

Проблема відповідальності набуває особливого значення саме в процесі самореалізації віруючої особистості, в площині її стосунків з іншими людьми, суспільством, однак ця відповідальність не одностороння, вона передбачає взаємовідповідальність. Ступінь відповідальності визначається ступенем розвинутості всіх структурних компонентів активності особистості, рівнем її свободи.

Відповідальність задає межу саморегуляції в процесі самореалізації, індивідуального розвитку особистості: чим ширша зона духовного суверенітету індивіда, його поведінки, чим вільніший він у своєму самовизначенні, тим ширшою є зона відповідальності. Можна сказати, що остання є певною платою людини за свободу, за можливість діяти самостійно, у відповідності зі своїми релігійними переконаннями, ціннісними орієнтирами.

Розвиток особистості, сприяє в кінцевому підсумку зміцненню духовного потенціалу суспільства. Інакше кажучи, свобода совісті (релігії) є необхідною умовою, фактором становлення, духовного, творчого розвитку не тільки окремої особистості, а певним чином і суспільства.

Говард Біддулф (Howard L. Biddulph) (Прово, США)

RELIGIOUS TOLERATION AND TOLERANCE IN NEW UKRAINE PERSPECTIVES OF AN OUTSIDE OBSERVER

This brief essay is the attempt of a friendly outsider to assess the condition of state toleration of religious minorities and social tolerance among religions in the new Ukraine. Although I may be exercising imprudence, this paper also succumbs to the temptation to suggest how certain problems might be ameliorated.

After spending thirty years as a professor in American and Canadian universities studying the politics and government of the old Soviet Union, I was residing in Kyiv, not far from Maidan Nezalezhnosti, during the memorable events of ten years ago when Ukraine began its historic, but incredibly complex transition. Some scholars have referred to it as the “quadruple transition,” (1) the transition to independent statehood; (2) the transition to political democracy, (3) the transition to a market economy, and (4) the recovery of Ukrainian nationhood. (D’Anieri, et. al.: 1999, 3-6; cf. A. Motyl: 1993, 51-75.)

My wife and I lived in Kyiv during the momentous events of the three succeeding years, making the acquaintance of people throughout the territory of what became overnight the second largest country in Europe. We followed closely domestic and international events involving the new Ukraine, and lived through the years of hyper-inflation which impoverished large sectors of the population. During our residence in Kyiv, the first peaceful transition of political power in the post-Soviet world occurred, after Leonid Kuchma defeated incumbent President Leonid Kravchuk in the election of 1994.

The Religious Renaissance.

It was the great religious renaissance that most intrigued and heartened us during the transition to the new Ukraine. There were three notable aspects of this phenomenon. The first, was an incredibly broad searching for religious meaning among both the intelligentsia and the general populace that we witnessed during previous visits in the 1980s, and which was still evident in the early 1990s. (Biddulph: 1996a, ch. 1-2.) The second, was the legal reinstatement of two previously banned major national churches--the Ukrainian Autonomous Orthodox Church, and the Ukrainian (Greek) Catholic Church. Orthodoxy split into three churches who, together with the Ukrainian (Greek) Catholics constituted the traditional churches of the new Ukraine. (T. Kuzio: 1997; cf. S. Plokyh: 1998.) The third aspect, was the onslaught of foreign missionaries from Europe and America, Asia, and the Middle East, who brought new religious movements (NRM) to Ukraine and other post-Soviet states. (Biddulph: 1999; Kolodny and Filipovich: 2001.)

Ukrainian scholars Anatoly Kolodny and Lyudmila Filipovich have summarized the dimensions of this religious renaissance during the first decade of the new Ukraine. Between 1991-2001, the

proportion of respondents regarding themselves as religious believers grew from 7-10% to 70% of the total population. The proportion of believers among young people, the intelligentsia, men, and the socially active layers of the population grew significantly. In 1991, only nine (9) confessions enjoyed legal recognition, whereas in 2001, there were more than 100 legally recognized confessions in Ukraine. The number of religious communities increased during that same period from 4500 to 25405. (Kolodny and Filipovich: 2001, 4-5, 16, 19, 22.)

The aspiration to establish a democratic society and polity was reflected in the religious sphere in the provisions of The Law On Freedom of Conscience and Religious Organizations (1991), adopted just before full independence, and Article 35 of the Constitution of Ukraine (1996). These documents proclaimed freedom of conscience, freedom to manifest religious beliefs in practice, freedom of religious association, the right to change belief and affiliation, and the freedom to share religious beliefs in missionary activity. These legal provisions, which generally corresponded to the principal international conventions on religious freedom (Biddulph: 1995), opened the way for the profusion of religious pluralism documented above.

The Counter Reaction to Increased Religious Pluralism.

The rapid growth of religious pluralism quickly produced, however, strong countervailing forces. The split in Orthodoxy resulted in mutually irreconcilable warring churches, the main issue being the legitimacy of canonical status in Ukraine for a Church independent of the Moscow Patriarchate. (Kolodny and Filipovich: 2001, 6.) Another source of sharp controversy among Orthodox Churches and the Greco-Catholic Church is a dispute over the control of church buildings and other properties seized by the Soviet government, which the Ukrainian successor state wishes to give back to these traditional churches. (Kolodny and Filipovich: 2001, 20.) Such disputes have occasionally sparked violent confrontation, as occurred on "Black Tuesday," 18 July 1995, when parishioners of the Ukrainian Orthodox Church-Kyiv Patriarchate attempted to bury the body of Patriarch Volodymyr in the shrine of St. Sophia in Kyiv. (Plokhly: 1999, 18-19.)

The rise of the newer religious movements (NRM) was strongly opposed by all of the larger traditional churches, who sought to persuade government bodies to ban foreign missionaries, prevent the legal registration of new confessions, and block their access to public facilities or the media. Administrative, judicial, and occasionally even physical battles ensued in some regions.

In the December 1993 Amendments to the Law On Freedom of Conscience and Religious Organizations, the Verkhovna Rada sought a middle ground, requiring that foreign preachers be invited by a registered Ukrainian denomination, which invitation could be vetoed or approved by a corresponding local state body. Invited foreign missionaries were limited in their activities to the geographical jurisdiction of the local religious body. (Amendment, article 24.) Such legislation effectively barred representatives of new (unregistered) bodies, and limited those invited to existing jurisdictions. It thus limited, but did not fully ban, foreign missionary work, and locally registered NRM continued to enjoy legal protection. (Biddulph: 1995.)

Increased religious pluralism has, therefore, been accompanied by a rise in religious conflict. Such alienation and conflict becomes more salient for political stability when it is realized that the major contending religions are dominant in separate regions of the country. The Orthodox Church of the Moscow Patriarchate is dominant in the Eastern and Southern regions, while the Ukrainian Orthodox Church of the Kyiv Patriarchate and the Ukrainian Autocephalic Orthodox Church are strongest in the center. The Ukrainian Greco-Catholic Church is dominant in Western Ukraine. In addition to contending with each other, the dominant churches in all regions continue to oppose the NRM.

.Definition of Terms. Religious tolerance normally means respect for the religious beliefs, symbols, or practices of others. It is a person-to-person and group-to-group relationship. Religious toleration, on the other hand, denotes the official recognition or sufferance by the state of the rights of individuals or groups to hold non-traditional or dissenting religious beliefs and to manifest them in religious practice. (Biddulph: 2000, 1.)

Toleration and tolerance are related, but not necessarily coextensive. It is possible for a group to achieve official toleration and yet to experience considerable intolerance within society or by another group, and conversely for a group to find considerable social acceptance (tolerance) without achieving recognition or sufferance by the state (toleration.)

Perspectives on Toleration. Legislators, administrative, judicial, and security officials may have differing perspectives on religious freedom, and on the proper response of the state to a specific minority confession. It will be useful to distinguish three possible perspectives. First, nontoleration designates the view that a particular confession ought not to receive recognition or registration by the state, and that its participants ought to be systematically deterred or prevented from publicly manifesting their beliefs. Second, limited toleration denotes the view that the minority religion ought to be granted legal status or be registered by the state, but that the adherents should be granted significantly reduced rights to publicly manifest their beliefs in comparison to the predominant or traditional confessions. Third, full toleration is the view that a specific minority faith or new religious movement should be granted the full right to publicly manifest its teachings, as well as to enjoy full legal standing.

Individual officials may find their personal convictions to be at odds with the official legislation on religious freedom. This may lead them to apply or interpret the law variously. Therefore, the establishment of religious freedom will depend not only upon the legislative enactment of appropriate legal safeguards, but also upon the emergence of what I would call a broad culture of toleration among legislators, officials, and other politically powerful individuals and groups in society. (Biddulph: 1996b, 59-67; Biddulph: 1999, 11.)

Perspectives on Tolerance. While toleration is a relationship between representatives of the state with religious persons and groups, tolerance focuses on interpersonal or intergroup perceptions and behavior in society. Such perceptions and behavioral patterns vary from the pole of extreme alienation to the opposite pole of full mutual acceptance. Along this continuum it will be convenient to designate several positions. Overt intolerance is the open rejection of the legitimacy and acceptability of the beliefs, practices, or legal existence of a religious orientation or group. Covert tolerance designates the nonpublic, but deliberate discrimination against minorities in hiring practices, social, economic, and political relationships. Formal-legal tolerance is a point of view which acknowledges the right of others to freely practice their religion with equality before the law, even though it believes such teachings and practice to be untrue or morally repugnant. Integral tolerance goes beyond formal-legal tolerance in accepting the beliefs and practices of the opposite group as having value, in addition to granting its right to manifest them. Differences in doctrine and religious practice are not considered to be vitally important, permitting considerable social interaction and cooperation between spiritual communities. Theological disputes, evangelical competition for converts, and unsympathetic media presentations diminish and disappear.

Outlines of an Argument About Ukrainian Religious Toleration.

1. Religious pluralism has become permanently established in new Ukraine. The pluralism of major traditional churches makes it improbable for Ukraine to become a confessional state with an officially established church. The New Religious Movements established during the past 15 years as well as older Protestant, Muslim, and Jewish denominations have also achieved permanent status in Ukraine (Kolodny and Filipovich: 2001, 16-18, 23-26.) It would likely require mass repression to reverse the religious pluralism which has been established during the past decade.

2. A measure of religious pluralism is one of the "threshold conditions for religious liberty," as Professor W. Cole Durham has shown (Durham: 1996, 12-13), but a rapid expansion of pluralism without an accompanying growth in tolerance can be dangerous, even explosive, for political stability, especially when such cleavages are regionally based. Religious conflict resolution, therefore, ought to be a priority for the fragile, new Ukrainian state. It appears that Ukrainian state policy has come to accept this conclusion, at least in relations with the larger confessions, since the tragic events of "Black Tuesday," 18 July 1995.(Plokyh: 1999, 19ff; Biddulph: 2000b, 25-26.)

3. The new Ukrainian state aspires not only to political stability but to democracy. A democratic society requires the fullest possible actualization of religious liberty, and as Durham has also convincingly shown, religious tolerance is one of the key "threshold conditions" for religious liberty (Durham: 1996, 14-15.) Democracy would require that religious bodies be treated equally before the law. Newer or smaller religious groups should not be treated selectively with greater surveillance or restrictions than traditional faiths. One challenge in Ukraine, from my experience, is that regional and local governments do not always act in

conformance with national laws, often capitulating to the local pressure of dominant religious bodies that are implacably opposed to the toleration of smaller confessions (Homer and Uzzell: 1998; Biddulph: 2000b, 27.)

4. The Tsarist and Soviet suppression of Ukrainian nationhood also included the banning of two distinctly national churches--the Ukrainian Autocephalic (Autonomous) Orthodox Church, and the Ukrainian Greco-Catholic (Uniate) Church. It is natural, therefore, that in the great task of reviving the national identity of the people of Ukraine, attention should be paid to restoring these previously suppressed confessions to the status of national churches, as agents of this historic cultural process. As Professors Kolodny and Filipovich have emphasized, a national church is not necessarily an officially sponsored state church. A national church is a religious body acknowledged by society to have been a historic carrier of the Ukrainian national idea of independence, which has promoted the preservation of the national culture, in particular the Ukrainian language, and has helped to form a Ukrainian identity through its distinctly national art, music, and rituals.(Kolodny and Filipovich: 2001, 9-15.)

I agree with Professors Kolodny and Filipovich that the two Ukrainian Orthodox Churches which are separate from the Moscow Patriarchy and the Ukrainian Greco-Catholic Church should be acknowledged as carriers of Ukrainian national culture. Such national churches could be honored in Ukrainian society without becoming officially established churches, or diluting to the slightest degree the commitment of the Ukrainian Constitution to the equal protection of all religions. This status is what is sometimes referred to as “endorsed churches,” as distinguished from officially “established churches,” such as the position of the Roman Catholic Church in contemporary Italy and Spain. (Durham: 1996, 20.) It is fitting, in my view, for the new Ukrainian state to compensate all confessions whose church premises were destroyed or seized by the Soviet state, and it would be equally appropriate for the new state to help restore Ukrainian cultural treasures associated with religious institutions. State assistance for national churches should not, however, be pretexts for moving toward the official establishment of a church or any inequality in legal treatment of minority religions.

5 While there is general consensus on the importance of equal treatment and amelioration of conflicts among major denominations, some powerful political forces represented in Parliament continue to be intent on nontoleration or only limited toleration of smaller and newer confessions. A recent government directive to the State Committee for Religious Affairs seems to support such a policy of selective religious toleration. In Decree No. 0109, dated March 26, 2001, the State Committee for Religious Affairs is ordered to: : “improve the mechanism for countering the penetration and growth in Ukraine of destructive religions that cause damage to the State and its citizenry.” These “destructive religions” are not identified in the decree, leaving the directives open to various interpretations, especially since it was also sent to regional state administrations. Democracy in Ukraine is negatively affected by any degree of selective toleration.

Full toleration requires that religious affiliation should never be the basis for questioning the political or cultural loyalty of citizens, or for activating the surveillance of security agencies.

Outlines for an Argument Concerning Ukrainian Religious Tolerance.

1. The antagonistic divisions within Ukrainian Orthodoxy do not seem to be resolvable at the present time. The issue of the canonical legitimacy of a Ukrainian Orthodoxy wholly separate from the Russian Patriarchate is not open to negotiation on either side of the divide. This has resulted in overt intolerance among the clerical leadership groups and some lay activists in each church. Studies seem to show, however, that the majority of the lay faithful greatly regret the divisions between the Churches and would be amenable to some kind of reconciliation. It would appear, therefore, that the majority of the lay membership are more tolerant of other Orthodox Churches than their leaders and lay activists.

2. The large traditional churches have vigorously opposed the new religious movements in Ukraine, seeking to use the state to block their official registration, foreign missionary programs, and local evangelical activities. At the national level, the state has been more tolerant of the NRM than the dominant churches, but at the regional and local levels, some state authorities have been more responsive to the intolerance of the most powerful religious bodies.

3. The State Committee for Religious Affairs has constituted an Interconfessional Council of Churches, represented by the heads of officially registered Christian bodies in Ukraine. Not all of the registered Christian NRM have been invited to be full participants in the Inter-

Confessional Council, and non-Christian bodies are presumably also excluded. The Inter-Confessional Council, nevertheless, is a first institutional step towards structuring cooperation among relatively hostile denominations, under the sponsorship of the state. Face-to-face common deliberation, decision-making, and cooperative action is a potent way to gradually transform intolerance into formal tolerance and ultimately into a deeper form of integral tolerance. The development of a formal tolerance and perhaps some limited degree of cooperative integral tolerance may be gradually occurring among the larger traditional churches and some of the older small Protestant denominations at the leadership level through the experience of sitting together on the Inter-Confessional Council. Members of the Council seem, however, to remain strongly opposed to the NRM that have so far been excluded from participating in this institution.

4. The development of democracy in a former authoritarian social order depends, in part, on the emergence of a robust civil society, that is, a proliferation of autonomous associations who work together in the pursuit of social causes and political objectives. Openness, mutual acceptance, and tolerance must broadly exist for civil society to operate effectively. (Shils: 1991; Fish: 1995; McFaul: 1993; Rigby: 1991.) Religious bodies must be a part of that civil society for it to be successful, because they are such important social institutions. Mutual intolerance among major religious bodies will greatly hamper the development of a civil society. The greater the level of tolerance and mutual trust, the more likely that a dynamic civil society will emerge. The growth of mutual tolerance between religious groups, as well as state toleration of religious minorities, will make an essential contribution to Ukrainian democracy, in my opinion.

5. If, as I have attempted to show, greater religious tolerance is desirable for Ukrainian society, how is it most effectively promoted? Tolerance is achieved through constructive mutual social experiences which show the value of cooperation, and by overcoming misunderstanding through knowledge. The following could help promote tolerance between religious antagonists.

a) The state sponsored Interconfessional Council of Christian Churches should be expanded to include all Christian and non-Christian registered religious bodies in Ukraine. The state should involve all these bodies in a consultative council to solve family, ecological, health, and other moral issues. This deliberative experience will inevitably build mutual understanding and tolerance among participants.

b) The educational curriculum of secondary and post-secondary institutions should include accurate, objective, inclusive study of all religious groups in Ukraine, with presentations by representatives of each.

c) Representatives of mass media should seek for correct information and objectivity in presenting material on all religious bodies, rather than defending one religious tendency.

d) Inter-faith youth and adult conferences should be organized, such as the Center for Religious Information and Freedom (CeRIF) is doing in the summer of 2001, to help members of various faiths learn to understand the heritage of one another and to build bridges of friendship and respect, without seeking to convert one another.

e) Objective publications about various religions in Ukraine should be widely distributed.

f) Informative inter-faith journals, such as Religious Panorama, should be widely read.

In conclusion, the state toleration of traditional and non-traditional religious bodies is a recognition of the permanence of religious pluralism in Ukraine. Full toleration of new religious movements will, as John Locke demonstrated long ago, build the legitimacy and promote the political stability of the Ukrainian state. (Locke: 1947.)

Full toleration is necessary for political equality, one of the prerequisites of democracy.

The promotion of full tolerance between religious groups is necessary for the building of a civil society, which in turn is a prerequisite for democracy. The promotion of mutual problem solving experiences among religious bodies, and education of society about the new pluralism of faiths is the great hope for bringing full religious tolerance to Ukraine.

BIBLIOGRAPHY

1. Biddulph, Howard L. 1995. "Religious Liberty and the Ukrainian State," Brigham Young University Law Review, 1995, no. 2, 321-48.

2. Biddulph, Howard L. 1996a. *The Morning Breaks; Stories of Conversion and Faith in The Former Soviet Union*. Salt Lake City, Utah. Deseret Book.
3. Biddulph, Howard L. 1996b. "Toleration of Minority Religions: Russia, Ukraine, and Belarus," *Religious Liberty and the Global Church*. Provo, Utah: 59-69,
4. Biddulph, Howard L. 1999. "Non-Traditional Religions and Missionary Activity in the Post-Soviet States," *Religious Freedom in the Post-Socialist Countries*. Kyiv, Ukraine: Institute of Philosophy, Ukrainian National Academy of Sciences, 1-16.
5. Biddulph, Howard L. 2000. "Mormon Missionaries and the Post-Soviet State: The Russian Federation and Ukraine, 1990-2000," *The Mormon History Association Conference, Copenhagen and Aalborg, Denmark, June 25-July 1, 2000*.
6. *Constitution of Ukraine: 1996*. adopted at the Fifth Session of the Verkhovna Rada of Ukraine on 28 June 1996. Kyiv: 1996.
7. D'Anieri, Paul, Kravchuk, Robert, Kuzio, Taras: 1999. *Politics and Society in Ukraine*. Boulder, Colorado: Westview Press.
8. Durham, W. Cole, Jr.: 1996. "Perspectives on Religious Liberty: A Comparative Framework," *Religious Human Rights in Global Perspective*, edited by Johan van der Vyver and John Witte, Jr., The Hague: Martinus Nijhoff Publishers, 1-44.
9. Fish, M. Steven: 1995. *Democracy From Scratch*. Princeton: Princeton University Press.
10. Homer, Lauren B., Uzzell, Lawrence A.: 1998. "Federal and Provincial Religious Freedom Laws in Russia: A Struggle For and Against Federalism and the Rule of Law," 1-29. www.law.emory.edu/EILR/volumes/win98/homer.html.
11. Kolodny, Anatoly, M., and Filipovich, Lyudmila O.: 2001. *Religion and the Churches in Modern Ukraine*. Kyiv: Ukraine: Svit znan' 2001. 61pp.
12. Kuzio, Taras: 1997. *In Search of Unity and Autocephaly: Ukraine's Orthodox Churches* London: Keston Institute, 1997.
13. Locke, John: 1947: "A Letter Concerning Toleration," *On Politics and Education*. Roslyn, N.Y.: Walter J. Black Publishers. pp. 17-47.
14. McFaul, Michael: 1993. *Post-Communist Politics*. Wash.D.C. Center for Strategic and International Studies.
15. Motyl, Alexander J.:1993. *Dilemmas of Independence; Ukraine After Totalitarianism*. N.Y.: Council on Foreign Relations Press.
16. Plokhly, Sergei 1998: "Church, State, and Nation in Ukraine," *Religion in Eastern Europe*. XIX, no. 5, 1-28.
17. Rigby, T.H.: 1991: "Mono-Organizational Socialism and the Civil Society," *The Transition from Socialism*. edited by Kukathas, Lovell and Maley. Melbourne: Longman Cheshire, 107-22.
18. Shils, Edward: 1991. "The Virtues of Civil Society," *Government and Opposition*. vol. 26, no.1, 3-20.

Коул Дьюрем (Прово, США)

НОВЕЙШИЕ НАСЛОЕНИЯ В АРХЕОЛОГИИ РЕЛИГИОЗНОЙ СВОБОДЫ: СОВРЕМЕННЫЕ ТЕНДЕНЦИИ В ИНТЕРПРЕТАЦИИ МЕЖДУНАРОДНЫХ НОРМ РЕЛИГИОЗНОЙ СВОБОДЫ

С созданием новой Европы стало происходить много событий, оказывающих значительное влияние на предельные контуры религиозной свободы как в самой Европе, так и в других частях света. Поворотные пункты истории такого масштаба не могут не оставить своего археологического отпечатка. Одной из форм, которую принимает этот отпечаток, является кристаллизация конкретных норм, направленных против признанных злоупотреблений прошлого.

В этом отношении принципы религиозной свободы, провозглашенные в статьях 16 и 17 Заключительного соглашения Венской встречи государств-участников Конференции по сотрудничеству и безопасности в Европе, опубликованного в 1989 году (в дальнейшем «Венское заключительное соглашение»), представляют особый интерес. Принятый в то