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Religious Pluralism in Russia: History, Law and Reality

By

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Introduction

Among many lessons that Lord Krishna gave Arjuna before the battle on the sacred battlefield of Kuru is one of essential importance for the recent debate on tolerance and pluralism: samatvam yoga ucyate (equanimity is called yoga)². In the context of Bhagavadgītā it means that it is necessary to perform duties without paying attention to the resultant outcomes and be not emotionally infatuated with positive or negative feelings that may arise. Religious affairs are a sensitive issue for those who take religion seriously. They are very important for the parties concerned, they matter emotionally and it is very difficult to stay equanimous – emotionally neutral – in cases when one's own religious beliefs and practices are subjected to tests and criticism in public debates. It takes reason and some training (yoga, in a sense) to stand up and participate in such public debates and to try to argue for justification of one's own religious beliefs and practices in the eyes of the opponents. Since the arguments in such debates should be such that could be accepted by all participants including non-religious citizens, it is necessary that they themselves be of non-religious nature – but rational na-

¹ Paper held on 10th June 2006 at the International Seminar on 'Religion and Pluralism: the Nation Problem', Denpasar State Hindu Dharma Institute

² Bhagavadgītā, 2.48.

ture and thus understandable and plausible for all parties concerned.³ The western liberal democratic tradition, which is also accepted in Russia, takes the concept of human rights, specifically freedom of faith and self-expression, to be the argumentative foundation for further justifications of one's entitlement to particular religious beliefs and practices. Normally it is the basic law – the Constitution – that specifies and guarantees the human rights to the country's citizens. So the Constitution of the Russian Federation separates religion and state and gives every Russian citizen a right to take up and practice whatever religion he chooses or none at all. What follows is a sketch of the situation with religious pluralism in Russia from historical, legal and practical perspectives.

History

Religious pluralism and religious tolerance are among important common public goods provided by liberal democratic system. In my view, any country without appropriate historical experience might have difficulties in using goods provided by the Constitution. The notions of religious pluralism and civil society have yet a short history in Russia.

The Russian Empire has never been tolerant or equally religiously pluralistic. Before the revolution of 1917 there had been one state religion in Russia – the Orthodox Christianity and the Russian Orthodox Church enjoyed the status of the official state church. Before the edict 'On Faith Tolerance' issued by Tsar Nicolas the Second on the 17th of October 1905 the change of religion, in particular the defection by the orthodox Christians to other Christian denominations, not to speak of other religions, was a criminal abuse. Among the causes for revolutions of 1905 and 1917 were the absence of the freedom of faith, the absence of the freedom of choice, and the absence of the freedom of religious practice. Although the Russian Empire was a state with one dominant religion – Orthodox Christianity, other religions were tolerated at the same time as far as they were practiced by minorities of ethnical non-Russian citizens of the Empire: Catholics in Poland, Protestants in Baltics, Muslims in Central Asia, Buddhist in Kalmykia and Buratia, Shamanists in Siberia. Catholics and Protestants had a couple of churches in Moscow and Saint Petersburg, but could not legally convert practitioners of other religions. Ethnic Russians were legally expected to be orthodox.

In the Soviet period the Church was separated from the state. The leader of the revolution Vladimir Lenin (Ulyanov) took the anti-clerical Model from the French revolution. The state ideology was atheism. All religions and denominations were equally under pressure. Belief in supernatural was proclaimed non-scientific and backward. Religion was said to be a kind of drug for working people. It was held to be a drug that facilitated a flight from reality and was itself means of exploitation of the working class by upper classes. Religious practice in public places was prohibited.

In modern Russia problems of civil society, religious pluralism and tolerance are on the agenda since the collapse of the Soviet Union in 1991. The majority of the population is still orthodox. But the situation is rapidly changing. Russia today is a poly-ethnic, poly-religious country. There are no reliable statistics on religiosity of the population. Estimates suggest that slightly more than half of the inhabitants consider themselves Russian Orthodox Christians, although the vast majority of those are not

³ Cf. Thomas M. Schmidt. Vernünftiger Pluralismus – gerechtfertigte Überzeugungen. Religiöser Glaube in einer pluralistischen Gesellschaft. In: Schmidt, T.M./Lutz-Bachmann, M. (Hg.): Religion und Kulturkritik. Darmstadt 2006, 35–51.

regular churchgoers. There are some 16 to 20 million Muslims, constituting approximately 14 percent of the population and forming the largest religious minority. Muslims live predominantly in Tatarstan, Bashkortostan, the northern Caucasus, and the Volga region. Protestants constitute the third largest group of believers (2 million people). About one million Jews remain in the country (0.7 percent of the total population) following large-scale emigration over the last twenty years. Approximately 80 percent of Jews live in Moscow or St. Petersburg. The so-called Jewish Autonomous Oblast, located in the Far East, contains between 5,000 and 7,000 Jews. Buddhism is traditional to three of the country's regions: Buryatiya, Tuva, and Kalmykiya. In some areas, such as Yakutia and Chukotka, pantheistic and nature-based religions are practiced independently or alongside majority religions.⁴ In terms of religious communities the statistics are the following: there are 22000 religious communities in Russia. Half of them are Orthodox, 3500 Muslim, 5000 Protestant, 1000 Buddhist and others.⁵ There is a legal basis for this religious variety.

Law

The Russian Constitution determines that Russia is a secular state with no state religion: "the Russian Federation is a secular state. No religion may be established as a state or obligatory one. Religious associations shall be separated from the State and shall be equal before the law."⁶ The equality "of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances" are guaranteed and "all forms of limitations of human rights on social, racial, national, linguistic or religious grounds" are prohibited.⁷ One of the goals of the state politics in modern Russia is to prevent religion from becoming a factor in social conflicts. Pluralism implies not only different opinions, but also respect for them and respect for personal rights and freedoms: one person may not share another person's opinion but must respect it and this person's rights and freedoms. So the law guarantees freedom of faith and religious expression to every Russian citizen but determines that religious rights of one citizen end just there where the rights of another citizen begin. The Constitution of the Russian Federation says: "The exercise of the rights and freedoms of man and citizen shall not violate the rights and freedoms of other people."⁸

In this way the Constitution provides for freedom of religion and the Government generally respects this right in practice; however, in some cases the authorities imposed restrictions on some groups. Although the Constitution provides for the equality of all religions before the law and the separation of church and state, the Government does not always respect this provision. The 1990 Russian Soviet Federal Socialist Republic (RSFSR) law 'On Freedom of Religion' established freedom of religious expression and practice in Russia. Under this law, religious associations could exist in Russia without being registered, and they were entitled to proselyte and perform a wide range of religious activities; however, they could choose to register for purposes of tax exemption. In 1997, the Russian Parliament (Duma) passed a new law 'On

⁴ <http://www.denrus.ru/StPetersburg/russian-religion.html>.

⁵ Data from the Russian Ministry of Justice, compiled 1 May 2004, published on site of Religiiia i SMI, 23 August 2004.

⁶ The Constitution of the Russian Federation, Article 14.1, 14.2.

⁷ The Constitution of the Russian Federation, Article 19.2.

⁸ The Constitution of the Russian Federation, Article 17.3.

Freedom of Conscience and Religious Associations' that replaced the liberal law of 1990. Impetus for the Law stemmed from a variety of factors, including religious, cultural, and administrative ones. During the seven years of broad religious freedom under the 1990 law, the Russian Orthodox Church became increasingly concerned as many Russians abandoned their Orthodox roots and converted to other, often foreign-based religions. The Russian Orthodox Church petitioned the government to tighten regulations for all foreign churches that were proclaiming religious ideas alien to the Russian mentality. According to the Orthodox Church, this onslaught of foreign religious views could lead to a widespread loss of national identity and cultural heritage. Alongside the Church, part of the Russian intelligentsia voiced an argument about the need to restore the Orthodox Church following its strained plight under Communism. The Russian Orthodox Church was not alone in its concern about the influence of foreign religions; there was also a general societal demand for stricter control regarding these religious associations. Many Russian citizens feared that the influx of non-traditional religious organizations, operating with virtually no governmental control, might bring with it religious fanaticism and terrorism. In particular, many feared a recurrence of mass suicide attempts such as those staged by Russia's homegrown 'White Brotherhood'. Many also worried about the infiltration of terrorist organizations and activities, such as those carried out by Aum Shinrikyo. Fear of extremism led to a desire for stricter regulations for non-traditional religious organizations. The 1997 Law was adopted in part to respond to a perceived need to protect the Russian populace from dangerous foreign influence. Another reason for the emergence of the Law was the need to determine registration and liquidation procedures for religious organizations. According to Russia's continental law system, governance of these processes is a legislative responsibility.

The law has been criticized for a number of provisions. First, the preamble to the 1997 law assigns a 'special role' to the Russian Orthodox Church, recognizing its traditional influence on Russian culture and history. It also makes special mention of well-established religions in Russia, such as Islam, Buddhism, and Judaism. Therefore, the law appears to differentiate between traditional and non-traditional religions. Many interpret this as a violation of the Russian constitutional principle of equality of religions before the law. Second, the law divides all religious associations into two categories: religious groups and religious organizations.⁹ (Religious organizations in turn could be local and or centralized, depending on the sphere of their activities.) The citizens of any country may establish a religious group, providing they permanently reside in Russia and inform the appropriate local Russian government agency. So-called 'Religious Groups' have under the law limited rights only because they are non-registered entities. While a religious group has the right to perform religious services and teach its members, it cannot proselytize, disseminate religious literature, or perform other activities. To become a full-fledged local 'religious organization' and possess all legal rights, a religious community must register with the Ministry of Justice of that subject of the Russian Federation where it commences its activities. Two main requirements must be satisfied to qualify for registration at this level. First, the group must consist of at least 10 Russian Federation citizens; and second, it must have existed in Russia for at least 15 years. If the religious entity cannot satisfy the 15-year requirement, it may only enjoy the limited rights afforded to religious groups. It must also annually re-register with the government until the 15-year requirement is satisfied. The law provides that three local religious organizations registered in the above-

⁹ The Federal Law 'On Freedom of Conscience and Religious Associations', 7,8.

mentioned manner can form a centralized religious organization. A registration of a centralized religious organization could be carried out either at the local or at the federal level, depending on the location of local religious organizations that constitute it. If all of the local religious organizations are situated in the same subject of the Russian Federation, the justice department of the corresponding subject performs registration of a centralized religious organization. If the local religious organizations are located in different subjects of the Russian Federation, they must apply for registration as a centralized religious organization at the federal level. A benefit of registering as a centralized religious organization is that under its auspices a local religious body can attain religious organization status without satisfying the 15-year requirement. However, according to the Law of 1997, a centralized religious organization must conform to a specific structure. It has to include at least three local religious organizations, each of them has at least 10 Russian citizens residing in the same locality. Finally, under the Law of 1997 a centralized religious organization may not use 'Russia' or 'Russian' in its name unless it can prove that it has been present in Russia for at least 15 years. The new law maintains the secular character of its educational system. Religious disciplines could be studied in schools as optional subjects.¹⁰ Theoretically parents of the school children could appeal to the local government and the students could get optional education about any religion. The practice looks somewhat different.

Reality

The Salvation Army and the Jehovah Witnesses could not pass the registration under the new law, and the ISKCON (the International Society of Krishna Consciousness) could not get permission to build its temple in Moscow. The Russian Orthodox Church is against visits of the Pope to Russia as it sees Catholicism as its main competitor. So far it succeeded in preventing the President of the Russian federation from inviting the Pope to Russia. Orthodox Christianity is becoming some kind of state religion. When the President and the Prime minister visit an Orthodox church to participate in rituals, their visits are broadcast on national TV. The Russian Parliament, the Duma, works on the law draft that makes the subject 'Basics of Orthodox Christian Culture' obligatory at schools. The Russian Orthodox Church argues that it should be a secular subject dealing with the leading religious culture in Russia and therefore it should be studied by all students, independently of their own religion. The mass media – newspapers, radio, and television – sophisticatedly promote Orthodoxy and equate it with morality and good citizenship. According to them to be Russian is to be Orthodox. The propaganda maintains that it is not possible to be a morally good person and a Russian patriot without being Orthodox. People of other religions, first of all Islam, express their concerns over this tendency towards promoting the Orthodoxy in Russian society to some kind of quasi-state religion by the state media. At the same time it must be noted, that independent media and legal experts question this process. The Constitutional Court made three amendments to the Law of 1997. For example it overturned the governmental decision not to register the Russian Jesuit society. The public debate on the form of religious pluralism that suits the Russian society is going on.

¹⁰ The Federal Law 'On Freedom of Conscience and Religious Associations', 4.2; the Federal Law 'On Education', 2.4.