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Jerusalem tax dispute centers on church-owned properties

Mayor Nir Barkat has called into question whether buildings that are not houses of worship should be tax-exempt.

An ethereal city graced with sunlight so bright it turns the white-stone skyline gold at sunset, Jerusalem is also an earthbound city whose teachers must be paid and whose garbage must be collected.

Amid financial woes, finding a balance between the Holy City’s earthly needs and the needs of the numerous institutions that form its rich religious heritage is no easy task.

That balance was upset recently, leaders of the Holy Land’s Christian churches say, when they received property tax bills totaling millions of dollars, applicable to all church properties that are not actual houses of worship. The levying of those bills was spearheaded by Mayor Nir Barkat, who wants to shore up the city’s small tax base.

“It is absurd for Jerusalem residents to fund municipal services for the churches . . . on their own,” Barkat said, “and for the municipality to be prevented from collecting enormous sums that could significantly improve the city’s development and services.”

But the move was unprecedented: for five centuries, successive rulers of the Holy Land, including Israel, have exempted all church holdings from property taxes. When Israel was established in 1948, the government worried that allowing all religion-linked properties to be tax-free would be financially untenable, but continued the church exemption as a courtesy.

Christian officials, angered by the recent tax bills and the belief that Israel is trying to change the religious status quo in the contested city, decided to shutter the Church of the Holy Sepulchre for three days in protest.

“We, the heads of churches in charge of the Holy Sepulchre and the status quo governing the various Christian holy sites in Jerusalem—the Greek Orthodox Patriarchate, the Custody of the Holy Land, and the Armenian Patriarchate—are following with great concern the systematic campaign against the churches and the Christian community in the Holy Land,” the church leaders said in a joint statement February 25 announcing the closure.

The government reportedly fears setting a precedent that, once rooted in law, will enable Jews and Muslims, who have many more religious institutions, to demand the same fiscal status.

Prime Minister Benjamin Netanyahu temporarily defused the controversy by ordering Barkat to suspend the tax bills and appointing a committee of church leaders and Israeli officials to negotiate.

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Undeterred, the mayor said the municipality “is determined to settle past debts” totaling \$188 million “and future municipal tax payments, according to the law, on behalf of the residents of Jerusalem.”

Almost half of the city’s residents, including predominantly ultra-Orthodox Jews and Muslim and Christian Arabs, are exempt from property taxes because they live below the poverty line, according to the Israeli Central Bureau of Statistics and National Insurance Institute.

Although the national government helps support Jerusalem’s infrastructure, the mayor says that what the city gets is insufficient, so taxing church properties is necessary to fill the gap. The city also sent bills last month to another tax-exempt landowner, the United Nations. The municipality ultimately hopes to collect taxes from 887 properties belonging to various churches and the U.N.

But because the city’s Christian denominations—most notably the Greek Orthodox Patriarchate—own vast swaths of land in Jerusalem and elsewhere, tax policy has both religious and practical implications, said David Kroyanker, an expert on Jerusalem’s multicultural architecture.

“Mainly since the 19th century, different Christian churches have acquired a huge number of properties,” Kroyanker said. “The Jerusalem municipality is asking to tax only buildings that aren’t churches, and they own much more than the churches.”

Kroyanker questioned why the churches should be exempt from paying taxes on commercial property when comparable Jewish- and Muslim-owned property is not.

“Why shouldn’t a building like the Notre Dame Center,” a Catholic-owned complex that contains a church, a pilgrims’ hotel, a restaurant and a gift shop, “pay tax at least for the areas that are purely commercial?”

But precedent also has an important place in the discussion, the architect noted.

Since Israel’s founding in 1948 the Israeli government hasn’t charged tax, “so why start claiming it now? Once you take a stand it’s difficult to change it.”

In fact, representatives from the Israeli government and the Holy See have been negotiating taxation and other issues for two decades, but have failed to reach an agreement.

David Rosen, the director of the American Jewish Committee’s Department of Interreligious Affairs, called the exemptions Israel has given the churches “an act of magnanimity” by a government “that recognizes the special place of the churches in Jerusalem and the Holy Land.

“Israel has been under no legal obligation to do so,” he said.

Church leaders have officially taken an uncompromising stance, accusing the Israeli government of trying to spur the emigration of Holy Land Christians, who constitute about 2 percent of the Israeli population. Yet Farid Jubran, general counsel for the Custody of the Holy Land, the body that oversees the property of the Catholic Church, indicated some flexibility.

“We never pretended to ask for an exemption in hotels and halls,” Jubran said, adding that “it is very rare that a church has a hotel. I can think of only five or six [cases]. We never said we won’t pay taxes.”

Jubran said the Notre Dame Center, which is located just across the street from the Christian Quarter of the Old City of Jerusalem, “has a chapel, a church, and a monastery. If you go there you will see it is full of pilgrims.”

Jubran said that if the municipality wants to tax certain church properties, “it should be done through negotiations and not in a unilateral way. And certainly not retroactively.”

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Two days later, Prime Minister Benjamin Netanyahu temporarily defused the controversy by ordering Barkat to suspend the tax bills and appointing a committee of church leaders and Israeli officials to negotiate.

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Jerusalem's churches wait to hear details of Israeli PM's tax and land announcement

Bank accounts belonging to the Anglican diocese in Jerusalem remain frozen with a tax demand still outstanding, despite an announcement that the controversial new municipal taxes would be put on hold. Greek Orthodox, Catholic and Armenian leaders closed the Church of the Holy Sepulchre last week as tensions rose over the controversial tax introduced by the Mayor of Jerusalem, Nir Barkat. The doors were opened this morning after a spokesman for Israeli Prime Minister Benjamin Netanyahu announced that he had set up a task force to negotiate a solution with the churches.

Also at issue was a proposed law that would have allowed the Israeli government to retroactively seize land sold by churches. The Greek Orthodox Patriarch of Jerusalem, Theophilos III, travelled extensively last year raising awareness of the issue, winning the support of Christian leaders including Pope Francis and the Archbishop of Canterbury. The Prime Minister's spokesman said yesterday that both this legislation and the new Jerusalem Municipality tax would be put on hold.

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The conflict reached crisis point when Patriarch Theophilos, Roman Catholic Custos Francesco Patton, and Armenian Patriarch Nourhan Manougian, announced that the doors to the Church of the Holy Sepulchre – revered by many Christians as the site of the crucifixion, burial and resurrection of Jesus – would remain closed to tourists and pilgrims until the situation was resolved.

This week, the Ministerial Committee for Legislation – a statutory body which scrutinises legislation – was due to consider the draft law on Church land sales. However, in a statement, an Israeli government spokesman said that this would form part of discussions between church leaders and a new professional team led by Regional Cooperation Minister Tzachi Hanegbi set up to “formulate a solution.” The team will include representatives of the Ministries of Finance, Foreign Affairs and the Interior and the Jerusalem Municipality. “The team will negotiate with the representatives of the churches to resolve the issue,” the spokesman said.

“As a result, the Jerusalem Municipality is suspending the collection actions it has taken in recent weeks.

“In addition, following a request by the heads of the churches to enter negotiations regarding the sale of land in Jerusalem, Prime Minister Netanyahu has asked Minister Hanegbi to examine the issue. While the Minister is doing so, all legislative activity on the matter will be suspended.”

The spokesman added: “Israel is proud to be the only country in the Middle East where Christians and believers of all faiths have full freedom of religion and worship. Israel is home to a flourishing Christian community and welcomes its Christian friends from all over the world.”

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