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Letter to Mikhail Sergeevich Gorbachev

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Letter to GORBACHEV by GLEB YAKUNIN and others, Aug. 12, 1987; Reply by the USSR Ministry of Justice Sept. 9, 1987.

TO: Mikhail Sergeevich GORBACHEV, General Secretary of the CPSU Central Committee; The USSR Supreme Soviet

Dear Mikhail Sergeevich:

Earlier this year, on May 23, members of the Russian Orthodox Church sent you a letter in which they set forth a number of vital problems that concern the life of believers in our country. A very significant portion of these problems relate to the law on religious associations adopted in 1929.

Soon after our letter to you, the USSR Supreme Soviet on June 30 passed a law about all-people discussions of important questions of state life. There are tens of millions of believers in our country and they are in need of rights to and genuinely democratic protection of their essential activities.

The presently valid law on religious associations by decree of the All-Russia Central Executive Committee on April 8, 1929, was issued during a difficult period for our country, a period of mass repressions that touched practically all levels of the population. These were years of unprecedented persecution of the Russian Orthodox Church: mass closing of churches, destruction of sanctuaries, burning of icons and religious books, and arrests of believers, clergymen and bishops. The church was left without a head. All authorized deputies of the deceased Patriarch were in prison. In general, plans were being laid at the time to annihilate the church, as was openly stated, and the 1929 law reflected that goal. Yet it was not changed in the following years and, in 1975, it was amended and strengthened in the same spirit of discrimination against the church and believers.

We are aware that a revision of the legislation on religious associations is now being prepared. Since this matter has extremely important meaning for the life of society and concerns tens of millions of citizens of our country, we, members of the Russian Orthodox Church, guided by Article 12 of the law on all-people discussions of important questions of state life, propose that an open and genuinely all-people discussion of the law regulating the life of believers in the USSR be instituted. Article 12 states that all-people discussions "are carried out on drafts of laws and decisions that affect . . . implementation of the constitutional rights, freedoms, and duties of
Soviet citizens. It is beyond dispute that freedom of conscience and freedom of confession are among these fundamental rights.

We advocate substantive changes in the law on religious associations that would give it a really democratic character and would henceforth put the relationship between the Soviet state and believing citizens on a just and genuinely democratic foundation. Obviously, full creative work or a moral healing and transformation of our society is impossible for citizens who feel discriminated against.

We are convinced that consideration of a new draft law on religious associations must be conducted on the basis of broad openness and with the aid of the mass information media and with participation not only of representatives of state, social, and religious organizations but also of individual citizens who have the possibility of expressing their view openly in the press and by radio and television. The matters for discussion are numerous. We will mention only some of them.

Religious societies in our country do no have the right of organized teaching of religion either to adults or children. Commentaries about this contain interpretations of the strangest and most discriminatory character: "How can one talk about religious instruction when some believing parents instill in their children ideas about the divine creation of all living things in contradiction to the really scientific knowledge the children receive in school?" (Gols, Religion and Law, Moscow, 1975). In a book by the former chairman of the Council on Religious Affairs, Kuroyedov, Religion and Church in Soviet Society (1st ed., 1982), it is stated directly and unequivocally that "the Soviet law on cults regards organized religious instruction of minors in circles, schools and the like as interference in the affairs of the state and a violation of law."

Catechization (that is, inculcation of precepts of the faith) for both adults and children is, by the way, an obligatory step for church confirmation of a Christian and a law of the church governing both practice and the right to take part in church rites. In many socialist countries it is stipulated by law that "religious instruction may be given both in the schools as a non-obligatory curriculum subject and on church premises" (M. Stashevskii, The Socialist State and Religious Societies, Moscow, 1979).

Article 17 of the law on religious associations, which evokes special objections, contradicts basic principles of democracy and freedom of conscience in all its points. It reads:

17. Religious associations may not:
a) create mutual credit societies, cooperatives or commercial undertakings, or in general use property at their disposal for other than for satisfaction of religious needs;
b) give material support to their members;
c) organize special prayer or other meetings for children, young people and women, nor general Bible, literary, handicraft, work, catechetical and other similar meetings, groups, circles and departments, nor organize excursions and children's playgrounds, nor open libraries and reading rooms, nor organize sanatoriums and medical aid.

Only books necessary for the performance of the cult may be kept in the prayer buildings and premise.

The ban on bible, religious-philosophical, literary, and prayer, not to mention labor and even handicraft circles and meetings cannot be regarded as anything but a violation of the rights of believers and an encroachment upon the internal life of religious communities and the private life of citizens. This prohibition is so absurd and anti-democratic that not a single author of official monographs on the situation of believers in our country bothers to comment on it seriously. Practically every point of article 17 stands in contradiction to Gospel commandments. Circles for bible study are forbidden, whereas in the Gospel of John (5:39) we find the exhortation to "search the scriptures." The church does not have the right to engage in religious education of children, yet the Gospel tells us to "accept children in the name of Jesus Christ" (Matt. 18:5-6) and "hinder not the children to come unto Christ" (Mark 10:14). By law only parents have the right to give religious instruction to their own children, whereas under church law this is the obligation also of the child's godfather and godmother. The prohibition against medical aid is in direct contradiction to Christ's command to render care and mercy to all who are infirm and to heal the sick.

We discover in Article 17 a discrimination against women that stands in stark contrast to the whole system of Soviet law: in particular, the laying down of a ban against women's prayer and other meetings. How is it possible to explain this? Perhaps by one fact only: by the obvious inattention for decades to a law that regulates the life of believers and lack of any desire to improve it and bring it into conformity with reality.

The law on religious associations forbids a creative socially active life for believers and their communities, placing them in the status of a second-class citizens.

We also call for revocation of the ban against church benefices, that is, systematic organization of good works by the church which might take the form of hospitals, homes for the aged at monasteries, and care for orphans. This unjustified ban inflicts harm on our whole society.

Comments of atheistic religious experts concerning the ban on charitable activity by religious organizations have an impermissably vulgar and slanderous character. Former Chairman of the Council on Religious Affairs, Kuroycdov, wrote that "church charities have no practical
value at all” and that “charity by the church is clearly absurd; charitable work by religious organizations in our country cannot be carried on because it has nothing whatsoever to do with satisfaction of the religious needs of people.” A.A. Barmenkov in his book, Freedom of Conscience in the USSR, asserts that charity is “foreign by its nature to the socialist social structure.” One finds it awkward to quarrel with this kind of logic. We can refer its devotees to the works of the Russian historian Kluichevsky, who has shown what ecclesiastical charity has meant to Russian society and state. It can hardly be considered normal that official subverters of religion, atheistic bureaucrats, are judging what constitutes satisfaction of religious needs and what does not. Incidentally, the word “charity” appears no longer to be the bugaboo it was for decades. The media now present discussions by scholars, writers, and state officials about the possibilities of charity, such as for the aged and infirm. Thus it is completely incomprehensible why such a possibility is denied to the church, the originator of charities. We have listed only some of the more glaring discriminatory points in the law of 1929.

Today, on the eve of the great celebration of the Russian Orthodox Church, of all Russian Christians and the whole world of Christianity—the Millennium of the Baptism of ‘Rus—raising the question of revision of the law on religious societies in the USSR for an all-people discussion would be a just, appropriate and generous act. Celebration of the anniversary of Christianization will be under a cloud if the people themselves do not have the possibility to speak their mind about the legal document that to a large extent governs the life of believers in our country.

If decision on this question is to coincide with celebration of the millennium, one must note that the time remaining is not great—at most 2 or 3 session of the USSR Supreme Soviet will be held in the interim. We would like to hope that at one of these sessions, after an all-people discussion, a law will be adopted which removes all contradictions in relations between believers and the state.

“Glasnost must be authentic not merely in reporting. Conditions must be created for lively discussion and the introduction of initiative and creative thinking ... in which any possibility of limiting the rights of citizens, whether directly or indirectly, would be excluded.” This was stated in a speech about the draft law on all-people discussion of important questions of state life.

Placing our hope in glasnost, the reality of perestroika, and the further democratization of our society, we, members of the Russian Orthodox Church, would like to think that believers, especially the Christians of our country on the eve of the Millennium of its existence in our land,
can at last become fully equal citizens not only in words (such as those produced by the atheist propagandists of our day) but also as an everyday fact of life for our motherland and for our people.

Father Gleb Yakunin
Father Nikolai Gainov
Andrei Bessmerten
Valery Borisovich
Viktor Popkov
Vladimir Poresh
(Moscow), August 12, 1987

Reply to the Letter received from Father GLEB YAKUNIN, dated August 12, 1987, to GORBACHEV and the Presidium of the USSR Supreme Soviet:

Your letter, which was referred to us by the Presidium of the USSR Supreme Soviet, has been reviewed in the Ministry of Justice of the USSR. We wish to inform you that the competent state organs at the present time are engaged in the work of improving legislation about religious cults. You proposals will be discussed in the course of this work.

V. I. Morodinsky
Deputy Chief, Department of Legislation on the Structure of the State
September 9, 1987