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# Is the Lutheran Church Still the State Church? An Analysis of Church-State Relations in Finland<sup>1</sup>

## I. INTRODUCTION

Since the sixteenth century, the Evangelical Lutheran Church (the "Church") has held a prominent position in Finland. This position can be attributed to the Church's status as a state-church<sup>2</sup> through the late nineteenth century and its continued relationship with the Finnish government after the church was officially separated from the Finnish state in 1869.

Recently, however, the Church's status in Finland has been drawn into question. Much has been written by the Church as to whether it should properly be designated the state church, or merely a "folk church"<sup>3</sup> of Finland. This comment explores the Church's unique position in Finland. Part II describes the historical background of Christianity and the Church in

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1. The author wishes to thank Marja Larsen and Satu Hyssälä for their contributions to the completion of this note.

2. Historically, Finland has maintained a state-church tradition since the Middle Ages, when Christianity and its influences brought Finland into contact with and eventually under the control of Sweden. Initially converted to Catholicism, Finland followed Sweden in its acceptance of the Lutheran faith of the Reformation. After the Reformation, Finland was governed by a unity of Lutheran Church and Swedish Provincial State until the nineteenth century, when, as a Grand Duchy of Russia, it was able to alter the relationship between church and state.

Since the nineteenth century, the Russian Orthodox Church has also held state-church status, together with the privileges shared by the Lutheran Church in Finland. The percent of the Finnish population who are members of the Orthodox Church is only 1.2% compared with 88.6% belonging to the Lutheran Church. Harri Heino, *Churches and Religion in Finland*, in FINNISH FEATURES 3 (1989); Matti Sidoroff, *Living Orthodoxy in Finland*, in ORTHODOXY IN FINLAND: PAST AND PRESENT 27 (Veikko Purmonen ed., 1981). For the purposes of this note, reference to state-church status is to the Lutheran Church.

3. A folk church has been defined as a church operating in a national community. Hannu Kamppuri, *The Folk Church as an Ecclesiological Concept*, in THE EVANGELICAL LUTHERAN CHURCH IN FINNISH SOCIETY 21 (Pirjo Työrinoja ed., 1994). This definition presupposes a homogenous ethnicity of people, the term "folk" being utilized due to the fact that a large majority of citizens belong to a singular church.

Finland. Part III explores the current inter-relation of the Church and the Finnish government. Part IV examines the modern debate concerning church-state relations in Finland.

## II. HISTORICAL BACKGROUND

### A. *Origins of Finnish Christianity*

Christianity in Finland has a history of nearly a thousand years. During the eleventh century, the Catholic Church was introduced into the country from western Europe while the Greek Orthodox Faith entered Finland from its eastern, Slavic neighbors in Novgorod.<sup>4</sup>

Finland's greatest exposure to Christian beliefs and eventual conversion to Catholicism came through the efforts of European missionaries sent from Sweden. Erik IX of Sweden is generally considered the first to formally introduce Christianity, in the form of Catholicism, to Finland.<sup>5</sup> Henry of Upsalla, an Englishman who accompanied Erik on his first Finnish crusade, is historically credited with converting the Finns to Christianity.<sup>6</sup> Finland's complete conversion to Catholicism was not accomplished, however, until the latter part of the thirteenth century.<sup>7</sup>

Although later Swedish expeditions into Finland were also called crusades, religion was far from the motivating factor. More important to the Swedes than converting pagan peoples

4. EINO JUTIKKALA & KAUKO PIRINEN, A HISTORY OF FINLAND 19 (Paul Sjöblom trans., 1974). The eastern-most areas of Finland were continually influenced by the Orthodox Church of the East. Today, the eastern corner of Finland is most heavily populated by members of the Orthodox faith. Archbishop Paul of Karelia and all Finland, *Foreword*, in ORTHODOXY IN FINLAND: PAST AND PRESENT 9 (Veikko Purmonen ed., 1981).

5. JUTIKKALA & PIRINEN, *supra* note 4, at 20. Sweden's first crusade was led by Erik in 1155 and began with the colonization and conversion of Varsinais Suomi, the southwest corner of Finland.

6. TAPANI RUOKANEN, THE EVANGELICAL-LUTHERAN CHURCH IN FINLAND 8 (Gregory Coogan trans., 2d ed. 1987).

7. JUTIKKALA & PIRINEN, *supra* note 4, at 20. The Finnish people usually followed their chieftains or social leaders if they were converted to Catholicism, yet they remained committed to the pagan beliefs of their clans. A papal bull or edict, written in 1171 described the Finns as zealous converts when there was a threat of enemy (presumably Slavic) attack who renounced the faith as soon as their enemies had withdrawn. *Id.* at 21.

Though Henry of Uppsala would later become Finland's patron saint, his missionary efforts were not universally appreciated in Finland. Henry was murdered by an irate Finnish peasant on the ice of Lake Koyloi in 1156. RUOKANEN, *supra* note 6, at 8.

to Christianity, was establishing control of trade routes, in particular the Gulf of Finland, and protecting Swedish areas from Slavic intervention.<sup>8</sup> Though the Slavs eventually acquired access to the gulf, Sweden was able to maintain control of Finland. The Peace of Päkinaasaari of 1323 established a boundary between Swedish Finland and what would later become Russia, giving Sweden the western regions of Karjala, Savo, Jääski and Äyräpää.<sup>9</sup> This treaty established Swedish control of the majority of Finland, making Finland an official part of the Swedish realm.<sup>10</sup>

### B. Finland under Swedish Rule

As part of the Swedish realm, Finland became subject to Scandinavian legal and social structure.<sup>11</sup> The Catholic Church became the source of Finnish legal systems and significantly influenced the development of Finnish culture beyond the clan society, introducing Finland to the "mainstream of European culture."<sup>12</sup>

The Catholic Church brought western influences and a sense of society to Finland.<sup>13</sup> The parishes established in Finland became the center of community interaction.<sup>14</sup> Market fairs were held in connection with Catholic feast days and other celebrations.<sup>15</sup> At these fairs, wares from as far away as Spain, Portugal, and England were sold, as well as trade-goods from other Scandinavian countries.<sup>16</sup> Catholicism also brought teachings of individual responsibility for one's actions to the Finns, which gradually replaced the family-clan warring habits of their pagan system.<sup>17</sup> This individualism lent the Finns a distinctively western influence as they developed culturally.

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8. JUTIKKALA & PIRINEN, *supra* note 4, at 24-25.

9. MATTI KLINGE, A BRIEF HISTORY OF FINLAND 23 (David Mitchell trans., 7th ed. 1989).

10. T. K. DERRY, A HISTORY OF SCANDINAVIA 54 (1979).

11. MATTI ESKOLA, FACTS ABOUT FINLAND 44 (Michael Wynee-Ellis trans., 2d ed. 1993).

12. *Id.*

13. *Id.*

14. VEIKKO KALLIO, FINLAND: CULTURAL PERSPECTIVES 29-30 (Peter Herring trans., 1989).

15. *Id.* at 30.

16. *Id.*

17. BIRGIT & PETER SAWYER, MEDIEVAL SCANDINAVIA: FROM CONVERSION TO REFORMATION CIRCA 800-1500 197 (1993).

As administrative relations between Finland and Sweden developed, the Roman Catholic Church established its control of Finland through Swedish dominance. The influence of the Church was felt in civil matters of medieval society as well as through its routine spiritual relations with the people.<sup>18</sup> The Catholic Church supported the Swedish monarchy as the secular institution through which the Church's influence could be effectively exercised in Finland.<sup>19</sup> Thus, from the onset of Christianity in Finland, church and state were viewed collectively.

### C. *Finland's Conversion to Lutheranism*

Finland was under Swedish rule at the time of the Protestant Reformation. Consequently, the country followed Sweden under King Gustavus Adolphus in accepting Lutheranism during the first half of the sixteenth century.<sup>20</sup> The integration of church and state that began under Catholicism thus continued under a Lutheran model. This model would remain in Finland for three hundred years.

The Church played a central role in teaching the Finnish population to read and write. Not only did the Church assist in the building of schools and the staffing of instructors, but it was also instrumental in developing the written Finnish language.<sup>21</sup> The first Finnish University was established in 1640 in Turku as an educational academy for Protestant clergy.<sup>22</sup> Furthermore, to promote education in Finland, the Church made knowledge of the Catechism a precondition to marriage during the seventeenth century.<sup>23</sup>

As a result of the war of 1808–09, Finland was severed from Sweden and annexed to the multi-ethnic Russian Empire

18. FRED SINGLETON, *A SHORT HISTORY OF FINLAND* 24 (1989).

19. DERRY, *supra* note 10, at 44.

20. MARTTI PAANANEN, *THE CHURCH OF THE FINNS* 4 (Gregory Coogan trans., 1992).

21. Mikael Agricola, a Lutheran Bishop in Turku during the mid-sixteenth century, developed a written Finnish language in order to bring the Bible to the Finnish people in their own tongue. Agricola translated the New Testament and part of the Old Testament into Finnish as well as the first Finnish hymnal, prayer-book and book of ritual. MARTTI PAANANEN, *THE CHURCH OF THE FINNS* 4 (1992). Before his death in 1557, Agricola also wrote the first Finnish ABC primer. Today he is considered the father of the written Finnish language. JUTIKKALA & PIRINEN, *supra* note 4, at 66.

22. FRED SINGLETON, *A SHORT HISTORY OF FINLAND* 37 (1989).

23. RUOKANEN, *supra* note 6, at 10.

by the Peace Treaty of 1809.<sup>24</sup> Upon convening a Diet of Finland's four Estates, the Russian Tsar, Alexander I, pledged, among other things, to respect the religion of Finland.<sup>25</sup> Once it learned that the Tsar intended to leave the Church alone, the Church sought to instill loyalty to the Tsar as Finland's God-appointed ruler and respect for his authority in the people of Finland.<sup>26</sup>

The Church's status from the Reformation until the latter half of the nineteenth century was strictly that of state church.<sup>27</sup> It existed as the only recognized church in Finland; no other church in the country held legal status or received protection from the government.<sup>28</sup> The first legislation on religious freedom in Finland was drawn up by F. L. Schauman, Bishop of Porvoo during the 1860s.<sup>29</sup> Schauman advocated religious freedom through the separation of the Church from the state in order to create a more independent Lutheran church.<sup>30</sup> In addition, he advocated religious freedom of the individual.<sup>31</sup>

In 1869, an ecclesiastical law was enacted in Finland that officially separated the Church from the state.<sup>32</sup> Under this law, the Church became the sole body capable of enacting and changing ecclesiastical law under Parliament.<sup>33</sup> This law reduced the influence of the state within Church administration,

24. Osmo Jussila, *Suomen Perustuslait: Venäläisten ja Suomalaisten Tulkintojen Mukaan 1808-1863* [Summary: *Finnish Fundamental Laws as Interpreted by Russia and Finland 1808-1863*], at 9.

25. KLAUS TÖRNUDD, *THE ELECTORAL SYSTEM OF FINLAND*, 16 (1968).

26. EINO MURTORINNE, *THE HISTORY OF FINNISH THEOLOGY: 1828-1918*, 11-12 (1988). Not only did the Tsar agree to leave the Lutheran church of Finland as the Duchy's religion, he encouraged and funded the expansion of the University of Turku, which continued as an institution for the education of Lutheran clergy. Under the Tsar, the Finnish school system developed dramatically due to the higher education received by the clergy-teachers; education at elementary, secondary and university levels was taught under the charge of the Lutheran Church.

27. JOHN H. WUORINEN, *NATIONALISM IN MODERN FINLAND* 31-32 (1931).

28. Under the Tsars of Russia, the Orthodox Church came under Russian ecclesiastical control and was therefore also accepted as a church in Finland, though it was not considered a state church. Veikko Purmonen, *Orthodoxy in Finland An Historical Introduction*, in *ORTHODOXY IN FINLAND: PAST AND PRESENT* 18 (Veikko Purmonen ed., 1981).

29. Mikko Reijonen, *Finnish Citizens' Constitutional Rights*, in *THE EVANGELICAL LUTHERAN CHURCH IN FINNISH SOCIETY* 53 (Pirjo Työrinoja ed., 1994).

30. *Id.*

31. *Id.*

32. Juha Seppo, *Church-State Relations in Finland*, in *THE EVANGELICAL LUTHERAN CHURCH IN FINNISH SOCIETY* 37 (Pirjo Työrinoja ed., 1994).

33. *Id.* at 37-38.

but it did not remove major political connections between the government and the Church. The ecclesiastical law itself stated that "the supreme government of the Church in the whole country is the concern of the government of the land."<sup>34</sup>

In 1889, the freedom to practice their own religion was granted to Methodists and Baptists of Finland.<sup>35</sup> During the early 1900s, other Christian denominations, non-Christian faiths, and atheists sought complete separation of church and state.<sup>36</sup> Nevertheless, when Finland's legislation of religious freedom was first enacted, it was modeled after Sweden's freedom of religion clause under which the Church was given privileged status.<sup>37</sup>

### III. THE LUTHERAN CHURCH AS A FINNISH INSTITUTION

The Church's prominent role in Finland, established in its early history, has carried over to modern Finland. A brief description of its organization suggests how it has maintained such a position in Finland to the present day.

The Church is divided geographically into eight dioceses. Each diocese is under the jurisdiction of one bishop, who is appointed by the president of the Finnish Republic from a list of three candidates.<sup>38</sup> The dioceses are further divided into deaneries and parishes.<sup>39</sup> Though the nature of the Church's organization is hierarchal, local parishes function independent of other church bodies and the local congregation remains the primary source of church life.<sup>40</sup>

The Lutheran parishes derive their income from a church tax that is imposed on both individuals and businesses.<sup>41</sup> This

34. *Id.* at 38.

35. *Id.*

36. *Id.*

37. *Id.* at 54. In 1922, the Finnish Constitution came into effect, which set forth the present-day status of the Lutheran Church as well as freedom of religion in Finland. CONSTITUTION ACT OF FINLAND art. II, §§ 8,9, reprinted in CONSTITUTIONAL LAWS OF FINLAND at 4 (The Parliament of Finland, Ministry for Foreign Affairs & Ministry of Justice 1992) [hereinafter CONSTITUTIONAL ACT OF FINLAND].

38. GEORGE T. KURIAN, FACTS ON FILE NATIONAL PROFILES: SCANDINAVIA 95 (1990).

39. *Id.* at 96.

40. *Id.*

41. Only individuals belonging to the Lutheran Church are required to pay the church tax. The individual rate averages 1.5% of a Finnish citizen's taxable income. RUOKANEN, *supra* note 6, at 20. Companies and firms, except for non-profit organizations, must pay church taxes as well, regardless of their religious affiliations. KURIAN, *supra* note 38, at 96.

tax has been deducted automatically from workers' paychecks since 1960 along with national taxes.<sup>42</sup> Individual parishes receive their individual disbursements directly from the national treasury.<sup>43</sup>

The Church is administered through four bodies: the Synod, the Church Assembly, the Enlarged Bishops' Conference, and the Ecclesiastical Board.<sup>44</sup> The Synod is the highest of these bodies and is the Church's official liaison to the Finnish government.<sup>45</sup> It is comprised of 108 members, one-third of whom are clergy and two-thirds of whom are lay-persons.<sup>46</sup> The Synod proposes new church laws and amendments to existing laws. These proposals must be approved by the Finnish Parliament to be legally binding.<sup>47</sup>

The Church Assembly is responsible for approving new liturgical books, hymnals, catechisms and revised versions of the Bible.<sup>48</sup> Though its contributions are significant, the Church Assembly meets only once every five years.<sup>49</sup>

The Enlarged Bishops' Conference is presided over by the archbishop of Turku and consists of one bishop, one assessor, two laymen from each diocese, and the members of the Ecclesiastical Board.<sup>50</sup> The Conference selects members of the Ecclesiastical Board, makes recommendations to the Synod, and serves in the administration of the dioceses.<sup>51</sup> The Ecclesiastical Board is responsible for the Church's finances and sees to the implementation of changes suggested by the Synod.<sup>52</sup>

42. KURIAN, *supra* note 38, at 96.

43. *Id.*

44. RUOKANEN, *supra* note 6, at 23-24.

45. *Id.*

46. PAANANEN, *supra* note 20, at 7.

47. KURIAN, *supra* note 38, at 97. For example, in 1986, an amendment to the Ecclesiastical Act that would allow women to be ordained to the Lutheran priesthood in Finland was proposed. Two years after its proposal, Parliament gave its assent and the Act was amended. ESKOLA, *supra* note 11, at 97.

48. KURIAN, *supra* note 38, at 97. The Lutheran Church authorizes changes and omissions in the Bible. Certain verses found in the King James version of the New Testament have been removed from the Finnish Lutheran Bible text: *Matthew* 6:13, 17:21, 18:11, 23:14; *Luke* 11:2, 11:4, 17:36, 23:17; *Mark* 9:44, 9:46, 11:26, 15:28; *John* 5:4; *Acts* 8:37, 15:34, 24:7, 28:29 *Pyhä Raamattu* (Sisälähetysseuran Kirjapaino Raamattutalo 1988).

49. KURIAN, *supra* note 38, at 97.

50. *Id.*

51. RUOKANEN, *supra* note 6, at 24.

52. *Id.*

After Finland became independent in 1917, its new constitution wrought a considerable change in the principles underlying the relationship between the Finnish state and religion. The constitution declares the republic a non-sectarian state,<sup>53</sup> the rights of Finnish citizens do not depend on the denomination to which they belong, nor on whether they belong to one at all.<sup>54</sup> However, to become president of the Republic, one must belong to the Lutheran church and be a member in good standing.<sup>55</sup>

The Freedom of Religion Act was passed in 1923.<sup>56</sup> Though minor changes have been made, Finland's religion laws have remained largely unaltered. The impact of the church-state relationship as it developed within Finland's new republic can best be understood by looking at the related statutes that address the rights and privileges of religion as well as religion's obligations under the Finnish state.

The statutes that define the fundamental constitutional principles regarding religion are found in Suomen Laki II (Finnish Law II).<sup>57</sup> Chapter E, Kirkko-Oikeus (Church-Justice), contains the laws, acts, and mandates that affect religion.<sup>58</sup> The act begins with a general description of freedom of religion, and then discusses specific regulations covering the

53. CONSTITUTIONAL ACT OF FINLAND art. II, §§ 8-10:

SECTION 8: A Finnish citizen shall have the right, provided that the law or good custom are not infringed, to practice a religion in public and in private, and also, according to separate provisions on this, the freedom to renounce the religious community to which he belongs and to join another religious community.

SECTION 9: The rights and obligations of a Finnish citizen shall not depend on which religious community he belongs to or on whether he belongs to any such community. The restrictions prescribed regarding public offices shall, however, remain in force until otherwise prescribed by Act of Parliament.

SECTION 10: Finnish citizens shall enjoy freedom of speech as well as the right to publish any written work or pictorial representation in print without prior restraint from anyone. Finnish citizens shall also have the right, without obtaining advance permission, to assemble for the discussion of general issues or for any other lawful purpose as well as to found associations for any purpose not infringing the law or good custom.

54. *Id.*

55. KURIAN, *supra* note 38, at 95.

56. *Id.* at 98.

57. Suomen Laki II, Toimittajat: Erkki Onikki, Hannu Ranta. (Gummerus Kirjapaino Oy 1994) [Finnish Law II, editors: Erkki Onikki, Hannu Ranta, publisher: Gummerus].

58. *Id.*

two official state churches: the Evangelical Lutheran Church and the Orthodox Church.<sup>59</sup>

The Finnish Constitution provides for freedom of religion in Finland, as long as the religious practices comport with the law and "good custom."<sup>60</sup> This right is officially acknowledged in the constitution in reference to the Evangelical Lutheran and Orthodox Churches, but it is also guaranteed to other churches that are officially registered with the government within the body of statutes.<sup>61</sup> The right to practice religion privately is also guaranteed by the laws of 1922.<sup>62</sup> The right of religious freedom is endowed on a person at the age of eighteen, the Finnish age of majority since 1968.<sup>63</sup> Until that age, minors automatically belong to their parents' church.<sup>64</sup>

When parents or guardians of minors renounce a church or join another religion, their children who are fifteen years old or older do not separate with them unless the children consent.<sup>65</sup> Such consent must be given to their parish priest, or to their church's governing board if they belong to a church other than either of the state churches.<sup>66</sup> Conversely, children under fifteen years of age accompany their parents in matters of religious affiliation, and are not permitted to leave that church even with parental consent until the age of fifteen.<sup>67</sup>

These laws favor the Church, to which 88.6 percent<sup>68</sup> of the Finnish population belongs, because they require the youth of Finland to remain affiliated with their parents' religion until they reach the age of majority, or with the religion of their

59. Suomen Laki II, E 3-22 Evankelis-Luterilainen Kirkko §§ 1-548.

60. CONSTITUTION ACT OF FINLAND art. II, § 8.

61. Suomen Laki II, E 1 Uskonnonvapauslaki 10.11.1922-267 § 2.

62. CONSTITUTION ACT OF FINLAND art. II, § 8.

63. Suomen Laki II, E 1 Uskonnonvapauslaki 10.11.1922-267 § 7.

64. In cases where the two parents of a minor belong to different churches, the minor belongs to the mother's church unless there exists a written agreement between the parents authorizing the father's church as the church of the child. Where one parent is dead or the parents are divorced, minors belong to the church of the parent who rears them, unless a guardian or relative obtains a court order to the contrary. Children of unmarried parents officially belong to their mother's church until they reach the age of majority unless their father rears them. Orphans or minors adopted by foster parents officially belong to their foster parents' religion, unless otherwise arranged with the natural parents or guardians, as long as a court or the child's relatives do not demand otherwise. *Id.* § 6.

65. *Id.*

66. *Id.*

67. *Id.*

68. Heino, *supra* note 2, at 3.

childhood, even if their parents separate, unless the child is over fifteen years old. By age fifteen, most church members have attended confirmation and, in so doing, have committed to lifetime membership and support of the Church.

In Finland the procedures for joining or leaving a church are also prescribed by statute. A church member who chooses to leave his church must personally notify the church of his intentions.<sup>69</sup> If he intends to belong to no church, he must notify the civil registrar of his district. If he intends to leave one church to join another, however, he must also submit a certificate of acceptance from his intended new church.<sup>70</sup>

The Finnish State has historically held an interest in church affiliation for maintenance of vital statistical records. Until 1970, all churches served as official record keepers, maintaining birth, death, marriage, and divorce records. Today, however, that function is performed only by the state churches and the Civil Register. Non-state church members keep their records in the Civil Register, yet their church notifies the Civil Registrar of all pertinent information for keeping necessary records.<sup>71</sup>

Because the Finnish State has maintained an official interest in church affairs for reasons such as keeping vital statistics, requirements for establishing a church have been defined by statute. At least twenty people living in Finland must assert a desire to join a proposed church before the church can be established.<sup>72</sup> In addition, a written application that includes the name, address, and occupation of each intended member must be submitted to the Ministry of Education (opetusministeriö).<sup>73</sup> The application must also include a statement of the religious doctrine, a description of the mode of public worship, and an organizational structure, including the governing members' specific congregations.<sup>74</sup>

69. Suomen Laki II, E 1 Uskonnonvapauslaki 10.11.1922-267, § 5.

70. Suomen Laki II, Uskonnonvapauslain täytäntöönpanosta 3.10.1969-614, § 2

71. Suomen Laki II, E 1 Uskonnonvapauslaki 10.11.1922-267, §§ 22-23.

72. *Id.* § 13.

73. *Id.*

74. Suomen Laki II, E 1 Uskonnonvapauslaki 2 Luku. Uskonnollisen yhdyskunnan perustaminen ja oikeudellinen asema §§ 13, 14.

Specific information required includes:

1. Organization's name and headquarters location.
2. Procedure of receiving and excommunicating members.
3. Rules that govern the holding of meetings.

Once a religious organization has met these requirements and obtained official recognition from the Ministry of Education, it may own property and make contracts.<sup>75</sup> The government reserves the right to monitor the activities of all religious bodies by sending observers to meetings.<sup>76</sup> If a branch separates from the parent church, the government must be notified within two months.<sup>77</sup> It then has two months to affiliate with another recognized church or organize itself independently; otherwise its recognition will be withdrawn.<sup>78</sup>

These regulations support the Church in its position of state preference. To set up a variant church requires much more in Finland than merely possessing an alternative belief system. Once the alternative church is established, it becomes subject to state observation and continued regulation of its functions and practices.

In contrast to the struggle in the United States over religion in schools, state church religious instruction in Finland is statutorily included in the high school curriculum.<sup>79</sup> High school religion courses are taught by Lutheran instructors and are based on the Church's beliefs and history.<sup>80</sup> Other religions are studied from a historical standpoint, and representatives from non-Lutheran churches may be invited to present their beliefs to a religion class.<sup>81</sup>

4. If the organization's matters are decided in a meeting, the procedural rules governing: how the meeting is called, how broad the meeting's authority is, the rules of order, the minutes, and approval of the minutes.
5. Regulations that control whether the organization is governed by one person or several; also, regulations that control how the governing board is chosen, how it is released, what its authority is, and term of office.
6. Rules that cover whether members must give donations to the organization, the amount of donations, and how this matter is controlled.
7. Rules governing the care of the organization's property and how this care will be inspected.
8. Regulations that control how the organization's rules may be changed, and how it may cease operation.
9. Rules that govern the disposition of the organization's property when it closes down and ceases operations.

75. *Id.* § 16.

76. *Id.* § 17.

77. *Id.* § 20.

78. *Id.*

79. Heino, *supra* note 2, at 2.

80. When a child belongs to a non-state church, or to none at all, he may be excused from religion courses, upon application for an exemption. Suomen Laki II, E 1 Uskonnonvapauslaki 10.11.1922-267, § 8.

81. Missionaries from the LDS Church and Jehovah's Witnesses are often invited to come to high school religion classes to discuss the tenets of their reli-

#### IV. MODERN CONSIDERATIONS OF CHURCH AND STATE IN FINLAND

Though there has been a gradual separation of the Church and state in Finland since the end of World War II,<sup>82</sup> official church-state relations have remained essentially unchanged since the Church was given privileged status in 1923. With secularization on the rise throughout the world, however, church-state relations have recently become the subject of debate in Finland.<sup>83</sup> In 1977, a parliamentary Church and State Committee developed a plan to review church-state relations in Finland.<sup>84</sup> This committee sought to extend "the Church's internal independence and area of responsibility."<sup>85</sup> In so doing, the committee sought to explore the options for complete separation of church and state. The work of the parliamentary committee, though of little individual effect, spawned additional investigations into church-state relations that have resulted in recent propositions for changing religious law.

In 1982, the Ministry of Education published a committee report that discussed many of the concerns addressed by the parliamentary Church and State Committee.<sup>86</sup> The topics examined by the Committee addressed a more expansive range of concern than those of the 1977 Parliamentary Committee. Subjects analyzed by the latter Committee ranged from the practice of faith, to the general position of churches (state and minority) in relation with the state,<sup>87</sup> to the teaching of religion in schools.<sup>88</sup>

Much of the Committee's discussion focused on statutory regulations pertaining to the religious community and restrictions placed on non-state churches. The Committee analyzed statutory requirements that define religious communities,<sup>89</sup> policies for leaving and joining churches,<sup>90</sup> and church inves-

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gions and their beliefs.

82. KURIAN, *supra* note 38, at 98.

83. RUOKANEN, *supra* note 6, at 20.

84. Seppo, *supra* note 32, at 40.

85. *Id.*

86. Komiteanmietintö 1982:47 Opetusministeriön Kirkko ja Valtio-Työryhmän Mietintö [Committee Report 1982:47 Ministry of Education Church and State Work Group Report].

87. *Id.* at 15.

88. *Id.* at 62.

89. *Id.* at 7.

90. *Id.* at 11-12.

tigation by the state<sup>91</sup>. The topics were analyzed from both the state's and the religious community's perspective.<sup>92</sup>

Among its observations, the Committee concluded that the use of language in Finnish law to set apart the Church does not discriminate per se against non-state churches, but merely represents the true legal position of all churches as they exist in Finnish society.<sup>93</sup> The Committee also noted that, although the Church's legally privileged position does not endanger non-state churches' rights, the existence of such distinctions is a negative aspect of Finland's current church-state relations.<sup>94</sup> Though the Committee's report effected little apparent change in church-state relations in Finland, many of the topics discussed by the Committee have appeared in the body of proposed legislation referred to by the Church as "the ecclesiastical law of the 1990s."<sup>95</sup>

In 1991 President Aho stated that the Church should prepare for changes in its relationship with the state.<sup>96</sup> In the same year, the chief secretary of the Ministry of Education suggested that the administrative bonds between the Church and state should be severed completely, though he wished the Church's religious education in schools to remain intact.<sup>97</sup> In a body of documents distributed by the Church entitled *The Evangelical Lutheran Church in Finnish Society*, several Church authors presented articles that discuss the present position of the Church with regard to Finnish State relations and to ecclesiastical ambitions for the future.<sup>98</sup>

91. *Id.* at 13.

92. *Id.*

93. *Id.* at 7.

94. *Id.*

95. Seppo, *supra* note 32, at 38. The Committee's suggestions included a proposal for change in the Lutheran membership requirement in parliamentary decisions pertaining to church law. The Committee suggested that parliamentary decisions regarding changes in religious law should not be made solely by those in parliament who were members of the Lutheran Church.

Another suggestion dealt with changes needed within the regulatory ties between church and state. The Committee advocated a change to remove the governmental interests in the church's supreme government and allocate the responsibility for the dividing and relocation of dioceses to the sole discretion of the Lutheran Church. Komiteamietintö at 48, 51. Both of these suggestions are made mention in the considerations to the proposed law. Kari Ventä, *The New Ecclesiastical Law Increases the Independence of the Church from the State*, in *THE EVANGELICAL LUTHERAN CHURCH IN FINNISH SOCIETY* 70-74 (Pirjo Työrinoja ed., 1994).

96. Seppo, *supra* note 32, at 41.

97. *Id.*

98. *THE EVANGELICAL LUTHERAN CHURCH IN FINNISH SOCIETY* (Pirjo Työrinoja

In an article entitled *Finnish Citizens' Constitutional Rights*, Mikko Reijonen discusses the history of freedom of religion in Finland and its significance with regard to the Church's status today.<sup>99</sup> Reijonen asserts that the unique position held by the Church today is strengthened by the freedom of religion clause within the Finnish Constitution.<sup>100</sup> He asserts that the historical lack of movement away from the Church after the passing of the Freedom of Religion Act, in 1923, is an indication that the Church's position is sustained and validated by the general populace.<sup>101</sup> However, Reijonen acknowledges in his article that the Freedom of Religion Act and its subsequent amendments do not protect freedom of religion as completely as the Committee for Constitutional Rights and other international human rights' agreements propose.<sup>102</sup>

The Committee for Constitutional Rights has recently offered a proposal for changes in the present language of Finland's Freedom of Religion Act.<sup>103</sup> The wording of this proposal states that "[n]o one has the obligation to participate in . . . a practice of religion which is against his conviction, neither to support a religious community to which he does not belong."

The Church's Synod and Church Council have rejected this proposed change, stating that it emphasizes the "negative" aspects of freedom of religion.<sup>104</sup> The Church supports, rather, a change that focuses on the freedom to choose one's own religion, instead of the freedom not to support religions against one's personal beliefs. The Church's proposed change to the language states that "[t]his freedom includes the right to practice religion and to express one's worldview, and the right to be a member of a religious community, as well as the right to remain outside all religious communities. In regard to freedom of religion, special provisions have been enacted in law."<sup>105</sup> If the Freedom of Religion Act is amended in the form proposed by the Church, the Church will have maintained its status as religious advisory counsel to the state.<sup>106</sup>

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ed., 1994).

99. Reijonen, *supra* note 98, at 53-56.

100. *Id.* at 54.

101. *Id.*

102. *Id.* at 55.

103. *Id.*

104. *Id.*

105. *Id.*

106. As of the writing of this Note, the author could find no information on

The Church in Finland does not view its connection with the state as one that infringes on the rights of other religions in Finland. In his article entitled *Church-State Relations in Finland*, Juha Seppo suggests that the Church's relationship with the state is insignificant with regard to other churches.<sup>107</sup> Seppo states, "Although the Lutheran and Orthodox churches are in a special position vis-à-vis the State, this does not as such affect the activities of other religious communities."<sup>108</sup>

Seppo further discusses the relationship between the Church and the Finnish State and the proposed changes expected with the "ecclesiastical law of the 1990s."<sup>109</sup> With the enactment of the new law, the Church will become more independent from the state with regard to Church authority over its administration and its decisions for allocating diocesan boundaries.<sup>110</sup> Though he believes the new law is an important advancement of Church independence, Seppo admits that the new ecclesiastical law does not change church-state relations extensively.<sup>111</sup> Parliament will continue to decide many of the laws that affect the Church directly, and the Church will continue to receive financial support from the government.<sup>112</sup>

According to Seppo and other authors for the Church, the Church no longer requires the status title of State Church.<sup>113</sup> To the Church, its relationship to the state is historical in nature; freedom of religion in Finland does not require that the church's ties to the state be removed.<sup>114</sup> In his article, Seppo clearly asserts the Church's stance regarding non-state churches and their freedoms under the Finnish Constitution and statutory laws. He states:

In a democratic country like Finland, every citizen has the right to expect that Church-State relations will not place obstacles to the fulfilling and using of his or her civil rights. On the other hand, religious freedom as a fundamental right

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the decision reached in the matter.

107. Seppo, *supra* note 32, at 37-43.

108. *Id.* at 42.

109. *Id.* at 38.

110. *Id.* at 38; see also Ventä, *supra* note 95, at 70-74.

111. Seppo, *supra* note 32, at 38-39.

112. *Id.* at 39.

113. *Id.* at 37; see also RUOKANEN *supra* note 6, at 18; Kamppuri, *supra* note 3, at 20-25; Paananen *supra* note 20, at 7-8.

114. Seppo, *supra* note 32, at 37.

should not be viewed in the old-fashioned spirit that "religion is a private matter." The religious freedom of the individual forms only a part of the entire concept of religious freedom. Similarly, implementing the religious freedom of the individual is only partly dependent upon formal Church-State relations. The religious freedom of the individual is not at all more secure [than] the looser Church-State relations are. Rather, its faultless implementation is dependent upon the protection of fundamental rights afforded by society in its entirety.<sup>115</sup>

Though religious freedom is only partly dependent on official church-state relations, the findings of committees assigned to assess the status of church-state relations in Finland suggest that there is much that could be changed to eliminate the governmental favoritism towards the Church. The changes in the organization of church-state relations proposed by the ecclesiastical law of the 1990s gives the Church more independence from the state and more individual power, but it does not remove the permanent ties that bind the Church to the Finnish state nor those that bind the State to the Church.

#### V. CONCLUSION

A unique history and culture explain Finland's official posture with the Church, a posture that includes provisions for church-state relations within both the Constitution and statutory laws. Christianity, and in particular Lutheranism, played a major role in Finland's history and cultural development.

The Church's status in relation to the Finnish State is defined by both the Constitution and the common law.<sup>116</sup> The Church describes its relationship to the Finnish State as that of a "folk church." However, the position the Church holds in Finnish society and its influence on Finnish State affairs suggests that the Church's status is more than "folk." The Church has significant influence on laws relating to marriage, divorce, oaths, the care of the poor and religious instruction. With regard to these issues, the Finnish government is required to consult the Church Assembly before effecting change in the present laws or creating new law.<sup>117</sup>

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115. *Id.* at 42.

116. Ventä, *supra* note 95, at 70.

117. KURIAN, *supra* note 38, at 97.

The Church asserts that its independence from the state, accentuated by a new ecclesiastical act in the 1990s, removes the Church's government completely from state influences. However, the Church exists within a special relationship with the state, and maintains many of the same designations it held when its ties to the state were more official. The Finnish State continues to have an important voice in Church administration.<sup>118</sup> The Church continues to receive financial support from the state and to cooperate extensively with the state on issues regarding both religious and secular matters facing the Finnish Republic. These factors, together with its privileged designation under the Finnish Constitution, give the Church status that other churches, though free to practice their religion, do not share. Much has changed in the Lutheran position since the Church first gained independence from the state in 1889. However, much that has not changed suggests its relation to the Finnish State is more than merely folk.

The Constitution of Finland guarantees freedom of religion to the citizens of Finland, yet it protects the rights and privileges of a state-funded church whose authority and functions are connected to the state, its president, and its parliament. Though reforms have been implemented and new law is being enacted, the Lutheran Church in Finland cannot refer to its freedoms beneath the state as an elimination of its state church position.

*Elizabeth Christensen*

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118. Seppo, *supra* note 32, at 38. Bishops in the Lutheran Church are still appointed by the president of the Finnish Republic. KURIAN, *supra* note 38, at 96.