed, it, too, would fall under the sword of the "fifteen year rule." And indeed that is what appears to have happened. A June 1998 report by a Washington-based organization devoted to monitoring the position of Jews on the territory of the former Soviet Union reads in part: "Many in the Western media have asserted that Jews and their synagogues and other institutions would be protected because of the inclusion of Judaism in the law's preamble among Russia's 'traditional religions.' In effect, however, only five synagogues in the Federation, because they were recognized and controlled by the Soviets 15 years ago, are granted this protected status. All other congregations—including Reform and Lubavitch synagogues, as well as those in the provinces—are delegitimized until they can meet the rigorous and arbitrary annual registration process."²⁶

Religious organizations that do not have a document proving that they have legally existed on a given territory for fifteen years must go through the painful and humiliating process of provisionally applying for registration each year over a fifteen year period. During this fifteen-year "waiting period" their adherents are to be explicitly (Article 27) denied basic human and religious rights guaranteed by the Russian constitution.

Among the documents that an aspiring religious organization must present to Justice Ministry or local officials are, according to Article 11 of the new law, "a list of those who form the religious organization with an indication of their citi-

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zenship, their home address, and date of birth”; “the charter of the religious organization”; “minutes of the constituent meeting which founded it”; “a document issued by an organ of the local government and confirming that the said religious group has existed over the course of no less than fifteen years on the relevant territory”; and information on its basic creed and related practice, “including the history of how the religion arose and a history of the said association.”

As Lawrence Uzzell, Moscow representative of the Keston Institute in Oxford, United Kingdom, has observed: “The new law gives [officials] ample discretionary powers to withhold state registration altogether on the basis of a long list of vague criteria that virtually beg to be abused. . . . When a group files for registration, it must include detailed accounts of its doctrines and history, which are then subject to bureaucratic judgments about their possible ‘inauthenticity.’”²⁷

Article 13 of the new law defines a religious organization as a “foreign” one if “it has been created outside the confines of the Russian Federation and according to the laws of a foreign state.” As we shall see, religious organizations that are deemed “foreign”—for example, Roman Catholicism—fall under additional restrictions.

When a religious organization has run the gauntlet prescribed by the new law and has achieved official registration, it remains vulnerable to what the law calls the “liquidating of a religious organization” (Article 14). Grounds for the liquidation of a registered religious organization are “the undermining of social order and security”; “forcing a family to disintegrate”; “hypnosis and the performing of depraved or other disorderly actions”; and “hindering the receiving of compulsory education.” It is easy to see how such provisions could be abused by ill-intentioned local officials. If, say, a Russian Old Believer woman were, for religious reasons, to seek to divorce an atheist husband, this act theoretically could result not only in closing down her particular Old Believer parish but in shutting down all Old Believer churches on Russian soil (“forcing a family to disintegrate”). Similarly, if, say, a Baptist family wished to educate a child at home, this, too, could lead to the “liquidation” of not only its local parish but the entire Baptist denomination to which it belongs (“hindering the receiving of compulsory education”).

In addition to the draconian “fifteen year rule,” the law also stipulates a bizarre “fifty year rule.” Article 8 of the new law states: “A centralized religious organization the structures of which have been active on the territory of the Russian Federation on a legal basis for no fewer than fifty years as of the moment when the said religious organization files its application for state registration has the right to use in its names the words ‘Russia’ (*Rossiya*) and ‘Russian’ [*rossiiskii*].” Counting fifty years back from 1997, one arrives at the year 1947, the period of high Stalinism.

As Vladimir Ryakhovsky of the Christian Legal Center has commented:

The state is [here] restoring the legal status quo of 1947: the decisions of the Central Committee of the Soviet Communist Party, the state security organs and the Council for Religious Affairs are to be the source of the right to call an organization ‘Russian.’ This will lead to discrimination against many regional associations.

. . . For example, [Seventh Day] Adventists and Pentecostals did not exist on a legal basis in the USSR since they were banned for decades. It will also discriminate against all religious entities which were formed less than fifty years ago but which consider themselves Russian organizations and observe the laws of the Russian Federation. Among these are hundreds of Protestant congregations and dozens of Islamic spiritual directorates which arose during the period when the 1990 law was in effect."²⁸

As shown above, the 1997 law constitutes a major step backward in the spheres of human and religious rights in the Russian Federation. To demonstrate this beyond a doubt, one need only enumerate the rights that Article 27 explicitly *denies* to adherents of all unregistered religious bodies. Adherents of such bodies, Article 27 maintains, are emphatically *not* "equal before the law in all spheres of civic, political, economic, social and cultural life." And they do *not* "have the right . . . to create educational institutions," such as church schools or theological seminaries and academies.²⁹

Article 27 further stipulates that religious believers deprived of religious registration do *not* "have the right to carry out religious rites in health centers and hospitals and children's homes, in old people's homes and institutions for the handicapped, and in institutions applying sentences of imprisonment for criminal offenders at the request of citizens held there." This last provision effectively resurrects one of the most heinous practices sanctioned by the "Brezhnev" law of 1975; namely, adherents of unregistered religious bodies are prohibited from visiting the sick and even from providing the last rites to dying coreligionists in Russian hospitals and prisons.

According to Article 27, unregistered believers are also not accorded "the right to produce, acquire, export, import and distribute religious literature, audio and video material and other articles of religious significance." They also are explicitly deprived of the right "to institute enterprises for producing liturgical literature and articles for religious services."

As Lawrence Uzzell has aptly commented:

The 1993 Constitution states that all faiths are equal before the law. But [the new law on religion divides] religious bodies into two unequal categories. Congregations in the inferior category would have fewer rights than minority believers anywhere outside openly theocratic states such as Saudi Arabia. Whether a religious group receives privileged rank would depend on the legal status it had 15 years ago and 50 years ago under the Soviet state—a posthumous victory for Brezhnev and Stalin."³⁰

The Aftermath of the New Law

When Yeltsin signed the new restrictive law into effect, a religious crackdown began that seemed to be directed against the Moscow Patriarchate's Orthodox competitors. As Anatoly Pchelintsev, director of the Institute of Religion and Law in Moscow, observed, "It is not at all Catholics and Baptists which have emerged as the chief opponents of the new law . . . but precisely Orthodox Christians—those who do not recognize the Moscow Patriarchate. They claim that the law is directed first of all against them."³¹

On 29 September 1997, only three days after Yeltsin signed the new law, Russian militia and security forces assaulted the embassy church complex (*podvor'e*) of the Ukrainian Orthodox Church–Kievan Patriarchate, which was located in the city of Noginsk near Moscow. Close to one hundred worshipers and clergy were beaten and arrested, including Archbishop Adrian, the head of the *podvor'e*, who had his arm broken when police forced their way into the cathedral. The militia then seized the cathedral as well as a seminary, monastery, and convent attached to the *podvor'e*. The Ukrainian Foreign Ministry subsequently sent a note of protest concerning the incident, but the Russian Foreign Ministry declined to accept it.³²

In similar fashion, on the same day, 29 September, a busload of militia, accompanied by a cleric of the Moscow Patriarchate, seized a parish in the village of Ivnya, near the city of Kursk, where a Russian Church Abroad priest had been regularly serving for some time. The priest, Fr. Pavel Katunin, was beaten so severely that he suffered a heart attack as well as a concussion. He later had to be removed from the local hospital because he was receiving death threats there. His wife was arrested and fined 100,000 rubles.³³

Less than a fortnight before the new law was signed into effect by Yeltsin, on 14 September—at a time when a campaign against the Church Abroad and other Orthodox competitors of the Moscow Patriarchate was already under way—Fr. Aleksander Zharkov, a Church Abroad priest serving in Leningrad Oblast', was brutally stabbed to death; his killers then attempted to make his death look like a road accident (by having the priest's already dead body run over by a vehicle).³⁴ Fr. Zharkov had moved over to the Church Abroad from the Patriarchate only three months previously. Spokesmen for the Church Abroad declared that Fr. Zharkov had been murdered for leaving the Patriarchate and taking his parish with him.³⁵

In November 1997, Ryazan' Oblast' authorities, acting contrary to the wishes of a local parish, transferred it from the jurisdiction of the Church Abroad to the Moscow Patriarchate. The parish had been affiliated with the Church Abroad since 1992. The communist governor of Ryazan', Vyacheslav Lyubimov, had been trying to effect a transfer of the parish since his election in 1996.³⁶

The crackdown also extended to non-Orthodox religious communities. Thus in early October 1997, it was reported that a Lutheran parish in Tuim, Siberia, had been informed only days after Yeltsin signed the law that "its registration had been cancelled under the new law," which meant that the parishioners would immediately have to shut down their youth education programs, their adult Bible study groups, and a program to aid the poor. The head of the parish, Reverend Zayakin, commented: "Since Lutheranism has existed in Russia for more than 420 years, we didn't think that the law would be directed against our mission."³⁷

In 1998, a secret, unpublished, "internal instruction" was issued by the Russian Foreign Ministry, at the time headed by Evgeny Primakov (now Russian prime minister), which required that all foreign clergy must leave Russian territory every three months in order to obtain new visas at a Russian embassy or consulate located abroad. The family of a foreign clergyman also was to undergo this arduous reapplication process.

The *Moscow Times* has provided examples of how this secret instruction was affecting Roman Catholic and Jewish clergy: Thomas Hoehle, a Roman Catholic priest living in a small Siberian town, noted that the new regulations meant that he must return to Germany four times a year. For him, that meant traveling three hours by local bus to Novosibirsk and then flying to Berlin, where there was a Russian consulate. The exercise, Fr. Hoehle reported, took about two weeks of his time and cost some \$675.

According to a spokesman for Moscow's Choral Synagogue, the same secret instruction was significantly impeding the work of Moscow's chief rabbi, Pinchas Goldschmidt, a Swiss citizen: "We need him," the spokesman said, "to lead prayers. We need him to teach. I'm not even talking about the money required to send him back and forth every three months and do all the paperwork. On top of that he has a big family—six children."³⁸

Despite the fact that the Russian Federation had adopted a clearly discriminatory law on religion, in May 1998, President Bill Clinton chose to sign Presidential Determination No. 98-23, which concluded that Russia was not applying the new law in a manner that would conflict with its international obligations on religious freedom. (Clinton added that the new law should, however, continue to be closely monitored.) The president's signed finding released \$200 million in aid that had been approved by the U.S. Congress.³⁹

President Clinton's finding apparently was motivated, at least in part, by the fact that the new law was being variously interpreted in different regions of the Russian Republic. In a number of areas, its harshest provisions were, for the time being, largely being ignored by local officials. This fluid situation did not, of course, alter the fact that a manifestly unconstitutional law remained on the books. There was also no guarantee that the next president of Russia, to be elected in the year 2000 (or perhaps earlier), might attempt to achieve full compliance with the 1997 law. The optimism inherent in Clinton's 1998 finding could therefore turn out to have been a serious tactical and political error.

The months following Clinton's May 1998 finding witnessed a number of infringements of religious rights in Russia. To cite only three of many possible examples, in September 1998, the Moscow Helsinki Group, a leading human rights organization chaired by Lyudmila Alekseeva, sent a letter to the Russian government expressing "grave concern" over the erosion of religious liberties in Russia. Attempts to close down the Moscow community of the Jehovah's Witnesses were noted, as were efforts to shut down a local branch of the Islamic Vatan party.⁴⁰

Also in September 1998, it was reported that in Anapa Krai two unformed Cossacks had forcibly broken up a group of Seventh Day Adventists who were giv-

"The Moscow Helsinki Group . . . sent a letter to the Russian government expressing 'grave concern' over the erosion of religious liberties in Russia."

ing away Bibles in a public park. The Cossacks “confiscated sixty Bibles and detained the leader, reportedly giving him twenty lashes with an iron-tipped whip. Sergei Serebrov, a local Cossack commander [stated] that if the Protestants continue to engage in public proselytism, then the Cossacks will whip them.”⁴¹

The following month, October 1998, it was reported that local authorities in the city of Osa, Perm’ Oblast’, were putting heavy pressure on a local Pentecostal congregation, insisting that it undergo official registration. The congregation, however, maintained that it considered itself a to be “religious group” under the new law and consequently was not legally required to undergo official registration.⁴² The persecution of all religious groups in Russia, except for the Moscow Patriarchate, promises to continue and to increase.

NOTES

1. For the USSR law, signed by Mikhail Gorbachev on 1 October 1990, see “O svobode sovesti i religioznykh organizatsiyakh,” *Pravda*, 9 October 1990, 4; for the RSFSR law, signed by the first deputy chairman of the RSFSR Supreme Soviet, Ruslan Khasbulatov, on 25 October 1990, see “O svobode veroispovedanii,” *Sovetskaya Rossiya*, 10 November 1990, 5.

2. For the 1929 law (as amended in 1932), see “Law on Religious Associations of April 8, 1929” in the appendix to Richard H. Marshall et al., eds., *Aspects of Religion in the Soviet Union, 1917-1967* (Chicago, IL: University of Chicago Press, 1971), 438–45; for the 1975 law, see *Religious Persecution in the Soviet Union: Hearings Before the Subcommittees on International Political and Military Affairs and on International Organizations of the Committee on International Relations, House of Representatives, Ninety-Fourth Congress, June 24 and 30, 1976* (Washington, DC: U.S. Government Printing Office, 1976).

3. See Apparat Soveta Federatsii Federal’nogo Sobraniya Rossiiskoi Federatsii, Analiticheskoe Upravlenie, *Religioznye ob’edineniya Rossiiskoi Federatsii: spravochnik* (Moscow: Respublika, 1996), 244–49.

4. Statement by leading communist parliamentarian Viktor Ilyukhin, cited in Radio Free Europe-Radio Liberty, *RFE-RL Newslines*, 23 July 1997.

5. In *Sovetskaya Rossiya*, 22 September 1997.

6. See *Russkaya Mysl’* (Paris), 3 July 1997, appendix, 1.

7. *RFE-RL Newslines*, 7 July 1997.

8. *Ibid.*

9. Reuters, 16 July 1997.

10. See Alessandra Stanley, “Yeltsin Vetoes Curb on Religions but Could Face an Override Vote,” *New York Times*, 23 July 1997, A1, A10.

11. From RIA Novosti, 23 July 1997. For the text of the 1993 Russian Constitution, see Vladimir V. Belyakov and Walter J. Raymond, eds., *Constitution of the Russian Federation* (Lawrenceville, Va.: Brunswick Publishing Corporation, 1994).

12. See Michael R. Gordon, “Irking U.S., Yeltsin Signs Law Protecting Orthodox Church,” *New York Times*, 27 September 1997, A1, A5.

13. Natalya Babasyan, “Dvoinoi standart? Reaktsiya mezhdunarodnogo soobshchestva na rossiiskii zakon o svobode sovesti” *Russkaya Mysl’*, 30 October–5 November 1997, 15–16.

14. *RFE-RL Newslines*, 22 September 1997.

15. *Segodnya*, 20 September 1997.

16. *RFE-RL Newslines*, 22 September 1997.

17. D. Lektorsk, “Svoboda sovesti v nepravovom prostranstve,” *Russkaya Mysl’*, 2 October 1997, appendix, 1–2.

18. *RFE-RL Newslines*, 24 September 1997.

19. Reuters, 22 December 1997.
20. The results of the poll mentioned by Morozov were published in *Izvestiya*, 9 August 1997.
21. *Nezavisimaya gazeta*, 25 December 1997, 1, 3.
22. See Boris Dubin, "Religiya, tserkov', obshchestvennoe mnenie," in *Svobodnaya Mysl'* 11 (November 1997): 94–103.
23. For the text of the new law, see "O svobode sovesti i o religioznykh ob"edineniyakh," *Rossiiskaya gazeta*, 16 September 1997, 5–6. For an online English translation completed by the Keston Institute in Oxford, United Kingdom, see "On Freedom of Conscience and Religious Associations," available from: keston.institute@keston.org
24. Vladimir Ryakhovskii, "Legal Opinion on the New Law on Church-State Relations Enacted by the Russian Duma on 19 September 1997," unpublished document, received by e-mail from the Keston Institute on 29 September 1997.
25. *Ibid.*
26. Union of Councils for Soviet Jews, *Chronicle of the Russian Religion Law*, updated June 1998. Issued by the Council's Washington office: 1819 H St., NW, Suite 230, Washington, DC 20006.
27. Lawrence A. Uzzell, "A Show of Bad Faith," *Washington Post*, 2 December 1997, Sunday Outlook Section, C1, C5.
28. Ryakhovskii, "Legal Opinion."
29. Article 27 does this by listing the articles of the new law that do not apply to members of unregistered religious associations. Thus, for example, Article 27.3 affirms that, during the fifteen-year waiting period preceding official registration, members of unregistered religious bodies "are not to enjoy the rights stipulated" in the new law and then proceeds to list a number of articles of the law that do not to apply to adherents of unregistered religious associations. Members of unregistered religious bodies, for example, are baldly declared to be not "equal before the law" with other Russian citizens. An incredible assertion!
30. In *Christian Science Monitor*, 16 September 1997.
31. Anatolii Pchelintsev, "Bogu-Bogovo, a Dume," *Novaya gazeta*, 50, 15–21 December 1997, 7.
32. In *Ukrainian Weekly* (Parsippany, NJ), 5 October 1997.
33. In *Pravoslavnaya Rus'* (Jordanville, NY), 15/28 December 1997, 12.
34. Olga Mitrenina, secretary of the parish of St. Elizabeth in Leningrad Oblast', "Otnositel'no ubiistva o. Aleksandra Zharkova," 19 September 1997, a detailed e-mail account of the murder, circulated by the Church Abroad, 75 East 93rd Street, New York, NY 10128.
35. Pchelintsev, "Bogu-Bogovo."
36. *RFE-RL*, 7 November 1997.
37. In *Boston Globe*, 8 October 1997. On the situation in Tuim, see also Lawrence A. Uzzell, "Repressive Religion Law Has Russian Faithful on Edge," *Christian Science Monitor*, 22 April 1998.
38. Frank Brown, "Religions Hit by New Visa Rule," *Moscow Times*, 5 August 1998, 1, 2.
39. "U.S. Says Russia Is Not Carrying Out Religion Law," Reuters, 26 May 1998. Clinton's finding included the statement: "Russia has applied the new Russian Law on Religion in a manner that is not in conflict with its international obligations on religious freedom."
40. *Monitor* (Jamestown Foundation, Washington, DC), 24 September 1998.
41. *RFE-RL Newslines*, 17 September 1998.
42. *RFE-RL Newslines*, 15 October 1998.