The Failure of National Religious Policy in the Post-Soviet Region: The Experiences of the Jehovah's Witnesses in Russia and Greek Catholics in Romania

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Religious policy and administration throughout much of the post-Soviet region parallels broader political trends, which is to say it is simultaneously heartening and disquieting. Even bureaucratic accounts, like the International Religious Freedom Report—published by the US State Department—capture the disjointedness of the religious story in the post-Soviet region, though without seeming to recognize it. For example, the report on Romania begins by noting that laws provide for the “generally free practice of religion” but then provides a hefty list of exceptions. By the end, the reader might be puzzled by the opener that proclaims a generally free religious atmosphere.

The puzzle finds resolution, though, if read in the context of competitive-authoritarian/illiberal democracies, in which the political elite provide for regular elections that are largely free, yet wield significant—and advantageous—resources to undermine the opposition, typically through harassment or denial of basic media and association rights. Although religion does not typically factor into studies of these regime-types at the theoretical level, there are sharp parallels between the seesawing between political freedom and oppression that we witness in these regimes and the situation of religious freedom and church and state. In competitive-authoritarian regimes, the persistence of democratic institutions—relatively free elections, primarily—is offset by the frequency of violations against liberal democracy—primarily, in the realm of freedom of speech and media. Likewise, the doggedness of verbal support for religious freedom in these regimes is thwarted by a disturbing—though not overwhelming—number of violations against minority religious rights and favoritism toward majority religious groups. The question is: where do we locate the disjointedness of religious life in these places? In the context of illiberal democracy, I contend, we find the central plot line that accounts for the religious atmosphere in many post-Soviet countries.

This paper assumes that the vulnerability of political elites in competitive authoritarian countries provokes them to emphasize the connection between nation and majority religion and hand out meager benefits to the majority religious group but still maintain a consistent line of support for religious freedom and the rights of minority religious groups. Political elites in these hybrid systems are, by definition, in a difficult position, as they seek to reduce their risks of losing power by undermining certain freedoms, while still maintaining democratic legitimacy. This might lead to the conclusion that elites are highly attuned to and eager for the support that they could garner from favoring religious organizations, particularly religious groups that have historically dominated and command high adherence (though not necessarily attendance) rates; however, maintaining some democratic legitimacy ostensibly obliges elites to avoid overt religious

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1 One of the most cited books on these hybrid regimes refers to them as competitive authoritarian. See Steven Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (Cambridge, UK: Cambridge University Press, 2010). In this paper, I will alternate between competitive authoritarian and illiberal democracy to emphasize the hybrid nature of this regime type.
favoritism. In the end, political elites in illiberal democracies are deliberately incongruous, using bold rhetoric in favor of religious freedom while also favoring the dominant religious group and belittling minority religious groups.

This paper argues, using Russia and Romania as cases, that the failure of national elites to provide a consistent narrative on both religious policy and the relationship among state, nation, and religion, allows regional and local level elites to dominate decision-making on religious matters. Although the local nature of violations against religious freedom has been pointed out in the past, at least in the Russian case, there has been little attempt to link the narrative at the federal level to the situation on the ground. In addition, legislation regarding religious behavior in this region tries to balance both individual freedom of religious belief and behavior with benefits for the majority religious group, leaving big questions about how to guarantee both demands (often, though not always, contradictory) open to the interpretation of local authorities. Thus, religious freedom violations and injustices are largely local and, by extension, uneven and variable.

It is tempting to look for a model that elegantly captures the state of religious freedom and church-state relations in the region. Scholars of religious issues in the post-Soviet region—and elsewhere—frequently offer a model or set of models for church-state relations, overestimating the coherency of the story line. There is no clear policy, no single model, no coherent approach to religious groups and matters in parts of the post-Soviet space. In fact, the national elite in Russia and Romania appear committed to avoiding a model of church-state relations, offering local authorities and lower courts the option of championing a model for their own regions. The ruse—to rhetorically champion liberal democracy and, simultaneously, defend the majority religious group at the expense of minority groups—might be risky from a foreign-relations perspective (it may spark outrage if it pricks the wrong nerve) but in competitive authoritarian democracies with ambiguous power distribution, it appears inspired.

Religious Rhetoric and Legislation in Russia and Romania

Vladimir Putin, suiting up to become reelected as president of Russia in 2012, exemplifies this tendency to be inconsistent—with remarkable consistency. He wanders through many different understandings of the nation and religion for the Russian state and society: on one hand, Putin maintains a commitment to the liberal democratic notion of religious freedom; on the other hand, his frequent promotion of Russian Orthodoxy as a harbinger of the Russian national idea and as a crucial element for unity in the state underscores his quest for a managed and manageable state. In Putin’s first National Security Policy, he claimed, “The preservation of the national security calls for ‘counteracting the negative influence of foreign religious organizations and missions’ and ‘resistance to economic, demographic, and cultural and religious expansion on the

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2 The electoral fraud that occurred in the 2011 parliamentary elections in Russia might call into question an argument that treats it as a competitive authoritarian regime. I believe there is still good reason to support the application of that label to Russia; the 2011 elections do not amount to a broad undermining of the electoral process in Russia. Independent polls before the elections placed United Russia—the party accused of fraud—ahead of the competition. A less persuasive point, though still relevant, is that the United Russia lost around 15% of the support it received in the December, 2007 election.

part of other states onto the territory of Russia. . .” The underlying argument is that foreign religious groups present a security threat. Yet, Putin has introduced other sentiments on the relationship of church, state, and nation. In his Christmas greetings at an Orthodox service on the Orthodox Christmas in 2000 he proclaimed that “[Orthodoxy is] an unbending spiritual core of the entire people and state.” The language suggests that all those within Russian territory are, de facto, Orthodox, promoting a view of the ROC as a privileged sociocultural institution for both state and nation. The rhetoric can be loftily liberal, as well, though: At an appearance in Sarov for the 100th anniversary of the canonization of St. Serafim of Sarov, Putin appeared to stun the Patriarchate, saying that “we value highly the contribution of all confessions of our country” and the “harmony among the peoples of multinational Russia.” The secular language at a highly religious event signaled an effort by the state to distance itself from the church.

Religious legislation in Russia and elsewhere in the region is underwhelming in its efforts to set in place a coherent religious program. The guiding legislation for religion in Russia dates back to 1997 with the passage of On Freedom of Conscience and Religious Associations. This law begins with a recognition of the traditional religions of Russia—Orthodoxy, Judaism, Hinduism and Buddhism—but recognizes Orthodoxy as chief among them. The body of the law establishes a registration system that divides religious associations into organizations and groups. Organizations are entitled to a full plate of religious freedoms but to become organizations they must prove they have existed in Russia for 15 years and are affiliated with a centralized organization. Those who fail to pass these tests are relegated to ‘group’ status, meaning that their religious activities are restricted, particularly in public. In the 1997 Law, the Duma acted to protect Orthodoxy’s status as integral to the Russian identity but its effect on minority religious groups has ranged from benign to problematic. A few religious groups, such as Jehovah’s Witnesses, Scientology, and Pentecostals, have experienced far more discrimination than others but, even for these repressed groups, the effect has been uneven. If the 1997 Law is understood differently across Russia, subsequent legislation is even more ambiguous. The 2002 Law on Extremism punishes individuals or groups who incite racial, ethnic, or religious hatred. In other provisions, the law prohibits both propaganda against citizens for their religious affiliation and “propaganda of exclusivity . . . of citizens according to their relation to religion.” A subsequent set of amendments, passed by the Lower House of the Duma in September, 2006, adds to the list of offenses that are deemed extremist, including a candidate or party who engages in ‘seditious libel’ by slandering someone holding public office. Forum 18, an online organization dedicated to reporting religious freedom violations, has documented cases in which this law has been used against Muslims and Protestants, some of them for maintaining the superiority of their faith over other religions, others for evangelizing in regions where the ROC dominates the local political system.

4 The document takes many swipes at foreign religious groups. To see the document in its entirety, see “Kontseptsiya natsional’noi bezopasnosti Rossiya Federatsiya,” Nezavisimuiia gazeta, Voenoe obozrenie, (January 14, 2000).
5 “Putin nadeetsiya chto Pravoslaviye ukrepit Rossiyu,” Interfax (Moscow, 7 January 2000).
6 Portal-Credo.Ru, an organization that reports on religious issues in Russia, went so far as to call the ceremony the “feast of equidistance” because of Putin’s willingness to use liberal and secular language in such a setting. “Prazdnik ravnoudalennosti. Vladimir Putin ne vstal na mesto Nikolaya II,” Portal-Credo.Ru (2003, last modified January 8) www.portal-credo.ru.
7 For excellent detail about the 1997 law, see “O sovobode sovesti i o religioznykh obyedineniiakh,” Rossiiskaya Federatsiia Federal’nyi zakon, Rossiiskaya Gazeta (October 1, 1997), 2-3.
In a 2007 survey of religion in Russia, Geraldine Fagan of Forum 18 opens the survey noting that “religious affairs are a low national priority. [Thus] decisions are normally made at a low level, so the religious freedom situation varies even between towns.” 10 Subsequent surveys of religious freedom present a more dire picture of religious freedom in Russia, with a turning point confirmed in 2007 with the establishment of the Federal List of Extremist Materials, effectively banning a list of religious materials, only some of which could be considered extremist, and the 2009 appointment of an outspoken activist against so-called ‘cults’ in Russia, Aleksandr Dvorkin, to chair the Justice Ministry’s Expert Religious Studies Council. In 2010, an article published with the Sova Center in Russia noted the increase of cases against religious freedom, stating that charges under the anti-extremism law are not isolated but systemic, a phenomenon ignored by many proponents of free speech in Russia.11 While these latest developments in Russia suggest a growing national program against religious freedom for minority groups in Russia, legislation—and its interpretation—remains inconsistent. For example, the Supreme Court issued a ruling in June, 2011, clarifying the narrow constraints in which extremism cases could be prosecuted, particularly on religious matters. Religious groups, convictions, and customs cannot be automatically assumed to be inciting hatred and people distributing religious materials cannot be prosecuted for distributing materials on the Federal List of Extremist Materials unless their intent is to incite hatred or enmity or to humiliate the dignity of others. In addition, efforts by the Ministry of Justice to pass an amendment to the 1997 Law to undermine missionary activity in Russia failed to get support and was dropped by the Ministry of Justice in 2009. A new draft appeared on its website in October of 2011 proposing amendments that would further centralize the organization of religious associations; the instant outrage will likely undermine its passage. In sum, the increasing issues faced by some minority religious groups, such as the Jehovah’s Witnesses and certain Islamic minority groups, are still not orchestrated at the highest levels and turn on local authorities’ desire and willingness to clamp down on their activities.

A similar pattern of development is emerging in Romania, where political elites from nearly every party scurry to find favor with the dominant religious group from their region—in most cases the Romanian Orthodox Church—and display religious imagery during public appearances, both on and off the campaign trail. Lavinia Stan and Lucian Turcescu, authors of numerous books on contemporary issues in Romania, find that it was not until 1996 that religion became a prominent element of political campaigns, in which the “Romanian Orthodox Church was uniquely positioned both to receive requests from political parties and electoral candidates and to promise much-desired support.”12 Despite the key positioning of the Orthodox Church, however, the level of support for its initiatives has been inconsistent. Ion Iliescu, the president of Romania from 1990 to 1996 and again from 2000 to 2004, made much ado of his connection to the Orthodox Church during his second term, yet consistently failed to follow through with key support, particularly for church construction. In 2002, his premier, Adrian Nastase, led a campaign to secure support from the church faithful by distributing small paper icons of the Virgin Mary with their party listed as the donor. His defense against criticism for politicizing religion was to emphasize that his party’s efforts “reflected the state’s support to the church” but that the state would support all church—including non-Orthodox—efforts at construction.13 While Romanian national elite have

11 Alexander Verkhovsky, “Russia: Art curators’ verdict not isolated instance—this is a system,” SOVA Center for Information and Analysis (19 July 2010) www.sova-center.ru.
12 Lavinia Stan and Lucian Turcescu, Religion and Politics in Post-Communist Russia. 134.
been less prone to connecting Orthodoxy to state-building efforts, they do easily prop up the relationship between Orthodoxy and the Romanian national-identity. Yet, even in this effort, they are unpredictable. Stan and Turcescu write in 2005 that “religious leaders felt betrayed and deceived by politicians who, once in office, conveniently forgot to honour their pledges or insisted that more urgent problems had to be addressed before any matters of importance for religious denominations.” Traian Basescu, the current president of Romania frequently employs Orthodox symbolism and invokes the importance of Orthodoxy for the Romanian people; yet, he defends religious freedom and religious plurality at key turns and supports legislation that protects religious freedom and offers some protection, such as property restitution, for minority religious groups.

In addition to the lack of consistency in the position of the political elite in Romania, the country lacked updated legislation on religion until the passage in 2006 of ‘On Religious Freedom and the Status of Religious Denominations’ that ended a lengthy debate on how to govern religious life in Romania. Prior to this, numerous policies governed religion in the country: the 1991 Constitution, which guaranteed freedom of conscience and religious activity and implicitly provided for separation of church and state; international agreements that promoted the same; but also communist-era legislation, particularly the 1948 decree that undermined basic religious freedom and placed religious groups under state control. Liviu Andreescu writes in a recent article on the 2006 law that these opposing policies coexisted through a strategy of “benign neglect or, at best, piecemeal and implicit abrogation of the decree’s most problematic provisions.” The result, says Andreescu, were difficulties for religious minorities and unresolved state-church questions. The 2006 law is ostensibly modeled after the European pluralist model, in which the state recognizes and supports religious groups that meet certain criteria, fostering their ability to serve the public interest. Specifically, the law puts in place criteria for religious groups to be recognized as religious denominations—culte—and therefore public-utility legal entities with tax exemptions and the provision of public land, free of charge. Andreescu writes that the 2006 Law’s contribution is “eliminating existing fringe issues, clarifying legal categories, and affirming values set forth in the constitution and international documents already a part of domestic law.” Yet, the Law fails to address property restitution, and, more problematically for many in the West, includes a prohibition on religious vilification, antagonism, and offensive religious symbols. Andreescu concludes, “[The law] tells us that the Romanian Orthodox Church remains, unquestionably, an extremely powerful actor.” The experience of the four years following the passage of the law suggests that Andreescu is partially right, in that the Romanian Orthodox church enjoys privileges in many arenas—property rights, tax breaks, access to schools and hospitals, etc.—but that, in addition, the 2006 law has left the place and privileges of religious minorities unanswered at the federal level. This paper will show that the actual governance of religious life continues to be very much local.

This situation shows clearly in the experience of two minority religious groups in the post-Soviet bloc: Jehovah’s Witnesses in Russia and Greek Catholics in Romania. These two cases show how a lack of guidance at the national level parleys into highly local patterns within the state. In the Russian case, the rights violations against Jehovah’s Witnesses are creating a jigsaw-like map

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14 Ibid, 361.
16 Ibid, 154.
17 Ibid, 156.
of incidents, with uneven treatment of this minority group across regions and localities. The borders between regions and localities that are more tolerant of Jehovah’s Witnesses versus those that are more obstructive do not—and likely will not—generate any crises of nation or state, largely because this organization, and many others like it, are less geographically concentrated and not associated with a particular ethnic group. The situation amounts to a variable pattern in religious freedom. In the Romanian case, however, the Greek Catholics are concentrated in the Transylvania region and violations against their rights could further cement a border that is already meaningful, a border that has historical, ethnic, and religious significance already built into it. These two cases are meant to illustrate a larger problem of unevenness in the treatment of religious groups and the handling of religious policy across regions, aggravated by a failure of national elite to adopt a coherent church-state model and employ consistent rhetoric on religious life.

**The Jehovah’s Witnesses’ Struggle in Russia**

The Jehovah’s Witnesses were virtually nonexistent in the Soviet Union until the post-World War II settlement and fallout, in which Moscow gained portions of Eastern Europe that housed Jehovah’s Witnesses, including Ukraine and Belarus in 1939, and Moldova and the Baltics in 1940. The new Soviet overlords treated the religious organization with deep suspicion despite the small number of adherents. In fact, the evidence suggests that it was persecuted to a greater extent than almost any other religious group. Zoe Knox, a scholar of religious life in the Soviet Union, writes, “The particular rancour with which Soviet authorities treated the [Jehovah’s Witnesses] suggests that their belief system, organizational structure, and religious literature posed a unique and intractable challenge, one which extended beyond the religious realm.” Knox continues to argue that the Jehovah’s Witnesses were portrayed as a foil to the “new Soviet man”—American spies with no loyalty to the party or state and, additionally, unfit parents. One Soviet scholar of the time argued that the Jehovah’s Witnesses were, in fact, hostile to the Soviet state and called for stronger measures against its activity. While many other religious groups experienced a moderation in restrictions on their activity in the postwar era and, again in the early Khrushchev years, the Jehovah’s Witnesses were given no reprieve. In 1961, the organization was banned, outright. Yet, the persecution turned out to be an enormous boon for the group, leading to significant growth in membership, particularly to the East where Witnesses were exiled during different periods. By the time of the collapse of the Soviet Union, in late 1991, the estimates of membership ranged around 200,000 active practitioners. Today, the organization puts its own estimate for Russia at over 150,000, a number that is generally accepted by scholars.

The liberalization politics in the late 1980s and collapse of the Soviet Union in 1991 signaled a new era for religious groups. The Jehovah’s Witnesses received the right to register in March of 1991, giving it legal status for the first time since 1961. Full freedom of conscience and religious practice were anticipated. Instead, the group has struggled in many places, particularly at the local

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20. Ibid. 11 and 23.

levels of government, to gain recognition and secure rights. There have been some national struggles, as well, though these struggles are overshadowed by the numerous local-level obstructions. A recounting of the struggles in the two decades since achieving legal status confirms a serious lack of uniformity in the treatment of Jehovah’s Witnesses. Other religious minority groups are subject to the same inconsistent treatment by local authorities; this section focuses on the recent experiences of Jehovah’s Witnesses to explain a wider problem.

The most frequent accusations leveled against Jehovah’s Witnesses are for distributing extremist literature and holding illegal gatherings—typically local struggles. These accusations of possessing and doling out prohibited literature were heightened in the latter part of the first decade of 2000 with the passage of legislation that led to a Federal List of Extremist Materials, a list that began with 14 titles in the middle of 2007 and by late 2010 was close to 700. There are numerous tracts on the list that Jehovah’s Witnesses use as evangelization material, despite federal court rulings that suggest—even if inconclusively—that these tracts are not extremist. Even in cases where court rulings are appealed and make their way to federal courts, the rulings at that top level can be ambiguous or contradictory, lending local authorities significant flexibility for confronting religious minorities. Some of the examples below highlight this problem.

The local and regional assaults against those distributing Jehovah’s Witnesses’ literature are widespread. In fact, in many instances the materials in question were not on the federal list at the time of arrest and local authorities exercise a wide range of discretion. The federal list of prohibited material appears to be partially driven by, instead of driving, local demands. In January, 2010 in Altai, Gorno-Altai Republic, a city court concluded that 16 Jehovah’s Witnesses publications were extremist and violated federal law. In March of the same year, police confiscated 440 pounds of religious literature from Jehovah’s Witnesses in Voskresensk, Moscow Region and detained a member driving on the Moscow-Ryazan road for the same reason. The Jehovah’s Witnesses allege that the material behind the detentions and seizures in these cases were not on the Federal List of Extremist Materials. Around the same time, two Jehovah’s Witnesses, including a minor, were detained for distributing extremist material and interrogated in violation of the law. By April 2010, the Jehovah’s Witnesses reported over 250 instances of seizure of literature, accompanied by searches and detention in that year alone. Victory came in Asbest, in this same period, though: a city court dismissed charges against a local Jehovah’s Witnesses congregation of extremist literature. Many local congregations encountered no problems distributing literature across localities in Russia. Thus, even with a lengthy list of prohibited literature, the pattern of arrests on this count are sporadic.

In late summer of 2011, the Jehovah’s Witnesses issued a press release titled, “Aggression towards Jehovah’s Witnesses in Russia reaches unprecedented heights.” This conclusion was reached after an increase in the number of violations of rights since 2006 and, more pointedly, the arrest, without charges filed, of three local Jehovah’s Witnesses in Chuvash Republic. According to the organization, these are “the most aggressive official acts against them since the formation of the Russian Federation nearly 20 years ago.”22 Several cities issued directives requiring the Jehovah’s Witnesses to cease distributing literature or disband altogether. In Ozersk of Cheliabinsk province, a group of city administrators deemed the Jehovah’s Witnesses to be anti-governmental and anti-Christian, calling for a province-wide ban on their activities. The Zavod regional court of Kemerovo concluded that two Jehovah’s Witnesses brochures were extremist and could subject the

local group to charges of criminal activity. A large meeting of Jehovah’s Witnesses in the village of Saranskoe, in the Polesk region of Kaliningrad province, was broken up by police, who then charged the organizer with violating the law. In the city of Shakhta, Rostov province, the prosecutor’s office charged the founder of the local Jehovah’s Witnesses religious organization for the crime of distributing extremist literature, in accordance with article 20.29 of the Code of Administrative Law Violations of the Russian Federation. In all, nine publications of Jehovah’s Witnesses were determined to be extremist in Rostov province in June of 2011 by court decision. In August of 2011, the territorial-level court in Krasnodor found publications of the Jehovah’s Witness to be extremist, and therefore illegal. This finding confirms a lower-court decision, at the district level, that the materials published by the Jehovah’s Witnesses are in violation of the law against extremist literature. During this same month, the Investigative Committee from Transbaikal charged two Jehovah’s Witnesses with inciting hatred for the books and pamphlets that they were distributing in Novotroitsk, Chita. These materials had been determined to be extremist in this territory in the courts. In Taganrog, homes of Jehovah’s Witnesses were raided in August of 2011, leaving behind great bewilderment and anxiety. The raids followed a court decision to liquidate the local Jehovah’s Witnesses, despite their historical claims and legal successes at the federal level. In the course of two months in 2011, numerous examples suggest that the Jehovah’s Witnesses, recognized as centralized religious organizations at the federal level with all the rights that confers, are subject to arbitrary and erratic accusations and loss of rights at the initiative of local authorities.

Episodes of disturbing worship or other religious gatherings of Jehovah’s Witnesses are likewise uneven. During 2010, many local Jehovah’s Witnesses congregations were subject to periodic searches or disruptions of their worship spaces, some of them houses. In the Tambov and the Ryazan Region, separate incidents, leaders in the local Jehovah’s Witnesses congregations had their homes searched, during which literature and other documents were taken. In March, court officials sealed the Taganrog Kingdom Hall of Jehovah’s Witnesses to prevent it from being used for meeting. IRFR reports that this was a direct consequence of a Supreme Court ruling in 2009 that upheld the local authorities’ decision to dissolve the local congregation. Yet, this was the only congregation (of 408 in total) to be dissolved during this year. Members of the Jehovah’s Witnesses were also subjected to searches on the street in 2010. According to Forum 18, in May 2010, the police arrested two women who were witnessing and accused them, without evidence, of committing robberies in the area; in Khasayyurt, Dagestan, local FSB officers detained Jehovah’s Witnesses members who were in the streets and refused to let them go for seven hours before releasing them without charges. These types of searches are on the rise, according to the Jehovah’s Witnesses organization, but still episodic.

On March 31, 2011, the Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor, Thomas Melia, went to Russia to investigate problems with freedom of conscience and religious associations. Melia was interested in the conditions of state-church relations in Russia and the experience of each of the confessions in this region. He visited officials of religious minority groups in Perm and Ekaterinburg to investigate incidents of discrimination against local communities by governmental authorities. During one session, the president of the Russian Associated Union of Christians of Evangelical Faith, Bishop Sergei Riakhovskii, stated in his speech that problems arise at the regional level, not the federal level, citing cases of persecution against Pentecostals in various regions of Russia.23 The Bishop overlooked the failure of federal politicians

to use a consistent voice on the relationship of church and state, nation and religion in their quest to manage the instability of illiberal democracy. In fact, the Bishop has been a frequent guest of the United Party and other national-level political events and is a supporter of Putin. Notably, the rhetoric from federal authorities, which spans from proclaiming full religious freedom in a multiconfessional state to offering the Russian Orthodox Church privileges and advantages while undermining religious minority groups, gives cover to regional and local authorities to demoralize and outright devastate religious minority groups in their localities.

The Jehovah’s Witnesses occasionally find victory in the courts, attesting to the legality of the Jehovah’s Witnesses as a religious organization in Russia and confirming its right to congregate, distribute religious materials, and engage in religious activity according to its beliefs. A court of the Khanty-Mansysk Autonomous District acquitted the mother of a five-year-old boy who died in Kogalymsk. The mother, an active member of the Jehovah’s Witnesses, refused a blood transfusion from a human donor in accordance with their religious beliefs, in favor of a medically-approved blood substitution. This led to two guilty verdicts and a general ban on Jehovah’s Witnesses activity at lower court levels before the appellate court at Khanty-Mansysk reversed the decision. A court in Gorno-Altaisk exonerated a local Jehovah’s Witnesses’ leader against charges of inciting inter-religious conflict in April of 2011. In the findings of the court, the leader of the Gornyi-Altai Jehovah’s Witnesses religious organization, Alexander Kalistratov, had not violated any portion of the Criminal Code of the Russian Federation. These localities and others are choosing to trump religious freedom over national identity concerns.

Despite the numerous violations against Jehovah’s Witnesses, it has managed to register over 400 local organizations in 72 regions. Appeals by the group to the European Court for Human Rights have also spurred local and regional authorities in Russia to make some changes: In June, 2010, the ECHR ordered the Moscow Regional Court to reinstate the Moscow congregation of Jehovah’s Witnesses, which it had dissolved in 2004, and ordered the country to pay Jehovah’s Witnesses the equivalent of around $86,000. The problem remains, though: so long as federal authorities fail to offer a consistent line on church-state relations, the violations will continue at the local level. Federal law and Supreme Court decisions in favor of the rights of Jehovah’s Witnesses to operate freely as any other religious organization are routinely overlooked or contradicted with no consequence. So long as the leadership of Russia continues to speak inconsistently on the relationship between nationality and religion, and between church and state, there will be more lines drawn within Russia between regions and localities where religious minority groups maintain ordinary practices and those where religious minority groups suffer from harsh restrictions on their speech and activities.

Thus far, these lines have largely been drawn in such a way that Jehovah’s Witnesses in regions on the Western edge have been spared the brunt of crackdowns. Although Moscow and St. Petersburg, both on the Western edge of Russia, have been party to some of the anti-Witnesses activity, the proximity to Europe in this border zone appears to offer some protection. The complete dissolution of the local Jehovah’s Witnesses in Moscow in 2004, though ruled unlawful

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24 In this case, the mother agreed to the use of a medically approved blood substitute, making the accusation of the two lower courts particularly troubling. For more information, see “Sud Khanty-Mansiiskogo avtonomnogo okruga opravdal mat’ rebenka, ot kazavshuyusya ot perelivaniya krovi i prosivshuyu ispolzovat krovezameniteli iz religioznykh soobrazhenii,” Portal-Credo.Ru (10 August 2011).
by the European Court for Human Rights, suggested to some scholars that this was the beginning of a federally-orchestrated campaign against the religious group in Russia. Yet, so far, there is nothing to suggest that federal officials plan to dissolve the Jehovah’s Witnesses. In the regions near the Caucuses, including Belgorod and Rostov, the number of violations is also significant; yet, there are curiously few incidents against Jehovah’s Witnesses in Irkutsk, where a large group was exiled under Party directive in 1949. In addition, Jehovah’s Witnesses in Krasnoyarsk Region and further into Siberia have experienced remarkably fewer intrusions in their religious activities than in the southeast. The unevenness suggests that, for now, the effort to undercut Jehovah’s Witnesses is largely local.

These locally-orchestrated violations are undoubtedly influenced by federal mismanagement of religious issues. While Jehovah’s Witnesses are facing problems at the local level, the federal human rights ombudsman advocates for religious minorities, pursuing violations against them. While new Jehovah’s Witnesses’ churches are allowed to open in parts of Russia, the chairman of the Justice Department’s “Commission for the Implementation of State Expertise on Religious Science” expresses his distaste for Jehovah’s Witnesses and his willingness to disingenuously pin crimes on the group and condone violence against it. The United Party (a strongly pro-Putin party with majority representation in the Duma) advocates full religious freedom in its platform and gatherings, while the United Russia organization in the Moscow region issues directives for local authorities to follow in cracking down on Jehovah’ Witnesses. The message dispatched to localities across Russia is entirely unclear.

The Greek Catholics’ Struggle in Romania

Unlike the Jehovah’s Witnesses in Russia, the Greek Catholic Church in Romania manages to avoid—in part—two potentially paralyzing accusations: that it is a foreign religious group and that it is a sect. The Greek Catholics in Romania date back to 1700, when the Hapsburg invasion of Transylvania led members of the Romania Orthodox Church hierarchy to accept Papal authority and enter into communion with the See of Rome. At the same time, these converts were allowed to continue to preserve their Orthodox ritual. The Greek Catholics adopted the Romanian language at a time when the Romanian Orthodox Church was still using the old Church Slavonic. Additionally, members of the Greek Catholic hierarchy formed the Transylvanian School in the 18th century to promote national awareness of the Romanian identity, transforming Transylvanian Romanians into “a vocal class expressing ‘national’ aspiration.” Although this has not prevented the Romanian Orthodox from asserting that Greek Catholics converted due to foreign coercion, the historical role of the Greek Catholics in forging a Romanian identity undermines that claim.

The problems that Greek Catholics, as a minority religious group, face in Romania today originate in a different narrative. In Romania, one of the most significant sources of antagonism in

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27 At the congress of the United Russia in September, 2011, members of various faiths were invited to participate. A representative of Pentecostal clergy stated: “At the congress it was clearly stated that as the leading party in the country, ‘United Russia’ [supports] a multiconfessional country with Christian and Islamic traditions. This was confirmed by Dmitry Medvedev and Vladimir Putin. . . . In addition, the moral future of the party is linked to cooperation with the main religious institutions of Russia.” Reported in “Episkop Sergyei Ryakhovskii posetil sezd ‘Yedinoi Rossii,’” Portal-Credo.Ru (28 September 2011).

28 This was reported by SOVA Center for Information and Analysis in “MVD razrabotalo programmu borby s obshchinoi Svidetel’yi jegovy” Moskovskaya Oblast (23 September 2011) www.sova-center.ru.

29 Denis Hupchick, Conflict and Chaos in Eastern Europe (New York: St. Martin’s Press, 1995), 74.

30 More recently, Greek Catholics have complained that Orthodox believers are fueling the impression that Greek Catholics are Hungarian. Although there are Hungarian Greek Catholics, those living in Romania today are by and large Romanian in self-identity, language, and by their role in the emergence of the Romanian nation.
the religious sphere stems from the issue of property restitution and in this regard, the Greek Catholics suffered the most severe losses. During the communist era, property was forcibly taken by the state from nearly every religious denomination, but the Greek Catholic church was altogether disbanded in 1948, and the Romanian authorities, in a series of laws, gave its places of worship to the Romanian Orthodox Church and the rest of its property to the state. With the collapse of the communist regime in late 1989, the Greek Catholic church called for restitution in integrum, a demand for immediate and absolute return of all property. This claim provoked a backlash, particularly after the 2002 census tallied the membership at only 200,000, not the 1.4 million claimed by the Vatican. Stan and Lucian Turcescu counter that the census likely underestimates the actual number, but it is nowhere in the vicinity of 1.4 million. Beginning in 1990, though, the process of returning this property to the Greek Catholics has sputtered, stalled by the disapproval of the Romanian Orthodox Church and practical concerns about giving back property that was transformed into a variety of public spaces, such as museums and cultural centers. The lack of clear voice at the federal political level is a potent cause of the inconsistent manner in which the Greek Catholic church has been treated in its calls for property restitution. Stan and Turcescu hint at this, writing, “Morally, the state’s refusal to intervene in a conflict heavily skewed in favor of one denomination was questionable. . . . The central authorities’ refusal to mediate interconfessional negotiations, along with the active involvement of the local authorities and the police on the side of the Orthodox Church, led to escalating tension and violence that could have easily been prevented by upholding the rule of law.” One could add that the failure of federal elites to speak with a clear voice on religious issues more generally adds to the muscle of the local authorities.

The Romanian case underscores a different pattern in local religious discrimination than we see with the Jehovah’s Witnesses in Russia. The Greek Catholic Church is principally located in the Transylvanian region of Romania, with its religious and cultural center in Blaj, Transylvania, and the large majority of its adherents in the region generally referred to as Transylvania. The Romanian Orthodox Church is centered in Bucharest, in the south, and its presence is strongest in the south, though its bishoprics and adherents cover all of Romania. The geographic concentration of Greek Catholics in a region with a contested border, notably fallout from the Treaty of Trianon, adds weight to religious freedom violations and religiously-based biases, adding to the resentment that already exists between Transylvania and the rest of Romania.

The contemporary story reads similar to the Russian one, though: the Romanian political elite have failed to offer a coherent vision of the church-state relationship and the role of religion in the national Romanian identity. Stan and Turcescu describe the relationship between political elite and the Romanian Orthodox Church as a trajectory, beginning in 1990 where politicians largely ignored religious issues, to a new reality:

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31 Stan and Turcescu, Religion and Politics in Post-Communist Russia, 94-95.
32 Ibid. 97.
33 Bela Visky, a member of the Reformed Faculty at the University of Babes-Bolyai in Cluj, Romania, pointed out in an interview with the author in October 2011 that this situation is also true for the Hungarian Reformed in Transylvania in its efforts to reclaim schools that were forcibly taken away during the communist era. He stated that in some places, schools were given back to the Reformed community without any difficulties but that in other localities, such as Cluj, there was significant resistance at the local level.
34 Studies indicate that the resentment ‘at the border’ does not run particularly deep and that Hungarians and Romanians, Greek Catholics and Orthodox, are largely on good terms. Nevertheless, issues have arisen in the last decade to suggest that there is suspicion of the ‘other’ that could, if stoked, lead to a more significant divide. See Rogers Brubaker, et al, Nationalist Politics and Everyday Ethnicity in a Transylvanian Town (Princeton and Oxford: Princeton University Press, 2006), 4-7.
by 2004, all parties without exception claimed a special relationship with the churches, tailored their political platforms to the needs of targeted religious communities, and encouraged their candidates to use religious symbols and perform religious deeds that would make them popular with the electorate. The Romanian Orthodox Church was uniquely positioned both to receive requests from political parties and electoral candidates and to promise much-desired support.35

The parallel story to this one, however, is found in other documentation, including reports on international freedom that emanate from the State Department in the United States. These reports have stressed that the legislation on religion and many of the practices of the political elite square with expectations for religious freedom and church-state relations in a democracy. Stan and Turcescu nod to this point, as well, when they state that many politicians, once in office, have not been as gracious to the Romanian Orthodox Church as they promised to be during the electoral cycle. “Time and again religious leaders felt betrayed and deceived by politicians who, once in office, conveniently forgot to honour their pledges or insisted that more urgent problems had to be addressed before any matters of importance for religious denominations.”36 This suggests that a story of increasingly friendly relations between church and state in Romania is at best patchy, leaving out an equally notable story of support for religious freedom and a distance between church and state. The model that emerges is one of unpredictability and contradiction.

This inconsistency results in uneven problems for religious believers and unbelievers within Romania. As is the case in Russia, the situation at the regional and local level is strangely incoherent, with a significant number of complaints coming from religious minority groups in certain sectors of Romania. The complaints are broad-ranging in scope but, as noted earlier, the greatest number of grievances for Greek Catholics has developed over space issues. The restoration of property is the domain of both federal and local authorities but the majority of snags originate at the local level;37 the construction permits, citizen spats, the arguments between Romanian and Greek Catholic priests, are ultimately handled by local authorities who act with impunity as politicians at the federal level fail to offer consistent leadership. We are witnessing, then, mostly local-level violations of religious freedom. Dan Ruscu, a member of the Greek Catholic Faculty at the University of Babes-Bolyai, points out that “local pressure matters” for property restitution, particularly the attitudes of local religious elite. In Timisoara, he notes, churches were readily returned to the Greek Catholics due to a friendly relationship between the Orthodox Metropolitan of Banat, Nicolae Corneanu, and religious elite from other faith traditions.38 In Cluj, on the other hand, the local Orthodox hierarchy refused to give up the Church of the Transfiguration even after an appeals court ruled that in favor of the Greek Catholics. The Greek Catholics organized a group

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36 Ibid., 361.
37 A law dating back to 1990 stipulates that the restoration of property taken from the Greek Catholics and often given to the Orthodox community was to be overseen by joint Greek Catholic-Orthodox committees at the local level. A national joint Orthodox and Greek Catholic committee, set up by government decree in 1990 to resolve the situation of former Greek Catholic churches, proved ineffective, and this effort remained at the local level. A 2005 law permitted the Greek Catholic Church to resort to court action whenever the bilateral dialogue regarding the restitution of churches with the Orthodox Church failed. Restitution lawsuits are more likely to find their way to court but have rarely resulted in positive results for the Greek Catholic Church. Property that was removed from religious minority groups and converted into public institutions, such as museums and hospitals, were to undergo a study of the need for the public institution—at the local level—to determine if it would be returned. If the property was deemed ‘fit’ to be returned, there was a grace period of 3-5 yrs before the final handover.
38 Dan Ruscu, in an interview with the author, October 2011, Cluj, Romania.
of mostly young seminarians to occupy the church physically and thereby take control of it. Local attitudes have been enormously important in Cluj, a Transylvanian town that saw some stormy nationalist activity in the decade following the collapse of communism.

In the post-communist era, the Greek Catholic Church has lodged numerous complaints with the Romanian authorities, NGOs, and international courts about the difficulties it faces in securing construction rights. For example, in Sapinta, Maramures County, local authorities continue to refuse a permit to a local parish to build on land it purchased in 2003. In other places, the local Orthodox Church is in the process of renovating or destroying churches that belonged to the Greek Catholics before 1948; in Salonta, Bihor County, the Orthodox Church is doing just that—demolishing and rebuilding—despite an ongoing lawsuit that the Greek Catholics have won at regional court levels. In Sapanta, Maramures County, the Orthodox Church is demolishing the steeple of a church for which the Greek Catholics hold deeds and despite a court order calling for a cessation of its destruction. Ironically, the Ministry of Culture is partially funding the demolition of the steeple, which is in the Catholic neo-Gothic style, and the construction of a new steeple in a more ‘Orthodox’ style. Similarly, in Ungheni, the Orthodox Church continues to renovate a church that was owned by the Greek Catholics despite ongoing appeals from the Greek Catholics. The number of disputes between the Greek Catholic and Orthodox Churches continues to grow with at least 21 localities where local Orthodox Church and political leaders refuse to comply with court rulings that order property restitution. In Dumbraveni, Sibiu County, the Orthodox Church is refusing to share space with the Greek Catholic Church, despite the construction of another Orthodox Church in Dumbravenia that was meant to initiate the turnover of the original building to the Greek Catholics. In a craftier move, the Orthodox Church in several localities alternate religious services between the Orthodox Church and the formerly Greek Catholic Church, locking the one that is not in use that week. In Tautii de Sus, Maramures County, the Orthodox Church retooled the formerly Greek Catholic Church as a mortuary chapel to avoid turning it back over to the Greek Catholics. In these locations and others, the Greek Catholics hold religious services in informal settings, such as parishioner’s homes. In Zalau, Salaj County, after the Orthodox Bishopric of Salaj refused to hold alternate services with the Greek Catholic Church in the chapel of a hospital for more than a year, the hospital manager offered a separate room for Greek Catholic use beginning in October 2009.

Both churches have financial reasons for securing property: in many local areas, there is only one house of worship and the local residents will attend that church regardless of which denomination runs it. The total membership for each church is tied into the allocation of the state budget for recognized religious groups, including both the Orthodox and Greek Catholic churches. The Greek Catholic church has frequently resorted to the courts to resolve disagreements on restitution of property, only to find that the courts—often cozy with local officials—are delaying the hearings and transferring cases over and over to stymie the Greek Catholic Church. Examples abound: in Sisesti, Maramures County, the Greek Catholic church has been meeting in the open air for 16 years, waiting for the courts to return a verdict about property taken from them in 1948. Despite a court ruling in 2003 to return the Battyaneaum Library to the Greek Catholic church, the local court has not identified a solution for transferring the library to a different location. In Lugoj, the Greek Catholic church claims that more than 90 Greek Catholic worship places in the Orthodox bishopric of Arad, Ienopole and Halmagiu are being held hostage by the local Orthodox authorities.

Other forms of property besides church buildings and schools are also in contention by the

Greek Catholic church. The IRFR notes that the Greek Catholic Church is being hampered from reclaiming farm and forestlands: “. . . local authorities, influenced by the Orthodox Church, opposed restitution outright, proposed that restitution to all religious denominations be in direct proportion to the number of their believers, or gave land reclaimed by the Greek Catholic Church directly to the Orthodox Church.”40 In Bucharest, the mayor’s office refuses to return land; in Feleacu and Morlaca, local authorities gave the Greek Catholic land to other individuals or groups. In Budest, Maramures County, local authorities proposed that the Greek Catholics accept land that had belonged to Jewish victims of WWII in lieu of land for which it holds the deed. Local authorities failed to restitute former Greek Catholic forest or farm land in 27 localities across Maramures, Salaj, Bihor, Satu-Mare, and Hunedoara counties.

In addition, cemetery space continues to present enormous difficulties to the Greek Catholic Church, despite a 2006 federal law that opens up cemetery space to all religious groups that seek it. In Pesceana and Pitesti, local authorities and courts (in the latter case) have refused space or the rights to hold religious services to Greek Catholics who seek to bury their dead. In a wide number of locations—Pesceana, Valcea County; Damuc, Neamt County; Ungheni, Mures County; Vintu de Jose, Alba County; and others—Orthodox priests have refused to give Greek Catholics access to their cemeteries even after court rulings asserted their right to do so. In other locations—Urisiu de Jos, Sannihaiu de Padure County and Chiheru de Jos, Mures County—the local Orthodox church authorities forced Orthodox rites on the Greek Catholic deceased before allowing them into the cemetery.

The significant majority of property issues faced by the Greek Catholic Church have taken place in the Transylvanian region of Romania; it is not immune to problems in its ‘home’ region, where it should have more sway with local authorities. In addition, the Greek Catholic Church has noted that local authorities in Transylvania have pressured members of the other churches to become Orthodox and offers cultural and political roles for Orthodox priests at public ceremonies without inviting other religious leaders. The complaints of the Greek Catholics in this region, as in so many others, are directed at local government officials, not meddling from national-level authorities. This is not to suggest that Greek Catholics and other members of minority religions are immune from discrimination at the national level41 but rather that politicians at the national level are setting a confusing stage on which local authorities make decisions.

The federal body in charge of overseeing the restitution of property that was converted into public space—the Special Restitution Commission (SRC)—has been hampered by a lack of information, authority, and financial capital to provide compensation to religious groups that prove their case but are not able to regain their property. By and large, the SRC is hapless in the face of local authorities that choose not to abide by its decisions. The IRFR reports that from 2003-2010, the SRC had returned 130 of over 6,000 properties in its mandate and offered compensation in 41 other cases.42 There is slow progress, but still progress. However, most of the decisions of the SRC to return property only exist on paper. For instance, in Cluj, three Greek Catholic schools that were part of the restitution process, to be returned to the Greek Catholics, are still ‘in progress’ years later. Local Orthodox priests and pro-Orthodox local authorities, taking their cues from the

41 For example, a 2006 textbook published by the Ministry of Education, in coordination with the Secretary for Religious Affairs, states that the Greek Catholic Church emerged in Romania in the 18th century out of ‘Catholic proselytizing’ and later describes Jehovah’s witnesses, Mormons, and other as sects “representing a genuine threat to society.” These sects are accused of using brainwashing, bribery, blackmail and exploitation of the poor. Despite claims by the Ministry of Education that this textbook was changed, it has not.
national elite, are not inconsistent in their religious policy across time and space.

Might these issues evolve into larger tensions in the regions where Greek Catholics—and other religious minorities with equally-valid complaints—reside? The border between Transylvania, in its broadest sense, and the rest of Romania is already loaded with anxious significance, a site of an historical and on-going tug-of-war for property and identity rights. Although there has been much less anger between ethnic and religious groups in the region over the last decade, the potential for renewed confrontation exists. As Rogers Brubaker writes about Cluj in particular and Transylvania in general, “Social life is powerfully, though unevenly, structured along ethnic lines; and ethnic and national categories are part of the taken-for-granted framework of social and political experience. Ethnicity and nationhood (or “nationness”) “happen” every day in Cluj, even if many such happenings are invisible or uninteresting to students of collective action or ethnic violence.”43 What appears to be general indifference to low-level violations of religious freedom does not signify their irrelevance.

Of broader concern is the potential for religious freedom to remain in a state of instability in the post-Soviet sphere, where neither religious freedom nor overarching religious oppression become the predominant narrative. In this way, the story of religious inconsistency parallels the larger story of competitive authoritarianism in Russia and, to a lesser extent in Romania, where neither democracy nor authoritarianism appear to be winning. The national elite in these non-democratic but also non-authoritarian regime-types are seeking to manage religion in a way that does not allow religious majority groups or religious minority groups to prevail in their demands. And until these national elite decide to offer a model for church-state relations—with coherent rhetoric and behavior on religious matters—the violations will persist.