

NEW RELIGIOUS MOVEMENTS IN UKRAINE: PSYCHOLOGICAL PERSPECTIVES AND PROBLEMS OF LEGAL REGULATION

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The Ukrainian Constitution and the Law of Ukraine “About the Liberty of Conscience and the Religious Organizations” does not foresee the limitations that are based on such positions as the history duration of any confessions, “traditionalism” (a contemporary to the cultural traditions), a number of religious organization, a contribution of the religion to the cultural development etc. Therefore practically all religious organizations and their members have equality in rights. Religious activity can be limited only in case, when it contradicts the Law and damages physical or mental health of citizens.

The question about the character of the religious activity, possibility, and necessity of its legal regulation becomes more actual in the connection with the arising of a number of new nontraditional religious movements in Ukraine during last years. Though of the share of new religious denominations among all registered religious groups in Ukraine is less

then 2%, increase of their number is more higher than increase of the number of traditional confessions within last 5 years. This increase constitutes about 700%. But this data reflect only "a visible part of iceberg": most of new religious and spiritual movements are not registered either in State Committee of Ukraine in Religious Affairs or in the Ministry of Justice. From the beginning of 90-ies a lot of groups that can be qualified as a movements of New Age were established in Ukraine. Their activity are not limited by the traditionally religious forms and include education, healing, publishing etc. The reviving of religious life results some situations that are difficult to resolve in the frames of current legislation.

Some problems of new religious movements (NRM) lead to acute controversies, stimulate anticult movement and intend to strengthen the legal regulation. Among these problems I want to note the following:

1. Nontraditional beliefs and practices do not correspond to the routine notions about the religious activity and that is why the question is: should these groups be qualified as "true religious" and be applied with the religious legal status.
2. Due to believers' deep emotional involving in cult practices and their preferences of the religious service to another forms of social activity there are the assumption about the involuntary participation in NRM. Cults' opponents and the persons who accept their opinion without own experience are sure that the NRM leaders use special methods of impact ("zombing", "mind control") and consequently a society has to defend its members from these harmful influences.
3. At present we can often hear the opinion that cultic practices of NRM lead to the beginning of mental disorders or to the exacerbation of mental diseases.
4. At the same time traditional religious activity is evaluated as a factor that influences positively the mental health and the personal spiritual development. Therefore traditional church is considered not only as an ideological ally in anti-cult struggle but as an institution that is able to overcome the "harmful influences" of the cults.

In this paper I want to review only some examples of intolerance to the new forms of religious activity in Ukraine. Obviously, intolerance to NRM has a number of grounds (social, cultural, political, religious, psy-

chological ones). My examples concern mainly the psychological grounds of NRM' problems. To my opinion these problems are caused by relative rigidity of the social attitudes of a number of our people. As a rule the opposition to NRM is constituted by the representatives of senior generation - people with the life positions that were formed in the time of totalitarian regime. They are notable for the rigid of value approaches, intolerance to "differ", inability to dialog, striving for predomination, demand to follow to strict (habitual) stereotypes of thinking and behavior. Anticult intentions that are arisen by the personal attitudes of the opponents and their intrafamily problems create the platform for the sweeping generalization. It promotes anticult organizations forming that aims at influence upon public opinion and to law creation.

In 1993 public organization "Salvation" ("Poryatunok") was established in Kyiv, Ukraine. Its initiators were the parents of the "White Brotherhood" and ISKCON believers. The representatives of "Salvation" actively assisted incrimination of the leaders of the "White Brotherhood" in trial They testified about Y.Krивonogov and M.Zvigun (Mary Davi Christ) using the brainwashing methods among followers. Juridical investigation determined a damage of the health of some believers. This fact followed the conclusion of psychological and psychiatric examination that qualified the conditions of some followers as "psychogenic postsuggestive disorders". There are the data about schizophrenia of some believers in indictment although it is clear that the connection of the participation in the "White Brotherhood" cultic practices and mental disorders can not be proved.

After the "White Brotherhood" trial "Salvation" concentrates its efforts on searching for "negative influences to the mind" of different new religious movements and for the opposition to "totalitarian destructive cults" in Ukraine. The members of the organization consider a destructive such groups as the "White Brotherhood", ISKCON, Mormons, Jehovah Witnesses, Church "Victory" etc. "Salvation" was the initiator of workshop "The essence of religious sects dealing in Ukraine" in march of 1996 where it was concluded that ordinary legislation does not protect the citizens from "the encroachments of totalitarian sects and destructive cults that expand their activity on the territory of Ukraine and spread the ideology of the hatred to the people and inspire the interconfessional animosity

sity". They noted that "destructive cults activity concerns the questions of the state security, national interests in the sphere of family defense, education of children and youth". In particular in workshop resolution they proposed to conduct a new registration of all cult-religious organizations in Ukraine and to revise the demands to registration of the religious statutes (to increase the term of the investigation of their activity to one year, to enhance the responsibility for the creation and the keeping of ashrams without registration etc.).

The "Salvation" representatives press for the revision of current legislation: on one hand they refer to negative evaluation of cults' activity outside of Ukraine (e.g. on the Declaration of Europarliament 1-47/87, 2.04.1984; the Statement of International Conference "Totalitarian sects and the rights of men", Sanct-Petersburg, 1994), and on the other hand they give new evidences of danger of new religious movements in Ukraine.

Applying to the State Committee of Ukraine in Religious Affairs and to the institutions that have the legislative initiative the members of "Salvation" propose to change a current legislation by radical way. Thus they supported a delegates' of scientific-practical conference "Belarus, religious sects and youth" appeal to Presidents and Parliaments of Belarus, Russia and Ukraine (18-19 December 1996, Minsk). That document in particular called upon:

- to prepare and to pass... of the amendments to the Laws about Religious Liberty... with the clear prohibitive mechanism of destructive organizations' activity;
- to legalize the supervision of the organs of State security under the destructive cults' activity... with the renew of available institutions in the state structure of law defense;
- to pass... Laws "About mental health of nation and personal autonomy" including the mechanisms of legal defense of personality from the non-sanctional manipulation of mind;
- to declare a maratory to NRM' registration to 10 years, to carry out new registration of new religious institutions that were registered last 10 years with obligate complex examination of commissions by experts in Religious Affairs Departments;

- to create the state scientific-research and practical centers for the rehabilitation of people, that were influenced by destructive cults.

One of the important direction of “Salvation” activity is to form the intolerance to NRM in mainstream society. Their articles in mass-media exploit wide spread ideas about the ability of “zombing” of NRM followers, about using by NRM leaders of special techniques and even apparatus for brainwashing and about fatality and irreversibility of psychic deviations as a result of cultic practices.

“Salvation” greeted the idea of creation of the Law of Ukraine “About the defense from the dangerous influences to the mind and about the psychological help to people who got under such influence” and took part in the draft of the Law creation. Draft of the Law was created more then two years ago. In preamble of the draft there are the thesis that state and society should secure the defense of mental health of citizens and their defense from dangerous influences of persons who mask as healers and nontraditional religious ministers. The aims of the Law draft are to reorganize a psychological help in Ukraine, to establish a juridical basis for the psychological consulting, to create the controlling mechanisms for the professional level of psychologists and the order of getting permissions for such activity. But the main problems of the Law draft’s authors concern “the dangerous influences on the mind”, the means of their prevention and the rehabilitation of the persons suffered from such influences.

The draft of Law contains the main determinations. In particular “purposeful influence to the mind” determines as “an influence taking place if a subject of influence has the aim to change... a behavior and psychological or psychophysiological peculiarities of object of influence”; “dangerous influence on the mind is an influence that causes a mental trauma or causes an essential deterioration of the mental process’ characteristics and leads to deformation or to the regress of personality”. Obviously the guidance of this determinations could qualify any communicative influence as a “purposeful influence”. If the problems of communication are emotionally negative it can be found “dangerous influence”. I want to note that it is impossible to verify correctly the categories as “deterioration of the mental process’ characteristics”, “deformation” or “regress of personality” and to prove its presence by means of contemporary psychological science.

An article 9 of Law draft foresees to recognize dangerously influenced persons temporarily incapable (to the 6 months' period) on the conclusion of medical-psychological examination. After this period a duration of incapacity can be continued on the resolution of the commission - every time to 3 months without a limitation of the general duration of incapacity. In such situations incapable individuals must pass a course of psychological rehabilitation and get a guardianship of relatives or another persons that are set in legal order.

This article open the possibilities for the unlimited abuses and for the limitations of personal rights and freedoms on the ground of his (her) believes, convictions and simply unordinary behavior.

The draft of this Law was examined repeatedly by different experts (psychologists, psychiatrists, religious studiers). However during two years the essential amendments have not been done that would permit to avoid the limitation of the constitutional rights and freedoms of Ukrainian citizens if the Law would be passed.

The members of "Salvation" demand the Law "About the dangerous influences on mind..." been passed in the first redaction. For their opinion the society has to limit the impact of NRM to people and the main means of the limitation are the legislative prohibitive ones. An opposition of new religions insists that any forms of the activity of NRM is dangerous for our culture and mental health of the society. Parents some of the ISKCON followers continue to contend that their children are involved in destructive cult. They ignore the evidence of pro-social tendencies of its activity during almost 10 years existence in Ukraine. The group of ISKCON in Kyiv e.g. accepts young people to their ashram only with permission of their parents. The leaders of ISKCON in Kyiv have registered the Spiritual Academy and demand an ordinary document (health certificate with the conclusion of psychiatrist) from the pretenders to enter this Academy.

Probably "Salvation" is one of the most active public anticult organization in Ukraine. Lately, they pay attention not only to religious but to spiritual movements too. Thus, their press-conference in July, 1997 was devoted the "destructive activity" of the members of Rerich's society. They established the private school basing of their theory in Dnieprope-

trovsk. A number of experts could not find the violations in the teaching process organizing in this school. But the relatives of some teachers applied to the court to incriminate to leaders of the school the health damage of the school collaborators. The juridical investigation was opened after this application (art. 209 of the CC of the Ukraine - "the damage of the health masking as religious rituals"). On that press-conference the organizers a priori proclaimed about "dangerous psychological influences" akin ones in "White Brotherhood".

It must be emphasized "Salvation" is the organization of believers' relatives. Their negative attitude to NRM is stipulated by intrafamily psychological problems. Thus, in Dniepropetrovsk mothers and husbands of some of the women-teachers (that work in private school named after Rerich) applied to the Court because their wives (daughters) did not spend enough time to their families. Relatives incriminated school leaders in "zombing" of their staff-members, in coercion to work almost on round the clock, in rest, sleep and food deprivation. But "the victims of coercion" explain that they are very interested in their work and don't want anybody (even the members of their families) to limit their freedom and right to determine the way.

Probably, at mutual wishes these problems could be resolved due to psychological consulting and correcting and without juridical interference. This situation is extremely significative: parents and relatives of NRM' followers consider religious organizations or leaders to be at the bottom of their own and their children's problems and want to put the responsibility to resolving these problems on society - first of all on legislative institutions, government and court.

We have an experience that in the cases of children's involving to NRM their parents are worried first of all about "loss" of their children. They say, "Religion bereaves of our child". They do not want to agree that children avoid their recommendations and their plans but act to own choice and reject parents' values. Often, a problem is parents are not ready to respect another opinion and do not allow children to be independent. There is no doubt in some cases a participation in cult practices limit social communications and sphere of interests and deprive capacity for independent critical thinking of followers. Parents' anxiety is essential. However, in the situations of psychological consulting concerning the par-

ticipation of children in NRM parents almost never agree to pass “noncoercive” methods (e.g. promoting voluntary reevaluation), that require of tolerance, respect and large efforts. They urge to use the prohibitive means and would prefer to use such strong ascendancy as “deprogramming” or “thought reforming” if they could find the specialists agreed to follow this way.

Conclusions

- liberal Ukrainian legislation in many cases does not satisfy the requirements of authoritarianists that demand cruel sanctions against nontraditional for our culture movements;
- the representatives of anticult movement in Ukraine seek a legislative limitation of NRM’ activity similar the most strict international samples. The evidences of NRM evolution in Ukraine leading to their pro-social positions are ignored. But it can be intended that NRM would be driven in underground by prohibited measures and could become more attractive for the youth;
- anticult campaign supports a myth about fatal dependence from NRM, about their single-valued negative influence to physical and mental health, about the possibilities of “psychotronic influence”, “coding” and “zombing”. Spreading of these ideas is actually a “coding” - a forming of the sureness which is not based on the rational arguments but develops according the rules of affective thinking;
- intolerance to NRM to a certain degree is risen due to intrafamily psychological problems of believers and their relatives. In posttotalitarian society people are not ready yet to take a responsibility to resolve their own problems and try to put this responsibility on legislative institutions and court;
- it is important to understand that cult and anticult movements keep a social balance and “supplement” each other. If NRM acts in frames of current legislation anticult organizations could oppose this activity on “civilized” way - by representation of alternative information about NRM and stimulation of critical attitude of the believers to their life situations. There are not to be prohibitions or means of psychological compulsory.