

Legal Status of the
Orthodox Palestine Society in the Holy Land 1917–2023

Background

After the February Revolution, on March 18, 1917, the Council of the Imperial Orthodox Palestine Society decided to abolish the title "Imperial," which the Society received in 1889 and henceforth be called the Orthodox Palestine Society (OPS)¹, the name of which the society had when it was founded in 1882. On March 26, 1917, Grand Duchess Elizabeth Feodorovna, who headed the Society after the murder of her husband Grand Duke Sergei Alexandrovich in 1905, resigned. On April 9, 1917, at a general meeting, the former vice-chairman, Prince A. A. Shirinsky-Shikhmatov, was elected chairman of the Society, who headed it until his death in 1930. In accordance with the well-known decree of the Council of People's Commissars of January 23, 1918 "On the Separation of Church and State and School from Church" and in accordance with the explanatory documents relating to this decree, the OPS within Soviet Russia was forcibly abolished. The Soviets then established the new "Russian Palestine Society" next to the Academy of Sciences in Moscow, with a new anti-religious charter, disconnected from the former entity, property and real estate, retaining purely scholarly activity. In the autumn of 1918, Prince A. A. Shirinsky-Shikhmatov, persecuted by the Bolshevik government, was forced to emigrate to Germany, where he assembled the Council of the Orthodox Palestine Society, uniting some of the former members of the IOPS Council who also found themselves in exile.

In 1919, the Council of the OPS entered into relations with Nikolai Romanovich Selezneff², who was approved as the manager of the properties in Palestine. Selezneff received recognition from the authorities of the British Mandate and began active work on the management of the property of the OPS in Palestine.

In 1923, the Soviet government declared that, on the basis of the decree on confiscation, it considered all property under the jurisdiction of the OPS in Palestine to be Soviet property, and challenged this right with the British government³. The British government in Palestine, not wanting to fulfill the demands of the USSR, referring to Article 37 of the Mandate of the "Charter on Charitable Foundations," entrusted all the property of the OPS in Palestine under the auspices of a state guardian⁴. On February 6, 1926, the British government issued an order on the management of Russian property⁵. On the basis of this order, the British government recognized the legal status of the Orthodox Palestinian Society in Palestine as an independent charitable organization, under the control of the former imperial vice-consul in Jerusalem

¹ K. N. Yuzbashian. *Palestinskoje Obshchestvo. Stranitsy istorii*. [Palestine Society. Pages in History.] <http://www.krotov.info/history/19/57/yuzb02.html>

² Nikolai Romanovich Selezneff (1871-26.05.1925) before the First World War was an assistant to the Administrator of the Properties of the IPPO in Jerusalem. In February he and his spouse found themselves in Ekaterinodar, where the Head of the Administration of Foreign Affairs of the Special Council under Commander-in-Chief A. I. Denikin, IPPO Council member A. A. Neratoff, bestowing nominal authorities to Selezneff, sent him to administer the properties in Jerusalem.

³ A note from the representative of the RSFSR in London, L. B. Krasin, to the Minister of Foreign Affairs of Great Britain, Marquess Curzon of 18 May 1923. Amendment of Russian properties Administration ISA 2/2/1/24.

⁴ Order on the establishment of administrative management over the Russian properties in Palestine//Official Gazette of the Palestine Government No. 147. 16 September 1925.

⁵ Amendment of Russian properties Administration ISA 2/2/1/24.

V.K. Antipoff⁶, who replaced N.R. Selezneff, who had died in May 1925, as manager of the OPS properties in Palestine⁷.

In accordance with the law, the state Administrator collected the rent for use of the OPS' properties in Palestine, not used by the OPS. The rental income remaining after all expenses for the maintenance of the property was transferred to the OPS for the purposes specified in the charter of the OPS, such as the maintenance of the churches, monasteries, pilgrims and poor Orthodox people living in Palestine.

In May 1948, before leaving Palestine, the British government issued a decree on the "Administration of the property of the OPS" on April 28, 1948⁸. This decree fully retained all rights to the property of the OPS for the "Bureau of OPS Administrators" headed by K. A. Antipoff. As a result of the outbreak of the Arab-Jewish war in the same year, the demarcation line between Israel and Jordan divided the OPS' real estate between the two countries. Under pressure from the Israeli army, the property manager and members of the Bureau of Administrators of the OPS were forced to leave the territory of the State of Israel. The exiles were taken under the protection of King Abdullah of Jordan. Unlike Israel, the Jordanian authorities recognized the British law on the "Administration of the property of the OPS," which assigned all the rights of the owner to the Bureau of Administrators of the Orthodox Palestine Society⁹.

During the Six-Day War of 1967, Israel conquered the right bank of the Jordan River and east Jerusalem from the Kingdom of Jordan, on which the administrators and part of the property of the OPS were located. Israel did not recognize the British law on the "Administration of the Property of the OPS" of 1948, so in 1948-1967 the Israeli government conducted in the property transactions with the USSR, as if the OPS is absentee. There were fears that Israel would not recognize the rights of the OPS in the territory occupied in 1967, but despite Moscow's protests, the Israeli government agreed to recognize the legitimacy of the OPS on the West Bank of the Jordan River and East Jerusalem.

In order to ensure the legal status of the OPS in the State of Israel, the Bureau of the OPS Administrators, at a meeting on January 14, 1969, decided to authorize the Chief of the Russian Ecclesiastical Mission in Jerusalem, Archimandrite Anthony (Grabbe), to immediately begin efforts to place the OPS under the protection of the Synod of Bishops (an American entity) following the example of the Russian Ecclesiastical Mission¹⁰, in order to ensure in the future reliable protection of the rights and property of the OPS in Israel and thereby prevent any encroachments on the possession of the OPS by the Soviet state or the Israeli government¹¹.

On September 18, 1969, during a general vote, all members of the Society unanimously decided to transfer the OPS to the care of the Synod of Bishops of the Russian Orthodox Church Outside of Russia. By decree of the Synod of Bishops of June 19, 1969, the OPS came under the jurisdiction and guardianship of the Synod of Bishops of ROCOR. The document on the consent of all members of the

⁶ Vasilii Konstantinovich Antipoff (1868-1966), acting member of the IPPO since 1912, Secretary, Vice Consul of the Consulate General of Russia in Jerusalem in 1910-1914, Administrator of the Russian Properties in Jerusalem in 1925-1959.

⁷ ROCOR Archive F. OPS Holy Land Section, 1920's.

⁸ Palestine order in council, 1948. Order by the High Commissioner in the Palestine Gazette. April- May, 1948.

⁹ R. Gultaev. THE OPERATION "HAMMER AND SICKLE," FROM THE HISTORY OF RUSSIAN PROPERTY OWNERSHIP IN THE HOLY LAND DURING THE PERIOD OF THE BRITISH MANDATE 1917-1948 // Jerusalem Orthodox Seminary ED. 1. Moscow, 2010, pp. 143-160.

¹⁰ The Synod of Bishops of the Russian Orthodox Church Outside of Russia, registered in the USA since 1952 as an official institution, took under its jurisdiction the Russian Ecclesiastical Mission in Jerusalem. This way, the REM received the official status of an American organization in Israel.

¹¹ Journal of the Meetings of the Bureau of Administrators of Properties of the OPS, 31 March 1969, signed by President M. Khripunoff. ROCOR Archives, F. OPS, f. 1969.

OPS to the new status was signed by the chairman of the Bureau of Administrators of the OPS M. G. Khripunoff on March 31, 1969¹².

On May 10, 1970, a meeting of the Supreme Council of the OPS was held, which was attended by the First Hierarchy of ROCOR, Metropolitan Philaret, the Chairman of the ROCOR Synod; Prince Teimuraz Konstantinovich Bagration, representing the OPS Section in the USA, and Archimandrite Anthony (Grabbe), representing the OPS Section in the Holy Land. This meeting approved the new Charter of the Society, thereby assigning to the Council of the OPS the Holy Land all the property of the OPS in the Holy Land. The new Charter of the Society provided for the existence of three OPS Sections — in the Holy Land, in America and in Europe. In addition, a Supreme Council was formed, consisting of the President of the ROCOR Synod, the Secretary of the ROCOR Synod and the chairmen of the three local Sections, which would make recommendations and coordinated the activities of the three geographical sections.

In 1971, by decree of the Synod of Bishops, a lawsuit was filed on behalf of the REM and the OPS against the Israeli government regarding the illegal seizure of the properties of the REM and of the OPS in favor of the USSR in 1948, as well as against the illegal transfer of this property to the Israeli government in 1964 (the “Orange Deal”)¹³. After nearly 13 years of litigation, in May 1984 the Israeli government offered the REM and OPS \$7 million in compensation for the lost property. The agreement was signed on the one side by the REM and the OPS, on the other side by the State of Israel and the State Guardian General¹⁴. The very fact that the Government of Israel paid compensation for the lost Russian property in the territory of the State of Israel in 1948–1967 was regarded as recognition of the property rights of the REM and OPS in the State of Israel.

Simultaneously with the success achieved, certain dark sides of the activities of Archimandrite Anthony (Grabbe) were revealed, including illegal financial transactions and non-canonical actions. By decree of the Synod of Bishops of ROCOR, Archimandrite Anthony was brought before an ecclesiastical court and suspended from the priesthood¹⁵. Subsequently, Father Anthony was forced to resign from the posts of head of the REM and Chairman of the OPS. Olga Wahbe, who was the daughter of the oldest member of the OPS Council, Asaf Wahbe, was chosen as the new chairperson of the OPS in the Holy Land.

Having left the subordination to the Synod of ROCOR arbitrarily, Father Anthony (Grabbe) declared that he would retain membership in the Council of the OPS section in the Holy Land. In this connection, the Synod of ROCOR initiated an arbitration process in Jerusalem, during which the Synod of ROCOR declared Anthony (Grabbe) a usurper of the OPS/Holy Land Section. On March 31, 1996, the Court of Arbitration in Israel recognized as authoritative and lawful the subordination of the OPS Holy Land Section to the Synod of ROCOR and the Supreme Council of the OPS in accordance with the 1970 statutes¹⁶.

In 1999, despite the rulings of the arbitral tribunal, taking advantage of the failing health and advanced age of the chairman of the OPS Holy Land, O. Wahbe, A. Grabbe made an unsuccessful attempt to register his self-styled and independent OPS in Israel. In order to counteract the encroachments and illegal actions of A. Grabbe, on November 27, 2000, the Supreme Council of the OPS convened a meeting

¹² Ibid.

¹³ Decree of the Synod No. 203, 24 March 1969. ROCOR Synod Archives. Decrees 1969.

¹⁴ Settlement Made in Jerusalem 24.5.84 between REM, OPS and State of Israel. ROCOR Archive. F. REM, f. 1986.

¹⁵ Court Judgment against Archim. A. (Grabbe), meeting of the Synod of ROCOR on 27 March 1986. ROCOR Synod Archive, F. REM, f. 1986.

¹⁶ The Russian Orthodox Church Outside of Russia, The Synod of Bishops of The Russian Orthodox Church Outside of Russia, The Supreme Council of The Orthodox Palestine Society against The Holy Land Section of the Orthodox Palestine Society, Judgment Given by the Arbitrator Advocate Yigal Arnon Tel Aviv 31 of March 1996. ROCOR Archive.

of the section of the OPS Holy Land in Jerusalem, the authorized chairman of the meeting was Archbishop Mark (Arndt), who oversaw the affairs of the REM in Jerusalem. At the meeting, new members and the chairman of the Society, Abbess Moses (Bubnova)¹⁷, were elected. The head of the Synod of Bishops of ROCOR, Metropolitan Vitaly, approved the new composition of the Section of the OPS Holy Land¹⁸.

In accordance with the rulings on corporations, which the State of Israel inherited from British law, the OPS Holy Land in Israel had the status of an unregistered corporation. From 1967 until the 1984 agreement, the State of Israel refused to register the corporation because it was related to the registration of the real estate of the OPS in Israel. From 1986 to 2006, legal battles with Grabbe became an obstacle to the registration of OPS as a formal corporation in Israel. Grabbe's death in 2006, marked the end of the conflict. On April 18, 2007, the OPS/Holy Land Section was officially registered with the Ministry of Justice of the State of Israel as a charitable society.

Meanwhile, Nikolai Hoffman-Worontsov, a former driver of Archbishop Mark who was asked by him to guard St. Alexander Metochion in Jerusalem, arbitrarily declared himself chairman of a self-proclaimed OPS and practically seized the building of the Alexander Compound, changing the locks and putting his people there. The chairman of the OPS Holy Land, Archbishop Mark, declared N. Hoffmann an impostor, a swindler and usurper of the Alexander Compound in Jerusalem.

In 2007, Archbishop Mark (Arndt) was elected Chairman of the OPS Holy Land¹⁹. On October 31, 2007, in Moscow, a cooperation agreement was signed between the Imperial Orthodox Palestine Society and the OPS Holy Land²⁰. The agreement was signed by Archbishop Mark and IOPS Chairman S. Stepashin. The main purpose of the agreement was long-term cooperation between the corporations, in particular, clause 1.3 of the agreement concerned the assistance of the OPS Holy Land Section in efforts to return the Sergievsky Compound in Jerusalem. In 2009, the ownership of the Sergievsky compound was transferred to the Russian Federation.

On August 27, 2020, the Israeli Ministry of Justice, after a three-year special review, approved the new charter of the Society, according to which all clauses of the 1970 charter are preserved, from which it follows that the OPS Holy Land Section, registration number 513965889, is the legal successor of the historical OPS. The new statute was approved by the Synod of ROCOR and the Supreme Council of the OPS²¹.

On July 28, 2021, at the general meeting of the OPS of the Holy Land, a new council of the society was elected, which included the head of the REM, Archimandrite Roman (Krassovsky), and the new chairman, Priest Roman Gulyaev. At the same meeting, Metropolitan Mark (Arndt) was elected honorary president of the Society for life²².

¹⁷ The previous President of the Society, Olga Asafovna Wahbe, due to reasons of health and in light of her advanced age (96 years old) could not participate in the meeting of the Society in 2000. Olga Asafovna died in Jerusalem in 2006 at the age of 102 and is buried in the Russian cemetery in Gethsemane.

¹⁸ Minutes of the Meeting of the Provisional Council of the Holy Land Section of the Orthodox Palestinian Society November 27th 2000. ROCOR Synod Archive. F. REM, f. 2000.

¹⁹ General meeting of the OPS/Holy Land Section, 25 October 2007. OPS/Holy Land Section Archive.

²⁰ OPS/Holy Land Section Archive.

²¹ OPS/Holy Land Section Archive.

²² Ibid.