



Jerusalem's Temple Mount: A Jewish-Muslim Flashpoint

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“Jerusalem and the Temple Mount are the cornerstones of Jewish identity.”

*Prime Minister Ehud Barak,
the United Nations,
September 7, 2000*

“Yes, at Camp David, Israel did agree to a form of Muslim sovereignty over the Temple Mount.”

Foreign Minister Shlomo Ben-Ami,
Israel TV Channel 1,
November 16, 2000

A Matter of Sensitivity

In a 1929 handbook prepared for British Mandate officials published just prior to the outbreak of another round of Arab riots that led to 133 Jewish dead, L.G.A. Cust, himself a former Palestine District Officer of Jerusalem, wrote of an attempt to secure the formal transfer of the “Wailing Wall”, part of the Temple Mount retaining walls, to Jewish ownership four years previously, that “the Military Governor...discouraged the pursuit of the matter in view of the sensitive state of Arab opinion.”¹

The very same terminology was employed by the former Deputy to the President of Israel's Supreme Court, Professor Menachem Elon, when he wrote, in a decision to prohibit Jews from worshipping on the Temple Mount, that the site possessed “great sensitivity...extraordinary sensitivity that has no parallel anywhere”.²

In the name of that sensitivity, his adjudication prohibited a Jew from entering the holy site adorned with phylacteries or wearing a prayer shawl.

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In September 2000, as if in the wake of a thunderclap, the Temple Mount assumed center stage in the ongoing Arab-Israel conflict and the negotiations being conducted to bring about its resolution. A visit by Likud opposition leader, Ariel Sharon, to the Temple Mount compound, but not to the Muslim buildings, on Thursday, September 28, served Yasser Arafat as a pretext. Defining the visit as a “provocation”, a charge echoed by US Secretary of State Madeleine Albright, and French President Jacques Chirac, elements of the Palestinian Autonomy (PA) initiated violent behavior that drew violent responses by Israeli police. Israel’s acting Foreign Minister, Prof. Shlomo Ben-Ami, later claimed that he had taken advice from Jabril Rajoub, a leading figure of the PA’s security establishment, who assured him that if Sharon did not enter any mosque, there would be no trouble. Israel’s General Security Services (Shabak) confirmed that it did not advise that Sharon’s visit be cancelled at the time.³

These events have reinforced the position that the issue of the establishment of clearly defined political rights and sovereignty in and over the city of Jerusalem is inseparable from the question of the religious claims of the three major monotheistic faiths. In the Israel-Jordan Peace Treaty, Israel’s former Prime Minister Yitzhak Rabin committed Israel to respect

the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem [and] when negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.”⁴

This brought to the fore the competing attentions and sensitivities to the question of Jerusalem’s future status of Israel, Jordan and the PLO, as well as the Vatican, Saudi Arabia and Morocco, and even Russia.

There are some observers who support a theory that Rabin consciously had sought to set the Muslims at each other so as to forestall a decision being made concerning the final status of Jerusalem. In an odd development, Prime Minister Netanyahu discovered that he needed to intervene on Jordan’s behalf to prevent its Religious Affairs Department employees from being forcibly ejected from their Temple Mount offices by Arafat’s PZ security forces.⁵

In the wake of the recent “Al-Aqsa Intifada”, the essence of what the Israel-Jordan Peace Treaty intended to be the fate of Jerusalem is being questioned. An Egyptian report from Amman noted:

That “special role” means, according to the Israeli interpretation of the clause, that the control of the shrines would be handed over to Jordan rather than the Palestinians...the late King Hussein, retained Jordan’s status as the guardian of the Islamic shrines in Arab East Jerusalem when he renounced Jordan’s legal and administrative relations with the Israeli-occupied territories in July 1988 [thus] averting a vacuum, which would allow the Israelis to take control of the Islamic shrines there since the Palestinians were not yet ready to fill that vacuum... “King Abdullah is standing firm,” said the source. “He has clearly told Barak and US officials that Jordan would not want to have any role that would substitute the Palestinian right to Arab East Jerusalem.”⁶

Menachem Begin, Prime Minister during Camp David I in September 1978, steadfastly refused even to permit Jerusalem to be raised as an integral discussion issue. Ehud Barak, at Camp David II in July 2000, broke tradition. It would be no understatement to say that no other city throughout the ages has known such struggle and strife, both physically and spiritually, over so small an area of territory. What are the roots, facts and myths that feed this conflict whose flashpoint is the Temple Mount?

Jerusalem – The Eternal Jewish Capital

As related in the Bible and substantially supported by archeological discoveries, King David established Jerusalem as his capital, seven years following his royal anointment in Hebron, through the

purchase of Aravna's threshing-floor that was located at the great rock now under the golden-domed structure called in Hebrew *Even Hashtiyah* (Rock of Foundation) and in Arabic *El Tzachra* (the Rock).⁷

This site was, already sanctified from the time of Abraham as "Shalem" the "Land of Moriah" and the "Mount of the Lord".⁸

Solomon built the First Temple; Ezra began to erect the Second Temple that later was magnificently renovated by Herod. The Temple Mount is considered the place where the *Shechina* – the Divine Presence – rested and, as such, is sanctified for eternity.

Jerusalem, in Jewish tradition, is the axis mundi, the precise point at where the heavenly and the terrestrial cojoin. According to an early Rabbinic interpretation, the pre-echo to contemporary nationalist propaganda, there are three locations that certainly are beyond any non-Jewish claim that would override the Jewish claim – the Temple Mount in Jerusalem, the Machpela Cave in Hebron and Joseph's Tomb in Shchem (Nablus) – for they were purchased in a contractual agreement manner beyond the right of conquest.⁹

Jews the world over face towards Jerusalem when praying. Extrapolating from Psalms 122:3, Jewish tradition holds that Jerusalem unites all Jews.¹⁰

The belief that the period of redemption at the end of days will be marked by the building on the Mount of the Third Temple is contained in numerous prayers, customs and rabbinic homilies. At every Jewish wedding, Jerusalem is recalled. Tens of thousands gather at the Western Wall Plaza on the Ninth of Av, a 25-hour fast day that commemorates catastrophic events connected with Jerusalem and the Temple Mount. The evidence is that Jews indeed entered the area of the holy precincts (the current area of the Haram is not contiguous with the sanctified Temple area) for several centuries after the Roman destruction of the city in 70 CE.¹¹

Despite this, following the conquest of Jerusalem in 1967, the Chief Rabbinate issued an all-inclusive ban on entrance into any portion of the Haram. Moshe Dayan ordered the removal of an Israeli flag from the Dome of the Rock and later, on June 17th, authorized the Waqf religious officials to reassert their administration of the site.¹²

Since that time, many appeals have been made to Israel's High Court of Justice to permit Jews to pray within the confines of the Haram compound. The 1967 Law for the Protection of the Holy Places allows for free access and freedom of worship but the anomaly is that, of all the inter- and intra-religious conflicts, it is the Jews that are prevented from fulfilling a religious duty. They are banned from praying on the Temple Mount in order to ensure public order.¹³

A small Israeli pennant flag on the desk of the police officer in charge of the police station on the Mount caused a major commotion a decade ago and had to be removed. No overtly Jewish symbol or ceremony can be displayed or conducted within the Temple Mount compound. This has resulted in an implicit recognition of Muslim hegemony.

The position of those who support a Jewish presence on the Temple Mount is based on the fact that the current area known as the Temple Mount is considerably larger, especially on the north-south axis, than the original 500 square cubit compound of which only a smaller section thereof was too sacred to be entered by those ritually unclean. They were supported by Chief Rabbis Shlomo Goren and Mordechai Eliyahu, Chief Rabbis Chayim David Halevy, Tel Aviv, She'ar Yashuv Cohen, Haifa and David Chelouche, Netanya, and other rabbinic authorities. The majority of Rabbis, though, continued to observe the prohibition on total entrance anywhere within, which was first publicized in the summer of 1967.

Jerusalem as a Muslim Holy City

Abdullah, King Hussein's grandfather, following his conquest of the Old City in 1948 established in 1951, a new post, that of Guardian of the Haram E-Sharif and Supreme Custodian of the Holy Places of All Other Religions.¹⁴

During the Mandate period, it was the Supreme Muslim Council which administered the site, a tradition stemming from the original establishment of the Temple Mount Waqf in 1432. This body's head was the Mufti, Haj Amin El-Husseini (Feisal El-Husseini's distant relative), who viewed Jewish devotion at the Western Wall as a disguise of "their desired aspiration to gain control over the Haram E-Sharif, which is well-known to all".¹⁵

All throughout the 1920s, tension over rights to the Western Wall alley (it was only in the aftermath of the 1967 war that the Wall area was enlarged) was constant. The Arabs protested over the bringing of holy arks, chairs and lanterns, while the Jews protested over dervish ceremonies, the purposeful walking through of donkeys, throwing of stones at worshippers and the reconstruction within the Haram which damaged the Wall itself. The Muslims based themselves on decisions of 1840 and 1911 that allowed the Jews the historical-moral privilege but not the legal right to pray at the Wall. Jewish religious and civil authorities brought historical records dating back centuries to prove otherwise.

The August 1929 riots, during which 133 Jews died and 350 were injured, culminated a period of controversy which began 11 months earlier when, on the sacred Jewish Day of Atonement (Yom Kippur), the Mufti succeeded in persuading the British to remove a curtain which separated male and female worshippers at the Wall. Over the following months, demonstrations and rallies, as well as extensive printed propaganda, were regular features of Mandate intercommunal rivalries. Indeed, Izzat Darwaza, a director of Waqf dedications during that period, wrote that the riots were a direct result of incitement fomented by the Mufti who exploited the explosive religious agitation for political purposes. In testimony before the Shaw Commission of Inquiry, an Arab journalist stated "when a Muslim hears of the desire of the Jews to return to Palestine... he certainly believes that the Jews are casting an eye upon the holy places of Jerusalem."¹⁶

The rioters were encouraged by religious leaders to kill Jews while in the Haram courtyard at midday, Friday, August 23, 1929.¹⁷

During the later period of disturbances between 1936-39, the Mufti, again the fomenter of violence against Jews, found sanctuary within the Haram walls between July 17 and October 13, 1937, correctly assuming that the British would not dare to enter the compound. In April 1947, a recent Jewish immigrant named Itzkowitz, who mistakenly entered the compound, was stoned to death.

Jerusalem was conquered by Muslim forces in 638 CE. The link to Jerusalem is based on a flight taken by the prophet Muhammad on his winged horse, El-Burak, in 620 CE to "the furthest (Al-Aqsa) Mosque", this despite the fact that Jerusalem is not mentioned in the Koran. Commentators insist that the "Al-Aqsa" Mosque was located in the Hejaz Peninsula, either in Medina or another town, al-Gi'ranah. The ascent to Heaven via Jerusalem is found in the Koran in Sura 17, verse 1. Jerusalem is termed Ulla al-Qiblatayn, the first of the two directions of prayer, due to the fact that prior to the setting of the direction towards Mecca, Muhammad had had his faithful face Jerusalem for a few months, probably due to Jewish influence. Today, Muslims can be seen prostrating themselves towards Mecca although their posteriors face the Dome of the Rock. The assigning to Jerusalem a post-Koranic sacredness fell to Caliphs in later centuries who sought political advantage over their rivals.¹⁸

Ever since the 1967 war, local Muslims and their supporters and sympathizers worldwide, including UNESCO, have been extremely suspicious of any Israeli move *vis-à-vis* Jerusalem. Whether the matter was archeological excavations, the burning of the Al-Aqsa Mosque by a deranged Christian

Australian in 1969, a Magistrate's Court decision of 1976 in favor of Jewish prayer on the Mount, the murderous shooting outburst of a Jewish psychopath in 1984 or the lethal treatment dealt to Arab rioters in 1990, not to mention the unfulfilled plans by several extremist Jewish groups (the Lifta Gang, the Jewish Terrorist Organization) to detonate explosives so as to destroy the Dome of the Rock, the preferred interpretation by Arab Muslim leaders, both political and religious (for example, Feisal El-Husseini has been appointed to the Waqf council), has been sinister Jewish pretensions to remove Muslim control of their holy sites and cause damage to them. These are assumed to be directed by official government and municipal institutions despite disclaimers. There exists little, if any trust as regards Israeli intentions towards the Temple Mount.

It was a staple of Arab propaganda to claim that the Biblical non-Jewish population of the Land of Israel was Arab. One proposition is that: "The Hebrews sprung from the tribes of Arab nomads."¹⁹

Upon the return of the PLO to the autonomy regions, PA organs have been retrieving this claim of pre-Israelite roots in Jerusalem, as well as other areas. Arafat was quoted telling Gazan youngsters attending a summer camp organized by the League of Young Christians that, "Jerusalem, it is Bir Salem. Salem was one of the Canaanite kings, one of our forefathers."²⁰

MK Abdul Malik Dahamshe of the Democratic Arab Party, a representative of the radical Islamic Movement and one of the attorneys who argued the legal case for the Hamas leader Sheikh Yassin stated in an interview on March 24, 1997 with IMRA's Aaron Lerner that:

the Western Wall is holy to the Muslims is not new. We think, and also knowledgeable Israeli sources think, that the Western Wall is not associated with the remains of the Jewish Temple. When the Temple was destroyed not a single stone remained in place. The Western Wall is part of the Al Aqsa Mosque complex. When Muhammad took his horse to Jerusalem – and it was a special horse – he tied it to the Western Wall before he ascended into heaven. Also, Jewish sources say that there is nothing connecting the Jews to the Western Wall.

A singular yet brave voice opposing this anti-Jewish and anti-Israel ideology has been Professor Sheikh Abdul Hadi Palazzi, Director of the Cultural Institute of the Italian Muslim Community. In lectures and correspondence he has promoted the idea that "I have reflected on the state of Jewish-Muslim relationships and feel the urgent need for the development of a new attitude toward our Jewish brethren and for a critical reading of Arab policy toward Israel". Furthermore, "the idea of 'two Jerusalems', if realized, would not be a solution to the problem but a source of new troubles and conflicts."²¹

Status Quo and Modus Vivendi

The British Mandate for Palestine was obligated to establish a special commission to study, define and determine the rights and claims in connection with the Holy Places.²²

This was never done. What has dominated the relationship between the temporal and pietistic has been the principle of status quo which was established by a firman issued in 1852 by Sultan Abdul Majid (which rejected the Latin Patriarch claim to overturn the 1757 firman awarded to the Greek Orthodox Church), in 1855 in the Treaty of Paris and in 1878 in the Treaty of Berlin. There the Holy Places were to benefit from inviolability.

In essence, however, the Vatican has always considered the status quo arrangement to be detrimental to its own desire for reassertation of its praedominium. As Meron Benvenisti has pointed out

The question of the Holy Places in Jerusalem is undoubtedly the problem with the widest ramifications, since, for the first time since the founding of Christianity and Islam, the Jews found themselves [in 1967] responsible for the holy sites.²³

It is in this light that the internationalization or corpus separatum scheme was embraced, originally in the framework of the U.N. General Assembly Partition Resolution 181 of November 29, 1947. The results of Israel's War of Independence and the decision of David Ben-Gurion in 1949, adopted as law by the Knesset, to declare Jerusalem the capital of Israel effectively forestalled any advance on an internationalization scheme. The subsequent Basic Law: Jerusalem the Capital of Israel, passed upon the initiative of MK Geula Cohen in 1981, was a formal seal on the situation.

The agreements signed by Israel in 1993 and 1997 with the Vatican, though intended to normalize relations with the Papal State, did not fully eradicate any eventual Christian-Muslim cooperation facilitating international pressure on Israel to yield on the issue of Jerusalem. As regards the question of the holy places, Israeli diplomats are well aware that the Vatican still retains a strong desire to de-territorialize Jerusalem, allowing the city to mutate into a spiritual idea once again.

The Vatican-PLO Agreement, as well as Pope John Paul's pronouncement of Jerusalem's "special status" on July 24, 2000, underscores this behind-the-curtain reality.

The successive Israel governments since 1967, both Labor and Likud, have sought to downplay and ignore the Jewish claim to a presence on the Temple Mount, convinced that to act otherwise would ignite a religious contest more damaging than that which evolved into the Crimea War which was fought over the right of which Christian sect would keep guard over the keys of the Church of the Holy Sepulcher.

The Muslim-Jewish Clash

According to Muslim ritual practice, at least as propounded by most major contemporary Arab spokesmen, the entire Haram compound of the Temple Mount is an all-inclusive holy shrine. No non-Muslim may conduct any other religious service or ceremony therein. The president of the High Islamic Committee in Jerusalem, the late Hasan Fetin Tahbob, released a statement in March 1994 that affirmed Jerusalem's position as being an Arabic and Islamic city, the holy city which is the first direction of Muslim prayer and the third Muslim sacred place where the Prophet ascended to heaven. A month earlier, the East Jerusalem journal *Kol El-Arab*, gave notice that no joint supervision of the Temple Mount and other shared Jewish-Muslim holy shrines would be tolerated, nor would non-Muslim worship be allowed.²⁴

This exclusivist approach is in contradistinction to the Jewish tradition, based on Isaiah 56:7, that non-Jews are not fully rejected from the Temple Mount as "their burnt-offerings and sacrifices shall be accepted upon My altar, for My house shall be called a house of prayer for all people". Heider Abed A-Shafi, formerly of the PLO negotiating team, was firm, even before the Oslo Agreement became public, that "peace will not be established in the region without recognizing the sovereign rights of the Palestinians in Jerusalem...for Jerusalem is part of our national and religious identity."²⁵

Yasser Arafat himself was planning to declare East Jerusalem the capital of the future state of Palestine during an aborted visit there.²⁶

As researcher Raphael Israeli has noted, fundamentalist Islamism has sought to seize the "public square" in their attempts to delegitimize and usurp existing Muslim states. This "public square" becomes even more central and imperative when radical groups in Israel, backed by and backing Arafat's regime, view the Temple Mount as a supra-Islamic location which is to be reconquered from such a heretical entity.²⁷

The exploitation of the Temple Mount to advance the Palestinian nationalist cause, first begun by the Grand Mufti in mobilizing India's Muslim population in the early 1930s, has reached astonishing levels of sophistication. Just a fortnight prior to the outbreak of the Al-Aqsa Intifada, Sheikh Kamal

Chatib, vice-chairman of the Islamic Movement – Northern Section, addressed a rally at Um El-Fahm attended by several tens of thousands. Chatib warned the Israeli authorities: “We will not shed tears if Al-Aqsa is harmed, for we shall shed blood.”²⁸

In the wake of the so-called “Al-Aqsa Intifada”, columnist Meir Shtiglitz had this to say:

At Camp David, the Palestinians rejected forcefully the American hints concerning an internationalization of Jerusalem...and upon the outbreak of the riots, the post-modernist MK Azmi Bashara decried, together with the post-communist MK Baraka, the Islamic sacrilege caused by Sharon's boots. This is enough to understand that a surrendering of the Temple Mount will end us up with [Hizbullah] Sheikh Nasarallah sermonizing at Al-Aqsa via satellite to youngsters in Palestinian Um El-Fahm, crowds in the sacred Qom and the Taliban in Afghanistan. This will be a path laid with zealotry, hate, hypocrisy and piety all the way to a Middle Eastern hell.²⁹

Since Oslo: Muslim Assertiveness and Jewish Abjurement

It had seemed that the October 1990 incident, when 19 Arabs were killed on the Temple Mount following the stoning of Jewish worshippers congregated at the Western Wall Plaza below, had been unique in its ferocity. However, religious-based violence, leading to unforeseen fatalities, broke out again in September 1996. The initiatory process was similar to that of the 1929 riots, in that a lie was exploited to ignite murderous instincts. In 1929, the Jews were accused of seeking the destruction of Al-Aqsa.³⁰

In 1996, the story was spread, and not for the first nor last time, that an underground tunnel endangered the foundations of the Temple Mount mosques. As for the Jewish side, despite repeated desecrations of the historical and archeological remnants of the Jewish periods of the Temple Mount, no mass Jewish violence comparable to that of Muslim behavior has been initiated in connection with the Temple Mount, notwithstanding the singular “Jewish Underground” incidents of almost 20 years ago. Another matter, outside the scope of this monograph, is the suspicion that Israel's security services have manipulated and magnified possible threats from Jewish sources, such as strange incident of a supposed pig's head toss into the Temple Mount Plaza in December 1997. Instances such as these, attempts at self-aggrandizement or political harassment, have only backfired by causing Muslims to increase their own illegal activity.

In the years since the signing of the Oslo Accords, the Waqf, together with significant elements of Israel's Islamic Movement based in the Galilee, have been extremely active in altering the Temple Mount's Islamic physical character. They have based a major element of their anti-Israel ideological agenda under the slogan “Al-Aqsa is in Danger”. In a typical speech of Arafat, such as in Morocco on July 29, 1998, he stated that “the Zionists are determined to destroy the Mosques,” as reported in the PA's semi-official organ, *Al-Chayat Al-Jadidah*, the following day. In a *Makor Rishon* interview, published on May 22, 1998, the PA's Jerusalem Mufti Akrem Tzabari announced that “Jews have no right to the Temple Mount.”

The Waqf administrators have flexed their muscles on other opportunities. For example, Jerusalem Mayor Ehud Olmert was asked to leave the Temple Mount compound on May 13, 1998 while hosting an international conference; police were refused permission to enter on December 4, 1998; and a group of Knesset members was prevented from entering on August 13, 2000.

As it happened, the violence of September 1996 was a double cross perpetrated by the Waqf and similar to the maneuver practiced by the Palestinians on Minister Ben-Ami four years later. Permission was originally given months earlier for the opening of the Hasmonean Tunnel, and was intended by then acting Prime Minister Shimon Peres to be a quid pro quo: the Muslims would be permitted to proceed with their program of fashioning out, in the area of Solomon's Stables an

underground mosque, the Al-Marawani. Prime Minister Benjamin Netanyahu, who later authorized the tunnel opening, was under that impression of the trade-off. Indeed, it was found that they were granted permission to begin the construction work as early as March 1995.³¹

During this same period, despite the official policy of Israel's government and the Chief Rabbinate to downplay the role of the Temple Mount, awareness increased among Jews concerning the site's centrality not only as a religious factor but as a pivotal element in the unfolding political struggle. This awareness stemmed from several sources. These included, in part, the work of the Rabbi Yisrael Ariel's Temple Institute in publishing of a popular series of prayer books; Temple Feast assemblies attracting upwards of 1,000 participants; *Yeshivot* dedicated to Temple studies such as Ulpana D'vir and Bet Bechirah; Pascal Sacrificial training ceremonies; and the media interest surrounding the birth of a Red Heifer in March 1997, which was seen as a possible solution to problems of religious impurity which present an obstacle to unimpeded entrance to the Temple Mount. Eventually, a coordinating body, *Shocharey HaMikdash*, was formed under the chairmanship of Bar-Ilan University lecturer Hillel Weiss in an attempt to unite all the various grassroots activist societies.

In another arena, a greater number of High Court petitions were brought before the High Court for Justice as well as lobbying efforts among ministers of Netanyahu's government. Later, in 1999, Chaim Ramon, Minister for Jerusalem Affairs, was also approached and subsequently, his aide, Daniel Levy, conducted talks with Temple Mount activists.

The Forces Set in Motion

A pro-Palestinian scholar, Karen Armstrong, lecturer at Leo Baeck College for the Study of Judaism, has made a relevant, if skewered, analysis of the framework in what she terms "radical religiosity".³²

Jewish holy places, she states, acquired a new centrality even among the traditionally secular Labor Zionist movement. The intensity of the feelings toward such sacred places (and we only need to recall Barak's phrase in the Fall of 2000 referring to "the nation's most sacred treasures"), depends on perceptions of threat and/or loss. Although she exhibits bias in putting forth a pluralist Muslim vision versus a Jewish exclusivity as regards Jerusalem, she directs us to discuss the link between sacred relics and identity.

It is exactly that lack of identity, consciously promoted by government policies and Supreme Court adjudications, that is now, to an extent, backfiring on the negotiators at Camp David II and beyond.

Abba Eban was quoted in a 1995 interview as saying

It's not so terrible that a Muslim or Palestinian flag will fly over the mosques, in this square kilometer, a la the Vatican...in my opinion, the state of Israel must repose the Holy Places in the hands of a Muslim authority of the Palestinian authority but not divide the city".³³

Having for so long denied the Temple Mount any Jewish connection, Israeli politicians, on both sides of the spectrum, face criticism for allowing a "narrative myth", as the post-Zionists term it, to dominate the possible resolution of the conflict. The entire thrust of the Israel political establishment, to minimize the Temple Mount as an element of the Arab-Israel conflict, was proving a difficult task. The Israeli Islamic movement, in tandem with objectives of Arafat's autonomy, became effective at turning the site into a major battlefield. They defined the lines of confrontation – its history, its spiritual value and its archeological importance – and the Israeli authorities failed to meet the challenge.

The Oslo Process as well as the Muslim activities began to affect those small groups of Jewish activists who, despite their sideline status, viewed themselves as keeping alive the flame of the Temple

Mount. On the opposing side, Muslim leaders increased their total denial of any Jewish connection to the Temple Mount.

In early 1995, the *Chai VeKayam* [Living and Existing] group, led by Yehuda Etzion, began a campaign to hold prayer gatherings within the Temple Mount courtyard, at times forcing themselves in. Repeated arrests notwithstanding, the attempts continued. The police, thwarted by Etzion's persistence, had at one point prohibited him from leaving Ofra, his home community. Later, he was served with orders from the Military Governor of Judea & Samaria banning him from entering Jerusalem. Even though the Sephardi Chief Rabbi Bakshi-Doron opposed vigorously the *Chai VeKayam* activities, and published an article in the National Religious Party's organ mocking the idea of a synagogue within the confines of the Temple Mount. In a later interview, he repeated his opposition saying:

From a political point of view, I think it would be a most serious mistake on our part to allow all to enter...if a Jew is permitted only to enter into a small narrow; and not all the public could enter that small synagogue, we will lose all sovereignty over 90% of the sacred area.

Nevertheless, he admitted that

When I met the Prime Minister Ehud Barak [prior to Camp David II], I said to him that the Temple Mount is our most holy and dearest site and we must keep the sovereignty over it even more than any other place in Israel...we must keep total control over the Temple Mount.³⁴

The Temple Mount activists received support from the "Yesha Rabbis" group which published a public letter, signed by seven leading rabbinic figures in the Gush Emunim settlement movement, addressed to the Chief Rabbis. The letter appeared in *Gilyon Rabbanei Yesha*, No. 23, Tevet 5755 (December 1994) and requested that they deliberate the need to ascend the Mount and to erect a synagogue there. The Yesha Rabbis themselves encouraged all to ascend the mount and enter the non-sacred portions of the compound lying outside the former Temple courtyard.³⁵

Despite the disagreements over ritual, the raising of the Temple Mount issue at Camp David II caused pressure on the Chief Rabbinate which appointed, in September 2000, a committee of rabbis to examine the issue of building a synagogue on the Temple Mount. The committee will be hearing historical testimony regarding the presence of synagogues in previous generations in the confines of the Temple Mount. One suggestion raised is to construct a synagogue on the outskirts of the Temple Mount, over the Golden Gate, in such a way that access would not be through the wall but over it. This would make it easier for Jews who refrain from entering the compound. It could stir less opposition, from Muslims, for a Jewish presence on Temple Mount. Other Rabbis support a formal Jewish presence near the Mograbi Gate which is the only place at the site in full Israeli control.

Against all intents, the Temple Mount assumed a central place on the political agenda. It had been the intention of Moshe Dayan, who feared the potential of the Temple Mount in 1967, to erase the "Jewish-value quotient" of the site, aided as he was, by weak-willed politicians, rabbis and Supreme Court justices. Nevertheless, in seeking to end the conflict, the promoters of Oslo set in motion a clash that would break out in the fall of 2000. In an odd twist of fate, it is Ehud Barak who has succeeded in overriding all that Dayan sought to achieve. Although there were those, including Barak, who ridiculed Benjamin Netanyahu's statement in September 1996 that the Temple Mount area was the "foundation stone of Jewish national existence", force of circumstances have led them to utter similar statements no less jingoistic.

In October 1997, Elyakim Rubinstein, Israel's State Attorney, warned Prime Minister Netanyahu that he should be discussing at the highest security forum levels what Rubinstein called "the serious developments of Waqf construction".³⁶

With the situation growing progressively worse, Rubinstein again sought to move government institutions and unhesitatingly defined the continued Waqf activities on the Temple Mount as “kicking our history around”. But displaying incomprehensible bureaucratic lethargy, he adopted a defeatist stand, saying that it would be “problematic” to supervise the Waqf.³⁷

In fact, he has consistently instructed police not to halt these unlawful Waqf activities. In an affidavit presented to the High Court at the end of December 1999 in response to a petition to halt Waqf activities, Rubinstein argued that the halt “is almost certain to cause bloodshedding and the inflammation of passions that could easily spread from the Temple Mount and Jerusalem to the territories and to all Israel”.³⁸

On the local level, even a 1997 suggestion to have the Jerusalem municipality fix a sign near the entrance of the Temple Mount that would inform tourists of the Jewish history of the site, information they never otherwise would receive, has not been acted upon.³⁹

An attempt in the fall of 2000 by the author to prod the Attorney-General to charge the Prime Minister with criminal infraction of this law in allowing the Waqf to destroy Jewish artifacts was rejected with the explanation that A-G Rubinstein desired that the situation be dealt within the public-political arena.

Likud politician Arik Sharon had this to say about his fellow Likud coalition government ministers: “in all that relates to Jerusalem, the government is acting like a bunch of idiotic children.”⁴⁰

There is no reason to presume that any of the other ministers in other governments at other times acted any better.

The courts, too, continued to lend support to the distancing of Jews from the Temple Mount. Supreme Court Justice Dov Levin expressed his deep-seated doubts as to the wisdom of the traditional stand assumed by Israel’s High Court of Justice in a decision published on August 4, 1995 that

to prevent only Jews on the holiest day for Jews to ascend the Temple Mount has a bad ring and is not proper. The negating of entrance for a defined specific group in a democratic country...cannot be acceptable...if [the police] announce beforehand that a danger stemming from the Waqf will prevent ascent by Jews, you are signaling to raise tensions and cause a disturbance in order to prevent Jews from entering.

But three years later, the Jerusalem District Court, dealing with another of Etzion’s forays into the Temple Mount, decided that “prayer is a provocation”.

“Women of the Kotel”, a group of non-Orthodox women demanding the right to pray at the Western Wall, in perfect parallel to the claims of Jews wishing to pray on the Temple Mount, have successfully petitioned the High Court despite the violence from Haredi Jews they provoke. Although A-G Rubinstein wrote to the Court that their activity could cause “an explosion”, the justices criticized the laxity displayed by the Government in assigning the women a prayer spot and announced that they would personally visit the Plaza area. One judge, Tova Strasberg-Cohen, berated the state prosecutor’s representative, terming the non-action a “defect”. Gender, it appears, is a more politically correct factor for the justices.⁴¹

Another phenomenon has been Christian involvement. A recent book by Gershom Gorenberg, *End of Days* (Free Press), highlights this tandem development. Gorenberg portrays the links between some of the more extreme proponents of Jewish rights to the Temple Mount and fundamentalist Christian associations in more ominous terms. The book examines why the Temple Mount is a powerful catalyst for these groups and why they help Orthodox Jews prepare for the rebuilding of the Temple.

Gorenberg was quoted in a CNN website review on November 16, 2000 as saying that the rebirth of Israel and the conquest of the Old City was represented as “prophecy...coming true. It was a terrible

theological tease". There have been attempts by members of the International Christian Embassy to pray on the Temple Mount and they have been forcibly removed or arrested.⁴²

The rumor that water was observed to be flowing from out of the Sacred Rock at the center of the upraised platform in May 1999, seemingly fulfilling prophecies in the book of Ezekiel and Zechariah, led to heightened Christian interest.

At one point, the Prime Minister's special anti-terror command was reported to view Christian violence on the Temple Mount as a distinct possibility but developments seem to indicate that this is more a media-hype item.⁴³

Post Camp David II

On September 10, 2000, Ehud Barak was interviewed by Sam Donaldson on the NBC television network and asked his response to Yasser Arafat's declaration never to accept a compromise over the Temple Mount. Donaldson called it a "sticking point" and quoted Arafat as saying, "I can't betray my people...I will never agree to give up sovereignty." Barak, according to the transcript, replied:

I don't think it would be clever to discuss these delicate negotiations on the most delicate item on the agenda in front of the cameras. What they intimate is that the result will be that no Israeli Prime Minister will be ever be able to put his signature to an agreement that would transfer or confer the sovereignty over the cornerstone of our identity to Palestinian sovereignty.

The reason for the Temple Mount assuming such a central place in the peace negotiations can be traced to the earthworks initiated by the PA Waqf, together with the Israel Islamic Movement, to expand the success that had been achieved in constructing the underground Al-Marawani mosque in 1996. What was intended to be an alternative prayer hall for Ramadan month prayer assemblies during the rainy season was only the beginning of a major excavation work. The status quo envisioned by all Israel's governments was accepted by the Israeli public as long as it was the Jewish side that was perceived to be the extremists, on the one hand, and that there was no physical alteration of the compound that could be visualized on the other. The Muslim side, in a calculated move, began to violate the terms of the status quo.

Again, in March 1998, Waqf workers began preparing the underground halls for new construction. Petitions to the High Court by Jewish groups were rejected, the judges preferring to place the onus for the halt of the works on the political echelon. In one instance, in May 1998, the police successfully prevented building materials from being lowered beneath ground but afterwards, the Netanyahu government turned a blind eye. Neither did the Antiques Authority properly fulfill their legal obligations to supervise the work there.⁴⁴

At the beginning of August 1999, the Waqf attempted to breach the southern Temple Mount wall from inside, but Prime Minister Barak swiftly reacted and had it resealed. Nevertheless, the new mosque hall was inaugurated on August 21, 1999.

In early December, it was discovered that the Waqf was engaged in further earthworks. Truckloads of archeologically rich material, estimated at 6,000 tons, was dumped in the Kidron valley.⁴⁵

A gash 200 feet long and 75 feet wide was cut into the courtyard floor. The material was found to include artifacts from the First and Second Temple period as well as the Middle Bronze Age and late Roman, Byzantine and early Muslim periods. This was too much even for the center and left of the Israel political spectrum. In the first week in June 2000, an ad appeared in the liberal *Ha'Aretz* daily signed by over 80 personalities including former mayor Teddy Kollek, Amos Oz, MKs of the Meretz party and academics and intellectuals protesting the destruction of Jewish artifacts on the Temple Mount. It was on this background that Barak found himself, at Camp David II, refusing to grant Arafat total and complete sovereignty over the holy site despite the fact that his Justice Minister, Yossi

Beilin, an architect of the Oslo Accords, announced in reaction to a visit by nationalist MKs on the Mount the previous day, that he “had no objections to seeing a Palestinian flag atop the Temple Mount if the result would be true peace”.⁴⁶

On July 23, the United States submitted a proposal – based on an Israeli proposal – to grant the Palestinians full sovereignty in the Muslim and Christian quarters, including Christian holy sites. The Jewish and Armenian quarters would be left under Israeli sovereignty. In response Arafat told US President Clinton,

I will not agree to any Israeli sovereign presence in Jerusalem...They can occupy us by force, because we are weaker now, but in two years, ten years, or one hundred years, there will be someone who will liberate Jerusalem...the Arab leader who would give up Jerusalem has not yet been born.

Arafat also referred to an “assertion by the British mandatory government in 1929 that the Western Wall is the Wall of Al-Buraq, and that it is regarded as an Islamic Waqf and an historic Islamic right.”⁴⁷

Upon the end of the Camp David II conference, Arafat sought to enlist Arab support for his position on Jerusalem. The Jerusalem Committee of Arab states, meeting in Agadir, Morocco on August 28, declared that nothing less than full Palestinian sovereignty over Jerusalem would be acceptable. A delegation led by Greek Orthodox Archamandrite Atallah Hanna participated at the session, lending its voice to the view that Jerusalem is an Arab Islamic and Christian city.⁴⁸

The information agencies of the Palestinian Authority, and Arafat himself, began to refer to him as a modern-day Salah A-Din, liberator of Jerusalem from the Crusaders.

As Danny Rubinstein, veteran commentator on Palestinian affairs noted, Arafat sees himself and the conflict with Israel in the Crusader frame of reference. The ancient podium damaged in the blaze set by Dennis Rohan in 1969, and restored by Egyptian artisans, has not been installed for it is Arafat who desires to place it in its permanent place as part of his return to Jerusalem.⁴⁹

Saeb Erekat revealed to journalist Mary Curtius that Arafat told US President Clinton at Camp David II “to tell me that I have to admit that there is a temple below the mosque? I will never do that”.⁵⁰

In the two and half months between the end of the Camp David II talks and the outbreak of Palestinian violence, several alternative solutions to the Temple Mount issue were proffered. Internationalization, functional autonomy, and divine sovereignty were among several conceptualizations. Shimon Peres, when asked to react, took a dim view. In an interview on Kol Yisrael radio, he said, “things lacking in any foundation are thrown out into the air...how can Jerusalem be made international? Who would run it? Outer Mongolia? It’s just gibberish.” Asked about divine sovereignty, he responded, “I’m not sure God would want to be some sort of ‘mini-mayor’ over the holy sites.”⁵¹

Israel’s political leadership was seen to be undivided and reacting in a zigzag fashion, first denying and then admitting to agreeing to various proposals. Minister Beilin indicated that Israel was willing to grant temporary extraterritorial status to the mosque compound, this while waiting for a final accord on the issue of sovereignty in east Jerusalem.⁵²

Acting Foreign Minister Ben-Ami, who two days before proposed on Kol Yisrael Radio that as a “symbolic expression” the Palestinians would be awarded “functional autonomy”, declared that Israel wants sovereignty over the area beneath the mosque area while agreeing to international guarantees not to dig in the underground section where the remnants of the Temple are thought to be.⁵³

Prime Minister Barak was at first firm on the issue. In an interview with Karin Laub, he said that under Israeli rule, no harm would ever come to the mosques. In July, he had “offered the Palestinians religious sovereignty on Haram as-Sharif, but insisted on overall Israeli control.” He later told Norwegian Foreign Minister Thorbjorn Jagland “that neither he nor any other Israeli prime minister

would ever relinquish sovereignty over the Temple Mount, the 'heart of the Jewish experience throughout the ages'." And as for the charges that Israel wants sovereignty over the Temple Mount in order to excavate beneath the mosques and unearth the ruins of the Jewish Temples, he stated "we are barred, for religious reasons, from conducting excavations on the Temple Mount." His office later issued a statement that "Israel wants an arrangement that would ban all archaeological excavations there".⁵⁴

Arafat continued to demand nothing less than "Islamic sovereignty" and in a CNN report answered Christine Amanpour's question whether he would accept shared sovereignty by saying

Rights are rights. I can't betray my people. I can't betray the Arabs...the Christians...the Muslims. I said we can give the full freedom for the Israelis to go and pray at the Wailing Wall because we are respecting also Judaism.⁵⁵

The PA Culture and Arts Minister, Yasser Abed Rabbo, in an interview with Amira Hass, warned that "Israel is liable to drag the entire region toward prolonged religious war should it persist with the demand for sovereignty on the Temple Mount...Israel is playing with fire," while promising that a Palestinian state "would uphold the principle of religious freedom and not interfere with procedures at sites considered holy by Christians and Jews".⁵⁶

On Friday, September 29, 2000, crowds of Arabs rioted on the Temple Mount, stoning police. In attempting to halt a breakthrough by the crowd via the Mograbi Gate to the Western Wall area, four Arabs were killed. Likud leader Ariel Sharon had visited the compound the previous day.

Barak appeared on ABC television on October 15 to counter charges that he had been a party to the Sharon visit. The transcript reads:

Question: Prime Minister, of course they say you started it. Saeb Erekat says he and Arafat were in your home two nights before Ariel Sharon visited the Temple Mount and that they pleaded with you not to allow that visit. You went ahead. Why did you go ahead and allow Sharon to go?

PM BARAK: They were at my private residence, we hosted them. The rest of it is not true. They didn't mention it, and they didn't ask for anything.

Question: They didn't ask you not to let General Sharon go?

PM BARAK: No, they didn't. And beyond that, our Minister of Public Security, who is also the Minister of Foreign Affairs, Professor Shlomo Ben-Ami, he talked with the high-ranking Palestinian official dealing with security in Jerusalem, the Palestinian aspect of security. He told him Sharon is going to visit. It's part of the legal right. It's part of freedom of access to holy sites by everyone. But he asked him, "What are your needs?" And the Palestinians told him, "We have only one demand, that he will not enter the mosques." Sharon accepted it under protest, but once he accepted it, there is no way, we are open society, it is in the middle of our capital, and we cannot forbid it.

Summary

At the Press Center, set up by the Israel government at the Isrotel Hotel in Jerusalem during October 2000, various background literature publications were being distributed. One of the booklets dealt with the relationship of Israel and the Jews with Jerusalem on the religious plane. This is what the representatives of the world's media could have read:

Muslim political interests in Jerusalem never have the unpleasant overtones of hypocrisy which Christian claims on the Holy City so frequently have...for the Jewish people, as we have seen, Jerusalem is not a city containing holy places or commemorating holy events. The city as such is holy...Can we, should we,

in the second half of this 20th century, make use of religious and/or secularized symbols that easily become catch-words drawing a dubious vitality from their mythological roots?⁵⁷

However well-intentioned Professor Werblowsky's thoughts were at the time, he erred. That Israel's Foreign Ministry considered his thoughts relevant in 2000 is an unfortunate indication of the meaning Jerusalem and the Temple Mount have for the country's diplomatic corps.

Throughout the past three decades of Israel's administration of the territories taken in the Six Days War, the one constant in the fluctuations of politics has been the Israel position that Jerusalem has been united, is indivisible and will forever be the eternal capital not only of Israel, but of the Jewish people. The Muslim world and the Vatican have taken opposing positions and indeed, no major country recognizes Israel's claim to political sovereignty not only over eastern Jerusalem but west Jerusalem as well. But on the ground, the situation on the Temple Mount has been similar to what evolved from the Oslo Accords. The Temple Mount is akin to Area B: Palestinian civil control with security in the hands of Israel.

It is probably unique that, in the entire history of the Holy Land, it is Israel, the state of the Jewish People, that would be the first power to voluntarily yield up claims to any Holy Place. In the previous centuries, England, Russia, France and Greece, among others, even as secular polities, had been most forceful in extending their influence and protection to the institutions of religion, especially in Jerusalem. Yet, the country with the most ancient and valid of claims is willing to compromise and yield on them.

Yaakov Englard, then Professor of Law at the Hebrew University in Jerusalem and later Justice of the Supreme Court, summed up succinctly the unique situation in which Israel had willingly placed itself:

The particular complexity of the problem of religious freedom in Israel can be illustrated by the status of the Holy Places in Jerusalem. Moved by the spirit of liberalism, tolerance and equality, the Knesset solemnly declared that Holy Places shall be protected from desecration and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings.

But how can one implement these worthy legislative intentions in a situation where the free access from members of one religion means, in the eyes of another community, the desecration of the Holy Place?...The Supreme Court of Israel had great difficulties in handling these cases. It repeatedly upheld the orders issued by local police authorities which prohibited public prayer by Jews on the premises of the Temple Mount. The argument of public order and prevention of violence on the part of the Muslims may be politically sound, but it can hardly be reconciled with the solemn promise of free access to the Holy Places. In substance, the prohibition of public prayer is a violation of the principle of collective freedom of religion.⁵⁸

The issue of the Temple Mount is but one front in a major effort by the Palestinians and other Arabs to facilitate an erasing of Jewish historical identity with the Land of Israel. Not only did Israel sign an international agreement that, in principle at least, offers up the Temple Mount to the Hashemite Kingdom of Jordan but the Palestinian self-rule authority is eventually to administer, according to understandings reached, other Holy Places such as Rachel's Tomb in Bethlehem and the Machpela Cave in Hebron, under Israeli supervision, as part of projects of tourist development. The fall of Joseph's Tomb in October 2000 to Arab mobs, against the terms of the Oslo Process agreements, is a negative indication for other holy sites.

The current reawakened dispute over the Temple Mount, could possibly, even probably, develop into even a greater flashpoint of heightened political tensions. Ever since the Mandate period, the Temple Mount and its perceived ramifications by Arab Moslems have been a hidden agenda item in the clash of Zionism with the local Arab population. A recent commentary pointed out that,

The conflict...in Jerusalem is not religious; it is a national conflict that is sustained by religious symbols. And the prize is sovereignty...as an icon, the Dome [of the Rock] is a perfect fusion of religion and nationalism, since it is strongly associated, in Muslim minds, with Saladin's chivalrous liberation of Jerusalem from the Crusaders in 1187...to gain sovereignty over Jerusalem...would mean that the Arabs have scored an important victory over the Zionist crusaders.⁵⁹

Israel's illogical policy of prohibiting any overt Jewish connection to the site, with the secular executive and judicial institutions acting in tandem with the Rabbinical establishment, is still a blatant infraction of the law and a distortion of the Jewish character of the State of Israel. This distortion, even corruption, of the State's Jewish values is even obvious to the Arabs.

As in the parallel case of the restrictions placed on the reopening of the Machpela Cave, the Rabin government placed Israel on a collision course with elements of the Jewish populace which are becoming more dissatisfied with its policies, not only on the basis that they are dangerous from a security, economical and ecological standpoint but that they are threatening elements of Jewish meta-historical importance.

This policy, unaltered by the Netanyahu government, has lead to a more ominous situation whereby the Palestinian Authority has adopted a counter-policy to strip from Israel additional holy sites. During the recent riots, Joseph's Tomb in Shchem fell to Arabs who immediately attempted to turn it into a mosque after destroying previous Jewish elements. The 7th century synagogue in Jericho was torched twice and Rachel's Tomb in Bethlehem has been the target of repeated gun attacks. The latter has been awarded an Arabic name, Masjd Billal ibn-Rabah, and Fatah literature is quite open about intentions to drive Jews away from this and other sacred locations. Not only is this in direct opposition to the signed Oslo pact, but it highlights the folly of Israel's establishment to its actions to ignore the potency of holy sites.

The issue of the Temple Mount, thrust to the fore at the Camp David II deliberations, and this only because of the Muslim onslaught to destroy any Jewish remnant there through their massive construction program, is at a point where the Israeli establishment is forced to choose: to either ignore its importance to the fabric of Jewish historical and political self-identification or to capitulate, in the name of compromise and self-abnegation.

Endnotes

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- ³ Radio Kol Israel, Morning News Diary, October 3, 2000; *Ha'Aretz*, October 12, 2000, p. 7A.
- ⁴ Washington Declaration, July 25, 1994, Para. B-3, and in Israel-Jordan Peace Agreement, Article 9 (2). Interestingly, 9 (3) commits the parties to "act together to promote... freedom of worship."
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- ⁷ II Samuel 24:24.
- ⁸ Genesis 14:18; 22:2; 22:14.
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- ¹⁰ Jerusalem Talmud, Chagiga, 3:6.

- ¹¹ Z. Vilnai, "Jews Who Entered the Temple Mount in Earlier Generations" in *Sefer Shalom Sivan* (in Hebrew), Kiryat Sefer, Jerusalem, 1984 and Ben-Tzion Dinberg, "A Synagogue and Study Hall for Jews On the Temple Mount" in *Zion* (in Hebrew), Vol. III, The Society for the History and Ethnology of the Land of Israel, Jerusalem, 1929, pp. 54-87.
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- ²² Article 14 of the Mandate.
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