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RUSSIA: Who owns religious property?

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

One of the most troublesome issues for religious communities, Forum 18 News Service has found, is gaining property. In places where historical worship buildings survive, there can be insufficient numbers of religious believers to claim or take care of them. This is particularly so for Orthodox churches in rural areas, and for Jewish and Lutheran communities. In cases where churches have been sold to private owners, or belong to a local authority, Catholic, Orthodox and Old Believer communities have often failed to regain them. But this situation is variable, Muslim communities, for example, having a mixed record of success in regaining mosques. Catholic and Old Believer churches have been sometimes given to Russian Orthodox dioceses, despite Catholic and Old Believer communities existing in these places. Some local authorities finance the construction of new worship premises for confessions they favour, but the cultural importance of historic Russian Orthodox property can prevent its return. Protestants, Old Believers, Molokans and Muslims have had problems in acquiring land for new building, as have other alternative Orthodox communities.

Twenty years after perestroika, one of the most troublesome issues for religious communities in Russia remains securing property for religious activity. A 23 April 1993 decree from the then-President, Boris Yeltsin, instructed the Russia government "to carry out the gradual transfer of houses of worship, religious buildings, their associated territory and other items of religious significance from federal ownership to the ownership of or usage by religious organisations." It set no deadline for this to be completed, however, and did not extend to municipal, regional or already privatised property.

The decree affects those religious confessions whose historical property has survived confiscation by the Soviet regime – usually those regarded as "traditional" to Russia. However, as Vladimir Shamarin of St Petersburg's priestless Pomorye Old Believer community pointed out to Forum 18 in May 2005, "whereas the Belokrinityy [Old Believers with a priestly hierarchy] had beautiful churches, ours weren't historical monuments, so they didn't often survive." Of at least 170 Buddhist monasteries and temples in Russia, only two escaped destruction by the Soviet authorities. In addition, there were approximately 300 Catholic churches and chapels in the area now covered by Bishop Clemens Pickel's Saratov-based southern diocese before 1917, he estimated to Forum 18 in June 2005, whereas today only six or seven of its functioning churches are historical.

In places where historical worship buildings have survived, there is often an insufficient number of religious believers to claim or take care of them, due not only to Soviet anti-religious policy but also shifting populations. This is particularly the case with Orthodox churches in deeply rural Russia, and for the Jewish and largely German Lutheran communities, who have mostly emigrated. While a Lutheran church survives as a cosmetics shop in central Smolensk, for instance, a representative of ELKRAS [the Evangelical-Lutheran Church in Russia, Ukraine, Kazakhstan and Central Asia] told Forum 18 in May that the small Lutheran community there would not be able to manage its upkeep. Catholic Bishop Pickel explained to Forum 18 that the decision to build a new Catholic church in Saratov had partly been motivated by the overly large size of the historical one on the city's main street, now occupied by a shopping centre.

For historical reasons, growing rental restrictions predominantly affect other Protestant communities (see F18News 19 August 2005 http://www.forum18.org/Archive.php?article_id=633), whose communities also have growing problems in buying new premises (see F18News 24 August 2005 http://www.forum18.org/Archive.php?article_id=637).

In cases where churches were privatised in the early 1990s – notably Catholic and Orthodox churches still used as restaurants in Vologda and Old Believer churches in Moscow used as a boxing club and political party offices – challenges by local religious communities to their privatisation have failed (see F18News 30 March 2005 http://www.forum18.org/Archive.php?article_id=290).

This has also proved the case when the property concerned now belongs to a municipal authority. In Krasnodar, for instance, the Greek Orthodox community has failed to win back its pre-1917 worship premises - despite having the backing of both historical evidence and the local Orthodox bishop - because the municipal authorities see no reason to return property under their direction (see F18News 24 January 2005 http://www.forum18.org/Archive.php?article_id=496). In what is by now many years of correspondence, the state authorities' argumentation for refusal to return historical property to religious communities such as Barnaul's Catholic parish (see F18News 3 August 2005 http://www.forum18.org/Archive.php?article_id=624) and Krasnodar's Progressive Jewish community (see F18News 24 January 2005 http://www.forum18.org/Archive.php?article_id=496) typically

reveals that they are extremely reluctant to assist.

The geographical picture is varied, however. While the local authorities in Stavropol have obstructed the return of the historical mosque to the Muslim community (see F18News 24 January 2005 http://www.forum18.org/Archive.php?article_id=496), Forum 18 observed two historical mosques in Tomsk again used for worship by local Muslims in 2005. Likewise, while Catholics have received their historical churches in Karelia, Kursk, Tatarstan and Tyumen, they have not succeeded in claiming them in Irkutsk, Khabarovsk, Smolensk or Yaroslavl.

In Belgorod and Samara respectively (see F18News 30 January 2005 http://www.forum18.org/Archive.php?article_id=533), Catholic and Old Believer churches have been given to the local Russian Orthodox diocese, even though corresponding local Catholic and Old Believer communities exist.

In some areas the local authorities have openly financed the construction of new worship premises, arguing, as in the traditionally Buddhist republic of Tuva, that this is to compensate for losses inflicted by the Soviet atheist state (see F18News 2 August 2005 http://www.forum18.org/Archive.php?article_id=622). Usually, only the locally dominant confession benefits. In the traditionally Buddhist republic of Kalmykia, the government provided over 2,500 million Roubles (then worth about 3,250,000 Norwegian Kroner, 410,000 Euros, or 500,000 US Dollars) for the construction of the Syakyusn-syume temple in 1996 (see F18News 11 April 2003 http://www.forum18.org/Archive.php?article_id=29). In Khabarovsk, regional governor Viktor Ishayev chairs the board of governors overseeing construction of the vast new Orthodox Cathedral of the Transfiguration while most Protestants are barred from building in the city centre (see F18News 22 June 2004 http://www.forum18.org/Archive.php?article_id=346). In Yekaterinburg, a 19 May 2004 local decree transferred the newly built multi-million-rouble Orthodox Church-on-the-Blood onto the region's public accounts (see F18News 9 August 2004 http://www.forum18.org/Archive.php?article_id=389).

While the Russian Orthodox are generally favoured, the cultural importance that has resulted in the survival of their historical church property can ironically prove an obstacle to its return. According to a 14 March 1995 government ruling, Russia's Ministry of Culture determines whether religious organisations are permitted sole or shared use of historical and cultural monuments of religious significance. As a result, many key sites - including Moscow's Kremlin cathedrals, St Petersburg's Peter and Paul Cathedral, Yaroslavl's Transfiguration Monastery, Vologda's Archbishop's Courtyard and most of Novgorod's medieval churches - remain state-run museums. Previously allowed use of its cathedral only several times a year, Kostroma and Galich Orthodox diocese was transferred the city's famous Ipatyevsky Monastery in late 2004, to the fierce opposition of the complex's museum workers.

Similar problems beset the return of other forms of religious property. In St Petersburg, for example, Pomorye Old Believer elder Vladimir Shamarin told Forum 18 that although the Russian Museum certainly holds Old Believer icons and service books, it has not transferred items of religious significance to any confession as far as he knew. In 2002 Lubavitch Jews managed to secure the return from the Russian state of 30 out of thousands of books collected by Lubavitch rabbi Yosef Yitzchak Schneerson, but only after a decade of lobbying. In the same year, a Russian government spokesman roundly dismissed a proposal backed by Patriarch Aleksii II to return three million hectares of pre-1917 church land.

Religious property transferred by the state to religious organisations is not usually owned by them – in the case of monuments of very special significance, this is illegal – but, in line with Russia's 1997 religion law, is given for their use free of charge. After strong criticism from the Russian Orthodox Church, the government altered proposed amendments to the Land Code in late 2004 in order to spare religious organisations from paying rent on the land beneath such property. In accordance with an 11 October 1991 federal law, religious associations are exempt from paying land tax.

The recent changes to the Land Code have also ended the Civil Code's practice of allocating free building land to religious as well as social organisations, as such land must now be either purchased or rented. While Protestants are the confession most frequently obstructed when seeking building permission (see F18News 24 August 2005 http://www.forum18.org/Archive.php?article_id=637), it is also fraught with difficulty for other confessions. In a 14 January 2005 letter viewed by Forum 18, the vice-mayor of Cheboksary (Chuvashiya Republic) informed a local Old Believer parish that "you must obtain the consent of Cheboksary and Chuvashiya Orthodox diocese before a decision can be made." The Moscow community of Russia's indigenous Molokan Christian organisation recently complained that its efforts over six years to acquire land for a prayer house remain fruitless.

In a number of Russian towns and cities, including Sochi, St Petersburg and Tolyatti (Samara region), Muslim communities have been denied permission to build mosques, ostensibly due to public opposition (see F18News 9 November 2004 http://www.forum18.org/Archive.php?article_id=447 and 6 June 2005 http://www.forum18.org/Archive.php?article_id=576). According to a 2 June 2005 letter viewed by Forum 18 from a local community of the Volga Spiritual Directorate of Muslims close to the Kazakh border, the head of administration in Ozinki district (Saratov region) donated construction material for a new Orthodox church but refused to do the same for a partly built mosque, remarking: "Am I your servant, to be finding you roof-tiles? Don't come to me with such questions again."

While Forum 18 has observed new houses of worship belonging to normally disfavoured religious communities in prominent sites – such as a New Apostolic church in Khabarovsk and a Jehovah's Witness kingdom hall in Vyborg (Leningrad region), local authorities sometimes attempt to challenge religious communities' ownership of worship premises they have built themselves. This

is particularly the case with alternative Orthodox communities, such as the Russian Orthodox Church Outside Russia (ROCOR - which is not part of the Moscow Patriarchate) parish in Votcha (Komi Republic) (see F18News 24 July 2003 http://www.forum18.org/Archive.php?article_id=111) and the Russian Orthodox Autonomous Church parish in Zheleznovodsk (Stavropol region) (see F18News 3 February 2005 http://www.forum18.org/Archive.php?article_id=504). This problem also affects Protestant communities (see F18News 24 August 2005 http://www.forum18.org/Archive.php?article_id=637), whose communities also often face problems in renting premises (see F18News 19 August 2005 http://www.forum18.org/Archive.php?article_id=633).

For a personal commentary by an Old Believer about continuing denial of equality to Russia's religious minorities see F18News http://www.forum18.org/Archive.php?article_id=570

For more background see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=509

A printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>

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