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STATE AND RELIGIONS: ESTONIAN TXPERIENCE

Let me first thank the organizers of this conference for the possibility to be here. The following is going to focus on the relations between the State and religion and religious associations during the last two decades in Estonia. The period includes the processes of reestablishing the independence of Estonia, the entrance of religion to the public square, the influx of new religious movements, and the adoption of legislation that guarantees the freedom of religion and belief.

The late 1980s were characterized by general socio-political change in Europe. The fall of the Soviet Union and its satellite regimes in the Eastern and Central Europe was followed by series of political and socio-economical reforms in these societies, each particular to the particular country, and to the country's historical and cultural heritage and traditions, at least to some extent.

Twenty years ago, in 1988 the socio-political processes that lead to the reestablishment of Estonia's independence in 1991 were already started. In the late 1980s and early 1990s religion was making a come back to the public sphere, and religion was probably more visible then than it has been ever since. The religious rites accompanied different kind of events from the blessings of memorial stones and statues to the blessing of flags and buildings. The main provider of the religious rites was the Estonian Evangelical Lutheran Church, the so-called traditional church in Estonian since 16th century.

One of the Estonian sociologists of religion Lea Altnurme has described this period as the time of the exaltation, anticipation, and indescribable confusion. It could be said that religion was booming in Estonia from the late 1980s to the early 1990s, and this indescribable confusion was characteristic to both individuals as well as to the religious and governmental institutions and the main question for the institutions was how the relations between the state and religious associations would be regulated.

In 1992 the new Constitution of Estonian Republic was adopted. The new Constitution followed the general principles of the freedom of religion or belief in the similar manner as had the Estonian Constitutions from 1920 and from 1938.

Article 40 of the Constitution from 1992 stipulates that there is no state church in Estonia. The attempts from the Estonian Evangelical Lutheran Church to get a privileged status among religious associations were not successful. All the religious associations operating in Estonia are equal before the law despite their membership numbers or the years of presence in Estonia – there is no differentiation between old and new, traditional and non-traditional, large or small religious groups – the registration requirements for the legal entity status are same to all as well as are the privileges for the registered religious associations. It could be said that in the early 1990s when the Estonian legislation was drafted the basic principle was the idea of free market, and that the market would regulate itself.

This formula “there is no state church” has not been interpreted as excluding cooperation between governmental institutions and religious associations in the areas where the common interests are found. The religious associations in Estonia are self-financing associations, and none of them receives direct financial support for its religious activities, although, there are certain areas, like social rehabilitation, social care, and the restoration of religious buildings or objects with historical and/or cultural value (like for example historical church buildings or the manuscripts of the Old Believers community), where the subsidies are granted.

In 1993 the Estonian Parliament adopted the Churches and Congregations Act. In 2002 the previous Act was replaced by a new Churches and Congregations Act. The main change was that the registration of religious associations as legal entities was shifted from the Ministry of the Interior to the registrar departments of courts. However, the requirements for the religious associations applying for the registration as legal entity remained the same. The association must have a statute, association contract, and at least 12 adult members. The only religious association that does not need a statute for the registration are the congregations of the Roman-Catholic Church that operates on the basis of an agreement between Estonia and the Holy See.

In Estonia, the registration of a religious association as a legal entity is not a mandatory for a religious community. However, registration as a religious association under the Churches and Congregations Act grants certain privileges. These privileges include tax-exempt status, and from 2001 the possibility to apply the right to conduct marriages of civil validity for the clergy. In May 2007 there are 152 clergymen and –woman from 19 different religious associations with the authorization from the Ministry of the Interior to conduct marriages with civil validity.

Besides of the religious communities that have registered themselves at the Register of Religious Associations there is also a wide range of religious non-profit associations in Estonia. For example the Unifications movement was represented for several years in Estonia through two regular non-profit organizations. The first religious association of the Unification movement in Estonia was founded in 2002. During the period of the Orthodox controversy in Estonia, the congregations of the Moscow Patriarchate had their legal capacity through different non-profit organizations. And also the Friends of Western Buddhist Order is registered in Estonia as a regular non-profit organization. And if the community does not need a legal entity status they are free to operate as informal communities like the followers of Vissarion in Estonia.

While religious associations do not get direct subsidies form the state budget, there is one religious organisation that receives an annual subsidy directly from the state budget, it is the ecumenical non-profit organisation the Estonian Council of Churches (ECC). The ECC was founded in 1989, and since then it has been the main partner of the state in various areas of cooperation. Currently the Council has 10 memberchurches – besides of lutheran, roman-catholic, and two orthodox churches, the members of the council are pentecostal, baptist, seventh-day adventist, methodist, armenian apostolic, and charismatic episcopalian churches representing the vast majority of adherents of some particular religion in Estonia. In 2002 the government signed a Protocol of Common Interests with the ECC concerning the areas of education, social-welfare, chaplaincy etc.

In 2003 the state program „Preservation and Development of Churches' for the years 2004-2013 was adopted, this was the outcome of the joint commission between Estonian Government and Estonian Evangelical Lutheran Church that was set up in 1995. In April 2008 the state program for the protection of historical natural sacred places was enforced. Behind the adoption of this program was the religious association of the Estonian indigenous religious tradition, House of Taara and Native Religions who have established themselves as the critics of the governmental policy of religion which they see to be favorable to Christian churches.

In April 2001 representatives of the House of Taara and Native Religions, the Baha'i Congregation, the local association of ISKCON (Krisha Consciousness) and two Buddhist congregations, as well as representatives of the Jewish Organisations and Associations and the Estonian Islamic Congregation, set up an informal body called the Round Table of religions. The reason for doing so was a proposal that religious education should be a compulsory subject in

state schools. The members of the Round Table criticised the draft version of the curriculum as biased and too Christian-centred. Partly as a result of this active response by the Round Table the plan for compulsory religious education in state schools was postponed, and the proposed curriculum was sent back for reworking, a situation that still continues. So I would claim that if there is enough active participation it is possible for the minority religions to make their voice to be heard and influence the processes.

New Religious Movements is one of the areas in the field of state religion relations where there are often many problems. I would not claim that there have not been any problems in Estonia concerning religions or new religious movements, but all of them have been treated on a case by case basis. The most serious institutional confrontation between the state and religions appeared in the 1990s between the State and Jehovah's Witnesses who refused to service in the defense forces. In 1996 the problem found a solution when after the negotiations between Jehovah's Witnesses and Ministry of Defense the first twelve Jehovah's Witnesses started their alternative service as civil persons at one of the rescue units. This case was to form the model for alternative service in Estonia.

There are also other cases from the 1990s where different concepts what is allowed and what is not met in the name of religion. So in 1993 the City Council of Tartu banned the religious services in public space. The reason for this decision was the street evangelization by the Word of Life congregation that many people considered as disturbing. However, the City Council had no idea what their decision meant – by this decision also the funeral services at cemeteries became unlawful. Anyhow, the Word of Life congregation brought the case to the Chancellor of Justice who considered this restriction unconstitutional, and the decision of the City Council was annulled.

The responsibility for the relations between the State and religion is on the Religious Affairs Department at the Ministry of the Interior.

Estonia has been an exception considering new religious movements as there has not been any organized anti-cult movement or any organizations representing the victims of religion. The role to help the victims of religions is often carried out by the Religious Affairs Department. To consult the families or to be a mediator between a religious group and a person who – for example – has decided to leave a group. It has become evident that in many cases the best way to solve problems is to talk with the persons and/or associations involved, and to try to find a solution to problems on a case by case basis.

It is true that the Estonian Council of Churches and the Estonian Lutheran Church have succeeded in establishing themselves as the main partners for the state on issues concerning religion; but this partnership is not reflected in the legislation. The annual subsidy for the Estonian Council of Churches from the state budget has sometimes been considered discriminatory against non-Christian traditions. However, it should be noted that the non-Christian religious associations have not established their umbrella organization, the Round Table of Religious Associations, as a legal entity. A few years ago it was an important instrument for the non-Christian religious associations in protecting their interests, but the last couple of years the Round Table has been inactive. If the non-Christian associations could establish themselves as a legal entity in a similar manner to the Estonian Council of Churches, similar state subsidies might be forthcoming for them too.

Since the mid-1990s Estonia is considered as one of the most secularized or un-/de-churched societies in Europe with East Germany and Czech Republic. According to the population census from the year 2000 there were 29 % of the population older than 15-years of age who answered „yes” to the question if they do consider themselves as adherents of some particular religion. 98 % of them considered themselves as Christians, mostly Lutherans and Orthodox who form 95 % of the adherents of different Christian denominations. The Orthodox community in Estonia, however, belongs to two different Orthodox churches, one under the canonical jurisdiction of the Ecumenical Patriarchate, and the other under the canonical

jurisdiction the Moscow Patriarchate. The Orthodox community is followed by Baptists, Roman-Catholics, and Jehovah's Witnesses.

The attendance to religious services in Estonia is low as in Sweden and in East Germany, all of them traditionally Lutheran societies. And for the majority of population religions has little or no importance in their lives.

When looking to the situation that has developed in Estonia during the last fifteen years it could be said that it seems easy to be liberal on religious matters if there is no dominant religious institution in membership numbers, if only approximately one third of the total population consider themselves as adherents of some particular religion, if religion is commonly considered to belong to the private and not to the public sphere, and if religions do not have nationalistic connotations.

Артур АРТЕМЬЕВ (Алматы, КАЗАХСТАН)

СОСТОЯНИЕ И ПЕРСПЕКТИВЫ РЕЛИГИЕВЕДЧЕСКОЙ НАУКИ И ОБРАЗОВАНИЯ В СОВРЕМЕННОМ КАЗАХСТАНЕ

Я искренне, как говорят, «белой завистью», по-доброму завидую украинским коллегам, сумевшим не только сохранить в условиях всеобщего «расхищения бунтующим материальным хаосом» (Вл. Соловьев) науку «религиоведение», но и занять одно из ведущих мест среди мирового сообщества по уровню её современного развития. Не случайно на 14 Международном симпозиуме права и религии, который проходил в октябре 2007 года в г. Прово (штат Юта, США) Анатолий Колодный и Людмила Филиппович получили высокую международную награду – Хрустальный глобус – за достижения в этой области. И, действительно, Украинская ассоциация религиоведов, поддерживаемая Отделением религиоведения Института философии НАН Украины, проводит большую, а, главное, плодотворную работу.

К сожалению, Казахстану в этом отношении похвастаться нечем. И хотя я не сторонник критики своей страны за её рубежами, но и не исповедую «квасной патриотизм», тем более, что квас сегодня уже явно прокис. Поэтому буду откровенен.

Казахстан – государство мультинациональное (у нас проживают представители более 130 народов и народностей, а государствообразующая нация, т. е. казахи, составляют немногим более половины населения). Поэтому и религиозная карта представлена более 50 конфессиями и деноминациями, объединяющими свыше 4 тыс. общин и групп. Самыми влиятельными конфессиями у нас являются суннитский ислам и русское православие.

На религиозную ситуацию активное воздействие оказывает не только национально-этническая и демографическая специфика, политическая, нравственно-этическая и социокультурная обстановка внутри страны, но и все те процессы, которые происходят на Востоке и Западе, особенно в сопредельных государствах.

Надо сказать, что на уровне главы государства делается немало по обеспечению межнациональной и межконфессиональной толерантности: создана уникальная структура - Ассамблея народов Казахстана, которую возглавляет Президент страны (недавно были приняты поправки к Конституции, позволяющие Ассамблее самостоятельно избирать и делегировать 9 депутатов в Парламент); уже дважды в Астане прошли съезды лидеров мировых и национально-традиционных религий; регулярно проводятся Дни духовного согласия и т. д.

Но всё это – красивый фасад, за которым скрываются многие внутренние проблемы. Они зачастую - весьма тревожны. Возьмем религиоведческую науку. У нас она держится на нескольких энтузиастах, пересчитать которых можно по пальцам одной руки.