

# Church–State Relations in the Post–Communist World: The Cases of Belarus and Estonia

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## Introduction

Upon gaining independence, Belarus and Estonia entered the early 1990s in a similar state of affairs regarding church-state relations. Both countries were, however, part of the USSR, and its official policy was aimed at the complete removal of religion from both the public and private sphere since the “ideal” Soviet man had to accept and share the policy of “scientific atheism.” The restrictions were numerous and severe: religious organizations were not allowed to appear in the mass media, educational establishments, medical institutions, etc., and their functioning was perceived by authorities as alien towards the dominant Communist ideology, which actively promoted atheism. Church-state relations were unilateral and oppressive: there was the dominant state, dictating its rules, and the persecuted church, whose voice in these circumstances was hardly heard.

The collapse of the system, founded on this ideology, brought substantial changes in the somewhat infamous oppressive arrangements of church-state relations. Religious organizations

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*Journal of Church and State*, Vol. 0, No. 0, pages 1–23 doi:10.1093/jcs/csw073

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obtained a degree of freedom, which was unimaginable just several years before. The number of religious organizations began to grow, reflecting their rising significance and influence. Consequently, the authorities were facing new challenges and were required to react to these new previously unknown situations. Therefore the need to adjust church-state relations in order to reflect the changing religious landscape and combat disastrous legacies of the past appeared on the agenda.

This essay analyzes how church-state relations in Belarus and Estonia were developing at the time of moving towards independence and afterwards, when both countries left behind their Communist-Soviet past. It aims to identify the most meaningful steps in these developments, which brought crucial changes for the religious organizations and their interactions with state and societal institutions. These two cases are of particular interest for the following reason: while both countries were a part of the USSR until 1991, their political and societal paths afterwards were distinctly different. Estonia chose to cut off its ties with the former Soviet states, joined the EU and NATO, and is now regarded as a democratic state. On the contrary, Belarus became Russia's close ally, never applied for the EU or NATO membership, and is regarded as a more authoritarian country. Therefore the comparison of these two cases allows us to observe as different political-societal developments in the post-Soviet world were shaping the changes in church-state relations, which originated from the same or similar starting point. It also allows us to see if there is an impact of these developments on the outcome, including the practical rights of clergy and religious organizations.

First, the theoretical foundations for church-state relations are discussed, as reflected in the writings of contemporary scholars working in this field. Second, we analyze the main developments in this area in Belarus and Estonia, including practical aspects of church-state relations. Finally, a comparison of these two cases will be made.

## **Church-State Relations: The Theoretical Aspect**

There are established patterns in the contemporary understanding of the principles of church-state relations, shared by most scholars in this field. We assume that these principles are applicable to the cases of Belarus and Estonia and, in fact, these cases are reflective of the theoretical foundations in church-state relations. Two main issues need to be considered here: historical peculiarities and the development of the modern state.

First, in terms of historical nuances, it is evident that the formation of specific models of church-state relations has been a long and complicated process, not without its own conflicts and disputes. Contemporary models of church-state relations were mostly developed in the twentieth century since in the earlier centuries “[c]hurch and state institutions were closely intertwined,”<sup>1</sup> thus consuming the level of independence needed for proper mutual interaction. In fact, monarchs sometimes dominated the church, even assuming the right to appoint or remove bishops and, furthermore, to interfere in doctrinal issues.<sup>2</sup> Therefore the relations between church and state were largely unequal, and this inequality was disadvantageous mainly for churches.<sup>3</sup> Paradoxically, the process of secularization and disestablishment often brought a previously unknown level of freedom for religious organizations. Indeed, the time of closer dependence on authorities, even the pious ones, meant the dependence on those who were not always friendly to the churches’ concerns, their internal organization, and their theological principles.

Second, the process of developments of the modern state could not avoid impacting church-state relations, although this influence was mutual. According to Lucian Leustean, the basis of contact between religious and political actors is formed by church-state relations, and these relations “have deep historical roots and are molded on the national differences of religious and political realms.”<sup>4</sup> Zsolt Enyedi maintains that the peculiarities of church-state relations “affect three types of interests: the interests of states, Churches, and of non-believers.”<sup>5</sup> Although John Yoder describes the church “as fully political,” he makes the following distinction: this “political” is different since “it stands at a distance and with a clear distinctive identity over against the more or less distorted attempts of standard political power to organize communities.”<sup>6</sup> Oliver O’Donovan’s concept of the state, described by Bertschmann, oscillates: from the situation of the church not needing the state and rejecting its salvific

1. Sabine Riedel, “Models of Church-State Relations in European Democracies,” *Journal of Religion in Europe* 1, no. 3 (2008): 252.

2. *Ibid.*, 253-55.

3. *Ibid.*, 252.

4. Lucian Leustean, “Challenges to Church-State Relations in Contemporary Europe: Introduction,” *Journal of Religion in Europe* 1, no. 3 (2008): 247-48.

5. Zsolt Enyedi, “Conclusion: Emerging Issues in the Study of Church-State Relations,” *West European Politics* 26, no. 1 (2003): 226.

6. Dorothea Bertschmann, “The Rule of Christ and Human Politics—Two Proposals: A Comparison of the Political Theology of Oliver O’Donovan and John Howard Yoder,” *The Heythrop Journal* LVI (2015): 429.

promises to “encouraging the state to display maximum features of a ‘Godly Commonwealth’ with the church’s witness in its midst.”<sup>7</sup>

Regarding the typology or models of church-state relations, one needs to note the presence of historical distinctions shaping the subsequent arrangements in this sphere between the Eastern Type (Byzantium) and the Western model.<sup>8</sup> However, these distinctions are not that visible in present-day church-state models, especially in the light of the high degree of consensus on typology among scholars working in this field. For this essay, we generally agree with the three-model approach: the state church, the cooperationist (or hybrid), and the secular (or separation).<sup>9</sup> If one religious denomination is predominant and is regarded as a “national” or “established” church, this will form the state church model. The cooperationist model denotes formal separation between church and state, but normally with agreements, regulating the status of churches. Finally, the secular model exists where no particular religion is favored by the state.<sup>10</sup> John Coughlin, speaking about separation and cooperation, also introduces the principle of human dignity, admitting that the government “depends on religious associations for the administration of a vast array of necessary social services.”<sup>11</sup> In fact, the protection of the dignity of the human person, seen both as a material and spiritual being, “hinges on the principles of separation and cooperation.”<sup>12</sup> However, the human dignity principle lies at the periphery of the traditional approaches to church-state relations: most scholars prefer to further develop conventional models of separation, cooperation, and establishment, sometimes using different names.

In that vein, Gerhard Robbers posits three “basic types of civil ecclesiastical law systems”: state church or predominant religion, strict separation, and basic separation, where the existence of common tasks for both sides is recognized.<sup>13</sup> Christopher J. Soper and Joel S. Fetzer assert the notion of *laïcité*, which is the opposite of an established church, and expound on the idea of an

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7. *Ibid.*, 435.

8. Kakhaber Kurtanidze, “The Concept of Trinity as Paradigm for the Relationship between Church and State,” *Greek Orthodox Theological Review* 58, nos. 1-4 (2013): 100-102.

9. Leustean, “Challenges to Church-State Relations in Contemporary Europe,” 247.

10. *Ibid.*, 247-48.

11. John Coughlin, “Separation, Cooperation, and Human Dignity in Church-State Relations,” *The Jurist* 73 (2013): 545.

12. *Ibid.*, 553.

13. Gerhard Robbers, ed., *State and Church in the European Union* (Baden-Baden: Nomos Verlagsgesellschaft, 2005), 578-79.

intermediate system. They describe two main categories of *laïcité*: strict and soft. The first category implies that “[c]itizens may, in their private life, believe what they will about religion. In public, however, religious individuals face more restrictions.” According to the second category, “[t]he state should respect all religious beliefs but also foster the free exercise of religion by, for example, funding private religious schools.”<sup>14</sup> The intermediate system is located between these two polar cases, where there is no established church by law, but national legislation guarantees the patterns of cooperation between church and state. As Soper and Fetzer explain, “The German Basic Law establishes a formal separation between church and state, but at the same time the constitution secures cooperation between the two institutions in such areas as education and social welfare provision.”<sup>15</sup> In our view, the most detailed classification is offered by John Francis, who outlines five main models of church-state relations:

[t]he Erastian model, in which the state has assumed responsibility for the direction of the church; the liberal model, in which the state is secular and neutral in its relationships with the church(es) found in its society; the theocratic model, in which the church has achieved supremacy in religious and secular affairs; the spheres model, in which the church prevails in some spheres and the state in other spheres of society; and the anti-church model, in which the state stands in opposition to the church and seeks to curtail or eliminate religion.<sup>16</sup>

Although most approaches can fit into the three main models: state church, strict separation, and the cooperationist model, the position of the church varies under the same type of system in different countries.<sup>17</sup> For instance, in Denmark, within the state church model, there is a high degree of state control over the Lutheran Church, while in Greece the Orthodox Church is a self-governing structure.<sup>18</sup> Overall, in agreement with John Madeley, we can claim that the pattern of church-state relations can be explained, at least partly, by the confessional distribution in society.<sup>19</sup> Interestingly, in the cases we consider in this essay, the

14. Christopher J. Soper and Joel S. Fetzer, “Religious Institutions, Church-State History and Muslim Mobilisation in Britain, France and Germany,” *Journal of Ethnic and Migration Studies* 33, no. 6 (2007): 937.

15. *Ibid.*, 938.

16. John Francis, “The Evolving Regulatory Structure of European Church-State Relationships,” *Journal of Church and State* 34, no. 4 (1992): 800.

17. Russell Sandberg, “Church-State Relations in Europe: From Legal Models to an Interdisciplinary Approach,” *Journal of Religion in Europe* 1, no. 3 (2008): 336.

18. *Ibid.*, 331.

19. John Madeley, “A Framework for the Comparative Analysis of Church-State Relations in Europe,” *West European Politics* 26, no. 1 (2003): 34.

situation was somehow dubious—the similar initial stance (anti-church model) led to the eventual formation of similar models as well (cooperationist), but this was a surface similarity since further details reveal substantial and at times unexpected differences, which will be explained later.

## Case Selection and Methodology

Belarus and Estonia are both similar and different, and these features stem from their history, religious affiliation of their population, and the post-Soviet development. Indeed, both countries belonged, until 1991, to the Soviet state, with its harsh antireligious policies. Although these policies de-facto applied differently in various parts of the USSR, the final objective was clear: the elimination of religious presence. However, Estonia and a part of Belarus (Western Belarus) avoided the most militant manifestations of antireligious policies in the 1930s since Estonia became a republic of the USSR only in 1940, while Western Belarus was a part of Poland until September 1939. After the collapse of the Soviet Union, both countries experienced religious revival, which was more modest in Estonia, partially due to the lower level of religiosity of its Lutheran population (mainly ethnic Estonians) and the emigration of ethnic Russians, who exposed a higher level of religiosity. Both governments demonstrated a substantial degree of loyalty towards the main denominations, although in Estonia some tensions occurred between the authorities and the Orthodox Church of Moscow Patriarchate, which was denied official registration for several years.

The religious affiliation in both countries is similar in terms of the current dominant religion, Orthodox Christianity, but the numbers are quite different. Indeed, according to the 2011 census, the share of Orthodox Christianity in Estonia was 16.15 percent of the total population, while in Belarus this number, as of 2010, was around 48 percent, as specified by the Office of the Plenipotentiary Representative for Religious and Nationality Affairs. However, the survey, conducted in 2011 by the Informational-Analytical Centre, indicated a much higher figure, around 80 percent.<sup>20</sup> The share of the second religious group in Estonia, Lutheran, dropped from 13.57 percent in 2000 (when, in fact, it was the first) to 9.91 percent in 2011.<sup>21</sup> In Belarus, the second religious group—Roman Catholics—constituted around 10

20. Available online at: <http://www.state.gov/j/drl/rls/irf/2011religiousfreedom/index.htm?dclid=192787#wrapper>.

21. Available online at: [http://www.stat.ee/65352?parent\\_id=39113](http://www.stat.ee/65352?parent_id=39113).

percent of the population in 2011. The low proportional figures for Estonia are mainly explained by the substantial share of the nonreligious population, which is much higher than in Belarus. However, there are visible ethnic preferences in religious affiliation: Russian speakers in Estonia tend to belong to the Orthodox Church, while ethnic Estonians are mainly Lutheran. In Belarus, it is the Roman Catholic Church that has a distinct ethnic character, with a high proportion of ethnic Poles, especially in the western part of the country. Overall, secularizing trends are very much present in Estonia, but their visibility in Belarus is on a substantially lower level: even the opposite tendency can be noticed.

The case studies of Belarus and Estonia in this essay are built around a similar conceptual framework. It includes the analysis of the principal arrangements for church-state relations at the time of gaining independence, the main decisions in this area in the first years of independence, and the key events after the establishment of the initial post-independence model. Data sources for this essay include official legislative acts, church documents, and research interviews.

## Church-State Relations in Independent Belarus

Belarus approached the end of the Soviet era with a heavy legacy of the Communist atheist policy, which was aimed at the complete removal of religion from public and private spheres. In 1988 the number of believers in one of the republics of the USSR at that time ranged between 10 and 15 percent.<sup>22</sup> Religious communities were not allowed to take part in public life; their access to mass media was virtually nonexistent. Many church buildings, confiscated by the state, were used as libraries, entertainment clubs, or even storehouses. Some of them were ruined or abandoned. No seminary functioned in Belarus; therefore those who wished to receive theological education had no option other than to go to one of the few seminaries in other parts of the USSR. These arrangements perfectly reflected what Francis called “the anti-Church model,” which, in our view, can also be classified as a radical manifestation of the principle of separation in the circumstances of the state’s enmity towards religion.

This system, strictly kept until the mid-1980s, then began to show some signs of erosion. The anti-church model, which was dissonant with the spirit of perestroika, was gradually replaced

22. “Rol gosudarstva v dostizheniyi obschestvennogo soglasiya” [“The role of the state in achieving societal agreement”], 8, available online at: [http://un.by/pdf/nhdr/1997\\_ru\\_chapter\\_5.pdf](http://un.by/pdf/nhdr/1997_ru_chapter_5.pdf).



by more adequate arrangements. In 1988, marked by the celebration of the 1,000<sup>th</sup> anniversary of the Baptism of Rus', the attitude of the Communist authorities towards religious communities began to change, with some important restrictions removed.<sup>23</sup> Clergy were given some access to the mass media and were allowed to speak to a wider audience in various institutions. After decades of decline, the prospects for religious revival looked promising, especially for the dominant Orthodox confession. However, this lifting of restrictions was done within the Soviet-type church-state legislation, still aimed at creating obstacles rather than guaranteeing true freedom of religions. The formal legislative changes occurred only after Belarus became independent as a result of the dissolution of the USSR in December 1991.<sup>24</sup>

In fact, it was the rapid shift from the anti-church to the liberal model that took place in the first years of independence. In December 1992, the Belarusian Parliament (Supreme Soviet of the 12<sup>th</sup> convocation) adopted the first democratic law in the area of religion, "On the Freedom of Religions and Religious Organizations." This law established a principle of equality of religions and denominations, specifying in article 6 that "All religions and denominations are equal before law. No denomination is given advantages or restrictions, compared with others." Article 3 proclaimed, "According to the right of the freedom of conscience every citizen personally determines his attitude towards religion; he can individually or with others belong to any religion or not; and express and spread conviction."<sup>25</sup>

The new Constitution of Belarus, adopted in March 1994, repeated the main principles of the Law of 1992, confirming equal status of all religions before the law. In November 1996 the constitution was drastically altered in a referendum, with the substantially increased power of the president. The Supreme Soviet was replaced by the bicameral parliament: the National Assembly, consisting of the House of Representatives (lower chamber) and the Council of the Republic (upper chamber). In this new version

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23. Alexander Vashkevich, "The Relationship of Church and State in Belarus: Legal Regulation and Practice," *BYU Law Review* 2, no. 11 (2003), available online at: <http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=2164&context=lawreview>.

24. Sergei Mudrov, "The Belarusian Orthodox Church," in *Eastern Christianity and Politics in the Twenty-First Century*, ed. Lucian Leustean (New York: Routledge, 2014), 334-56.

25. *Verkhovni Sovet Respubliki Belarus. Zakon Respubliki Belarus o svobode veroispovedaniy i religioznikh organizatsiyakh* [Supreme Soviet of the Republic of Belarus: The Law of the Republic of Belarus on the Freedom of Religions and Religious Organizations], 1992.



of the constitution, changes were introduced into the main regulatory principle concerning relations with religious organizations. Article 16 specifies that “Relations between the State and religious organizations shall be regulated by law with regard to their influence on the formation of spiritual, cultural, and state traditions of the Belarusian people.”<sup>26</sup> This provision in general undermined the idea of the strict separation of church and state and recognized implicitly that churches could be meaningful and influential in the public domain. It was an important step to establish the spheres model of church-state relations.

The next step towards strengthening the spheres model with the increasing role of the most important religious organizations was made in the early 2000s. In 2002, a new law on religion (the Law on the Freedom of Conscience and Religious Organizations) was introduced, almost six years after the amended constitution came into force. In June 2002, the House of Representatives adopted the draft proposal, which became law after being approved in October 2002 by the Council of the Republic and signed by the president. According to Igor Kotliarov and Leonid Zemliakov, this law “[c]ame as a result of numerous discussions, compromises in the Belarusian Parliament, among the branches of power and among confessions.”<sup>27</sup> Although it was not received positively by all religious groups, the most influential denominations and religions (Orthodox, Catholic, Lutheran, Jewish, and Muslim) supported the adoption of the new law.<sup>28</sup> In principle, it repeated some provisions of the 1992 law (proclaiming the freedom of conscience and religions and the equality of different religions before law), but it also contained important innovations, developing the context of article 16 of the constitution. Indeed, the law recognizes the “determining role of the Orthodox Church in the historical formation and development of spiritual, cultural and state traditions of the Belarusian people.” Furthermore, it points to the “spiritual, cultural and historical role of the Catholic Church on the territory of Belarus” and the “inseparability of the

26. Constitution of the Republic of Belarus (see online at: <http://president.gov.by/en/press19329.html#doc>).

27. Igor Kotliarov and Leonid Zemliakov, *Respublika Belarus v konfessionalnom izmerenii* [The Republic of Belarus from a Confessional Dimension] (Minsk: Izdatelstvo MIU, 2004), 165.

28. *Belorusskiy Parlament prinial odobrenniy veduschimi konfessiyami strani noviy zakon o svobode veroispovedaniy* [The Belarusian Parliament Adopted a New Law on the Freedom of Religions, which was supported by the main confessions of the country], October 2, 2002, available online at: <http://www.pravoslavie.ru/news/020930/01.htm>.

history of the people of Belarus from the Evangelical Lutheran Church, Judaism and Islam.”<sup>29</sup>

The Law on Religion established a three-tiered structure of religious organizations: religious communities, religious associations, and republican religious associations. Religious communities are the basic units. For official registration they must comprise at least twenty people over the age of eighteen who live in neighboring areas. Religious associations, according to the law, are comprised of ten communities and at least one of them should have been active in the country for a minimum of twenty years. Only religious associations enjoy the right to create monasteries, religious brotherhoods and sisterhoods, spiritual missions, and theological educational establishments, with the exception of Sunday schools, which can be created by religious communities. Religious issues in Belarus are regulated by the Office of the Plenipotentiary Representative for Religious and Nationality Affairs (*Apparat upolnomochennogo po delam religiy i natsionalnostei*). This office, which is a governmental body, appeared in 2006 after the abolition of the Committee on Religious and National Affairs of the Council of Ministers. The current head of the office, Leonid Guliako, regards himself as an Orthodox Christian, although he mentioned in an interview that he is not a particularly religious individual.<sup>30</sup>

The new law, which highlighted the important role of the Orthodox Church, paved the way for the signing of a special agreement between this church and state in June 2003, less than a year after the law came into force. In this agreement, the state recognized the Orthodox Church as “one of the most important social institutions” in the country and provided guarantees for the “freedom of [its] internal organization.” The church emphasized that “cooperation with the state helps to strengthen the spiritual and social activity of the Church and to improve the opportunities for the common opposition to the pseudo-religious structures, which create danger for the individual and society.”<sup>31</sup> The agreement gives priority to the cooperation between church and state in the

29. *Natsionalnoye sobraniye Respubliki Belarus: Zakon Respubliki Belarus o svobode sovesti i religioznikh organizatsiyakh* [National Assembly of the Republic of Belarus: The Law of the Republic of Belarus on the Freedom of Conscience and Religious Organizations], 2002; available online at: <http://pravo.by/main.aspx?guid=3871&p0=v19202054&p2={NRPA}>.

30. Leonid Guliako, TV interview, November 21, 2011, available online at: <http://churchby.info/bel/741/>.

31. *Soglasheniye o sotrudnichestve mezhdru Respublikoi Belarus i Belorusskoi Pravoslavnoi Tserkoviyu* [The Agreement on Cooperation between the Republic of Belarus and the Belarusian Orthodox Church], available online at: <http://www.church.by/resource/Dir0009/Dir0015/index.html>.

spheres of education, culture, charitable work, family and family values, morality, etc. This was a unique agreement for post-Communist Belarus; therefore its perception was sometimes full of exaggerations, as if the document was paving the way for the Orthodox Church to acquire some sort of state functions and, eventually, to become an established church. However, both sides of the agreement were adamant to reject such an option — there was no “state church model” in sight. Stanislav Buko, then chairman of the Committee on Religious and National Affairs, claimed that the signing of the agreement with the Orthodox Church was the “recognition of its merits and its role in the cultural and spiritual tradition of the Belarusian people.”<sup>32</sup> Metropolitan Philaret, then the head of the Belarusian Orthodox Church, explained that the agreement defines the main principles of the bilateral church-state relations and the mutual perception of each other, but the church “lives with its life and does not intend to acquire state features or functions, as we are sometimes accused of.”<sup>33</sup>

However, the agreement certainly brought some changes for the dominant confession: it allowed the Orthodox Church to sign a substantial number of more specific agreements with various governmental agencies and institutions.<sup>34</sup> The substantial number of participating ministries is explained chiefly by pragmatic reasons: many aspects of everyday life in Belarus are controlled and regulated by various governmental institutions; therefore cooperation with them is a must for reaching the objectives of religious organizations. Crucially, such specific agreements allow one to identify the spheres for mutual cooperation in more detail, thus enhancing the development within the spheres model of church-state relations. However, specific documents have been elaborated upon only for the cooperation with the Orthodox and Catholic churches, while other religions and confessions continued to rely on the general legislative framework in this area.

32. Galina Ulitenok, *Gosudarstvo i pravoslavnyaya tserkov oformili svoi otnosheniya* [The State and the Orthodox Church Legalised Their Relations] *Sovetskaya Belorussiya*, June 13, 2003.

33. Philaret, *Vospitaniye veri* [Upbringing of the faith], *NG-Religiya*, August 6, 2003.

34. For example, the Belarusian Orthodox Church adopted the programs of cooperation with the National Academy of Sciences, Committee on the Prevention of the Consequences of the Chernobyl Nuclear Disaster, and with the Ministries of Interior, Health, Information, Culture, Defence, Education, Emergencies, Natural Resources, Sport and Tourism, and Labour and Social Protection.

## Cooperation between Church and State: Less Productive than Expected

As mentioned earlier, the Orthodox Church is the only church in Belarus that signed a special agreement with the state, which, in its turn, paved the way for the signing of more specific agreements. However, the practicalities of cooperation between the Orthodox Church and governmental institutions have varied in their scope and intensity. For example, cooperation with the Ministry of Information has provided a number of opportunities for interaction between the church and mass media. The Ministry of Culture has cooperated with the church in the area of caring for objects of cultural and religious heritage. Cooperation with the Ministry of Labor and Social Protection has been necessary, inter alia, to guarantee the access of priests to geriatric homes in order to help the elderly people living there. The Ministry of Defense has allowed priests to be present in military units, although not on a full-time basis. In fact, the institution of army chaplains has never developed in Belarus; therefore those priests who conduct their pastoral duties in the army do this on a voluntary basis. The same refers to pastoral work in prisons and hospitals.

The most productive cooperation has developed with the Ministry of Education. In fact, this ministry was the first governmental institution to sign, as early as June 1996, the Agreement on Cooperation with the Orthodox Church.<sup>35</sup> The first Program of Cooperation, established in 2004, was completed in 2010. Both sides praised its outcome, especially the organizing, as stated by then Minister of Education Sergei Maskevich, of “many events on the moral and patriotic upbringing of the youth, on the familiarizing of young people with the historical role of Orthodoxy in the formation of culture and statehood of the Belarusian people.”<sup>36</sup> The second program was signed on April 8, 2011, covering the period from 2011 to 2014<sup>37</sup>; and the third program, from 2015 to 2020, was signed on February 13, 2015.<sup>38</sup>

35. *Razvitiye Pravoslavnogo obrazovaniya v Respublike Belarus* [The Development of the Orthodox Education in the Republic of Belarus] (Minsk: Izdatelstvo MIU, 2006), 7.

36. Yulia Vanina, *Minobrazovaniya i BPTs podpisali programmu sotrudnichestva na 2011–2014 godi* [Ministry of Education and the Belarusian Orthodox Church signed the program of cooperation for 2011–2014], 2011, available online at: <http://news.tut.by/society/222785.html>.

37. Ibid.

38. Available online at: <http://www.church.by/news/podpisana-programma-sotrudnichestva-mezhdu-ministerstvom-obrazovanija-respubliki-belarus-i-belo-russkoj-pravoslavnoj-cerkovju-na-20152020-gody>.

Overall, one needs to note not only the adequate level of interaction of clergy with governmental institutions, but also the existence in Belarus of an established pattern of cooperation between top state officials and Orthodox and Catholic churches. President Alexander Lukashenko has underlined repeatedly that he relied on Christian values as a foundation of Belarusian state ideology.<sup>39</sup> At the Christmas service in January 2016, Lukashenko specified that “the [Orthodox] Church and our priests, as no one else in the world, have done a lot for peace and stability in our state.”<sup>40</sup> The president also attends, at least once a year, sessions of the Synod of the Belarusian Orthodox Church, where he usually praises the activity of the church and underlines the importance of its cooperation with the state. These are not just ceremonial meetings; discussions on practical issues also take place, although it appears sometimes that top officials look at the churches as the convenient tool for the promotion of the country’s interests. For instance, in his speech at the Orthodox Church Synod’s session in April 2011, Lukashenko mentioned specifically that the church “should live by the interests of the country,” and in order to defend these interests, the church needs to use, if necessary, all its contacts and its international reputation.<sup>41</sup> A similar request was addressed to the Roman Catholic Church. At the meeting in Minsk on November 14, 2011, with the president of the Pontifical Council for Promoting Christian Unity, Cardinal Kurt Koch, Lukashenko stated that “we expect more from the Catholic Church and personally Pope Benedict XVI<sup>42</sup> regarding the defense of our interests, especially in the West.”<sup>43</sup>

However, the positive rhetoric of top officials does not always guarantee the same friendly attitudes to the churches’ concerns. There were a number of cases when important church initiatives were rejected, although churches had explicit interest in these and tried to promote their ideas on the highest political level. For example, in 2006 the president did not support Metropolitan Philaret’s proposal to tighten abortion laws in Belarus in order to

39. Igor Kolchenko and Vitaliy Volianiuk, *Bez dukhovnosti net cheloveka*... [The human does not exist without spirituality...], 2009, available online at: <http://www.sb.by/post/91604/>.

40. Available online at: <http://eng.belta.by/president/view/lukashenko-church-in-belarus-is-part-of-independent-sovereign-state-88061-2016/>.

41. Vitaliy Volianiuk, *Glavnoye—ostavatsia ludmi* [The main thing is to remain human], 2011, available online at: <http://www.sb.by/post/115410/>.

42. In office until February 2013.

43. Arhiv soobschney press-sluzhby. [The Archive of Press-Service Communications: Alexander Lukashenko Met Cardinal Kurt Koch and Metropolitan of Minsk and Slutsk Philaret], November 14, 2011, available online at: <http://www.president.gov.by/press132446.html>.

prevent the “unjustified and massive use of abortion.”<sup>44</sup> Also, the Orthodox Church did not succeed in introducing lessons with religious content (such as the “Basis of Orthodox culture” or the “Spiritual and moral upbringing of the Orthodox traditions of the Belarusian people”) at schools as part of the curriculum—they can only be taught as optional subjects, at the request of parents. The problem of nonrecognition of doctoral degrees in theology, awarded by the ecclesiastical educational establishments in Belarus (such as the Theological Academy of the Orthodox Church), is still on the agenda. These degrees are not validated by the Higher Attestation Commission (Vysshaya Attestatsionnaya Komissiya), while such validation is a compulsory requirement in Belarus. Interestingly, Lukashenko spoke in favor of recognition of the doctoral degrees in theology in a March 2009 meeting with members of the Synod,<sup>45</sup> but the president’s favorable attitude (at least in words) towards the solution of this problem did not bring much change. This is surprising in a country where the president enjoys enormous influence and power.

Finally, it is worth mentioning that the state has provided some limited support to ecclesiastical institutions, especially to the Orthodox and Catholic churches. Archbishop Kondrusiewicz of the Roman Catholic Church pointed out that “the state helps with the restoration of churches, regarded as historical monuments.”<sup>46</sup> However, the total help from the state can hardly be regarded as substantial, especially if one notes that many buildings, confiscated (and used) by the Communist authorities, were returned to churches in poor condition. As Archpriest Alexander Shimbaliyov emphasized, “We needed to renovate everything or build anew. The state helps only partially.”<sup>47</sup> In fact, the state has never attempted to return all the property, which was confiscated from the churches in the Soviet era. Overall, in practical matters the Belarusian state appears much more reluctant in cooperation with the churches than one could expect, thus diluting the positive rhetoric, which has now been heard for years.

44. Siarhei Karalevich, “Aliaksand Lukashenka: ‘U dziarzhavi i tsarkvi adni i tiya zhe meti—gramadskaya zgoda i adzinstva naroda’” [“Alexander Lukashenko: Both State and Church Have the Same Goals: Civil Unity and the Unity of the People”], *Zviazda*, December 22, 2006.

45. Vitaliy Volianiuk, *Dukh ponimaniya* [The Spirit of Understanding], 2009, available online at: <http://www.sb.by/post/83092/>.

46. Available online at: <http://www.interfax.by/article/97254>.

47. Fr. Alexander Shimbaliyov, “*Nichego strashnogo, esli vse mrakobesiye uidet v podpoliye*” [There Is Nothing Dangerous If Obscurantism Goes Underground], 2008, available online at: <http://news.tut.by/society/114840.html>.



## Estonia: The Development of Church–State Relations

During the Soviet era, Estonia was subject to the same anti-church policy of the Communist authorities as the rest of the USSR. The revival of religion in Estonia was first noticed in the second half of the 1980s, with the development of perestroika and increasing democratization in the country. From 1985 to 1988 there were only “minor changes” in church-state relations in Estonia, which was quite reflective of the general state of affairs in the USSR as a whole.<sup>48</sup> However, the Estonian political revival in early 1988 did not bypass religion. Clergy participated in the activities of the newly established social and political associations and even established its own association.<sup>49</sup> During the winter and spring of 1988, most of the clergy who participated in the activities of social and political movements contributed to the work of the Estonian Heritage Society (EHS). After the idea of setting up the Estonian Popular Front (EPF) was announced, clergymen started to participate in the EPF support groups as well, which, like the EHS clubs, were set up in villages and cities all over Estonia. Groups were also formed on the basis of profession or organization.<sup>50</sup> The clergy, mainly Lutheran and sometimes Orthodox, also conducted ceremonies at the construction of monuments to commemorate Estonian soldiers who died in the 1918–1920 Independence War.

In December 1988 the Estonian Christian Union (ECU) was established, as a fulfillment of the idea expressed earlier that year by three priests representing Orthodox, Lutheran, and Catholic confessions.<sup>51</sup> Representatives of the Lutheran clergy took part in the foundation of the Estonian National Independence Party (ENIP), which plainly demanded independence for Estonia. In 1989, the ECU was transformed into a political party (Estonian Christian-Democratic Union) and those who disagreed with this idea formed another organization, the Estonian Christian Society.<sup>52</sup> In February 1989, with the substantial support of then metropolitan of Tallinn Alexiy (later the patriarch of Moscow from 1990 to 2008) the Estonian Council of Churches was formed as an ecumenical organization, representing most Christian confessions in Estonia. In the Congress of Estonia, elected in 1990 by

48. Priit Rohtmets & Ringo Ringvee, “Religious Revival and the Political Activity of Religious Communities in Estonia during the Process of Liberation and the Collapse of the Soviet Union 1985–1991,” *Religion, State & Society* 41, no. 4 (2013): 357.

49. *Ibid.*, 364.

50. *Ibid.*, 365.

51. *Ibid.*, 366.

52. *Ibid.*, 367–68.



the “citizens of Estonia,” were twenty-four clergy (only Lutheran), and its work began and ended with prayers. In the 1990 elections to the Estonian Supreme Soviet, two clergymen (Lutheran) were elected.

Since the changes, which occurred in Estonian society, were rapid and substantial, it is not surprising that the attitudes of authorities towards religious organizations turned into a less harsh and oppressive direction, becoming noticeable in 1989. Since then, the Council on Religious Affairs (CRA) largely refrained from intervening in the activities of religious organizations, and some new religious groups emerged (for example, the Charismatic Pentecostals). Moreover, beginning in early 1989 the Commissioner on Religious Affairs focused on the elaboration of new legislation in the area of religion.<sup>53</sup> As a result of these developments, the discriminatory 1977 Law on Religious Associations was abolished in 1990 by the decision of the Estonian Parliament (Supreme Soviet). For regulatory purposes in the area of governing the religious organizations, the 1989 Civic Societies Act had to be used. The Soviet-invented institution of the Commissioner on Religious Affairs ceased functioning in 1990. Subsequently, it was the Ministry of Culture that assumed its duties with the establishment in 1990 of the Board of Religious Affairs.<sup>54</sup> In 1993 this board moved to the Ministry of Interior, and in 1996 it became the Department of Religious Affairs, remaining at the same ministry.<sup>55</sup> Thus, Estonia approached its independence with a more cooperationist model of church-state relations, where the elements of the Soviet past were less visible than in Belarus, largely due to more rapid and radical political and societal changes that occurred in the Baltic States in the late 1980s.

## Independent Estonia: A Further Way to Cooperationist Model

Although on the way to independence, Estonia experienced the general growth of religiosity and church membership. This religious enthusiasm, as Merilin Kiviorg claims, “ended quickly and the extensive growth of membership of religious organizations stopped. Estonia can be considered as quite a secularized country today.”<sup>56</sup> Only 18 percent of Estonians say they believe in God,

53. Ibid., 384-85.

54. Ringo Ringvee, “State, Religion and the Legal Framework in Estonia,” *Religion, State & Society* 36, no. 2 (2008): 183.

55. Available online at: <https://www.siseministeerium.ee/36748/>.

56. Merilin Kiviorg, “Religion and Law in Estonia,” *Kluwer Law International* (June 2011): 15.

although around 50 percent claim they believe “there is some sort of spirit or life force.”<sup>57</sup> However, this does not stipulate that religion is totally excluded from the public sphere and politics. On the contrary, as Alar Kilp claims:

[s]ince the accession of Estonia to the European Union in 2004, there has been a small shift towards desecularization in the dimension of collective cultural identities, where the increasing sacralization of ethnic identities in Estonian electoral campaigns has been accompanied by increasing use of religious objects, institutions and ceremonies as symbolic representations of cultural identity.<sup>58</sup>

However, Kilp at the same time admits that “[t]he small shift towards desecularization of ethnic identities has not spilled over and affected the highly secular nature of Estonian culture and other dimensions of politics.”<sup>59</sup> Therefore the secular character of Estonian society has basically remained unchanged. In fact, it was quite a contrast compared to Belarus and most other countries of the former USSR, where the role of religion and church membership was on the rise after getting independence and, in many cases, continue to grow. This is probably explained by the dominance of Lutheran culture, deformed by its encounter with the Communist regime. In fact, the religiosity among Orthodox in Estonia (mainly Russians) remains much higher than among Lutheran Estonians.<sup>60</sup>

The main principle governing church-state relations in Estonia was reflected in the Estonian Constitution, adopted in June 1992. Article 40 of this constitution articulates:

Everyone has freedom of conscience, religion and thought. Everyone may freely belong to churches and religious associations. There is no state church.

Everyone has the freedom to practice his or her religion, both alone and in a community with others, in public or in private, unless this is detrimental to public order, health or morals.<sup>61</sup>

On the basis of these principles, the new law on religion was expanded in the early 1990s, and it was formally adopted as the Churches and Congregations Act in 1993. A special working

57. See [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_341\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_341_en.pdf).

58. Alar Kilp, “Lutheran and Russian Orthodox Church Buildings as Symbols of Cultural Identity in the Estonian Parliamentary Elections of 2011,” *Religion, State & Society* 41, no. 3 (2013): 314.

59. *Ibid.*

60. Available online at: <http://www.baltwillinfo.com/2014/mp08-2014/10.html>.

61. See <http://www.president.ee/en/republic-of-estonia/the-constitution/>.

group was set up for drafting this law, which was comprised of state officials and the representatives of major confessions. During the drafting process, there was, as Kiviorg claims, “[p]ressure from the EELC [Estonian Evangelical Lutheran Church] for special legal status.”<sup>62</sup> However, Archbishop Andres Põder, the head of the Estonian Lutheran Church until 2015 and a then member of the working group, emphasized that there were serious doubts and discussions in the Lutheran Church if this status was indeed necessary. In fact, the Lutheran Church experienced some negative feelings from the existence of the special status before 1940 since the Estonian government at that time did not hesitate to interfere into the internal affairs of the church, even up to the suspension of a bishop.<sup>63</sup>

This new law was quite liberal and, unlike the Estonian legislation before 1940, did not provide any preferential treatments to the most numerous or historical confessions. Ringo Ringvee specified, “All religious associations were treated equally before the law regardless of their membership numbers or length of existence.”<sup>64</sup> According to the law, religious organizations had to be registered by the Ministry of Interior in order to be included in the Register of Churches, Congregations, and Unions of Congregations. The 1990s were marked by the unwillingness of the Ministry of Interior to register the Orthodox Church of Moscow Patriarchate and the subsequent conflict provoked by this decision. The Estonian Orthodox Church of Moscow Patriarchate had to struggle for almost a decade for its rights<sup>65</sup> before it eventually obtained the official registration in 2002.<sup>66</sup>

However, this new law did not exist for long: the Ministry of Interior required amendments in light of the Non-Profit Associations and Unions Act, adopted in 1996. Ringvee wrote that a new law was needed “because of changes in other laws and the separation of judicial and executive powers.”<sup>67</sup> The process of drafting a new law was long and complicated; the final document was prepared only in 2001. Representatives of the registered religious associations were included in the drafting committee, and the representatives of the Lutheran Church were pursuing their ideas in support of a special status for the most numerous

62. Kiviorg, “Religion and Law in Estonia,” 36.

63. Interview with Archbishop Andres Põder, Tallinn, February 14, 2014.

64. Ringvee, “State, Religion and the Legal Framework in Estonia,” 185.

65. Igor Prekup, “Pravoslavie v Estonii (kratkiy istoricheskiy ocherk),” [Orthodoxy in Estonia: Short History], Jõhvi: ‘Trükis’ (1998).

66. Pravoslavie v Estonii. Issledovaniya i dokumenti. Tom vtoroi [Orthodoxy in Estonia. Research and documents. Second volume], Moscow, 2010.

67. Ringvee, “State, Religion and the Legal Framework in Estonia,” 186.

denominations. Although the committee was initially willing to endorse this idea, it was finally rejected, mainly on the grounds that no other confession supported the Lutherans' claim. In fact, Archbishop Põder expressed his surprise that neither Orthodox nor Catholics raised their voices in favor; although, in the case of the Orthodox, he attributed this to the jurisdictional disputes that created a climate of uncertainty.<sup>68</sup> In 2002, the new law was adopted; it is worth mentioning that it was initially vetoed by the president and only later passed with some amendments. The argument behind the veto was that the article 14(3) "prohibited registration of religious communities whose administrative or economic governance takes place or whose decisions are approved by a body outside Estonia."<sup>69</sup>

## Practical Aspects of Church–State Relations

The Churches and Congregations Act establishes a number of important legal terms, emphasizing that "Churches, congregations, associations of congregations and monasteries are religious associations." The following definitions are present in the text of this law:

- (1) church is an association of at least three voluntarily joined congregations which has an episcopal structure and is doctrinally related to three ecumenical creeds or is divided into at least three congregations and which operates on the basis of its statutes, is managed by an elected or appointed management board and is entered in the register in the cases and pursuant to the procedure prescribed by this Act.
- (2) congregation is a voluntary association of natural persons who profess the same faith, which operates on the basis of its statutes, is managed by an elected or appointed management board and is entered in the register in the cases and pursuant to the procedure prescribed by this Act.
- (3) association of congregations is an association of at least three voluntarily joined congregations which profess the same faith and which operates on the basis of its statutes, is managed by an elected or appointed management board and is entered in the register pursuant to the procedure prescribed by this Act.
- (4) monastery is a voluntary communal association of natural persons who profess the same faith, which operates on the

68. Interview with Põder.

69. Kiviorg, "Religion and Law in Estonia," 58.

basis of the statutes of the corresponding church or independent statutes, is managed by an elected or appointed superior of the monastery and is entered in the register in the cases and pursuant to the procedure prescribed by this Act.<sup>70</sup>

There are some important points, on the basis of legislation, that reflect the current cooperationist model of church-state relations. First, religious associations are exempt from some taxes, namely income tax and land (property) tax (this exemption does not apply to secular nonprofit organizations). Until 2007 they had a discount on paying VAT.<sup>71</sup> The state also helps churches in preserving their buildings, which have historical value, with the provision of certain financial resources for their restoration. For example, in the framework of the Preservation and Development of Places of Worship program, held in 2004-2013, the amount of 9.23 million euros was provided.<sup>72</sup>

Second, there is a well-established chaplaincy service, including chaplaincies in the armed forces, prisons, and police force. One of the distinct features for Estonian church-state relations is the presence of full-time chaplains, who are regarded as civil servants and are paid by the state. However, the state introduces some strict requirements to the candidates for chaplaincy posts: they must be EU/EEA nationals (in some cases, only nationals of Estonia) and they should possess excellent language skills, i.e., they should have native or near-native proficiency in Estonian. Sometimes it prevents non-Estonian priests (mainly of Russian origin) from getting these full-time positions since their level of Estonian is not always sufficient to obtain the highest language category. There are, however, options to be chaplains on the voluntary, non-paid basis; these options are also used by churches.<sup>73</sup>

Third, the state provides regular subsidies for the Estonian Council of Churches, and the council decides how these will be allocated to member churches and how they will be used. The amount provided in 2014 was 456,000 euros.<sup>74</sup> However, the council formally needs to apply for this subsidy every year and needs to submit a written report on how the funding was used,

70. See <https://www.riigiteataja.ee/en/eli/530102013065/consolide>.

71. Kivior, "Religion and Law in Estonia," 108.

72. Pühakodade säilitamine ja areng Riiklik programm 2003-2013, Tallinn 2013, 133.

73. Interview with priest Alexander Sarapik, chaplain in the Armed Forces. Tallinn, February 21, 2014.

74. Interview with Bishop Einar Soone, Tallinn, February 21, 2014.

although the state normally does not interfere in the internal council's decisions regarding funding distribution.

Fourth, the clergy is given the right to conduct marriages, which are recognized by the state. This avoids double marriage ceremonies, when the couple wants to be married in the church and needs to be registered by the official body at the same time for a formal recognition of their family union (this is the case in Belarus). In Estonia the couple is officially recognized as a family unit after the church ceremony is conducted by the authorized priest, with all legal rights and duties arising from this new marital status.

On the basis of interviews conducted with the leaders of the most numerous and influential confessions in Estonia (Orthodox, Lutheran, and Catholic), as well as with representatives of the Estonian Council of Churches and the Department of Religious Affairs, it is fair to claim that, in general, the cooperationist/spheres model in Estonia functions appropriately and religious organizations are generally able to get state support. However, the authorities are not that willing to listen to the united voice of Estonian churches on the issues of moral and ethical character. It appears that the common statements on moral issues, adopted by the Council of Churches, do not bring much change into current Estonian legislation. The viewpoint of the government in that respect is of a more secular nature, without a desired consideration of Christian moral values. One of the recent examples is the legalization of same-sex marriages in Estonia, in spite of opposition from almost all Estonian churches.

## Conclusion

Belarus and Estonia began their development of church-state relations from a similar model: the anti-church one, shaped by decades of Soviet atheist policies aimed at the complete elimination of religion. During the perestroika, the way to liberalization in this area was similar in both countries, although, for political reasons, Estonia progressed at a faster pace. The early 1990s saw a liberal model of church-state relations, gradually replaced by the cooperationist or the spheres model. However, this surface similarity reveals practical differences, both in the legal status and the de facto rights and opportunities provided for religious organizations. In terms of formal status, all religions in Estonia are regarded equal before the law, although there were unsuccessful attempts from the Estonian Lutheran Church to change this status. In Belarus, legislation contains some preferential formulations: the 2002 Law on the Freedom of Conscience and Religious

Organizations has specific mentioning of Orthodox, Catholic, and Lutheran churches as well as Judaism and Islam. However, neither this, nor other pieces of legislation in Belarus envisages a feature of an established church for any religious organization, although the Agreement on Cooperation, signed in 2003 between the Belarusian Orthodox Church and the government, recognizes the important status of the largest confession in Belarus.

There are some differences in the registration procedures of religious communities — registration is conducted by courts in Estonia and by the local authorities in Belarus; at least twenty members are required for the registration of congregation in Belarus, while this figure is twelve in Estonia (the populations of Belarus and Estonia are 9.5 and 1.5 million people respectively). Interestingly, in Estonia religious organizations are not prohibited to act even if they have not obtained the official registration, while in Belarus the activity of unregistered organizations is strictly forbidden. In societal settings, it appears that clergy in Estonia are given more rights than clergy in Belarus. Indeed, they are allowed to conduct marriage ceremonies, which are recognized by the state. The chaplains in the armed forces, prisons, and police forces are paid by the state. In addition, there are regular subsidies from the state to the Estonian Council of Churches, and the council is able to decide on its own how this money will be used. It is also worth mentioning that in Estonia the state adopted the policy of full restitution: the property, confiscated by the Communist authorities, was returned to religious communities. The program of restoration was pursued with substantial support provided to some churches. Also, some tax exemption policies have been in force in Estonia, such as the exemption of religious associations from income tax. Until 2007 they had a discount on paying VAT. Religious associations are exempt from land (property) tax, while this exemption does not apply to secular nonprofit organizations.

Belarus and Estonia entered their path to independence with some similar arrangements in church-state relations, reflecting the principles of the dominant Communist ideology at that time. Currently, these countries follow their own, distinct way in the area of church-state relations that is reflective of their level of religiosity, the general perception of the role of religious institutions, and the degree of respect towards religious rights and freedoms. Although there is no formal recognition of a specific role of any religion in Estonia, in practical terms it appears that religious organizations and clergy enjoy more support in Estonia than in Belarus, especially regarding chaplaincy services and the restitution of church property confiscated during the Soviet era.



This might well be the reflection of the distinct ways of political-societal development, chosen by Belarus and Estonia, when the latter was more willing to support, on a practical level, religious organizations regarded as important actors in civil society.

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Article in *Journal of Church and State* · July 2016

DOI: 10.1093/jcs/jcw073

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