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## Religious Freedom and Legislation in Post-Soviet Estonia

*Ringo Ringvee\**

### I. INTRODUCTION

This article focuses on the issues of religious freedom and legislation in Estonia during the 1990s and compares Estonia's experience with that of the other two Baltic countries—Latvia and Lithuania.<sup>1</sup> These three countries share a recent common history in the struggle for independence. All of them are part of the so-called post-socialist or post-Soviet countries. However, at the same time they are unique in many aspects due to their cultural differences. These differences are reflected in these countries in legislation concerning religious organizations.

### II. HISTORICAL PERSPECTIVE

After the collapse of the Russian Empire in 1917, some of the nations of the Empire started to fight for their independence. In 1918, Estonia, Latvia, and Lithuania declared their independence. The first independence era lasted until 1940 when the three Baltic States were incorporated into the Soviet Union.

The changes in Baltic political life and society affected religious life in Estonia, as the official ideology of the Soviet Union was Marxist atheism. Consequently, Soviet policies focused to some degree on abolishing religion from the lives of the people in the Soviet Union, and Soviet officials began interfering with the life of religious com-

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1. In Estonia, the legal framework for religious organizations is given by the Law on Churches and Congregations [LCC], *Riigi Teataja* [Herald of the State] I 1993, 30, 510; 44, 637; 1994, 28, 425; in Latvia, by the Law on Religious Organizations [LRO], *Latvian Vestneis* 26.09.1995, No. 146; *Zinjotais* No. 21, 1995; and in Lithuania, by the Law on Religious Communities and Associations [LRCA], *Valstybes zinios*, 1995, No. 89-1985; 1997, No. 66-1618; 2000, No. 40-1115.

munities. In 1940, some traditional religious organizations were banned by Soviet officials,<sup>2</sup> the theological faculty at the University of Tartu was closed, and atheist organizations were formed.<sup>3</sup> The remaining religious communities were affected by the application of a 1926 Criminal Law of the Federation of the Soviet Socialist Republics of Russia, which rescinded the legal entity status of these religious communities. As a result, these communities lost the ability to own churches and other buildings.<sup>4</sup> From that point on, the communities had to pay rent for the use of their buildings of worship.

During the period of the German occupation from 1941 to 1944, religious life was liberalized to some extent. Nonetheless, the theological faculty at the University of Tartu was not re-opened. As a result, the Estonian Evangelical Lutheran Church established its own institution of higher theological education.

In 1945, when Estonia again became part of the Soviet Union, the Commissioner of the Council for Religious Affairs was established. This local branch of the Council for Religious Affairs of the Council of People's Commissars of the Soviet Union in Moscow had a crucial role in diminishing the importance of religious organizations in Soviet Estonia.<sup>5</sup>

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2. For example, Jehovah Witnesses, the Salvation Army, Herrnhut (Moravian) Brethren, the YMCA/YWCA, the organization of local heathens (the Grove/Hiis), and others. The Soviet government offered as reasons for disbanding these religious groups that either the center of the organization was situated outside of the Soviet Union (e.g., the Salvation Army) or that the organization was characterized as "nationalist" (e.g., the Grove). Furthermore, several priests of the Roman Catholic Church were also expelled from the Soviet Union.

3. In 1940, the Estonian Communist Party started to organize the local charters of the League of Militant Antireligionists. In addition to this league, several circles were organized to promote the Soviet atheist ideology. In January 1941, the first issue of the journal *The Atheist* was published. LEMBIT RAID, VABAMÖTLEJATE RINGIDEST MASSILISE ATEISMINI [FROM THE CIRCLES OF FREE THINKERS TO MASS-SCALE ATHEISM] 136-46 (1978).

4. The "nationalization" of church buildings was completed with the decree *On the Establishing of Prayer Houses of Religious Cults*, ENSV TEATAJA [ESTONIAN SSR HERALD], 1944, No. 1, art. 172, and by *The Provisional Directive on Organizing the Activities of Religious Communities from 1945*, ESTONIAN SSR HERALD, 1945, No. 28, art. 439. Interestingly this "Provisional Directive" was the main law on religious issues in Soviet Estonia for over thirty years.

5. See Michael G. Viise, *The Estonian Evangelical Lutheran Church During the Soviet Period 1940-1991* (1995) (unpublished Ph.D. thesis, University of Virginia). Viise gives an accurate picture of the situation of the Estonian Evangelical Lutheran Church during the Soviet period. In his thesis, he also gives a vivid picture of the role of the Commissioner in "reorganizing" the religious life of the church. It could be said that from 1945 until the liquidation of this office in 1990 the Council for Religious Affairs controlled (or at least tried to control) all aspects of religious life in Soviet Estonia.

In 1945, the Baptist, Evangelical Christian, Free Church, and Pentecostal congregations were united by the Soviet authorities and were incorporated into the Union of Baptists and Evangelical Christians in the Soviet Union. Likewise, in 1945, the Estonian Apostolic Orthodox Church, which gained independence from the Patriarch of Moscow Tikhon in 1920 and had belonged to the jurisdiction of the Patriarchy of Constantinople as an autonomous church from 1923 onward, was made a diocese of the Russian Orthodox Church. In addition, from 1946 to 1982, all religious publications of all religious communities were banned.<sup>6</sup> Furthermore, all religious activity was discouraged and repressed.<sup>7</sup> From the 1960s onward, the main target of the Marxist atheist propaganda was the generation born after the Second World War. During that period, many new Soviet rites of passage were introduced, including Soviet marriage rites and new rites for the Soviet youth to enter the age of adulthood. Consequently, from the 1960s onward, the adherence of individuals to religious communities began to fade.<sup>8</sup>

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6. Only one exception was made to this ban. In 1956, the Estonian Evangelical Lutheran Church (EELC) was allowed to publish an EELC yearbook. However, this exception must be seen within the context of the Soviet Union's propaganda: to suggest to the rest of the world that it was possible to publish religious materials in the Soviet Union. Beginning in 1982, the EELC's annual almanacs were published on a more regular basis until the 1990s.

7. The allowed religious communities' Sunday schools were closed in 1940. Religious services were allowed only in prescribed locations. The Soviet mass media was used to give a grotesque picture of religion in general and especially of believers in religion and religious specialists. Discrimination and repression of actively religious people did not affect only the family members of the clergy. It was a common practice to expel religiously active students from the institutions of higher education and to not even accept people with strong religious affiliation to the Soviet universities. Nevertheless, although this policy of denying entrance in Soviet universities to people with religious affiliations was implemented by Soviet officials, it was not considered "the official" policy of the Soviet State. So, for example, in his letter from July 22, 1976, the Commissioner for Religious Affairs in the Estonia Soviet Socialist Republic (SSR) wrote to the Educational Minister that the practice not to accept people with religious affiliation to the institutions of higher education is against the principles of the Soviet legal system. See Archive of the Commissioner for Religious Affairs in the Estonian SSR at the Archive of the Ministry of Internal Affairs of Estonia, Box 5, File No. 201 [hereinafter Archive of the Commissioner For Religious Affairs].

8. According to the statistics given by the religious communities to the Soviet authorities, the rapid change of the baptismal rates in the largest religious community—the Estonian Evangelical Lutheran Church—show 5,726 persons baptized in 1959. In 1969, however, the number was only 990. More dramatic was the change in the numbers of confirmations (from 6,418 in 1959 to 452 in 1969) and in the numbers of church weddings (from 2,780 in 1959 to 239 in 1969). Also, the numbers of donors decreased (from 173,770 donating members in 1959 to 97,356 in 1969 respectively). See Archive of the Commissioner for Religious Affairs: The Statistics of the EELC, File 12; Archive of the Commissioner for Religious Affairs: The Statistics of the EELC 1947–1960, File No. 9.

At the end of the 1980s, a religious revival took place in Estonia as it did in many Eastern European countries where religious life had been discouraged and repressed by the Communist system.<sup>9</sup> In 1990, the Commissioner's office was dissolved. The independence of Estonia was restored in 1991.<sup>10</sup>

### III. POST-SOVIET ERA RELIGIOUS FREEDOM IN ESTONIA

#### *A. Constitution and Religious Freedom in Estonia*

The basic principles of the relationship between the state and religious organizations in the Republic of Estonia are declared in the Constitution of the Republic of Estonia. Chapter 2, section 40 of the Constitution says that

[e]veryone has freedom of conscience, religion and thought. Everyone may freely belong to churches and religious societies. There is no state church. Everyone has the freedom to exercise his or her religion, both alone and in community with others, in public or in private, unless this is detrimental to public order, health or morals.<sup>11</sup>

Furthermore, section 41 of the Constitution stipulates that “[e]veryone has the right to remain faithful to his or her opinions and beliefs. No one shall be compelled to change them. Beliefs shall not excuse a violation of the law. No one shall be held legally responsible because of his or her beliefs.”<sup>12</sup> Finally, section 42 states that “[s]tate agencies, local governments, and their officials shall not gather or store information about the beliefs of an Estonian citizen

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9. The baptismal rates show some growth in the Estonian Evangelical Lutheran Church in the 1980s (from 853 in 1982 to 1371 in 1986). *See* Archive of the Commissioner For Religious Affairs: The Reports of the Activities of the Churches in the ESSR 1981–1988, Box 4, File No. 3 (1983), File No. 3 (1987). However, the rapid growth both in baptismal and confirmation rates coincides with the national reawakening in 1988 and 1989. 4,364 persons were baptized in 1988, and 12,391 people were baptized into the EELC in 1989. *See* Archive of the Commissioner For Religious Affairs: The Activities of the Churches in the ESSR 1989–1990, Box 5, File No. 3 (1989), File No. 3 (1990). Although there was also a growth of religious services among other denominations, the enormous popularity of the Lutheran Church was seen as the most visible sign of the revival of religious institutions among Estonians.

10. *See* RIIGI TEATAJA, ON THE ESTONIAN STATEHOOD 29, 338 (1991).

11. EST. CONST. ch. 2, § 40.

12. *Id.* § 41.

against the citizen's free will."<sup>13</sup> The principles of religious freedom outlined in the Constitution of Estonia follow closely the principles of the Universal Declaration of Human Rights Article 18<sup>14</sup> as well as Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>15</sup>

These are the basics on which the law concerning religious communities stand. Meanwhile, the 1993 Law on Churches and Congregations sets the legal framework for a religious organization as a legal entity.

### *B. The Law on Churches and Congregations*

In 1993, the Law on Churches and Congregations (LCC) came into force.<sup>16</sup> The law places all religious communities on equal ground.<sup>17</sup> Under the LCC, every religious community must register with the Estonian government. According to the LCC, there should be at least twelve members for the registration of the congregation;<sup>18</sup> to register the union of congregations, there should be at least three congregations.<sup>19</sup>

13. *Id.* § 42.

14. *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. GAOR, 3d Sess., Supp. No. 1, at 71, U.N. Doc. A/810 (1948).

15. European Convention for the Protection of Human Rights and Fundamental Freedoms, *opened for signature* Nov. 4, 1950, art. 9, 213 U.N.T.S. 221.

16. LCC, *supra* note 1, Herald of the State I 1993, 30,510. The aim of this law has been the realization of the right of belief and conscience as stipulated in the Estonian Constitution. In respect to this, the law gives the legal frames for the organizing and joining the churches and congregations. *See id.* § 1(1).

17. In Latvia, religious communities that start their activities and are not registered in Latvia have to re-register every year during their first ten years of existence in Latvia. *See* LRO, *supra* note 1, § 8(4), *Latvias Vestneis* 26.09.1995, No. 146; *Zinjotais* No. 21, 1995. In Lithuania, there exists two categories for religions—traditional (Roman Catholics, Greek Catholic, Evangelical Lutherans, Evangelical Protestants, Orthodox, Old Believers, Jews, Sunnite Muslims, and Karaims) and nontraditional religious communities. The traditional religious communities are recognized by the state, which means that their spiritual, cultural, and social heritage is supported by the state. A nontraditional religious community may apply for the recognition from the state 25 years after it first registered in Lithuania. The decision is made by the *Seimas* (Parliament), and legal status may be conferred if, in the opinion of the Ministry of Justice, the religious community has support from society. If the application is turned down, then the religious community may apply for recognition after ten years. *See* LRCA, *supra* note 1, §§ 5–6, *Valstybes ziniuos*, 1995, No. 89-1985; 1997, No. 66-1618; 2000, No. 40-1115.

18. *See* LCC, *supra* note 1, § 11.

19. *See id.* § 2(3). In the 1995 Latvian Law on Religious Communities, the requirement is ten persons and ten congregations respectively. *See* LRC, *supra* note 1, §§ 7(1)–(2). In Lithuania, the requirement for registration is fifteen Lithuanian citizens and two congregations. *See* LRCA, *supra* note 1, §§ 4, 11.

The founding members of a religious community need not be Estonian citizens.<sup>20</sup> However, when a religious community is formed by foreigners, the spiritual leader (e.g., minister, etc.) and the board members must register in the Register of Alien Voters for the Local Elections.<sup>21</sup> In practice, this means that he or she has a residence permit and has lived in Estonia for at least 5 years.<sup>22</sup> At the same time, the religious communities have the right to invite their religious specialists (or missionaries) to come from abroad and to apply for the specialists' residence and work permits according to the law.<sup>23</sup> Nevertheless, the board of the religious community must be situated in Estonia, though the spiritual center may be abroad.<sup>24</sup>

In Estonia, the registration of churches, congregations, and unions of congregations takes place at the Ministry of Internal Affairs.<sup>25</sup> The registration gives the religious communities legal entity status. However, the Department of Religious Affairs at the Ministry has no right to intervene in the life of a religious community, nor does it have the right to control the activities of religious communities. If a religious community violates the law, it is the duty of the police or tax officials to address the problem.

On the other hand, the Department of Religious Affairs has an intermediate role between religious communities and the legislative bodies of the state.<sup>26</sup> The department addresses the special needs of religious organizations when new laws are drafted and informs religious organizations of the effects of the new laws.<sup>27</sup> In situations where religious organizations are seen as problem makers in family affairs or when organizations cannot settle their internal disputes, the department may act as a negotiator, provided that both parties ap-

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20. See EST. CONST. ch. 2, § 9 ("The rights, freedoms and duties of each and every person, as set out in the Constitution, shall be equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia."); *id.* § 12 ("Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.").

21. See LCC, *supra* note 1, § 15 (1).

22. See *id.*

23. See *id.* § 15 (4).

24. See *id.* § 15 (2).

25. In Latvia and Lithuania, the registration of religious organizations as legal entities takes place at the Ministry of Justice. Compare LRO, *supra* note 1, § 5(5), with LRCA, *supra* note 1, §§ 10–11.

26. Statute of the Department of Religious Affairs II, 2 (Est.).

27. *Id.* at 9 (Est.).

prove.<sup>28</sup> In addition, one of the department's main duties is to monitor the general religious field in Estonia.<sup>29</sup>

The LCC also guarantees individuals the right to participate in religious services while in prison, the hospital, and the army.<sup>30</sup> Religious services are provided by religious community with permission from the institutions mentioned.<sup>31</sup>

Since 1991, it has been possible for pupils at state schools, both at the elementary and secondary schools, to get religious education under the supervision of the Ministry of Education. Pupils and their parents are free to choose the subject if they want, and the schools must provide the education if there are at least fifteen students of the same age group.<sup>32</sup> The religious education is ecumenical, but it is based on the Protestant Christian tradition because of the historical background of Estonia.<sup>33</sup> However, the basics of other so-called "world religions" are also in the curriculum.<sup>34</sup> In addition, denominational religious education is provided by the religious communities in their own environment. According to the 1993 Law on Private Schools, religious communities may establish their own schools.<sup>35</sup> Today, there are two denominational schools: the Primary School of Word of Life Congregation, in Tartu, and the Roman Catholic Primary School, situated in Tartu.

Every person is guaranteed the right to choose his or her religious affiliation after turning fifteen years of age.<sup>36</sup> Individuals between twelve and fifteen years old may choose their religious affiliation with permission from their parents.<sup>37</sup> Children younger than

28. One case where the Department has acted as negotiator is in the conflict between the two Orthodox Churches, which has continued in Estonia since 1993, when the Estonian Apostolic Orthodox Church reinstated itself in Estonia. For the background of the Orthodox conflict in Estonia, see *infra* note 41.

29. Statute of the Department of Religious Affairs II, 4–5.

30. LCC, *supra* note 1, § 5.

31. *Id.*

32. See Law on Elementary and Secondary Schools § 3(8), Herald of the State 1993, 79, 1186; 1999, 42, 497.

33. See VALIKAINED JA -KURSUSED PÕHIKOOLILE JA GÜMNAASIAMILE. ÖPPEKAVA [OPTIONAL COURSES AND SUBJECTS FOR ELEMENTARY AND SECONDARY SCHOOLS: CURRICULUM] 21–22 (1997). In the curriculum, it is stressed that the religious preferences of the students and their parents must be taken into account.

34. See *id.*

35. Law on Private Schools, § 2(1), Herald of the State I 1998, 57, 859.

36. See LCC, *supra* note 1, § 7.

37. See *id.*

twelve years old may belong to the religion of their parents.<sup>38</sup> If the parents of a child leave a religious community, the child's membership likewise leaves, unless the parents decide otherwise.<sup>39</sup>

In 1998, a new draft law on religious communities prepared by the Ministry of Internal Affairs was submitted to Parliament. In September 2000 the new draft law passed the first reading in the Parliament. Although both the state and the religious communities were satisfied with the LCC, the new law was drafted to take into account new legal acts regarding the status of legal entities (the General Part of the Civil Code, the Law on Non-Profit Association Act and others) and to transfer the existing Estonia Register of Churches, Congregations, and Unions of Congregations from the administration of executive power (the Ministry of Internal Affairs) to the authority of courts, where the other registries of legal entities are, while simultaneously preserving the register as a whole.

#### IV. CONTEMPORARY RELIGIOUS SCENE IN ESTONIA

The contemporary religious scene in Estonia is a logical outgrowth of the processes from the late 1980s. The Estonian Evangelical Lutheran Church has, for historical and other reasons, maintained a leading role in the religious scene.<sup>40</sup> Smaller denominations that entered into Estonia during the late nineteenth and early twentieth centuries (Baptists, Methodists, and Seventh-Day Adventists) have maintained their membership and role as "lesser brethren" with sometimes critical notes to the Lutheran Church, which tends to take its role as the largest and most influential religious organization for granted. Today, two Orthodox Churches operate in Estonia—the Estonian Apostolic Orthodox Church (under the jurisdiction of the Patriarchy of Constantinople) and the Russian Orthodox Church.<sup>41</sup>

38. *See id.*

39. *See id.* § 8(1)–(2).

40. Andrew Hart has correctly noted that the Lutheran Church forms a basis for the Estonian civil religion. Andrew Hart, *The Role of the Lutheran Church in Estonian Nationalism* (visited Feb. 27, 2001) <[http://cis.georgefox.edu/ree/html\\_articles/HART.EST.html](http://cis.georgefox.edu/ree/html_articles/HART.EST.html)>.

41. The Estonian Apostolic Orthodox Church (EAOC), which continued its legal existence in exile after 1944, reestablished itself in Estonia in 1993 on the principle of restitution. However, during the 1990s, there has been a continuous conflict between the congregations that have maintained the subordination to the Patriarchy of Moscow and the EAOC. The reasons for this confrontation go back to the 1940s when the church property in Estonia was nationalized by the authorities of the Soviet Union. The representatives of the Russian Orthodox Church (ROC) dissolved the Synod of the Estonian Apostolic Orthodox Church in 1945. The ROC established the Council of the Diocese of Estonia and Tallinn of the Russian Orthodox

In December 2000, seven churches with 309 congregations, eight unions of congregations with 144 congregations, and 65 single congregations were registered in the Estonian Register of Churches, Congregations, and Unions of Congregations.<sup>42</sup> At the same time, some religious communities were not registered in the Estonian Register of Churches but have registered themselves in the Register of Non-Profit Organizations.<sup>43</sup> The whole picture of the Estonian religious field is more colorful than the official statistics may reveal because many religious groups have not established themselves as legal entities.

The growing interest towards religion and religious institutions during the 1990s became visible through the establishment of new religious communities: three of the seven newly registered churches were established during the 1990s, as were six of the eight unions of congregations and 57 of the 65 single congregations. The vast majority of the congregations are Christian congregations. Only nine registered congregations represent non-Christian denominations (two Buddhists, one congregation of ISKCON, one Baha'i, three Jewish, and two Muslim congregations). The local pre-Christian religious traditions are represented through the House of Taara and Mother Earth People of Maavald.<sup>44</sup>

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Church. After reestablishing the independence of Estonia in 1991, the Law of the Basics of Property Reform was accepted. The Law of the Basics of Property Reform [LBPR], Herald of the State 1991, 21,257. According to this law, the property that was illegally alienated was to be restored either to the legal owners of the property or to their legal successors. The LBPR states that the subjects of the property reform may be the religious societies (congregations and churches) that were active as of June 16, 1940, and whose activity has continued uninterrupted. *See id.* ¶ 1, art. 9. These requirements were fulfilled by the EAOC. In 1993, the EAOC was recognized as the subject of the proprietary reform. However, the Council of the Diocese of Estonia and Tallinn of the Russian Orthodox Church wanted to establish themselves as legal successors of the EAOC without a legal ground because their legal structure was established in 1945. Today, the ROC is represented in Estonia by two legal entities—the Stavropegic Alexander Nevsky Congregation in Tallinn and the Stavropegic Dormitory of Pukhitsa. The majority of the congregations who are subordinated canonically to the Moscow Patriarchy have not registered themselves.

42. Data from the Estonian Register of Churches at the Department of Religious Affairs.

43. For example, the Unification Movement has established itself through two nonprofit organizations: the Family Federation for World Peace and Unification and the Collegiate Association for the Research of the Principle.

44. For a more detailed overview on the religious situation in Estonia, see Ringo Ringvee, *Religions in Estonia*, in *BEYOND THE MAINSTREAM: THE EMERGENCE OF RELIGIOUS PLURALISM IN FINLAND, ESTONIA AND RUSSIA* 107–16 (Jeffrey Kaplan ed., 2000). Also, the web site of the Estonian Institute gives a good historical overview of the religious history of Estonia. *See Religion in Estonia* (visited Feb. 22, 2001) <<http://estonica.einst.ee>>.

## V. COMPARING THE STATE AND THE RELIGIOUS COMMUNITIES

When the independence of Estonia was reestablished in 1991, Estonia became an open society. State regulations were minimized in every level of society, including religious life. It could be well said that during the proceedings of the Constitutional Assembly there were no fixed concepts about the relationship between the state and religious organizations. The basic idea was declared in section 40 of the Constitution: "There is no state church."<sup>45</sup> In practice, this idea means that no religious organization gets any preferential treatment from the state. All religious communities registered according to the law have the same rights and obligations, and every religious community has the right to organize itself and to carry out its mission within the legal framework.

When we take a comparative look at the religious legislation in the Baltic States, after the collapse of the Soviet Union, we notice some differences between Estonia, Latvia, and Lithuania. These differences come from the different religious histories of these countries. Lithuania has historically been a Roman Catholic country. Latvia, on the other hand, has been divided between the Roman Catholic Church in the southern part of the country and the Protestant (Lutheran) Church in the northern part. Estonia has been dominantly Lutheran from the seventeenth century onward.

Mary Gautier<sup>46</sup> compared Eastern Germany, Hungary, and Poland and noted that secularization was highest in the predominantly Protestant Eastern Germany, which also had the lowest rate of religious affiliation—approximately 36% of the population. The same could be said about the three Baltic countries. The most secularized of the Baltic countries is Estonia, where only approximately 17% of the population have established a formal membership with religious communities<sup>47</sup> and the largest denomination, Lutherans, are ap-

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45. EST. CONST. ch. 2, § 40.

46. See Mary Gautier, *Church Attendance and Religious Belief in Postcommunist Societies*, 36 J. FOR SCI. STUDY OF RELIGION 289 (1997).

47. Surveys from 1998 show that 14% of native Estonians considered themselves to be "believers," while, among the Russian-Estonians, the percentage was 49%. In the latter case, we should not forget that, among the Russians living in Estonia, religion, particularly Orthodox Christianity, is an important element in the creation of a national, ethnic identity. For more about ethnicity and religion among Estonian Russians, see Raigo Liiman, *Virolaisten ja venäläisten uskonnollisuus ja etnisyys* [Religiosity and Ethnicity among Estonians and Russians] (unpublished Masters of Theology thesis, University of Helsinki).

proximately 11% of that population.<sup>48</sup>

From that perspective, it becomes clear why Estonian legislation regulates the religious field less than the legal systems in the other Baltic countries and why the legal models and general concepts concerning religion and religious organizations differ from each other. In Lithuania, where over 70% of the population define themselves as Roman Catholics, the Roman Catholic Church has more influence both on society and the administration of the state, which is reflected in the legislative sphere. The so-called traditional denominations have also had seemingly more influence in Latvia, where the new religious communities have to apply for registration annually during the first ten years of existence in Latvia.<sup>49</sup>

In Estonia, all religious communities have been too marginalized in society to make their requests for special treatment justified in the eyes of society at large.<sup>50</sup> Nine years of reestablished independence and seven years of the LCC has proven that the idea “less is more” works well in the field of religious legislation: “less control, more trust.” Today, the relations between the state and religious organizations in Estonia are based on mutual trust. One sign of this is that several religious communities that were underground during the Soviet period or have never been registered as legal entities have done so during the 1990s. In addition, if a religious community does not want to register itself and finds other ways to operate legally in society, it is free to do so.

## VI. CONCLUSION

In conclusion, I want to point out that the Estonian practice differs from the practices of both Latvia and Lithuania, as well as from the common practice of other European countries. The preferential treatment of traditional religions has been the standard for the European countries both in the East and West. However, it should be noted that in Estonia no church has the majority of the population as

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48. The second largest religious community is Orthodox, with approximately 10% of the population.

49. See LRO, *supra* note 1, § 8 (4).

50. One example that also shows the different impact of religious communities in the law making system in different Baltic States is the issue of taxation of the salary of the clergy. While in Lithuania the salary of the clergy is tax-free, see LRCA, *supra* note 1, § 16, in Estonia it is not.

its adherents. All churches and religious organizations are just minorities of the whole population. Only three denominations have more than 6,000 members. How will the post-Socialist Estonian society experience its religiosity or spirituality? How will religious organizations operate and make their message heard in a religiously indifferent society? How will this reflect the situation for a more global perspective? These will be the questions for the future.