

## **The Muslims of the Post-War Tatarstan Within and Beyond the Frameworks of the Soviet Legislation Concerning Religion**

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**Abstract:** The Soviet State the constitution of which recognized the freedom of religion at the same time set as the goal of the legal policy elimination of religion. Analysis of legislation, the archive documents and field studies allowed considering the process of interaction of these mutually exclusive phenomena. With the use of the formal-juridical and historical-legal approaches the peculiar features of the legislation were identified, the methods and results of implementation thereof with respect to the Muslims of the post-war Tatarstan were specified. During this period, the methods of achievement of the goal set were: narrow view of the legislation consisting primarily of the obliging and prohibitive norms; refusal to register the communities of believers under a vain pretext; fighting against the religious practice of the Muslims without registration; pressure of taxation; use of the administrative obstacles for registered communities, etc., many Muslims had to cross over to quasi-legal and illegal pursuit of the religious practice. The Tatar history has already had such an experience; however, during the Soviet period fighting against Islam was more successful. The core values of Islam Zakat, Hajj have disappeared. The others were transformed and started losing their sense and socio-cultural significance. The major cause of weakening of religiosity seems to be the competitiveness of the Soviet ideology in the conditions of the overall poverty during this period.

**Key words:** Soviet legislation in the sphere of religion, relations between the state and believers, Islam, the Muslims of Tatarstan, legal policy

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### **INTRODUCTION**

During the Soviet period, the successful fight against the religious beliefs was carried out; however, this success was temporal and now a days, the increase in the religiosity of the society is to be observed again. This speaks of the great importance of the spiritual factor in the life of the society and the state. However, it still remains underinvestigated in the national science. The study of interaction of the Soviet Law and religion by the example of the Muslim community of the Tatar Autonomous Soviet Socialistic Republic during the post-war period is aimed at filling in this gap at the critical point of the value re-orientation of the society, the win of one ideological system over another one.

### **MATERIALS AND METHODS**

On the basis of the formal-juridical approach the main sources of the Soviet law and religion were investigated. Specification due to the archive data and memoirs of eye-witnesses allowed identifying the details and peculiarities of enforcement of the law in respect of believers of the TASSR. The historical-legal

method was traditionally used for evaluation of the government-legal policy and its socio-cultural meaning.

**State-of-the-art:** The modern researchers of Russia including legal theorists pay much attention to the phenomenon of culture, ideology and system of values in order to reconsider the meaning of all these factors both within the historical process in whole and in the development of the law in particular.

During the last decades, the studies aimed at investigation of the Muslim communities gained in topicality. In Tatarstan, the issues of the legal policy of the Soviet State and transformation of institutions of the Muslim community during the pre-war period are represented in the study 'Transformation of institutions of the Muslim community of Tatarstan: 1920-1930's' by Mukhametzyanov (2007). The policy of the Soviet State in respect of the Muslim clergy in Tatarstan during the 1920-1930's is represented in the studies by Minnullin (2003).

Much attention is paid to the forms and peculiarities of relations between the state and the Muslims by the example of the Middle Volga region during the post-war period in the studies by Koroleva and Korolev (2012).

Evolution of these relations during the period from the middle of the 1940's until the year 2000 is considered in the thesis researches of Korolev (2008). The comprehensive sampling of documents concerning the relations between the Muslims and government authorities in Dagestan can be found in the materials of one of the issues of the journal 'Archives of Russia'. In the opening chapter and comments by Sulayev (2010) the trends of the Soviet policy in the religious sphere, the methods of work of the local authorities with believers are specified (Anonymous, 2006). The same researchers performed the thesis research in respect of the history of relations between the Muslim clergy and the government.

Notwithstanding, the academic pursuits this issue still needs to be investigated with the use of the legal sciences methods; there also persists the need for targeted investigation of the legal status of believers including the Muslims of Tatarstan during the post-war period. The question of the socio-cultural consequences of the Soviet policy for the Muslim community, the transformation of the Islam values during the post-war period, the place of the Soviet Law in these processes still remains underinvestigated. This study is meant for filling some of these gaps.

## **RESULTS AND DISCUSSION**

Upon completion of the Great Patriotic War the religious attitudes gained widespread in the Soviet. The researchers observed this phenomenon everywhere. It is generally recognized that the state that ceases during the war years persecution of religion, clergy and believers, strived upon completion thereof for restoring its monopolistic position in the ideological sphere.

These mutually exclusive trends were resolved by means of tougher enforcement of the law that should have been supervised in respect of the non-Orthodox cults by the authorized officials of the Council for the affairs of religious cults (CAPK) at the Council of People's Commissars of the USSR established on May 9, 1944. At the same time, the main documents determining the legal status of a believer in the USSR remained the Constitution of the USSR of the year 1936 and the Order of the All-Russian Central Executive Committee and the Council of People's Commissars of the Russian SFSR 'Concerning religious associations' (hereinafter, referred to as the 'Order') d/d 08.04.1929.

The researchers emphasize presence of discrimination in the rights of believers and atheists. According to the Article 124 of the constitution, atheists could have promulgated their beliefs while believers were not given credit for that: 'Freedom of the right of chapel and

freedom of anti-religious propaganda is granted to all citizens'. At the same time, the Soviet State considered any activity of believers that was not directly prohibited by law as illegal and the religious propaganda was on the prohibited list. The extremely restrained activity of communities was regulated by the order 'Concerning religious associations' (1929) consisting primarily of the obliging and prohibitive norms.

Important role for fighting against the cultural-ritual aspect of religion was played by the Paragraph 11 of the order 'Concerning religious associations'. The latter did not have the status of a legal entity this is why participation in transactions relating to management and disposal of the cultic property, renting of premises for prayer meetings could have been performed only by particular persons being members of the executive authorities of religious communities or authorized representatives of groups of believers (2013). Shakhov (2013) also noted that absence of the legal capacity did not allow the religious communities protecting their rights at court. Moreover, the Article 125 of the Criminal Code of the Russian SFSR (1926, provided for punishment for religious and church organizations for assignment of rights of legal entities (Anonymous, 1962). These requirements made it impossible to restore the institution of endowment destroyed as early as in the 20-30's of the 20th century: the material basis of mosques, the principles and social institutions of Islam.

The researchers emphasize the extreme complexity of the process of registration of religious communities. According to the Paragraph 3 of the order, believers could create a religious community and therefore, rather freely perform rituals only upon presence of at least 20 believers on a certain territory. A smaller community could also be registered as a religious group, however, it was granted even less rights. The decision of registration depended on the council of ministers of autonomous republics. The process of registration was successfully completed in exceptional cases only.

It shall be noted that the norms concerning registration of religious communities contradicted the concepts of the Sharia-based rights of the Muslims to independently organize the collective life activities including religious ones electing from their number the most respected person as a mullah. During the Soviet period, according to the Paragraph 19 of the order a registered community could invite to be a priest a person that was registered and granted the right of performing religious activity. In the established conditions, many Ummahs crossed over to illegal conduct of religious activity.

The need of the Tatar population for spiritual practice was universally satisfied by interpreters of the Quran and

Sharia. On holy days, they were invited to houses for reading of the Holy Book, discussion of the topical religious issues. The officials treated such mullahs extremely negatively and called them 'vagabond clergy'. The measures aimed at ceasing of the activity were applied to illegally operating religious groups and 'vagabond clergy' immediately upon detection thereof through the executive committees of the district councils of workers' deputies. The witnesses of those years remembered that believers themselves were well-informed of the purposes of arrival to settlements of the district executive committees' officers and were very afraid of these visits.

According to the archive data, as of December 15, 1953 only across the 13 examined districts up to 45 religious groups without licensing or registration ceased providing worship services of 'namaz', 31 of which illegally used for these worship services the premises of former mosques.

The attempts of believers to recover in the empty mosques in favor of communities were constant and not very successful. The complaints from believers often arrived to the attention of the Chairman of the Presidium of the Supreme Soviet, the Chairman of the Council of Ministers, etc. in which they wrote that a mosque was 'empty', 'going bad', 'had no host', etc. and at the same time asked to recover it in favor of communities. During the year 1945, 30 applications for opening of mosques (from 26 districts) arrived and although 6 applications had been approved, the local authorities did not grant permit, therefore, the application have not been satisfied. The archive documents allow drawing conclusions as to secret activities aimed at finding the initiators of such applications. In the private correspondence the necessity of refusing only two of such applications is substantiated: they were lodged by the already convicted persons. And, it was told to the believers that sincerely did not understand why they could not use the empty premises that the closed mosques are the state-owned property so the executive committee of the local Council shall ensure the safe custody and not permit the illegal use thereof.

The prayer meetings at premises that were not properly adapted to such kind of activity could be held only under permission of the executive committees of the local councils. According to the Paragraph 58 of the order, the exclusion from this norm were the cases of requests of those dying or critically ill patients staying at hospitals and detention facilities, the rituals at the specially isolated premises as well as cemeteries and in crematoria. It seems that the practice of collective praying at cemeteries on the holy days of the Eid festival that found common use among the unregistered Ummahs

related to this very norm. The collective Friday prayers that are obligatory for the Muslims were held illegally, according to the memoirs of witnesses, in different houses of home-folks by turns. The authorities knew of that practice that was common among the believers and required from the local executive committees to take measures aimed at liquidation of such meetings: 'mullahs, priests, elders act illegally, make the private houses to be worship premises, violated the Soviet Law in the area of religious cults'.

The right of the registered societies to perform religious rituals was protected by the Article 127 of the Criminal Code of the Russian SFSR. For performance of the religious processions, rituals and ceremonies in the open air one had to every time obtain the permit of the local authorities. The applications for granting such permits had to be lodged not later than two weeks prior to the scheduled ceremony (Paragraph 59 of the order). For unregistered Ummahs holding of the holy day Kurban the tradition of which provided for proclamation of the God's dignity during a street procession was a great challenge. This was performed only provided that there were no official representatives of the Soviets in the rural settlement and the chairman was the 'inside man'.

The documents from the archive of the post-war period reported disappearance of the essential socio-economic institutions of Islam. In the reports of the authorized representative of the council in the matters of religious cults at the Council of People's Commissars for the TASSR, it was stated that provision of gushur (the tenth of the yield), fida'is (compensation for prayers and fasts missed) and zakah is absolutely not observed as well as pilgrim's journey to Mecca. He associated extinction of zakah and gushur with liquidation of the trading class and private ownership of land. Although, the results of 'collectivization' and overall poverty of the population seem to be no less substantial causes since prior to revolution gushur was the main tax in favor of the clergy on the part of poor peasants and zakah is paid not according to professional belonging but on the basis of the already existing property.

According to the Paragraph 15 of the order, voluntary contributions were allowed from the number of the own members. As was already mentioned, the norms were interpreted narrowly, i.e., meant prohibit against offerings by other parties. A. Mukhametzyanov emphasizes that this was made in order to narrow the territorial frameworks of potential funding.

The pressure of taxation during the post-war period remained to be one of the most important methods of fighting against religion. In one of the archive documents, it is stated that 'the tax pressure was not used for restriction and liquidation of activity of the listed clergy'.

Having broken down under the pressure of taxation the churchmen had to leave their posts. Thus, in the beginning of the year 1951, the member of the clergy Shukurov reported that he refuses to serve as mullah as the profit received is small and the fiscal institutions impose on a huge income tax. The authorized representative withdrew this Mullah the certificate of registration as a religious worker. The Mullah Islamshin Akhmedsha reasoned his refusal by the fact that 'in these latter days believers give too little khair so that he does not have enough money for a living and is not able to pay the taxes'.

The believers tried and failed bypassing the tax obstacles by means of independent organization of services. The description by the authorized representative of his conversation with the delegation of the olds as of May 30, 1951 has survived 'That said they were not able to maintain the religious worker, it was also difficult to them to run the capital repair of the mosque premises, however, they asked to preserve the community and allow them fulfilling the obligations of the religious worker by the old men by turn. I explained to them that their community was registered so they needed to have a registered religious worker that according to the agreement the community could not admit to fulfillment of obligations an unregistered religious worker'.

The archive documents report that starting from the second half of the year 1948, the number of applications of the Tatar believers for opening of worship premises and church houses reduced severely.

**Summary:** The quick success of the state in fighting against Islam can be hardly be explained by the two-faced policy, administrative pressure, severity of previous repressions and war losses since during the 16-18th centuries the Tatars managed to save the Ummah and the Muslim values in the conditions of the forced Christianization.

It appears that the loss by the Tatars during the post-war period of the religious identity is to a large extent related to the competitiveness of the Soviet ideology the principles of which were similar to those of Islam though the deep essence was different. Only as time passed, it became obvious that the Soviet Law could not protect the principles of equity against striving for gain. As a result, from the historical perspective the Soviet atheistic variant appeared to be nonviable.

## CONCLUSION

While recognizing religion the Soviet legislation set the goal of destruction thereof. For this purpose, the balanced legal policy in the sphere of religion was

pursued when external recognition hid unbearable conditions created for performance of the religious activity. During the post-war period the values of Islam in Tatarstan were transformed and partially disappeared, the socio-cultural significance of religion was lost.

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