

RPTSS2017
**International Conference on Research Paradigms Transformation
in Social Sciences**

**PROPERTY AND LAND RELATIONS OF RUSSIAN ORTHODOX
CHURCH AND STATE IN RUSSIA**

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Abstract

The article examines the property and land relations of the Church and the state in the history of Russia. It is shown that the current normative documents in the field of material and land maintenance of the Church do not always reflect the specifics of the activities of the Church. This can be explained by the fact that the structure of the emerging land-material structure of the Orthodox Church and its application are fundamentally new and little studied in the current conditions of our country. A detailed analysis of this article in the historical aspect of all components of the land and material base of the Orthodox Church in modern conditions seems relevant from all points of view.

The article deals with the previously insufficiently studied problem, which determines the key evolutionary factors in the agrarian sector of the Russian Church economy. At the same time, the transformation of the economic layer of diocesan farms, chapels and private owners from the spiritual hierarchy is revealed. Particular attention is paid to the modern experience of the work of church farms, which makes it possible to determine the theoretical aspects of financing the Orthodox clergy and its place in the organization of accounting for the property of the Orthodox Church.

The article comprehensively summarizes and comprehends the state experience in providing the churches and monasteries with land plots, identifies factors that led to a change in state policy towards the Church in the 1990s of the XX century.

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Keywords: Church, land, property, diocese, state, society.



1. Introduction

The problems of the economic activities of the Church and clergymen in recent years indicate that these issues of the life of the clergy must be constantly monitored by the Church and state structures. The monastic landownership and the financial provision of the Churches in the people's self-consciousness did not provoke a protest, but representatives of the Church looked at these processes in a different way. The practical life of only a few recluses made it possible to reveal the fact that their agricultural activities were organically included in their liturgical mission. On the basis of archival data, it can be said that the Orthodox Church in Russia owned 4 million hectares of land on the right of ownership. Therefore, a sign of respect of state structures for millions of believers was real material support for monasteries, which manifested itself in the transfer of land to temples (Ashmarov, 2011). At various historical stages of the history of Russia, the Orthodox Church was in difficult conditions in terms of providing land plots. The life of priests, their financial condition and service depended on the number of land plots, the quality of agricultural machinery, the activities of charitable organizations and individuals.

2. Problem Statement

The article reveals the problem of state allocation of land plots to churches and monasteries, as well as sources of income from church activities. By the beginning of the 20th century, the growth of the Church lands in the provinces of the Central Chernozemye and throughout Russia was indicated. The reason for the expansion of ecclesiastical lands consisted in the number of dioceses, as each new church received a plot of land. The largest number of temples had plots ranging from 60 to 200 acres of land. In the Voronezh province, 10 out of 17 churches had land plots, the sizes of which did not exceed 200 acres. The area of land over 600 acres was owned by 7 churches. The income of monasteries from agricultural activities was 10300 rubles. Church land was estimated at 1.200.000 rubles, and monastic land – 2.670.500 (Dashkovskiy, Shershneva, 2016). It can be noted that the land aspects of the transfer of land to the Churches had a great impact on the life of the entire population of the Russian state and on its economic activities at the beginning of the 20th century. In Russia, and in other countries of the world experiencing changes, land issues have proved very important. The settlement of controversial issues concerning the ecclesiastical lands affected many of the fellow citizens of Russia, therefore the Church, in various historical periods, tried to take an active part in the discussion of this problem.

3. The Research Problem

At the beginning of the nineteenth century, Russia pursued a policy directed on the return economic power to the Church. Thanks to the normative acts of Alexander I passed in 1805 and 1810 this process was accelerated. The orders of Alexander I played a key role in multiplying the financial potential of the Orthodox Church. Since the middle of the XIX century, researchers and public figures have shown increased attention to the financial status of priests. Among lots of studies devoted to the financial situation of the priests, the historian N. Runovsky's works should be noted. In his paper on church and civil statutes concerning the Orthodox clergy, the author analyzed the Church legislation, summarized the

results of the clergy isolation removal in the 1860s, considered issues related to the deanery election and the attempts to raise the material well-being of the priests at local expense. The most progressive development of securing the clergy with land began in the mid-19th century.

Historian Lyubinetsky I.A. in the study "Land Ownership of the Churches and Monasteries in the Russian Empire" showed that 34 monasteries owned less than 90 dessiatinas (dessiatina – measure of land approx. 2 $\frac{3}{4}$ acres); 14 monasteries had less than 40 dessiatinas. 45 monasteries owned from 150 to 210 dessiatinas; 87 churches had from 250 to 1000; 11 churches had from 1500 to 2500 dessiatinas; 4 monasteries owned more than 15 thousand dessiatinas. Generally in this period, about 1 million dessiatinas of land belonged to the churches in Russia. In 1801 at the initiative of public activist Mordvinov N., the law which allowed people of all classes and the priests buy uninhabited land was passed. Thus, the land fund gained a universal character, which contributed to the emergence of a huge number of landowners (Leontyeva, 2002).

The property rights of the churches and their land plots allocation were mentioned in the "Code of Acts on the People Condition in the State" in 1836, 1843 and 1852. The land on which the churches stood was recognized as an untouchable property, and no one could assign this land (art. 446, vol. IX). Land plots and other farmland in the event of the diocese liquidation were given to that church, to which the parishioners of the liquidated were reckoned (art. 448, vol. IX). The ecclesiastical land, according to the Code of Laws, was divided into a manor house, which was under the chapels and habitation of priests, gardens, and fields, to which the arable land was related (art. 400, vol. IX) (Dobrosklonsky, 2001).

Each diocese, according to the land-surveying acts, got from 34 to 101 dessiatinas, based on the amount of lands that were being cultivated by the laity (art. 349 of the Code of Land-Surveying Laws). If there were less than 3 dessiatinas for every layman or no land at all, the lay people had to pay the diocese a monetary or food equivalent. A bishop's house owned 50 dessiatinas of land, a monastery had from 110 to 160 dessiatinas. Land plots of more legitimate proportions, but already assigned to monasteries, remained in the untouchable property of the clergy. The lands that were given to monasteries from the laity for the clergy maintenance (item 2 of article 400, vol. IX, according to the edition of 1876), were not expropriated according to the Supreme Decree of the State Council of November 16, 1884 (Eroshkin, 1981). If the sale of some land plots was profitable for churches, then there were exceptions to the rules, and a land plot was sold. The expropriation of the Church land could only happen with the State Council directive, and the money acquired from the sale of the church land had to be spent either on another land plot purchase, or on government interest-bearing bonds. Income from this went to the churches. Restrictive measures were imposed on the return of the church land renting. This renting was allowed for one year only and a written agreement was mandatory. Shops, monasteries, mills, fishing areas could be rented for no more than 15 years on the diocesan abbot permission (Ershov, 2012).

During the Soviet era, some researchers held a neutral attitude to the clergy and the Church. The first work on this issue "The History of the Russian Church" by N.M. Nikolsky was published in 1930 and became decisive for Soviet historiography. N.M. Nikolsky in many respects reproduced the opinions of pre-revolutionary era scientists according to the difficult situation of the white (not cloistral) clergy, and above all, this concerned rural priests. The author reported about the equal financial situation of parish priests and laity, the bulk of which was the peasant population (Firsov, 1998).

Also N.M. Nikolsky paid attention to the priests insularity. After the N.M. Nikolsky's paper publication, the problem of the Church and parish priests history did not arouse scientists' interest for some time. Only in 1966 in the journal "History of the USSR", an article by Dmitriev S.S. (1966) was published. It reproduced some N.M. Nikolsky's ideas, in particular, the differences in the situation of certain categories of priests. The conclusion of this author indicates that in the late XIX and early XX centuries the state proposed to shift the financial maintenance of the clergy to the diocese.

Information on aspirations to improve the financial situation of priests contained a variety of materials, among which the reports of the Chief Procurator were the most important. There, under the heading "Providing clerics with local funds", options for raising the incomes of the Church were offered. An essential role in securing the clergy with financial resources was played by the Special Office, which by the end of the nineteenth century proposed a program that enabled the formation of new staff in the dioceses. Such legal provisions as the conditions for appointing priests, the revision of the priests' composition in dioceses, the reduction and transfer of priests, and the official rights of the clergy received the force of law (Garanova, Kiskin, 2007).

According to the staff regulations, one priest and one apprentice were entitled to a parish. The duties of the provincial administration included the reduction of parishes, in the event of the parish abolition, parishioners were attributed to other churches. Provincial administration in this case should be guided by the distance between the churches, the number of parishioners, the churches capacity, the convenience of communicating villages with churches, and the moral and religious state of the parishioners. It was also planned to increase the number of new parishes.

Since 1880, new parishes were allowed to be opened only if the parishioners agreed to fully support the homes of the clergy's families. In this connection, the priest became dependent on the community, and he could not acquire the house in private ownership. This enshrined the custom of marriage agreements. In September 19, 1864, the priest Vasily Lobachevsky filed a petition in which he said that he was an elderly man. Therefore, his place in the Trinity Church of the Ilka-Koshery village in Graivoron county of the Kursk province would be given to someone who would marry his cousin's daughter with the obligatory condition to support him with his wife until his death. When considering this petition, an inventory of the house, in which the priest and his wife lived, was compiled, and its transfer was noted to the one who would become the successor. The house was good: "wooden, chopped from different sorts of timber, 7 meters in width and 13 meters in length; there were 4 rooms, in 3 of them wooden floors. The house was valued at 500 silver rubles (Kolesnikova, 2004).

When one talks about historical differences in the land property relations between the Church and the State, it should be noted that in the modern period, the law "On Freedom of Religion and Religious Institutions" was adopted in Russia, laying the basic theses of the regulatory framework in relation to the Church, including economic issues (Kryvelev, 1982).

4. The Purpose of Research

The purpose of writing an article is to identify the current state policy towards the Church in terms of the transfer of churches and land to property. In 2002, a normative act on the transfer to church institutions of property and lands owned by the state was issued. In practice, the Orthodox clergy and

dioceses often face refusals to solve these problems, since the system of transferring the state-owned land plots has not been approved yet (Kumova, 1992).

To a certain extent, this is because the issues that differentiate powers between different state institutions remain unresolved. Nowadays all misunderstandings have almost been settled, and nothing prevents the authorities from developing a full-fledged procedure for executing the legal decisions.

This process began in 2007, when the draft law "On Transferring the Property in Federal Ownership to The Church Institutions" was prepared and implemented. The project is connected, first, with the transfer of property, which was given by secular power in free use, to the churches. According to the project, church institutions could re-register buildings, as well as internal utensils of churches, and religious literature.

The Church can not be given only very significant objects - ensembles and monuments included in the UNESCO World Heritage List, because some laws prohibit it. However, there is no ban on the transfer of museum exhibits to the Church ownership (Leontyeva, 2002).

The draft law also stipulates that the Church can acquire property on the right of lifelong use, while the state tries to strive for the transfer of lands and property to be carried out on a free basis in strict accordance with the current legislation.

If desired, church organizations should receive "non-core" items of religious complexes, in which they are required to prove their connection (territorial and constructive) with objects of ecclesiastical purpose, free of charge. These issues should not be overlooked in the adoption of laws, since if there is no possibility to justify the law, the Church may face mass discrepancies of secular power (Mitrokhin, 2002, pp. 8-9).

It is important to quickly decide on the transfer of the Church property, which is connected with the right of the Churches and chapels to own land. So, while the buildings are in private use of church institutions, the land plots assigned to them can be given free of charge. Today in most cases, dioceses in Russia have the right to use church buildings for free, as in accordance with the Land Legislation, land under buildings is issued for a certain period of use (Lyubinetsky, 1900).

At present, the Orthodox Church, which previously had the right to lifelong land use, is busy with the re-registration of land on the right of free, immediate use. The deadline for completing such re-registration was repeatedly discussed. Dioceses that had the right to use their land plots for free will have to re-formalize their lands under the new law. Having acquired the same property and land for personal use, the Church will become a full-fledged subject of economic activity.

It is necessary to note the issues that are being given special attention today. This, for example, the construction of new churches. According to the law, the government in the constituent entities of the Russian Federation and at the federal level grants land to church institutions free of charge, and the Church can use this land for erecting buildings for religious and philanthropic purposes. After completion of construction and registration of objects for personal use of the Church, land plots are transferred to the owners free of charge. However, the practical experience of allocating land for the erection of buildings and landscaping, as a rule, depends on the specific region of the Russian Federation and local standards (Mitrokhin, 2002).

For the Church and, above all, for monasteries practicing agrarian activities, the legal mechanism for granting land is significant. Currently, the law provides for the Orthodox Church only the right of long-term lease of agricultural lands, which are owned by the state, their ransom is prohibited for the Church's own use. There was a situation when some dioceses, observing the law, were able to re-register the right of long-term lifelong use of agricultural land (this right was used by the Church earlier), while others dioceses lost the opportunity to obtain these land plots in ownership. The same dioceses, which have not yet been able to formalize the right of long-term (lifelong) use of agricultural land, today received the opportunity to purchase these land plots for personal use free of charge in accordance with the law "On the Turnover of Agricultural Land." Now state institutions should resolve this issue in the near future in favor of the Church.

Analyzing the practice of providing land for the dioceses, one should take into account the collective problem associated with the legal status of church institutions referred to non-profit associations. At the same time, the terms "church work", "religious and other ecclesiastic activities", "church organization work", "services" etc. are used in legislation without explanations and with different interpretations. Such an unstable situation will inevitably lead to inaccurate understanding of the problems, connected with property relations, taxation, etc.

Practical experience of the dioceses confirms that the tax office and the executive branch interpret the normative acts in the most arbitrary way, refusing to provide tax benefits stipulated by the legislation.

It is required to formulate terms in the legislation more clearly: "property of ecclesiastical purpose" and "religious property", "property that is used for the realization of church activities", "houses, buildings and constructions of church and philanthropic purpose". It is necessary to approve (this is the wish of various religious confessions) a list of this property. Moreover, such list should be made accessible and open. From the solution of the problem of how to determine the property relating to the church structure, it will depend on whether it is necessary to pay the tax or not from a certain property that is located in a particular Church or diocese (Perevozchikova et al., 2017).

The functioning criminal, civil, and labor normative acts do not use the term "church activity". In this regard, dioceses are often involved in difficult situations, sometimes fraught with significant problems for the Church. Some examples in the subjects of the Russian Federation show that it is necessary to amend the regional laws concerning a single tax on the available income. In particular, there was a misunderstanding connected with the fact that some local regulations were supplemented with articles according to which the imposition of an integral tax on available income (as indicated in one of the laws) was due to the realization of church demands, as well as from the sale of ecclesiastic content items by churches.

Thus, church activity was equated with ceremonial and ritual services, which was provided by the All-Russian classifier for rendering services to citizens. Priests in the dioceses are constantly confronted with a complex accounting. For example, the Church has such ecclesiastical items, which are primarily the main financial sources for it, according to the Ministry of Finance of Russia, and on the other hand, these objects are of museum value, and therefore they do not conform to existing standards on their financial statements. It is necessary that the relevant departments and ministries of Russia approve a special project for the financial reporting of religious institutions accounts, while it is important to comply

with the Unified methodology for financial accounting of the Russian Church. This will help the Orthodox Church to achieve a certain social and economic well-being.

Speaking about important transformations in the tax accounting system and tariff, used in relation to the Church, it should be noted that there are a number of factors that need to be addressed immediately. Currently, the issue of the property tax of the Church is urgent, as the law has been amended concerning the property of non-profit institutions, which significantly increases the share of taxable objects and the amount of taxes paid by the Church (Pospelovsky, 1993).

Among other significant issues, the problem of the rates for utilities introduced for the Church should be noted. A few years ago, dioceses had to endure the fact that they were treated in tariff plans as industrial entities. The first region of Russia, where the tariff was introduced for the Church, as for citizens, was Moscow. Soon followed the decision of the Federal Commission on Energy Resources on the general use of such services in relation to church institutions. However, today churches that have houses available to accommodate laity and pilgrims can not reach a consensus on the extension of this tariff plan over the entire church hierarchy because of the vagueness of the term "property used for the realization of church work." It is important to determine the extent of the special legal personality of religious institutions that are of paramount importance in the general legislative framework clearly and accurately (Semashko, 2007).

5. The Methods of Research

The article uses a dialectical method that allows determining financial factors and processes occurring in the Russian Church as a subject of economic activity. A method of comparative analysis is used that shows the state sources of providing churches with land plots in different historical periods. In addition, a comprehensive approach and the concept of public sector theory allowed us to disclose a unified methodology for financial accounting of the Russian Church (Smolich, 1997).

6. Conclusion

Thus, it can be noted that the policy of the Russian state in relation to the Orthodox Church in various historical periods consisted in the formation of an effective integrated land and financial structure of the Orthodox Church.

The property support of the Orthodox Church both in the XIX century and in subsequent periods was based on the fact that the state tried to allocate land allotments to the clergy. This practice was characteristic of the Russian state in the 16th-17th centuries. When certain categories of land were allocated to certain categories of the population at the expense of which they existed. The article shows that church-charitable organizations played a significant role in the social and economic life of Russian society, and now these tendencies are repeated.

This is the development and adoption by the state of provisions on church property and land ownership that will facilitate the implementation of special programs offered by the secular authorities to some non-profit organizations with regard to the issuance of permits for the use of land owned by the

churches. The solution of these problems should facilitate the transfer of a number of theses to legislative acts requiring attention in the field of land legislation.

The article outlines the main scientific, methodological and organizational tasks that the state and the Church need to address to create new sources of income. Such factors that will enable the mobilization of church funds and determine the priorities and directions for the development of the Church in the sphere of financial activity are of great importance.

Among these areas, it is possible to highlight the clear and rational use of charitable contributions to specialized funds, as well as the development of new methods of taxation that will help to establish financial control over all parts of the church system.

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