

A Legal Textbook for Soviet Propagandists

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Religion and Law (*Religia i zakon*)

by Georgi R. Golst,

Yuridicheskaya Literatura, Moscow, 1975, 112 pp., 14 kopecks.

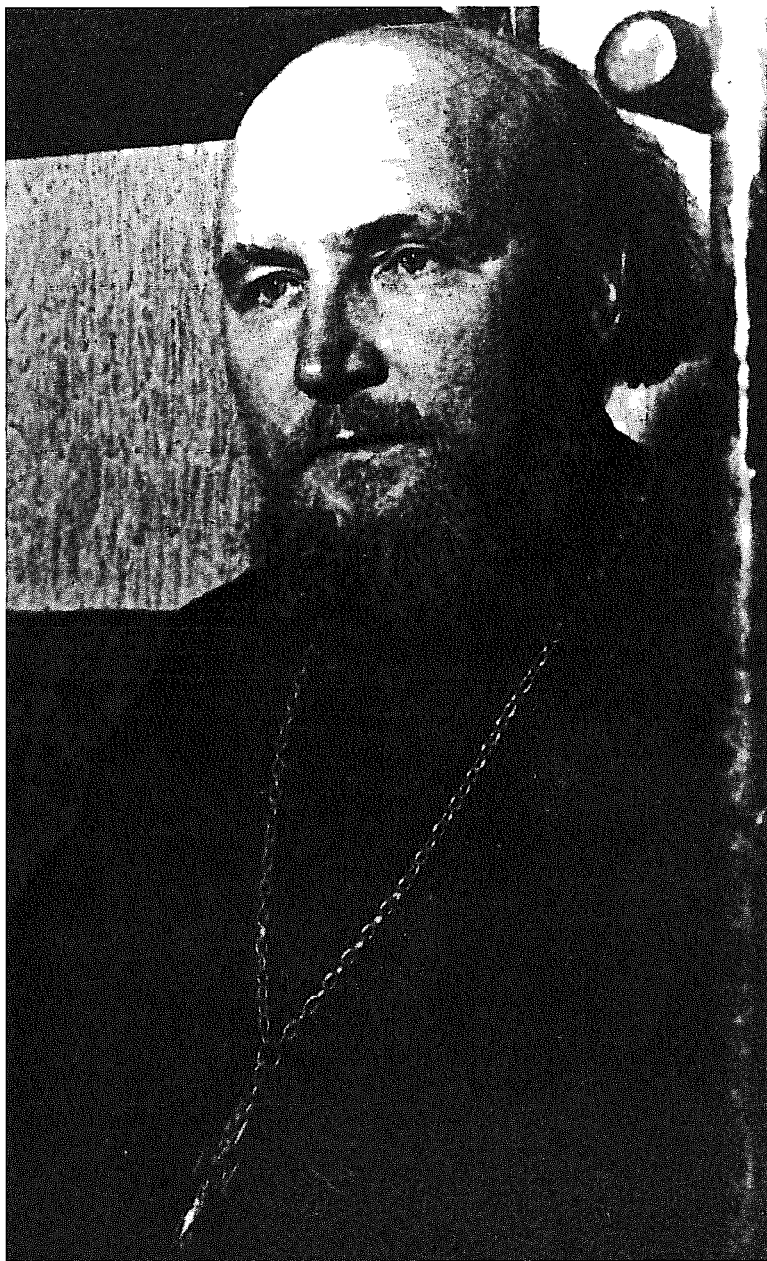
"Evidently the increasing Western criticism of the situation of religion in the Soviet Union is beginning to bite." Such were the closing words of a lead article in *Keston News Service* No. 21. One of the most controversial aspects of the Soviet religious situation is the law. It is ambiguous at many points, and often inaccessible to the ordinary believer. For this reason the new book, albeit published in a mere 50,000 copies, is welcome.

The book itself illustrates the mystification of the law. On the first page, Golst cites the basic laws on religion as follows: the Decree of 23 January 1918 on the separation of Church and State; the Constitution of the USSR, article 124; and the legislation of 8 April 1929 (as amended on 23 June 1975).^{*} But the texts of these laws are not appended rather like the omission of all maps from a detailed Soviet handbook about public transport in a large city (e.g. *Kak proyekhat po Tashkentu*, Tashkent, 1973).

Golst states on p. 60: "Upon being registered, a minister of cult receives the proper certificate and is furnished with essential explanations on basic questions of the current legislation on religious cults". Are these "essential explanations" only verbal or do they include printed matter such as legal texts? A well-known Moscow priest recently asked a Western acquaintance whether he could find him a copy of the 1929 Law (he had searched for one for a number of years without success). Legal texts therefore it seems are not provided.

Religion in Communist Lands No. 1, 1974, published a lead article on the Council for Religious Affairs (CRA), the central body for Church-State relations in the Soviet Union. At that time it was necessary to write:

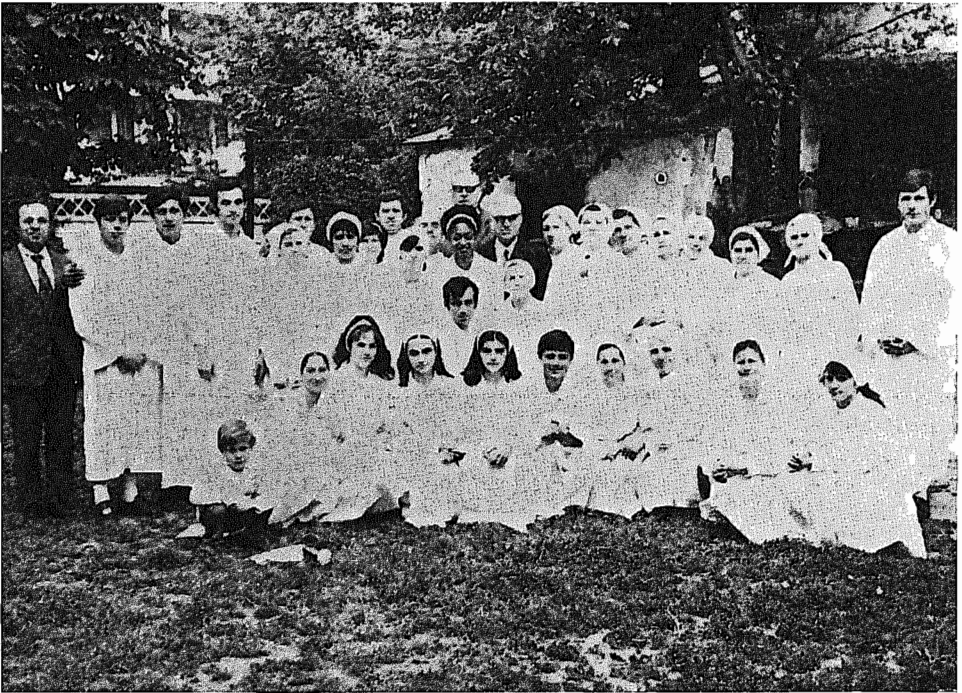
^{*} See "The New Soviet Law on Religion" by Walter Sawatsky (pp. 4-10 of this issue).



Fr. Dmitri Dudko, a much-loved priest of the Russian Orthodox Church, who has experienced many difficulties in the Soviet Union because of the extraordinary fruitfulness of his ministry. (See pp. 21-31)



Josif Ton, a Romanian Baptist pastor, who has been campaigning against excessive control of the Baptist Church by the Romanian State. (See article p. 14)



Newly baptized Romanian Baptists with their pastors.

“Church-state relations in the USSR are governed at the highest level by a body whose precise powers have never been made public” (p. 4). After its formation in 1965, the CRA received small coverage in Soviet legal sources. For example, some three pages were devoted to it in the brochure by A. Sedyulin: *Zakonodatelstvo o religioznykh kultakh* (Legislation on Religious Cults), published in 1974. This brochure has been superseded by Golst’s longer work. The CRA was not mentioned in the basic legislation since the latter was passed in 1918 and 1929. But on 23 June 1975 the Supreme Soviet made public an amendment of the 1929 Law (see the article in this issue pp. 4-10) which recognized the CRA as a central decision-making body. The amended legislation admits also that it is no longer local government agencies which register churches but the CRA. Although changes in the law probably do not represent any change in practice, it is laudable that the actual situation has been “legalized”. The book devotes some space to the functions of the CRA and was probably published in connection with the amendments of the Law made public in 1975.

The changes in Soviet law on religion since 1917 form a study in themselves, and an extremely enlightening one. One cannot help suspecting that basic legal texts have not been widely circulated precisely because such changes sometimes render obsolete texts extremely embarrassing. But some original Russian texts can be found: some have been reprinted in England and the revised 1929 Law has appeared in a Russian-language booklet published by the *Khronika* press in New York.

Religion and Law is divided into four parts: basic principles, legal status of religious associations, surveillance of the observance of the law, and liability for violations. Attention is concentrated almost exclusively on the Christian denominations (rather than Jews, Muslims, etc.). Much of the text is uncontroversial – there are no startlingly new interpretations. But the book is useful because it covers the bones of the basic legislation with flesh. It uses the technique of questions and answers since the book is basically designed to help propagandists deal with such questions. As it is written by a lawyer and published by a legal publishing house, it presumably carries considerable weight.

The general tone is uncompromising, in places distinctly sharp. Wherever the author mentions the observance of the law, he usually adds an epithet such as “strict” or “scrupulous”. “Rigorous observance of the provisions of the legislation on religious cults” is demanded of *official* persons whenever a religious association is to lose its registration. This may be taken as a tacit admission that such “rigorous observance” has not always been practised.

Two points which have become controversial in recent months are dealt with: the right of parents to teach religion to their own children which still just stands; and the right of a religious society to receive an

alternative building if their previous one is closed for any external reason (i.e. other than self-liquidation by the congregation). Although Golst concedes the right of parents to teach religion to their own children, he immediately goes on to exclaim: "But what kind of education is it when some believing parents tell their children that everything which exists has a divine origin, in contrast to the genuinely scientific knowledge which the children receive in school?" Since the doctrine of God as creator is basic to the Christian faith, it seems that this "freedom" stands on very shaky ground. A parent may "teach" his child religion, but may not "inculcate" it. In the intimate circle of the family, and in a charged atheist atmosphere, who is to draw the line between these two?

Golst ends by dealing with the removal of children from believing parents. He hastens to state that: "deprivation of parental rights for persons who have misused them on religious grounds is a very rare phenomenon in our day" (p. 107). Statements of this kind can be a danger signal. In the next paragraph he refers to a specific incident. Although he does not give the full surname, it is clear that the person in question is Zoya Radygina of Perm, who was deprived of parental rights to three of her children in 1973. Golst claims that the mother was proved to have exercised a baneful religious influence on the children for a number of years. He goes on to state that the father was brought to court on account of this serious state of affairs in the family. This is a curious slip. Perhaps Golst did not have the full facts on the case and added this as a likely afterthought. In fact, Radygina's husband had left her some years previously, when she became a Christian. Since this particular case has aroused considerable concern in the West, it would have been advisable to check the facts more carefully. The author's failure to do so must lessen the confidence the reader can place in his specific statements at other points.

Golst emphasizes in several places the importance of promoting understanding of the law on religion. To prevent violations of the law, he says, is better than to cure them (or rather, to place the offenders in labour camp). The Soviet authorities could make a useful start by increasing the size of the second edition by at least 1,000%, and adding an appendix of legal texts. Until concrete steps of this kind are taken, and the actual treatment of believers normalized, such sentiments must, alas, be treated with the same caution as Soviet statements of goodwill in the area of Church-State relations.