

Restitution of Church Property in Latvia after the Restoration of Independence in 1990

ABSTRACT: *The adoption of the Declaration of 4 May 1990 “On the Restoration of the Independence of the Republic of Latvia” initiated not only the process of restoring Latvian statehood, but also the restitution of property rights, including those of religious organisations, carried out within the framework of the principle of continuity. This meant that the State’s task was to restore, as far as possible, the legal situation that existed before June/July 1940, i.e. before the occupation of the Republic of Latvia by the Soviet Union. The Republic of Latvia was proclaimed on 18 November 1918. One of the main tasks of the state in ensuring social peace was the implementation of land reform, under which the churches, and above all the Evangelical Lutheran Church, lost their share of rural property, which was legally equivalent to manor property. At the same time, the land reform did not affect the rights of the churches to religious buildings and other properties, including immovables, which were not nationalised within the reform. However, the occupation of the Republic of Latvia by the Soviet Union in June 1940 began a rapid process of nationalisation. Against this background, the first part of this article provides an overview of church property rights after the establishment of the Republic of Latvia in 1918; the second part examines the nationalisation of church property during the Soviet occupation; and the third part outlines the property restitution procedure after the restoration of the independence of the Republic of Latvia.*

KEYWORDS: *Restitution, Church Property, Soviet Occupation, Restoration of Independence, Land Reform*

1.

Introduction

The article, based on an analysis of normative regulation and historical facts, seeks to provide insight into the restitution of church property rights following the restoration of the Latvian independence enacted by the Declaration of 4 May 1990 “On the

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Restoration of the Independence of the Republic of Latvia”¹ Since this process took place within the framework of the principle of continuity of the state,² restoring, as far as possible, the legal situation that existed before July 1940,³ it cannot be understood without an analysis of the legal framework and historical events that shaped the situation requiring restoration.⁴

On 18 November 1918, the Republic of Latvia was proclaimed. One of the main tasks of the newly established state in ensuring social peace was the implementation of land reform, through which the churches, and above all the Evangelical Lutheran Church, lost their share of rural property, which was legally equal to manor property. At the same time, the land reform did not affect church rights to religious buildings and other properties, including immovables, which were not nationalised. This is relevant because the land reform initiated in 1919/1920 and the resulting real estate relations in the summer of 1940, on the eve of the Soviet occupation, formed the basis for the denationalisation of state property initiated in 1990-1991.⁵

The Soviet occupation in June 1940 began a rapid process of nationalisation. Article 1(2) of the Law on Land of 29 July 1940 stipulated that all land belonging to churches, parishes, and monasteries, irrespective of area, was to be transferred to the State Land Fund.⁶ However, in 1941, the churches' ownership of buildings was also withdrawn.

1 Declaration of the Supreme Council of the Latvian Soviet Socialist Republic “On the Restoration of the Independence of the Republic of Latvia”. Official Gazette “Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs”, no. 20, 17 May 1990.

2 Pleps, 2017, p. 68.

3 Lazdiņš, 2017, p. 361. <http://doi.org/10.62733/2025.1.5-15>

4 According to the Preamble of the Declaration of 4 May 1990 “On the Restoration of the Independence of the Republic of Latvia” “the inclusion of the Republic of Latvia in the Soviet Union is not in force from the point of view of international law, and the Republic of Latvia still exists de jure as the subject of international law which is acknowledged by more than 50 countries of the world”.

5 Lazdiņš, 2005, p. 172.

6 Hronoloģiskais likumkrājums, 1960, p. 9.

2.

The Proclamation of the Latvian State and the Land Reform

Article 597 of the Baltic Private Law Code⁷ divided the manors of Livonia⁸ into: 1) Crown or domain manors; 2) manors of nobles or knights; 3) manors of nobility, towns, corporations, and institutions; 4) pastoral and ecclesiastical manors (hereinafter pastorates); 5) manor plots. Article 608 defined pastoral estates as “parcels of land, fields, and other uses established for the maintenance of the local pastor during his office”. Under Article 945, pastoral lands were in the pastor’s proprietary use (*dominium utile*); the right of surface ownership belonged to the parish church. An identical regulation also existed in Courland pursuant to Article 613.⁹

Articles 890, 893 provided that pastorates possessed all the rights and benefits of corporate manors. Pastors and church ministers were allowed to lease the land set aside for their upkeep, although the consent of the church superior was required. If the land was to be granted under an emphyteutic lease or for a term longer than twelve years, permission of the Minister of the Interior of the Russian Empire was required. Many pastorates in Livonia and Courland had the usual structure of knightly manors, consisting of a manor, quota and peasant land, and thus also had their own tenants (pastor’s people) and distinct territorial parishes.¹⁰ The main purpose of the pastorates was to maintain pastors, their families, other church ministers, and to ensure a degree of independence.

One of the main tasks of the newly established Latvian state was to ensure social peace, including the prevention of communist influence, through a land reform aimed at granting land to the landless.¹¹ The first steps towards this goal were taken even before the reform’s formal launch, with the establishment of the Latvian State Land Fund, which included mainly the Crown or State manors. These lands were at the State’s disposal, and preparations for their division began as early as 1919.¹² Before the land reform, only 39.32% (2,583,647 ha) of all land in Latvia was owned by

7 Provincialrecht der Ostseegouvernements. Dritter Theil. Privatrecht. Liv-, Est- und Cur-laendisches Privatrecht. Zusammengestellt auf Befehl des Herrn und Kaisers Alexander II. St. Petersburg: In der Buchdruckerei der Zweiten Abtheilung Seiner Kaiserlichen Majestät Eigener Kanzlei, 1864.

8 The province of Livonia comprised the southern part of present-day Estonia and the northern part of present-day Latvia (Vidzeme).

9 The province of Courland (Kurzeme and Zemgale) comprised the southern and western part of present-day Latvia.

10 Švābe, 1930, pp. 170–171.

11 Alberings and Appiņš, 1930, pp. 177–179.

12 Ertels, 1930, p. 339.

peasants. The remaining 60.68%, belonged to: 1) manors of nobles or knights (owned by about 1250 noblemen) – 48.10% (3,160,000 ha); 2) pastorates – 1.09% (71,364 ha); 3) Crown manors – 10.06% (661,311 ha) and 4) others 1.43% (93,781 ha).¹³

The Constituent Assembly, the first elected Parliament of the Republic of Latvia after proclamation of independence, convened on 1 May 1920.¹⁴ On 16 September 1920, it adopted the Land Reform Law,¹⁵ Article 1 of which re-established the State Land Fund. Article 2(1) defined the Fund as consisting of State lands, manors and forests, while Article 2(2) included the lands and manors listed in Articles 597 and 613 of the Baltic Private Law Act, and Articles 411 and 413 of the Part One of Volume Ten of the Digest of Laws of the Russian Empire, the corresponding manors in Latgale,¹⁶ and thus also the pastorates.

However, Article 3 granted an exception. Para. “a” provided, inter alia for pastorates, that land subject to alienation under Article 2(2) should not be alienated such that the former owner was left with less than the area of an average holding not subject to alienation (approximately 50 ha). Under the land reform, all manors were alienated *ipso jure*. Their further exploitation was interrupted, and the former owners of the alienated manors were legally and economically treated as simple candidates for land distribution, entitled to approximately 50 hectares of the former manor.¹⁷

Para. “b” specified that cemeteries and lands on which churches and monasteries were built, together with yards, buildings and gardens, as well as the lands of the Aglona Monastery,¹⁸ could not be alienated. This exception was clarified by the Law of 31 January 1924, by adding note 2 to Article 3, stipulating that “the land to be left to churches shall consist of the area of the inalienable average farms together with the buildings belonging to the church or parish”. To ensure the economic existence of pastorates and relative independence of pastorates, Article 6(b) provided that inventory belonging to users of pastorates and church lands should not be alienated.

Under the Land reform, 171 pastorates were transferred to the State Land Fund, representing 1.75% of the total area of land transferred.¹⁹ However, 216 pastorates with a total area of 11,710 ha remained, meaning that the average pastorate owned

13 Ibid., pp. 342–343.

14 Alberings and Appiņš, 1930, pp. 179–180.

15 See the consolidated edition of the Land Reform Law, published in attachment to the Latvian Land Reform, 1930, pp. 1–9.

16 Latgale is the easternmost part of present-day Latvia, which under the Russian Empire was not incorporated into the Baltic Provinces which in turn implies that the general laws of the Russian Empire, rather than the Baltic Private Law Code, were applicable there.

17 Materiali, 1929, p. 21.

18 This exception can be seen as a part of a compromise with the Roman Catholic Church, with which the newly established state, the majority of the population of the eastern part of which belonged to the Roman Catholic Church, had to establish amicable relations.

19 Lazdiņš, 2005, p. 173.

approximately 54.21 ha.²⁰ Thus, pastorates, given their relatively modest share of total land, lost 59,654 ha or around 83.6% of their pre-reform area.

Before the Soviet occupation in 1940, there were 1,169 parishes in Latvia: 324 Lutheran, 226 Catholic, 164 Orthodox, 90 Old Believers, 112 Baptists, 32 Seventh-day Adventists and 221 Jewish parishes. Virtually all parishes had their own churches or more broadly, places of worship.²¹

3.

The Period of Soviet Occupation

The Soviet occupation of Latvia began on 17 June 1940, when Soviet troops crossed the border of the Republic of Latvia and seized all strategically important points. The first days of the occupation were accompanied by rapid changes to the existing authoritarian system of government, and by the announcement of parliamentary elections, in which only one list was allowed to participate. The newly elected parliament, the so-called People's Saeima, held its first sitting on 21 July 1940, declaring Latvia a Soviet Socialist Republic and adopting a petition for the admission of the Latvian Soviet Socialist Republic into the Soviet Union.²² Already on 22 July 1940 the People's Saeima adopted a declaration "On the Proclamation of the People's Ownership of Land". In line with Marxist-Leninist ideology, the declaration established that land, together with its riches, forests, lakes, and rivers was the property of all people, i.e. of the state.²³ This declaration ushered in a policy of nationalisation.²⁴

On 29 July 1940, the People's Saeima adopted the Law on Land, which in Article 1(2) stipulated that "the following lands shall be transferred to the State Land Fund established by the Saeima's Declaration of 22 July 1940 declaring land to be the property of the people: [...] all lands of churches, parishes and monasteries, regardless of their area".²⁵ The ownership of land by the people as a whole, or by the state, was likewise enshrined in Article 6 of the Constitution (Basic Law) of the Latvian Soviet Socialist Republic adopted by the People's Saeima on 25 August 1940.²⁶ The implementation of these provisions resulted in the nationalisation of parish properties, including pastorates.

20 Maciņš, 1930, p. 296.

21 Grūtups and Krastiņš, 1995, p. 43.

22 Baldunčiks, 2020, p. 43.

23 Hronoloģiskais likumkrājums, 1960, p. 7.

24 Lazdiņš, 2005, p. 174.

25 Hronoloģiskais likumkrājums, 1960, p. 9.

26 Ibid., p. 11.

In March 1941, the Council of People's Commissars of the Latvian Soviet Socialist Republic adopted Decision No. 420s "On the Inventory and Valuation of Buildings for Worship in the Territory of the Latvian SSR". This decision obliged the executive committees of districts and towns to inventory, by 1 May 1941, as national property, places of worship and the most valuable objects of worship, after which they were to be transferred to parishes for use on the basis of a mutual contract.²⁷ This meant that churches or parishes, as former owners, were entitled to the use of nationalised church buildings as tenants.

On 20 February 1946, the Council of People's Commissars of the Latvian SSR adopted a decree on the use of places of worship. The decree attempted to provide precise instructions for the use of church buildings and other buildings for religious activities. It prohibited the arbitrary closure of religious buildings or their use for non-religious purposes without the permission of the Council for Religious Worship. The construction of new churches or other buildings for religious use was permitted only in exceptional cases, with the approval of the USSR Council for Religious Worship, and only if believers themselves bore material responsibility for the construction,²⁸ practically rendering such construction impossible.

At the same time, the existence of such a decree did not mean that churches or believers were immune from the arbitrariness of state authorities, especially if the decision originated from higher political bodies. The transfer of certain places of worship and church buildings to public institutions, organisations or enterprises was formalised by government decisions lacking any legal basis. For example, Decision No. 288 of the Council of Ministers of the Latvian SSR of 20 May 1959 dissolved two Catholic and two Orthodox monasteries, transferring their property without compensation to the respective town and district Workers' Deputies' Councils.²⁹ At the Lutheran Riga Cathedral, the last religious service was held on 9 May 1959, and in 1962, after dismantling of the altar and other objects, a concert hall was established in the church.³⁰ On 24 January 1961, the Riga City Executive Committee, despite protests from believers, adopted a decision "On the closure of the Orthodox Church worship building at 23 Lenina Street for public use", which the Council of Ministers of the Latvian SSR approved on 26 January 1961. On this basis, the Nativity of Christ Cathedral was closed and subsequently converted into a planetarium with a cafeteria.³¹ St. Peter's Church, the dominant architectural feature of Riga's Old Town, was severely damaged during the Second World War on 29 June 1941; although restored

27 Grūtups and Krastiņš, 1995, p. 42.

28 Talonens, 2009, p. 93.

29 Grūtups and Krastiņš, 1995, p. 42.

30 Mašnovskis, 2007, p. 262.

31 Sedova, 2019, pp. 221–224.

after the war, it was not opened to believers, and the first services took place only after the restoration of independence.³²

Even without such restrictions, parishes faced significant challenges. Although church buildings were transferred to them without remuneration and for perpetual use, parishes themselves were responsible for maintaining the buildings in good technical condition. If a parish was unable to maintain its church, the village or town council of workers' deputies could initiate its closure, usually in two situations: 1) where the building was a designated national architectural monument, but not maintained according to this status, or 2) where the building's condition posed a danger to parishioners or residents. Given that the responsibility for maintaining churches rested entirely with parish members, together with frequent acts of hooliganism (poorly investigated) causing damage to church property and the dwindling number of parishioners due to various social restrictions (mostly illegal yet effective), this responsibility was often impossible to fulfil.³³

The financial position of parishes was further undermined by the obligation to pay insurance premiums for the churches in their use.³⁴ Parishes were also subjected to higher taxation so that, in the event of non-payment, they would be compelled to relinquish their property; for example, electricity charges were five times higher for parishes than for individual users.³⁵ In practice, the church's survival in parish hands depended directly on how much believers were willing and able to pay for their faith.³⁶ As *Gustavs Tūrs* (1890-1973), Archbishop of the Evangelical Lutheran Church observed in 1965:

*'..although in the last two years several parishes have been forced to leave their churches because of excessive state payments, and there are some economic and other difficulties in the parishes, their main 'capital' – faith – has survived and in some cases even multiplied.'*³⁷

As a result, while in 1940 there were 1,169 parishes in Latvia, including 324 Lutheran, 226 Catholic, 164 Orthodox, 90 Old Believer, 112 Baptist, 32 Seventh-day Adventist and 221 Jewish, and practically all had their own churches or places of worship, shortly after the restoration of independence in 1991 there were 716 religious organisations (parishes), including 253 Lutheran, 184 Catholic, 88 Orthodox, 65 Old Believer, 60 Baptist, 28 Seventh-day Adventist, 4 Jewish, 7 Pentecostal, and 27 other religious

32 Mašnovskis, 2007, p. 340.

33 Mankusa-Ohff, 2009, pp. 156–157.

34 Ibid., p. 159.

35 Grūtups and Krastiņš, 1995, p. 43.

36 Mankusa-Ohff, 2009, p. 159.

37 Ibid., pp. 159–160.

organisations. As of 1991, 599 churches and houses of worship were used by parishes, 43 parishes used other adapted buildings, and 51 parishes lacked premises of their own. Meanwhile, 128 churches and houses of worship were not used for ecclesiastical purposes because they were held by other organisations. Approximately 360 to 400 residential and other buildings formerly owned by religious organisations were used by other organisations.³⁸

4.

The Restoration of Independence

With the adoption of the Declaration of 4 May 1990 “On the Restoration of the Independence of the Republic of Latvia”, a gradual process of restoring independence began. According to this Declaration, the Soviet authorities, led by Marxist-Leninist ideology, ignored not only the right of the Latvian State to exist, but also one of the fundamental human rights, the right to property.³⁹ Therefore, with the restoration of independence, one of the first tasks of the Latvian State was to denationalise property, i.e. to restore ownership rights to the former owners who had been deprived of them by the Soviet authorities.⁴⁰

The Decision of the Supreme Council of the Republic of Latvia (hereinafter – the Supreme Council) “On Land Reform in the Republic of Latvia” of 13 June 1990 became the turning point in the denationalisation process.⁴¹ Para. 9 of the Decision instructed the Council of Ministers to prepare and submit to the Supreme Council, by 1 September 1990, the draft laws and decisions necessary to ensure the land reform. The Decision was followed by a series of laws and other normative acts that ensured denationalisation (prior to the privatisation of State-owned property within the framework of the transition from a planned to a market economy), privatisation and the transfer of land to local authorities. Natural persons who owned land on 21 July 1940, i.e. before nationalisation by the Soviet authorities, and their heirs were recognised as former owners. Persons who had acquired property rights by way of transactions concluded between 22 July 1940 and 8 May 1945 had to apply to the courts to establish that the relevant transaction complied with the requirements of the Civil Law,⁴² including verification of the acquirer’s good faith. Religious organisations were likewise entitled to recover property nationalised by the Soviet authorities.⁴³

38 Grūtups and Krastiņš, 1995, p. 43.

39 Lazdiņš, 2015, p. 429.

40 Lazdiņš, 2005, p. 175.

41 Lazdiņš, 2017, p. 361.

42 Civil Law. Official Gazette “Valdības Vēstnesis”, No. 41, 20.02.1937.

43 Lazdiņš, 2005, pp. 175–176.

With the entry into force of the land reform laws, all acts adopted since 21 July 1940 on the nationalisation, alienation and allocation of land for use by natural and legal persons were formally repealed (Article 2 of the Law “On Privatisation of Land in Rural Areas”;⁴⁴ Article 4 of the Law “On Land Reform in Cities of the Republic of Latvia”⁴⁵). However, to avoid legal uncertainty, the right of temporary use of land was maintained for a certain period until the establishment of ownership rights.⁴⁶

On 11 September 1990, the Supreme Council adopted the Law “On Religious Organisations”.⁴⁷ Article 5(3) of this Law granted legal personality to religious organisations.⁴⁸ Article 7 provided a general declaration recognising the property rights of religious organisations over immovable and movable property, which was of fundamental importance because, during the Soviet period, religious organisations had not been legal persons and therefore possessed neither legal title to their formerly confiscated property, nor the right to acquire new property or dispose of it. Article 7 also contained a general reference the right of religious organisations to claim their formerly confiscated property, subject to a specific law yet to be adopted. The adoption of this law took one and a half years.

On 18 March 1992, the first reading of the draft law “On the Restitution of Properties to Religious Organisations” began. The draft was largely modelled on the already adopted law “On the Denationalisation of Building Properties in the Republic of Latvia”.⁴⁹ At the same time, it had its own specificities, as for the first time in the practice of the Supreme Council it provided for the restitution of property, including land, to legal entities, and also for the restitution of movable property. This was particularly challenging, as it was the first occasion on which the Latvian legislator, after the restoration of statehood, was confronted with questions of the inheritance of rights relating to legal entities. Some deputies argued that only those parishes in which a certain percentage of pre-occupation parish members remained could inherit; to this, for example, it was replied that had the process taken place ten years later, none of the former legal entities would naturally have remained. In addressing the question of legal succession, the problem of the identity of the former and existing

44 Law “On Land Privatisation in Rural Areas”. Official Gazette “Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs”, No. 32/33/34, 20.08.1992.

45 Law “On Land Reform in Cities of the Republic of Latvia”. Official Gazette “Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs”, No. 49/50, 19.12.1991.

46 Lazdiņš, 2005, p. 176.

47 Law “On Religious Organisations”. Official Gazette “Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs”, No. 40, 04.10.1990.

48 For the purposes of the Law, according to Article 4(1) “religious organisations are voluntary associations of permanent residents of the Republic of Latvia which are established on the basis of religious belief in order to satisfy and provide for the religious interests and needs of their members.”

49 Law “On the Denationalisation of Building Properties in the Republic of Latvia”. Official Gazette “Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs”, No. 46, 21.11.1991.

organisation had to be resolved, and was successfully resolved in the Law.⁵⁰ It should also be noted that restitution of church property was not without opponents: for example, one of the deputies of the Supreme Council asked whether it was necessary to return “everything, every last properties that once belonged to churches”, including pastors’ houses, formerly known as pastoral manors.⁵¹

On 12 May 1992, the Supreme Council adopted the Law “On the Restitution of Properties to Religious Organisations”,⁵² based on the following principles. First, religious organisations were to have their property rights restored, both immovable and movable, with the exception of deposits and certain other categories.⁵³ Second, the property rights of *bona fide* acquirers, who had acquired property on the basis of notarially certified contracts were to be protected.⁵⁴ Third, compensation was to be provided if restoration of the specific property was impossible, with exceptions, for example, where the property had been destroyed during the Second World War.⁵⁵ Fourth, if a parish or other religious organisation ceased to exist, its property was to be taken over by the religious centre⁵⁶ concerned.⁵⁷ Fifth, the law regulated the identification of the successor in title, both administratively and through the courts.⁵⁸ Sixth, property rights were to be restored by a decision of the relevant local authority, on the basis of which a certificate of title was to be issued.⁵⁹ The property rights of foreign religious organisations were to be decided on a case-by-case basis by the

50 Grūtups and Krastiņš, 1995, pp. 43–45.

51 Lazdiņš, 2017, pp. 379–380.

52 Law “On the Restitution of Properties to Religious Organisations”. Official Gazette “Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs”, No. 22/23, 04.06.1992.

53 *Ibid.*, Para. 2 of the Preamble and Article 2.

54 *Ibid.*, Art. 2.

55 *Ibid.*, Art. 4.

56 For the purposes of the Law, a religious centre means the Roman Curia, consistory, eparchy, union and council (Para. 1 of the Preamble of the Law).

57 Art. 6(1) of the Law stipulated: “The right to recover illegally alienated property objects in accordance with their statutes (constitution, by-laws) is vested in religious organisations which were registered with the Department of Churches and Denominations of the Ministry of the Interior of the Republic of Latvia and which have restored their legal personality rights in accordance with the procedure established by the Law of the Republic of Latvia “On Religious Organisations”, or religious organisations - their successors in title. If a parish or other religious organisation ceases to exist, its property shall be taken over by the relevant religious centre in Latvia.”

58 Art. 6(2) of the Law stipulated: “Renewed religious organisations belonging to the same denomination as the former religious organisation may be recognised as successors to the property rights if their aims, objectives, basic doctrine, legal status, name and territory of activity are the same as those formulated in their statutes (constitution, by-laws). The inheritance of property rights shall be confirmed by the court upon the opinion of the religious centre concerned, but if there is no centre, the court shall request the opinion of the Advisory Council for Religious Affairs of the Supreme Council of the Republic of Latvia and the Department for Religious Affairs.”

59 *Ibid.*, Art. 8.

government.⁶⁰ Seventh, all claims between the current holder of the property and the church were extinguished: churches were not entitled to claim fees for the use of the property to be restored until restoration of property rights, and current holders were not entitled to claim compensation for maintenance, repair or reconstruction.⁶¹ Eighth, restitution was to occur within the time limits laid down in the Law.⁶² Ninth, tenants' rights were to be protected.^{63,64}

It should be noted that when all German Lutheran parishes were dissolved in 1939-1940,⁶⁵ their properties were transferred to the Lutheran Church Superintendency; accordingly, the Latvian Evangelical Lutheran Church Consistory, as the relevant religious centre under the Law "On the Restitution of Properties to Religious Organisations" was entitled to claim properties of former German parishes.⁶⁶ At the same time, the decision of the Supreme Council of 12 May 1992 on the procedure for the entry into force of the Law provided that the legal status of the Lutheran Riga Cathedral and St. Peter's Church was to be determined by special laws, because these buildings had no legal heirs: the parishes had emigrated during the Second World War and had not been re-established thereafter, and the Latvian Evangelical Lutheran Church had not inherit their rights, as these parishes had not been under the authority of the Supreme Board of the Latvian Evangelical Lutheran Church.⁶⁷ Moreover, even in 1995, not all deputies supported the restitution of the Riga Cathedral to the Latvian Evangelical Lutheran Church, including on the grounds that the state and taxpayers had invested significant resources in the maintenance.⁶⁸

Only with the adoption of the Law "On the Riga Cathedral and Monastery Ensemble"⁶⁹ on 9 June 2005 was ownership of the Riga Cathedral restored to the Latvian Evangelical Lutheran Church. The fate of St. Peter's Church in Riga was decided only very recently – by the Riga St. Peter's Church Law⁷⁰ of 24 March 2022, the

60 Ibid., Art. 6(3).

61 Ibid., Art. 9.

62 Ibid., Art. 12.

63 Ibid., Art. 13.

64 Grūtups and Krastiņš, 1995, pp. 48–49.

65 This has taken place in the context of the emigration of the historic Baltic German (*Baltdeutschen*) minority, which took place in accordance with the German-Latvian Treaty of 30 October 1939. "On the Relocation of Latvian Citizens of German Nationality to Germany", within the framework of which the Baltic Germans were in fact forced to leave Latvia. Those who had not done so emigrated already on the basis of the German-Soviet Treaty of 10 January 1941. See in Lazdiņš, 2017, p. 381.

66 Grūtups and Krastiņš, 1995, p. 49.

67 See: Initial Impact Assessment Report on the draft law "Riga St. Peter's Church Law" (annotation), 2018.

68 Skujeniekam, 1995, p. 3.

69 Law "On the Riga Cathedral and Monastery Ensemble". Official Gazette "Latvijas Vēstnesis", No. 98, 22.06.2005.

70 Riga St. Peter's Church Law. Official Gazette "Latvijas Vēstnesis", No. 69, 07.04.2022.

building was transferred to the St. Peter's Church of Riga Foundation, jointly owned by the Latvian Evangelical Lutheran Church and the German parish of the St. Peter's Church⁷¹. Thus, historical justice was restored.

5. Conclusion

After the restoration of the independence of the Republic of Latvia, initiated by the adoption of the Declaration of the Supreme Council "On the Restoration of the Independence of the Republic of Latvia" on 4 May 1990, the State, within the framework of the principle of continuity, had not only the right but also the legal duty to restore, as far as possible, the legal and factual situation that existed before the Soviet occupation of the Republic of Latvia in the summer of 1940. This restoration included the restitution and denationalisation of property nationalised during the Soviet occupation to the previous owners or their heirs.

Among the owners entitled to receive what was illegally seized were churches or religious organisations, which during the Soviet occupation were deprived of ownership of land, buildings (with cult buildings transferred merely for parish use) and even objects of religious rites. Given that the volume of property held by churches in the pre-occupation period, although significant compared with other private individuals, was not of national importance, the decision to include religious organisations among those entitled to restitution did not place a substantial burden on the state. This is partly because the churches had already lost a large share of their property during the land reform carried out by the Republic of Latvia after its establishment in 1918. Nevertheless, the restitution of certain properties, namely the Lutheran Riga Cathedral and St. Peter's Church, proved problematic and caused turbulent discussions, although they were based not on financial but on emotional or even ideological considerations. As a result, the restitution process concluded only in 2022, with the transfer of St. Peter's Church to the foundation jointly established by the Latvian Evangelical Lutheran Church and the German parish of the St. Peter's Church.

Given that religious organisations/churches were granted legal personality only with the restoration of independence, the legislator faced the complex task of determining the eligible recipient to whom property rights were to be restored. This challenge arose because religious organisations were the first legal entities for which the legislator envisaged restoring ownership of property nationalised during the Soviet occupation, while many parishes that had held such property before 1940 had ceased to exist. Consequently, the legislator created a solution whereby property

71 Ibid., Art. 4(1).

rights were to be restored first to parishes and, where these no longer existed, to religious centres. However, where restitution in kind was not possible, the legislator provided for compensation, while simultaneously imposing restrictions to safeguard the rights and interests of others, most notably through social legislation protecting tenants, because the previous situation was to be restored only insofar as this was realistically achievable.

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