

Dangerous Grounds at al- Haram al-Sharif: The Threats to the Status Quo

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One of the most sacred sites on earth has become a place of episodic chaos and cacophony, a place where hatred and contempt are openly expressed, and where an unequal battle is being waged over incompatible claims.

Spearheaded by “Temple Mount” groups, various Jewish “redemptionists” have mounted a calibrated campaign for major unilateral Israeli changes to the *Status Quo* on the Haram al-Sharif (which Jews prefer to call the Temple Mount) in order to advance toward their goals “millimeter by millimeter”. The time has come, these organizations say, to brush aside what’s left of the inconvenient *Status Quo* arrangements, inherited from the Ottoman period and adapted by Moshe Dayan in June 1967, which left administration of the mosque esplanade in the hands of the Islamic Waqf (or “Trust Foundation”).

The truth is, the *Status Quo* has already been tweaked a number of times – two of the most dramatic changes were in June 1967, after Israel’s conquest of the West Bank and Gaza, and again on 28 September 2000, when Ariel Sharon wanted to make a point, accompanied by about 1,000 armed Israeli soldiers and police. A third moment of change is occurring as this is written, with Israeli officials ordering the exclusion of Palestinian Muslim worshippers in order to make the Jewish visitors more comfortable, and Palestinians desperately trying to devise strategies to retain their acquired rights.

What exists, now, on any given day, is a precarious balance of political and diplomatic interests as defined at any given moment by Israel’s Prime Minister Benjamin Netanyahu. In practice, Netanyahu has delegated the *Status Quo* to Israel’s National Police (Jerusalem District) to enforce on the ground (with backup when needed by the Border Police and Israeli Special Forces – and with substantial private guidance from Netanyahu and his office).

Israel's Prime Minister Netanyahu recognized, in remarks during a weekly cabinet meeting on 11 October, that much of the rapidly intensifying protests and violence is due to what's been happening on the Haram al-Sharif – characteristically, however, he put the blame entirely on Palestinian “incitement”.¹

What the “Temple Mounters” want is, at the very least, equality (if not superiority) in rights to conduct (public) prayer² on the site. Despite the extensive activism around this issue, there is resentful Israeli denial that this should be any factor for Palestinian concern.³ Many Israelis call for full and explicit Israeli sovereignty⁴ over the site. Some of the more active “Temple Mounters” explicitly aim to build a new Jewish Temple on the Dome of the Rock/al-Aqsa mosque compound, the Haram al-Sharif. Some want to get rid of the existing mosques⁵ indignant and outraged public statements of denial by Israel's top officials aside.

The threat to Muslim status on the Haram al-Sharif is real and imminent – though scoffed at by Israel's Prime Minister Benjamin Netanyahu,⁶ who aggressively endorses what he claims is the “*Status Quo*” while he engineers changes to it, on the ground.⁷ The “Temple Mount” campaign is intense, energetic, and well-funded, and it appropriates liberal civil rights discourse as well as deeply-felt religious sentiment – along with appeals to nationalist pride. There is now little-to-no serious opposition in Israel (with the exception of course of its Palestinian citizens). There may be criticism of personalities, but few in Israel would oppose Jewish prayer on the Haram al-Sharif, and a significant number may now support a Third Temple. Despite his pro forma statements of support for the *Status Quo*, and his declarations that he will oppose anyone who wants to change it, Netanyahu has done nothing to curb the “Temple Mount” campaign. To the contrary, Netanyahu's successive electoral victories in the 2013 and 2015 elections coincide with significant advances in the “Temple Mount” campaign. Netanyahu met on 19 August with one of the most active Temple Mount activists Rabbi Yehuda Glick – whose version is the only account of the encounter. As Glick reported to *The Times of Israel*:

At the meeting, he said, Netanyahu was not only “warm and understanding,” but also politically supportive of Glick's cause ... According to Glick, Netanyahu, while not promising “freedom of worship” for Jews on the site, acknowledged that the current situation – in which Jews are harassed and heckled by local male and female Muslim activists, known respectively as Murabitun and Murabitaat – is untenable... “He (Netanyahu) said that they (‘Muslim activists’) must be driven out of there. On the other hand, he discussed all the political ramifications with me. He told me in no uncertain terms that this situation cannot continue”.⁸

And Glick was not above gloating:

The removal by police of the female Muslim activists from Temple Mount during morning visiting hours is considered a significant achievement by Glick and his fellow activists. He said that could be the first step in partitioning

visiting hours on Temple Mount between Jews and Muslims, paving the way for Jewish worship on the site.⁹

After the publication of this report about his meeting with Glick, Netanyahu said nothing. The “Temple Mount” campaign sees the Haram al-Sharif arena as the holiest site in Judaism, yet in practice treats it as equivalent to any Israeli park or public place. It complains about Palestinian Muslim children playing football on the grounds, but argues that it is perfectly permissible for Jewish/Israeli visitors to drink wine on the Muslim site (just as they would at any synagogue). The campaign asserts Jewish beliefs, and rejects or mocks Muslim beliefs – particular mockery is made of the Prophet Mohammad’s Night Journey from Mecca to al-Aqsa, where, according to Muslim tradition, he prayed (with all the prophets who preceded him) before ascending to heaven to converse directly with God. The site of al-Aqsa (to be precise, the sacred rock on the site, later enshrined in the Dome of the Rock) was the first Qibla, or direction of Muslim prayer,¹⁰ and remained so for 15 years (before it was changed, upon divine instruction, to the Kaaba in Mecca. Temple Mount campaigners angrily dismiss as somehow irrelevant the fact that Muslim construction did not begin there until 500 years after the destruction, by Rome, of King Herod’s Temple – and that when Caliph Omar Ibn al-Khattab entered Jerusalem in 638AD, he found at al-Aqsa an empty and neglected site¹¹ (subsequently cleaned up in an operation led by the Caliph, himself).¹²

The “Temple Mount” campaign is also utterly dismissive of the fact that East Jerusalem, its Old City and the Haram al-Sharif are contested flashpoints still held, after Israel’s conquest in the June 1967 war, under Israel’s belligerent military occupation.¹³ But for Palestinians, neither the war nor the military occupation is over – and Israeli control continues to tighten. Palestinian Jerusalemites are at constant risk of losing their homes and their family, social, economic and religious connections along with their residency rights in Jerusalem, as Temple Mount activists agitate to recreate a Jewish dominance that existed 3500 or 2000 years ago. For many Israelis, however, that control, derived from their 1967 conquest, is unquestioned – and should be expanded. “Temple Mount” activists are pushing to take advantage of Israel’s military control of the site to institute the changes they want to see on the Haram al-Sharif, to create more “facts on the ground” that would simply have to be accepted, they believe, by Palestinians, as well as Muslims around the world and the international community as a whole.

In much reporting on this matter, it is routinely said that “the Temple Mount is the most sacred site in Judaism” while the Haram al-Sharif is (only) the third holiest site in Islam – therefore, allegedly less important to Muslims than to Jews, though it has been an entirely Muslim place of prayer and pilgrimage for almost fourteen centuries (with the exception of a period during the Crusades). Mahmoud Habbash, a close adviser to Palestinian President Mahmoud Abbas and former Palestinian Authority Minister of Awqaf (plural of Waqf) who is now Chief Judge of the Shari‘a courts in the West Bank, put his hands on his desk and leaned forward, when asked about this statement, and exclaimed: “*Only* the third holiest site in Islam?” He shook his head, dismissing claims that the site is any less important to Muslims than to Jews.

Organizing Resistance: Pitched Battles by Shabab, then the Murabitoun

During the 2014 Gaza war and accompanying events in Jerusalem – particularly the burning alive revenge murder of Jerusalem teenager Muhammed Abu Khdeir by Jewish extremists – Jerusalem became a flashpoint. There were desperate scenes of pitched battles in the summer and fall of 2014 between Palestinian youth (who slept overnight and barricaded themselves inside the al-Aqsa “Qibli” Mosque itself) and Israel Police and security (who sometimes locked the young men inside). Israeli forces lobbed stun grenades and tear gas canisters at youth throwing stones and shooting fireworks from inside.

As the situation worsened in late 2014, King Abdullah II of Jordan convened a summit meeting at the Royal Palace in Amman on 12 November to address the escalation on the mosque esplanade. Jerusalem attorney Daniel Seidemann, an expert on Jerusalem who founded the Israeli NGO Ir Amim to work for a shared Jerusalem, and who now runs Terrestrial Jerusalem, said he thought the situation had improved after the Amman meetings, attended by Israel’s prime minister Benjamin Netanyahu as well as Palestinian president Mahmoud Abbas (who refused to meet directly with Netanyahu) and US Secretary of State John Kerry. Seidemann later wrote that the crisis “was brought under control, in large part, by understandings between Netanyahu and King Abdullah, hammered out in Amman by US Secretary of State Kerry. The details of the Amman understandings have never been made public” – and indeed, Seidemann added, it may be that “the Amman understandings were never put in writing”. But “the heart of the understandings was a commitment to act with restraint and in good faith”. However, by late September 2015, Seidemann said the situation had considerably worsened, and that although it appears Netanyahu may not (yet) have violated any of his formal understandings, the Israeli prime minister nevertheless “has gone well beyond any reasonable interpretation of restraint and good faith”.¹⁴

An Israeli Minister Triggers Another Round

Uri Ariel (Knesset Member of the “Jewish Home” or Yisrael Beitenu Party) has prayed ostentatiously, a number of times, in violation of the *Status Quo*, on the Haram al-Sharif.¹⁵ When he was appointed Netanyahu’s Minister of Construction after the 2013 elections, Ariel made several statements supporting the building of a Third Temple on the Haram al-Sharif. After the 2015 elections in Israel, Netanyahu reappointed Uri Ariel to his cabinet, but as Minister of Agriculture.

The videos that Temple Mount activists are so fond of (they’re useful for fundraising as well as self-promotion) have also intensified Palestinian opposition to visits by non-Muslims, which were negligible to non-existent until 2013 – but intensified dramatically as the Temple Mount campaign became increasingly confident. Uri Ariel has starred in some memorable recordings of his priestly blessings on the Haram al-Sharif, and he just keeps going, while two other leading lights have faded a bit in prominence (Moshe Feiglin, who dropped out of the 2015 elections, and Yehuda Glick, whose ban from entry to the Haram

al-Sharif was upheld by Israel's Supreme Court in August 2015). Meanwhile, the Temple Mount Institute has been particularly diligent in documenting, in unflattering videotapes uploaded to YouTube, the visceral Palestinian rejection of the Temple Mount campaign; there are videos of women (the Murabitaat) shouting "God is great" and running at Jewish visitors, women preventing Jewish men from drinking water or washing their hands at taps on the Haram al-Sharif; women verbally aggressing small children, and more. Toward the end of August, one group of Muslim women activists, many wearing *niqab* (face-covering) held up a large carpet to block the view of a group of Jewish visitors as they passed the Dome of the Rock.¹⁶ As part of a campaign to remove the Murabitaat, the Temple Institute has called these acts "Muslim terror".

Despite Netanyahu's call on his ministers to be prudent, after the Amman meeting with King Abdullah in Amman last November, Ariel subsequently visited the Haram al-Sharif on several occasions when serious disturbances broke out – including on Tisha b'Av on 26 July 2015, and at the beginning of the Jewish New Year on 13 September 2015.¹⁷ On that same day, Israeli forces entered the site early and cleared away many Muslims inside, including Waqf guards: it was the first time since 1967 that there were no Waqf guards on the Haram al-Sharif, as visitors arrived – including Netanyahu government minister (now, of agriculture), Uri Ariel.

In response, there was – unsurprisingly, as this is viewed as a most crucial battle – a decision to not back down. Associations of older men and women, both from Jerusalem and the Galilee and respectively called the Murabitoun and Murabitaat, (roughly translated as Defenders or Guardians of the Faith), mobilized to protect al-Aqsa. The next day, Israeli police informed the Director of al-Aqsa and the Waqf that women would be banned daily (Sunday through Thursday) from 0700 to 1100, and again for an hour in the afternoon – during the hours when non-Muslims visit. The banned women then protested daily, in the streets of the Old City outside an entrance to al-Aqsa compound. Palestinian officials complained that was the beginning of the spatial and temporal division they've been warning about. The ban was then refined: Israeli police compiled a "blacklist"¹⁸ with the names of some 45 (this rose to 52) Palestinian women who have "caused trouble" and who are each specifically barred from entry for periods of up to two months. The women who are not on the "blacklist" could then enter, but were kept physically away from the non-Muslim visitors touring the site. Then, on 9 September, Israel's Defense Minister Moshe Yaalon announced he was accepting the recommendation of the Israel Security Agency (ISA, Shabak or Shin Bet) and the Israeli Police and was declaring the "Murabitoun and Murabitaat" illegal organizations, "to defend the security of the state, the well-being of the public and public order". Yaalon accused the Murabitoun, in a statement released by the Government Press Office (part of the Prime Minister's office), of engaging "in inciting and dangerous activity against tourists, visitors and worshippers at the site, which leads to violence and is liable to injure human life". According to Yaalon's statement, the men's and women's branches of the Murabitoun "strive to undermine Israeli sovereignty on the Temple Mount, change the existing reality and arrangements at the site and infringe on freedom of worship". And, Yaalon added, "They are linked to – and frequently guided by – hostile Islamic organizations".¹⁹

Sheikh Raed Saleh, a national-religious Palestinian from Israel's Galilee who leads the Northern Branch of the Islamic Movement, is a particularly irritating persona non grata for the current Israeli leadership. He's also one of the organizers for the Palestinian Muslim counter-campaign, which provides daily buses for Murabitoun from the Galilee and the Negev to the Haram al-Sharif. Local Fatah activists in East Jerusalem, in cooperation with Sheikh Saleh, may also provide on-site support. But, by 11 October 2015, Netanyahu decided to go after the Islamic Movement in Israel. The Israeli non-governmental organization Ir Amim wrote recently that:

The environment on the Temple Mount/Haram al-Sharif has been increasingly strained since May 2013 when, as Netanyahu and senior ministers began to speak out firmly against any changes to the *Status Quo*, Minister Uri Ariel and other members of Netanyahu's coalition initially persisted in publicly opposing his position. In failing to confront them, the prime minister allowed his government to represent two conflicting voices on this sensitive issue The prime minister's statements ignored the inciting comments and actions of Temple activists and their supporters in his own coalition. Instead, Netanyahu placed the blame for tension and violence on the Temple Mount/Haram al-Sharif squarely on "Palestinian incitement".²⁰

Netanyahu has since made a series of statements threatening a "war" against Palestinian stone-throwers, and has pushed through a change in regulations to allow live fire by police in Jerusalem, the Galilee and the Negev, just as has been done by Israel's army in the West Bank.

Daniel Seidemann said in a phone interview with this writer on 13 September that it appears Israeli authorities "have decided to keep the Mount open at all costs. They believe enhanced enforcement will impose calm, but it will not – it's like corking a volcano".

In its recent report, *The Status of the Status Quo*, the International Crisis Group writes:

For Palestinians, increasing Jewish interest in and presence on the Esplanade portends the too familiar. . . . Palestinians progressively have lost control over religious sites and national symbols. Jewish historical and religious sites in East Jerusalem have become foci of Israeli control, attracting a Jewish presence that securitises Arab surroundings and embitters residents. Many Palestinians believe their last stand is at al-Aqsa, in a city already lost.²¹

As Palestinians are quick to point out, a number of Jewish traditional religious authorities, including the Rabbi of the Western Wall, have decreed since 1967 (and still believe) that Jews should not go up to the mosque esplanade for any reason "at this stage in time," both because of accidental misstep since it's not known where, exactly, the Temple[s] and the "Holy of Holies" actually once stood, and also because it hasn't been possible to achieve the required state of ritual purity for the devout to ascend to the site.²² While these arguments may have had a deterrent effect in the past, they are not as effective now.²³ Post-conquest

national-religious rabbis define Israel's 1967 military victory as an important step toward "redemption", and have developed a doctrine claiming that reassertion of Jewish sovereignty is an important act of devotion. Hard-core Temple Mount activists say the creation of Israel makes no sense without proceeding to rebuild the Temple.

The Ir Amim 2013 report, "Dangerous Liaison" states:

After 30 years of activity, activists have managed to achieve impressive results within the national religious public. They have successfully changed the halachic position concerning ascent to the Mount among the Council of Yesha Rabbis and even to expose rifts within the Haredi public, for which activity promoting the rebuilding of the Temple as a practical program was once entirely insupportable What began as an idea among a small group of people has – after almost 30 years of educational and political activity – become a legitimate subject of public discourse and even of concrete action plans.²⁴

This Ir Amim report notes that "The 'constructive ambiguity' that enabled the *Status Quo* of 1967 has now become an opening for disrupting the arrangement developed at that time". Citing a news item broadcast by Israel's Reshet Bet (radio) on 17 July 2012, Ir Amin states that "In July 2012, Attorney General Yehuda Weinstein instructed legal advisors to the Israel Antiquities Authority, the Jerusalem Municipality and the Israel Police that the Mount is part of Israeli territory and therefore Israeli law, including the Antiquities Law and the Planning and Building Law, applies to its governance. He went on to instruct that because of the unique nature of the site, the law should be applied with extreme sensitivity and attention to pragmatic considerations".

In any case, "Temple Mount" activists and their followers have been "ascending" in increasing numbers – and these visits have not been welcomed. Azzam al-Khatib, then-director of the Islamic Waqf and al-Aqsa Affairs in Jerusalem, told East Jerusalem journalist Khalil Asseily in late 2014 that: "We are not against the entry of non-Muslims into al-Aqsa, but we are against those who enter it and say this is their Temple. Those are [not only] our enemies, [but also] the enemies of the Jews themselves".²⁵ Adnan Husseini, now the Palestinian presidentially-appointed Governor of Jerusalem, was formerly head of the Islamic Waqf in the city. In an interview not long after he became Governor of Jerusalem, Husseini expressed adamant opposition to Jewish prayer on the Haram al-Sharif. "They have their places to pray, this is ours" he said.

The Crisis Group wrote in their *Status of the Status Quo* report: "A Jordanian official emphasized the arrangement is de facto: 'We coordinate de facto to keep public order. We do not recognize Israeli rights there. According to international law the Esplanade is occupied by Israel, and as an occupier Israel must allow the responsible authority to act'. (Crisis Group interview, diplomat, Tel Aviv, 9 March 2014)".²⁶

Jordan's King Abdullah II spoke out on 13 September 2015, and warned (it was the first full day of the Jewish New Year), that any "provocative act" in Jerusalem will reflect badly on bilateral ties between Jordan and Israel. "We have received assurances from Israel ... but, unfortunately, the same assurances we've heard in the past," the King noted. If the

problems continued, he said, “Jordan will have no option but to take the actions it deems appropriate”.²⁷

The UN Security Council, meanwhile, after considerable effort by Jordan, issued a document on 17 September 2015 which Council members decided to call a “Press Statement”, which “encouraged increased coordination between Israel and Jordan’s Awqaf department”. It also “underscored that Muslim worshippers at the Haram al-Sharif must be allowed to worship in peace, free from violence, threats and provocations . . . and that visitors and worshipers must demonstrate restraint and respect for the sanctity of the area and for maintaining the historic *Status Quo* at the Holy Sites”. It was a classic effort at “balance”: “The members of the Security Council urged that the *Status Quo* of the Haram al-Sharif should be maintained and visitors should be without fear of violence or intimidation”.²⁸

Israel’s UN Ambassador later wrote a letter of complaint about the use of the term “Haram Al-Sharif”.²⁹ The office of Israeli Prime Minister Netanyahu responded aggressively with a statement reported by Israel’s Channel 2 TV on 21 September criticizing Jordan for “sharing responsibility” for the clashes on the Haram al-Sharif, and for violating the *Status Quo*, “by letting rioters [sic] armed with stones sleep in the al-Aqsa Mosque”.³⁰ King Abdullah subsequently reportedly refusing to accept phone calls from or to speak with Netanyahu.

The Threat of Division

Palestinians are extremely concerned that the Haram al-Sharif will come under direct Israeli control, as has the Ibrahimi Mosque in Hebron. President Abbas has said repeatedly, backed by the Palestine Liberation Organization’s Executive Committee, that there will be no “temporal or spatial division” of the Haram al-Sharif.

It is the Dome of the Rock that is the focus of most of the current “Temple Mount” activism – not the al-Aqsa (“Qibli”) Mosque itself. The suggestion is that Muslims can keep Al-Aqsa (“Qibli”) Mosque, while the Jewish Temple will be at the Dome of the Rock. The clearest and most chilling clarification of Israeli claims on the Dome of the Rock was given by Moshe Feiglin, one of the main advocates for full Israeli sovereignty over the Haram al-Sharif. Feiglin says in a video: “[At the] Dome of the Rock, we are literally at the entrance to the sanctuary. . . . Jews are not allowed to enter: it is called an area under Islamic sovereignty – according to present definitions. The police are also not allowed to enter there. With G-d’s help we will restore the sovereignty of the nation of Israel in this holy place”.³¹

Yehuda Glick also asserted something similar, recorded in 2013 on videotape:³² “The location of the Dome of the Rock is on the rock, the ‘Foundation Stone’³³ the place where will be the location of the ‘Holy of Holies’ – that was the location of the Holy of Holies in the First Temple, and the Second Temple, and that will be the location of the Holy of Holies.”³⁴

These Temple Mount activists say that Muslims can pray in al-Aqsa Mosque; what they want is “*just*” the Dome of the Rock and some of the area around it. The proposal is as physically impractical as it is, indeed, provocative. The whole compound has been a prayer area for almost fourteen centuries (minus about 100 years during Crusader times).

Photographs show that – even with Israel’s restriction on movement that make it impossible for the majority of Palestinians in the West Bank and Gaza to get there – every available bit of space is used by Muslim worshippers to perform prayers during Ramadan and on Eid holidays, and even on Friday prayers.³⁵

Moshe Feiglin (at the time, Deputy Speaker of the Knesset), claimed in a video that the Dome of the Rock is not a mosque.³⁶ The Israeli Ministry of Foreign Affairs also writes that the Dome of The Rock is not a mosque.³⁷ These statements are, at the very least, misleading: for Muslims, the Dome of the Rock is a mosque.³⁸ The Dome of the Rock is in regular daily use, not just on Fridays or on Ramadan or Eid holidays, as a place of Muslim prayer.

The Ir Amim “Dangerous Liaison” report noted:

When the status of the Temple Mount came onto the agenda between Israel and the Palestinians during the Oslo peace process, Israel raised the possibility of permitting Jews the right to pray on the Mount. At no stage of the negotiations did Palestinians indicate willingness to discuss concessions regarding an exclusive Muslim presence on the Mount. In unofficial talks, Palestinian representatives advised Israeli representatives not to raise the suggestion of granting rights of worship on the complex to Jews, a development that would have the potential to elevate conflict over the Mount to the status of a religious war. Ultimately, the question of a settlement on the Temple Mount/Haram al-Sharif became a central stumbling block in the negotiations...³⁹

What is the “*Status Quo*”?

Jerusalem attorney and Jerusalem expert Daniel Seidemann told an audience in New York City last October that they should know there was no ‘*Status Quo*’ on the Temple Mount during the British Mandate [between 1922 and May of 1948], “because ‘*Status Quo*’ applies only to sites that are contested, and during the entire Mandatory period, there were no Jewish claims to access, or to do anything on the Temple Mount. We had deep attachments, there were contested sites – the Western Wall was contested, Rachel’s Tomb was contested ... But it was not relevant [to the Haram al-Sharif]... There have not been practical Jewish claims on the Temple Mount for a thousand years. It’s a Muslim place of worship”.⁴⁰

Seideman told his audience: “I’ve been arguing for years that what’s happening on the Temple Mount is not a religious freedom issue, it’s a national, regional and global security issue. And my allies on this in the American government have not been in the White House and the State Department, they’ve been in the Pentagon, because the generals in the Pentagon have been going into regional political offices for the last 20 years, and what they see on the wall, behind the heads of their hosts, is al-Aqsa, the Dome of the Rock, and they understand that the relationship of the Arab and the Muslim world to the West depends in many ways on how people see themselves vis-à-vis the Temple Mount – a sense of violation is dangerous”.⁴¹

As recently as twenty years ago, “the Temple Mount was not a contested site”, Seidemann noted. But, he said, “today, it is a contested site – the quintessential contested site, even though the formal ‘*Status Quo*’ has not changed”.⁴²

Nevertheless (like the JCPA, but from a different point of view), the International Crisis Group does believe the *Status Quo* has changed: “In the 1990s, a single political decision, to open the Western Wall tunnels, triggered events that contributed much to the breakdown of the monitoring and coordination mechanisms that had kept the *Status Quo* functional. The system, gradually restored in the late 1990s, unraveled again with the second intifada and was never fully reestablished, though certain elements remain in force....”.⁴³

Ir Amim, too, believes that the *Status Quo* has changed:

The dramatic tightening of restrictions on entry of Muslims to the Temple Mount / Haram al-Sharif in practice amount to changes in the *Status Quo*, which is based on unfettered entry for Muslim worshippers.⁴⁴

The original Ir Amim “Dangerous Liaison” report (2013) stated that:

Over the past several hundred years, a *Status Quo* has been maintained according to which the Temple Mount/Haram al-Sharif area (henceforth: the Mount) is an area reserved for Muslim prayer and the Western Wall is a prayer area reserved for Jews. Over the last decade, the status of these areas has gradually shifted, driven by a revival of activity by Jews determined to strengthen the status of the Temple Mount/Haram al-Sharif complex as a Jewish religious center and to marginalize the claims of Muslims to the MountThe movements’ growing momentum and dangerous provocations to change the *Status Quo* are not receiving adequate attention, nor is the disturbing connection between these movements and official Israeli institutions.⁴⁵

By September 2015, Daniel Seideman also saw a shift in the *Status Quo*:

Today, in very real, concrete terms, the Temple Mount is being transformed from a Muslim place of worship (which may be visited by non-Muslims but not for the purposes of worship) into a highly contested site. This is happening in a context where Israeli politics are shifting dramatically in favor of the far-right, and in which Israeli security authorities who control access to the site are acting in ways that are demonstrably favorable to shifting the *Status Quo* in favor of greater Jewish access, including for the purposes of worship.⁴⁶

The earliest *Status Quo* arrangements were devised by the Ottoman Sultans to accommodate important visiting figures – Christian and Jewish – from major European powers. An 1852 *firman* [edict] of Sultan Abdul Mejid was “an agreement popularly known as the *Status Quo*” which “in effect guaranteed that there would be no changes

in the balance of religious influence”.⁴⁷ This ruling concerned Christian holy places, particularly in Jerusalem, but was later extended to Bethlehem.

Under the British Mandate, certain decisions were arrived at, after “communal conflict” and years of deliberations – among them, a determination that the place known to Muslims as the “Buraq” Wall, otherwise known as the Western or Wailing Wall, is part of the Muslim Waqf (the Islamic endowment or trust used to consign property in perpetuity).

The International Court of Justice, in its 2004 Advisory Opinion on the Legal Consequence of Israel’s Construction of a Wall in Occupied Palestinian Territory,⁴⁸ wrote that the British Mandate conferred responsibility on the Mandatory Power of “*preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum*”. The League of Nations mandate also specified that “nothing in this mandate shall be construed as conferring . . . authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed”.⁴⁹

Moshe Dayan’s 1967 decision to leave in Waqf hands the administration of the Haram al-Sharif had as inspiration and precedent not only the British Mandate, but also the 1947 UN General Assembly’s partition proposal in Resolution 181, and perhaps more significantly for Dayan, the 1949 Israel-Jordan Armistice Agreement.⁵⁰

Despite Moshe Dayan’s position on the Haram al-Sharif, the IDF immediately deviated from a clear Mandatory decision concerning the Western Wall: the Maghrebi quarter was summarily razed to enlarge the Western Wall plaza and hundreds of families transported to what became the Shu’fat Refugee Camp, the only refugee camp inside Jerusalem, which is now behind the Wall and several military checkpoints. Indeed, the Waqf claim to the Buraq (Western) Wall is one of the main reasons the Camp David negotiations broke up in July 2000, according to remarks made to this writer by PLO official and then-Palestinian Authority Minister Yasser Abed Rabbo, in an interview in early September 2000.

For Palestinians, the loss of the Buraq Wall is the most important deviation from the *Status Quo* that was in place before the proclamation of the State of Israel. Palestinian negotiators wanted this taken into account whenever any new arrangements were discussed, but were rebuffed at Camp David in late July 2000.

Moreover, although Israel is obliged to provide freedom of access, the vast majority of Palestinians living under Israeli control in the West Bank and Gaza are unable to go to Jerusalem at all, even to visit their holy sites. Israeli restrictions on movement and travel are allegedly security-based, but more often purely punitive, a form of collective punishment. Most Palestinian Muslims have not been able to visit the Haram al-Sharif or pray at al-Aqsa Mosque since the beginning of the Second Intifada – a privation that could be compared to the difficulties for Jewish access to the Haram al-Sharif from 1948 until 1967.

It is not just the *Status Quo* that’s at risk, as Ir Amim wrote in a December 2014 supplement to their (2013) “Dangerous Liaison” report:

Although Netanyahu has declared his commitment to the Status Quo, he has failed to address the root causes of escalating tensions on the Temple Mount/Haram al-Sharif: he has not publicly recognized the status of the compound as

an exclusively Muslim place of prayer nor has he acknowledged the actions of right-wing elements who enjoy political support and are working forcefully to displace Muslims from the site. Netanyahu blamed “Palestinian incitement” exclusively for current conditions on the Temple Mount/Haram al-Sharif. His failure to more unequivocally accept responsibility undermined the credibility of his own declarations in calming Palestinian concerns. Further, he missed the opportunity to provide a more comprehensive explanation of the issue to the Israeli public, effectively perpetuating the prevailing perception of Muslim violence preventing Jews from realizing their rights”.⁵¹

In mid-October 2015, a leading member of the “ultra-Orthodox” Shas Council of Sages, Rabbi Shimon Ba’adani, was moved in October to speak out to “criticize Jews who have been visiting the Temple Mount, saying they ‘sparked all the current tumult’”. Speaking on a Shas radio program on 8 October, Rabbi Ba’adani said: “Do not provoke the Nations, even if we are in control here, there is a *halakha*. I don’t know on whose authority they permit themselves to provoke and cause an armed struggle like is happening now ... they are forbidden”.⁵² He added that “There may be other reasons” for the escalation of tensions, “but that certainly aroused them,” and he added that visiting the site was “strictly prohibited” by the party’s spiritual leader’s past ruling”.⁵³

The return of the supervision of entry of visitors to Waqf control, lost on 28 September 2000, would be one important and helpful step to restore calm, according to Mahmoud Habbash and many other observers of the current situation. Israeli peace activist Gershon Baskin urges, at the same time, restoration of Palestinian security control on the Haram al-Sharif. As of this writing, Palestinians are increasingly barred from the al-Aqsa mosque compound as well as from the entire Old City of East Jerusalem, but Israeli-arranged visits of non-Muslims, under armed Police escort, continue. There has been no further meeting between King Abdullah II and Israel’s prime minister, who continues to privilege Jewish visitation above all else, while blaming Palestinians. Meanwhile, the Arab League convened a meeting on “al-Aqsa” for 13 October. Activists were in the ascendancy since 2013, now the situation is catastrophic. The erosion of existing *Status Quo* arrangements on the Haram al-Sharif may well turn into conflagration.

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Endnotes

- 1 Netanyahu: "We are in the midst of a wave of terrorism originating from systematic and mendacious incitement regarding the Temple Mount – incitement by Hamas, the Palestinian Authority and the Islamic Movement in Israel". He said he had "ordered the mobilization of 16 Border Police companies" and intended to move against the Islamic Movement in Israel (after outlawing two of its subsidiary organizations weeks earlier). Remarks at a regular weekly Cabinet meeting 11 October 2015, sent via email from GPO Israel.
- 2 Under the unwritten "*Status Quo*" public communal prayer on the Haram al-Sharif is reserved for Muslims, while non-Muslims may visit during fixed and agreed hours. Many Jews have said they've prayed silently for years without a problem, but that is not enough for the Temple Mounters. Israeli courts have recently endorsed a right to prayer, after earlier indicating an intention to avoid making any ruling that Jewish prayer should, in principle, be banned. Israel's Supreme Court came up with a compromise formulation: leaving the matter to a security decision (made almost daily). "The Supreme Court recognized that Jews have a right to pray on Temple Mount/Haram al-Sharif; however, it ruled that the executive branch maintains the discretion to forbid Jewish prayer for security reasons". (HCJ 257.89; HCJ 2410/90), cited in Ir Amim's 2013 report, "Dangerous Liaison", page 13) http://www.ir-amim.org.il/sites/default/files/Dangerous%20Liaison_0.pdf. It has become clear that the occasional judicial review or oversight is merely theoretical input, to be set aside when it conflicts with Israeli security evaluations.
- 3 David Horowitz, experienced Israeli journalist, 12 October 2015, <http://www.timesofisrael.com/a-stabbing-war-born-of-hysterical-intolerance/>.
- 4 It is in the Old City of East Jerusalem, which Israel effectively annexed by extension of laws and administration in late June 1967, but UN member states have passed a number of resolutions calling this "null and void". Israel has also proclaimed a unilaterally-defined "Greater Jerusalem" as its capital, but no UN member states recognize this either, and they maintain their embassies outside Jerusalem (most are in Tel Aviv).
- 5 "These Jews explained that when the temple is rebuilt, no Muslim holy places would remain on the Temple Mount – or Haram al-Sharif, as Muslims describe the site. How the Muslim sites would be removed these Jews could not say.... Much of the rhetoric I heard was aggressive". Philip Weiss, "What is the vision of Jews who want to replace al-Aqsa Mosque with Temple?" Mondoweiss, 10 November 2014, <http://mondoweiss.net/2014/11/vision-replace-mosque>.
- 6 Netanyahu allies like the Jerusalem Center for Public Affairs are now campaigning to label as "libel" any concern about intent to damage or destroy al-Aqsa ("Qibli") Mosque itself: <http://jcpa.org/al-aksa-is-in-danger-libel/>. However, Israeli peace activist Gershon Baskin tweeted on 11 October (translated from its original Hebrew): "*I could not find a single Arab who believes that Israel did not intend to damage mosques on the Temple Mount*". 8:26 p.m. - 10 Oct 2015, <https://twitter.com/gershonbaskin/status/652898091373330432>. Additionally, Israel's State President Reuven Rivlin reportedly said at the opening of the Winter Session of the 20th Knesset on 12 October: "The horrible lie which depicts the State of Israel as seeking to change the status quo on the Temple Mount is not only a blatant falsehood, but also a dangerous plot that has cost innocent lives. The State of Israel and the Israeli government is determined to preserve and protect the status quo on the Temple Mount Israel is not trying to prevent Muslims from praying in their holy places, as Israel would never harm the mosques on the Temple Mount ... We have a responsibility to ensure the freedom of worship for all believers who look up to Jerusalem. Even given the difficult and painful limitation of our ability, as Jews to pray and I stress – pray – at a place so sacred to us. The State of Israel will not prohibit Jews from entering the Temple Mount and this does not constitute an infringement or a violation of the status-quo. The Jewish people's connection to the Temple Mount is undeniable and cannot be distorted. Saying that the Jews' feet soil the Temple Mount is an unacceptable statement, which we cannot tolerate".
- 7 By September 2015, Netanyahu's statements indicate that what he now means by the Status Quo is: Jewish "visits" are given priority, at all costs, and he justifies his position by both security and law-and-order arguments. Netanyahu gravely disappointed many "Temple Mounters" by failing to cave in to their demands to authorize public Jewish prayer on the Haram al-Sharif, after his 12 November 2014 meetings with King Hussein and U.S. Secretary of State John Kerry in Amman.
- 8 <http://www.timesofisrael.com/netanyahu-agrees-things-must-change-at-temple-mount-says-likud-activist/>.
- 9 <http://www.timesofisrael.com/netanyahu-agrees-things-must-change-at-temple-mount-says-likud-activist/>.
- 10 According to Mahmoud Habbash, during an interview with this writer in his Ramallah/al-Bireh office, the Prophet Mohammad prayed facing toward al-Quds ("Jerusalem") for the first 15 years of his 22+ years of prophet-hood.
- 11 Sheikh Bassam Jarrar, independent Palestinian Islamic scholar and writer based in al-Bireh, says that, at the time, the site was nothing but ancient ruins ("athaar").

- 12 As to the description of the Haram Al Sharif, see F.E. Peters. "a ruin covered with refuse": in Muslim Jerusalem...In Brief", <http://fepeters.com/?p=259>, posted April 13, 2012. Also F.E. Peters, <http://fepeters.com/?p=165>. Jews had been banned from Jerusalem after an insurrection in 135 A.D. (or, Common Era) and, according to Professor Peters, Jerusalem was a Christian city when the Caliph Omar arrived there: "Judaism's holiest of holy places, 'God's holy mountain', was, on the witness of the map's ambiguous iconographical vacuum and the eyewitness testimony of Christian pilgrims who visited the site, nothing more than a field a ruins during the entire period from the Roman destruction down to the Muslim rebuilding projects in the seventh century". Also see F.E. Peters. Jerusalem, Chapter 5, The Temple Mount section: "The center of the action in all the accounts of the Muslim occupation of Jerusalem is the Temple mount on the eastern side of the city. All our informants on this important event are Muslims, and more to the point, they all date from an era much later than the events they are describing. We have no immediate eyewitnesses, no contemporaries, Muslim or otherwise, through whom we can trace the passage from a Christian to a Muslim holy place, the appropriation and renaming of shrines, the rethinking and recasting of traditions. Our historians are all fully accustomed to a thoroughly Muslim Jerusalem. For them, Herod's platform was nothing else but the 'Noble Sanctuary', the Haram al-Sharif, and atop it there had already stood for hundreds of years the centrally located shrine called the 'Dome of the Rock' and, at its southern end, the mosque called al-Aqsa, both wrapped in centuries-old Muslim traditions" – (chapter excerpted here: <http://coursesa.matrix.msu.edu/~fisher/hst372/readings/peters2.html>).
- 13 Sheikh Bassam Jarrar and Mahmoud Habbash both stress the occupied status.
- 14 Daniel Seidemann, "Jerusalem & the Temple Mount: A New Dangerous Escalation". Terrestrial Jerusalem, 22 September 2015, <http://t-j.org.il/LatestDevelopments/tabid/1370/articleID/777/currentpage/1/Default.aspx>.
- 15 Ariel performed the "Priestly Blessing" (Birkat Kohanim) on the Haram al-Sharif on Jerusalem Day, May 2012. YouTube video, posted 23 May 2012, by The Temple Institute: "Rabbi Ariel, who was among the Israeli paratroopers who liberated the Temple Mount in the Six Day War, can be heard saying, 'I have waited forty-five years to be able to say the shehechianu, (blessing of thanks), here on the Temple Mount'. In addition to prayer, song and blessings, a number of worshipers performed the commandment of hishtachavia (prostration), which applies to the Temple Mount", <https://youtu.be/ergzrgHRNH0>.
- 16 <https://www.facebook.com/video.php?v=881347541901322>.
- 17 During serious disturbances in Jerusalem and the West Bank, Netanyahu on 8 October instructed Israeli police to ban his cabinet ministers and all Knesset members from the Haram al-Sharif. <http://www.haaretz.com/news/diplomacy-defense/premium-1.679294>.
- 18 There is also a police "blacklist" of 34 Jewish activists banned from the site, according to testimony to a Knesset Committee by Israel's Acting Police Commissioner Bentzi Sau on 12 October. @LahavHarkov on Twitter, "Sau said police also banned 34 residents of Jud&Sam from Temple Mount bc danger to public order". 12:40 p.m. - 12 Oct 2015. <https://twitter.com/LahavHarkov/status/653505522881175552>.
- 19 On 11 October, Netanyahu announced in a cabinet meeting that he planned to take action against the Islamic Movement in Israel (email containing transcript of Netanyahu's remarks sent by the Government Press Office, Israel).
- 20 Ir Amim, "The Temple Mount/Haram al-Sharif: Threats to the *Status Quo*: After the Holidays", December 2014 (Issue 3) – the third in a series about the ongoing erosion of existing arrangements on the Temple Mount/Haram al-Sharif, a supplement to Ir Amim's comprehensive 2013 report, "Dangerous Liaison: The Dynamics of the Rise of the Temple Movements and their Implications".
- 21 International Crisis Group report, "The Status of the *Status Quo*," 30 June 2015, page ii.
- 22 If the Temple Institute achieves its goal of breeding a perfect flawless red heifer cow to sacrifice on the site, this may change.
- 23 Lene Roiser, Advocacy for a third temple, 19 December 2013, Alternative Information Center, <http://alternativenews.org/archive/index.php/regions/jerusalem/7586-advocacy-for-a-third-temple>.
- 24 http://www.ir-amim.org.il/sites/default/files/Dangerous%20Liaison_0.pdf.
- 25 <http://www.al-monitor.com/pulse/originals/2014/09/khatib-muslim-endowments-israel-jordan-al-aqsa.html#ixzz3CnQUyeI3>.
- 26 ICG, "The Status", 5, n. 15.
- 27 King Warns Israel, Khaberni news website, 13 September 2015. <http://www.khaberni.com/more.php?newsid=155751&catid=1>.
- 28 UN Security Council Press Statement on Jerusalem, 17 September 2015, <http://www.un.org/press/en/2015/sc12052.doc.htm>.
- 29 Israel's outgoing Ambassador to the UN, Ron Prosor, responded: "This statement, which only uses the Arabic name for the Temple Mount, affirms the right of Muslims to be present and to pray at the compound, but completely ignores the Palestinian violence, the deep connection of the Jewish People to the Temple Mount, and the right of all to visit the site. Instead of calming tensions,

- the Council sides with those who are trying to set the region on fire. When the Palestinians set the Temple Mount ablaze, Mahmoud Abbas fuels the fire, and the Security Council fans the flames....” <http://embassies.gov.il/un/NewsAndEvents/Pages/Amb.-Prosor-on-the-Violence-in-the-Temple-Mount.aspx>.
- 30 Avi Issacharoff, *Times of Israel*, 21 September 2015, <http://www.timesofisrael.com/israel-slams-jordanian-king-over-temple-mount-violence/>.
- 31 Moshe Feiglin 7 April 2014 = <http://www.youtube.com/watch?v=hEnZnfd0-pU> = with subtitles in English, uploaded by The Temple Institute.
- 32 <https://vimeo.com/71412479>.
- 33 It was explained to me, along with a group of international journalists while visiting the Western Wall tunnels in 2008/9 on a tour sponsored by the Israeli Government Press Office, that the Foundation Stone is the point from which God began his creation of the universe.
- 34 The “Holy of Holies” is the place where the Jewish tradition believes that the Arc of the Covenant, given to Moses in the Sinai by God, was kept and revered: and it is believed that the *sakhina*, or divine presence, reposes upon it.
- 35 See, for example, a photo dated Ramadan 1992 used to illustrate the JCPA report by Nadav Shragai on *The Status Quo* on the Temple Mount; Photo URL = http://i1.wp.com/jcpa.org/wp-content/uploads/2014/01/clip_image003.jpg?zoom=1.5&resize=413%2C545.
- 36 Deputy Knesset Speaker Moshe Feiglin on the Temple Mount, 7 April 2014. <https://www.youtube.com/watch?v=21rAyYcg6Go>.
- 37 Israeli Ministry of Foreign Affairs briefs, “Behind the Headlines: Jerusalem’s Temple Mount” 17 November 2014 (after Netanyahu’s trip to Amman to meet King Abdullah II), <http://mfa.gov.il/MFA/ForeignPolicy/Issues/Pages/Jerusalem-Temple-Mount-12-Nov-2014.aspx>.
- 38 The Dome of the Rock is defined as a mosque in the Abbas-Abdullah Agreement on Holy Places in Jerusalem signed in Amman on 31 March 2013, Preamble, Paragraph C: “Recalling the unique religious importance, to all Muslims, of al-Masjid al-Aqsa with its 144 dunums, which include the Qibli Mosque of al-Aqsa, the Mosque of the Dome of the Rock and all its mosques, buildings, walls, courtyards, attached areas over and beneath the ground and the Waqf properties tied-up to al-Masjid al-Aqsa, to its environs or to its pilgrims (hereinafter referred to as al-Haram al-Sharif)”, http://kingabdullah.jo/index.php/en_US/news/view/id/10779.html.
- 39 Ir Amim, “Dangerous Liaison”, 2013, p. 7, http://www.ir-amim.org.il/sites/default/files/Dangerous%20Liaison_0.pdf.
- 40 A talk entitled “Jerusalem: Flashpoint for Regional & Global Conflict” in which author and Bloggingheads’ creator Robert Wright, speaks with Israeli attorney Daniel Seidemann – from a full transcript compiled by the author = <http://bloggingheads.tv/videos/32497?in=28:18&out=39:58>.
- 41 Seidemann, <http://bloggingheads.tv/videos/32497?in=28:18&out=39:58>.
- 42 Seidemann interview on Blogging Heads TV, <http://bloggingheads.tv/videos/32497>.
- 43 ICG, “The Status,” 25-26.
- 44 Ir Amim, Supplement to “Dangerous Liaison” December 2014 p. 2, <http://ir-amim.org.il/sites/default/files/Dangerous%20Liaison%20Supplement%203.pdf>.
- 45 Ir Amim, “Dangerous Liason”, 1 March 2013, p. 5, http://www.ir-amim.org.il/sites/default/files/Dangerous%20Liaison_0.pdf.
- 46 Ir Amin, “Dangerous Liason”.
- 47 Frederick M. Strickert, *Rachel Weeping: Jews, Christians and Muslims at the Fortress Tomb*, (Collegeville, Minnesota: Liturgical Press, 2007), 128.
- 48 Advisory Opinion, 9 July 2004, <http://www.icj-cij.org/docket/files/131/1671.pdf>.
- 49 Advisory Opinion. Emphasis Added.
- 50 The International Court of Justice Advisory Opinion on The Wall, July 2004, noted that the UN General Assembly’s Partition Plan, contained in Resolution 181, said that the liberty of access, visit and transit (to holy sites) shall be guaranteed, in conformity with existing rights. The 1949 Israel-Jordan Armistice agreement provided for the establishment of a special committee to discuss and deal with matters including “free access to the Holy Places”. The ICJ added: “In signing the General Armistice Agreement, Israel thus undertook, as did Jordan, to guarantee freedom of access to the Holy Places. The Court considers that this undertaking by Israel has remained valid for the Holy Places which came under its control in 1967”.
- 51 <http://ir-amim.org.il/sites/default/files/Dangerous%20Liaison%20Supplement%203.pdf>.
- 52 <http://www.timesofisrael.com/leading-rabbi-jewish-visitors-to-temple-mount-sparked-%20tensions/>.
- 53 <http://www.haaretz.com/news/israel/premium-1.679627>.