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Law on Freedom of Religious Confession Adopted - October 1990

The Supreme Soviet of the RSFSR adopted the Law on Freedom of Religious Confession (FRC) on October 25, 1990, at a time when the fight with the Communist powers to establish democracy in Russia was fully ignited. Russia's Supreme Soviet was so concerned about securing its power against the CPSU, that it agreed to support this clearly democratic law regarding freedom of conscience. This law ended the system of control over religion that had been valid in the country until that moment.

Article 11 of the RSFSR's new Law on Freedom of Religious Confession (FRC) stated:
State supervision over the adherence to the law on freedom of religious confession in the RSFSR is exercised by the Soviet of Peoples' Deputies, as well as by the responsible legal organs in accordance with their respective legal competence. It is forbidden to exercise said control through other governmental organizations, political parties or official persons.

Every incident of control should have disappeared after the abolition of the Soviet system in 1991.

Article 8 eliminated any state control even more decisively:
The state, its organs and its officials do not interfere with the citizen's relationship to religion, nor with the legal activities of religious groups and do not entrust them with any state functions. No organs of state power and no state offices may be created in the territory of the RSFSR that are specifically designated for settling questions relating to the rights of citizens in regard to confession of faith.
Article 9 defined "the secular character of the state's educational system":

The state system of education and pedagogy demonstrates a secular character and does not follow the goal of forming any particular relationship to religion.

Over time, Article 4 that established equality before the law for Russian and foreign citizens with reference to religion, proved to be the most controversial:

Citizens of the RSFSR, foreign citizens and those without citizenship, may exercise their right of freedom to confess their faith both individually and corporately by establishing the appropriate social organizations.

It is to be noted that this text contains a number of very vague terms, characteristic for Soviet jurisprudence. The law forbade the activities of religious organizations that were connected with "attacks on personalities, the rights and freedoms of citizens, as well as other violations of the law" (Art.4), "the insulting of religious feelings" (Art.6), "the incitement of animosity and hatred connected therewith (in regard to the inequality of the confessions of faith)". The decisive factor in the year 1990 was the fact that terms such as "state security" or "social security" occurred nowhere in the text. That terms such as "other violations of the law", "attacks on personalities" opened wide the door for judicial caprice was less important at the time, as it seemed then, than the fight against the chief evil - the all pervasive power of the Committee of State Security (KGB).

1992: The First Year Without the Communists

This year stands unique, compared to the preceding six years of Perestroika as well as in contrast to the subsequent years of life in democratic Russia. By late fall of 1992, two years had passed since the acceptance of the Law on Freedom of Religious Confession (FRC), a little more than one year after the unsuccessful communist coup (and the breakdown of communist power), and almost one year since the USSR's dissolution and the end of price controls. During the course of these years there were no new economic and political changes made public. However, since people experienced such a rich life of inner or psychological experiences, the year 1992 fully deserves to be called "revolutionary". It was this year that prepared the way for the developments of the following years.

In the last years of Bolshevism, the Russians, and not only they, identified oppression, lies and poverty with communism. In addition, during the last years of Bolshevism, the oppressors were perceived as fighting God, as cold bureaucrats speaking empty words. Even though hardly
anyone had concrete contact with such things, people respected religion and democratic ideals during those last years of Bolshevism.

However, in the first year of freedom, Russians discovered that lies, bureaucracy, empty words and gossip grew lustily even without any form of communism. Large segments of the population suddenly sank into poverty and were gripped by high inflation during 1992. Very many were prepared to put up with poverty for the sake of the triumph of freedom and justice. The democratically elected government promised ongoing reforms, but did not put any real reforms in place. They failed to introduce the right to private property, did not return confiscated property, nor did the state relinquish its control over the economy. All the money was taken from people, and in return they were nonetheless deprived of the freedom for private initiative. A schizophrenic situation emerged in the economy in that the publicly announced norms differed widely from the reality.

People's consciousness was equally divided. They observed that those in power claimed one thing but reality looked much different. The press and radio had been held in high regard by the population for defending the ideals of anticommunism and democracy until 1992. Even though the papers did not contradict these ideals theoretically during these years, it became apparent that journalists were incapable of assessing those in power critically and soberly. The papers claimed the following as normal democratic developments - the government's resistance to decommunizing the country, the Nomenklatura essentially retained its place, and the secret police (KGB) were not eliminated. Journalists wrote excitedly about mere cosmetic changes (for example the renaming of the KGB, and the short term and only partially opening of part of its archive), they forgave the incompetence of those in power, and described them as merciful.

The papers that till that time formed public opinion, did not dare to judge the economic policies of the government and instead tried to convince people that these policies were just and could give them possibilities to earn their livelihoods. In reality, a disloyalty to state property of incredible proportions took the place of communism, but legally as well as practically, the state's laws against private economic and cultural initiatives remained intact. The plundering of [state] property through companies, banks and accounts artificially created by state officials was described as "private enterprise". Most people remained as employees of the state with the one difference that the new structures refused to take any social responsibility for them. The policies of distribution and privileges stayed intact, though now mostly state officials took advantage of these privileges. The number of state officials increased exponentially. Yet, the papers reported that necessary reforms were being put into practice for which one needed to pay. As a result the
press, radio, and television lost the leading role they had played in the development of public opinion. Since daily life experience taught the people that they were not paying for reforms at all, but rather that society was falling apart, and that theft and corruption were inaugurated as new patterns of life, the people no longer trusted the journalists. It was precisely during the year 1992 when the Russian democratic intelligentsia lost its credibility as the guardian of the truth in the eyes of the population, a loss that has only been reinforced since then.

1992 became a year of great discovery: Freedom (both economic and political) does not only differ from its opposite in terms of its organizational social structures, but it represents two entirely different ways of life. The opposite of freedom can be organized, but freedom cannot. Freedom is not born on its own after the fall of its opposite. In a world marked by the sin of human nature, a new form of slavery, not freedom, takes the place of servitude. This slavery could be the result of a revolution, a one time event. Freedom, on the other hand, is not the result of a process, but is a process in itself. Moreover, freedom is not developed from above, but rather is born through the daily individual efforts to want to be free and it creates the possibilities for others to fight in the difficult struggle against lies, cowardice, and weakness that become a part of all of us, even the most normal and proper persons.

Both new and old leaders rose up against the burden of freedom the quickest and most consistently. The partially changed personnel in the Nomenklatura did not change its position in society. From 1992 on onward, it re instituted its dictatorship step by step, now using the language of democratic ideology instead of that of communism. With each passing year, the Nomenklatura more boldly replaced the language of democracy with the language of a strong statist ideology. Since civil society, as well as economic and cultural institutions independent of the state, simply did not exist in Russia, practically no one could afford to resist.

An incident in the religious arena that first revealed how officials had changed direction and were striking out against the rights of believers involved a preacher from Korea in the summer of 1992, who rented the Palace of Congresses in the Moscow Kremlin for two of his performances. After the first performance, the director of the hall received a phone call from someone in the Moscow city administration (who it was could not be verified) whereupon the second performance was cancelled and the rent, already paid, was kept. True, the meeting took place nonetheless, due to nice weather, outside in the Aleksander-Garden of the Moscow Kremlin. Nor did the police disperse the crowd, an action that would have been seen as fully normal one year later.
It is not surprising that in 1992 more and more people turned away with disappointment from the ideals of democracy and began to believe in the beneficence of the economic and political restraints organized by the state. More astonishing is the fact that prompted not only by their hatred of the communists, but by their love of freedom, the number of those who defended and claimed freedom on a private level, if not political, grew with each year. Every opportunity available in economic freedom was taken advantage of quickly.

All of these changes occurred unexpectedly. Most people, and not only those in Russia but in democratic countries as well, could not foresee the difficult and burdensome consequences of the fall of communism. Some could not imagine how hard freedom was and others had already forgotten (or gotten used to life without it). Religious freedom went through the same experience of collapse as other freedoms. It rapidly became apparent that under the Bolsheviks, respect for religion had grown out of a largely negative sentiment - whatever the communists did not like was good. Since people by and large thought in such general terms, few could distinguish between a fundamental relationship to religion and the relationship to a concrete confession and its representatives. In the first year of full religious freedom, namely 1992, people experienced what it meant to determine, to refine and to develop one's personal point of view.

Even though opinion polls demonstrated a growing respect for Orthodoxy, this did not inhibit the increase of anticlericalism. The revelation of the clergy's cooperation with the KGB was held in generally high esteem. Orthodoxy became the popular substitute for a vanished ideology, a filler for a banal cultural and national self identity. At the same time it became apparent that the entire population by no means thought about returning to the Russian Orthodox Church (ROC) and to restore the pre-revolutionary Russian national church. Practically all people tried out church attendance, yet only very few stayed there. Many chose other Christian denominations for themselves. Missionaries from other countries appeared in Russia under these conditions of total religious freedom (essentially from Protestant groups such as Baptists and Adventists, but also representatives of "newer" pseudo-eastern religious movements). Pure Russian religious movements developed as well. Even though they made use to varying degrees of both Christian and pure Orthodox terms and rituals, they were completely heretical from a Christian perspective (Mother Of God Center, Vissarion Movement, White Brethren). Numerous journalists who were incapable of reporting positively on religion and analysing church politics, turned instead toward a more accessible and familiar genre - the "Feuilleton". Herein they exposed the sectarians, including Billy Graham in their number (an intensive campaign was launched
against him in conjunction with his Moscow visit in the fall of 1992), the White Brethren, and the Mother Of God Center.

Since diversity and freedom developed exclusively in the religious arena, and not in the Russian economy, many believers as well as unbelievers were disturbed and surprised. Not just a few politicians responded to religious freedom the same way they resisted economic freedom. However, most of them preferred to remain silent on religious themes. Nevertheless, in the fall of 1992 there appeared in the Russian "Parliament" a new legislative proposal to improve the Law on Freedom of Religious Confession of 1990 by introducing restrictions.

First Attack by Legislators on Freedom of Conscience - November 10, 1992

On November 10, 1992 the Presidium of the Supreme Soviet of the Russian Federation approved the decree "On the Introduction of Changes and Additions to the RSFSR Law 'On the Freedom of Religious Confession'". These changes and additions had been prepared by the Committee for Freedom of Conscience and for Relations with Social and Religious Organizations[hereafter Committee for Freedom of Conscience]. During the first vote half a year earlier, the Duma deputy and priest Gleb Yakunin had made certain that the committee for freedom of conscience had presented its plan to the presidium, which was then rejected. To this day the texts of this meeting have not been made public. Without doubt, both the committee and the presidium intended to decrease the sphere of freedom. Whereas the committee limited itself to improvements, the presidium proposed completely new text on FRC. Based on subsequent developments, there is no doubt that the new legislative proposal had been prepared by the representatives of that old Party Nomenklatura which had been responsible under Communism for the control over religion, and had served on the Council for Religious Affairs of the Council of Ministers of the USSR. This committee had had its representatives in all provinces of the country. After the fall of communism, all of these persons retained their posts even though specific job descriptions and certain divisions and structures had been renamed.

One of the key political figures at that time was the priest Viacheslav Polosin, reputed to be a democrat and had been elected as such. He had published a few books in which he sharply criticized the Moscow Patriarchate's obsequious relationship with the communists. He led the committee for freedom of conscience. However, in the fall of 1992, Polosin emerged as a spokesperson for setting limits on democracy in the realm of religion. (He was not elected into the Duma after the dissolution of the Supreme Soviet in 1992, but received a position in its
Apparat. He gave up the priesthood and became a functionary in the parliamentary administration. From this time forward he renewed his critique of the Moscow Patriarchate.

**Patriarch Aleksii Stirs Up the Authorities - December 8, 1992**

After 28 days, namely on December 8, 1992, Patriarch Aleksii sent a letter to the chair of the committee for freedom of conscience, Archpriest Viacheslav Polosin, in which he outlined his proposals and commentary on the plan. The Patriarch pointed out that till that point, the changes had been prepared "without the participation of the responsible representatives of Russia's religious organizations". What he had in mind was that the priests Gleb Yakunin, Viacheslav Polosin and other religious leaders were deputies of the Supreme Soviet - people responsible not to 'religious organizations' but to the electorate - therefore "without responsibility". Hereafter the Patriarch, who clearly continued to harbor animosity toward Yakunin (whom the communists had persecuted and to which he had given silent consent) would not even approach Polosin but chose to remain as independent as possible.

The Patriarch's letter offers an indication of what the first version of the legislative changes looked like. As his first point of objection the Patriarch stated the necessity "to legally forbid" the free activities of foreign preachers in Russia, requiring them to register with a commission of the Ministry of Justice. Further, the Patriarch stated that this commission should introduce "the right to veto the registration and activity of foreign religious organizations for 5-7 years". This letter not only initiated the "Prohibition of Missions", but offered a twofold juridical action in which such a law could be justified to the population - instead of a prohibition, to introduce a registering organ. This was a classic example of "Newspeak" - one talks of regulation and registration, but really one means persecution and prohibition.

The Patriarch closed his letter with the words: "I think it is completely unnecessary to consider the proposed legislation before the new constitution is approved". The Patriarch saw "no need" to accept the changes and thought the proposal had not been sufficiently "polished" ("its normative basis is only beginning to be established ... the practical conditions for applying the law are not sufficiently general"). In this way, the Patriarch was prepared to sacrifice the prohibition on mission, rather than rush through the legislative revision.

The Patriarch sent letters of similar content (all in all) to the chair of the Presidium of the Supreme Soviet of the Russian Federation, Ruslan Khasbulatov, as well as to the President of the Russian Federation, Boris Yeltin. The public first found out about these letters in early February,
though their general content remained unknown to journalists, nor was the idea of the prohibition on mission disclosed. The legislative proposal was discussed with the representatives of the largest religious group at an open meeting organized by the committee for freedom of conscience on December 25, 1992 (this was mentioned in a June 1993 statement on the law proposal of RF "On the acceptance of changes ..." signed by W. Polosin. It is not known, however, who attended the meeting and whether the Patriarch's letter and his proposals were discussed).

The paper Megapolis-Express published a letter addressed to Polosin that demonstrated knowledge of his commentaries on February 3rd. The writers were members of a church in Vladikavkaz and demanded that the law on the freedom of conscience should be changed in such a way that the authority of corrupt priests be limited. The commentary stated that it was the intention of the Committee for Freedom of Conscience in its additions "to regulate the registration of those foreign churches working in Russia". For the first time this concept appeared in press, but was hardly noticed (perhaps the low circulation of this paper played a role as well). The commentary contained a rather harsh critique of the Patriarch and clearly echoed Polosin's opinions: "The Patriarch ... in his recent letters to President Yeltsin and speaker of parliament Khasbulatov insisted that the unique position of the church in society be legalized in the constitution. By this he assumes that those attempts to require the church to adopt democratic (i.e. secular) principles are interferences with the inner matters of the church and represent the infringement of the separation of church and state principle."

Later Polosin again expressed in the press rather negative sentiments regarding His Holiness. His declaration "On the Growing Clericalization of the State and the New State Influence on the Russian Orthodox Church" appeared in Nezavisimaia gazeta on February 20, as did his critique of the Patriarch's visit to President Yeltsin to support the referendum. "We should not forget the alarming wars of religion that ignited at the exact moment when religion was mistaken for politics" wrote Polosin, "especially in these unstable times, the political and state influences on religious groups could lead to interdenominational conflict."

If the information in the press is accurate, then the chair of the Committee for Freedom of Conscience complied with all of the Patriarch's wishes, by radically changing the legislative proposal for improvements, yet at the same time criticizing both the Patriarch and the spirit of his letter. It is entirely possible, however, that the information of the papers is not reliable in this case and that in February 1993, Polosin raised objections against the Patriarch, against "creating a state church", as well as against the prohibition of missions, and changed his position only later in
March/April. Immediately before the April 1993 referendum (vote of confidence for Yeltsin), Metropolitans Ioann of Petersburg published a letter he had received from Polosin and A. Slobin, a priest and deputy and secretary of the Committee for Freedom of Conscience, that revealed their position on missionaries as a threat to Orthodox Russia. Father V. Polosin informed this author verbally that this letter had already been sent a long time before it had been published. It follows from this that he changed his position no later than March and then became a spokesperson for limited freedom of conscience. In order to understand his (for many politicians typical) motives better, one should remember that Polosin wanted to start a company that would have the monopoly on travel to the Holy Land by pilgrims, and he needed both the support of the Patriarch and the Foreign Ministry for that purpose.

The Patriarch's position changed, however, at the same time. He distanced himself from his original suggestion to delay the changes to the proposal till after the acceptance of the new constitution. In a speech to the Russian Cultural Fund - for the exhibition of memorial coins in honor of St. Sergius of Radonezh on April 16 - the Patriarch drew attention to the legislative proposal now in its preparatory stages, but limited himself to the following remark about "the danger of trying to additionally split Russians along confessional lines as the numerous foreign preachers aim to do". From then on the expression "it is not desired to divide Russians according to their confessional adherence" became a fixed phrase. What this meant was that "a unity according to confessional adherence" was necessary, but the Patriarch did not choose to speak of establishing only one religion for Russia.

**Content of the Spring 1993 Proposed Draft**

Of the proposed improvements, the most important was Article 18 on "Foreign Religious Organizations".

Independent activities of foreign religious organizations, its representatives and individual religious activists (including missionary, publishing, production, marketing and commercial activities) are prohibited within the territory of the Russian Federation.

This draft only allowed those foreigners to preach who could prove they had received an invitation from national religious organizations and which had received some form of "state accreditation".

With the exception of Father Gleb Yakunin, all of the members of the committee voted for this article at the preliminary hearing.
The addendum to Article 17 regarding the registration of religious organizations stated as follows: "In the case where the applicant adheres to a confession of faith or belongs to a particular religious orientation that does not have any representative person belonging to one of the religious organizations officially recognized as of October 25, 1990, then the agency responsible for registration has the authority to request additional documents and to extend the appointed time to twelve months from the time the application was received." The keydate for the acceptance of the then valid Law on Freedom of Religious Confession was October 25, 1990. At this time, all those confessions "active" before Perestroika had been registered. The additional registration requirement reversed the force of the Law on FRC and make the registration of new religious movements impossible.

**Yeltsin Agrees to the Idea of Amendments - 20 April 1993**

Five days before the referendum on April 20, 1993, Yeltsin met with religious representatives in order to demonstrate to the voting population that religious leaders supported him. At the meeting the religious leaders stated their desire to prohibit foreign preachers to preach in Russia. It is interesting to observe that various sources differ as to who first addressed this topic. M. Zargishiev, substituting for V. Polosin from the Committee for Freedom of Conscience, described the meeting as follows: "On the occasion of the April 20th meeting, T. Tadzhutdin, the Mufti for Muslims in European-Russia and Siberia, spoke at length on the need to maintain the unity of Russia and to strengthen the positions of its traditional religions - Islam and Orthodoxy. In this Patriarch Aleksii II supported him." Irina Ilovaiskaia reported on the front page of Russkaya mysly on April 29 that the Patriarch was the first to take that initiative.

In response, the former press secretary of the president, A. Krasikov, sent a statement to Russkaya mysly in which he described the circumstances as follows: "The first to raise the question regarding the activities of foreign missionaries was not the head of the Russian Orthodox Church, but the President of the Council of Evangelical-Christian-Baptists, V.E.Logvinenko. After that, Mufti Talgat Tadzhutdin, the chair of the Spiritual Leadership of European part of CIS and Siberia Muslims, expressed his concern on this question." Logvinenko did not think it necessary to confirm or contradict this claim further for the press. As Father V. Polosin informed this author, he himself had been the first one to point to the necessity of prohibiting missions at the meeting and was then followed by the Patriarch. Polosin also mentioned by the way, that T. Tadzhutdin as well as V. Logvinenko had "touched on" the topic of foreign missions while they were assuring
the president of their fundamental political support. In any case, they had not protested against the idea of a prohibition.

Regardless of who might have been the first to take the floor at the April 20, 1993 meeting, priority for the idea of a prohibition on mission belongs to the Patriarch who had first stated it in December 1992. It is interesting to note, by the way, that both the head of the Press-Department of the president and the deputy chair of the Committee for Freedom of Conscience, tried to deflect responsibility away from the Patriarch for having initiated the prohibition, by putting various persons in his stead, both of whom were not Orthodox. This reporting discrepancy could be pure coincidence, but it was clearly not accidental to have the initiative appear to come from other confessions. Normally they would have been less suspect of being reactionary and of seeking a pact with the state.

One cannot assume theoretically that the Russian Baptists (i.e. the faith community that is, in Russia, the closest to the ill reputed foreign preachers) might not have spoken for the prohibition of foreign missions. First of all, it is surprising that the Baptists organized no protest campaign against the recommended prohibition before April (in reality before July), even though they surely had knowledge of it through their representatives in the legislative and executive structures. Our patriotic Protestants were presumably tempted by the idea of a prohibition because it would make them the "sole mediators" of the material aid given by foreign organizations for the use of preaching related activities.

It should be remembered that the Patriarch's letter remained largely unknown and was not discussed in the press. Only on May 10, did the Patriarch make the following public suggestion during a visit to Kostroma: "In its concern for society, the Patriarchate turned to Russia's Supreme Soviet with the request to introduce a multi-year moratorium on religious propaganda from outside."

President Yeltsin supported this suggestion on April 20, and repeated his agreement later as well (Russkaya mysl, June 3, 1992, page 9). On April 23 he signed an edict that returned all houses of worship which had been confiscated after the revolution to their respective confessions. This edict remains a mere paper till now, it was nothing more than a propaganda move before the referendum. Only the Moscow Patriarchate got its churches back and nearly not all of them.
The Patriarch Sets the Authorities in Motion Again

According to rumors reported in Russkaya mysl, the Moscow Patriarchate sent a confidential letter to the Supreme Soviet sometime between April 20 and 29, proposing that the proposed amendments be adopted. In his Dementy, the acting president did not deny this rumor. What had happened was that on April 28 the Patriarch signed an "Open letter to the Press and Information minister, Mikhail Alexandrovich Fedotov". This letter did not become known among the general population and was only printed in Russkii Vestnik on June 5th. The thrust of this letter is absolutely the same as the proposed legislative amendments - to limit freedom of speech. His Holiness recommended: "The Orthodox clergy and laity are concerned about the general apathy of the state toward the propaganda of war and violence and heresy contrary to Christian and generally valid morality, that is being promoted through publications, and audiovisual productions." And his conclusion: "I believe it would be useful to sensibly restrict the publications produced for the masses. Using carefully weighed criteria, a competent commission could take on this task."

Cultivating Public Opinion - 1993

At the end of May, the so called "First Worldwide Russian Sobor" took place at the Daniilovsky Monastery in Moscow. Both the Patriarch and Metropolitan Kirill of Smolensk spoke to the gathering. The Sobor (Council) was not a representative body invested with authority, but was an attempt to blend all national powers into a whole. In their pursuit of a compromise, so the church authorities declared they were seeking contact with these forces. It should be added, however, that the church authorities were not ready to take up contact with democratic movements and thus violated the symmetry. The Council adopted a Declaration, in tones almost of supreme power it proclaimed: "All attempts of a religious invasion from the outside, even if conducted under the umbrella of charitable work, must be stopped decisively. The missionary activities of foreign citizens in Russia must be legally regulated."

An analysis of newspaper and magazine articles shows that the number of publications that supported a prohibition of foreign missions both directly and indirectly, grew in the first half year of 1993. In January only two articles (interviews) appeared in which journalists raised the question whether such a prohibition was even desirable. In both of those cases, the persons interviewed were church representatives holding anything but liberal viewpoints (the now deceased metropolitan Ioann of Petersburg as well as a priest from the province). They nevertheless spoke
out against the idea of a prohibition and called for placing the emphasis rather on a positive, personal, spiritual activity and not to be afraid of anything (later on, Metropolitan Ioann fully reversed his opinion).

By February, four articles supported a prohibition (three alone at the end of the month). In the second half of March the number was six. In the first ten days of April there were three, followed by a two week pause and then five essays on this topic between the 24th and 30th. In the first ten days of May there were two articles and after the Patriarch's explanation at Kostroma 14 articles appeared after May 12th. In June virtually a flood of articles overwhelmed the public: four articles alone on June 1st, an additional four on the third and fifth, and 13 more by the end of the month. After that the flood began to ebb. Until July 14, when the law with the amendments was accepted, 6 articles appeared, followed by only a small notice, barely addressing patriotic issues, about foreign sectarians. Altogether, 65 articles spoke in favor of a prohibition of foreign missions. The publishers intentionally painted an abhorrent picture of the missionaries: they were compared to a plague of grasshoppers, and were seen as aggressive and greedy people who disrespected Russian culture and did not believe what they preached. Emotional arguments outweighed rational ones. The authors consciously avoided an objective debate, because their goal was to infiltrate the readers with a particular negative image.

The articles that objected to the prohibition were clearly in the minority. They only appeared after the law had been presented for a vote in the Committee for Freedom of Conscience. Most of them were only published at the time of the second reading and vote on the legislation. Considering that journalists had access to actual information about the law only since the beginning of June and that the time required to process publication is quite lengthy in Russia, this is not too surprising.

The following facts prove that this was a targeted press campaign. Within the press, this theme had not attracted such intense attention either before February 1993, nor after the acceptance of the law in its second reading. Had the law drawn concentrated attention to itself, the outburst of journalistic interest would have been understandable. However, of the many journalists speaking negatively about non-Orthodox missionaries in May and June, virtually none mentioned that such a prohibition was being prepared. The articles were kept at an abstract level without specifics. The "Ranting of Sectarianism", especially the activities of the "White Brethren" and the "Mother of God Center", were only used as pretexts. The peak activity of both sects came already earlier - by the spring of 1993 they had been pushed out of most of the public places
where they drew a lot of attention to themselves and had gained most of their followers in 1991-1992. The journalists ignored the existence of sects during those years. One might have expected that after those articles condemning a prohibition had appeared there would be a resultant discussion. And yet, those authors actively supportive of the prohibition avoided all discussion, and after the prohibition had been adopted, they were silent.

It is also noteworthy how tenaciously certain authors pursued this topic with the intent of pushing their opinions on the people as quickly as possibly. A. Dworkin's published two articles in support of prohibition in two different newspapers on June 2nd and 3rd. Aside from their varying openings, the articles are identical. Why did Dworkin take the risk to go against every fundamental journalistic ethical rule (in fact, he was practically hardly published later)? Certainly to ensure that he got it published before the July 14 deadline. Was it perhaps a coincidence that metropolitan Ioann did not even let a minimum fixed time pass before he passed on his interview justifying the prohibition that appeared in Moskovskie novosti for publication to Sovetskaia Rossiia? Is it further a coincidence that a detailed article by Deacon A. Kuraev dedicated to the prohibition, appeared in the June issue of Novyi mir? His essay appeared punctually one week before the acceptance of the law even though such articles are prepared months in advance and go through several editorial stages.

The probability of a staged press campaign is fairly large when one looks at the entire picture. Of concern are the unanimity with which the judgment began and ebbed after the law's acceptance, the lack of openness to discuss this topic, as well as the stubborn silence that surrounded this law so closely related to the campaign. A journalist posed a rhetorical question on June 17th: "Why should Themis not lift its veil ...? This is hardly possible today". Another wrote on June 18th that is was time to "take legal measures. Unfortunately, promises alone will not change things".

Two circumstances force one to regard the search for the manipulators as a secondary question. First of all, should any authors have written their article under pressure applied from outside, one could credit their "guilt" to milder circumstances. Of course it is not good to take advantage of an opportunity to be published for an unworthy purpose and to disregard one's journalistic responsibility for one's word. One should not forget, however, that the totalitarian state structure in Russia was not deconstructed, and it is not of a kind that allows one to fight against it. Secondly, there is no doubt that very many of the authors were fully convinced of what they wrote and an outside influence only gave them the push necessary to direct their attention to this
specific question without influencing their essential perspectives. Thirdly since persons of such high rank took part in this campaign, it excludes the possibility of outside influences. One can only talk about their influence on others.

Nonetheless, the possibility of a carefully organized campaign (at least in one specific area) cannot be disregarded. The best example to illustrate this comes from the head of the department for the registration of religious groups of the Ministry of Justice, A. Kudriavtsev. For support of the prohibition, in a purely Bolshevik style he based himself on "public opinion": "Nowadays, the press often criticizes the policing agencies, and its departments of justice for their "inactivity" in not taking measures against one or another of those religious organizations, who, according to the authors, break the law." Sectarian activities produced "a sharp public rejection... a pervasive negative mentality toward the growing trend". This statement was all the more shameless as the campaign for the support of the prohibition had up until this publication been diminishing for about two weeks and had been replaced by an active counter campaign for the abolition of those limits. By the way, it was clear from the text that it had been prepared earlier - a boiler plate article.

**Traditional Religions Terminology**

With his very first speech Patriarch Aleksii introduced the phrase "traditional religions", and it was then taken up and widely circulated by the supporters of imposing limits on religious freedom. Usually they claimed that they understood Orthodoxy, Islam, Judaism, and Catholicism as those religions "traditional for Russia". In reality, this term carries multiple meanings.

In the first place it meant that Islam, Judaism, and Catholicism were national religions for Tatars, Jews, Poles, and Germans. It assumed that each Russian was a potential Orthodox. When a Russian, whether atheist or agnostic, converted to Catholicism (even when it happened voluntarily without any efforts on behalf of catholics) it was viewed as a "seduction". A peaceful co-existance even among the "traditional" religions was only possible under the condition that they entirely abstain from increasing their own ranks.

Secondly, 'traditionnost' (traditionalism) was applied not only to the number of years of this or that religion being present in Russia, but rather the willingness to consider itself part of the tradition of an all powerful state, which one could call "Bureaucratic-papism". Not all Baptists were viewed as traditional, only those who accept the right of the officials to control the activities of religious organizations, who maintain contact with such offices, and for whom peaceful
coexistence is more important than peaceful coexistence with their fellow believers. That is why the Evangelical Christian-Baptist Union organized by Stalin are "traditional", but those Baptists who resisted registration then or those who are followers of the present Baptist preachers from USA or South Korea are not. Those Muslims who subjugate themselves to state control are traditional, but fundamentalist Muslims are not. Only Burjat Buddhists are traditional, Krischnaites are not. Followers of Rabbi Adolf Shaevich are traditional Jews, whereas suspicious Hassidic Jews are not. Members of the Moscow Patriarchate or the Old Believers of the Novozybkovskoi metropolia are traditional Orthodox. The Orthodox of the Russian Orthodox Free Church (who consider their status in the Patriarchate impossible because of its cooperation with the communists and the KGB) are not only seen as not traditional but as a threat to society.

On the basis of such criteria the Moscow Patriarchate and the state officials, while slinging mud at the 'foreign preachers', maintain good relations with the leadership of the Lutheran Church of Germany and the Presbyterian Church USA, who relate very negatively to the missionary activities of their fellow believers - members of other Protestant confessions that are active in mission.

These perceptions explain why not only the representatives of the Moscow Patriarchate, but also other religious groups often speak out in favor of limits on freedom of conscience. A. Semchenko, for example, publisher of Protestant (that went bankrupt in 1995), at the height of the campaign for the legislative amendment stated: "For a long time, society had harbored an animosity toward us, and the traditional style of Russian Protestantism was to isolate itself from society. . . . Protestants today are seriously thinking about why we should allow foreigners to intrude into our lives" (Megapolis-Express, 19.5.93). One should consider that whereas in 1992 and earlier, the dollar exchange to the Ruble was so high that ten dollars provided an adequate month's salary, by 1995 the exchange rate had fallen to such an extent that even 500 Dollars were not enough to maintain a minimal standard. As a result, Russian Protestants who had earlier relied on the aid of fellow believers abroad, returned to state support in the form of benefits.

In this way, western Missionaries came to be seen in a terrible light by Russian officials (both secular and church). This had little to do with unusual doctrines (as a rule, most of the missionaries belonged to highly respected confessions), but more with their unusual social behavior that was seen as too free for Russian standards.
Legislative Amendment Approved - July 14, 1993

Perhaps the entire tragedy of the present situation in Russia is, that all branches of state power, that had bitterly fought amongst themselves in the first half of 1993, in this case discovered they were of like mind. The legislature prepared the law toward the end of spring 1993. Without mentioning that the law was in its preparatory stages, the chair of the Constitutional Court, V. Sorkin, listed all the standard arguments in favor of such a law during an interview with Moskovski Tserkovny Vestnik. In a context where the Constitutional Court is practically subjugated to the will of its chair, it means that each effort to appeal (Father Gleb Yakunin's hope) was doomed to fail.

When the committee for freedom of conscience voted on the law (the amendments were formulated as addenda to the Law on FRC) on May 31, only Father Gleb Yakunin voted against it and several members of the committee abstained. The Supreme Soviet approved the first reading on June 23. A parliamentary reading followed on June 30, during which the legislation was sharply criticized. However, the law passed its second reading on July 14. One only needs to add that, as usual, the Supreme Soviet thereby ignored all of its own procedural rules. The opinion of the Council of experts of the Committee for Freedom of Conscience was not heard, even though this council had been created for this express purpose. The committee for human rights was passed over, and its chair was not permitted to speak as anything more than an "ordinary" deputy.

After this preliminary legislative approval, a press campaign against the law broke out. It should be noted that those "liberal" papers that had unwillingly given supporters of the prohibition space (i.e. Izvestiia with A. Dvorkin, Nezavisimaja gazeta - interview of metropolitan Kirill with S. Stankevich) since they discussed the prohibition "in general" without hardly mentioning the law, suddenly began to defend liberal values actively. Right-wing papers in effect avoided any polemics, remained silent but occasionally published articles on sects.

If politicians were able to gain the support of individual confessional representatives for the prohibition during the preparatory stages of the revision, the situation changed after publication of legislation. Archbishop Tadeusz Kondrusiewicz, head of Moscow's Catholics, declared his protest and the Protestant denominations protested as a bloc. The Synod of the Russian Orthodox Church supported the revision. The American missionaries managed to get a few dozen American congressional delegates to write Yeltsin.
The President Steps In to Defend Freedom of Conscience

Something quite unexpected occurred on August 4, 1993. President Yeltsin sent the legislation back for further revision, criticizing it very sharply. From an unusually democratic position, he pointed out that the limitation of foreign preacher's rights as well as the granting of privileges to "traditional confessions" were not permissible and contradicted Russia's constitution.

What had caused the president's drastic turn about? In April 1993 he had taken a completely opposite position. From August 1993 until the present day, he has continuously resisted all efforts of the Legislature to revise the FRC.

Presumably, the reason for his turn around has to do with the fact, that limiting freedom of conscience came to be associated with his political opponents - R. Khazbulatov and the Supreme Soviet as a whole. For Yeltsin, it had more to do with incapacitating his opponents than with defending democracy.

The Committee for Freedom of Conscience Toughens its Position

Yeltsin's opponents continued to resist him in the religious arena. Due to pressure exerted by Polosin, chair of the Committee for Freedom of Conscience, the legislative draft was sharpened at its August 22 meeting. Where the July 14 version still made the dissolving of foreign religious organizations in Russia dependent on a court ruling, this right was now simply transferred to the Ministry of Justice. A sentence was added stating that a foreign missionary did not have the right "to offend the religious feelings of RF citizens". The meaning of this was explained at about the same time by the popular publicist of the Patriarchate, Deacon A. Kuraev - his religious feelings had been offended by the flyers circulated in the Metro by the Baptists. The foreign preacher was prohibited from engaging in any activity that "had the character of religious-missionary pressure or in fact bribed RF citizens to convert". Also added was a quite general prohibition against "any indication of a lessening of a citizen's personal freedom".

Third Reading and Vote - 27 August 1993

On the 27th of August the Supreme Soviet approved the third reading of the revisions to the Law on FRC. The Supreme Soviet stated, that it had taken all the comments of the President into account. In point of fact, the basic idea of restrictions remained, even though the position of the Committee on Freedom of Conscience became more flexible. Paragraph 2 of Article 8 on state support for Orthodoxy read:
The state supports those religious organizations, whose activity maintains and expands
historic traditions and practices, national-cultural independence, art and other cultural
treasures of the peoples of the Russian Federation - the traditional confessions of the
Russian Federation.

Paragraph 3 of Article 10 envisioned criminal punishment for "employing any measures,
that would reduce personal freedom in the choice of confession". Parallel to that the Supreme
Soviet added to Article 143/1 a sentence of up to three years for religious activities, connected
with "other measures encroaching on the person or rights of a citizen". The use of the term 'other'
(inyie) could have far reaching impact: unlimited possibilities of interpreting the law in effect give
the courts the right to exercise legislative power.

The August 27 version of the law also limited the rights of missionaries more stringently.
Article 21 gave the 'state organs' the right of forbidding missionaries entry into Russia, when their
activities "contradict the norms of social morality in the Russian Federation". The version
maintained the prohibition on "religious-missionary activity" of foreign clergy, and their activity
in Russia was subject to complicated regulations (Articles 12 & 14).

This legislative draft was striking not only for the fact that it directly supported limits to
freedom of conscience, but also because it eliminated from the legislation much that had been
stated in the Law on FRC in 1990. General formulations on freedom of religious confession were
retained, but specific items where the citizen had "the right to choose one's religious confession
and freely to change it" (Article 15 of Law FRC) were eliminated, as was the "unrestricted right
to organize religious unions, express religious views and convictions verbally and in printed form,
to participate in worship services and to publish religious literature without restriction" (Article
22 of Law on FC).

Article 10 that forbad exerting pressure on a citizen by their choice of relationship to
religion, opened the way for judicial and administrative caprice - under "pressure", as was said,
were included commercial measures. That is, for example, it would be sufficient to give away free
Bibles during a sermon, to be potentially subject to court action.

Article 8 had in view that the state would provide support those religious organizations
whose activities preserved and developed the historic traditions and practices of the peoples of the
Russian Federation. Such organizations should have free access to public media. Further, the draft
proposed to work out a procedure for assigning air wave time to those confessions, "in conformity
with societal interests and the established national-cultural traditions."
At the same time, certain passages in the drafts of July 14 (and August 22) were struck from the August 27, 1993 draft. For example, the condition that foreign organizations could exercise their religious activity solely "under Russian" organizations but not act independently, was struck off.

Further Article 23 of Law on FRC was eliminated, which had granted full freedom to produce religious literature and the production of cult objects. Article 19 provided that religious organizations had the sole monopoly to produce "special religious literature and the production of cult objects".

On August 30 representatives of practically all major Protestant confessions in Russia appealed to President Yeltsin to veto the law.

End of the First Stage of the Campaign - October 4, 1993

On the 4th of October while Yeltsin's troops placed the Supreme Soviet under siege, A. Rutskoi, who had declared himself to be president of Russia, signed into Law the revised law on FRC. Since then some publicists have stated that the law had been adopted, but not yet ratified by the President. For Yeltsin, Rutskoi's signature on the law became a constant reminder, that on the issue of freedom of conscience his political opponents were attacking freedom.

In the conflict with the Supreme Soviet, however, Yeltsin forgave numerous opponents when they switched sides. V. Polosin was appointed to a post on the staff of the State Duma. There were many opponents of freedom of conscience among the newly elected deputies. Viktor Zorkal'tsev, member of G. Ziuganov's Communist Party, became chair of the Committee on Freedom of Conscience. Zorkal'tsev quickly found a common language with Patriarch Aleksii and was even elected (though remaining atheist) as chair of the European Assembly of Orthodox Parliamentarians. On April 21, 1994 he, for example, said the following in an interview in Pravda: "I am an atheist, but in politics come moments, when one must protect what is aboriginally Russian, our old confessions require support."

On April 18, 1994 V. S. Polosin together with A. I. Glagoliev completed the fifth revision of the proposed legislation "On Rights of Private Property and Economic Activity of Religious Organizations, its Enterprises and Foundations in the Russian Federation". Practically speaking, this legislation replaced the Law on FRC. Article 32 of this proposed legislation provides not for the registration of foreign preachers, but rules for permitting such to enter the country:
Grounds for rejecting a visa to enter for a foreign citizen according to the sense of this legislation is factual evidence of violations of the law by this person in any other country (with the exception of persecution because of personal conviction), or evidence of actions that do not conform to the norms of public morality in the RF, or the norms for the protection of the health of citizens of the RF, or facts showing the religious intolerance of the person in question.

Reborn also was the idea of "supporting the traditional religions". Article 37 stated:

The state finances and supports with other means the spreading of religious conviction in the society through state television and radio, those that foster the development of national-cultural and spiritual-moral traditions of the peoples of the Russian Federation.

Part II to be continued in the next issue.