

The Provisions Against Religious Extremism and Illegal Business Activity as Instruments for Outlawing Religious Minorities in Russia: The Case of the Church of Scientology

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ABSTRACT: This paper, presented at the Kaunas conference *Religion(s) and Power(s)* of October 5–6, 2017, has been updated with remarks I made at the seminar co-organized by CESNUR at the American University of Central Asia in Bishkek, Kyrgyzstan, on March 19–20, 2018. Its starting point is that the policy of discrimination towards religious minority groups is increasing in Russia. It is one of the consequences of the alliance of the Kremlin and the Russian Orthodox Church (ROC), which is a part of the government’s strategy of turning more conservative and isolating Russia from the Western world. The two main legal instruments for outlawing religious minorities are two articles of the Criminal Code: 282 (against extremism) and 171 (against illegal business activity). As the authorities quickly found out, the public fear of religious terrorism, combined with suspicions of illegal enrichment of foreign-based groups, made it quite safe for them to get rid of unwanted religious groups by using these tools. The objections of a small number of defenders of religious freedom inside of Russia, including religious scholars, were dismissed. The indignation such discriminating policy raises abroad only proves to the Kremlin that it is indeed on the right track, making Russia an invincible fortress against the morally corrupted West.

KEYWORDS: Scientology, Jehovah’s Witnesses, New Religious Movements in Russia, Extremism in Russia, Repression of Illegal Business Activity in Russia.

Introduction

In November 2015, the Moscow City Court banned the activities of the Moscow branch of the Church of Scientology. In June 2016, the Supreme Court dismissed Scientology’s appeal and supported the decision. The Russian Ministry of Justice won the case after many years of fighting with Scientology. What are the reasons of this prolonged battle?

Basically, there are two of them. The first is the position of the Russian Orthodox Church (ROC), which considers Scientology to be a “destructive organization”. Inside the ROC, there are two conflicting opinions. Some of its “experts” argue that Scientology is a dangerous heretical cult, the others say it has nothing to do with religion and is just a method of psychological manipulation with purely commercial goals. The Ministry of Justice seemed to like the second version, and its experts argued that, as the Church of Scientology registered its name as a trademark in the United States, it could not call itself a religious organization. The Moscow City Court and the Russian Supreme Court both accepted this argument and mentioned it in their decisions.

An Informal Concordat

The opinion of the ROC played the major role in the court decisions because of its close ties with the present Russian regime. Putin’s Kremlin carries on the conservative policy of traditional values, and considers the ROC its close ally. The Constitutional clause of State/Church separation stays intact, but in reality it is violated all the time. The State subsidizes the Church, and the latter gives it its full ideological support. A kind of informal concordat is played out between the two actors.

The second reason of outlawing Scientology is secular in nature. The anti - Western and in particular anti-American mood prevails in Russian foreign policy nowadays, and practically all NGOs financed by foreign sources have been outlawed lately. Scientology was founded in the USA and obviously plays into the hands of Russia’s enemies, according to the logic of Russian law enforcement agencies like FSB.

This logic is openly shared and supported by the ROC. The chairman of the “Orthodox Rights Committee of the All-Russia People’s Council under the auspices of patriarch Kirill,” Roman Silantiev, told *RIA News Agency* in 2017:

When Americans declare Russia to be its major enemy and do it regularly, the attitude towards religious organizations, which are based on the territory of the potential or rather real enemy now, somehow changes (*RIA News Agency* 2017).

He added that further strict measures towards NRMs of foreign origins would be justified.

However, denying the religious nature of Scientology met with the indignation of practically all Russian experts in the field of religious studies. They argued that the world scientific community recognizes the religious status of Scientology, mentioning such names as Bryan R. Wilson (1926–2004), J. Gordon Melton and Massimo Introvigne. I also participated in this discussion. My argument ran like this. According to a widely spread opinion, we live in a post-secular time, when the rebirth of religion goes side by side with the process of secularization. That's why the border between the secular and the religious is not rigid anymore. It is on this border that new religious movements appear, and this is why in some of them the religious goals are reached by rational means (Falikov 2007, 167).

Scientology is one of the best examples of such new religious movements. And this explains why it is misunderstood by older religions, which are very much indignant that it does not obey traditional rules. For example, it uses a mechanical device known as E-meter for its practice reminiscent of confession. On the other hand, the authorities are afraid of a religion that steps over secular territory and even registers its name as a trademark. All these fears and misunderstandings are added to the political reasons mentioned above, and make a public enemy out of such new religious movements. But if the State had based its religious policy on the opinions of real experts, it could have avoided all this.

Such arguments did not influence the court decisions, but the Russian authorities obviously did not like the fact that the majority of religious scholars objected to them so strongly. I do not want to exaggerate the political influence of my professional community: in fact, it is absolutely minimal. It did not help to change the strategy of the State, but might have contributed to changing its tactics. At least, the outlawing of another religious minority was implemented based on different legal instruments. I mean the Jehovah's Witnesses, which were banned in Russia on accusations of extremist activity in April 2017. The Supreme Court dismissed their appeal quickly, in July 2017, and since that time the Jehovah's Witnesses are outlawed in Russia as an extremist organization.

The Use of Anti-Extremism Laws Against the Jehovah's Witnesses

Crimes motivated by prejudice or, as stated in Russian law, "ideological, political, racial, national or religious enmity, as well as hatred or enmity towards a social group," are classified as extremist crimes under article 282 of the Criminal

Code. This means that the determining factor in qualifying an activity as extremist is the suspect's motivation. The stress on motivation puts the article in the field of subjectivity, but the authorities did not take it into consideration. According to official statements, the necessity to fight terrorism was the main reason for developing anti-extremism legislation. However, Russian legal observers objected that the law could not meet this purpose: the expansion of acts that could be considered extremist crimes, and the doubling of the number of materials recognized as extremist and included in the list of banned publications, led to a situation where "anything from a piece of detective fiction to a postmodernist painting can be viewed as extremist" ("282-е Предупреждение" 2017). Because of the nature of the legislation and problems with its enforcement, "public trust in anti-extremism legislation and the government's ability to fight extremism through the existing legal arsenal was lost completely" ("282-е Предупреждение" 2017).

However, the skepticism of legal observers did not stop the Ministry of Justice from using article 282 against the Jehovah's Witnesses. The religious group was completely banned in Russia and its 396 branches were liquidated. This decision was accompanied by an international outcry about the violation of religious freedom but inside of Russia it didn't meet with many objections.

51% of respondents to a survey from Russia's leading independent polling agency, the Levada Center, said that they "definitely" approved of the banning of Jehovah's Witnesses activities. A further 28% said they were at least somewhat supportive. Meanwhile, just 3% said they were definitely opposed to the decision, which was initially made by Russia's Justice Ministry in April 2017. At the same time, of the 1,600 people surveyed, only 13% said they knew about the case against the Jehovah's Witnesses in detail. A further 34% said they had heard something, but 50% replied that they did not know anything about the case. In a separate question, whether people knew who the Jehovah's Witnesses were, 20% said that they had never heard of them, with another 10% undecided. 49% responded by stating that the group was a "Christian *sekta* (cult)" (Levada Centre 2017).

Obviously, Russian legal observers were not right when they said that the public did not have any trust in anti-extremism laws. Just the opposite proved to be true. Two elements can explain it. First, the majority of the population is very much afraid of the terrorist threat. Second, the public in general is strongly biased

against the Jehovah's Witnesses. The fact is that the word *sekta* (the Russian equivalent of "cult") has a very negative connotation in Russian parlance. When respondents answered that the Jehovah's Witnesses were a *sekta*, it meant they regarded them with mistrust and fear. I will return to the reasons of this negative public attitude when discussing the Church of Scientology.

The Use of Anti-Extremism Laws Against Scientology

Inspired by this mixture of indifference and approval of their actions, the authorities decided to use article 282 against other religious minorities. Scientology was their primary choice. Actually, this line of attack was not something completely new. Prominent Russian anti-cultists such as Alexander Dvorkin have accused Scientology of extremism for many years. Its American origin made it no less suspicious than the Jehovah's Witnesses. But now the Ministry of Justice took the affair into its hands. And it was Dvorkin again who supplied it with the information "proving" that all the other Scientological organizations in Russia like the Center of Dianetics, Narconon, etc. were directly connected with Scientology and should also be banned. He also hinted that they had better be banned as extremist:

It is obvious that the founder of Scientology [L.] Ron Hubbard [1911–1986] incited hatred to many people based on their attitude towards Scientology. According to his teachings, they are 'suppressive persons,' as they do not accept Scientology and criticize it. Such people are incurable and they should be discriminated against, deprived of their property and even killed. These are his literal words (...) and they are a real demonstration of extremism, it seems to me (*RIA News Agency* 2017).

The Ministry of Justice wholeheartedly followed the advice of Dvorkin, who is the leading member of its experts' committee.

In June 2017, Sahib Aliyev, Ivan Matsitsky, Anastasia Terentyeva, Constance Esaulkova and Galina Shurinova, who were the leaders of the St. Petersburg branch of the Church of Scientology, were arrested. They had been charged with participation in an "extremist" organization, incitement of hatred, and illegal business activities. This combines article 282 with article 171, the latter dealing with illegal business activity. In August, the court dismissed the appeal of the lawyers of the arrested.

Is there any real basis for such arrogant accusations? Yes, we can find both the notions of “suppressive person” (abbreviated “SP”) and of “potential trouble source” (abbreviated “PTS”) in Scientology. As it is defined in the *Scientology Handbook*:

The PTS is a person who is in some way connected to and being adversely affected by a suppressive person. He is called a *potential* trouble source because he can be a lot of trouble to himself and to others (Church of Scientology International 1996–2018).

The definition of SP sounds like this:

It is a person who seeks to *suppress*, or squash, any betterment activity or group. A suppressive person suppresses other people in his vicinity. This is the person whose behavior is calculated to be disastrous. ‘Suppressive person’ or a ‘suppressive’ is another name for the ‘antisocial personality’ (Church of Scientology International 1996–2018).

The approach to the PTS is well developed in Scientology. They should be disconnected from SP and persuaded to change. But all these techniques are far from “inciting hatred,” as anti-cultists like Dworkin try to demonstrate. The hardest disciplinary measure applied to PTS is depriving them from auditing, if all the other psychological instruments do not work. It can be compared to depriving sinners from communion in Christianity, but I doubt that Dworkin and his colleagues would ever call the latter “inciting hatred.”

“Illegal Business Activities”

Now let’s have a brief look at the accusations of illegal business activities. Within each organization of Scientology there are two branches. One is the religious community proper, with no right to carry on a commercial activity, and the other a commercial branch, which sells books. They are often housed in the same building and the members of the religious community sometimes are working in the commercial branch, but in their organizational aspect they are different. This double structure is well-documented by Scientology itself and is explained by experts of religions (I have already mentioned the nature of Scientology, at the border between the religious and the secular). But I suspect that the police just do not want to take these documents and scholarly arguments into consideration. And the accusations of illegal business activities are used as just another instrument of suppression like the ones of extremism.

In the case of the St. Petersburg Scientologists, there is a formal pretext to accuse them of illegal commercial activity. In 2014, the European Court of Human Rights recognized the refusal to register the local religious organization of Scientology as a violation of the European Convention (European Court of Human Rights 2015). However, the Church of Scientology of St. Petersburg is still unable to register to this very day. It cannot have a bank account because of this, and has to raise funds privately. The picture looks like this: your rights are violated and this fact is recognized internationally but not in Russia. So it is the state that is in breach of the international rules. You try to survive, but in the process violate some minor domestic rules introduced by the state. It is a kind of Catch 22 situation, as rightly noticed by Massimo Introvigne in his oral presentation [at the Bishkek seminar]. Anyway, regardless of the formal validity of the charge of illegal business, imprisonment is clearly disproportionate to the offense.

I should also add that the arrested leaders of the Church of Scientology of St. Petersburg were exactly those people who took Russia to the European Court and won the case. It is obvious that in this case the anti-extremism provisions were used not only to take a revenge but also to effectively silence them. The leaders of the banned Moscow branch also took the authorities to the European Court, and there are many chances that they would win. That is why it is not surprising at all that recently they were threatened with the investigation of their commercial activity, and I expect that anti-extremism provision will be added to it sooner or later. I think we can now define what role articles 282 and 171 have started to play in Russia lately. It is the role of a gag.

On January 17, 2018, the NGO Memorial, the main Russian organization for the protection of human rights, declared the five arrested leaders of the St. Petersburg branch of Scientology “political prisoners” and demanded their release. It was an important move, as Memorial has a good reputation and strong moral authority among Russian intelligentsia. However, just because of it the Kremlin constantly attacks Memorial, and recently declared it a “foreign agent” in an effort to ruin this credibility. The support of Memorial may be only symbolic for Scientologists, and would hardly influence the court’s decision in their favor. Just the opposite can take place. When a “foreign agent” tries to help Scientology, it only proves its guilt.

The Smear Campaign Against Scientology in Russia

The public attitude to Scientology in Russia is rather negative, and resembles that to the Jehovah's Witnesses. To a large extent, it has to do with the smear campaign in the media. Lately, Russian newspapers and TV channels owned by oligarchs close to Putin are becoming the instruments of state propaganda. This process aggravated after the Russian aggression against the Eastern Ukraine and the annexation of the Crimean peninsula. To obtain objective information from them is getting more and more difficult. Those media outlets that until a few years ago published such information now get frightened by the anti-extremism law, which plays a role of censorship (although censorship is forbidden by the Constitution), and stop doing it. I know it from my own experience, as my column on religion in *gazeta.ru*, which I wrote for twelve years, was closed in 2016. The newspaper's lawyers told me they did not want to run into trouble, because it would be practically impossible to resist an allegation of extremism in court. This is another example of the misuse of anti-extremism law, but it would need a separate consideration.

Instead, many articles appear in the media, which are written from the anti-cultists' position, citing prominent anti-cultists as experts. This smear campaign is exploiting the ignorance of the wider public, convincing the Russians that Scientology is a dangerous brainwashing American cult. According to the report of The Center of Information and Analysis "SOVA" in Moscow:

A growing number of 'exposures' in the press have led to a more suspicious attitude toward Scientologists in the wider society. Local authorities put an end to cooperation with the Scientologists in the context of anti-drug campaigns. Scientologist communities started experiencing problems with renting premises; their centers were constantly inspected for compliance with sanitary norms, safety rules, and so on. In addition, Scientologists have been accused of illegal entrepreneurship, collecting personal data (because of the 'stress testing' practiced by the Scientology Church), and illegal use of video and audio surveillance devices. Several criminal and administrative cases of this kind were initiated. Law enforcement agencies regularly conduct searches in the Scientology Centers in different regions, seizing papers and equipment, often with procedural violations (Kravchenko 2018, 20).

FSB makes leaks to the media, arguing that the fact that Scientologists collect personal data proves that they are spying against Russia, as all this information goes directly to the CIA. We can expect that the next legal instrument against

Scientology might be a very hard provision: article 276, on espionage (see *Versia* 2017).

Conclusion

The alliance of the Kremlin and the ROC will surely strengthen in the future. It is part of the long-time Kremlin strategy of turning to arch-conservative positions and isolating Russia from the Western world. Putin was reelected on March 18, 2018, as everybody in Russia was sure he would, and I am quite convinced that the discriminating policy towards religious minority groups will go on. Obviously, a very mighty instrument for outlawing them has been found. This is a Molotov cocktail of two articles of the Criminal Code —282 and 171—, against extremism and illegal business activity. As the authorities found out, the public fear of religious terrorism, combined with suspicions of illegal enrichment of foreign-based groups, makes it quite safe for them to get rid of unwanted religious groups this way.

The objections of a small number of defenders of religious freedom, including religious scholars inside of Russia, are not taken into consideration, as they can be easily dismissed. You can argue about the religious nature of Scientology as long as you want, the authorities seem to say to us, but you cannot put under scrutiny the issues of national security, it is not your field of competence. The moral support of the Scientologists by Memorial is regarded by the authorities in the same vein, and made worse by the fact that this NGO is blacklisted as a “foreign agent.” As for the outcry abroad, it only proves to the Kremlin that it is on the right track, making Russia an invincible fortress against the morally corrupted West.

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