

EVOLUTION OF CONFESSIONAL LEGISLATION IN THE USSR (1953–1964)

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The article examines in detail the changes in confessional legislation in the USSR in 1953-1964. The example of the BSSR shows the complicated conditions for existence of religious organizations, the opposition of the state to attempts to spread religious ideas. Conclusions are drawn to show the compliance of legislation within the anti-religious campaign in the USSR, state interference in the personal sphere of soviet citizens.

Key words: confessional legislation; anti-religious policy; state-confessional relations; religion in the USSR.

The onset of a new period in the history of the USSR after the death of I. V. Stalin led to changes in many spheres in the life of society and state. The state decided to reconsider its relations with religions. In particular, the changes affected legislation in the field of religions.

The first change is related to the restructuring of the mechanism for opening religious buildings. The Resolution No. 259 of the USSR Council of Ministers dated February 17, 1955 transferred the right to open religious buildings to the Councils of Ministers of the Soviet Republics [3, p. 248–249].

On April 1, 1961, the new Criminal Code of the BSSR began to operate. It touched religions in two articles: article 139 and article 140. The first of them – «Violation of the laws on separation of church from state and school from church» – convicted the violators for correctional labour up to one year and a fine of up to 50 rubbles if the laws were violated in any way [2, p. 159]. In this regard, the remark of E. S. Yarmusik, Doctor of Science (History), Professor of Grodno State University, is true, he drew attention to the uncertainty of what should be understood as violation [3, p. 252]. To fix this problem on April 1, 1966 The Presidium of the Supreme Soviet of the BSSR adopted the resolution «Application of Article 139 of the Criminal Code of the Byelorussian SSR». The violation of laws was understood as forced fees, the production of documents calling for non-compliance upon the legislation on cults, «the commission of deceptive actions to incite religious superstitions among the masses of the population», violation of public order by organizing mass events, organization of systematic religious education for minors and, probably most important – «restriction of the rights of citizens depending on their attitude towards religion» [1, p. 115–116]. The second article –

«Obstruction of religious rites performance» – sentenced to correctional labour for up to six months or public censure if «obstruction of the performance of religious rites was committed, insofar as they do not violate public order and are not accompanied by an encroachment on the rights of citizens» [2, p. 159].

Following the adoption of the new Criminal Code – as in the BSSR, a new criminal code was adopted in the RSFSR in 1960 – the Council of Ministers of the USSR adopted Resolution No. 263 «On strengthening control over the implementation of legislation on cults». It accused local authorities of weakening control over «legislation on cults», and obliged local authorities to «ensure strict control over the implementation of legislation on cults and take timely necessary measures to eliminate violations of this legislation by clergy and religious associations». In addition, the resolution confirmed the right to close religious buildings by local authorities with the approval of the Councils for the Affairs of the Russian Orthodox Church and the Religious Cults [1, p. 98–99].

In 1962, a new version of the Resolution «On Religious Associations» of 1929 was adopted. In addition to the articles that brought the resolution in line with the modern structure of the state apparatus, the new version contained three important changes. Firstly, in Article 17 removed the ban on the storage of books not intended for religious rites in places of worship. Secondly, art. 43 provided the removal from registration a religious association in case of violation of legislation on cults (previously, this article provided the termination of the contract on the rent of premises in case of non-fulfilment of the duties on caring for the premises by the religious association). Thirdly, Article 59 required religious associations to obtain permission to conduct religious rites and ceremonies in the homes and apartments of members of a religious association (previously, such permission was required only for rites and ceremonies «in the open air») [1, p. 102–103].

Thus, in the legislation of the USSR two periods can be distinguished in the sphere of religion policy. The first period took place from 1953 to the resolution No. 259 in February 1955. During this period, religions preserved the opportunities to be organized similar to the previous period. At first, the organizations were accountable to the centre in Moscow, and since 1955, control over them passed into the hands of the Union republics. The last period from 1955–1964 is marked by stricter requirements for religious organizations. Despite the criminal liability restricting the rights of citizens in their religious views, the mechanism for conducting rituals and ceremonies became more complicated for religious organizations while the mechanism removing religious associations from registration was simplified for the state authorities.

The development of legislation during the anti-religious campaign of 1958–1964 has a particular significant and distinguishing feature reflected in the edited article 59 of the resolution «On Religious Associations», which invaded a person's personal space, depriving him of the right to conduct religious rites in his own home.

References

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