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Soviet Religious Law in 1917–1922: Ideological and Legal Foundations

Sowieckie prawo wyznaniowe w latach 1917–1922. Podstawy ideologiczne i prawne

ABSTRACT

The article presents the ideological and legal foundations of the Soviet religious policy in 1917–1922, when the theoretical assumptions that formed the basis of the new government's attitude to religion as such were transformed into its practical approach to religious associations present in the space of the functioning of the Bolshevik state. Attention was drawn to two basic issues: (1) the attitude towards religion in the theoretical considerations of Russian Marxists both before and after the Bolsheviks took power in Russia, and (2) the legal acts issued by the new power regarding the place of religion in the slowly emerging reality in the first five years of its existence. Both the ideology and the law itself were to serve the realization of one idea – the creation of a communist society, fully atheistic and recognizing only dialectical materialism. As it turned out from the perspective of

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later events, the years 1917–1922 were crucial for this intention. The legislation adopted at that time became the juridical basis of the Soviet religious law, implemented until the end of the existence of the USSR. The reference basis for the article is the relevant legislation and literature on the subject.

Keywords: Bolshevik state; religious policy; communist society; dialectical materialism

INTRODUCTION

The seizure of power by the Bolsheviks on the night of 24/25 October (6/7 November) 1917 in Petrograd as a result of a successful *coup d'état* began a period of massive disruptions and fundamental political, military, and socio-economic transformations across the vast expanses of Eurasia. The civil war, which began at that time on the ruins of the Russian empire, and the external conflicts that accompanied it, resulted in victory for the Bolshevik side, from March 1918 acting organizationally as the Russian Communist Party (of Bolsheviks). The culmination of the initial stage of building the first communist state was the proclamation of the new Union of Soviet Socialist Republics on 30 December 1922 on the basis of four national republican bodies – Russian, Ukrainian, Belarusian, and Transcaucasian.

The years 1917–1922 in the history of the emerging communist regime were characterized by the volatility of the situation and actions taken in many areas and segments of reality: political, economic, or national. One thing, however, remained unchanged: the religious policy,[1] which from the very beginning of the establishment of Soviet power was based on an unchanging ideological foundation and pursued the objective of completely eradicating all religion from social life and – in the shortest possible time – forming an atheist and anti-religious society. The only thing that limited these aspirations was resistance from confessional communities, despite the repression active in the Bolshevik state, and the fact that it did not operate in an international vacuum and thus had to take into account the public opinion of other actors of the world order at that time. Therefore, for external purposes, the Soviet authorities created an illusion in the form of an imitation of the generally accepted solutions in the area of religious law, while simultaneously introducing internal legal acts aimed directly against religion as such and against religious communities and believers, and carrying out actions in everyday practice

[1] According to the commonly accepted definition, "religious policy is primarily a specific type of national public policy that focuses on the activities of religious associations" and its essence is "shaping the relationship of the state with individual religious associations" (R. Michalak, *Polityka wyznaniowa. Zakres zjawiska*, "Annales UMCS. Sectio K (Politologia)" 2019, vol. 26(1), pp. 24–25). However, it is important to note that, unlike other political regimes, the aim of the Bolshevik religious policy was the definitive elimination in the space subjected to their rule not only of all religious associations but also of religion as such. Hence, the Soviet religious policy can be described as unique compared to other policies implemented during the existence of the Bolshevik state.

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aimed at the definitive elimination of religion and the complete atheization of the society. During the first five years of their rule in Russia, in terms of religious policy, the Bolsheviks laid both its legal foundations (although in practice it was true lawlessness) and entered the path towards practical solutions where they almost completely rejected any objectivity derived from theoretical assumptions in favor of the peculiar pragmatism of achieving the desired state as quickly as possible.

The research objective of this article is to seek answers to a number of questions related to the issue of Soviet religious policy in 1917–1922: What were the ideological sources of the Bolsheviks' attitude towards religion before they seized power in Russia? What models and practical solutions, either known from history or applied at the time, could they have referred to in constructing their approach to religions and religious communities operating in the area under their authority? What was the Bolshevik legislation regarding the attitude of the state towards religions and religious communities? What was the practice of implementing religious policy in Bolshevik Russia before the creation of the Soviet Union? The method used in the article is a critical analysis of the relevant legal acts and the existing literature on the subject in the context of real actions directed at achieving the actual, rather than declared, objectives of Bolshevik religious policy.

IDEOLOGICAL FOUNDATIONS AND SYSTEMIC PATTERNS OF BOLSHEVIK RELIGIOUS POLICY

Tsarist Russia was a multi-ethnic and multi-religious state, albeit with the dominant role of the Orthodox religion. The Russian Orthodox Church had, since the reforms of Peter I, become the constitutional element of the state, and the other confessions were inferior to it both in theory of power and in political practice. Depending on the current situation, they may have operated in a manner acceptable to the authorities, or they may have been subject to various restrictions, including a complete ban on their activities (e.g., the Uniate Church, administratively abolished in the empire in 1839 and in the Kingdom of Poland in 1875). Nevertheless, it is important to emphasize the tremendous advantage of the Orthodox Church, both in terms of its place in the structure of the state and in terms of numbers, organization, and material resources.[2] The 1905 Revolution and the political changes that followed brought some relaxation of the previous policy of repression and restrictions on all non-Orthodox religious associations. The legal expression of the change in this attitude was the decree on tolerance issued on behalf of Tsar

[2] J. Byś, *Stosunek państwa do kościołów w Rosji od chrztu Rusi do rewolucji październikowej (od X w. do 1917 r.)*, "Prawo Kanoniczne" 2001, vol. 44(1–2), pp. 197–106.

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Nicholas II on 17 April 1905.[3] However, despite the far-reaching declarations in the area of religious freedoms contained in the above-mentioned decree, the Russian administration's practical actions towards the so-called *inovernykh* ("non-believers") and *inoslavnykh* ("heterodox") had not changed much and they continued to be at least second-class citizens.[4]

The overthrow of tsardom as a result of the February Revolution of 1917, resulting in the seizure of power in Russia by the Provisional Government, brought the state several months of democratization in the constitutional spirit, also in terms of freedoms and rights concerning religious matters. The first significant legal act in this regard was the resolution "On the abolition of religious and national restrictions", adopted on 20 March 1917, abolishing all previous restrictions on the rights of Russian citizens of all faiths and nationalities.[5] Consistently staying on its political course, on 14 July the Provisional Government adopted a resolution on full freedom of conscience in republican Russia, which included the following provision: "Every citizen of the Russian state is guaranteed freedom of conscience. The exercise of civil and political rights is therefore not dependent on religious affiliation, and no one may be persecuted or restricted in any rights for their convictions in matters of faith".[6] In addition to general legal acts, the Provisional Government enacted a series of separate agreements with individual religious associations, regulating their hitherto legally and customarily handicapped status.

The overthrow of democratic forces in revolution-ridden Russia meant that its citizens did not enjoy the acquired religious rights and freedoms for long. The seizure of power by the Bolsheviks marked a complete change in the authorities' approach to this issue (as well as the approach to civil rights and liberties in general[7]). The ideological basis for the functioning of the Soviet state was the Russian

[3] *Imiennoi Vysochayshii ukaz, danyi Senatu „Ob ukreplenii nachal veroterpimosti"*, [in:] *Polnoe sobraniie zakonov Rossiyskoii imperii*, Sobranie tretie, vol. 25, 1905, Otdeleniie I, Sanktpeterburg 1908, pp. 257–258; A.A. Dorskaia, *Svoboda sovesti v Rossii: sudba zakonoproektov nachala XX veka*, Sankt-Peterburg 2001, pp. 42–56.

[4] The intricacies of Tsarist policy towards this category of subjects are presented in P. Vert, *Pravoslavie, inoslavie, inoverie: ocherki po istorii religioznogo raznoobrazia rossiiskoy imperii*, Moskva 2012, pp. 42–64.

[5] *Postanovleniie Vremennogo pravitelstva „Ob otmene veroispovednykh i natsionalnykh ogranicheniy"*, [in:] *Konfessionalnaia polityka Vremennogo pravitelstwa Rossii: sbornik dokumentov*, sost., avt. predisl. i kommemt. M.A. Babkin, Moskva 2017, pp. 60–72.

[6] "Kazhdomu grazhdaninu Rossiiskogo gosudarstva obespechivaetsia svoboda sovesti. Posemu polzovanie grazhdanskimi i politicheskimi pravami ne zavisit ot prinadlezhnosti k veroispovedaniiu i nikto nie mozhet byt' presleduiem i ogranichivaiem v kakikh by to ni bylo pravakh za ubezhdeniia v delakh very" (*Postanovleniie Vremennogo pravitelstva „Ob svobode sovesti"*, [in:] *Konfessionalnaia polityka Vremennogo pravitelstwa Rossii…*, pp. 85–88).

[7] It should be noted that the very concept of law was understood by Lenin in a very utilitarian way, as a means to achieve political ends and not as the foundation of the future communist state. In a system based on Roman law, there are two non-identical concepts: *ius*, i.e. certain civilizational legal

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version of Marxism,[8] reaching its peak development in the deliberations of Georgy Plekhanov and Vladimir Ulyanov (Lenin). As Plekhanov died a few months after the communist coup (30 May 1918), Lenin became the leading ideologist of the new order, with a dual role as a theoretician, creating directions for development, and a practitioner, implementing them in practice. Hence, the new ideology was called Marxism-Leninism and provided the basic worldview reference point for successive generations of citizens of the Soviet Union and its satellites.[9]

Lenin's attitude (following Karl Marx) to religion was illustrated by his famous words, published in a 1905 article: "Religion is opium for the people. Religion is a sort of spiritual booze, in which the slaves of capital drown their human image, their demand for a life more or less worthy of man".[10] Lenin made no secret of what the agenda of the party he led was – in terms of religion – and what he was aiming for in this regard. He wrote about it as follows: "Our Programme is based entirely on the scientific, and moreover the materialist, world outlook. An explanation of our Programme, therefore, necessarily includes an explanation of the true historical and economic roots of the religious fog. Our propaganda necessarily includes the propaganda of atheism".[11] Elsewhere in this speech he expressed the opinion that a true communist could not be indifferent to "lack of class-consciousness, ignorance

standards, independent of the current government, and *lex*, i.e. statutory law. In the understanding of the creator of the Bolshevik order, the law was defined only in the category of statutory law, the source of which was the current reading of the "Marxist-Leninist" doctrine and which did not provide for other solutions. See A. Bosiacki, *Utopia, władza, prawo. Doktryna i koncepcje prawne bolszewickiej Rosji 1917–1921*, Warszawa 2012, pp. 67–84; M. Pichlak, *Rozróżnienie ius et lex we współczesnej filozofii prawa*, "Archiwum Filozofii Prawa i Filozofii Społecznej" 2017, vol. 2, pp. 49–58.

[8] In Russia in the second half of the 19th century, Marxist thought on the attitudes to religion varied widely – from total freethinking and affirmation of atheism to acceptance of the teachings of the so-called "sectarians" (groups contesting the teachings of the official Orthodox Church). However, Lenin's ability to dominate the market of ideas eventually led to his version of Marxism being adopted as the leading one. See N.A. Belakova, *Sovetskaia vlast i religioznye obshchestva: k stoletiyu rossiiskoi revolutsii*, "Vestnik MBS EKhB. Moskovskoi bogoslovskoi seminarii evangelskikh khristian-baptistov" 2018, no. 8, pp. 26–28.

[9] On the leading role of Georgy Plekhanov and Vladimir Ulyanov (Lenin) in Russian Marxism, see the collective work *Russkiy marksizm. Georgiy Valentinovich Plekhanov, Vladimir Iliich Ulianov (Lenin)* edited by A.V. Buzgalin and B.I. Pruzhinin (Moskva 2013). On Lenin's attitude to religion, see S.I. Nikishov, *Lenin o religii i Tserkvi*, Moskva 1969.

[10] "Religiya est' opium naroda. Religiya – rod dukhovnoi sivukhi, v kotoroi raby kapitala topiat svoy chelovecheskiy obraz, svoi trebovaniya na skolko-nibud dostoinuyu cheloveka zhizn" (V.I. Lenin, *Sotsializm i religiya*, [in:] *Polnoe sobranie sochineniy*, vol. 12: *Oktyabr 1905 – aprel' 1906*, Moskva 1968, pp. 142–147, quote on p. 143; originally published in the newspaper "Novaya Zhizn" 1905, no. 28 [3 December]).

[11] "Nasha programma vsia postroena na nauchnom i, pritom, imienno materialisticheskom mirovozzrenii. Razyasnennie nashei programmy neobkhodimo vkluchaiet poetomu i razyasnennie istinnykh istoricheskikh i ekonomicheskikh korniey religioznogo tumana. Nasha propaganda neobkhodimo vkluchaiet i propagandu ateizma" (K. Marx, F. Engels, V.I. Lenin, *O religii*, Moskva 1983, p. 323).

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or obscurantism in the shape of religious beliefs".[12] Before 1917, Lenin's ideas were one of many reflections on the role and place of religion in society. After the Bolsheviks seized power, they became both the foundation for statutory law and the political signpost to be followed by the Soviet citizen (and then all of humanity) on the road to communism.[13]

The Bolsheviks also drew on earlier or parallel solutions in conceptualizing their approach to religion and religious associations operating in the areas under their authority. It was undoubtedly modeled on the solutions from the French Revolution and the First Republic's attitude to religion and the Catholic Church (as virtually the only general confessional organization in France at the time) and from the short-lived rule of the Paris Commune, which was as radical in its attitude to religion as its ideological predecessors.[14] On the other hand, specific political and legal solutions were based on – as one might expect – the anti-Catholic laws authored by Émile Combes, Prime Minister of the government of the French Third Republic, and adopted by the Chamber of Deputies on 9 December 1905. They led not only to the complete separation of Church and state but also to the emergence of a kind of state anti-religiousness (known as republicanism), motivated both ideologically and politically (a secular state system with hostile separation).[15] The same was true of Mexico's experience at the time – anticlerical tendencies were present there from the beginning of independence until the end of the 20th century. The anti-religious sentiment (as in France, related to the presence of the Catholic Church) reached its apogee in Mexico during the presidencies of Venustiano Carranza Garza (1914–1920) and Plutarco Elías Calles (1924–1928, leader of the authoritarian National Revolutionary Party, predecessor of the Institutional Revolutionary Party), when not only was the relevant legislation introduced, but there was a physical crackdown by the state on the Church, bought with the lives of many clergymen and believers.[16] Revolutionary activists from both sides followed de-

[12] "Bessoznatelnosti, temnote ili mrakobesnichestvu v vide religioznykh verovaniy" (*ibidem*).

[13] Such a programme was enshrined at the 8th Congress of the Russian Communist Party (of the Bolsheviks) in March 1919. See *Konfessionalnaia politika sovetskogo gosudarstva 1917–1991 gg. Dokumenty i materiali v shesti tomakh*, v chetyrekh knigakh, vol. 1, kn. 1, *1917–1924 gg.*, *Tsentralnyie rukovodiashchyie organy RKP(b): ideologiya veroispovednoi politiki i praktika antireligioznoi propagandy*, sost. M.I. Odintsov i dr., Moskva 2017, pp. 128–129.

[14] Yia. Mikhailov (Zakher), *Veilkaia frantsuzskaia revolutsia i Tserkov*, vol. 1: *(1789–1793)*, Moskva 1930, pp. 166–219; H. Łakomy, *Państwo a Kościół we Francji. Historia i współczesność*, Kraków 1999, pp. 8–25; D.Yiu. Tumanov, P.P. Sakhapov, *Stanovleniye praw i svobod v Sovetskom Soyuze (1917–1930 gg.)*, Saarbrücken 2017, p. 24.

[15] U. Wasilewicz, *Organizacja funkcjonowania Kościoła we francuskim porządku prawnym. Zarys problematyki*, "Kościół i Prawo" 2013, no. 2, pp. 199–201.

[16] J. Bartyzel, *Synarchizm meksykański (1931–2008): geneza, dzieje, doktryna. Część I (do 1944 roku)*, "Studia nad Faszyzmem i Zbrodniami Hitlerowskimi" 2009, vol. 31, pp. 383–391.

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velopments in their respective countries and not only sought mutual understanding but also strived for concrete cooperation, especially at the level of the Comintern.[17]

The actions of the Soviet government with regard to both religion and any metaphysics were intended to shape, as quickly as possible, a non-religious society, motivated to action by the ideals of communism and striving to create the most favorable conditions for man already in the earthly, visible and empirical reality. The new state was to be organized by atheists who were conscious of their choice, so the fight against any religion and any immaterial imagery was one of its systemic foundations.[18]

In *The ABC of Communism* – one of the most popular and promoted publications among Soviet citizens in the 1920s – its authors, Yevgeni Preobrazhensky and Nikolai Bukharin, wrote: "Religion and communism are incompatible, both theoretically and practically".[19] This phrase has been reproduced many times in all kinds of handbooks and lexicons used in so-called "anti-religious work".[20] In popular form, this was explained by the well-known Soviet anti-religious activist Yemelyan Yaroslavsky, who wrote: "Our party is leading the fight against religious superstition, religious beliefs, with the help of science, education, using books, newspapers, lectures, paintings, talks, directed against religion and religious deception".[21] The conclusion that was drawn was one: in order to achieve full communism, all religion and its associated communities of believers had to be liq-

[17] A.A. Manukhin, *Vstrecha dvukh revolutsiy. Meksika v sovetskoi vheshnepoliticheskoi strategii (1919–1930)*, "Latinskaia Amerika" 2014, no. 9, pp. 70–78; idem, *Revolutsionnyie sobitiya v Meksikie glazami russkikh nabludateliyei (1910–1914 gg.)*, "Vestnik Rossiiskogo universiteta druzhby narodov. Seriya: Vseobshchaiya istoriya" 2016, no. 1, pp. 21–28. It is interesting to note that in 1926–1927 a well-known Bolshevik activist served as Soviet ambassador to Mexico – Alexandra Kollontai. See L. Światek, *Aleksandra Kołlontaj na placówce w Meksyku (1926–1927). Epizod z dziejów kariery pierwszej w świecie kobiety-ambasadora*, "Acta Universitatis Lodziensis. Folia Historica" 2003, vol. 76, pp. 124–136.

[18] D.J. Dunn, *The Catholic Church and the Soviet Government, 1939–1949*, New York 1977, pp. 17–30. The scientific community has developed a very apt term for the Soviet "new man", i.e. *homo sovieticus*. This "Soviet man" was also to be characterized by a highly developed anti-religious consciousness based on an affirmation of a materialist worldview. See O.S. Porshneva, *Formirovaniye „cheloveka sovetskogo": evolutsiya teoreticheskikh podkhodov bolshevitskogo rukovodstva (1900–1930-e gody)*, [in:] *Chelovek sovetskiy: za i protiv. Monografiya*, eds. Yu.V. Matveeva, Yu.A. Rusina, Yekaterinburg 2021, pp. 32–49.

[19] "Religiya i komunizm nesovmestny ni teoreticheski, ni prakticheski" (N. Bukharin, Ye. Preobrazhenskiy, *Azbuka kommunizma. Popularnoie obyasneniye programy Rossiiskoi kommunisticheskoi partii bolshevikov*, Peterburg 1920, p. 194).

[20] G.A. Guriev, *Khrestomatiya molodokho bezbozhnika. Krug chtieniya po voprosam bezbozhnogo mirovozzrieniya dlya riadovykh propagandistov, antireligioznikh kruzhkov, izb-chytalen, klubov i shkol, s prolozheniyem literaturno-khudozhestvennogo materiala*, Gomel 1926, pp. 370–372; M.I. Pokrovskii, *Religiya i Tserkov v SSSR*, [in:] *Uchebnik dliya rabochikh antireligioznykh kruzhkov*, ed. A. Lukachevskii, Moskva 1929, pp. 240–241.

[21] "Nasha partiya vedet borbu protiv religioznykh predrassudkov, religioznykh verovaniy posredstvom organizatsii shirokoi antireligioznoii propagandy, posredstvom nauki, prosveshcheniya,

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uidated. In the view of some of the Marxism-Leninism-based Soviet psychologists and sociologists of the time, religion and metaphysics in general were considered pathological phenomena, a kind of morbid delusion or emotional disorder to which, for various reasons, wide circles of society succumbed. This approach led to the development of Soviet religious studies, to which the authorities assigned one of the main roles in the destruction of the old bourgeois culture, with religion as its basic foundation.[22]

When implementing their religious policy in the early period of Bolshevik Russia, the authorities referred to the essentially fictitious social activity for the fight against religion. This involved the establishment of a supposedly voluntary organization aimed at implementing the ideological assumptions of Marxism-Leninism in terms of achieving a state of non-religious (atheism) by all Soviet citizens. This task was undertaken by the aforementioned Y. Yaroslavsky.[23] In 1922, the magazine "Bezbozhnik" was launched on his initiative, around which the "Obshchestvo druzyei gaziety Bezbozhnik" ("Society of Friends of the Bezbozhnik [Godless] Magazine") was established two years later. In 1925, Yaroslavsky founded an organization called Soyuz bezbozhnikov (Union of the Godless). In 1929, the term *voinstvuiushchikh* (Militant) was added to this name to indicate its offensive nature. The Union of the Militant Godless was mass in character and had a highly developed local organization and strong, including financial, support in the structures of power.[24]

This organization played one of the most important roles in the implementation of the plan to atheize Soviet society. Therefore, although formally a social institution, in reality it was generously subsidized by the central and republican authorities.[25] Its characteristic method of work was to engage young people in

posredstvom king, gazet, lektsiy, kartin, besed, napravlenykh protiv religii i religioznogo obmana" (Yem. Yaroslavskii, *O religii*, Moskva 1958, p. 184).

[22] A.A. Zych, *Sowiecka psychologia religii 1922–1987*, "Kieleckie Studia Pedagogiczne i Psychologiczne" 1992, vol. 6, pp. 161–169.

[23] Yem. Yaroslavsky (M. Gubelman) had been Stalin's protégé since the seizure of power by the Bolsheviks and held a number of party and state functions on his conferral. In the 1920s and 1930s, he was regarded by the Soviet apparatchiks as the main specialist in the fight against religion. He was known to the society not only as the leader of the Union of the Godless, but also as the author of the slogan popularised in propaganda: "Struggle against religion is struggle for socialism". See I.A. Kurlandskii, *Stalin, vlast', religiya*, Moskva 2011, pp. 169–170; S.G. Petrov, *O roli I.V. Stalina v formirovanii antitserkovnoii politiki bolshevikov v pervoi polovinie 1920-kh gg.*, [in:] *Konfessionalnaia politika sovetskogo gosudarstva v 1920–1950-e gody. Materiali XI Mezhdunarodnoi nauchnoi konferentsii. Velikii Novgorod, 11–13 oktabrya 2018 g.*, Moskva 2019, pp. 47–48.

[24] I.I. Yanushevich, *Formirovaniye administrativno-upravlencheskoi struktury Soyuza bezbozhnikov v BSRR (1926–1934 gg.)*, "Vesnik MDU imya A.A. Kulyashova" 2017, no. 1, pp. 23–26.

[25] P.S. Fateev, *Yemeliyan Mikhailovich Yaroslavskii*, Moskva 1980, pp. 55–69; A.V. Sipeykin, *Soyuz bezbozhnikov kak instrument realizatsii antireligioznoii i antitserkovnoii politiki*, "Vestnik TvGU. Seriya Istoriya" 2009, no. 4, p. 31.

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anti-religious and atheistic activities, regardless of their formal confessional and national affiliation.[26] The godless young people (even minors) were sometimes used for very brutal actions against the community of believers, including the destruction of sacred buildings and their equipment, profanation of religious ceremonies or informing on other people (including their own families) due to their participation in the life of a given religious community.[27]

BASIC LEGAL ACTS OF THE BOLSHEVIK RELIGIOUS POLICY IN 1917–1922

At the beginning of their rule, the Bolsheviks adopted a number of legal acts intended to convince certain social groups to accept them universally. In the first instance, this applied to the peasant population, which made up the vast majority of the population in the lands of the former empire ("Dekret o zemle" [Decree on Land]), and national minorities ("Deklaratsiya praw narodov Rossii" [Declaration of the Rights of the Peoples of Russia]). Both of these documents contain provisions aimed at weakening the role of religious associations and institutions, especially in the property sphere.

Adopted by the Second Congress of Soviets on the night of 25/26 October 1917, the Decree on Land in its point 2 stated: "The landed estates, as also all usable, monastery, and church lands, with all livestock and dead stock, buildings and everything pertaining thereto, shall be placed at the disposal of the communal land committees and the District Councils of peasant deputies".[28] Opposition to the provisions contained in this decree was treated as a serious crime and was to be punished by the revolutionary courts. With this one move, all churches and religious

[26] I.I. Yanushevich, *Mobilizatsiya Soyuzom bezbozhnikov SSSR molodezhi na borbu c religiyei i Tserkoviyu (1926–1936 gg.)*, [in:] *Materiali mezhdunarodnoi nauchnoi konferentsii „Velikaia Rossiiskaia revolutsiya 1917 goda v istorii i sudbakh narodov i regionov Rossii, Belarusi, Evropi i mira v kontekste istoricheskikh realiy XX – nachala XXI veka", 27 fevraliya – 3 marta 2017 g.*, Vitebsk–Pskov 2017, pp. 209–212.

[27] M.A. Perova, *„Vsem rebiatam primer": pionerorganizatsiya kak mekhanizm sozdaniya sovetskogo cheloveka*, [in:] *Sovetskii proekt. 1917–1930-e gg.: etapy i mekhanizmy realizatsii. Sbornik nauchnikh trudov*, eds. O.V. Gorbachev, L.N. Mazur, Yekaterinburg 2018, pp. 392–400; V. Virganski, *Padruchnik polithramaty dlya komsamolskikh politchytak y vestsy*, Mensk 1927, pp. 192–197; F. Kozlov, *Gosudarstvenno-tserkowniye otnosheniya v 1917 – nachale 1940-kh gg. v natsionalnikh regionakh SSSR (na primere respublik Mari El, Mordovii i Chuvashii)*, Moskva 2017, pp. 57–58.

[28] "Pomieshchichi imieniya, ravno kak vse zemli udielnyie, monasterskiye, tserkovnye, so vsem zhiwim i mertvim inventariyem, usadiebnimi postroikami i vsemi prinadleżhnostiami perekhodiyat v rasporiyazheniye volostnikh zemelnikh komitetov i uezdnikh Sovetov krestiyanskikh deputatov" (*Dekrety Sovetskoii vlasti*, vol. 1, Moskva 1957, no. 13, pp. 17–20, quote on p. 17). For more, see A. Bosiacki, *op. cit.*, pp. 72–78.

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associations lost the financial basis for their existence, which was the income from cultivation or lease of owned estates. This primarily affected the Orthodox Church, as the largest landowner, but other religious associations also based their existence on land ownership. Hence, the confiscation of land, carried out without any damages or compensation, became a real blow for practically all religious associations and other religious organizations, making normal functioning impossible.

It seemed that such an important issue from the point of view of the Bolshevik power, i.e. reconciling the plans of some peoples still formally bound to Russia by state ties, but actually striving for independence, with the preservation of their links with the emerging Soviet state, required a certain delicacy and self-restraint in making their true aspirations public. However, in the Declaration of the Rights of the Peoples of Russia, adopted on 2/15 November 1917 (and signed by Stalin as People's Commissar for Nationalities and Lenin as Chairman of the Council of People's Commissars), the following words were written in its point 3: "Abolition of all national and national-religious privileges and restrictions".[29]

In theory, the declaration was very favorable to national minorities. In reality, however, it gave the Bolsheviks essentially unlimited opportunities to influence both the national and religious situation in the area under their rule, because in its light only they could decide what was a national and national-religious privilege and what was a national and national-religious restriction. Such arbitrariness served two purposes: the general implementation of communist ideology and the influence on the current situation, in accordance with the current course of the party leadership.[30]

The key legal act in the first phase of constructing the Bolsheviks' religious policy was the Decree "O svobode sovesti, tserkovnikh i religioznikh obshchestvakh" ("On Freedom of Conscience, Church and Religious Societies"; also known as the Decree "Ob otdielienii Tserkvi ot gosudarstva i shkoly ot Tserkvi" ["On the Separation of the Church from the State and the School from the Church"]),[31] which was adopted on 20 January / 2 February 1918 by the Council of People's Commissars. Its provisions completely separated religious organizations and associations from the state and the school. Moreover, the decree had so far deprived religious associations of their legal personality.[32] In reference to previous provisions, it an-

[29] "Otmena vsekh i vsiyakikh natsionalnikh i natsionalno-religioznikh privilegiy i ogranicheniy" (*Dekrety Sovetskoii vlasti*, vol. 1, no. 29, pp. 39–41, quote on p. 40).

[30] W. Materski, *Pięć kłamstw Lenina. Rosja po przewrocie bolszewickim. Propaganda a rzeczywistość*, Warszawa 2019, pp. 49–80.

[31] *Dekrety Sovetskoii vlasti*, vol. 1, 248b, pp. 373–374. By the way, it should be noted that in the initial period of Bolshevik rule in Russia, the authors of normative acts were various authorities: the All-Russian Congress of Soviets, the All-Russian Central Executive Commission, and the Council of People's Commissars. See D.Yiu. Tumanov, P.P. Sakhapov, *op. cit.*, p. 11.

[32] Pursuant to the new legislation, the only representatives of believers became civic initiative groups (at least 20 people with full constitutional rights, hence they were colloquially called *dwadtsat-*

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nounced the confiscation of all property of religious organizations and the seizure of their bank accounts. As a result, religious associations not only ceased to be the proprietors of schools and educational establishments, printing houses and land ownership, but were deprived of ownership of all real property, including the liturgical equipment of temples. The clergymen of all religions and confessional associations were deprived of any contact with the education system at any level. The teaching of religion as such was also abolished, also within the families of believers (parents or other relatives and kinsmen could not teach their children the basics of their faith). The confiscated buildings of religious organizations and institutions could be transferred for public purposes.[33] In order to implement the provisions of the decree, a special body was established – the 8th Department of the People's Commissariat of Law of the Russian Soviet Federative Socialist Republic (it existed in 1918–1924, from 1922 as the 5th Department). This Department was commonly referred to as the "liquidation" department, because this was the authorities' intention for its true role – a tool intended primarily to break the ties between society and religion, and after that to remove religious institutions and religion from the Soviet reality.[34]

The legislative activity of the Bolshevik state in its early period of functioning culminated in the Constitution adopted by the Fifth All-Russian Congress of Soviets on 10 July 1918 and formally published and thus recognized as effective nine days later.[35] The Constitution of the Russian Soviet Federative Socialist Republic (RSFSR) was a special act for those times, because it granted rights only to "working towns and villages", regardless of their nationality or race. Its Article 23, on the other hand, deprived of constitutional rights all individuals and social groups who, according to its authors, exercised them in a manner detrimental to the interests of the Socialist Revolution.[36] Article 13 of the Constitution repeated earlier provisions, guaranteeing "toilers" freedom of conscience, separating religious associations from the state and the school, and granting "all citizens" (that is, only

kami) composed of people of the same religion, wishing to take over a building of worship – a temple (usually with some equipment) – from the state for their own use. Such a group usually employed a priest and took care of the physical state of the property entrusted to it. See L.P. Dyakonov, *Sovetskiye zakony o Tservi*, Leningrad 1926, pp. 15–20.

[33] J.W. Nosowa, *Gosudarstvo i religija*, "Nowa Polityka Wschodnia" 2012, vol. 2(3), pp. 15–16.

[34] A.S. Smikalin, *Gosudarstvenno-konfessionalniye otnosheniya v SSSR. 1917–1930 gg.*, "Rossiiskoe pravo: obrazovaniye, praktika, nauka" 2016, no. 5, pp. 180–182; M.Yu. Krapivin, *Yuriskonsult VIII otdela Narkomyusta RSFSR N.N. Lipkin-Kopeyshchikov: k voprosu o formakh vzaimodeystviya organov VChK i struktur Narkomata yustitsii v borbe c „religioznoii kontrrevolutsiyeii"*, "Vestnik tserkovnoii istorii" 2019, no. 3–4, pp. 241–242.

[35] *Konstitutsiya (osnovnyi zakon) Rossiiskoii Soysialisticheskoii Federativnoii Sovetskoii Respubliki*, Moskva 1918.

[36] *Ibidem*, 23, p. 12.

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"toilers") the right to conduct religious and anti-religious propaganda.[37] At the same time, in its Article 65, among those deprived of neither the right to vote nor the right to be voted for, there were "monks and clerical servants of Orthodox and religious worships".[38] This provision was a declaration of the commencement of the communist party's actual implementation of the class struggle announced as the way to communism.[39]

In order to effectively separate society from religious associations and other confessional organizations, and to develop in Soviet citizens the habit of treating the Soviet power as the only causative institution that had a real impact on their lives, the Bolsheviks also issued other legal acts between 1917 and 1918. At the end of 1917, two decrees were adopted: "O rastorzhenii braka" ("On Divorce"; 16/29 December) and "O grazhdanskom brake, o detiakh i o vedenii aktov grazhdanskogo sostoianiya" ("On Civil Marriage, on Children and on the Conduct of Acts of Civil Status"; 18/31 December). Both of these acts effectively prohibited religious marriages and also registration of offspring. A few months later, on 16 August 1918, the All-Russian Executive Committee of the RSFSR adopted the "Kodeks zakonov ob. aktakh grazhdanskogo sostoianiya, brachnom, semieynom i opiekunskom prave" ("Code of Laws on Acts of Civil Status Records, Marriage, Family, and Guardianship Law"), under which civil status records could only be kept by bodies designated by the state. Such an institution became the "organy zapisi aktov grazhdanskogo sostoianiya" (Civil Status Offices).[40] The law imposed virtually no requirements on the spouses as to the conclusion and dissolution of their marriage. Hence, the institution of marriage in Bolshevik Russia (and later in the Soviet Union) was very rapidly devalued.[41]

The last systemic blow against believers in Bolshevik Russia before the establishment of the USSR was the ordered confiscation of valuables and jewelry and non-ferrous metal products, carried out under the guise of raising funds for famine relief, particularly in the Volga region. Its actual purpose was twofold. The general confiscation was to lead to the robbing of all religious associations of any material goods in their possession, intended primarily for the celebration of appropriate services and other forms of worship consistent with their faith and tradition. Therefore, these included equipment, vestments and liturgical books, paintings or icons, votive offerings and other items, often of great historical value. After being

[37] *Ibidem*, 13, p. 10.

[38] "Monakhi i dukhovniye sluzhiteli tserkovnikh i religioznikh kultov" (*ibidem*, 65g, p. 24).

[39] D.Yiu. Tumanov, P.P. Sakhapov, *op. cit.*, p. 67.

[40] J.W. Nosowa, *op. cit.*, p. 14.

[41] A.S. Zhanboisinova, *Evolutsiya zakonodatelno-pravovoi politiki gosudarstva v otnoshenii religioznogo kulta v 20-e gg. XX v.*, "Narody i religii Yevrazii" 2009, no. 3, p. 280; O.P. Fedirko, *Formirovaniye kontseptsii svetskoi shkoly i prosveshcheniya v usloviakh stanovleniya sovetskoi vlasti*, "Vestnik Akademii" 2010, no. 2, p. 105.

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sold or melted down, the funds seized in this way were to be used for the immediate needs of the party and the state, as well as for use in the planned monetary reform.

At the turn of 1921 and 1922, several legal acts were issued on this issue. Firstly, on 27 December 1921, the Decree of the All-Russian Central Executive Committee "O tsennostiakh, nakhodiyashchikhsiya v tserkvakh i monasterakh" ("On the Values Found in Churches and Monasteries"). Two months later, on 23 February 1922, the decision of the Presidium of the All-Russian Central Executive Committee "Ob iziyatii tserkovnikh tsennostiyei dliya realizatsii na pomoshch golodaiushchim" ("On the Seizure of Church Valuables for Sale to Help the Starving"; it was adopted on 16 February, but published in the newspaper "Izvestiya" only on 26 February with a date earlier by three days), under which the designated goods were confiscated. In doing so, they were often unthinkingly destroyed or stolen.[42] The requisition operation ended in the summer of 1922. The real tasks set before it were accomplished – it not only undermined the economic independence of all religious associations, but also demonstrated the power and ruthlessness of the authorities towards those citizens of Bolshevik Russia (and later the Soviet Union) who wanted to exercise their statutory and constitutional rights to profess their religion.

CONCLUSIONS

The religious policy implemented in Bolshevik Russia between 1917 and 1922 (between the *coup d'état* in Petrograd and the establishment of the USSR) was based on the Leninist version of Marxism (later called Marxism-Leninism). However, it had to take into account the fact that the Soviet state was functioning in an international space formed on a legal basis at least declaratively respecting fundamental human rights and freedoms, including the right to profess – or not – religion. Hence a certain duality in the Bolsheviks' approach to religious issues after October/November 1917: on the one hand, thunderous declarations, not really worth the paper on which they were written, and on the other hand, the enacted laws, essentially depriving citizens of the possibility of exercising their religious worship legally and, above all, universally accepted in the world. This law was, moreover, enforced with the utmost strictness. Wherever it was in a clear collision with the needs of those in power, it was simply violated.

[42] O.Yu. Vasileva, P.N. Knishevskii, *Krasniye konkvistadori*, Moskva 1994, pp. 153–206; A.S. Smikalin, *Gosudarstvenno-konfessionalniye otnosheniya v SSSR…*, pp. 183–184. It should be noted that the authorities demanded that those responsible for confiscation seize all property subject to requisition in accordance with the original decree of the All-Russian Central Executive Committee. See *Arkhivi Kremliya*, v 2-kh kn., kn. 1, *Politbiuro i tserkov. 1922–1925 gg.*, izd. podg. N.N. Pokrovskii, S.G. Petrov, Novosibirsk–Moskva 1997, no. 23–32, p. 166.

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The goal of the Bolsheviks was not only to supersede religion from public life, but above all to lead to its complete disappearance. According to the Marxist world view, man existed only in the world of matter, hence the Marxists negated all metaphysics, in which they also included religion. Due to the fact that Vladimir Ulyanov (Lenin) became the leading theoretician of the Russian faction of the radical left, he assumed the role of the creator of ideological foundations not only for the party he led, but also as a political leader seeking to seize power in Russia. The fulfilment of this vision as a result of the Bolshevik *coup d'état* and the overthrow of the Provisional Government gave Lenin and his movement the opportunity to put their ideas into practice. Lenin and his communist party, relied on orthodox, fundamentally anti-religious Marxism in its Leninist version in creating their philosophy of governance. However, when creating specific legal solutions, they referred to the legacy of the French Revolution and the Paris Commune as well as to the systemic solutions adopted by the French Third Republic and revolutionized Mexico.

During the first few years of their rule, the Bolsheviks created a legal basis for religious policy based on several basic measures: the actual separation of the state and the school from religious associations and institutions; the deprivation of their legal personality and material basis of existence; the seizure of all property; the reduction of priests and persons associated with the exercise of any religious worship to the role of social outcasts; the generational conflict between believers of different faiths and denominations; and, finally, the complete desacralization of basic social activities such as marriage or child birth and their reduction to the role of mundane and insignificant legal acts. The legal acts adopted in 1917–1922 related to religious policy were in force until the collapse of the Soviet Union and, to some extent, left their mark on post-Soviet societies until today. The Bolshevik religious law did not serve to implement the norms resulting from universally binding civilized societies, but became a tool to implement the Leninist idea of a Soviet communist society, irreligious and atheistic, based on the principles of dialectical materialism and negating any metaphysics. However, the real result of such action was the creation of a specific social form, which became *homo sovieticus* – a man who lost all the positive values of the "old order", while assimilating the worst qualities of the "new world".

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ABSTRAKT

W artykule zaprezentowano podstawy ideologiczne i prawne sowieckiej polityki wyznaniowej w latach 1917–1922, kiedy to teoretyczne założenia stanowiące podstawę stosunku nowej władzy do religii jako takiej przekuwane były w jej praktyczne podejście do związków wyznaniowych obecnych w przestrzeni funkcjonowania bolszewickiego państwa. Zwrócono uwagę na dwie podstawowe kwestie: (1) stosunku do religii w rozważaniach teoretycznych rosyjskich marksistów, zarówno przed objęciem władzy przez bolszewików w Rosji, jak i po jej przejęciu, (2) oraz aktów prawnych wydanych przez nową władzę, dotyczących miejsca religii w tworzącej się z wolna rzeczywistości w ciągu pierwszych pięciu lat jej funkcjonowania. Zarówno ideologia, jak i samo prawo miały służyć urzeczywistnieniu jednej idei – stworzeniu społeczeństwa komunistycznego, w pełni ateistycznego i uznającego tylko materializm dialektyczny. Jak się okazało z perspektywy późniejszych wydarzeń, lata 1917–1922 były dla tego zamierzenia kluczowe. Przyjęte wówczas ustawodawstwo stało się bazą jurydyczną sowieckiego prawa wyznaniowego, wcielanego w życie do końca istnienia ZSRR. Podstawę źródłową artykułu stanowią odpowiednie akty prawne oraz literatura przedmiotu.

Słowa kluczowe: bolszewickie państwo; polityka wyznaniowa; społeczeństwo komunistyczne; materializm dialektyczny