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## RELIGION AND STATE IN FINLAND

### *Abstract*

In Finland the vast majority of the population belongs to the Evangelical Lutheran Church. However, in recent decades the religious landscape has drastically changed due to the emergence of hundreds of religious communities and due to immigration. Finland has become increasingly multi-religious. This has caused a challenge for the legal regulation of religion. Recent changes in Finnish legislation can be seen as attempts to accommodate religious pluralism. In this article the development of the legal position of religious communities is examined. The main sources are relevant legal documents and statistics. The article shows that the remnants of the traditional state-church model in Finland have been dismantled step by step and the treatment of religious communities has developed into a more equal direction. However, the general increasing demand for equality keeps up the debate on an even more equal treatment of religions.

Keywords: Religion, freedom of Religion, religious legislation, funding religious organizations

### Introduction

This article will examine the Finnish context in regard to the relationship between religion and state focusing on the formal (legal) regulation of religion in Finland. The main sources are relevant legal documents and statistics. The focus will be in the development between the years 1988 and 2008. Numerous changes have occurred during this period regarding both the Evangelical Lutheran Church of Finland and other religious organizations. Even though there is still a church in which the majority of the population belongs, the religious landscape has drastically changed due to the emergence of hundreds of religious communities and due to immigration. Recent changes in Finnish legislation can be seen as attempts to accommodate religious pluralism.

In 2008 4.3 million Finns belonged to the Evangelical Lutheran Church of Finland. This corresponds to 80.6 per cent of the population. The proportion of the population of the country that belongs to the Evangelical Lutheran Church has, however, gradually decreased. In 1998 the share was 85.2 and 88.3 in 1988. One per cent of Finns belong to the Orthodox Church and this figure has remained unchanged since the late 1980s. Even though the number of other religious communities has drastically increased since the 1980s only 1.3 per cent of Finns belong to some other registered religious community (0.8 per cent in 1988). The percentage of Finns who do not belong to any registered

religious organization has rapidly increased. In 1988 ten per cent did not belong to any registered religious organization, in 2008 this figure was 17 per cent. This number includes, however, members of numerous unregistered religious communities, such as approximately 40,000 Pentecostals and estimated 40,000 Muslims who do not belong to the registered Islamic communities. It is impossible to say exactly how many Finns are unaffiliated in the strict sense while not belonging to religious denominations does not necessarily mean being non-religious or anti-religious. As many as 40 per cent of those not belonging to any religious denomination considered themselves to be religious. About half (48 per cent) considered themselves to be non-religious and only 11 per cent convinced atheists (Kyrkans forskningscentral 2009: 27, 31, 41–43; Kyrkostyrelsen 2008: 22.)

In comparison with other Nordic countries the number of immigrants in Finland is still quite small. Among 5.3 million inhabitants, there were 143,000 (2.7 per cent) foreign citizens in 2008. However, the increase has been very rapid while in 1988 the corresponding figure was only 20,000 (0.4 per cent). The first great wave of immigration started in 1990 when the Ingrians got a permission to move to Finland. They were an ethnic minority with Finnish background living in the Soviet Union mainly in Karelia which was part of Finland before the Second World War. The majority of them had a Lutheran background. Since the 1990s an increasing number of immigrants with Muslim and other non-Christian background have come to Finland. This has actualized the discussion on the rights of religious minorities (Kyrkan 2010: 27–29).

One essential factor in the process of regulating religions is the fact that Finland is much more closely integrated into Europe as a consequence of joining the European Union in 1995. Finnish legislation cannot be independent, but should be in accordance with the legislation at the Union level. Several changes in the religious landscape are similar to those which have occurred in other Nordic countries, but some of them have taken place much later than e.g. in Sweden.

## State-church tradition

Finland has a strong state-church oriented tradition. For centuries the model was the same as in Sweden because Finland was part of Sweden. Russia ended Swedish rule over Finland by conquering Finland at the beginning of the 19th century. Finland became a Grand Duchy in the Russian Empire in 1809. Although the ruler was now the Orthodox Tsar rather than a Lutheran king, the Lutheran Church remained the state church of Finland. This tradition is so long-standing and influential that the current situation is difficult to understand outside this context. The continuous state church situation has not only been a feature of the legal relationship between Church and State, but in its time it set the tone for the nature of the state. As in many other countries with state church systems, the religious homogeneity of the people was seen in Finland as a condition for the success of the state's policies of internal integration.

However the state-church model has been dismantled step by step so as to give greater internal independence to the Lutheran Church. The most decisive step came

already with the Church Act enacted in 1869. Especially the law's stipulations concerning the Synod and its authority signalled a clear turning point for church-state relations. In terms of self-regulation – in other words, church law – the church took on a decisive and very independent role. Until the end of the 19th century every Finn had to belong to either the Lutheran or the Orthodox Church. It was not until the Nonconformity Act of 1889 was passed that the position of other Protestant churches was made official and membership of them permitted. The Baptists and the Methodists were the first religious denominations to gain official recognition (Heininen and Heikkilä 2002: 27–55, 141–148; Murtorinne 1991: 307–311; Kääriäinen et al. 2009: 8–12).

Russia plunged in the chaos of the Revolution: Finland seized her opportunity on December 6, 1917 and Parliament approved the Declaration of Independence. The Constitution Act of 1919 guaranteed all Finnish citizens the right to practice their religion in public and private. It also declared the Finnish state to be confessional neutral. Freedom of Religion Act came into force in 1923. It granted citizens the right to found religious denominations freely and to belong to them, or to remain entirely without religious affiliation. The state no longer affirmed the Lutheran faith, thereby assuming a neutral attitude to religion. The rights and duties of citizens did not depend on the religious denomination to which they belonged or whether they belonged to any religious community at all. These changes implied a formal separation of church and state (Murtorinne 1995: 140–145; Heininen and Heikkilä 2002: 199–202).

## Freedom of Religion Act

The new *Freedom of Religion Act* came into effect in August 2003. It replaced the previous Act of 1923. There were several reasons to renew the legislation. First, since the 1970s Finland had ratified several international agreements on human rights which included renewed definitions on freedom of religion. Second, there was the feeling that the 75-year-old Freedom of Religion Act was somewhat out of date. Third, freedom of religion was defined in a novel manner in 1995 in the Act of Basic Rights (Sakaranaho 2006: 135–139). This in turn became part of renewing the Constitution which came into force on the 1<sup>st</sup> of March 2000. The Constitution entailed a separate section *Freedom of Religion and Conscience*: «Everyone has the freedom of religion and conscience.»

Freedom of religion and conscience entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of a religion (Section 11 – Freedom of Religion and Conscience).

In renewing the Freedom of Religion Act the starting point was that it should be in line with the Constitution. A democratic country cannot treat people differently on the ground of religion or conviction. This principle was defined clearly in the second chapter of the Constitution which defines the basic rights and liberties:

Everyone is equal before the law. No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person (Section 6 – Equality).

The rationale behind the new Freedom of Religion Act is the notion of positive freedom of religion. Religion is considered not only as the individual's own choice but also as part of community tradition. The function of the State is to ensure freedom of religion and create the preconditions for its implementation.

Under the former Act, the denomination of the child was automatically determined by the denomination of his/her parents/guardians. On this point the new Act remains neutral, only determining who shall decide on the denomination of the child. Thus, the parents/guardians determine the denomination of the child together, that is, whether or not they wish to keep the child in the denomination. There is one exception, however: the decision on the denomination of a child aged 12 to 17 requires unanimity between the child and the guardians. A child aged 15 or older may, with the parents'/guardians' written permission, join or leave a religious community. The religious affiliation of a child who has turned 12 may be changed only with his/her consent. A child aged 12 to 17 may join or remain a member of the Church or a religious community even though the parents are not members. A child under the age of 12 may be received as a member of the Church if at least one of the parents/guardians is a member. A child under the age of 12 may remain a member of the Church even if his parents/guardians relinquish it. Those over 18 may decide independently about their religious affiliations.

Under the 1923 Act, an individual could belong to only one religious community at a time. After the new law of 2003 this provision was in effect for a three-year transitional period, i.e. until 31 July 2006. After that, the Freedom of Religion Act in no way prevents a person from simultaneously belonging to several religious communities. It will be for the religious communities to decide whether or not their members can also belong to other religious communities.

As in the earlier legislation, a minimum of 20 individuals is required to found a religious community. Religious groups can organise themselves in Finland in several ways. They can officially register either as a religious community organization under the Freedom of Religion Act or they can organize a registered association under the Associations Act (1989). The criteria for the former are stricter, but such official recognition brings various benefits, such as the right to school religious education and the right to perform marriages. It is, furthermore, legal to conduct religious activities with no formally recognized organization at all (Uskonnonvapauslaki 2003; Seppo 2008: 110–116).

The new law did not bring about any changes to the internal autonomy of the Lutheran and Orthodox Church while the internal affairs of them are regulated by their own church laws which are recognized by the Finnish law. The Catholic Church expressed its dissatisfaction with the lack of autonomy for other religious organizations in its statement to the final report of the Freedom of Religion Committee. It emphasized that in its internal affairs, the Catholic Church in Finland is obliged to follow the Catholic

Church laws; however, this is not recognised by the Finnish law (Sakaranaho 2006: 145–146).

## The Burials Act

Nearly all of the over 1,100 cemeteries in Finland belong to the Evangelical Lutheran Church. For centuries the Lutheran Church has maintained the cemeteries and they have served all Finns regardless of their religious affiliation. However, the fees charged for burials varied and were notably less for the members of the Lutheran Church. This system changed when the new Burials Act came into effect in 2004.

Interments are governed by a separate statute, prepared at the same time as the Freedom of Religion Act. The purpose of the *Burials Act* is to promote the realisation of freedom of religion and conscience in interment, and to ensure that due respect is paid to the memory of the deceased. The main consideration in the Act is to ensure dignity and respect in the handling of the body and ashes and in the maintenance of the cemetery. Under the Burials Act, the Evangelical Lutheran graveyards will continue to serve as general cemeteries where non-members are also entitled to have a resting place. A grave site must be made available on request to non-members in a separate non-denominational area. Graves can be marked with no religious symbols or e.g. if the deceased is a Muslim with Muslim symbols. Under the new Burials Act, the fees charged for burials must be calculated according to the same principles for both members and non-members.

According to the Burials act an Orthodox parish, state and municipality can also maintain cemeteries. On request the same right applies also other religious communities and other associations. They may get this right if they fulfil the criteria for cemetery maintenance. The Orthodox Church has only one cemetery (in Helsinki) and the majority of Orthodox is buried in the cemeteries of the Evangelical Lutheran Church. Their graves are marked with Orthodox symbols. There are no cemeteries maintained either by the state or a municipality. In eastern Finland (Joensuu) there exists one cemetery maintained by an association (Hautaustoimilaki 2003; Vapaa-ajattelijat 2009).

## Legal position of the majority Church – The Evangelical Lutheran Church of Finland

The Evangelical Lutheran Church of Finland is a public organization; its status has been defined in the country's general legislation. Due to the historical background and its status as a public organization, the Evangelical Lutheran Church of Finland has traditionally been labelled in two different ways: some speak of it as a state church, while others call it a folk church (or church for the people). As mentioned earlier, already the Freedom of Religion Act in 1923 implied a formal separation of church and state. However, some remnants of the traditional state-church model remained for decades, but they have been dismantled step by step so as to give greater internal independence to the Lutheran Church.

Göran Gustafsson (1985: 241–242) noted that already in period 1930–1980 the peculiar Finnish feature was the internal autonomy of the Evangelical Lutheran Church. The process towards even greater autonomy accelerated in the 1990s. A major step towards the Lutheran Church's greater autonomy in internal affairs was taken when the Church Act was divided into two sections in 1993. In this reform, the old Church Law was divided into three sections: the new Church Law, the Church Order and the Church Election Order. The majority of the content of the old Church Law became entirely the church's internal business. Because of the reform, the Synod can direct most of the church's activity without having to wait on Parliamentary procedures and approval of changes in the Church Law. Under the previous system, only the members of the Parliament who were members of the Evangelical Lutheran Church could participate in the procedures in changing and approving the Church Law. Since 1994 all members of parliament can participate in decision-making regarding the church law. However, the national Parliament, which must ultimately ratify church law, has no right to alter the content of the proposals it receives from the Synod: all proposals must be either accepted in their original form or rejected altogether. On the other hand, regulations concerning the church's operations and internal affairs are now determined directly by the Synod (Voipio et al. 1993; Kotiranta 1999).

Further steps for the Evangelical Lutheran Churches' internal autonomy were taken in the mid 1990s. In the autumn of 1995 the Synod decided to bring diocesan chapter administration entirely under the church's control. Thus, when this law came into force in the beginning of 1997, chapter workers ceased to be state officials and the maintenance of the chapters and the employment contracts and payroll expenses for all of the workers in these offices gradually became the responsibility of the church (Kirkolliskokouksen pöytäkirja 1995, 8§, 5; liite VII: 1–8).

Another significant change has been the introduction of a new procedure for Episcopal appointments. The Synod decided in May 1999 that the Episcopal appointments should become an internal Church matter. As a result, bishops are no longer appointed by the President of the Republic: the new procedure involves an election consisting, if necessary, of two rounds of voting, after which the winning candidate receives an official letter of appointment from the diocesan chapter. In the previous system the pastors and lay representatives voted for candidates and the one who got the greatest amount of votes was put in the first place of candidacy and the second and the third accordingly. After that, the President had the right to nominate anyone of the three candidates. Almost as rule, the President followed the result of the election, however, e.g. in 1974 President Urho Kekkonen did not appoint the winning candidate but another one from the second place as a bishop of the Kuopio dioceses. Quite obviously, this decision had a political motivation while the winning candidate used to serve as a colonel in the war against the Soviet Union and was accused in a so called weapon concealment case after the war (Niiranen 2000: 149–155).

The status of the Church Act is defined also in the Constitution of 2000. This consolidates the Church's internal autonomy as a decision making body. Provisions on the organization and administration of the Evangelic Lutheran Church are laid down in the Church Act. The legislative procedure for enactment of the Church Act and the right

to submit legislative proposals relating to the Church Act are governed by the specific provisions in that Code (The Church Act Section 76; Leino 2003: 103–109).

State authorities cannot become involved in decisions concerning the Church's internal affairs. The Synod thus has broad independence and autonomy, as do the local parishes. However, at the local level there are administrative links between parishes and municipalities. According to a territorial (parochial) principle, Church members belong to the parish in whose area they live and in the territory of one municipality there can be only one parish or parish union. Due to this legal regulation changes in municipality structures directly affect parish structures as well. A rapid process of municipality merges has diminished the number of parishes since the early 2000s. In 1988 and 1998 there were 598 parishes, in 2008 the figure was 515. Some of the parish merges were made by the parishes' own initiative but in most cases the parishes had to merge due to municipal merges (Kyrkans forskningscentral 2009: 335–338; Kyrkostyrelsen 2008: 17).

Apart from administrative and economic ties, the contacts between Evangelical Lutheran Church of Finland and the State are also seen in the maintenance of a number of cultural traditions of no economic significance. Examples of this include a worship service that takes place as part of the opening of Parliament.

## Legal position of the Orthodox Church

The Finnish Orthodox Church is an autonomous Orthodox church that belongs to the Ecumenical Patriarchate of Constantinople. It has about 60,000 members. There is a special mention of the Orthodox Church in Freedom of Religion Act. In addition, there is a separate Law on the Orthodox Church approved by the Parliament of Finland and it came into effect in 2007. This Act displaced the earlier one from 1969. According to the 1969 Act the Bishops' Council and the Synod decided on spiritual matters of the Church. In addition, the Synod had the right to govern the Church administration also in other issues which did not need the decision of the Government. However, the highest decision making body was the Government. According to the Law on the Orthodox Church from 2007, the Orthodox Church has wide internal autonomy. The highest legislative bodies are the Church Assembly and the Council of Bishops, while the Synod is responsible for the church's administration and executive functions (Laki ortodoksisesta kirkosta 2007). Bishops are no longer state officials.

## Holiday legislation

The church calendar observed in Finland is one of those rare details in which the Lutheran Church's regulations are still legally binding on all citizens of the country. The main holidays are defined in the Church Act approved by the Parliament (1993). According to the Act, the time of holidays is defined according to the tradition of Western Christianity. Thus, the content of the church year affects the everyday life of all citizens and determines certain days of celebration. Traditions of religious celebra-

tion have, however, changed and become less prominent. The church calendar has been the subject of one of the most significant state decisions concerning church politics in recent decades. The Synod attempted to return certain holidays that had earlier been shifted to the weekend back to their original dates. President Koivisto, in his turn, postponed by several years the implementation of changes to the church act. There is no conflict between the two churches in holidays, because the Orthodox Church observes the New, or Gregorian Calendar.

Until 1997 nearly all shops were open only on weekdays and Saturdays. In 1997 the Parliament approved a law according to which the shops can be open on Sundays during high seasons, i.e. summer months and in November and December. Since 2000 small shops can be open on Sundays throughout the year. In 2009 the Parliament approved legislation according to which all shops can be open on Sundays throughout the year. However, on the main religious holidays (e.g. Christmas and Eastern) the majority of shops are still closed (Laki vähittäiskaupan sekä parturi- ja kampaamoliikkeen aukioloajoista 2009).

## Blasphemy

The 1970 Penal Code had a section on blasphemy. It decreed that whoever publically blasphemes God must be sentenced for blasphemy to fines or a maximum of two years in prison. Correspondingly, breach of the sanctity of religion was separately decreed punishable in Paragraph 10, Section 2 of the Penal Code, according to which whoever publically blasphemes or desecrates anything that is held sacred by a religious group operating in Finland must be sentenced for breach of the sanctity of religion to fines or a maximum of one year in prison. In addition to these provisions in the Penal Code, Paragraph 10 of Penal Code decreed in 1970, separately decrees punishable preventing (Section 3) and disturbing (Section 4) of practice of religion, of which the first has a maximum sentence of two years and the latter a maximum sentence of six months in prison.

Blasphemy was handled again in connection to the amendment of the Penal Code in the 1990s. When preparing for the amendment, conflicting views were expressed on whether to still include the section on blasphemy in the Penal Code. In 1998, the parliament approved the provisions replacing the breach of the sanctity of religion of the old Penal Code including the section of the law concerning blasphemy. Before the entry into force of the law, a group of members of parliament presented a proposal to delete the section on blasphemy from the Penal Code, but the proposal became void. The law entered into force in the beginning of 1999. In its approved form, breach of the sanctity of religion was formulated as follows:

A person who publicly blasphemes against God or, for the purpose of offending, publicly defames or desecrates what is otherwise held to be sacred by a church or religious community, as referred to in the Act on the Freedom of Religion, or by making noise, acting threateningly or otherwise, disturbs worship, ecclesiastical proceedings, other similar religious proceedings or a funeral, shall

be sentenced for a breach of the sanctity of religion to a fine or to imprisonment for at most six months (Rikoslaki 1998).

## Economic position of religions

The Evangelical Lutheran Church and the Orthodox Church are entitled to levy taxes. The church tax is collected together with state and communal taxation. In addition, the Lutheran and the Orthodox churches receive part of the corporate tax levied by the state. The Evangelical Lutheran parishes pay their own share of the tax collection costs to the state. The Orthodox Church is not obliged to do so. Other religious organizations finance their operations mostly through donations, membership fees and their own fundraising activities. In addition, there are state subsidies for registered religious organizations.

### *The Evangelical Lutheran Church*

Most of the income of the parishes comes from the Church taxes paid by members. Each member of the Evangelical Lutheran Church of Finland pays a certain percentage of his/her income in the form of church tax. The legal position of church tax is stipulated in the Church Act. Each parish determines its church tax percentage on the basis of its financial situation. The percentage varies from parish to parish, the average being 1.3 per cent in recent years. The parishes also receive part of the corporate tax levied by the state. This is considered in Finland to be a compensation for the societal duties discharged by the Church, for example cemetery maintenance. In 2008, the parishes had income from church tax totalling 852 million Euros. The parishes' share of the corporate tax was 122 million Euros. In 1998, the church tax was 686 million Euros and the corporate tax 139 million Euros. In 1988, the church tax was 420 million Euros.<sup>1</sup>

Each parish is fiscally independent. However, as some of the parishes are poorer and some are better off, the differences in income are evened out through the aid mechanism of the Church Central Fund. Each parish pays some of its tax revenues to this fund, which then assists the financially weaker parishes. In 2001 the system for such aid was changed so that the richer parishes paid as much as 20 per cent of the corporate tax they received to the central fund. The divisional method for the share of corporation tax was changed at the beginning of 2006 to be more balanced. The new divisional method takes more closely into account the actual number of residents within the municipality. From the beginning of 2007, efforts have been made to reduce the financial support granted to parishes as a result of the balancing effect the corporation tax shares (Kyrkans forskningscentral 2009: 355–372).

The Church Central Fund is intended to serve as a pensions fund for the Church, to even out differences in income between the parishes and to finance the activities of the central administration and the dioceses. The pension fund constitutes 77 per cent, aid 8 per cent and other operations 15 per cent of the finances of the Central Fund. The Church's pension fund has been purposefully developed with the objective of operating on the same principles as other pension funds. The pension fund of the Church also

joined the pension fund reform adopted as of the beginning of 2004. Under the new system, all pensions will be paid and all the functions of the pension institution will be taken care of by the pension institution to which applicants most recently belonged. All changes to the pension system in Finnish law have been incorporated into the Church Legislation.

The aim of the pension fund is to ensure that pensions will be paid and to even out the development in pensions payments of the parishes, including the time when the large age groups retire. The pension fund investment is long-term. The net yield of investments at the going rate in the period 1991–2009 (the entire history of the fund) has been some 8.5 per cent, which can be considered an extremely good result. At the end of 2009, the market value of the pension fund was 824 million Euros. This covered 24 per cent of the Church's calculatory liability for pensions (Kirkkohallitus ja hiippakunnat 2009: 110–115; Kyrkans forskningscentral 2009: 372–378).

### *The Orthodox Church*

In 2008, the church taxes of the parishes amounted to 13.6 million Euros. The tax revenues of the parishes consisted solely of personal taxation. The taxation rate for church tax is determined by the parish councils of the respective Orthodox parishes. Tax is paid on the same income as is municipal tax. In addition to this, the Orthodox Church receives a share of the proceeds of corporate tax. For 2008, the parishes' share of corporate taxes was 1.75 per cent. The justification for corporate tax is tasks performed for society. Such tasks noted in various connections concern burial, population register, maintenance of ecclesiastical buildings and artefacts of cultural historical value, likewise certain diaconal and other services and work with children and young people.

The share of the proceeds of corporate taxation is divided between the Evangelical Lutheran Church of Finland and the Orthodox Church of Finland according to membership numbers. The Orthodox Church receives 0.08 per cent. In practice this meant that in 2008 the Orthodox Church received 85,000 Euros. This was paid into the central fund and is used to cover aid granted to the parishes by the central fund. The total income of the parishes in 2008 was 29.9 million Euros, of which tax revenue accounted for 65.5 per cent. The second biggest item is rents from premises, accounting for 25 per cent of revenues. The Orthodox Church has a monastery at Valamo and a convent at Lintula. Their finances are not included here.

The revenue of the central fund of the Orthodox Church chiefly comprises payments made by the parishes. The final sum in the 2009 budget of the central fund was 4.9 million Euros, of which a considerable part consists of an annual payment to the Church from the state budget. The state has traditionally had a significant role in financing the administration and functions of the Orthodox Church. The central and diocesan administration of the Orthodox Church was formerly part of the state administration and its outgoings were mostly paid from state funds. Under legislation on the Orthodox Church coming into force at the beginning of 2007, the setup changed: the maintenance of the Church Council, the diocesan administration and the Orthodox Seminar were transferred to the Church itself (Act on the Orthodox Church of Finland

2006/985). At the same time the state included in its budget an item the amount of which was based on the costs incurred by the state prior to the enactment of the legislation. In 2009, this allocation amounted to 2,057,000 Euros. This means some 35 Euros per member (Information received on 8 September 2009 by e-mail from Paavo Kokotti, CFO of the Orthodox Church).

### *Other religious organizations*

The other religious organizations finance their operations mostly through donations, membership fees and their own fundraising activities. In addition, there are state subsidies for their activities. The state distributed general subsidies to religious organizations for the first time in 2008. Prior to this it was possible to apply for subsidies for operational and generally useful projects in the manner of other organizations. The granting of general subsidies and the amount thereof is based on applications and determined by the number of members an organization has.

For any assistance to be granted an organization must have at least 200 members. However, no subsidies are granted to those organizations which in point of fact have very little or no activities. Assistance from the state may not be the sole source of funding; there must also be others. The principle of distributing state subsidies on the basis of membership numbers has been questioned on the grounds that in some organizations many people participate in activities who are not officially members. This has emerged in discussions on immigrants and also elsewhere.

In 2009, the amount of state subsidy per member was 4.48 Euros, and subsidies were granted to 20 organizations. Most of these are Christian organizations. In addition to these, seven Islamic and one Jewish organization received subsidies. Scrutiny of the sums granted reveals that some 87 per cent went to Christian, 11 per cent to Islamic and 2.5 per cent to Jewish organizations. There were 25 registered religious organizations entitled to state subsidies. The total amount of state subsidies granted by the Ministry of Education and culture to religious organizations was 200,000 Euros. The biggest grants were given to the Evangelical Free Church of Finland (68,800 €), the Roman Catholic Church of Finland (43,700 €) and to the Pentecostal Church of Finland (21,500 €). There are also organizations in Finland which have not applied for state subsidies even if they would meet the criteria. The reasons are either matters of principle or practical. The largest of these were the Jehovah's Witnesses and the Mormons (LDS-Church). Even though they are registered religious organizations and could get state subsidies, they do not wish to receive it (Kirkollisasiat 2010).

### *The Association of Free Thinkers*

The Association of Free Thinkers is not a religious organization, but a cultural organization founded in 1937 to safeguard the privileges and rights of people with no religious convictions. The Association is of the opinion that that the state should be without religious bias. Their ideological objective is to represent a world view free of religion. Funding for the Association of Free Thinkers has been included here as a point of comparison of how the state supports other ideological associations through

operating funds and targeted subsidies. The association has 27 branches and 1,549 members (in 2008). The branches are financially independent. The Association's main source of revenue in 2008 was the proceeds of rented properties, over 65,000 Euros. State subsidies totalled 32,000 Euros and Association fees 19,000 Euros. State support is around 21 Euros per member, which is five times that received by religious organizations. The Association receives further income from subscriptions to its magazine of some 3,500 Euros (Vapaa-ajattelijat 2008).

## Exemption from existing legislation

The Constitution emphasizes the equal treatment of individuals. Gender equality is dealt with in more detail in the Equality Act (Tasa-arvolaki 2005). It aims at preventing discrimination on the grounds of gender and promoting equality between sexes especially in working life. There are, however restrictions for the application of this law. For example, it does not concern the religious activity of registered religious communities. However, the restrictions do not concern non-religious matters of these organizations, such as employment and pay.

According to constitutional legislation there is certain legislative autonomy for religious communities. They have the right to organize their activities in accordance with their doctrine and confession and with well grounded reasons make exemption e.g. from equal treatment. However, it is required that there are objective grounds for that in the doctrine and confession of the church and there should be wide unanimity about that. According to these principles e.g. the Orthodox and Catholic Churches can limit priesthood only for men even though it is in contradiction with equal rights of both sexes.

Female ministry is an issue related to gender equality in the Evangelical Lutheran Church of Finland. It was a heated topic of discussion throughout the period of 1988–2008 even though female ministry was approved in 1986 by the Synod and the first female pastors ordained in 1988. When female ministry was approved, the Synod also approved a provision according to which there should be space also for those holding the «traditional» view of priesthood, i.e. that only males are ordained. As a consequence there were numerous conflicts in parishes. In addition, the bishop of Oulu did not ordain women at all. Those women who wanted to work in Oulu dioceses had to get their ordination in another diocese and only after that move to a parish in Oulu dioceses. In addition, those male holding the «traditional» view of priesthood wanted to be ordained by the bishop of Oulu, because then there was no risk to be ordained together with women. This system continued till the end of 2000 when Bishop Olavi Rimpiläinen retired. After that, there have been no separate ordinations for males. In addition, in 2006 the Bishops' Council made clear guidelines according to which all kind of discrimination on the basis of gender is forbidden. However, even after that there are several cases in which sanctions are needed when a male pastor has refused to cooperate with a female pastor (Närhi 2006; Kyrkans forskningscentral 2009: 347–348).

Another issue related to equality has been the issue of registered same-sex unions. Since the late 1990s the legislation governing same-sex partnerships has been the most prominent in the debate on sexual ethics. The law regarding same-sex partners was passed by the Parliament of Finland at the end of September 2001, and came into force in March 2002. Under this legislation, the same rights and obligations as spouses, with certain exceptions, are conferred on those registering their same-sex union. However, their relationship as a couple is a legal institution of a different nature from matrimony (Laki rekisteröidystä parisuhteesta 2001).

The Evangelical Lutheran Church expressed its negative opinion to the bill in a statement issued by the Church Council in February 2001. In October 2001, the opinion of the bishops concerning the new law was made public. Here it was stated that the Church in its statements on the law was opposed to the union of same-sex couples being equated with matrimony. The Church would not perform religious rites relating to same-sex couples. Nevertheless, the attitude to those of homosexual orientation should be such as to have respect for their human rights in the Church as elsewhere in society. The Church in its statement required that its workers should conduct themselves in keeping with the traditional teaching (Piispainkokouksen pöytäkirja 2001: 6§, 15–24).

The ramifications of the law manifested themselves in the General Synod of May 2002, when two motions put forward by delegates were addressed. In one of these it was proposed that a person living in a registered same-sex union should not be allowed to hold office or work as an employee of the Church, while the other motion proposed the preparation of alternative forms of service to bless the same-sex union and the home (Kirkolliskokouksen pöytäkirja 2002: 27 §, 15, 29 § 17). In November 2003 the General Synod decided that the matter of the ramifications of the law in the Church be transferred to the Bishops' Conference in order to explore the theological and juridical dimensions (Kirkolliskokouksen pöytäkirja 2003: 21 §, 20, 26 §, 24–26).

The motion that a person living in a registered same-sex union should not be allowed to hold office or work as an employee of the Church was discussed again in the Synod in autumn 2007 (Kirkolliskokouksen pöytäkirja 2007: 16 §, 12–13). The Church Council proposed that no one shall be treated differently on the ground of sexual orientation. This proposal did not gain the  $\frac{3}{4}$  majority which was required. The counter-arguments referred to the right of religious communities to organize their activities in accordance with their doctrine and confession and with well grounded reasons make exemption e.g. from equal treatment. However, it was not clear that there are the required objective grounds for that in the doctrine and confession of the church. In addition, it was clear that there was not a wide unanimity about that. In 2009, the Synod approved a new version of the Church Act which included the principle of equal treatment (Kirkolliskokouksen pöytäkirja 2009: 7–8).

The other motion regarding preparation of alternative forms of service to bless the same-sex union and the home was prepared in the Bishops' Council. In February 2010, it proposed that there should not be a separate ritual for blessing same-sex unions, but a moment of prayer for and with the couple. In October 2010, the issue of the rights of homosexuals in the Lutheran Church was discussed in a TV panel. The audience's

main impression was that the Church does not approve homosexuals. As a consequence almost 40,000 people resigned the Church in a month which was more than ever before in a one-month period. In November 2010, The General Synod approved basic principles of the Church on the consequences of the Act of Registered Partnerships. According to the resolution, the Bishops' Conference was given the task to formulate pastoral guidelines for a free-form prayer or intercession with and for those persons who have registered their partnership. Free-form prayer does not equal blessing the same-sex relationship. It does not establish a new liturgical rite to the Hand Book. The proposed resolution was passed with a simple majority vote as the proposal was understood to bring no chances to the Church Doctrine (Parisuhdelain seuraukset kirkossa 2010: 84).

## Conclusions

The state-church model in Finland ended formally already in the early 20<sup>th</sup> Century when the first Freedom of Religion Act came into force. Since then the freedom of religion has developed, firstly mainly as negative freedom of religion (according to the 1923 Act), then as positive freedom of religion according to the new Freedom of Religion Act of 2003. In this process various religious organizations have got legal basis for their activities and the religious landscape has changed drastically due to the emergence of hundreds of religious communities. However, till now on the plurality is more visible in the number of various religious options than in the number of members in these communities. Finland is still an exceptionally uniform country on the basis of the membership figures of religious communities.

In comparing Nordic countries Göran Gustafsson noted that already before the 1980s the peculiar Finnish feature was the internal autonomy of the Evangelical Lutheran Church. The process towards further internal autonomy accelerated in 1990s by the renewals of the Church Law, the diocesan chapter administration and the Episcopal appointments. The Orthodox Church got wide internal autonomy much later, in 2007 when the Law on the Orthodox Church came into effect.

A major event in the period 1988–2008 was the new Freedom of Religion Act of 2003. Unlike the earlier law it emphasized the positive freedom of religion. The function of the state is to ensure freedom of religion and create the preconditions for its implementation. Along with the new Act on freedom of Religion, resigning from the Church has become simpler and the number of those who have resigned from the Lutheran Church has increased considerably. At the same time the share of those belonging to the Lutheran Church has decreased. This has spurred the debate on the special legislative position of the Lutheran Church. This critical debate can be estimated to increase if the membership in the Lutheran Church continues to go down.

Although the treatment of religious communities has developed into a more equal direction, the general increasing demand for equality will keep up the debate on an even more equal treatment of religions. The main actors in this discourse are not the religious minorities which have the common interest with the Lutheran and the Ortho-

dox churches to emphasize the importance of the positive freedom of religion. The demand for equality reaches also the operation of religious actors. The Evangelical Lutheran Church is a special object of examination, and in these debates it is also often the central target of criticism. In 1988–2008, the equality debate has especially focused on female ministry and treatment of sexual minorities.

## Note

- 1 In the figure of 1988, the church tax and corporate tax are counted together because the parishes received direct income from corporations and this amount was counted as part of the church tax.

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