Document

Lithuanian Catholics Criticize Soviet Law on Religion

The Catholic Committee for the Defence of Believers' Rights, formed on 22 November 1978 (see founding document in RCL *Vol. 7, No. 2, pp. 87-8) has compiled a detailed critique of the present Soviet law on religion and its effect on Lithuanian Catholics. This document, entitled "The Struggle against Decrees of the Presidium of the Supreme Soviet", and commonly known as "Document No. 5", appeared in the* samizdat *journal* Chronicle of the Lithuanian Catholic Church (CLCC) *No. 37 (4 March 1979) and is dated 23 December 1978.*

The basic legislation governing religious life in the USSR is the Law on Religious Associations passed in 1929, which was slightly revised in 1932. In July 1975 the RSFSR Supreme Soviet published amendments to the 1929 Law (for a commentary see Walter Sawatsky, "The New Soviet Law on Religion", RCL *Vol. 4, No. 2, pp. 4-10) and in July 1976 the Presidium of the Lithuanian Supreme Soviet followed suit with the Regulations on Religious Associations which apply to religious believers in the Lithuanian republic.*

After the publication of "Document No. 5" the Chronicle (CLCC) *published a number of "Declarations" in support of the Catholic Committee's critique from Catholic priests in Lithuania, representing their parishioners. The total number of priests who signed these "Declarations" was 522, and they came from five dioceses (Kaunas, Vilkaviškis, Panevežys, Telšiai, Kaišiadorys) and one archdiocese (Vilnius).*

THE STRUGGLE AGAINST DECREES OF THE PRESIDIUM OF THE SUPREME SOVIET

The Catholic Committee for the Defence of Believers' Rights (CCDBR)

23 December 1978

DOCUMENT NO. 5

To: The USSR Presidium of the Supreme Soviet
The LSSR Presidium of the Supreme Soviet
Bishops of Diocesan Administrations of Lithuania
The Chairman of the Council for Religious Affairs (CRA), P. Anilionis

Thirty years ago, on 10 December 1948, the UN General Assembly accepted the Universal Declaration of Human Rights, which the Soviet Union also undertook to implement faithfully by its signature. The Soviet press even asserts that the new USSR Constitution guarantees a great deal more rights and freedoms than those visualized in the Universal Declaration of Human Rights.

The Catholics of Lithuania, having experienced various forms of discrimination in the post-war years, hoped that on the occasion of the illustrious jubilee of the Universal Declaration of Human Rights the Soviet government would accord them at least a few more rights and freedoms, but the opposite happened instead. On 24 November 1978 the Chairman of the Council for Religious Affairs (CRA), P. Anilionis, summoned all of Lithuania's bishops and diocesan administrators to Vilnius, and firmly emphasized that from

now on it would be necessary to abide by the Regulations on Religious Associations confirmed by the Presidium of the LSSR Supreme Soviet on 28 July 1976, and that if this were not done severe penalties would ensue.

The Presidium of the LSSR Supreme Soviet in confirming the Regulations on Religious Associations should firstly have taken into account that the Catholic Church in Lithuania not only has 600 years of history and has incontrovertibly done much to benefit Lithuania (e.g. the foundation of Vilnius University by the Jesuits 400 years ago) but also the fact that even at the present time no less than 70 per cent of Lithuania's inhabitants belong to the Catholic Church, and only an insignificant proportion regard themselves as atheists. The people's government, in confirming the Regulations, should have taken into account the convictions and will of the majority of citizens, but instead acted to the contrary; the interests of a handful of atheists decided the discriminatory nature of the Regulations on Religious Associations.

By means of this document we wish to turn the attention of the Soviet government to the way in which the priests and believers of Lithuania evaluate the Regulations thrust upon them. These Regulations contradict not only the Universal Declaration of Human Rights, but also the LSSR Constitution and aim to destroy the Catholic Church in Lithuania by administrative measures.

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The Regulations on Religious Associations require that a religious community [i.e. any group of believers—described as a "religious association" in Soviet law] be registered (Art. 2); without being registered it cannot embark on any activity (Art. 4). In order to register a religious community a request has to be made to the executive committee of the district (or town) *Soviet* of People's Deputies, which arrives at a decision and then sends the request, together with its conclusions, to the LSSR Council of Ministers (Art. 5). The latter considers the material sent to it (Art. 7) and sends it on to the CRA attached to the USSR Council of Ministers, which either registers the religious community or rejects its request (Art. 4).

The Regulations which require a religious community to register do not guarantee that it will be registered. In fact the registration of a religious community can be prevented by the executive committee of a district *soviet*, a republic's Council of Ministers and the CRA. A religious community can be harassed for years on end as regards registration, and be left in the dark as to the person responsible. It does not even have the right to complain to a People's Court about the actions of local government officials. On 31 March 1978 the believers of Žalioji (Vilkaviškis district), having made numerous unsuccessful attempts to have their community registered, appealed to the CRA in Moscow to register their community. The Council sent the appeal of the Žalioji religious community to the Chairman of the CRA in Vilnius, and the latter turned the whole of the matter over to the executive committee of the Vilkaviškis district *soviet* whose representative, J. Urbonas, declared that the Žalioji religious community would never be registered. Similarly, in 1976-77 the Slabadai (Vilkaviškis district) religious community endeavoured in vain to obtain registration and to start its activities; it constantly found itself confronted with the arbitrariness of government officials.

If, in accordance with the LSSR Constitution, the "Church in the Lithuanian SSR is separated from the State", the State has no right to demand the registration of religious communities and should be content to be informed that such-and-such a community exists. The requirement that a religious community must register means that it is forbidden, and only registration confers upon it the right to exist. This is in direct contradiction to the Universal Declaration of Human Rights which proclaims that "Each person has the right to freely ... belong to organizations" (Art. 20).

The Regulations allow membership of religious communities to be open only to those above the age of 18 (Art. 3).

The Catholic Church has never agreed with this, and will never agree, for it is a basic contradiction of its teaching and its laws (canons). The Church, basing itself upon the teaching of Christ that baptism, penance and other sacraments are necessary for salvation, requires that babies be christened within a month and that children from about the age of seven go to confession and Holy Communion. The

Church thus regards people as its members not from the age of 18, but from the date of their baptism. The State, therefore, in guaranteeing its citizens the "freedom to practise cults" without reservations in its Constitution cannot revoke these guarantees or qualify them by its laws.

Regulations which specify that only from the age of 18 can persons be members of religious communities, open the door wide to discrimination against believers. There is no guarantee, on the basis of Art. 3 of the Regulations, that government officials will not one day begin to forbid the baptizing of babies, the admission of children to the sacraments or into a church itself, etc. The example of the RSFSR and other republics shows that this fear of the Lithuanian people has some foundation. For example, the Regulations on Religious Associations of the Latvian SSR even impose a direct ban on participation in religious rites to those under 18.

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"A religious community has the right to acquire church fittings, religious cult objects and means of transport, to rent, to erect and to buy buildings . . ." (Art. 3).

In another section the Regulations assert that "property essential for cult practices, whether it is transferred by agreement for the use of believers when the religious community is created or obtained as gifts for cult purposes, is the property of the State . . ." (Art. 22). If a religious community is disbanded the State even takes its funds, incense, candles, wine, wax and fuel (Art. 34 'e'). This means that the basic idea behind Art. 3 is the following: a religious community has the right, on behalf not of itself but of the State (!), to acquire various church fittings and cult objects, means of transport, buildings etc. The State, by confiscating the articles donated by believers, coarsely violates the will of believers who, in making donations to the Church, have no desire whatsoever to enrich state or museum stocks; it does not abide by the Universal Declaration which proclaims that "property cannot arbitrarily be confiscated by anyone" (Art. 17-2).

Art. 10 of the Regulations states that a religious community "may", in accordance with an established procedure, obtain a special, single house of prayer. In other words, the believers may not get such a house if this is against the wishes of local atheists or government officials. Many churches have been arbitrarily closed in Lithuania: in Vilnius, Kaunas, Klaipeda, Ukmerge, Panevežys and other places. Religious communities should have an unfettered right to acquire or erect churches if they do not already possess them. Since churches in Lithuania are built not by atheists, but by the believers, the State is doing the believers no favour by allowing them to be used. Similarly, the State cannot stipulate how many prayer houses a religious community can have. This would be a clear interference in the internal affairs of a religious community.

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According to the Regulations, various functions within a religious community can only be carried out by "separate individuals", i.e. a religious community is not acknowledged as having the right of legal personality. Collective farms, co-operatives, hospitals, even art, sport and other societies may be regarded as having the right of legal personality and only religious associations cannot. This means that Lithuanian believers (all believers in the Soviet Union are in a similar situation) are not equal with atheists before the law, and that the State, in fact, regards them as second-class citizens even though the LSSR Constitution states that "citizens of the Lithuanian SSR are equal before the law . . ."(Art. 32).

"General meetings of religious associations and groups of believers (other than religious services) take place . . . with the permission of an executive committee" [of a local *soviet*] (Art. 12).

This means that not even a group of three or four believers can meet together to discuss their religious affairs without the permission of the district authorities. This article is contrary to the Universal Declaration of Human Rights which proclaims that "every person has the right . . . to take part in peaceful meetings" (Art. 20-1), and creates the impression that the State views believers as criminals whose every step has to be kept under scrutiny. Such Regulations artificially create dissatisfaction, distrust and opposition to the State amongst believers and this greatly hinders normal social development.

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A religious association "chooses its executive officials from its members by

means of open elections held at general meetings of believers" (Art. 13).

If "the Church in the Lithuanian SSR is separated from the State" (Art. 50 of the LSSR Constitution), then has the State the right to concern itself with how voting in religious communities is conducted—whether it be by secret or open ballot? Believers interpret the requirement that voting within religious communities is to be open as an effort by the State to prevent the election of suitable representatives for a religious community. Since the Regulations do not prevent government officials from taking part in a general meeting of a religious association, such officials can morally coerce the members of a religious community to elect persons desirable to the executive committee of the district *soviet* and not to the community.

If "open voting" has not brought results and believers have chosen conscientious and active representatives for the religious community, the executive committee of the district *soviet* has the right arbitrarily to remove any person from the community's executive organs (Art. 14). The atheist government thus desires to administer the Church and subordinate it to its requirements through the executive committees.

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"Religious associations do not have the right to organize meetings especially for children or young people . . ." (Art. 17). "The teaching of religion may only be permitted in theological schools . . ." (Art. 18).

In schools believing pupils are forced to enrol in various atheist organizations, contrary to the Universal Declaration of Human Rights which declares that "no one may be compelled to join any organization" (Art. 20). Religious pupils have to take part in "special" atheist, pioneer and Komsomol meetings, but they are forbidden to deepen their knowledge of religion by gathering together or even to learn to sing religious hymns—because all this is regarded as "special meetings". Art. 17 of the Regulations is in direct contradiction to Art. 20 of the Universal Declaration which guarantees to every individual (be they children, school pupils or young persons) the right freely to participate in peaceful gatherings.

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Art. 18 of the Regulations speaks of "religious schools" which, in Lithuania, are forbidden, whilst the only seminary for priests (Kaunas) is subject to strict limitations and is kept under the diligent control of government officials. The Presidium of the LSSR Supreme Soviet, by a decree of 12 May 1966, has forbidden the religious instruction of schoolchildren. In reality this decree of the Presidium of the Supreme Soviet is invalid, for it directly contradicts the international convention "on the fight against discrimination in the sphere of education", which took effect in the Soviet Union on 1 November 1962. Art. 6 of this convention stipulates that parents must have the possibility of "ensuring the religious or moral education of children in accordance with the parents' own convictions". Arts. 17 and 18 of the Regulations deprive parents of the possibility of ensuring such education. On the basis of the decree of 12 May 1966 a number of priests in Lithuania—Juozas Zdebskis, Prosperas Bubnys, Antanas Šeškevičius—were sentenced to imprisonment merely because, at the request of parents, they had taught religious truths to children.

According to Art. 18, even a grandfather who talks about God to his grandchildren can be prosecuted. Permission to teach religion only in religious schools, which are themselves forbidden, is in essence deceitful and conceals within itself the undertaking to root out religion as quickly as possible. Art. 18 leaves open the future possibility of banning the preaching of sermons by priests, as preaching in churches is lecturing on religion outside a religious school. Finally, Art. 18 also contradicts the Universal Declaration which gives every person "the freedom to search for, obtain and disseminate information and ideas by any means and irrespective of state boundaries" (Art. 19). Why then do the Regulations confine religious teaching within any boundaries?

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Priests are only allowed to carry out religious rites within the territory and church of the religious community which they serve (Art. 19).

Christ ordered his disciples to go out, not to a religious community permitted by a State, but "to the whole world" (Matt. 28:19) and spread the Gospel to all—pagans, believers and atheists. Art. 19 forces priests to sin against their conscience, and it hinders believers from fulfilling the obligations laid upon them by their

faith. For example, government officials, in preventing priests from helping one another during local church festivals, at the same time prevent believers from going to Easter confession and obtaining remission of their sins, and thus make a mockery of the "freedom of cults" guaranteed by the LSSR Constitution. Art. 19 also contradicts the Universal Declaration which gives every person the right freely to disseminate his ideas "irrespective of state boundaries" (Art. 19), let alone of the boundaries of a religious community.

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"Religious centres and diocesan administrations are given the right to produce church fittings and necessities for a religious cult" (Art. 20).

The right is given but the means are taken away and, therefore, throughout the whole of the post-war period not a single rosary has officially been made and not a single catechism issued. With the permission of the Soviet government, only a very limited number of prayer books has appeared, and this has been insufficient to satisfy the requirements of even one in a hundred believers.

Arts. 22 and 34 of the Regulations, by treating articles necessary for the performance of religious services as state property, allow government offices even to appropriate vessels used in the Holy Mass—chalices, monstrances, etc. Believers are made to fear that the State, by its laws, is legalizing such sacrilege. Believers are obliged by their consciences to protect holy vessels by all possible means from thieves; and the publishers of these Regulations are therefore responsible for provoking conflict and for causing millions of believers to take up anti-state positions. The paragraphs in question injure a believer's deepest feelings. Where then is this "separation of the Church from the State" if the fingers of government officials even reach the holiest of holy places—the tabernacle of the altar?!

When a religious community is deprived of its property, then the Universal Declaration is infringed, which proclaims that "every person has the right, alone or together with others, to own property" (Art. 17). Believers will only become convinced that the State is not discriminating against the Church when religious communities are allowed to own property and to have the right of legal personality.

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The Regulations permit a religious community to make use of a house of prayer and other cult property only if an agreement is made with the executive committee of the district *soviet* and only if the religious community accepts the one-sided conditions thrust upon it (Arts. 23, 24 and 25).

In 1948, during the Stalinist period, so-called "agreements" were forced upon the Catholic Church in Lithuania. Believers were threatened with the closure of churches, while priests were persecuted. It is strange that in 1975 the Soviet government should repeat the injuries done to the Church during the Stalinist period and once more force "agreements" on it. In fact, believers cannot freely accept "agreements" which are one-sided and discriminate against believers, for they involve administrative interference by government officials in the internal life of the Church.

The Regulations even allow executive committee members of local *soviets* to check the Church and its property at any time (Art. 25 'f'). This makes one think that under this cover government officials can, without any legal permit and at any time of the day or night (even midnight), conduct a search of a church—to "check upon and inspect property", including the altar tabernacle where the Holy Sacrament is kept.

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The Regulations allow for the eventual inclusion among a religious community's representatives (council of twenty) of people with appropriate beliefs and views (Art. 27).

The Regulations thereby leave open the way for people with unclear motives to enter a religious community. The government may regard someone who was once baptized but is now an atheist and concerned only with defending the interests of the State, as being a person with "appropriate views". People of this kind, should they become a majority within a particular religious community, might even disrupt the community in question. In fact, only true believers, known to all, can create a religious community.

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Insurance compensation for a house of prayer which has been burned down is

The five Lithuanian Catholic priests who formed the Lithuanian Catholic Committee for the Defence of Believers' Rights in November 1978. They are the authors of "Document No. 5" printed on pp. 132-8. *From left to right:* Fr Jonas Kauneckas, Fr Juozas Zdebskis, Fr Alfonsas Svarinskas, Fr Sigitas Tamkevičius and Fr Vincas Velavičius.

Penitential pilgrimage of Lithuanian Catholics to the Hill of Crosses; this hill has become a symbol of Lithuania's national identity and religious faith. Many of the difficulties which face Lithuanian Catholics are described in "Document No. 5" (pp. 132-8).

(All photographs, courtesy Keston College)

The funeral of the Lithuanian Catholic priest, Fr Karolis Garuckas (10 April 1979). Many of the young people present are dressed in Lithuanian national costume.

Fr Svarinskas, a member of the Lithuanian Catholic Committee, stands in front of the banner on the right during Fr Garuckas's funeral. *Extreme left to right:* Bishop Sladkevičius and Bishop Steponavičius who are both exiled and unable officially to exercise their ministry. (*All photographs, courtesy Keston*

given to the executive committee of the local *soviet*, which has the right to allocate money received for any purpose, even for atheist activity (Art. 29). What discrimination against believers! They build churches, pay rents to the government for them, and do not receive the insurance payments in the event of an accident. Most often the religious community does not even get permission to build a new house of prayer. For example, in Sangruda (Kapsukas district), when the church was burned down the executive committee of the Kapsukas district *soviet* took the money and would not allow the religious community to build a new church. The believers had to make do with a residential building in which a wretched little house of prayer was installed. There were similar occurrences in Batakiai, Gaure and other places. Art. 29 greatly encourages militant atheists to destroy churches deliberately, and believers in Lithuania suspect that the majority of the churches burned down in post-war years were subject to arson perpetrated by evil-doers.

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The LSSR Council of Ministers has the unlimited right, irrespective of believers' wishes, to close a church at any time and to use it for secular purposes or even to demolish it and confiscate all its property and wealth (Arts. 30, 31, 32, 33 and 34). A great wrong was done to believers in Lithuania in the post-war years when many churches were closed against the wishes of believers. These churches were then turned into store houses, workshops and even, in the case of the Church of St Casimir[5] in Vilnius, into an atheist museum! Since a religious community does not have the right of legal personality, it is unable to use the processes of law to defend its rights. Believers, therefore, constantly live under the shadow of fear and have to submit to the arbitrary acts of local officials because their house of prayer is threatened with closure should they disobey.

It is sufficient for a local atheist council merely to complain that a religious community has infringed the law on cults (Arts. 35 and 36) for the LSSR Council of Ministers to decide to close a church or abolish a religious community. A religious community, therefore, has not only to tremble before officials but also before the local atheists. Art. 35 of the Regulations is a sword of Damocles held constantly over the heads of believers.

The situation would be normal only if the activity of a religious community could be ended solely through a court of law, and only for a serious offence, and not for non-implementation of anti-constitutional Regulations.

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Arts. 37-44 affirm that even for the smallest of repairs to a church, a permit from the executive committee of the district *soviet* is required; that when any repairs are underway, which may sometimes last a year, services are not allowed to be held and that executive committees [of local *soviets*] can, on the basis of reports from commissions sent by them, decide to demolish a church. All this gives the atheist government wide scope for depriving believers of their churches under the pretext of repairs or the age of a building. Thus they use administrative methods in fighting against religion. But the Regulations do not mention any requirement on the part of the executive committee of district *soviets* to assist believers by at least giving them the necessary allocation of material for church repairs. At the present time both organizations and individuals are afraid to help repair churches because this is regarded unofficially as being almost equivalent to anti-Soviet activity.

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A religious community is allowed to collect donations only in a house of prayer (Art. 45). This article is directly aimed at small religious communities. Since collective farm workers are often forced to work on Sundays and other believers are unable to go to church because of old age, or because of the long distances involved, or for other reasons, they are unable to contribute to the collections made for the maintenance of their church. The religious communities are thus hindered from obtaining sufficient funds for repairs, wages and, most important, the payment of the large rents imposed upon them (for taxes, insurance, etc.).

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Religious communities do not have the right to establish mutual aid funds (Art. 45 'd').

This ban is contrary to the commandment of Christ to do good to people, and

thus forbids believers to live in accordance with the requirements of Christian love. Religious communities are not even allowed to give material aid to their members (Art. 45). The State does not accept into trade unions those directly employed in church work (priests, organists, sacristans) and does not give them pensions in their old age. Arts. 32 and 41 of the Constitution are not valid for them. For example, priests in Lithuania pay large sums in taxes each year but have no right to material aid in their old age. That religious communities are forbidden to give material aid to their members is inhuman, and amounts to an order that servants of the Church have the right only to deprivation and hunger in their old age. Believers see this article as an attempt by the atheist government to frighten believers away from serving the Church.

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Priests are forbidden to visit parishioners for the collection of alms (Art. 45).

Church law requires priests to visit all of their parishioners each year. Regulations forbidding a priest to visit his parishioners aim at isolating him from the community. A priest is thus forbidden not only to work in other parishes but even to carry out his essential duties in his own parish.

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Every article donated to a church, e.g. a carpet, chalice, etc., must be entered in the inventory (Art. 46) and becomes state property. In donating something to a church, believers have not the slightest intention of giving the article to the State. This article is clearly discriminatory and serves to dissuade believers from supporting and beautifying the church with their donations.

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A priest is allowed to visit a person gravely ill in hospital (Art. 49), but this concession is constantly being restricted because, on the orders of the executive committee of district *soviets*, doctors very often forbid priests to visit patients, ostensibly because the patient is not yet dying or because there is no separate accommodation where the priest might perform his religious ministrations. Art. 49 impermissibly restricts the right to "freedom of cults" guaranteed by the LSSR Constitution.

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Special permission from the executive committee of a district *soviet* is required for religious processions and rites in the open air (Art. 50).

If atheists have the right to organize processions, festivals and various civil celebrations in public places, then believers should have equivalent rights. Throughout the post-war period, however, not a single religious community of Lithuania has been given permission for a religious procession beyond church grounds (an exception is made only for the funeral of a priest).

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Art. 50 forbids priests to hold religious services in the apartments of believers, e.g. the baptism of a sick child, the blessing of a house, etc. Believers regard this ban as anti-constitutional interference in the privacy of a citizen's home and the affairs of his conscience. This article even forbids three or four believers to pray together in a field, a forest, even in the privacy of believers' homes without permission from the executive committee of the local *soviet*. Religious rites can only be performed at the request of a person gravely ill or dying. The executive committee is thus given the right to decide when a person is truly gravely ill or dying. In the territory of the Moldavian SSR, for example, it is demanded that a doctor supply written evidence to the effect that a patient is truly gravely ill, and only then can the priest hope to get the executive committee's permission to visit the patient.

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If the Soviet government compels priests and believers to abide by these anti-human, anti-constitutional Regulations, which contradict the Universal Declaration of Human Rights and other international agreements made by the USSR, dissension will be created within the nation and millions of believers will feel themselves to be wronged and denigrated. We therefore ask the Presidium of the Supreme Soviet of the USSR and the LSSR, for the reasons outlined above, to repeal these Regulations as quickly as possible.

Members of the Catholic
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