

Chronicle

Summaries of Events and Background Information

Speculation on Changes in Soviet Legislation on Religion

For some years there have been hints in Soviet church circles about possible forthcoming changes in Soviet legislation affecting the activity of religious bodies. Even official Soviet legal experts have suggested that some revision might be appropriate, although there has been no public announcement that such a review is in fact taking place.

However, the January issue of the Russian Orthodox Church's official monthly *Journal of the Moscow Patriarchate (JMP)* carried an article entitled "The Rights and Responsibilities of Religious Associations" which has caused considerable speculation that changes are at least underway, and that some may even have taken place.

Much of the article reaffirms the legal position detailed in published legislation. The fundamental decrees are "On the Separation of Church from State and School from Church" of January 1918, and "On Religious Associations" of April 1929, as amended in June 1975. The 1918 decree lays down fundamental principles, while religious activity and the procedures for registering religious associations, for depriving them of registration, and for closing them down, are regulated by the 1929 legislation, which has been adopted in slightly different forms by each of the fifteen Soviet republics individually. Since the Council for Religious Affairs is a central body (although some republics have their own Councils, they are subordinate to the central Council in Moscow), this lack of

uniformity could be one reason for considering new legislation and creating a standard for the whole of the USSR. Of course, this would not necessarily imply any revision of the content of the legislation.

However, some of the rights listed by *JMP* are at variance with one or both of the above decrees. Admittedly, some differences could be nothing more than choice of vocabulary. For example, the 1929 legislation describes a religious society as a "local association of believers", while *JMP* writes of an association of believers "living in one area". The Russian word translated here as "area" (*region*) is not used in official administrative terminology, and could therefore be seen as deliberately vague. "Local" (*mestny*) is an equally indefinite term, but clearly more limited geographically than "region". This might mean that new religious associations could now be formed by believers spread over a much wider geographical area than hitherto. Since the wording in both *JMP* and the legislation is ambiguous, it is doubly difficult to isolate any possible changes that as yet have no official confirmation. Nevertheless, some changes in wording have potentially far-reaching significance.

Firstly, *JMP* states that "a religious society has the rights of a juridical person", in order to carry out "the construction and purchase of buildings for its requirements, and to acquire means of transport, church requisites and

religious objects". The 1918 decree stipulates quite unambiguously that religious associations are not juridical persons, and do not have the right to own property, to give or undertake any obligations, to enter into contracts, institute legal proceedings or answer in a court of law. It can be argued that the 1929 legislation, in its 1975 revised version, does *de facto* give the rights of a juridical person to a religious society for the above purposes. However, it avoids doing so *de jure* and makes no reference to any right to appear in court, although *JMP* notes that the association's executive committee may be a plaintiff or respondent in court cases involving the religious society.

Secondly, *JMP* adds another small but potentially highly significant phrase. A religious association may acquire the above-mentioned property "with the right of ownership". Purchase of buildings is achieved "by means of a notarised contract of sale and purchase. Buildings thus acquired are the property of the religious association." The 1918 decree stated explicitly that all church buildings are nationalised and that a religious society cannot own anything, and the 1929 legislation made it clear that this ruling applies not just to church buildings but also to all religious items contained in them, even though they may have been bought by the society or donated by members. Thus, religious associations had the right to make certain purchases, but not to own what they had acquired. Church buildings, however, could not be purchased — they could only be leased or received on free loan from the local authorities. This ruling applied even when a building was bought for conversion into a church, or was constructed on a site made available by the state: before the new church could be used for worship it was handed over to the local authorities, who then gave it back on loan to the congregation. Without being absolutely explicit, *JMP* strongly implies that religious associations may now own newly-acquired church buildings; in discussing insurance, *JMP* notes that, if places of worship and other buildings are state property, the congregation must insure them, but if not they are not obliged to.

There are also some changes of

emphasis in the description of what is permitted in the life of the congregation. *JMP* states: "A religious association may invite clergy (ministers), conduct services and prayer meetings openly in houses of worship, which can be attended by religious believers of any age, and perform religious rituals." The 1929 legislation stipulates that clergy may conduct worship only for the congregation which they serve. Baptists and Pentecostals in particular have often had problems with the authorities because they have invited visitors to preach. *JMP's* wording suggests that this should not be a problem in future. The attendance of children in church has also been discouraged by the authorities in the past, sometimes even prevented. The legislation is silent on the matter, so *JMP's* statement about believers of any age is also something of an innovation, although recent practice has been to tolerate the presence of children.

The active participation of children and young people in acts of worship, however, has been definitely illegal. *JMP* now says something very different: "Believing citizens, including children who have reached the age of ten, may be voluntary participants in religious rituals." The age of ten has never been mentioned anywhere in Soviet legislation, which speaks of religious associations existing to meet the religious requirements of citizens who have reached the age of 18.

JMP also adds to the list of places in which clergy may perform religious rituals for the seriously ill without special permission. As well as hospitals and places of imprisonment, homes for the elderly and the handicapped are now included.

The appearance of the article in *JMP*, and in particular Keston College's analysis of it, sparked off something of a debate about its significance. Prominent West German specialists on religion in the Soviet Union, Dr Gerhard Simon of the Federal Institute for East European and International Studies and Dr Gerd Stricker of the Eastern Churches Institute at the University of Münster, commented that the article was merely a restatement of the 1975 version of the 1929 law.

Subsequently the Austrian Catholic news agency Kathpress interviewed Archbishop Pitirim of Kolomna and

Volokolamsk, editor of *JMP*, while on a visit to West Germany. He is quoted as saying that the article, which had been written by "legal experts", reflected not a comprehensive revision, but a "binding interpretation" of the law. He stated that the situation described in the article corresponded to the actual practice of the Russian Orthodox Church over the past few years. This applied both to the concept of a religious association being a juridical person (including the right to own property), and to the participation of children under the age of 18. Pitirim's words make it clear that the long-rumoured revision — if it is really going to come — has not yet taken place. Yet the "interpretation" is more of a reinterpretation, perhaps a precursor of better things in store. Pitirim is quoted as saying that it gives grounds for certain hopes.

On the other hand, Baptist leader Ivan Bukaty, superintendent for Belorussia and a member of the Baptist Union's presidium, told British journalist Brian Cooper that an important change in Soviet law now allowed all new churches to be owned outright.

There are three possible explanations for this apparent contradiction. Firstly, Pitirim does not exclude the possibility of recent changes: he speaks of the status of religious associations as described in the article being in accordance with instructions on the application of the legislation on religion (no such instructions issued since 1975 are known in the West), and his

denial of comprehensive revision does not rule out minor alteration. Secondly, what Pitirim regards as an alteration of little practical importance, Bukaty might well consider to be an important change, especially in view of the fact that the Baptists have a far more substantial building programme than the Orthodox and would, therefore, stand to benefit far more from the security of outright ownership of new buildings. Thirdly, Bukaty could be referring to a change that so far is applicable only to Belorussia.

None of these changes, alterations, or interpretations necessarily make a great deal of difference, except psychologically, though the importance of that should not be underestimated. In a legal system still affected in many aspects of its operation by political control, to enjoy the rights of a juridical person may not make it any easier to redress unconstitutional measures taken against the church. The right to own property can be taken away just as easily as it is granted. Only lifting of the restrictions on religious activity which limit the life of the congregation to public worship, and a genuine separation of church and state resulting in renunciation of state interference in the internal affairs of the churches, would make a real difference. Such sweeping change — unlikely though it is — would lead to a genuine normalisation of church-state relations and an end to the divide between registered and unregistered churches.

MICHAEL ROWE

Irina Ratushinskaya

The Russian Christian poetess, Irina Ratushinskaya, is now in her fifth year of imprisonment, much of which she has spent in the Barashevo camp for women in Soviet Mordovia. Now 32, she is said to have been the youngest prisoner in the camp, and latest reports indicate that she is critically ill because of the treatment she has suffered there — including long periods of solitary confinement, force-feeding, and violent beatings. The medical attention she has received appears to have been negligible. In July 1986 she was transferred from Barashevo, for an

unspecified period of "re-education"* at the Investigation Prison in Kiev.

Irina was originally arrested in September 1982 while working with her husband on a collective farm near Kiev. They were apple picking. She was questioned by police, and held in a KGB prison for several months before standing trial in a closed court for "anti-Soviet agitation and propaganda". She received

*A standard procedure for political prisoners, usually lasting about two months.