Secret Soviet Lawbook on Religion

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A book of secret Soviet laws on religion has been leaked to the West. In the Soviet Union many publications cannot be obtained by the general public, least of all by foreigners.[1] This secret lawbook is "For Official Use Only" (*Dlya sluzhebnogo polsovaniya*) according to the title page, and in order to restrict its circulation each of the 21,000 copies was numbered. Thus any leaks could be traced. (Fortunately, the number in this writer's xerox copy has been erased.) Clearly, the Soviet authorities did not wish the contents to be made public, and therefore these legal documents, despite their dullness, are of special interest.

This lawbook is entitled *Legislation on Religious Cults* (*Collection of Materials and Documents*) and was published by "Yuridicheskaya Literatura", Moscow in 1971. It was edited by V. A. Kuroedov, the chairman of the Council for Religious Affairs (hereafter CRA), and by A. S. Pankratov, the Deputy Procurator General of the USSR. It is described as the "second expanded edition". When therefore was the first edition printed and is a copy generally available? A smaller collection of laws published in 1965[2] may possibly count as the first edition, since most of it is reprinted in the 1971 edition. However, the 1965 volume was intended only for atheist lecturers, propagandists and Party activists, whereas Kuroedov states explicitly in an introduction that the 1971 volume is intended for "workers on executive committees of Councils of Workers' Deputies (i.e. *Soviets*. Ed.), plenipotentiaries of the CRA, workers in the judiciary, and other organizations and institutions connected with questions concerning religious cults".

The 1971 lawbook is valuable to the Western scholar for at least three reasons. Firstly, it provides a useful collection of Party and State pronouncements on religion, bringing these up to date as of 1971. Secondly, the content of the secret laws can now be discovered (most of the material in the "expanded" section of the volume is secret or unpublished legislation). Thirdly, this volume is useful for detecting and examining the nature of changes in state policy towards religion. In fact, even

since this lawbook appeared the State's policy has changed. In July 1975 revisions of the basic law on cults were approved and made public.* So this 1971 lawbook already needs to be revised.

Why was so much of this lawbook's contents kept secret? In general, a large proportion of Soviet legislation is never published. According to one scholar's estimate more than 80% of all "Decrees"** are not published. Instead they are released to a limited number of agencies which then pass on the substance of such "Decrees" to subordinates in the form of administrative orders.[3] The Supreme Soviet passed a regulatory act in 1958 which stated (Art. 3) that laws and decrees "not having general significance or not being of a normative character" need not be published and only those persons affected need to be informed. But this regulatory act should not really apply to legislation on religion since the latter still affects at least one third of the population.[4]

During the past decade the need to familiarize Soviet citizens with the law has been stressed. In fact, although the details of the laws printed in this 1971 lawbook are largely unknown, their substance has been made public in several recent popular booklets. The legal commentary by Golst, reviewed in *RCL* Vol. 4, No. 2 (pp. 32-34), might well be described as a popularized summary of this 1971 collection where, in any case, Golst was the compiler.

The legislation in this lawbook is organized into four sections. Part two consists of Communist Party documents on religion which have the force of law. Part three dealing with state legislation on religion is the longest and most important section. Then follows selected legislation from various union republics and a final brief section which outlines responsibility for violation of legislation on cults. In addition, a glossary of terms is provided as well as a 50-page supplement containing short descriptions of the various denominations in the Soviet Union. The supplement is fascinating and admits quite openly that "Missionary activity in the USSR is not permitted by law", and that "In the USSR the activity of sectarian preachers has been restricted by the legislation on religious cults".[5]

Only a few items from this lawbook will be selected for comment: the 1962 changes to the Law on Religious Associations of 1929; the statute† for the CRA and for its "cooperating commissions"; and some significant legislation passed in several republics between 1967 and 1969.

* See "The New Soviet Law on Religion" by Walter Sawatsky in *RCL* Vol. 4, No. 2, pp. 4–10. *Ed.*

** At the all-union level there are three levels of law: the "Laws" of the Supreme Soviet, the "Edicts" of the Presidium of the Supreme Soviet, and "Decrees" from the Council of Ministers.

† Printed at the end of this article. *Ed.*

I

The existence of the 1971 volume was already known thanks to the Russian academician and dissident, Igor Shafarevich. In a report, entitled "Legislation on Cults",* Shafarevich referred to this volume as his source for indicating that approximately half of the articles in the 1929 Law on Religious Associations had been changed on 19 December 1962. He also quoted a footnote from the book which stated that these articles were not for publication.[6] Shafarevich in fact bases much of his report on this 1971 volume. However, as his footnotes referred to individual laws rather than to the printed source this was not made clear. He may have assumed incorrectly that, for example, the "Instruction" of 16 March 1961 on the "Application of the Legislation on Cults" or the "Instruction" of 31 October 1968 "On keeping Lists of Religious Associations, Prayer Houses and Buildings, and also on the Orderly Registration of the Executive Committees of Religious Associations and Servants of the Cult" had been published elsewhere.

Although Shafarevich relied heavily on the 1971 volume, he failed to note that the version of the 1929 Law on Religious Associations printed there was actually the Law as amended on 19 December 1962. How then does the 1962 version of the Law differ from the version published in 1975? How does it compare with the original of 1929? The 1975 changes did not just make public what had been changed secretly in 1962: more was involved.[7]

Most of the changes published in 1975 which seemed particularly restrictive were in fact introduced in 1962. For example, in 1962 the registration of religious associations was made more difficult: all members were now required to sign the petition, not just a representative (Art. 5 and 6). According to Art. 20 a local or national religious congress could be called only with the permission of the CRA. The two articles which followed containing details about procedure were dropped. That congresses should be conducted according to canon law was only added to Art. 20 in 1975. This addition freed the churches somewhat from the total control introduced in 1962. A number of articles changed in 1962[8] made it easier to close churches: for example, the right of appeal was dropped. Already in 1962 a religious association could lose its registration for "violation of the law on cults" rather than for breaking the terms of the contract. The ban on religious ceremonies in private homes was also introduced in 1962.[9]

In 1975 the right of juridical personality was almost totally restored to the Churches. This was perhaps the most important of the changes. The old Art. 3 which explicitly denied the Churches this right was finally

* Reviewed in *RCL* Vol. 2, No. 2, pp. 18–20. The report was presented to Sakharov's Human Rights Committee. *Ed.*

dropped and instead a specific formula for conducting financial transactions was introduced. An additional paragraph was added to Art. 20 in 1975 which granted such rights to religious centres as well as to local religious associations. Some changes in the vocabulary used also indicates a more friendly attitude to the Churches. For example, "liquidate" was replaced by the less emotive word "closure".[10]

II

The 1975 changes also increased the power of the CRA. At least nine of the articles changed in 1962 were changed once again in 1975.[11] In 1962 decisions on, for example, the registration of religious associations and the closure of churches were changed from being the prerogative of local state organs to a higher level:

> Council of Ministers of autonomous republics, executive committees of district, regional and city (Moscow and Leningrad) Councils of Workers' Deputies *with the agreement of* the corresponding Council for the Affairs of the Russian Orthodox Church under the USSR Council of Ministers or the Council for the Affairs of Religious Cults under the USSR Council of Ministers.[12]

The formula was changed again in 1975. Decisions were now taken by:

> The CRA under the USSR Council of Ministers *upon recommendation of* the Councils of Ministers of autonomous republics, executive committees of . . .[13]

A CRA for the Ukrainian SSR was created on 6 November 1974. The 1975 changes in the Law may also indicate that Moscow was trying to resist the decentralization of the Council's power which the creation of this new Council represented. The Ukrainian Council replaced the office of the plenipotentiary for the All-Union Council.[14] A unified office had been established earlier (25 January 1966) for this official. The Ukrainian Council, headed by a chairman and three deputies, employed 34 people in the main office and had another 91 people under it locally. The Ukrainian Council of Ministers which created this Council asked the All-Union CRA to prepare a statute for this new Ukrainian Council and to secure the approval of the USSR Council of Ministers.

When the two former councils for Orthodox and for other religions were united into one Council for Religious Affairs (CRA) on 8 December 1965, a statute or constitution to guide its operations was also approved a few months later. According to this statute (see pp. 31-34) the Council had four main tasks: to supervise the observance of the legislation on cults; to analyse any proposed laws affecting religion; to inform the government on the activity of religious organizations; and to work with

religious organizations in international affairs to foster peace. The Council had the right to decide whether to grant registration, to open or close a church. It had the right to ensure that religious associations were observing the law, and if not, it could call in the relevant agencies to institute proceedings against the offending groups. It could also deliver official explanations on religious affairs to government bodies and could recommend changes in any legislation that contradicted the legislation on cults. According to the statute a Council and a central staff existed; the latter was organized into seven departments. In addition to the chairman and his deputies, the Council consisted of plenipotentiaries responsible for republics and additional persons, all appointed by the USSR Council of Ministers. It was a centralized body: the plenipotentiaries were directly subordinate to the Moscow Council although they could only be appointed upon the recommendation of local authorities.

III

One of the most important laws which affects state policy on religion is an "Instruction on the Application of the Legislation on Cults" dated 16 March 1961.[15] Many references are made to this "Instruction" in other documents. It was issued in the name of the two councils for religious affairs which still existed in 1961. (The 1971 lawbook states in a footnote that a combined council had been created in 1965.) The "Instruction" restated the 1929 Law but reflected all the changes made in December 1962. In short, the 1962 legislative changes merely approved a policy statement by the religious affairs councils which had been made a year and a half earlier.

This "Instruction" warned local organs to take care to protect the rights of all citizens. They were not permitted to:

> apply administrative measures to the struggle with religion (illegal closure of prayer buildings, etc.), interfere administratively in the activities of religious organizations, behave rudely towards the clergy or offend the sensitivities of believers.

And yet this statement was immediately followed by the remark that religious rituals were only permitted if they did not violate social order and encroach on the rights of Soviet citizens. What was the reader to conclude? State organs, the "Instruction" continued, "have the right to take all necessary measures in these circumstances for protecting social order and security". Then followed five major statements (each with three or four sub-sections) which stipulated what churches and clergy were not allowed to do. This "Instruction" also stated that sects whose beliefs and character were anti-Soviet and superstitious such as "the Jehovah's Witnesses, Pentecostalists, True Orthodox Christians, the True

Orthodox Church, Reform Adventists, Murashkovtsy and others" could not be registered.

Another important "Instruction" from the CRA (issued 31 October 1968) elucidated how lists of religious associations and prayer buildings were to be kept and also demanded that clergy (or servants of the cult) and the executive committees of local religious associations be registered. Ten interesting supplements were attached to this "Instruction": they consisted of sample forms which had to be filled in by those being registered.[16]

IV

Whereas the 1959-64 anti-religious campaign launched by Khrushchev is fairly well known, subsequent policy changes are not so easy to establish. The creation of local "social commissions" was one new development. They were to work closely with representatives of the CRA and to persuade religious people to become atheists. A sample statute for such commissions, prepared by the CRA, was printed in the 1971 lawbook under review. It is dated 26 November 1966. Various republics passed legislation which incorporated such a statute. The Lithuanian Republic actually introduced a much briefer statute earlier (12 February 1965).[17]

First the Russian Federation on 24 July 1968, and then numerous other republics passed legislation "on strengthening controls for the observance of the legislation on cults". The actual words of the proposals vary slightly to fit the local setting. The opening statements which justify the measures are the most interesting. The RSFSR law, for example, claims that the Council of Ministers in certain autonomous republics and executive committees in certain regions and *oblasts* for long periods of time:

> have not been checking out declarations and complaints received from believers, are refusing registration to religious associations without cause, are hindering them in using their prayer houses, which restricts the rights of believers guaranteed to them by law. Together with this they are not taking adequate steps in relation to religious organizations which are refusing to register.[18]

A similar law for Moldavia, dated 30 June 1969, accused the Ministry of Finance's organs of not checking the revenues of unregistered churches with sufficient care. A strange accusation. But apparently the "majority" of the executive committees of regional and city *soviets* had not been keeping a list of existing churches.[19] The equivalent law passed in the Uzbek SSR on 7 February 1969 contained detailed instructions. A list of all existing churches and clergy was to be compiled by 1 June 1969. Within the first half of 1969 the Uzbek plenipotentiary for the CRA was

to call a conference at the republic level to discuss the practical application of the legislation on cults. Various administrative changes were to be made, involving the creation of a new coordinating staff for the Uzbek plenipotentiary.[20] During the second half of the year the executive committee of the Tashkent regional *soviet* was to report to the Presidium of the Uzbek Council of Ministers on how the new regulations had been carried out. Apart from these instructions and complaints, each law asked for stricter measures to be taken to stop the production and distribution of *samizdat*.

V

From this somewhat arbitrary selection of legislation from the secret collection of 1971 a number of conclusions may be drawn. Now that the 1962 changes to the Law on Religious Associations are known, it is clear that the amendments of June 1975 are of a comparatively liberal kind. These recent amendments also show that the power of the CRA has been centralized. Some of the legislation selected here for comment shows also how unpublished laws can be used by state organs to justify their persecution of the Churches. For example, a resolution from the USSR Council of Ministers, dated 16 October 1958, asked the two councils for religious affairs

> within the space of six months to study the possibilities for reducing the number of monasteries and hermitages and to present the USSR Council of Ministers with an agreeable recommendation on this question.[21]

In fact after about six months a large number of monasteries were actually closed.

At present the State appears to be following a two-pronged policy towards religion. The "strengthening of control" legislation from the 1967-69 period is an indication of this. On the one hand, religious associations which abide by the legislation may register and fewer obstacles are put in their way. On the other hand, those which refuse to accept the restrictive legislation are liable to be punished more severely. At all events, the State still insists on having the final word.

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[1] See Hedrick Smith, *The Russians*, New York, Times Books, 1976, p. 357ff.
[2] *O religii i tserkvi. Sbornik dokumentov*, Moscow, "Politizdat", 1965, 128 pp.
[3] Dietrich A. Loeber, "Legal Rules 'For Internal Use Only'," *The International and Comparative Law Quarterly*, January, 1970, p. 77.
[4] Cited in I. R. Shafarevich, *Zakonodatelstvo o religii v SSSR*, Paris, YMCA Press, 1973, p. 68.
[6] V. A. Kuroedov and A. S. Pankratov (eds.), *Legislation on Religious Cults*, "Yuridicheskaya Literatura", Moscow, 1971, p. 314 and 317.
[6] Shafarevich, *op. cit.* p. 67.
[7] This revises somewhat this writer's article "The New Soviet Law on Religion" in *RCL* Vol. 4, No. 2, pp. 4–10 where the changes are discussed in greater detail.
[8] Art. 34, 35, 37 and 44.
[9] Art. 43 and 59.
[10] Art. 39, 40 and 41.
[11] Art. 4, 10, 32, 33, 36, 39, 41, 43 and 44.
[12] Kuroedov and Pankratov, *op. cit.*, pp. 83–97. Italics mine.
[13] *Vedomosti verkhovnogo soveta RSFSR*, No. 27 (873), 3 July 1975, pp. 487–91. Italics mine.
[14] Reported in *Religion und Atheismus in der UdSSR*, March 1975, No. 3, pp. 9–10. The official announcement appeared in *Radianskie pravo*, Kiev, No. 2, 1975, p. 104. See Kuroedov and Pankratov, *Legislation on Religious Cults*, p. 228 for the 1966 changes.
[15] Kuroedov and Pankratov, *op. cit.*, pp. 150–60.
[16] *Ibid.* pp. 133–50.
[17] *Ibid.* pp. 168–9.
[18] *Ibid.* p. 180.
[19] *Ibid.* p. 253.
[20] *Ibid.* pp. 229–33. Appointed to this staff were: Mirsalikh Mirakhmedovich Miragzamov, plenipotentiary for the CRA under the USSR Council of Ministers for the Uzbek SSR who was named chairman of this co-ordinating council; Petr Spiridinovich Krivosheev, deputy plenipotentiary of the CRA for the Uzbek SSR; Kadyr Fazylkhodzhaev, deputy chairman of the presidium of the *Znanie* society for Uzbekistan; Aleksandr Fedorovich Ryzhkin, senior assistant procurator for the Uzbek SSR; Mamatsadyk Sidikovich Sidikov, deputy chairman of the Supreme Court of the Uzbek SSR; Ibragim Salievich Muminov, School Administration Official for the Ministry of Education for the Uzbek SSR; Amip Akhmedovich Garafutdinov, Deputy Officer of the Investigating Administration of the Uzbek Ministry of the Interior; Grigorii Yakovlevich Safronov, Administrative Officer of State Revenue of the Uzbek Ministry of Finance; and Khasiyat Yakubovna Yakubdzhanova, Deputy Chairman of the Tashkent City *Soviet's* Executive Committee.
[21] *Ibid.* p. 109.

Statute of the CRA

*Two government bodies were set up in 1944 and 1945 respectively: one for the affairs of the Russian Orthodox Church and the other for the affairs of religious cults in general. These were combined on 8 December 1965 into the Council for Religious Affairs (CRA) under the USSR Council of Ministers. This reorganization was announced at the time (*Izvestia *30 August 1966) but, as with the two earlier councils, no details of the new council's structure, functions and powers were provided. A statute for the CRA was approved on 10 May 1966, but it was not published at the time. We now print an English translation which is based on the text contained in the 1971 lawbook edited by V. A. Kuroedov and A. S. Pankratov,* Legislation on Religious Cults, *pp. 79–83.*