

Same ingredients, another recipe?

Religion-related legislation and policies in Soviet and post-Soviet Georgia and their implications for religious minorities today

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Abstract

This article articulates similarities and differences regarding policies on religion and religious minorities in contemporary Georgia and the country's early Soviet era. A comparison between developments in legislation and state apparatus shortly after 1921 (during the Soviet occupation) and 1991 (the restoration of independence) uncovers the policies and mechanisms limiting religious minorities in Georgia today, including the setting up of a State Agency for Religious Issues in 2014, as echoes of a painful past. In contrast to the Soviet regime, however, the main carrier of the dominant ideology responsible for this situation today is not the state itself, but the Georgian Orthodox Church.

Keywords

Georgia, religion, religious freedom, Soviet Union, SARI.

1. Introduction

The public management of religion is a crucial and difficult element in any democratic development. Geographically and historically placed on the crossroads between Western Asia and Eastern Europe, Georgia has had a diverse religious landscape for many centuries. The country is majority-Orthodox (83.4 percent) but also has historically had a range of religious minorities: Muslim 10.7 percent, Armenian Apostolic 2.9 percent, as well as Roman Catholics, Yazidis, Protestants and others totalling 3 percent (Geostat.ge 2016:12). Since its independence in 1991, Georgia has been struggling to establish a balanced polity and protect the civil rights and freedoms that are essential for its democratic development (Gavtadze et al. 2020).

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Human rights advocacy organisations and researchers alike have critically evaluated the management of religious diversity by recent Georgian governments. In particular, the setting up of a State Agency for Religious Issues (SARI) in 2014 has been considered a “reproduction of the experience in post-Soviet countries, which implied the existence of a centralized, powerful unit of the executive government with the purpose of establishing control over religious organisations” (Mikeladze et al. 2016:60). Authors analysing the formation of the Georgian national identity in the past and today also frequently point to a problematic similarity between Soviet and post-Soviet realities, in that the ideological marketplace is monopolised by one state-sanctioned ideology, which negatively affects religious minorities. Aydingün (2013) explains, “The Soviet nationalities policy used ethnicity (*ru. national’nost*) as the main badge of belonging and as the main tool for categorizing people while creating an ethnic hierarchy. This was one of the main reasons for the exclusion of minorities in the Soviet period. Today, the legacy of that policy is the main reason for the ethnification and nationalization of religion in all of the post-Soviet republics, including Georgia.” In a 2014 article, Mathijs Pelkmans argues that when discussing religious freedom in Soviet or post-Soviet contexts, one needs to look at the concrete effects on particular groups and individuals of both religious freedom and its opposite, religious “unfreedom.”

This article builds on these insinuations and aims to shed light on legislation and policy development regarding religion in post-revolutionary independent Georgia, placing it firmly in socio-political context. We demonstrate that the establishment of the SARI was not a surprising development, but fits well in a series of echoes of Soviet management of religion. To compare developments in religious governance between independent Georgia and early Soviet Georgia a century ago, we make use of academic sources, legislative documents, original archival material² and data from recent advocacy reports by organisations working on the protection and promotion of democratic values in Georgia, most notably the Social Justice Center (SJC) and the Tolerance and Diversity Institute (TDI). Particular attention is given to those who self-identify as evangelical Christians in Georgia.³

2 Archival material comes from the Central Archive Fonds of Contemporary History in the National State Archive of Georgia in Tbilisi (CACHG) and from the Archival Division of the Autonomous Republic of Adjara in Batumi (ADARA). Key collections used were those of the Central Council of the League of Militant Godless of Georgia (R-1547) (1927-1946) and of the Representative of the Council of Religious Cults of the USSR in Georgia (R-1880; R-977) (1946-1990).

3 The common denominator of “evangelical Christian” is used among others by Baptists, Pentecostals, Seventh-Day Adventists and members of the Evangelical-Lutheran Church. This small, diverse and understudied minority is still considered by some to be “sectarian and betrayers of the [Orthodox] faith”, notwithstanding their two-century presence in the country (Kopaleishvili 2014; Kiknadze 2008, 208; Gogoladze 2014).

The article is structured as follows. First, similarities in the political contexts of contemporary Georgia (since 1991) and Soviet Georgia (following 1921) are briefly introduced. Then, similarities in formal declarations on human rights and religious freedom are identified, revealing the regimes' ideological underpinnings. Next, the structural empowerment of the ideological carriers and the consequent power abuse and use of violence against (dissident) religious actors are described. Finally, we explain how the regimes sought to contain religious life through registration policies and the setting up of agencies for religious matters. The key points of the analysis are summarised in the conclusion.

2. Similar political contexts amidst rapid change of regimes

Twice in the last century, in 1921 and in 1991, Georgia has experienced a painful rupture involving great social and political upheaval. Along the way, the country's religious self-definition has shifted from a mono-religious (Russian Orthodox) reality under tsarist rule to a political assertion of religious pluralism via the unlikely intermediate step of state-imposed, militant atheism. Interestingly, both radical changes were initially received positively by the country's religious minorities.

2.1. Two radical regime changes

The radical changes that occurred early in the 20th century involved the replacement of tsarist rule in Georgia by a Soviet regime after a short yet historically crucial three-year period of socialist independence (Kenchoshvili 1991:8). As soon as the Bolsheviks solved their internal difficulties in Russia and were able to pay attention to Georgia, the Red Army invaded the capital and brought the country back into the Russian hemisphere. This happened on 25 February 1921, three days after the first constitution of democratic Georgia was adopted. The Georgian government fled to France and the Sovietization of Georgia started. This event buried the idea of independence for 70 years and forcibly imposed an atheistic government on a historically Orthodox state.

When in 1991 the communist yoke was finally broken and independence was regained, the nation-state underwent a second radical shift, seeking to turn itself into a Western-style liberal democracy. The move to independence is now understood against the backdrop of perestroika in the Soviet Union, which led to anti-Soviet demonstrations in the streets of Georgia's capital, Tbilisi. After the massacre of peaceful demonstrators on 9 April 1989, the processes leading to independence became irreversible. In a referendum on 31 March 1991, 98 percent of the population of Georgia voted for independence and democracy. On 9 April 1991, Georgia announced its separation from the USSR (Matsaberidze 2008; Gagua 2016).

2.2. *Initial positive response from religious minorities*

In both tumultuous periods, minorities in Georgia initially greeted the change as positive. In the first period, they hoped that Soviet rule would bring freedom from autocracy and the Orthodox Church (Songulashvili 2015:106). Even before the Soviet invasion, the appeal of 1918 “To all sectarians of the USSR,” written by so-called (and self-defined) sectarians of 11 villages in Georgia, glorified the October Revolution and the Red Army as the defender of the interests of “labourer sectarians.” It called on all other sectarians to support the new government and its ideals (CACHG, F. R-1547, Inv. 1, File 5, 1927:3, 4).

Seventy years later, after the overthrow of Soviet power and the liberation from strict control over religion, religious communities started to enjoy a freedom that their members had never seen before. The religious revival that accompanied the collapse of the USSR brought churches from underground into the open marketplace, where they could worship openly and conduct activities without any hindrance (Corso 2007; Songulashvili 2015:229). But as we will see, the subsequent policy- and country-building processes left religious minorities disappointed again.

3. *Formal declarations of democratic values and their ideological underpinnings*

Soon after the revolutions, both regimes laid down democratically worded, foundational legislative texts. There are obvious contrasts in the processes that followed the rapid shifts, yet each one made a strong formal statement of the importance and protection of religious freedom.

3.1. *Early Soviet declarations on religious freedom*

The first Soviet decree appraising democratic values was issued on 20 January 1918, entitled “Freedom of conscience, church and religious societies.” Starting with the phrase “Religion is the private matter of every citizen,” it declared the separation of the church from the state and of the school from the church (Pupol and Korbova 1957, I:371). Early Communist leader Vladimir Lenin considered the absolute separation of religion and state directly related to socialist ideology: “The state should not have anything in common with religion, [and] religious associations should not have anything in common with state power. ... The complete separation of church and state is a requirement of the socialist proletariat of the modern state and the modern church” (Szubtarski 2013:67).

But Soviet legislation was ambiguous from the very beginning in its declarative statements about building a secular state. Although the 1918 decree is reminiscent of the French separation decree of 1905, Sawatsky (1978:159) points out

that it is “uniquely Soviet.” While formally declaring freedom of conscience, it differed from Western models because it implied deprivation of legal status for all religious societies. It also differs from the Constitution of the First Republic of Georgia (1921), where relevant provisions established the principle of secular separation of state and church. However, this principle fundamentally diverged from the hostile attitude towards religion exhibited by the Soviet Union, which was based on the doctrine of political atheism rather than secularism. Potapova called this state “equal lawlessness” (*ravnoe bespravie*) (Potapova 2014b). Subsequent laws gradually limited the rights left for religion; “in practice, they provided unlimited opportunities for the non-procedural elimination of public beliefs and institutions” (Szubtarski 2013:69).

Gsovski indicates the fundamental difference between this decree’s operation and a Western idea of separation of church and state by comparing it to the US context. There, the separation emerged from the struggle for religious freedom and tolerance and was designed to protect faith and to allow for more freedom and development of the church. In contrast, the Soviet decree aimed to undermine the “very existence of the church” and to facilitate the death of religion (Gsovski 1955:11).

3.2. *Independent Georgia commits to core democratic values*

In 1991, the Act of the Restoration of State Independence of Georgia declared its commitment to core democratic values as follows:

The Republic of Georgia, striving for a dignified position in the world community of nations, recognises and ensures equally all the fundamental rights and freedoms of individuals, including national, ethnic, religious and linguistic groups, envisaged by international law, as required by the Charter of the United Nations, the Universal Declaration of Human Rights, and international pacts and conventions.

The 1995 Constitution of Georgia confirmed freedom of religion and belief and equality for all regardless of religion; it also declared the independence of the Georgian Orthodox Church (GOC) from the state (Articles 9 and 19), rendering Georgia a secular state (Ministry of Justice of Georgia 2019; Chitanava et al. 2014:11).

Yet the constitution also contains the seeds of a problematic relation between religion and state in Georgia. Article 9 adds that “the state recognises the special role of the Georgian Apostolic Autocephalous Orthodox Church in the history of Georgia The relationship between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia is determined by a constitutional agreement” (Ministry of Justice of Georgia 2019). It has been argued that this article

aimed to combine the choice of a democratic state with an attempt to pay tribute to the past (Keskin 2017:45). The term “endorsed church model” has been aptly used to describe this state-church relationship (Chitanava et al. 2014:11).

4. Ideological underpinnings

In early and fundamental legislative texts, both the Soviet regime and independent Georgia recognised the independence of church and state and formally subscribed to religious freedom. However, subsequent legislation as well as the developmental trajectory of the religious policies demonstrated the different ideological underpinnings and the consequent particular interpretations by the regimes of these key secular values.

4.1. Ideological underpinnings of Soviet legislation

The problematic nature of legislation built on the 1918 Soviet decree is obviously linked to its underlying Marxist-Leninist ideology. On this basis, the Bolsheviks aimed to construct a state without social inequalities. Religion was considered a superstructure in society, which helped to justify social exploitation. Fighting against (organised) religion and making atheism and materialism prospective standards for the popular mentality therefore became an integral part of Soviet policy on religion (Gsovski 1955:15). Soviet atheism was considered the only true atheism in the world, since other forms denied religion only in theory but not in political practice. Soviet policy thus radicalised the Marxist attitude towards religion, moving it from a theoretical sphere to the plane of practical politics (Stepanova 2014:68).

The Soviet model of creating a fully atheistic society has been described as an extreme, forceful version of secularisation distinct from Western secularisation, which is seen as a natural consequence of modernisation (Stepanova 2014). Soviet citizens were given freedom of conscience, but legislation was tightened and anti-religious initiatives of the government were intensified. In the 1936 constitution, the gap between believers and atheists grew because the constitution ensured freedom for anti-religious propaganda while simultaneously replacing “freedom of confession” with “freedom to practice religious rites.” Fighting the remnants of religion thus ranked as a leading public concern and received legislative support. Church-state separation in the Soviet model ultimately and explicitly aimed at the eradication of religion in order to replace it with an atheistic ideology.

4.2. Ideological underpinnings of independent Georgia’s legislation

The special attention given to the GOC in Georgian legislation was also affected by the implicit search for an ideological underpinning to strengthen the newly established political reality. The ideology that came to replace atheism was a Geor-

gian religious-nationalist discourse, enabled by a strong religious resurgence in the last decades of the 20th century.

The time of inception of this religious resurgence is a matter of scholarly discussion. In terms of genesis, some would argue that it started shortly before Georgia gained independence. When anti-Soviet sentiment began to intensify in Georgia in the 1980s, the GOC became a new ideological pillar and a symbol of opposition. The struggle for independence from the Soviet regime thus went hand in hand with the promotion of Orthodox Christianity (Keskin 2017:39). When Georgia gained its independence, the GOC was already considered a guarantor of the survival of Georgian identity (Kekelia et al. 2013:53).

Other authors, meanwhile, focus on the presidency of the first leader of democratic Georgia, Zviad Gamsakhurdia (1990-1992), during which the GOC became “the embodiment of Georgian nationhood” (Aydingün 2013). In his inaugural speech, Gamsakhurdia called Georgia an Orthodox Christian country with “has a traditional union between church and government” (Crego 1994). He considered all other religions a threat to Georgian morality (Keskin 2017:40) and thus paved the way for Orthodoxy as the normative faith. This sentiment was not solely his own and remains present in Georgian society today (Narsia 2018).

Looking for the cause of this religious resurgence, Kekelia points to society's need for a certain cultural continuity. Sovietization forcefully disrupted Georgian Orthodox culture, and when the ideological pressure weakened, society returned to its preceding culture in a more aggressive and aggravated form (Kekelia et al. 2013:27). This development, Kekelia and others argue, was also spurred by the preceding century spent under the yoke of tsarist Russia. Repressive policy towards the GOC (including its loss of autocephaly in 1811) and the intensive Russification during the 19th century layered on the Soviet period and intensified the desire to regain cultural continuity (Kekelia et al. 2013:18).

Groundwork for the religious-nationalist ideology, others argue, was also laid by the USSR's national policies. Soviet national policy as described in Stalin's work “Marxism and the National Question” was based on the principles of national federalism. The Soviet Union was a forceful coalition of nationalities aiming to create a new dominant civic value, a new citizen: the *homo sovieticus* (Dundua et al. 2017). Pelkmans describes Soviet national politics as an attempt to keep pre-Soviet identities in “cold storage.” When the Soviet experiment failed, post-Soviet countries returned in their state-building processes to the only thing that had remained in their collective memories – their national identities (Pelkmans 2006). Being Georgian didn't mean being Soviet any longer. The strong push to link national identity to some ideology led to a religious nationalism, expressed in the widely spread formula, “To be Georgian is to be Orthodox.”

Ideologies on which nation-states are built have cause-and-effect connections, even if they vary in essential ways. These features also directly affect the rights and position of religious minorities in their territories, as will be discussed below.

5. Structural empowerment of ideological carriers

Ideologies do not just sail on an emotional wave, like a war cry opening the battle for radical societal change. They remain main motivators of state policies, notably on religion and religious groups. For decades, the Soviet state had nurtured an atheistic ideology, strengthening and embedding it in people's minds. In post-Soviet Georgia, the national government has elevated the GOC to the rank of a political actor on an equal footing with itself. Through this gradual empowering, Georgia has been shaped as a country characterised by religious nationalism, where a dominant ideology again marginalises religious minorities.

5.1. Gradual empowerment of anti-religious forces in Soviet Georgia

Early measures strengthening the new ideology in Soviet Georgia were enabled by the decrees of 6 and 15 April 1921, adopted by the Revolutionary Committee of Georgia. Church lands were nationalised and religious education in schools was completely banned. As part of land reform, the clergy were given a choice: either give up their ministry in exchange for a plot of land or continue wearing the cassock but be economically bankrupt (Kveselava 1979:77). In the same month (28 April), the state secularised the registration of marital relations, thus disconnecting religion from family relations. These decrees delivered a severe blow to the economic power and societal influence of religious institutions, and religious individuals were socially and economically marginalised.

The replacement of religion with the new communist ideology did not remain limited to the legislative and public policy level. According to Lenin, "It is harder to fight against the influence of priests than against the old legislation" (Lenin 1969:38:208). For this purpose, the Central Committee of the Communist Party adopted a special "Program on Antireligious Propaganda" in 1921, immediately after the publication of the April decrees. It stressed the need to confront religious "superstitions" with scientific approaches. The government actively welcomed all possible promotional activities: disputes between atheists and clergy, public lectures, atheist groups in public institutions and schools, and more. Special propagandistic literature was published and widely distributed, aiming to spread scientific atheism and to disarm religion by representing it as a refuge for the inferior, a remnant of the oppressive regime, and an opponent of rational thought. Volunteer organisations were set up to fight against religion and raise a new atheist generation. The most striking example was the League of the Militant

Godless, which existed for about 20 years from 1927 to 1947 (CACHG, F. R-1547 1927; Metreveli 2014).

Szubtarski (2013:70) concludes, “The Soviet state became not only a non-religious and secular state, removing religious elements from public life, but also very actively anti-religious.” The launched activities were, however, not always so effective. According to Powell (1967), Soviet propaganda did not persuade religious believers but was “highly functional” for the atheists themselves and therefore for the party.

5.2. Gradual empowerment of the GOC in independent Georgia

In post-Soviet Georgia, atheist ideology was quickly replaced by a strong religious-nationalist discourse. As discussed above, the legislative space for this new discourse was already prepared in the 1995 constitution. Seven years later, it was broadened in a constitutional agreement between the state and the GOC – the so-called Concordat. This document was inspired by similar agreements signed between the Vatican and other states (Keskin 2017:45), but it differs significantly in that the GOC is a legal entity within the state and not an independent subject of international law like the Vatican (Metreveli 2022:46). The agreement gave the GOC political power similar to that of the secular government.

The strong relationship created between the GOC and the Georgian state under this Concordat has no analogy in international law. Its problematic status can be seen most clearly in comparative perspective (Mikeladze et al. 2016). The Social Justice Center (SJC), a Georgian human rights NGO, has identified ten key problematic areas in the Concordat from a legal standpoint. The main objections include: (a) the high normative status of the text and the uniquely difficult procedure for its amendment or abolition; (b) superior legal protections and provisions given to the GOC, including tax and other benefits; and (c) the explicit authority given to the GOC to interfere in or dictate various aspects of public and social life. No such memoranda were signed with any other religious community (Mikeladze et al. 2016:27-29).

The enactment of this agreement facilitated a drastic empowerment of the GOC. For more than ten years, the GOC was the only religious organisation to receive state funding. Presented as a partial compensation for damages incurred during the Soviet regime, annually increasing amounts were allocated to the GOC in the state’s central budget, by local governments and even by the President’s reserved fund (Mikeladze 2013:82). Although the monasteries and churches as well as ecclesial ruins and land plots were already restored to the GOC by 1990, the Georgian Patriarchate continues to receive large-scale real estate from the state on a regular basis (Lomadze et al. n.d.). In February 2020, the Parliament of Geor-

gia again considered transferring more property to the GOC, now in the form of forests located around the monasteries and churches (SJC 2020).

The GOC's unique status leads to a highly problematic asymmetry when compared to that of other religious communities. Moreover, the previously mentioned restitution policy awarded the GOC religious buildings which previously belonged to other (Armenian Apostolic, Roman Catholic, Muslim, Evangelical Lutheran and Jewish) religious communities. Some of these have been seeking the restitution of their properties since 2010, without success (Chkheidze 2014:20). The country's current taxation policies add further to the asymmetry. The 2011 tax code states that religious activities cannot be considered economic activities and should therefore enjoy tax benefits. But the benefits are granted only to the GOC and its activities, not to other religious communities (Chkheidze 2014:79, 80). These imbalances have strengthened the GOC's position of virtually untouchable political and religious power.

6. Ideologically fuelled power abuse and violence

The ideological grounds for the legislative asymmetries in early Soviet and post-Soviet regimes proved to be fertile soil for various forms of violence towards those who did not fit in. A key difference can be observed in the implementers of the violence. In the Soviet state, the government persecuted religious dissidents, openly pursuing its agenda of physical and social elimination of all religious groups. In independent Georgia, the state did not openly attack religion, but it chose to remain silent and inactive when radical groups or elements acted aggressively towards minority groups, motivated by a religious-nationalist sentiment.

6.1. *Anti-religious violence in Soviet Georgia*

In the early Soviet Union, anti-religious discourse came to endorse violence very quickly. Religion and church had to be defeated as pillars of capitalism and the bourgeoisie that were impeding the progress and construction of a new state. Already in 1922, Vladimir Lenin wrote to Molotov⁴:

I come to the unconditional conclusion that it is precisely now that we must give the most decisive and merciless battle to the ... clergy and suppress their resistance with such cruelty, that they will not forget this for several decades. The more representatives of the reactionary clergy and reactionary bourgeoisie we manage to shoot on this occasion, the better (Lenin 1922).

⁴ Molotov Vyacheslav (1890-1986) – a statesman and diplomat who served as foreign minister and the major spokesman for the Soviet Union at Allied conferences during and immediately after World War II.

The general public sentiment towards religious and other unwanted groups rapidly became hostile. Aggression often targeted religious properties. Over just two years (1922-1923), about 1,500 Orthodox buildings are said to have been destroyed in Georgia (Anchabadze and Gelashvili 2005:25). Reports on the League of Militant Godless describe how their activists moved beyond verbal propaganda and intellectual debates to violence. Memos from 1929 mention the confiscation of valuable church assets in the Catholic village of Eshtia and in Eko Komsomol, and of church premises in the villages of Dzhigarsheni and Khando. In other villages, young people broke windows, vandalised churches, stole jewellery and trampled icons (CACHG, F. R-1547, Inv. 1, File 5, 1929).

The Soviet regime also actively repressed religious individuals and communities from its very establishment. On the first day of the occupation of Georgia, a so-called “Extraordinary Commission” (CheKa) was established to fight against counter-revolutionaries and all “unwanted elements.” This body was responsible for grave forms of repression and religious leaders were among their early victims. In its first years, the Georgian Orthodox Church was targeted. Patriarch Ambrosi Khelalia was arrested for writing an open letter to the International Peace Conference in Genoa in 1922, asking for the withdrawal of the Soviet army from Georgia. After a show trial, he was sentenced to seven years in prison (Songulashvili 2015:101).

Other religious leaders were also targeted. In 1927, the founder of the Georgian Baptist congregation in Georgia, Ilia Kandelaki, was killed. Richard Mayer, a senior Lutheran pastor, was sentenced in 1930 and executed in 1933. In 1932, 300 representatives of a Pentecostal congregation were placed on a ship in Poti and taken to an unknown destination (Chachibaia n.d.). In 1937-1938, called the Years of Great Terror, violence against “politically unreliable individuals,” many of them believers, became particularly bloody. According to incomplete estimates, 14,372 people were shot and 14,679 were relocated in these years (“Stalinuri Siebi Sakartvelodan” 2013). In 1941, due to the outbreak of World War II, 23,850 ethnically German Lutherans were evicted to central Asia and Siberia (Papuashvili 2018:139). A similar fate befell the Muslim population of the southern, Muslim-populated region of Georgia, known as Meskheti-Javakheti, in 1944. Although they were not the first or primary target, religious minorities also suffered severely from Soviet anti-religious violence.

6.2. Violence against religious minorities in independent Georgia

Against the background of growing religious nationalism, in post-Soviet Georgia all non-Orthodox religious groups progressively became targets of aggression. What started in the 1990s as individual acts of violence grew from 1999 to 2004 into organised and open acts of aggression (Corley 2003a; 2004).

The role of the Orthodox clergy in creating this violent atmosphere is undisputed. Amy Spurling, a freelance journalist based in Tbilisi, pointed to an early letter from the Orthodox patriarch to President Shevardnadze about cults “flooding the country” and the subsequent development of an anti-sect hysteria (Spurling 2004). Local priests organised people to physically prevent minority churches from holding services by blocking the entrances of the church buildings, assaulting members or threatening to kill the leaders (Corley 2003b). The most illustrative escalations were violent attacks led by the defrocked (but still active) priest Basil Mkalavlishvili in 2002-2003. He stirred up crowds to burn thousands of “Baptist Bibles,” picket Pentecostal churches and beat up their leaders. The most targeted group were the Jehovah’s Witnesses (*JW vs Georgia*, 5 March 2007; *JW vs Georgia*, 17 January 2017). In 2002, the Jehovah’s Witnesses filed a total of 618 criminal complaints with the European Court, including 125 alleging assault and battery, plus others that involved property damage and destruction of religious literature (Spurling 2004). The government together with the GOC largely played a role of silent observers. Even though the parliament officially “expressed extreme concern” and condemned the violent actions (Parliament of Georgia 2001), some politicians publicly endorsed and supported the attacks. Violence also penetrated schools, where children were mocked by peers and teachers because of their religious identity (Mikeladze et al. 2016:105). If complaints were filed, victims did not receive adequate response from the national courts (Corley 2004).

After finally being sentenced in 2004, Basili Mkalavlishvili continued to justify his actions in a religious-nationalist spirit: “I was defending the motherland and the faith of our fathers” (Spurling 2004:221). The relation of these actions to the rising religious-nationalist discourse was also evident in slogans used during the attacks, such as “They are trying to take our national identity,” “They are fighting against Orthodoxy,” and “Sectarians, get out of Georgia!” (Corley 2003, 2004). While physical violence is not as frequent anymore, members of religious minorities face verbal assaults and discrimination up to this day (Batumi City Court, 16 June 2017; ECtHR, 30 November 2023). Recent reports on religious discrimination provide ample examples of continuing humiliation of both adults and children (Mikeladze et al. 2016:118).

7. **Double containment (of violence and of minority religious organisations) by registration**

In both the Soviet and post-Soviet approaches, one can observe a shift from policies which involved or condoned aggression to a pattern of containment. In Soviet Georgia, the persecutions were eased at the outbreak of World War II. This event forced the Soviet leadership under Joseph Stalin to revise its anti-religious

policy and mobilise all layers of the society for the war. A similar tendency can be observed in post-Soviet Georgia, where the 2003 Rose Revolution played a crucial role in defusing the intensity of particularly aggressive acts. The sentencing of Mkalavlishvili, the defrocked priest mentioned above, was also a symbolic act that illustrated the government's changed position towards minorities and towards undisguised aggression (Corley 2005).

In both periods, the registration policies concerning religious groups have gone through a similar pattern of development. After a period of legislative limbo when groups were left without a legal status, governments made up their minds about how they wanted to interact with religious groups, and relations and policies were stabilised. In post-Soviet Georgia, this process involved a series of legislative reforms. In examining international practice, researchers observe two roles that the state may choose in relation to religious groups: either facilitator or supervisor (Meladze 2012). At the stage of stabilization of the registration policy, the Soviet authorities chose the role of supervisor, whereas the post-Soviet legislation moved towards a facilitation model, albeit with great effort.

7.1. Registration of religious organisations in Soviet Georgia

At the first stage of the formation of the Soviet Union (starting in 1918), registration of religious organisations was not mandatory (Savinskiy 2001:2:68). Soviet governments simply deprived them of legal status and made them equally illegal (Potapova 2014a). This outlaw status gave the state free rein to shut churches down, which had clear effects in Georgia. According to incomplete data, in 1921 there were 2,757 religious institutions in the country (counting not only independent religious institutions but also existing units or “parishes” of these entities). By 1923, about 1,107 of these institutions, or 40 percent, had been closed or turned into clubs or warehouses (Kveselava 1979:74, 77). Clergy were deprived of their civil rights and religious communities were disqualified from eligibility to own any land or property. Parishioners had to sign a special contract with full personal liability to obtain the place of worship that their religious community previously owned (Gsovski 195:18).

In 1922, the period of absolute legislative limbo for religious organisations ended. A law governing registration of religious organisations was adopted, and the government transitioned to a “registering” or “permissive” policy (Potapova 2014a). By 1929, the government finalised its position on the status of religious associations. Legal religious activity was held to a minimum and was possible only under the condition of registration (Kuroedov and Pankratov 1971:10). A resolution on religious associations was adopted, which demonstrates that the state now took on the role of supervisor. Worship services could be conducted only af-

ter registration was granted. The procedure was long and bureaucratic, involving a three-step process with frequent refusals (see Articles 5, 6 and 7 of the law). The registered groups were not permitted to operate any activity other than worship services; for instance, social, commercial or humanitarian activities, including providing financial aid to members, were not allowed (Article 17). Any outdoor activity or gathering outside the registered religious building was prohibited as well. Only adults could be members of the community (Article 3). If a representative of the supervisory authority found violations of the law, the group's registration could be cancelled (Article 43) (Kuroedov and Pankratov 1971:19).

The strict yet unpredictable registration policies made religious community life very vulnerable. On 8 December 1955, the Baptist Evangelical Christians in Rustavi received different answers from two different institutions in response to their application for registration: a refusal from the city council and a request to wait from the Council for Religious Cults in Georgia. Without a clear answer, the congregation continued to gather. After waiting a year and receiving no reply, the believers submitted a new application for registration on 12 December 1956. But on 23 December, the authorities came on a Sunday morning and disbanded the meeting, making the present members sign a declaration admitting that they had violated Soviet legislation by gathering without a registration. They were told to apply for permission to register in Moscow and that in the meantime they should attend the registered congregation in a neighbouring city (CACHG, F.1880, Inv. 1, File 29, 1956a:8, 9). This manipulative model remained intact until the end of the Soviet period.

7.2. Registration of religious organisations in independent Georgia

In contrast to the Soviet model, the registration policy in Georgia today is a positive example of how the government has managed to overcome the temptation to use registration as a weapon. Any religious group in Georgia can register as a legal entity under public or private law⁵, or it can continue its activities without any registration. This quite flexible model is adapted to the needs of religious minorities, but it went through a painful evolutionary process before being finalised in 2011.

From 1991 to 1997, the status of religious associations remained undefined (Meladze 2012:78) and religious minority groups functioned in complete legislative limbo. After the adoption of the civil code in 1997, religious organisations gained the option of seeking registration as a Legal Entity of Public Law (LEPuL). However-

5 A Legal Entity of Public Law (LEPL) is created by the state to perform public functions or provide public services, and its actions are governed by public law. Before 2011, only the Georgian Orthodox Church (GOC) could attain this status among religious organisations. In contrast, a Legal Entity of Private Law is established by private individuals or organisations for private purposes, such as business activities, and operates under private law regulations.

er, this option was suitable only for large organisations; registration for relatively small religious communities proved impossible. In fact, only the GOC was granted this status. Simply avoiding legal status as a church and interacting directly with the government as private persons created many complications in terms of representation, construction of religious buildings, taxation, and other matters.

In the lawsuit “Citizen Nikolai Kalutsky against the Parliament of Georgia,” the pastor of a Pentecostal church in Tbilisi came under attack due to its lack of appropriate legal status. Despite a series of adversarial actions by radical groups against his church, the police refused to initiate a criminal case due to the plaintiff’s lack of legal status (Citizen Nikolai Kalutsky v. Parliament of Georgia 2005). As non-registered organisations were still threatened with administrative penalties for avoiding registration in legislation inherited from Soviet times (Meladze 2016:81), some looked for alternative ways to become legally represented and tried to register as a humanitarian organisation or foundation with the status of a nonprofit legal entity. But when the Jehovah’s Witnesses community attempted to do so in 2001, describing their religious purpose openly, the court annulled their registration on the grounds that religious organisations could obtain only the status of LEPuL (Meladze 2016:82). Others therefore simply avoided mentioning their religious aims.

It took ten years and three attempts for the Parliament of Georgia to enact the current law on registration. Each time, the GOC opposed granting other religious groups equal status. During the first attempt in 2002, three legislative proposals were presented in the parliament; each of them sought to permit religious organisations to register as LEPuL with minor differences in details. The GOC, however, demanded that religious organisations be divided into three categories: (1) the privileged religion (only the GOC), (2) traditional religions (Catholicism, Islam, Judaism, Armenian Apostolic Church), and (3) others, which were to be strictly controlled, potentially including complete prohibition of their activities (Meladze 2016:84). As the stakeholders could not reach an agreement, the legislative initiative was postponed.

The next attempt to amend the law on registration for religious minorities and eradicate the legislative asymmetry occurred in 2005, following the Rose Revolution. The new parliament removed Article 199, which stipulated administrative fines for the unregistered groups, from the civil code and made it possible for religious organisations to register as non-profit Legal Entities of Private Law, not public law (Tsintsadze 2007). While this change opened up a pathway to official registration, it did not eradicate the problem of asymmetry, as some religious organisations wanted to seek public status like that of the GOC and as the status of an entity of private law was not fully compatible with their type of religious

activities (Heinrich-Böll-Stiftung 2011). This was particularly the case for the Catholic Church, the Armenian Apostolic Church, the Evangelical-Lutheran Church and the Evangelical Baptists, each having deep historical roots in the country and thus property and property claims.

In 2011, the third legislative round concerning registration finally resulted in a law enabling religious minorities to register as LEPuLs. The Council of Religions, which was formed after the Rose Revolution under the Public Defender's office and brings together representatives of 24 religious associations, played a positive role in this process. Due to positive collaboration and by keeping the GOC far from the negotiation table, registration as LEPuL became possible for religious organisations that could claim an "historical link with the country" and for all religions recognised by members of the European Council (Gavtadze et al. 2020:39). While still not perfect, this legislation was a huge step forward. The changes were not welcomed by the GOC, and the hearings in the parliament took place against the background of a demonstration led by GOC priests (Civil Georgia 2011). The press centre of the Patriarch published a letter opposing adoption of the "dangerous" law and calling for a referendum on the issue (Rekhviashvili 2011). Despite this opposition, the parliament adopted the law in an expedited manner (within five days). The amendments in the civil code gave religious organisations more freedom to choose their preferred status, but the process negatively impacted relations between the GOC and the ruling party and may even have contributed to the political turnover in 2012 (Civil Georgia 2011).

8. State agencies for regulating religion

A final element of state-religion relations in current Georgia, which in the light of the above considerations can be considered an echo of Soviet management, is the establishment of a special agency to deal with religion and religious organisations. Although both Soviet and current agencies have positioned themselves as defenders of the rights and interests of religious communities in the country, the outworking of their policies is not viewed so positively by the subjects of those policies – especially minority religious communities.

8.1. The Soviet Council on Religious Affairs

In 1943-1944, a Soviet agency was created to deal with religion, comprising one department to deal with the Orthodox Church and another for "religious cults." In 1965, the two structures were merged into the Council on Religious Affairs (hereafter the Council; Soskovets 2008:162). This body aimed to supervise and control the implementation of Soviet legislation in relation to religions. It was also tasked with working on legislative projects, mediating between religious organisations

and the state, maintaining records on the religious communities and bringing to justice those people who violated the law (Kuroedov and Pankratov 1971:3-4). The body reported directly to the Council of Ministers of the USSR. Its establishment was regarded as a “timely and right” development for the state’s policy towards religion (Sovetov and Odintsov 2005), allowing it to bring order to the confusing and outdated legislation regarding religion and to cooperate with religious communities in the context of World War II (Petrov 2013:282). It also gave the USSR the image of a democratic country with adequate religious liberty, which helped to increase Soviet influence in the bordering Eastern European countries (Songulashvili 2015:164).

The main novelty implied by the Council’s creation was that the state recognised the right of religious communities to exist and be organised. The Council actively supported many petitions from religious centres, allowing the opening of religious buildings, the organisation of congresses and councils and the publication of religious literature. It allowed the restoration of the Patriarchate of the Russian Orthodox Church in 1943. A few months later, the All-Union Council of Evangelical Christians-Baptists (AUCECB) was established under the auspices of the Council (Songulashvili 2015:156-158; Bichkov 1989:233). At the end of February 1945, the Soviet government decided, at the Council’s recommendation, to grant deferments from conscription for religious reasons to a variety of religious adherents (Sovetov and Odintsov 2005). This support, however, was granted selectively and only under certain conditions. Religious denominations were classified and placed in a hierarchical ranking, and the Council cooperated only with those organisations listed as loyal to the Soviet state and willing to collaborate with its initiatives. Some religious organisations were excluded as politically or socially dangerous.

The Council actively introduced a merger policy, under which Georgian commissioners were instructed to direct new groups to join previously registered communities rather than allowing them to register separately (ADARA, R-977, Inv. 1, File 7, 1946:7, 8). Hence, Pentecostal churches were merged into Baptist unions because of their similarities and certain religious activities, such as speaking in tongues and foot washing, were discouraged (Sovetov and Odintsov 2005).

The Council’s work also implied marginalisation and control of religious community life. In particular, the location of a religious building was a matter of high concern. Building or renting a place of worship without the commissioners’ approval was not allowed (ADARA, R-977, Inv. 1, File 7, 1946:10). Centrally located religious buildings were displaced to the outskirts of cities, and concentrations of religious communities in one area were avoided (ADARA, R-977, Inv. 1, File 7, 1946:8). Church choirs were not allowed to organise public concerts (ADARA,

R-977, Inv. 1, File 7, 1946:5) and any publishing without explicit permission was prohibited (ADARA, R-977, Inv. 1, File 7, 1946:12). Pastors were expected to report in detail about all guests visiting the church or about their visits abroad (CACHG, F.1880, Inv. 1, File 29, 1956b:29,30).

The Council worked in a typically Soviet bureaucratic and controlling manner. Its commissioners forwarded vital information related to decisions regarding registration (ADARA, R-977, Inv. 1, File 7, 1946:11). They monitored the flow of money in the religious communities, which included control of taxation. And they kept a close eye on ideology as preached in the church. Although the Council officially had no right to interfere in the internal life of the religious community, its structure or its beliefs, the commissioners could scrutinise sermons for compliance with Soviet legislation and report alleged breaches. They also closely monitored the integration of new ministers and evaluated their loyalty to the government, providing “patriotic education” if needed. The commissioners did not hesitate to abuse their power by unreasonably cancelling a registration or imposing fines on religious ministers (Maslova 2005:152-53).

8.2. *The State Agency on Religious Issues in independent Georgia*

The “Georgian Dream” party, which came to power in 2012, was driven by a strong desire to compete with the previous government by presenting itself as more democratic in terms of protecting human rights. In this spirit, it sought to take concrete steps towards improving religious policy. One of its first novelties was the formation of the State Agency on Religious Issues (hereafter SARI) (Government of Georgia 2014).

SARI initially defined its mission as “the establishment of a coherent religious policy based on national experience and on the requirements of modernity, serving the country to return to its rightful place in the contemporary civilized world.” To implement this mission, it developed recommendations regarding religious management to the government “based on professional studies and scientific analyses in the sphere of religion” (SARI n.d.). This involved building up expertise and gaining insight about the religious palette of the country through data collection, the mapping of religious buildings, and other activities. As a centre of expertise, SARI also seeks to raise public awareness of Georgia’s religious diversity by holding training sessions for students, media and clergy on the protection of human rights and by launching exhibitions, among other activities (SARI 2020). While its mandate thus focused on preparatory policy work and the collection and distribution of religion-related information, the agency’s direct access to the executive government and its centralised nature soon made it a strong and exclusive political actor.

SARI's growing influence raised suspicion among religious communities and NGOs, evoking parallels with its Soviet predecessor (SJC 2015). The agency functions directly under the highest government authorities. The Prime Minister appoints its chairman, and SARI reports directly to the Prime Minister. This direct relation could serve religious minorities well if the agency would demonstrate strong concern for balancing religious policy in Georgia. However, it appears that SARI's policies have come to align more closely with the state's desire to monitor religious groups, especially those considered potentially dangerous. Some NGOs contend that SARI's creation was triggered by several worsening conflicts with the Muslim diaspora, which the government failed to resolve (Mikeladze et al. 2016:58). The focus on security rather than on protecting religious rights could already be seen in SARI's 2015 strategic document on the development of religious policy in Georgia (SARI 2015).

A second reason for suspicion of the agency arose from questionable decisions regarding cooperation with religious communities themselves. Rather than working with the previously mentioned Council of Religions, which has functioned as a conversation partner of the government since 2005, SARI has set up a new Interreligious Council (SARI n.d.). Representation of the minority religious communities on this new council has been limited and its influence on religious policy strategy decisions has been rated as "nominal" (Mikeladze et al. 2016:84).

A third controversial development since SARI's establishment has been the opening up of government funding for minority religious communities. In 2014, the government issued the decree "On establishing rules for implementing certain measures for partial compensation of damages caused during the Soviet totalitarian regime" (Decree 117). To execute this decree, SARI selected four religious groups (Islamic, Jewish, Roman Catholic and Armenian Apostolic) as recipients of compensation. The agency stressed that the Georgian state is not a successor of the Soviet regime and therefore does not have an obligation to pay compensation, but said that this regulation aims to serve the "development, unification and peaceful co-existence of the religious communities in the country" (SARI 2020:98). The allocations of these "compensations" (totalling 1,750,000 Georgian lari, or about \$650,000 USD, in 2014) are decided and monitored strictly by the agency, in stark contrast to the annual funding given to the GOC. Exactly what is being compensated remains unclear, as is the rationale for the financial distribution.

This new funding policy has provoked a new stream of criticism, even though it may seem a generous gesture by the state to support religious organisations other than the GOC. NGOs have pointed to the lack of clarity in the selection criteria. To justify its selection of the four abovementioned groups, SARI has said that

only religious organisations registered as LEPuLs were chosen. This justification does not align with the compensation discourse, though, as other religious groups were also severely persecuted by the Soviet regime (Gavtadze et al. 2020:57). The four selected confessions were then required to set up new representative organs to handle these funds, reminiscent of the former policies under Soviet management of religion. How to establish such organs was not self-evident, particularly for the pluriform Islamic community, which unsuccessfully challenged this policy in a lawsuit (Constitutional Complaint N750 2016).

Fourth, SARI has taken on a particular role with regard to the construction, remodelling and location of religious buildings. As Georgian legislation did not have separate regulations for the construction of religious buildings, the agency took it upon itself to write recommendations for such building projects (SARI 2020). This involvement has also been criticised by NGOs and described as inefficient and obscure. By placing itself between religious groups and the state authorities, the agency has complicated the process of obtaining building permits and added bureaucracy. Local authorities increasingly consider SARI's recommendation an obligatory document, requesting that the agency issue a permit at every stage of a construction project. To avoid this bureaucratic morass, religious organisations frequently conceal the real purpose of a building in the documents they submit or register a building project through a private individual (Mikeladze et al. 2016:124).

In 2018, SARI attempted to introduce a Law on Religion, which would regulate “the registration of religious groups and their legal status, rights and obligations, activities, financial and property matters, religious education and other issues” (Corley 2019). The idea was strongly criticised by the Public Defender's office and organisations defending human rights in the country. Minority religious groups were also very suspicious of this initiative, as it suggested that the state could define a religious organisation and grant or deny registration on that basis. After a series of meetings of the Council on Religious Affairs under the Public Defender's office, 20 religious groups signed a common statement opposing the idea of a Law on Religion, pointing to the “high risk of legislating a hierarchy of religious communities, imposing certain restrictions on their activities, and creating barriers to registering religious communities” (Corley 2019). Despite this negative recommendation, the government formed a working group, which began drafting a proposed law. However, the process has been stalled since June 2019 due to a government crisis following unrelated protests.

9. Conclusion

The establishment of SARI in 2014 and its subsequent early activities have received much criticism from religious minorities, human rights organisations and foreign observers alike. Although the agency itself considers its existence and

work in line with similar governmental institutions in modern, secular, democratic Europe, critics consider it a return to Soviet mechanisms of monitoring and repression of religion – particularly of religious minorities. Our comparison of early Soviet Georgian and early independent Georgian dealings with religion has shown that the establishment of SARI should not be viewed as a strange or sudden development. Rather, it is part of a series of echoes of early Soviet patterns of institutionalisation and policy-making concerning religion.

There are clear differences in religious governance between the two early periods of post-revolutionary nation formation compared in this paper. Whereas the Soviet regime was overtly anti-religious in both its discourse and activities, and aggressive and violent in its treatment of religious subjects, subsequent governments of early independent Georgia have sought to bring religious governance in line with democratic standards. However, this effort has been successful only to a limited extent. Of the developments and policies mentioned above, the current registration policy for religious organisations in Georgia seems to have best attained this aim of just, democratic governance. In other matters, minority religious organisations continue to experience discrimination and are in constant need of support.

The current strong religious-nationalist discourse and the influence of the Georgian Orthodox Church on national politics have been pinpointed as the main reasons for these undesirable developments. In a way, the Soviet state was less discriminatory towards religious organisations and activities, since all groups were severely restricted. In contrast, modern Georgian legislation and government policies give a privileged place to the GOC, which puts all other religious groups in dark shadows. Additional legislation cannot easily cure this asymmetry, as it is firmly fixed in the Constitution and the so-called Concordat.

A smooth, rapid shift from a totalitarian regime to the establishment of a fully functioning democracy is not easy. Both consciously and (more often) unconsciously, earlier choices and deeply engraved patterns are repeated rather than adapted. So what can we expect in the future? A simple retrospective view of the development of the early Soviet state in Georgia might cause us not to have much hope. Although the Soviet stance towards religion was not always aggressive, the strong imposition of atheistic ideology relegated religious subjects and communities to unenviable positions for many decades. There is, however, some hope as well, mainly due to the gap between officially declared values and lived realities concerning religious freedom in current Georgian politics. This gap keeps Georgia in the category of semi-democratic countries – and, as such, it highlights the country's politically very vulnerable situation (Djuve et al. 2018). But it also recognises that the dominant ideology is being challenged (particularly by local NGOs) and that therefore a road to change remains open.

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