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## Islam in Russia Under the Federal Law on Freedom of Conscience and on Religious Associations: Official Tolerance in an Intolerant Society

### I. INTRODUCTION

Since the fall of the Soviet Union, the 7000 Muslims in Taganrog, a city in southern Russia, “have had nowhere to meet.”<sup>1</sup> When the “community applied for permission to build a mosque, the city administration offered a plot of land.”<sup>2</sup> After construction began, however, the non-Muslim community began expressing fears and concerns, sometimes violently.<sup>3</sup> As local elections approached, “[T]he Cossacks issued an open letter saying they would only support a candidate opposing construction of the mosque.”<sup>4</sup> Finally, the regional administration called a meeting to resolve the problem. Despite agreeing that religious groups have the right to build places of worship, the administration, “bowing to public unease, . . . agreed the mosque should be built without a minaret so that it would not be obvious as a mosque.”<sup>5</sup> While Russia guarantees its citizens religious freedom, the unfortunate reality, as seen in this example, is that religious freedom is often sacrificed to the whims and prejudices of various authorities, especially when pressured by political majorities.

In 1997, the Russian Federation passed a new law on freedom of conscience.<sup>6</sup> Many people in the West have concentrated on how this law affects religious freedom in Russia and the ability of non-

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1. Tatyana Titova, *Russia: Precarious Future for Half-finished Taganrog Mosque*, KESTON NEWS SERV. (Dec. 8, 2000) (visited Feb 8, 2001) <<http://www.keston.org/001208RU.htm>>.

2. *Id.*

3. *See id.* One evening, “some people came to the building site, seized the guard and beat him up, threatening to kill him if construction continued.” *Id.*

4. *Id.*

5. *Id.*

6. Known as the 1997 Law on the Freedom of Conscience and on Religious Associations, the law determines how religions are recognized by the Russian government and what rights they can enjoy. *See* Keston Institute, *Russian Federation Federal Law: “On Freedom of Conscience and on Religious Associations”* (Lawrence A. Uzzell trans., visited Sept. 22, 1999) <<http://serv5.law.emory.edu/EILR/special/97law.html>>.

traditional Christian religious groups to proselyte and operate in Russia.<sup>7</sup> Few people have focused on how this law affects non-Christian religious practices such as Islam. Though Muslims have historically played important roles in the development of Russian history, culture, and politics, they have experienced state-sponsored discrimination and repression. Currently, the government officially supports the existence of Islam in the country; however, treatment of Muslims by government officials indicates that intolerant attitudes still exist. The main obstacle for Islam under the new law is not the law itself, but how the law is applied in connection with historical and contemporary perceptions and prejudices about Muslims.

To provide a background for understanding current perceptions of Islam in Russia, Part II briefly explains the history of Islam in Russia. Next, Part III examines the contemporary laws of the Russian Federation enacted to protect and regulate freedom of conscience and religion. Part IV provides a brief description of the organization of Islam in Russia and discusses the treatment of Muslims in different areas of the country. Part V suggests three main areas of concern that Russia should address in order to assuage the Islamic community's concerns and avoid what the government fears most—a rebellion of the Islamic population, the likes of which have not been seen since Pugachev.<sup>8</sup> This paper concludes in Part VI that while the Muslim population is stable and loyal to the Russian government, the situation could change quickly, especially if the government continues to allow police persecution of ethnic Muslims and the repression of all Muslims in order to control extremism and terrorism.

## II. HISTORY OF ISLAM IN RUSSIA

From its modest beginnings over a thousand years ago, Islam has become a very large movement in Russia. Official state treatment of Islam varied over the course of time according to who was in power.

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7. See W. Cole Durham, Jr. & Lauren B. Homer, *Russia's 1997 Law on Freedom of Conscience and Religious Associations: An Analytical Appraisal*, 12 EMORY INT'L L. REV. 101, 230 (1998).

8. Pugachev led a fearfully successful rebellion against Russian authority in the eighteenth century. According to an Islamic scholar, "[i]t was the Pugachev war of 1773–1775 in which Muslims from the Volga and Ural areas took an active part that forced the authorities to [pay attention to Muslim concerns]." Marat Murtazin, *Muslims and Russia: War or Peace?*, CENT. ASIA & THE CAUCUSES J. SOC. & POL. STUD. \*6 (visited Feb. 5, 2001) <[http://www.ca-c.org/journal/eng01\\_2000/17.murtazin.shtml](http://www.ca-c.org/journal/eng01_2000/17.murtazin.shtml)>.

Under the tsars, Muslims received some official recognition. The Soviets, after initially ignoring the Muslims, sought to eliminate Islam along with all other religions. Since the fall of the Soviet Union, Islam has experienced a rebirth. This rebirth shows that, as a religious minority, Muslims will have an important voice in Russia's future.

#### *A. Russia and Islam Under the Tsars*

Only twenty years after it was founded in what is now Saudi Arabia, Islam came to Dagestan as the result of conquest by Arab Muslims.<sup>9</sup> Conversion of the people along the Volga River (Tatarstan) occurred in the ninth century. In A.D. 922, the Volga Bulgars, the ancestors of the Tatars, adopted Islam.<sup>10</sup> Islam did not have a strong presence in Russia until the Golden Horde brought contact between the Orthodox Russians and the Mongols.<sup>11</sup> When the Mongols invaded Russia, they did not belong to the Muslim faith.<sup>12</sup> However, within a century of their invasion, the Mongols converted to Islam and spread the faith throughout the conquered territory.<sup>13</sup> Some scholars claim that the reign of Muslim Mongols over Orthodox Russia created some deep-rooted antagonistic feelings in Russia toward Muslims.<sup>14</sup>

In the sixteenth century, Russia began to throw off the Mongol yoke and invaded and conquered traditionally Muslim areas.<sup>15</sup> As the tsars took control of Volga regions and the Khanate of Kazan, where many Muslim groups lived, government policy towards the Muslim population was mostly tolerant.<sup>16</sup> To win the loyalty of the local aristocracy, the tsarist administration showed goodwill and support for

9. See Donna E. Arzt, *Historical Heritage or Ethno-National Threat? Proselytizing and the Muslim Umma of Russia*, 12 EMORY INT'L L. REV. 413, 426 (1998). The area of southern Dagestan is only 500 miles away from the center of the Islamic world—Mecca and Medina.

10. See F.A. ASADULLIN, MUSUL'MANSKIE DUKHOVNYE ORGANIZATSII I OB'EDINENIYA ROCCIISKOI FEDERATSII [Muslim Spiritual Organizations and Associations of the Russian Federation] 11 (1999).

11. "The Golden Horde constituted one component of the much larger Mongol Empire." JANET MARTIN, *From Kiev to Muscovy: The Beginnings to 1450*, in RUSSIA: A HISTORY 15 (Gregory L. Freeze ed., 1997).

12. See Shirin Akiner, *Islam, the State and Ethnicity in Central Asia in Historical Perspective*, 24 RELIGION, ST. & SOC'Y 90, 93 (1996).

13. See Arzt, *supra* note 9, at 426.

14. See *id.* at 427.

15. See *id.*

16. See *id.* at 428.

Islam.<sup>17</sup> It even allocated money to construct mosques and print Muslim literature.<sup>18</sup>

While Russia strengthened its ties with Muslims along the Volga, its contacts with Muslims in the North Caucasus were much more strained. Russia began to gain territory in the Caucasus in the eighteenth century<sup>19</sup> but had been pushing toward that area since the time of Boris Godunov.<sup>20</sup> The Russians found these Muslim people difficult to conquer. In the lower Caucus regions, Russia was unable to assert control over the local inhabitants until 1856, “when the last Sufi leader, Imam Shamil, was forced to surrender after a thirty-year armed struggle against colonial domination.”<sup>21</sup> Once the people had been conquered, the tsars had to decide how to deal with them.

During the time of Peter the Great, authorities in Moscow began to fear the existence of so many Muslims only two hundred miles away from the capital.<sup>22</sup> In order to alleviate this fear, the Tsar encouraged the conversion of the Muslims to Orthodoxy.<sup>23</sup> This forced conversion was met with extreme resistance and soured the relations between the Tatar Muslims and Russians.<sup>24</sup> Few people really converted, and those that did returned to Islam as soon as the government relaxed its policies.<sup>25</sup>

In the eighteenth century, Catherine the Great took a different approach to dealing with the Muslim people of southern Russia. She created a Muslim Spiritual Assembly centered in Orenburg, which “held jurisdiction over religious training and publication in both the European and Siberian portions of the empire.”<sup>26</sup> This Assembly eventually moved to Ufa, becoming “the official central institution

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17. See Akiner, *supra* note 12, at 99.

18. See *id.*

19. See Thomas D. Grant, *A Panel of Experts for Chechnya: Purposes and Prospects in Light of International Law*, 40 VA. J. INT'L L. 115, 124 (1999).

20. Arzt, *supra* note 9, at 428. Boris Godunov led Russia for a time at the beginning of the seventeenth century. See HANS-JOACHIM TORKE, *From Muscovy Towards St. Petersburg, in RUSSIA: A HISTORY*, *supra* note 11, at 56–59.

21. Arzt, *supra* note 9, at 428. History shows that the people in this area, which includes Chechnya, held closer ties to the Middle East than they did to Moscow until this fighting stopped in the middle of the nineteenth century.

22. See *id.* at 429.

23. See *id.*

24. See *id.*

25. See *id.* at 430.

26. *Id.*

of the Muslim clergy for the whole of Russia.”<sup>27</sup> The creation of this special governmental religious institution helped the spread of Islam within Russia.<sup>28</sup> These changes brought economic prosperity to the region and allowed the “mass construction of mosques and the promotion of Islam with the support of the Russian state.”<sup>29</sup> Her tolerant policies also allowed Muslims in the areas of Tatarstan and Bashkortostan to create strong ties with Moscow. Because of tsarist policy near the Revolution, “the Tatars became integrated into the empire, while the Caucasians remained aloof,”<sup>30</sup> showing the disparate treatment of the Muslim community in these different areas. These tolerant policies lasted until the Communists took over.

### *B. Russia and Islam Under Communism*

At first the Communists interfered very little with Islam.<sup>31</sup> In fact, some claim that “Islam at first suffered less under the Soviets than did Orthodoxy or Judaism.”<sup>32</sup> Not long after the revolution, Lenin even sent out a decree announcing that Muslims were free to worship as they would.<sup>33</sup> After a few years, however, the Soviets began repressing the Muslim faithful. In the 1930s, the Soviets forced madrasahs<sup>34</sup> and mosques to close<sup>35</sup> and suppressed the clergy.<sup>36</sup> On

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27. Sergei Filatov, *Tatarstan: at the Crossroads of Islam and Orthodoxy*, 26 RELIGION, ST. & SOC'Y 265, 266 (1998) [hereinafter Filatov, *Tatarstan*]. See also Sergei Filatov, *Religion, Power and Nationhood in Sovereign Bashkortostan*, 25 RELIGION, ST. & SOC'Y 267, 269 (1997) [hereinafter Filatov, *Bashkortostan*].

28. See ASADULLIN, *supra* note 10, at 12.

29. Filatov, *Bashkortostan*, *supra* note 27, at 269. See also Arzt, *supra* note 9, at 430.

30. Arzt, *supra* note 9, at 430–31.

31. It is interesting to note that during the revolution, the different Muslim areas of Russia reacted separately to the new Soviet government. In the Northern Caucuses, it took the Bolsheviks from the time of the revolution in 1917 until 1936 to put down a revolt in Dagestan and Chechnya; Tatarstan, on the other hand, became an autonomous republic in 1920. See Arzt, *supra* note 9, at 432. When a new revolt broke out in Chechnya in 1944, over a half million people, nearly all the Chechen and Ingush population, were forcibly exiled to areas of Siberia and Kazakhstan. See *id.* at 434. Under Khrushchev, the Chechen people were finally allowed to return to their homes in 1957. See *id.* at 435. One can see why there is little love lost between the Russians and the Chechens.

32. *Id.* at 431.

33. See *id.*

34. Islamic schools.

35. See Murtazin, *supra* note 8, at \*7.

36. See Michael Bourdeaux, *The New Russian Law on Religion: A View from the Regions*, 49 DEPAUL L. REV. 139, 156 (1999). See also Filatov, *Bashkortostan*, *supra* note 27, at 271; Filatov, *Tatarstan*, *supra* note 27, at 267.

Stalin's orders, Muslim leaders by the thousands ended up in the gulag and a million Muslims were exiled to Siberia and Kazakhstan.<sup>37</sup>

From then on, the Soviets kept strict control over official Islamic actions by centering Islamic leadership in the government controlled Muslim Spiritual Administration of the European Part of the USSR and Siberia.<sup>38</sup> In all, the Soviets closed or destroyed 30,000 mosques, and closed 14,000 Islamic religious schools.<sup>39</sup> Despite the persecution, the Islamic tradition remained strong and quickly revived when the opportunity to express religion freely returned to Russia after the fall of the Soviet Union.

### *C. Islam in Russia in the Post-Soviet Era*

Even before the fall of Communism and the Soviet Union, Islam experienced an incredible revival. At the present time, Muslims make up fifteen to eighteen percent of the Russian population—20 million people.<sup>40</sup> In comparison with other Islamic nations, this high number of Muslims places Russia among Saudi Arabia and Iraq as one of the most populous Muslim nations.<sup>41</sup> Currently, there are more than 7000 operating mosques in Russia, comparable to the number in Egypt.<sup>42</sup> While this may be true, it is impossible not to note that “until the early 1990s Checheno-Ingushetia [a Russian province in the Northern Caucasus] was the only Muslim republic where not a single mosque was registered, while churches existed for the minority Christian population.”<sup>43</sup>

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37. See JIM FOREST, RELIGION IN THE NEW RUSSIA: THE IMPACT OF PERESTROIKA ON THE VARIETIES OF RELIGIOUS LIFE IN THE SOVIET UNION 156 (1990).

38. See ASADULLIN, *supra* note 10, at 13.

39. See Arzt, *supra* note 9, at 436. The Chairman of the Central Spiritual Administration of Muslims in Ufa noted in 1930 that “[a]ll religious organizations of the Muslims are on the point of complete destruction and disappearance. Eighty-seven percent of regional Muslim centers were closed down; over 10,000 mosques out of 12,000 were also closed; from 90 to 97 percent of the mullahs and muezzins cannot serve.” Murtazin, *supra* note 8, at \*7 (quoting a report by Rizaetdin Fakhretdinov).

40. See ASADULLIN, *supra* note 10, at 14.

41. See Arzt, *supra* note 9, at 440.

42. See ASADULLIN, *supra* note 10, at 14. Compare this with fact that in 1917 there were 14,300 mosques; by 1948, only 416 registered mosques; and in 1968 only 311. See *id.* at 14–15. Appendix, Table 1 illustrates where many of these mosques are located.

43. Arzt, *supra* note 9, at 444.

Of the over 100 identifiable ethnic groups in Russia, more than twenty are considered Muslim. The Tatars, Bashkirs, and Kazakhs (all Turkic) and the Chechens, Avars, and Kabardians (all Caucasian) are the largest of these traditionally Muslim ethnic groups.<sup>44</sup> Despite this vast ethnic difference, Russian Muslims do not have any contentious divisions between each other.<sup>45</sup> Reports indicate that conflicts between Christianity and Islam exist in Eastern Europe, including parts of Russia; however, economic factors rather than religious factors are their root cause.<sup>46</sup>

Under the Soviets, there were two directorates that controlled the spiritual activities of the Muslims: the Spiritual Directorate of Muslims for the European part of the USSR and Siberia centered in Ufa and the Spiritual Directorate of Muslims for the Northern Caucasus centered in Makhachkala.<sup>47</sup> Since the fall of Communism, the number of individual Spiritual Directorates has increased to over forty.<sup>48</sup> In March 1996, many of these Spiritual Directorates met together in Moscow to discuss mutual understanding and a unified front concerning key problems facing the Muslim community in the country. As a result of this meeting, the Council of Russian Muftis was created August 21, 1996.<sup>49</sup> The Council of Russian Muftis, led by sheik Ravil Gainutdin, has four main goals:

[C]onsolidation of Muslim religious organizations of the Russian Federation with the goal to compatibly decide the most important problems concerning all Russian Muslims together;

[C]oordination and mutual aid in the operation of each other's organization;

[W]ork out positions in relations with the organs of the central and local government, the organizations representing different confessions, and international foreign organizations;

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44. See Arzt, *supra* note 9, at 442. See also Appendix, Table 3.

45. See Moshe Gammer, *Unity, Diversity and Conflict in the Northern Caucasus*, in MUSLIM EURASIA: CONFLICTING LEGACIES 163 (Yaacov Ro'i ed., 1995).

46. See Arzt, *supra* note 9, at 444.

47. See ASADULLIN, *supra* note 10, at 18.

48. See *id.*

49. See *id.* at 19.



[T]he creation of necessary conditions for the observance of the rights and the protection of the interests of Russian Muslims.<sup>50</sup>

The President of the Council of Russian Muftis is sheik Ravil Gainutdin. The Council of Russian Muftis consists of sixteen Muslim religious organizations known as Muslim Spiritual Directorates (DUM).<sup>51</sup> The Muslim Spiritual Directorates that make up the Council of Russian Muftis are themselves a collection of various religious associations and groups that represent Muslims throughout the Russian Federation. In reality, the Council of Russian Muftis must try to serve the interests of thousands of local Muslim congregations.

The largest member of the Council of Russian Muftis is the Muslim Spiritual Directorate for the European Part of Russia (DUMER).<sup>52</sup> Ravil Gainutdin, the current President of the Council of Russian Muftis, is also the president of the DUMER.<sup>53</sup> The structure of the DUMER includes a secretariat of muftis and various departments responsible for ensuring the coordination of various aspects of Muslim life.<sup>54</sup> More than 150 Muslim mosques and organizations fall under the care of the DUMER.<sup>55</sup> One of the more important tasks that the DUMER focuses on is the building of new mosques and the repair and restoration of mosques constructed before the revolution.<sup>56</sup> Recently, the DUMER also arranged for the

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50. *Id.* at 20–21.

51. These religious organizations include the Muslim Spiritual Directorate (DUM) European Part of Russia, DUM Asian Part of Russia, DUM Adygeya, DUM Bashkortostan, DUM Dagestan, DUM Kabardin-Balkaria, DUM Nizhni Novgorod, DUM Orenburg, DUM Penza, DUM Povolzhia (Saratov), DUM Tatarstan, DUM Ulyanovsk, DUM Chuvashia, DUM North Ossetia, DUM Ingushetia, and DUM Karachay-Cherkess. *See id.* at 21–23. Each DUM represents several registered Muslim groups located in the Russian province for which it is named. For example, DUM Dagestan represents 1557 registered Muslim groups from Dagestan. *See id.* at 30.

52. The second largest member is the Muslim Spiritual Directorate for the Asian Part of Russia. This organization includes sixteen associations with at least twenty-six congregations throughout eastern provinces of Russia. *See id.* at 81–86.

53. *See id.* at 39. Appendix, Table 2 lists the organizations that have become members of DUMER.

54. These departments are divided into the following areas of responsibility: science and communication with the authorities of the Russian Federation, coordination of religious organizations, Islamic instruction, administration, charity, publications, public relations, ritual services, security council, organization of pilgrimages, and the production of food according to Muslim dietary laws. *See id.* at 42–43.

55. *See id.* at 43.

56. *See id.* at 45.

transmission of Muslim programs on major radio and television stations.<sup>57</sup> While religious freedom has only truly existed in Russia for a short while, the Muslims have been able to develop important structures and organizations to strengthen and support the Muslim faithful.

### III. A SURVEY OF LAW ON RELIGION IN RUSSIA

Under the Communists, the Soviet government tightly regulated and closely supervised religion and belief. Beginning even before Gorbachev's introduction of *glasnost*, a rebirth of religious interest began to develop among the citizenry. With the fall of the Soviet Union, the excitement of newfound freedom led to the passage of very liberal laws guaranteeing the freedom of conscience, or the ability to believe as one wants. Since the euphoria of freedom has worn off, however, the government has retreated from its original liberal stand. In 1997, Russia passed a law concerning the freedom of conscience that exemplifies the feelings that now permeate the Russian Federation that religion should be more closely regulated by the government. This section first examines the 1990 law concerning freedom of conscience. Then it will explore the sections on religious freedom contained in the 1993 Constitution. Finally, it will discuss the 1997 law and its effects on religion in Russia.

#### *A. The 1990 Soviet Law and Religious Freedom*

Shortly before the dissolution of the Soviet Union, Gorbachev's reforms had paved the way for the passage of a very liberal law on religious freedom. In 1990, Russia passed the Law on Freedom of Conscience and Religious Organizations,<sup>58</sup> "guarantee[ing] full equality of all religious groups."<sup>59</sup> This law closely followed the language of such international legal documents as the Convention for Protection of Human Rights and Fundamental Freedoms and the

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57. *See id.* at 47.

58. *See* ALEKSANDR SHCHIPKOV, VO CHTO VERIT ROCCIIA [What Does Russia Believe] 264 (1998).

59. Irina G. Basova, Comment, *Freedom Under Fire: The New Russian Religious Law*, 14 TEMP. INT'L & COMP. L.J. 181, 186-87 (2000). *See also* Arina Lekhel, Note, *Leveling the Playing Field for Religious "Liberty" in Russia: A Critical Analysis of the 1997 Law "On Freedom of Conscience and Religious Associations"*, 32 VAND. J. TRANSNAT'L L. 167, 189-90 (1999).

International Covenant on Civil and Political Rights.<sup>60</sup> At the time, this action constituted a radical change from the government's previous official position of state-mandated atheism and strict control over religious life.<sup>61</sup>

*B. The 1993 Constitution of the Russian Federation and Religious Freedom*

In December 1993, the citizens in the Russian Federation voted for a new constitution. Not without its problems, this constitution became "the first to be adopted by [an] all-people's vote" and not in conformity with the old communist tradition.<sup>62</sup> The Constitution became the supreme law of the land and still applies to the Russian government's actions today.

The Constitution specifically speaks to the issue of religion and conscience. Article 13 of the Constitution forbids the formation of any group that incites religious enmity.<sup>63</sup> Article 14 establishes the Russian Federation as a secular state and states that "[n]o religion may be established as State or obligatory."<sup>64</sup> In addition, Article 14 holds that "[r]eligious associations shall be separate from the State and equal before the law."<sup>65</sup> These articles establish the principle of separation of church and state as a foundation of the Russian Federation. To emphasize the importance of this language, Article 15 proclaims that the Constitution will "have the highest legal force" in the land and that all other laws or legal actions "must not be contrary to the Constitution of the Russian Federation."<sup>66</sup>

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60. See Lekhel, *supra* note 59, at 190. Article 18 of the International Covenant on Civil and Political Rights established an international norm protecting religious freedoms. See International Covenant on Civil and Political Rights, *opened for signature* Dec. 16, 1966, art. 18, 999 U.N.T.S. 171.

61. See Basova, *supra* note 59, at 187.

62. RUSSIAN LEGAL TEXTS: THE FOUNDATIONS OF A RULE-OF-LAW STATE AND A MARKET ECONOMY 2 (William E. Butler & Jane E. Henderson eds. & William E. Butler trans., 1998).

63. See KONST. RF art. 13, ¶ 5 (1993) in RUSSIAN LEGAL TEXTS, *supra* note 62 at 7 ("The creation and activity of social associations whose purposes or actions are directed towards the forcible change of the foundations of the constitutional system and a violation of the integrity of the Russian Federation, subverting the security of the State, the creation of armed formations, incitement of social, racial, nationality, and religious enmity shall be prohibited.").

64. *Id.* art. 14, ¶ 1.

65. *Id.* art. 14, ¶ 2.

66. *Id.* art. 15, ¶ 1.

The second chapter of the Constitution sets out the rights that individual citizens will enjoy under the protection of the Constitution and guarantees equal application of rights and freedoms.<sup>67</sup> Even though the Constitution allows for the freedom of thought and speech, this freedom is limited if it incites people to religious enmity and hatred.<sup>68</sup> Most importantly, the Constitution protects the freedom of conscience and religious belief.<sup>69</sup> One cannot read the 1993 Constitution of the Russian Federation and not feel that the document was truly intended to protect people's rights to believe as their conscience dictated. However, politicians apparently became uncomfortable with the non-regulation of religion, and, four years later, they enacted a law controlling and regulating religion.

*C. The 1997 Federal Law on the Freedom of Conscience and on Religious Associations*

Even as early as 1993, some moves were made attempting to restrict the activities of certain religious groups. A proposed law to prohibit the proselytizing and activity of non-traditional religions was introduced into the Russian Supreme Soviet in July 1993.<sup>70</sup> This law even received the support of an important Muslim leader, Mufti Talgat Tadzhuiddin.<sup>71</sup> President Yeltsin vetoed the proposal because it violated the Russian Federation's international treaty obligations and the 1978 Russian Constitution (the 1993 Constitution had not been adopted yet).<sup>72</sup>

By 1997, the same proposal surfaced again, this time with more

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67. *See id.* art. 19, ¶ 2 (“The State shall guarantee the equality of rights and freedoms of man and citizen irrespective of sex, race, nationality, language, origin, property and official position, place of residence, attitude towards religion, convictions, affiliation to social associations, and also other circumstances. Any forms of the limitation of the rights of citizens according to indicia of social, racial, nationality, language, or religious affiliation shall be prohibited.”).

68. *See id.* art. 29, ¶ 2 (“Propaganda or agitation inciting social, racial, nationality, or religious enmity and hatred shall not be permitted. Propaganda of social, racial, nationality, religious, or linguistic supremacy shall be prohibited.”).

69. The Constitution states that “[e]ach shall be guaranteed the freedom of conscience, freedom of religious belief, including the right to propagate any religion individually or jointly with others, or not to propagate, freely choose, have, and disseminate religious and other convictions and to act in accordance with them.” *Id.* art. 28.

70. *See* RUSSIAN LEGAL TEXTS, *supra* note 62, at 116.

71. *See* JOHN ANDERSON, RELIGION, STATE AND POLITICS IN THE SOVIET UNION AND SUCCESSOR STATES 197 (1994).

72. *See* RUSSIAN LEGAL TEXTS, *supra* note 62, at 116.

support. An initial version of the law quickly passed through the State Duma and the Supreme Soviet in late June and early July of 1997. In September, a revised version of the law was submitted, passed by the State Duma and the Supreme Soviet, and signed by President Yeltsin into law on September 26, 1997.<sup>73</sup> This revised version of the law recognized certain religions as traditionally Russian, but gave special recognition to Orthodoxy. The preamble proclaimed “the special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia’s spirituality and culture; respecting Christianity, Islam, Buddhism, Judaism and other religions and creeds which constitute an inseparable part of the historical heritage of Russia’s peoples. . . .”<sup>74</sup> While the Soviet Union had also officially recognized all of these traditional faiths, but only allowed them to operate under tight regulation, this new law gave the traditional religions full legal status.<sup>75</sup> Interestingly, an earlier version of the law would have placed Islam on a nearly equal footing with Orthodoxy.<sup>76</sup> The actual text of that proposed preamble noted that “[o]rthodoxy as an inseparable part of the All-Russian historical, spiritual and cultural heritage, *and equally Islam with its millions of members*, and also Buddhism, Judaism and other religions traditionally existing in the Russian Federation.”<sup>77</sup> This version failed to pass, however.

The 1997 law regulates all religious associations, but treats these associations differently depending on their type. A “religious organization” enjoys certain legal privileges that are not extended to “religious groups,” but an “organization” must have “existed on the given territory for no less than fifteen years” or be part of a centralized religious organization.<sup>78</sup> A “religious group” has limited privileges and protections.<sup>79</sup> The law includes many prohibitions against

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73. *See id.* at 117.

74. Keston Institute, *supra* note 6.

75. *See ICRF world report/CIS(former Soviet Union)/Russia* (visited Sept. 29, 1999) <<http://www.religiousfreedom.com>>.

76. *See* Lawrence A. Uzzell, *Amendment to Elevate Islam*, KESTON NEWS SERV., June 20, 1997. This action would have put Islam by implication “ahead of Buddhism and Judaism.” *Id.*

77. Arzt, *supra* note 9, at 423 (quoting Lawrence Uzell, *Additional Amendments to Law on Religion for “Third Reading”*, KESTON NEWS SERV., June 22, 1997 (emphasis omitted)).

78. Keston Institute, *supra* note 6, art. 9.1.

79. *See id.* art. 7.

government intervention and specific protections that allow for the free exercise of conscience and religion.<sup>80</sup>

According to official publications from the Council of Russian Muftis and the Muslim Spiritual Directorate for the European part of Russia, the 1997 law is a success. The Council of Russian Muftis cite their “participation in the preparation and acceptance of the Federal Law ‘On Freedom of Conscience and on Religious Associations.’”<sup>81</sup> as an important reflection of their influence with the government. When preparing the law, the opinions of all the muftis in the Council were considered.<sup>82</sup> The Council of Russian Muftis supports the 1997 law whole-heartedly.

Even though Islam is afforded special recognition as a traditional religion under the 1997 law, the true impact of the law is not its language, but the method and manner by which it is implemented.<sup>83</sup> Russia has had a long history of state control over religious organizations for political purposes.<sup>84</sup> Even now, though freedom of conscience exists and the state professes to not interfere with religious observances, political control of religion plays a prominent role in government.<sup>85</sup> In addition, the resurgence of nationalism and the fear of terrorism have caused latent discriminatory practices to increase.

#### IV. CURRENT STATUS OF ISLAM IN RUSSIA

Like all other religions, Islamic organizations must register under the 1997 law to receive the benefits afforded religious organizations. For the most part, Islamic religious organizations have not experienced difficulties registering under the new law. However, certain problem areas have become apparent, Chechnya being one of the most extreme. In addition, Muslims find that ancient prejudices combined with current crises continue to impede the freedom of

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80. *See id.* art. 3.

81. ASADULLIN, *supra* note 10, at 23.

82. *See id.* at 24.

83. *See* Durham & Homer, *supra* note 7, at 230.

84. *See supra* Part II.

85. *See infra* Part IV.C.1.a.

conscience and belief in Russia.<sup>86</sup> An annual report by the U.S. State Department states that “[d]iscriminatory practices at the local level also are attributable to the increased decentralization of power over the past several years and the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to government inaction and discriminatory attitudes that are widely held in society.”<sup>87</sup> This section first discusses the history and existence of Wahhabism in Russia today. Next, it looks at the Muslim communities’ ability to register under the 1997 law. Then it explores the situation in the two different strongly Muslim areas of Russia: the Caucasus, specifically Dagestan, Chechnya, and the Volga region including Tatarstan and Bashkortostan.

#### *A. Wahhabism in Russia*

Wahhabism has existed for hundreds of years and, in the last few decades, has become very popular in Russia.<sup>88</sup> In the eighteenth century, a religious and political movement developed “out of the ideas of Muhammad ibn Abd-el Wahhab.”<sup>89</sup> The movement sought to purify Islam of alterations that had occurred over time and insisted on “strictly follow[ing] customs existing during Prophet Muhammad’s lifetime.”<sup>90</sup> At the time, Muhammad ibn Abd-el Wahhab felt that too many Muslims had strayed from the principal teachings of Islam; his movement was a response to revive the faith.<sup>91</sup>

Many of the principles espoused by the Wahhabites are shared by all Muslims. “It teaches the Muslims to follow the Sunna of the Prophet and be good, cautious, keep their promises, exercise patience, do not tell lies, spread slander or rumors, help those who need help, do not be stingy, envious, cowards or to perjure.”<sup>92</sup> However, it also “developed an extreme intolerance of the non-

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86. For a prime example, see *supra* Part I.

87. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEP’T OF STATE, 2000 ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: RUSSIA (Sept. 5, 2000) (visited Apr. 27, 2001) <[http://www.state.gov/www/global/human\\_rights/irf/irf\\_rpt/irf\\_russia.html](http://www.state.gov/www/global/human_rights/irf/irf_rpt/irf_russia.html)>, at \*1 [hereinafter 2000 ANNUAL REPORT].

88. “[T]his trend in Islam [Wahhabism] is growing stronger not only in the Caucasus but also throughout Russia.” “No Wahhabis” in *Karachay-Cherkess Republic*, IZVESTIAYA, May 6, 2000.

89. 2000 ANNUAL REPORT, *supra* note 87, at \*8.

90. *Id.*

91. *See id.* at \*9.

92. *Id.*

Muslims and those Muslims who followed different Islamic trends.”<sup>93</sup> It is because of their intolerance, which often leads to violence, that Wahhabism has earned the wrath of the Russian government and even of Muslim organizations and communities.<sup>94</sup>

*B. Muslim Registration Under the 1997 Law*

The U.S. State Department maintains records regarding the registration of religious groups under Russia’s 1997 law. As of January 1999, “over half of registered [religious] organizations were Russian Orthodox, 18 percent were Muslim, and 20 percent were Christian organizations other than Russian Orthodox.”<sup>95</sup> Nearly 16,750 organizations had been registered, representing 57 confessions, but an estimated 15,000 more organizations remained to be registered by the end of 1999.<sup>96</sup> Only a year later, the U.S. State Department reported that only seven hundred more religious organizations had registered at the national level.<sup>97</sup> According to the report, local Muslim organizations are still struggling to register because of conflicts between the Central Spiritual Directorate of Muslims in European Russia and Siberia (Central Spiritual Directorate), based in Ufa, and the Moscow-based Russian Council of Muftis.<sup>98</sup> One problem causing this delay was that “local authorities in some cases were obstructing the registration of local organizations that wished to join [the Russian Council of Muftis] rather than [the Central Spiritual Directorate], and that those who wished to leave [the Central] Spiritual Directorate were being accused of ‘Wahhabism.’”<sup>99</sup>

93. *Id.* at \*10.

94. *See id.*

95. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEP’T OF STATE, 1999 ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: RUSSIA (Sept. 9, 1999) (visited Feb. 8, 2001) <[http://www.state.gov/www/global/human\\_rights/irf/irf\\_rpt/1999/irf\\_russia99.html](http://www.state.gov/www/global/human_rights/irf/irf_rpt/1999/irf_russia99.html)>, at \*1 [hereinafter 1999 ANNUAL REPORT].

96. *See id.* at \*4.

97. *See* 2000 ANNUAL REPORT, *supra* note 87. “According to January 2000 [Russian] Ministry of Justice statistics, there are now 17,427 religious organizations registered nationwide.” *Id.* at \*6.

98. *See id.* (as reported by the Keston Institute in May 2000).

99. *Id.* at \*7. Wahhabism is a Muslim sect that has become associated with terrorism. “In the Russian context, ‘Wahhabism,’ the name of a strict branch of Sunni Islam that originated in Saudi Arabia, has become a pejorative term because of persistent allegations that ‘Wahhabi extremism’ is to blame for terrorist attacks linked to Chechnya.” *Id.* at \*7. *See supra* Part V.C.



Under an extension granted by acting President Vladimir Putin in March 2000, religious organizations had until December 31, 2000 to register under to the 1997 law.<sup>100</sup> Religious groups or organizations that failed to meet the deadline may be liquidated—that is, deprived of legal personality—which includes “the right to publish, import or distribute literature, invite foreign citizens, form rental agreements or conduct charitable activity.”<sup>101</sup> According to the Keston Institute,<sup>102</sup> the first known cases brought in court to liquidate unregistered religious organizations include thirty-seven Muslim communities.<sup>103</sup> Only one non-Muslim organization, a Jehovah’s Witness congregation, suffered the same fate.<sup>104</sup> The cases, brought by authorities in Kabardino-Balkaria, a republic in the North Caucasus, involved Muslim communities that failed to register because the process was too complex.<sup>105</sup> Many other religious groups will suffer the same fate, but it appears that Islamic communities will suffer first.

*C. Specific Examples of Intolerance and Discrimination Against Muslims*

A large percentage of Russian Muslims are concentrated in two distinct parts of the country: the North Caucasus (near the former Soviet Republics of Georgia, Armenia, and Azerbaijan) and the Volga region including Tatarstan and Bashkortostan (bordering on the former Soviet Republic of Kazakhstan). The Muslims who live in and near Tatarstan and Bashkortostan have closer social and historical ties to Russia.<sup>106</sup> The Southern provinces (in an area called the

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100. See Tatyana Titova, *Russia: Muslims First for Mandatory Liquidation*, KESTON NEWS SERV. (Jan. 24, 2001) (visited Feb. 2, 2001) <<http://www.keston.org/010124RU.htm>>. Before the extension was granted, all religious organizations had to register by December 31, 1999, according to the actual terms of the 1997 law.

101. *Id.*

102. The Keston Institute is an organization that has been monitoring the status of religious freedom in the former Soviet Union for the last thirty years. See *The Work of Keston Institute* (visited Apr. 30, 2001) <<http://www.keston.org/infoframe.htm>>.

103. See Titova, *supra* note 100.

104. See *id.*

105. See *id.*

106. One author commented that in Tatarstan, at least, this is a result of “a particular mentality inclined to tolerance, compromise and obedience to authority.” Alexei Zverev, *Qualified Sovereignty: The Tatarstan Model for Resolving Conflicting Loyalties*, in *CONFLICTING LOYALTIES AND THE STATE IN POST-SOVIET RUSSIA AND EURASIA* 118, 142 (Michael Waller et al. eds., 1998).

North Caucasus) have less association with Russia and are closer in spirit (and in geography) to the Muslim nations of the Middle East.<sup>107</sup> This section discusses the experience of the Muslim communities in each of these areas.

*1. Muslims in Tatarstan and Bashkortostan*

*a. Tatarstan.* Even though Islam is the majority religion in Tatarstan, Muslims still find it difficult to practice their religion freely. This situation exists more from the political situation in Tatarstan than from anything else. The elected president of Tatarstan, Mintimer Shaimiyev, has prohibited the return of Muslim, Orthodox, and Catholic buildings, and has used his power as president to influence Muslim leadership. While the government interferes in religion, societal attitude toward religion is very open. Muslim and Orthodox leaders have positive and peaceful relations. Some attribute this good relationship to “the fact that Tatarstan has been part of Russia for more than four centuries” and that “[t]he Tatars’ brand of Islam is more Europeanised.”<sup>108</sup> The strong ties to Russia and the good relations between religious leaders have allowed Tatarstan to remain free of tension between religious groups. However, tension between the government and religion has been growing.

This tension between the government and religion can be seen in several examples. When Catholic priests came to Tatarstan to revive the Roman Catholic parish, they received a warm welcome from the Orthodox Bishop.<sup>109</sup> After their arrival, the Catholics found opposition, not from other religions, but from the government. While trying to register congregations, the authorities “kept changing the number of signatures required.”<sup>110</sup> In addition, the government refused to return the Catholic Church in Kazan that was built in 1858.<sup>111</sup> When the Catholics inquired about another church located

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107. See Christian Caryl, *Is Putin Fomenting a Holy War?*, NEW STATESMAN, May 1, 2000, at 21.

108. Lawrence A. Uzzell, *Orthodox and Muslims Build Common Front in Tatarstan*, KESTON NEWS SERV., July 8, 1996 [hereinafter *Common Front*].

109. See Lawrence A. Uzzell, *Priests from Argentina Revive Catholic Parish in Kazan*, KESTON NEWS SERV., July 8, 1996.

110. *Id.*

111. See *id.* According to the government, the building’s occupant, an aviation institute, could not spare any room. See *id.*

in a cemetery, the authorities indicated that the building would be returned.<sup>112</sup> However, they refused to put this promise in writing and refused to return the building immediately.

Catholics are not the only religious group to have difficulty obtaining return of pre-Communism church buildings; Muslims have also struggled to obtain the return of mosques. President Shaimiyev “has only voluntarily returned ancient churches or mosques to their historic owners only when such buildings have no commercial or political value.”<sup>113</sup> Many of these historic buildings lie in the center of Kazan, and President Shaimiyev consistently denies the return of these buildings because they lie in an area highly prized by businessmen and bureaucrats.<sup>114</sup> After waiting for the return of a madrasah, or divinity school, Muslims turned to civil disobedience, and for five days they occupied the building.

Showing mutual support, Bishop Anastasi of the Orthodox Church visited the Muslim protesters.<sup>115</sup> Similarly, when the Orthodox hold cross-bearing processions to the Kazan’s city hall or to federal buildings, they often find Muslims joining in their protest.<sup>116</sup> Muslim leaders have made statements supporting these Orthodox attempts to obtain return of their churches. The government claims it is only trying to represent the Muslim interests by not returning Orthodox buildings, but that does not explain why the government refuses to return Muslim buildings. The head mufti of the Muslim Spiritual Directorate in Tatarstan denied that the government acted on behalf of Muslims and supported the return of the churches to the Orthodox.<sup>117</sup> Reportedly, even Muslim businessmen have contributed financially to aid the Orthodox in restoring churches.<sup>118</sup> The numbers of Muslims and Orthodox are about equal in Tatarstan, and religious leaders recognize the need “to live in peace and to avoid being divided from each other.”<sup>119</sup> The cause of these problems is the political aspirations of the province’s president rather than any

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112. *See id.*

113. *Common Front*, *supra* note 108.

114. *See id.*

115. *See id.*

116. *See id.*

117. *See id.*

118. *See id.*

119. *Id.*

religious antagonism between Muslims and Christians.

*b. Bashkortostan.* Similar to the inhabitants of the neighboring province Tatarstan, a majority of people in Bashkortostan consider themselves Muslim.<sup>120</sup> Like most of Russia, the believers of different faiths tend to follow along ethnic lines. When religious freedom appeared in Bashkortostan after 1988, people returned to the religion of their ancestors: “Tatars and Bashkirs to Islam, Russians to Orthodoxy, Udmurts and Mari to paganism, Germans to Lutheranism.”<sup>121</sup> The Orthodox and Muslim leaders have denounced Protestant proselytism.<sup>122</sup> While some extremist views exist among the Muslim clergy, “[t]he religious faith of the main body of believers . . . is however quite different—antidogmatic, open, even eclectic.”<sup>123</sup> Many Muslim youth in Bashkortostan feel that their religious leaders too deferentially support the province’s secular authorities.<sup>124</sup> If the young Islamic reformers in the province had their way, Islamic law would play a more important role in government decisions. Few support their ideas, however, and most prefer the secular government to remain secular.

## 2. *The North Caucasus*

*a. Dagestan.* A strongly Islamic province, Dagestan boasts the greatest number of mosques and Muslim organizations of any province in Russia.<sup>125</sup> Comparing the number of Muslim and Christian organizations in the province shows the extent of the influence of Islam in Dagestan. According to the Committee for Religious Affairs in Dagestan, “there are 15 Christian religious organisations in Dagestan.”<sup>126</sup> This compares with 1,559 Muslim organizations registered in Dagestan.<sup>127</sup> As most places in Russia, Dagestan has experi-

120. Of the nearly four million people who live in Bashkortostan, two million belong to traditionally Muslim ethnic groups—the Bashkorts and the Tatars. See DAVID C. LEWIS, AFTER ATHEISM: RELIGION AND ETHNICITY IN RUSSIA AND CENTRAL ASIA 44 (2000).

121. Sergei Filatov, *Bashkortostan*, *supra* note 27, at 272.

122. *See id.* at 274.

123. *Id.* at 275.

124. *See id.* at 277.

125. *See* ASADULLIN, *supra* note 10, at 30–31.

126. Nabi Abdullayev et al., *Dagestan’s Silent Catholics*, KESTON NEWS SERV., July 12, 1999.

127. *See* ASADULLIN, *supra* note 10, at 30.

enced a great religious revival. While most people would have considered themselves atheists while the Soviet Union still existed, “[n]ow 90% of people say they’re Muslims.”<sup>128</sup>

Traditionally, the people of Dagestan follow Sufi Islam, but the fundamentalist Wahhabi movement is growing in the area.<sup>129</sup> Because most people, especially those in control, oppose the Wahhabi movement in favor of Sufi, a different and less extreme form of Islam, “combined opposition by Sufi sheiks, the mufti and the local government has stopped the Wahhabi from open worship.”<sup>130</sup> While the government has fought against the Wahhabi movement, its message of renewal and promise of change draws more and more people to join its numbers.

Recently, extremist Wahhabites from Chechnya tried to create a popular uprising in Dagestan. Expecting support from the local Wahhabite population, these insurgents instead found “the overwhelming majority of the . . . Wahhabites distanced themselves from the fighting.”<sup>131</sup> Like many other provinces, Dagestan passed its own law “On Freedom of Conscience and Religious Organisations.”<sup>132</sup> In passing that law, the Dagestani government “intended to restrict Wahhabite activity.”<sup>133</sup> After the attack, the government found the law “to be too lenient” and decided that “authorities had tolerated Wahhabism for too long.”<sup>134</sup> In some places, government and spiritual leaders have repressed Wahhabite followers by destroying Wahhabite mosques, driving Wahhabite followers out of villages, or placing Wahhabite followers under house arrest.<sup>135</sup> Other actions include searching the houses of religious leaders and scholars (whose loyalty is questionable) for extremist literature and destroying television transmitters used for extremists’ broadcasts.<sup>136</sup>

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128. Vanora Bennett, *Islamic Fervor Unnerves Russia's South*, BICNEWS, Oct. 27, 1997.

129. *See id.*

130. *Id.*

131. Nabi Abdullayev, *Crackdown on Dagestan Muslims May be Self-Defeating*, KESTON NEWS SERV., Sept. 1, 1999.

132. *Id.*

133. *Id.*

134. *Id.*

135. *See id.*

136. *See id.* *See also* 2000 ANNUAL REPORT, *supra* note 87, at \*16.

By strongly repressing the Wahhabite movement, however, the government is creating a greater problem. "So far the result of such repression has been to make the indigenous Wahhabites more numerous and more militant."<sup>137</sup> Instead of suppressing the movement, the government actions actually foster its growth.

*b. Chechnya.* For the last several years, Russian Federation Forces have been fighting in Chechnya, trying to bring this republic back under Russian control. After winning some independence in 1996, Chechnya experimented with Sharia law based on the Koran.<sup>138</sup> Recently, a number of Christian religious leaders were kidnapped; some were killed.<sup>139</sup> Many fear that the Muslim extremists in Chechnya are specifically targeting Christians.<sup>140</sup> "It is not clear if this is connected with growing Islamic awareness at a time when Chechnya is moving rapidly to become an Islamic state or whether it is because the overwhelming majority of the Christians that remain in Chechnya are ethnic Russians."<sup>141</sup> In April of 1999, the leading religious affairs official in Chechnya was kidnapped.<sup>142</sup> Though a practicing Muslim, this official "was instrumental in trying to promote harmony between different faiths and in channeling humanitarian aid into [Chechnya]."<sup>143</sup> His attitude toward other religions and his criticism of the current regime probably led to his kidnapping.<sup>144</sup>

Russia's position towards Chechnya poses a great problem affecting relations between the government and Islamic followers. Historically, Russia has long had poor relations with the Chechen people.<sup>145</sup> If the government uses the conflict in Chechnya as an excuse to abuse and discriminate against all Muslims, Russia may incite other, now peaceful, Muslim citizens to violence.

*c. Stavropol.* Even though the province of Stavropol is located in the region of the Northern Caucasus, it does not have a significant

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137. Abdullayev, *supra* note 131.

138. See Bennett, *supra* note 128.

139. See Felix Corley & Lawrence Uzzell, *Chechen Religious Affairs Official Kidnapped*, KESTON NEWS SERV., May 11, 1999.

140. See 1999 ANNUAL REPORT, *supra* note 95, at \*13.

141. Corley & Uzzell, *supra* note 139.

142. See *id.*

143. *Id.*

144. See *id.*

145. See *supra* Part II.B.

population of Muslims. Its proximity to Chechnya, though, makes the government wary of Muslim activities in the province. In fact, “Stavropol is one of the few provincial capitals in Russia without regular, public Muslim worship services.”<sup>146</sup> A Muslim congregation registered with the government in 1993, but it has been deprived of a meeting place ever since.<sup>147</sup> The government even denies the Muslims access to the mosque built before the Bolshevik Revolution.<sup>148</sup> While tolerating the appearance of other Protestant groups, the government in Stavropol has fought against the Muslim community. On one occasion, “police broke up a Muslim worship service that was meeting in a private apartment,” an interference that has not happened to any Christian or Jewish group.<sup>149</sup>

Attempting to assist the Muslims, the Orthodox Metropolitan of Stavropol tried to petition the government to return the mosque to the Muslims. The Orthodox Church enjoys a good relationship with the Muslims in the area, and Metropolitan Gideon, the Orthodox Metropolitan of Stavropol, “believes that the Muslims should have a place of their own in which to worship.”<sup>150</sup> A letter written by the Metropolitan on behalf of the Muslims failed to convince the government to relent.<sup>151</sup> The government claimed that it “will never do anything to stop the Muslims from practising their faith,”<sup>152</sup> but it argued that since “90 percent of the city’s population was Russian, . . . a mosque was not needed.”<sup>153</sup>

Some blame the government’s behavior on the difficulties in Chechnya.<sup>154</sup> Native Russians are afraid of the growth of what is called “Wahhabism,” a word that has, unfortunately and for mostly political reasons, become synonymous with Islamic extremism.<sup>155</sup> In

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146. Lawrence A. Uzzell & Roman Lunkin, *Stavropol Represses Muslims, Tolerates Independent Protestants*, KESTON NEWS SERV., Oct. 28, 1999 [hereinafter *Stavropol Represses*].

147. *See id.*

148. *See id.*

149. *Whither Human Rights in Russia? Hearing Before the Commission on Security and Cooperation in Europe*, 106th Cong. 29 (1999) (statement of Larry Uzzell, Moscow Representative, Keston Institute).

150. *Stavropol Represses*, *supra* note 146.

151. *See id.*

152. *Id.* (quoting a deputy of the provincial дума).

153. *Id.*

154. *See id.*

155. The Soviets labeled and depicted Islam and Muslim beliefs and practices “as traditional, irrational, reactionary, fanatical, anti-progressive, evil, oppressive, superstitious, anti-

April 1999, the Stavropol prosecutor deported eight foreign citizens for preaching what is called “Wahhabism” but what is really Islamic fundamentalism.<sup>156</sup> However, “[t]he head of the FSB (the relabelled KGB) for the province . . . [suggests] that one way for the secular authorities to counter the ‘Wahhabi’ extremists was to support those forms of Islam which were traditional in the region.”<sup>157</sup> If the government would support the traditional Muslim community instead of fighting all forms of Islam, then extremist views would not attract the Islamic believers who can freely practice their religion.

#### V. PROBLEMS AND SUGGESTED CHANGES TO IMPROVE RELIGIOUS FREEDOM FOR THE MUSLIM COMMUNITY IN RUSSIA

Muslims have spread throughout Russia. In Moscow, nearly one in twenty people is Muslim.<sup>158</sup> Even though Muslims permeate the country, Muslims in Russia experience discrimination and persecution from other citizens and even from the government.<sup>159</sup> This must change; Russia must recognize that it is a pluralistic society. Three main areas of concern need to be addressed to bring about this change. First, societal attitudes towards Muslims show a lack of acceptance and tolerance that could lead to disruptions like those seen in the former Yugoslavia if they continue unchanged. Second, government officials who interfere with the operations of Muslim communities increase the likelihood of offending the Muslim population and driving them to extreme movements that vow to exclude government from religious interference.<sup>160</sup> Finally, in their attempt to

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modern, the epitome of backwardness, and ultimately the ‘opiate of the people’; therefore [people] presumed [Muslims] to be the legitimate object of vilification and destruction.” M. NAZIF SHAHRANI, *Islam and the Political Culture of “Scientific Atheism” in Post-Soviet Central Asia*, in *THE POLITICS OF RELIGION IN RUSSIA AND THE NEW STATES OF EURASIA* 273, 277 (Michael Bourdeaux ed., 1995). While the Soviets determined the Wahhabis to be a problematic militant Islamic movement, the people labeled Wahhabi by the government often turned out to be neither Wahhabi nor extremists. See MURIEL ATKIN, *Islam as Faith, Politics, and Bogeyman in Tajikistan*, in *THE POLITICS OF RELIGION IN RUSSIA AND THE NEW STATES OF EURASIA* 247, 252 (Michael Bourdeaux ed., 1995).

156. See 1999 ANNUAL REPORT, *supra* note 95, at \*7.

157. *Stavropol Represses*, *supra* note 146.

158. See Arzt, *supra* note 9, at 450.

159. See 2000 ANNUAL REPORT, *supra* note 87, at \*15.

160. The extreme movements are more likely to be those that call for the establishment of religious, or Sharia, law. By taking positions contrary to the feeling of the Muslim people, most of whom are not ethnic Russians, the government fails to make the people feel united and cause the many Muslims to “identify more with outside forces, with the ideology of Islam



fight terrorism, the Russian government has focused on Wahhabism—or Islamic extremism—but trying to eradicate terrorism by denying religious freedoms to certain populations negatively affects the religious freedoms of all Muslims. Finally, the Russian government must realize that it cannot ignore the needs and concerns of the Islamic community anymore. If these changes are not made, the application of the 1997 law by local officials, state supported aggression against the Wahhabi, and continuing societal prejudice could lead to violent religious clashes.

*A. The Attitude of Russians Toward Islam*

Societal attitudes toward Islam determine government action and Muslim reactions. Since the fall of the Soviet Union, Russians have been trying to identify a new national character. Unfortunately, many use religion to identify national character. Russia faces the unique position, however, of close proximity to Muslim nations and a large Muslim minority.<sup>161</sup> These considerations have caused an extreme dichotomy. On the one hand, “Islam is rejected as a distinct ethnoconfessional system . . . [and] there is a fear of the integrationist potential of Islam, which is capable not only of rallying the Muslim states bordering on Russia, but also of mobilizing Muslims inside the Russian Federation itself.”<sup>162</sup> On the other hand, “Russian nationalism has a desire to stress once more the multi-confessional basis of Russia . . . [and views] Islam . . . as an objective ally in the struggle against the expansion of the West.”<sup>163</sup> These conflicting nationalist sentiments keep prejudice against Islam from growing too strong, but it is a very precarious balance that could easily shift to the extreme.

*1. Prejudicial attitudes against Muslims*

Since Moscow is the capital city, the government’s attitude to-

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and the countries of the Muslim world.” Fred Weir, *Republics in Caucasus Estranged from Moscow; Frontier Strife May be Tip of Troubled Iceberg*, *Christian Science Monitor*, August 15, 1999, at C11.

161. See Aleksei Malashenko, *Russian Nationalism and Islam*, in *CONFLICTING LOYALTIES AND THE STATE*, *supra* note 105, at 187, 188 [hereinafter Malashenko, *Russian Nationalism*].

162. *Id.* at 189.

163. *Id.*

ward Muslims there should greatly reflect the attitude of the government towards Muslims generally. As a large metropolis, Moscow draws its population from the far corners of the nation. Nearly one million Muslims live in Moscow and the surrounding area.<sup>164</sup> Since the time of Catherine the Great, and perhaps as early as the fifteenth century, Muslims have lived in Moscow.<sup>165</sup> Unfortunately, the feelings among Muscovites and most Russians are very critical of Muslims despite their long history of coexistence.<sup>166</sup>

Recent polls and other studies show that “Russians consistently rate peoples of the Caucasus as those they dislike the most.”<sup>167</sup> Russians call the people from the Caucasus regions “black.”<sup>168</sup> In Moscow, “[d]ark skinned residents, whether legal or illegal, whether citizens of the Russian Federation or citizens of other CIS<sup>169</sup> countries, are subjected to multiple identification checks every day.”<sup>170</sup> These Caucasian people come from many different religious backgrounds, but many are Muslim or come from traditionally Muslim areas.<sup>171</sup> Caucasians “are also subject to random searches, illegal seizure of property, including automobiles, extortion, inordinate fines, detention without charge for up to several weeks, and beatings—particularly of the kidneys—while in custody.”<sup>172</sup> While authorities treat all Caucasians poorly, some ethnic groups among the Caucasians receive worse treatment than others.

Among the worst treated of the Caucasians, Chechens are particularly subject to persecution. “Chechens are especially prone to being round up and often deported under a series of 1993 city and federal ordinances on ‘regulating the residences of refugees,’ fighting crime, and implementing the *propiska* (residence requirement) sys-

164. See Arzt, *supra* note 9, at 450.

165. See *id.*

166. See *id.*

167. *Id.* at 451. These polls were all taken before the recent fighting in Chechnya began.

168. *Id.* To be a Caucasian in Russia is to have olive skin and dark hair—not the white-skinned Europeans people associate with that word in the United States.

169. After the breakup of the Soviet Union, some of the former Soviet Republics formed a loose alliance called the Commonwealth of Independent States (ICS).

170. See Arzt, *supra* note 9, at 451. When I was in St. Petersburg in 1995, I noticed, as a passenger, that the car I was in was much more likely to be stopped by police if the driver was from the Caucasus than if the driver was a Russian.

171. See *supra* Part II.C.

172. Arzt, *supra* note 9, at 452.

tem.”<sup>173</sup> Authorities blamed Chechens for a series of bombings in 1996 even though no suspects had been identified,<sup>174</sup> and for the recent bombings in Moscow killing hundreds of people.<sup>175</sup> During the parliamentary rebellion against Boris Yeltsin in 1993, “Moscow authorities stepped up the purge of Chechens and other dark-skinned peoples.”<sup>176</sup> Police have raided mosques claiming to search for weapons and criminals.<sup>177</sup> These actions do not endear Muslims to the Russian authorities, nor does it seem that the government is doing anything to ensure that the Muslim minority is protected from unfair treatment by police. If the treatment of Muslims in Moscow is any indication of an official or unofficial domestic policy and if such treatment continues, the Muslim population may turn more rebellious and turn to extremists who promise to protect them from the government’s intolerant behavior.

Some have claimed that “Russia and the United States share a common perspective on the Islamic world: both have an inordinate fear of ‘Islamic fundamentalism,’ or more accurately, militant Islamic revivalism.”<sup>178</sup> This fear tends to increase the negative perception of Islam, and increases the potential for abuse by authorities. Not only is it possible that the 1997 law will be restrictively applied to Muslims,<sup>179</sup> but “Islam has the potential of being linked with political and ideological resistance, and has been so linked in Russian history, particularly during periods of intensive Russification campaigns against cultural minorities.”<sup>180</sup>

## 2. *The attitude toward Russian Muslims*

After seventy years of communist rule, Russians are striving to rediscover their roots and to develop a new national identity. Under the Communists, Islam became secularized, and most Muslims main-

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173. *Id.*

174. *See id.* at 453.

175. *See Russians Continue to Lean on Grozny*, UNITED PRESS INT’L, Dec. 18, 1999.

176. Arzt, *supra* note 9, at 453.

177. *See id.* at 454.

178. *Id.* at 468.

179. *See id.* at 472. For example, the local administrator of a city near Moscow has refused for years to allow the construction of a mosque because “Islam is not traditional for this region of Russia.” *Id.* (quoting Tatiana Varzanova, *Muslims are Opening Mosques, Although Some Are Obstructed* (visited Nov. 1996) <<http://www.stetson.edu/~psteves/relnews>>).

180. *Id.* at 473.

tained only a superficial belief; “[t]heir knowledge . . . was reduced to a very few practices.”<sup>181</sup> Just as Russians are trying to establish a new national identity, Muslim minorities are returning to their roots as well. “Their national consciousness is tied to their religious feeling.”<sup>182</sup> Ethnic minorities that were traditionally associated with Islam are turning to religion, some say, because they “see in it an alternative to everything that the Soviet regime represented and stood for, including the secularism that was a basic Soviet value.”<sup>183</sup> Others point out that ethnic groups “have turned to Islam . . . as the only overarching identity that could give them the chance to define themselves and to achieve their goals.”<sup>184</sup> Some political groups, seizing an opportunity to turn faith into political returns, use Islam to promote nationalist struggles against the Russian government.<sup>185</sup>

Though Muslims in Russia generally turn to traditional Islam, “fundamentalism exists and its ideas and slogans are popular among a certain section of Russia’s Muslims.”<sup>186</sup> Islamic extremists have earned the government’s ire, but their position should not be a reflection on the entire Muslim community. As one Muslim voice, representative of the view of traditional Muslims, has pointed out, “[t]he Muslims of Russia want law and order in their country, they want strong power able to protect them against bandits and terrorists, and foreign invaders; they want a government that would give them a chance to work and earn, and to ensure freedom of consciousness.”<sup>187</sup> Their biggest concern is “that the Russian Federation should remain a secular state and that none of the religions should be preferred.”<sup>188</sup> By allowing Muslims to continue to develop their communities and worship freely, the Russian government can guarantee the support of a majority of the Muslim community. If the

181. Yaacov Ro'i, *The Secularization of Islam and the USSR's Muslim Areas*, in MUSLIM EURASIA, *supra* note 45, at 5, 15.

182. Alexei Malashenko, *Does Islamic Fundamentalism Exist in Russia?*, in MUSLIM EURASIA, *supra* note 45, at 41, 42 [hereinafter Malashenko, *Islamic Fundamentalism*].

183. Ro'i, *supra* note 181, at 15.

184. Paul Goble, *Russia: Analysis from Washington—Nationalism and Islam, Islam and Nationalism*, Radio Free Europe (Aug. 11, 1999) (visited Jan. 18, 2001) <<http://www.rferl.org>>.

185. See Malashenko, *Russian Nationalism*, *supra* note 160, at 46; Zverev, *supra* note 106, at 134–135.

186. Malashenko, *Islamic Fundamentalism*, *supra* note 182, at 43.

187. Murtazin, *supra* note 8, at \*11.

188. *Id.* at \*8.

Russians would avoid singling out Muslims as the source of their problems and focus on the real issue—terrorism and the terrorists who perform it—the Muslim community would feel less persecuted. Unfortunately, the government has not yet employed this method of cementing a positive relationship with the Muslims.

*B. Political Interference in Islamic Affairs Must Stop*

Religious groups in Russia have long been manipulated by the state, especially under the Communists. “[T]he Communists developed a theory of treating religion as a ‘necessary evil’ in order to have it as a tool for implementing the Communist ideology.”<sup>189</sup> Now that religious freedom is guaranteed by the Constitution, the separation of church and state should be inviolate. However, as the 1997 law shows, the government is unwilling to give up all control over religious beliefs. In addition, there is an unfortunate trend to “increas[e] the politicization of religion,” and manipulate religious organizations to obtain political power.<sup>190</sup> To curb this disturbing trend, Russia should look to the European Court of Human Rights, since “[it] is the international tribunal with the most developed case law in the area of freedom of conscience.”<sup>191</sup> Since Russia ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in May of 1998, it has exhibited a willingness to submit to the jurisdiction of the European Court of Human Rights.<sup>192</sup>

An example of government interference with religious organizations occurred recently in Tatarstan when President Shaimiyev manipulated the election so that his candidate would be chosen as mufti of the Muslim Spiritual Directorate of Tatarstan. Because of his actions against the government, the head mufti in Tatarstan, Gabdulla Galliulin, incurred the anger of President Shaimiyev, who managed to have him replaced as head mufti by a handpicked supporter. In February 1998, the Muslim Spiritual Directorate of Tatarstan held a

189. Basova, *supra* note 59, at 185–86.

190. Andrei Oskarovich Protopopov, *Church-State Relations in the Russian Federation*, 1996 BYU L. REV. 853, 866.

191. Joseph Brossart, *Legitimate Regulation of Religion? European Court of Human Rights Religious Freedom Doctrine and the Russian Federation Law “On Freedom of Conscience and Religious Organizations”*, 22 B.C. INT’L & COMP. L. REV. 297, 301 (1999).

192. See European Court of Human Rights, *Dates of Ratifications* (last modified March 19, 2001) <<http://www.echr.coe.int/Eng/Edocs/DatesOfRatifications.html>>.

convention where delegates would decide whether to reelect Galiliulin as the head mufti of the Directorate.<sup>193</sup> Though delegates were to be picked by their fellow believers, local government authorities actually appointed most of them.<sup>194</sup> Unlike previous conventions, this one had a strong police presence, including the presence of high-ranking government officials, and was even opened with a speech by President Shaimiyev.<sup>195</sup> While President Shaimiyev “did not publicly support any candidate; ‘he followed a subtle policy.’”<sup>196</sup> All the delegates knew that the President wanted Gusman Isakhov to be elected head mufti. Unsurprisingly, Isakhov won the election, and immediately the government loaned 500,000 new rubles, the equivalent of \$82,000, to the Muslims.<sup>197</sup> In return, Isakhov promised to support President Shaimiyev in the next elections. The Tatarstan president successfully installed a puppet leader in Tatarstan’s Muslim Spiritual Directorate, compromising the integrity of that organization and possibly threatening the stability of the religious environment in the province. One observer called this action “probably the greatest violation of religious freedom in [1998] in Russia.”<sup>198</sup> Despite the fact that Muslim and Orthodox peacefully coexisted in Tatarstan, the actions of the secular government may tear that peace apart.

The European Court of Human Rights (ECHR) has dealt with this situation in two different cases and determined that such actions violate the freedom of thought, conscience, and religion.<sup>199</sup> The *Case*

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193. See Lawrence A. Uzzell, *Tatarstan Government Dictates Muslims’ Choice of Spiritual Leader*, KESTON NEWS SERV., May 26, 1998.

194. See *id.*

195. See *id.*

196. *Id.* (quoting a member of the Tatarstan government’s Council for Religious Affairs).

197. See *id.*

198. *Whither Human Rights in Russia?*, *supra* note 148, at 37.

199. Both cases involved alleged violations of Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, *opened for signature* Nov. 4, 1950, art. 9, 213 U.N.T.S. 221 [hereinafter European Convention], which states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

*of Serif v. Greece* involved the appeal of a Muslim religious leader from a decision by a Greek court finding him guilty of usurping the functions of a minister.<sup>200</sup> A few months after the President of Greece confirmed one man as the Mufti of Rodopi, two Members of Parliament “requested the State to organise elections for the post of Mufti of Rodopi.”<sup>201</sup> Despite the appointment, the Members of Parliament wanted the opportunity to elect their own mufti. Though the government did not reply to this request, elections were nevertheless held and Serif was elected Mufti of Rodopi.<sup>202</sup> This election conflicted with the President’s appointment and could not be considered legal because the government did not give the approval to hold the election. After acting in this capacity for a few months, the public prosecutor “instituted criminal proceedings against [Serif] . . . for having usurped the functions of a minister . . . and for having publicly worn the uniform of such a minister without having the right to do so.”<sup>203</sup> When the courts in Greece found Serif guilty of the charges, he appealed to the ECHR.

The court first noted that “while religious freedom is primarily a matter of individual conscience, it also includes, *inter alia*, freedom, in community with others and in public, to manifest one’s religion in worship and teaching.”<sup>204</sup> Although the court agreed that the government had a legitimate purpose in trying to “preserve order,”<sup>205</sup> it held that “[t]he role of the authorities [when a religious community becomes divided] is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other.”<sup>206</sup> The court decided that religious pluralism in modern times should tolerate a rift between religious factions; the State cannot interfere with leadership decisions because the members of religious groups have the right to choose who should lead them.<sup>207</sup>

In the *Case of Hasan and Chaush v. Bulgaria*, the ECHR had to

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200. *Serif v. Greece*, Eur. Ct. H.R. (App. no. 38161/97) ¶ 18 (1999) .

201. *Id.* ¶ 9. Apparently the petitioners were unhappy with the government’s appointment.

202. *See id.*

203. *Id.* ¶ 13.

204. *Id.* ¶ 38.

205. *Id.* ¶ 43.

206. *Id.* ¶ 53.

207. *See id.*

decide a similar issue.<sup>208</sup> The applicants, Hasan and Chaush, claimed that the Bulgarian government forced their replacement as leaders in the Muslim religious community.<sup>209</sup> Hasan had been elected Chief Mufti of Bulgarian Muslims in 1992, and the Directorate of Religious Denominations registered him as such.<sup>210</sup> A few years later, a national conference, organized by people outside of Hasan's Muslim religious organization, was held and an alternative leadership was elected.<sup>211</sup> After this conference, "the newly elected leaders applied to the Directorate of Religious Denominations for registration as the legitimate leadership of Muslims in Bulgaria."<sup>212</sup> The government let the new leadership take over, apparently believing "that the Muslim religion in Bulgaria could have only one leadership" contrary to prior practices with other religions.<sup>213</sup>

When Mr. Hasan appealed to the ECHR, it held that "the believer's right to freedom of religion encompasses the expectation that the community will be allowed to function peacefully free from arbitrary State intervention."<sup>214</sup> Finally, the court held "that the interference with the internal organisation of the Muslim community and the applicants' freedom of religion was not 'prescribed by law' in that it was arbitrary and was based on legal provisions which allowed an unfettered discretion to the executive and did not meet the required standards of clarity and foreseeability."<sup>215</sup> The court held that the arbitrary government interference with an internal religious organization violated Article 9<sup>216</sup> of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which protects religious freedom.<sup>217</sup> If the situation that occurred in Tatarstan were brought before the ECHR, it is likely that the court would find a violation of religious freedom.

As Russia is asserting its new identity and guaranteeing new rights to religious freedom and conscience, it can little afford to

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208. *See* Hasan v. Bulgaria, Eur. Ct. H.R. (App. no. 30985/96) (2000).

209. *See id.* ¶ 3.

210. *See id.* ¶ 13.

211. *See id.* ¶ 16.

212. *Id.* ¶ 16.

213. *Id.* ¶ 28.

214. *Id.* ¶ 62.

215. *Id.* ¶ 86.

216. *See* European Convention, *supra* note 199, art. 9.

217. *See id.* ¶ 89.



jeopardize the transition process. The people need to feel that they can legitimately rely on the State to protect their new-found religious liberty. If government leaders interfere in the process of picking the religious leaders, the people will recognize that their freedoms are guaranteed on paper only. As a minority religion in a country that gives special status to the Russian Orthodox Church, any interference by the government is likely to be seen as an attempt to limit the religious beliefs of the Muslim community. By alienating the Muslim community in this way, even local government officials can incite rebellion that takes on a political, rather than a religious, character.

*C. By Focusing Its Anger on "Islamic Extremists," Russia Harms all Islam*

In recent years, Russia has been plagued with terrorist activities, from the war in Chechnya to bombings in Moscow, most of which are blamed on Islamic extremists. Thousands are dead because of these terrorists. Authorities have associated these activities with Wahhabism. Many have noted that "the media is busy presenting Wahhabism as the main enemy of Russia."<sup>218</sup> Because people know that Wahhabism is associated with Islam, the rhetoric against Wahhabism affects the public perception of Islam as a whole. However, because Wahhabism is not necessarily synonymous with Islamic extremism, intimately associating the two harms all Islam.

While the Russian government and Muslim communities wish to fight against Wahhabism, different approaches have been suggested to combat the movement. The government pursues an approach intended to crush the Wahhabites, while members of the Muslim community prefer to defend it by converting Muslims to traditional Islam and away from extremism. The violent method utilized by the government has not worked and probably encourages more people to support the Wahhabites.

Government authorities "have been careful to distinguish between their current adversaries [the Wahhabites] and Muslims in general."<sup>219</sup> By separating Wahhabism from the rest of Islam, the authorities stress that they are not anti-Islam, only anti-extremism. However, by turning Wahhabism and Islamic extremism into a "po-

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218. Murtazin, *supra* note 8, at \*11.

219. *Chaos in the Caucasus*, ECONOMIST, Oct. 9, 1999, at 23.

litical threat to the institutional expression of the state,” Russian authorities have negatively affected society’s perception of Islam as a whole.<sup>220</sup>

Though the government officially does not blame the entire Muslim community for the problems in Chechnya and for terrorist bombings, the Russian people find it difficult to disassociate Wahhabites from Muslims. When the government blamed a series of bomb attacks in Russian cities on Chechen terrorists, its “allegations simply confirmed the anti-Chechen, and generally anti-Caucasian, prejudice they already harboured.”<sup>221</sup> These kinds of allegations result in negative attitudes toward all people who “might be from the Caucuses and to Muslims in general.”<sup>222</sup> Some claim that the Russian authorities even used prejudicial attitudes against Muslims to gain support for the war in Chechnya, which leads to the perception that Islam is synonymous with terrorism.<sup>223</sup> In a recent survey of young Russians, eighty percent of the respondents “said that Islam was a ‘bad thing.’”<sup>224</sup> Muslims have been denied permission to open mosques and cemeteries in the Volga Region because local townspeople have negative opinions about Muslims and Orthodox clergy fear “the ‘excessive zeal’ of Islam.”<sup>225</sup> When Russian newspapers print interviews where extremists boast that “[they] will enter Moscow with swords in our hands” and say “[i]t will become a Muslim city,” it is reasonable for many people to become nervous.<sup>226</sup> These kind of statements must be condemned as words of a terrorist. Instead of merely combating terrorism, Russian authorities are increasing fears and prejudices against Muslims by maintaining a negative campaign against Wahhabism.

Some state institutions in Russia have called for the government to ban Wahhabism, a suggestion that has caused concern among

220. Flemming Splidsboel-Hansen, *The Official Russian Concept of Contemporary Central Asian Islam: The Security Dimension*, 49 EUROPE-ASIA STUDIES 1501, 1506 (1997).

221. *Chaos in the Caucasus*, *supra* note 219, at 24.

222. Caryl, *supra* note 107, at 21.

223. See Prepared Testimony of [sic] Presented by Firuz Kazamezadeh Commissioner U.S. Commission on International Religious Freedom Before the Senate Foreign Relations Committee, FEDERAL NEWS SERV., May 16, 2000.

224. Caryl, *supra* note 107, at 21–22.

225. Malashenko, *Russian Nationalism*, *supra* note 161, at 192.

226. Yelena Suponina, “Moscow Will Become a Muslim City”, MOSCOW NEWS, Nov. 17, 1999.

Russia's Muslim leaders.<sup>227</sup> These leaders point out that before any type of ban becomes effective, however, the government must clearly define what Wahhabism is.<sup>228</sup> This may not be easy and will probably infringe on the right to freedom of conscience that is guaranteed by the Russian Constitution. Despite the possibility of abuses, Russia's Security Council reportedly "recommended that national legislation on the freedom of conscience and religious organisations be amended to outlaw Wahhabism."<sup>229</sup> While nothing yet has been done about this, it would be a horrible mistake for the government to ban Wahhabism.

Muslim leaders would much rather have the government focus its efforts against terrorism and not against religion. Islamic leaders have stressed that "Islam calls for peace, mutual tolerance and respect."<sup>230</sup> One proposal suggests that "[t]errorists and bandits should be destroyed while Wahhabism as an ideology should be opposed with another ideology which the Muslims of Russia will be ready to embrace."<sup>231</sup> This idea recognizes that Wahhabism can be counteracted by religious teachings that encourage peace and mutual respect rather than violence. It suggests that, as a religion, Wahhabism can be counteracted by preaching and living true Islam, while the government should fight terrorism punishing the crime, not the belief. Terrorism should not be blamed on religion because it blights the entire religion instead of focusing on the acts of the individual. As another has suggested, the "well-being in the country can be achieved only through lasting peace and accord between all people of various faiths."<sup>232</sup> By punishing the entire religious movement for the acts of individual terrorists, the authorities legitimize violence and prejudice against all members of a particular religion. In this case, publicizing terrorist acts as the fruit of Muslim believers creates the assumption that all Muslims are bad and should be feared. By pun-

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227. See Dmitry Zlodoryov, *Council of Russia's Muftis to Discuss Ban on Wahhabism*, ITAR-TASS NEWS AGENCY, June 27, 2000.

228. See Dmitry Zlodorev, *Russia, CIS Moslem Leaders to Discuss Social Problems*, ITAR-TASS NEWS AGENCY, June 28, 2000.

229. Vladimir Radyuhin, *Russia Plans Ban on Fundamentalist Group*, HINDU, Aug. 6, 2000.

230. Yelena Dorofeyeva, *Moslem Leaders Say Dagestan Rebels by No Means Islamists*, ITAR-TASS NEWS AGENCY, Sept. 9, 1999.

231. Murtazin, *supra* note 8, at \*10.

232. This idea comes from chief mufti Ravil Gainutdin. *Peace Between Believers Key to Russia's Prosperity*, ITAR-TASS NEWS AGENCY, Jan. 8, 2000.

ishing the terrorists and combating the religious movement through religious teaching, Islamic leaders can improve the lives of Muslims and establish better, positive, and effective relationships with Russian authorities.

Russia needs to combat religious extremism, not with violence and interference, but by allowing the religious community to police itself. While terrorists should be punished, Wahhabism, as a religious movement, can only be effectively challenged by religious teachings, not by government repression. Marat Murtazin, Rector of the Moscow Islamic University put it well when he wrote, “[w]e do hope that in Russia today we shall find enough wisdom and will-power in our souls not to turn the great country into a testing ground of a dubious theory and an arena of armed clashes in which our state and whole nations will perish.”<sup>233</sup>

*D. Ignoring the Muslim Community Will Only Incite Religious Conflicts*

While Russian society’s “attitude to Muslim fundamentalism is generally critical or negative, [its attitude] to Islam [is] indifferent.”<sup>234</sup> Though only a minority of Russian citizens are Muslim, it is a significant minority. Because of its close proximity to many Islamic countries and shared borders with others, Russia can little afford to offend its neighbors by treating Islam with prejudice, let alone indifference.<sup>235</sup> Trying to develop contemporary ideas of freedom of religion and conscience can be difficult especially when there are supporters from many different religious confessions trying to get the government’s attention. While the West wants the Russian government to address the mistreatment of minority Christian religions, Russia needs to also focus on the needs of the Islamic community. By ignoring or stigmatizing the Muslim population, Russia could be creating the catalyst for organized religious opposition.

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233. Murtazin, *supra* note 8, at \*11–12.

234. Malashenko, *Islamic Fundamentalism*, *supra* note 182, at 41. In a 1994 Moscow poll, seventeen percent of the respondents had a negative attitude toward Islam, while approximately forty-five percent viewed Islam with indifference. See Malashenko, *Russian Nationalism*, *supra* note 161, at 191.

235. As one commentator put it, “Russia will continue to directly encounter conflict situations involving her Muslim neighbours and will have to take part indirectly in their resolution.” Malashenko, *Russian Nationalism*, *supra* note 161, at 201.

Under the Soviets, the government developed a policy of divide and rule. This policy, attributed to Stalin, emphasized limiting political power of minorities by preventing minorities from “being exclusively concentrated within the borders of its ‘national homeland,’ and . . . [] forming a solid majority within it.”<sup>236</sup> By dividing ethnic groups between “different autonomous units” and assuring that a number of loyal groups, such as ethnic Russians, lived in these units, the government could undermine or neutralize the voice of contentious minorities.<sup>237</sup> A consequence of this policy is that the Muslim community is still very divided along ethnic lines and among different political units within Russia.<sup>238</sup>

Because the Muslim community in Russia is so divided, many feel it is unlikely that a united front could be developed to challenge the current system. For example, there are “about seventy aboriginal ethnic groups . . . found in the Caucasus, speaking languages belonging to three different linguistic families.”<sup>239</sup> There are about twenty significant ethnic groups that follow an Islamic tradition.<sup>240</sup> Although the Muslim community is more concentrated in the North Caucasus, Tatarstan, and Bashkortostan, there are Muslims throughout the country. This division along ethnic, linguistic, and geographic lines significantly increases the difficulties of fomenting a unified Islamic movement. Because unity is thought to be unlikely, it is easy to focus on the small conflicts that occur rather than addressing the overarching concerns of which the small conflicts are a symptom. However, the possibility that the Muslim community could become united against the state is not so inconceivable. By ignoring the big problems, the largest of which is societal prejudice against ethnic Muslims, the Russian authorities show their indifference to the interests of the Muslim community.

While the Muslim community is fragmented along many fronts, there are also several common threads that unify it. Some suggest that their “common struggle against Russian and Soviet rule” and “shared suffering at the hands of both the Russian imperial and the Soviet authorities” unite the Muslim community.<sup>241</sup> However, “Rus-

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236. Gammer, *supra*, note 45 at 166.

237. *Id.*

238. *See* Appendix, Table 3.

239. Gammer, *supra* note 45, at 163.

240. *See* Appendix, Table 3.

241. Gammer, *supra* note 45, at 164–65.

sian diplomacy has been quite adept at manipulating the geopolitical divisions within the Muslim world.”<sup>242</sup> The policy of divide and rule provided methods for the government to limit the intensity of these unifying characteristics by rewarding loyalty, thereby pacifying some Muslim peoples. Despite this effect, continued government crackdowns on Muslim communities, justified as attempts to eliminate extremist groups, may be the catalyst that unifies the Muslims. “[I]f some sort of common Muslim front ever emerges in Russia, resentment of Moscow will be the only factor that holds it together.”<sup>243</sup> Because Russian authorities can influence how Muslims are treated in Russia, they have the power to determine whether the Muslim community develops this common feeling of resentment.

Russia needs to realize the importance of seriously addressing the needs of the Muslim community. The policies of the past, such as divide and rule, will not work in a democratic and pluralistic society. Authorities cannot treat Russia as an Orthodox state “with the Muslims surviving as a tolerated minority.”<sup>244</sup> Trying to establish government along that pattern will only unite the Muslims in their dissatisfaction with the state. Most Russians share the same desires: to be able to work, believe, and live in an open society – the things denied them under the Communist regime. By seeking true solutions that will assure that Muslims and Orthodox Russians can live together peacefully, the government will enable the uniting of the Muslim community *with* them, rather than *against* them.

Historically, “both Russian people and institutions . . . gravitate toward political autocracy, ethnic intolerance, and a single established religion or predominant ideology.”<sup>245</sup> Russia cannot afford to be guided by its own history. It needs to break with the past and overcome prejudicial attitudes, intolerance of religious minorities, and state interference in religious affairs. If Russia will take these steps, it can reach its potential as a pluralistic nation that allows its large Muslim minority to associate peacefully with the Russian Orthodox majority.

What does the future hold for Islam in Russia? Muslims have lived in Russia for a thousand years. They will live there for a thou-

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242. *Chaos in the Caucasus*, *supra* note 219, at 26.

243. *Id.*

244. Murtazin, *supra* note 8, at \*4.

245. Lekhel, *supra* note 59, at 231.

sand more. Whether they remain at peace with the ruling authority depends on what actions the government will take. In most of Russia, Muslims face few official obstacles restricting their ability to openly practice their religion. The U.S. State Department summed up the current situation by observing that “[a]lthough Jews and Muslims continue to encounter prejudice and societal discrimination . . . they generally have not been inhibited by the authorities in the free practice of their religion.”<sup>246</sup> If the government does nothing to discourage prejudice and societal discrimination, then relations will begin to sour and extremist views will find supporters among the Muslim population. If genuine religious freedom can be fostered in the provinces of Russia, then most of Russia’s religious problems will sort themselves out.<sup>247</sup> Though persecution and discrimination currently exist, Russia can take steps to avoid religious conflict with its Muslim community by addressing the issues discussed in this paper: developing a more tolerant attitude in the government toward Muslims, refusing to interfere in internal religious affairs, and focusing its efforts on eradicating terrorism, not Wahhabism.

Russia is now “a pluralistic society in which the most disparate elements will have to learn to live together.”<sup>248</sup> Most of the political leaders of the country recognize the need for peaceful relations between Russia and its large Muslim population. Even Aleksandr Lebed, a strong nationalist, when mentioning the traditional religions of Russia, listed Islam with Orthodoxy and Buddhism.<sup>249</sup> Russia borders very close to a number of Middle Eastern countries and has strong economic ties with Islamic nations. “Russia shares a more significant strategic interest with Turkey, Iran, Tajikistan, and other Central Asian and Middle Eastern states than it does with the West.”<sup>250</sup> For these reasons, the Russian government can little afford to offend the Muslim community.

Some people claim that Russian action in Chechnya and the repression of Islamic extremism may incite religious conflict.<sup>251</sup> Others

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246. 1999 ANNUAL REPORT, *supra* note 95, at \*8.

247. See COMM’N ON SEC. & COOPERATION IN EUR., RELIGIOUS FREEDOM IN RUSSIA, BRIEFING OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE 9 (1997) (statement of Lawrence Uzzell, Moscow Representative of the Keston Institute).

248. Bourdeaux, *supra* note 36, at 159.

249. See *id.*

250. Arzt, *supra* note 9, at 468.

251. See *Chaos in the Caucasus*, *supra* note 219, at 26. One newspaper article stated,

point out that Muslims may become more persecuted because they have no one “to speak up for them in the West.”<sup>252</sup> Others can see Russia becoming a greater enemy in the eyes of the Islamic world than the United States because of government attempts to repress Muslim extremism.<sup>253</sup> While this may be a possibility, at least the rhetoric of political leaders has not yet affected the relationship between religious leaders. As mentioned previously, in several situations in Tatarstan, the Muslim and Orthodox clergy have supported each other in their common goals to rebuild and reestablish their religious communities. If the Russian government will support traditional Muslim faiths and allow these Muslims the full freedoms they are guaranteed by the 1993 Constitution without interference, it will be able to contain the growth of Wahhabi extremism. However, if the government restricts all Muslim faith in that part of the country in order to combat the growth of extremism, their attempt will backfire.

#### VI. CONCLUSION

Under the 1997 law “On Freedom of Conscience and on Religious Associations,” Islam has experienced relatively few problems registering with the government. Instead, the biggest challenge has come from political partisanship and societal attitudes. While the Muslim population, for the most part, continues to support the Russian government, government actions could lead to the growth of Islamic extremism if they are perceived to be anti-Muslim. If Russia wants to avoid religious conflicts with its Muslim population, the government needs to support the growth of traditional Muslim faiths and encourage religious toleration. Russia has only experienced religious freedom for ten years, after seventy years of repression of all religions. As the country continues to develop, Islam will continue to play an important role in Russian politics and culture. Because tolerance is not just a word, but an action, Russia holds its destiny in its own hands.

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“Muslim anger has been inflamed by contact with Caucasian Muslims, driven from their rugged mountains.” Michael Jansen, *Chechen War Angers Muslims*, IRISH TIMES, Jan. 4, 2000, at 12.

252. *Whither Human Rights in Russia?*, *supra* note 149, at 29.

253. *See* Arzt, *supra* note 9, at 467–68.



*R. Christopher Preston*

## Appendix

TABLE I: NUMBER AND LOCATION OF MOSQUES THROUGHOUT  
RUSSIA BY REGION AND CITY<sup>254</sup>

REGIONS	NUMBER OF MOSQUES
Northern Caucuses	More than 5000
Tatarstan	More than 850
Bashkortostan	More than 400
CITIES	
Makhachkala (Dagestan)	36
Kazan (Bashkortostan)	30
Moscow	5
Astrakhan	5
Orenburg	4
Norilsk	1
Vologda	1
Yaroslavl	1
Krasnoyarsk	1

254. ASADULLIN, *supra* note 10, at 15.

TABLE 2: THE EXTENT OF MUSLIM INFLUENCE IN RUSSIA SHOWN  
BY THE GEOGRAPHICAL MEMBERSHIP OF DUMER<sup>255</sup>

Member associations of the DUMER include:

Location	Number of Registered	Number of Congregations	Number of Mosques	Mosques Under Construction
Moscow	20 <sup>256</sup>	20	5	
Moskovskii Oblast	16			
Krasnodar	5			
Nizhni Novgorod	3	48	48	
Kostroma	1			
Kaliningrad	1			
Yaroslavl	2		1	1
Smolensk	1			
Tula	1			
Orel	1			
Mordovia	3			
Kursk	1			
Ivanovo	1			1
Vologda	1			1
Vladimir	3			
Rostov	5			
St. Petersburg	1		1	1
Samara	1			
Tambov	1			
Tver	2		1	1
Penza	2	40	50	
Chuvashia	2			

255. *See id.* at 73–80.

256. *Id.* at 33.

TABLE 3: MUSLIMS OF THE RUSSIAN FEDERATION<sup>257</sup>

<u>Muslim Ethnic Group</u>	<u>Population</u>
Tatars	5,543,000
Bashkirs	1,345,000
Chechens	899,000
Kazakhs	636,000
Avars	544,000
Kabardinins (Circassians)	386,000
Dargins	353,000
Azerbaijanis	277,000
Kumyks	257,000
Ingushes	215,000
Karachays	150,000
Digor Ossetians*	130,000
Uzbeks	127,000
Adygeys (Circassians)	125,000
Laks	106,000
Total **	11,699,000

\*Estimate of 130,000 based on population of 402,000 for all Ossetians, most of whom are Eastern Orthodox.

\*\* Additional Muslim ethnic groups with populations, each under 100,000, are Nogay Tatars, Tabassarans, Aguly, Rutuls, and Tsakhurs—all in Dagestan.

257. This table is taken directly out of Arzt, *supra* note 9, at 475 (based on information from the 1989 USSR All-Union Census).