



# Jerusalem viewpoints



Jerusalem Center for Public Affairs  
Institute for Contemporary Affairs  
Founded jointly with the Wechsler Family Foundation



No. 604

November-December, 2014

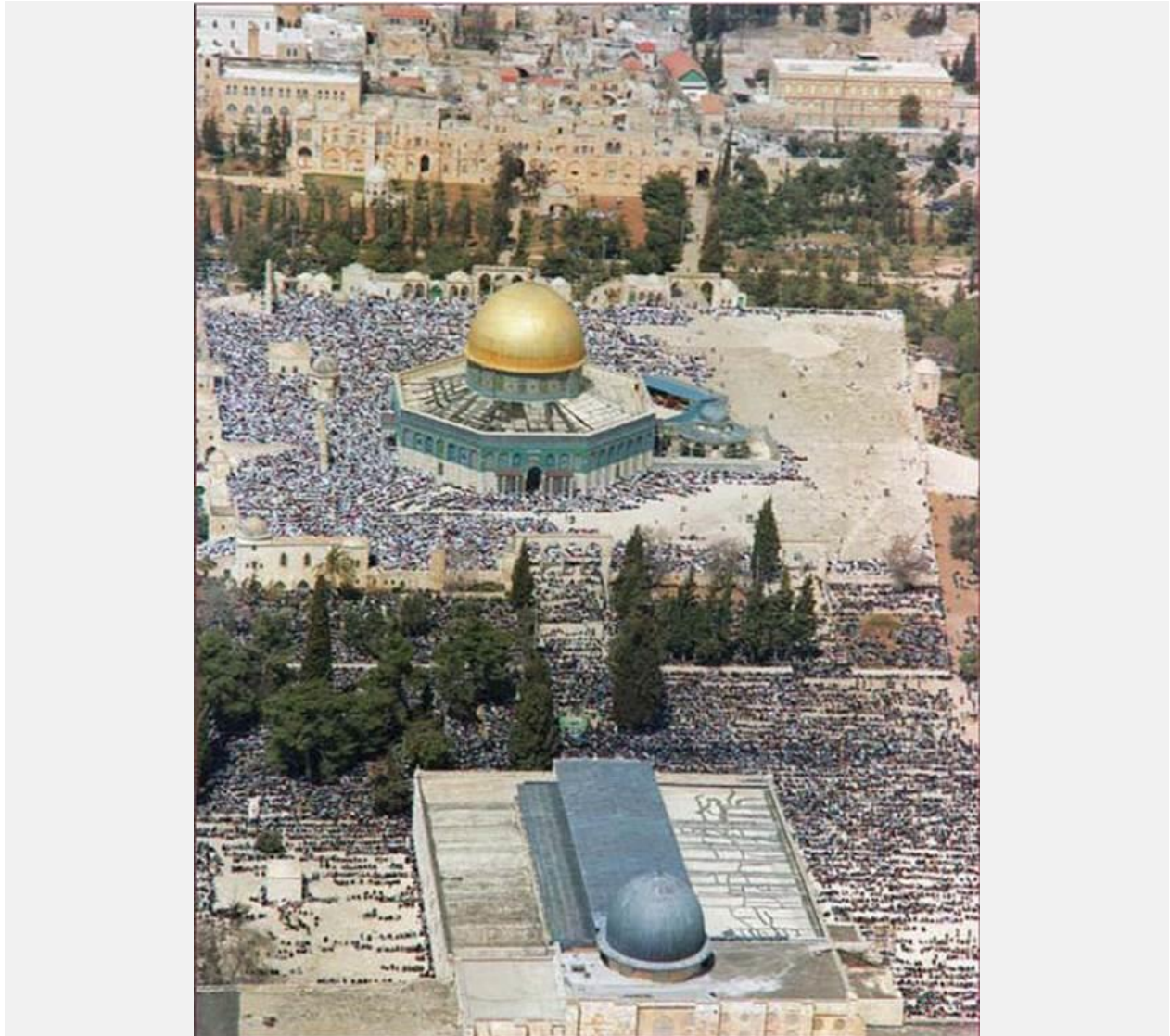
<http://jcpa.org/article/status-quo-on-temple-mount/>

## The “Status Quo” on the Temple Mount

Nadav Shragai

- Since July 2, 2014, an upsurge in Palestinian violence has been occurring in Jerusalem, and the number of attacks on Israelis has escalated. The Temple Mount is one of the focal points of this renewed conflict.
- The Temple Mount, site of the ancient First and Second Temples, is the holiest place in the world for the Jewish people. Two Muslim shrines – the Al-Aqsa Mosque and the Dome of the Rock – stand on it today, and it is the third holiest place for Muslims.
- The recent events on the Temple Mount are instigated by operatives of Hamas and the Northern Branch of the Islamic Movement in Israel (both of which are part of the Muslim Brotherhood network) and Mahmoud Abbas’ Fatah movement.
- Israeli Prime Minister Benjamin Netanyahu and other government officials have repeatedly stated that there will be no change in the status quo on the Temple Mount, and Jewish prayer will not be permitted there.
- In July 1967, Israel extended Israeli law to east Jerusalem, including the Old City and the Temple Mount, which came under Israeli sovereignty. In granting Jews the right to visit the Temple Mount, Moshe Dayan sought to mitigate the power of Jewish demands for organized worship and religious control at the site. In granting administrative control to Muslims on the Temple Mount, he believed he was mitigating the power of the site as a center for Palestinian nationalism.

- However, the old status quo has been greatly degraded, increasing Muslim control and status on the Mount and greatly undermining the status of Jews and the State of Israel on the Mount.



Muslims worshipping on the Temple Mount in the month of Ramadan, 1992. The Dome of the Rock is in the center of the picture, the Al-Aqsa Mosque at the bottom. Under Israeli rule, religious freedom is maintained on the Mount. (Moshe Milner, Government Press Office)

## Background – The Recent Violent Incidents in Jerusalem

The status of the Temple Mount and the “status quo” practiced there has in recent months figured prominently in the religious-political discourse in the region. This discourse, both on the diplomatic and the public level, is not held in a vacuum: since July 2, 2014 an upsurge in violence has been occurring in Jerusalem, and clashes between Palestinian rioters and the Israeli police has intensified.<sup>1</sup>

The Temple Mount is one of the focal points of the violence, both in a literal and an ideological sense. What happens there affects both the immediate and more distant surroundings.

The riots and violent incidents have been occurring mainly along the lines separating Jewish and Arab neighborhoods and also in mixed areas. About 12,000 incidents of stone throwing, petrol-bomb throwing, and hurling of fireworks, along with hit-and-run attacks, stabbing and shooting incidents have brought this wave of violence, which is directed (almost without exception) at Jews, to an apex.

Thousands of Arabs, many of them youths, take part in the incidents. Over the past four months, 1,000 rioters have been arrested and 300 indictments have been issued; six Jews have been murdered in hit-and-run attacks and stabbings, and two have been severely wounded by gunfire; Five Palestinians have been killed in Jerusalem, four of whom were terrorists who carried out attacks and one was killed during disturbances. The best-known case is that of teenager Muhammad Abu Khdeir of Shuafat who was kidnapped and murdered by fanatic Jewish terrorists in reaction to the kidnapping and murder of three Jewish teens in June.<sup>2</sup> Abu Khdeir's murderers have been apprehended and charged.

## The Temple Mount

The Temple Mount has played a major role in this latest wave of disturbances. This Mount, site of the ancient First and Second Temples, is the holiest place in the world for the Jewish people. Two Muslim shrines – the Al-Aqsa Mosque and the Dome of the Rock – stand on it today, and it is the third holiest place for Muslims.

For Jews, the Temple Mount or Mount Moriah is believed to be holy because it is the eternal dwelling of the *Shekhina*. For Muslims, *Al-Haram al-Sharif* (the Temple Mount) is holy because of where the Al-Aqsa Mosque stands today – the place where the Prophet Muhammad arrived at the end of his Night Journey on the back of a winged horse, and from there rose to heaven.

Since the days of the Grand Mufti Haj Amin al-Husseini in the first half of the twentieth century, and even more so since the Six-Day War and the unification of Jerusalem, the Mount has been more than a place of worship for Muslims. It has become a pan-Islamic religious-national symbol, and a tense place of national and religious conflict between the Jewish world and the State of Israel on one side, and the Muslim world, the Arab states, and the Palestinians on the other.



Temple Mount / Haram al Sharif panorama, 1864, (Palestine Exploration Fund)  
Showing the Dome of the Rock on the left, the Western Wall beneath it and the Al Aqsa Mosque on the right.

## The Significance of the Temple Mount in Recent Incidents

The recent events on the Temple Mount are being instigated by operatives of Hamas, the Northern Branch of the Islamic Movement in Israel (both of which are a part of the Muslim Brotherhood network) and the Fatah movement led by Mahmoud Abbas. The Hamas terrorist organization<sup>3</sup> has also transferred money to activists of the Northern Branch of the Islamic Movement and paid them to encamp on the Mount, create disturbances there, and prevent access to Jews. This endeavor is dubbed “Platforms of Knowledge.”<sup>4</sup>

In recent months the Mount has become a source of severe and baseless incitement against Israel. Two particular mendacious claims stand out: (1) that Israel is planning to change the status quo on the Mount and permit Jewish prayer there; and (2) that Israel is planning to damage and destroy the Al-Aqsa Mosque.

Although these two false claims are not new, the violence that has accompanied them has not proved transitory and has continued for about four months. During this period the Al-Aqsa Mosque has served as a base for repeated attacks on visitors to the Mount and on policemen who have tried to protect them. From within the mosque, stones, petrol bombs, and fireworks have been hurled directly at policemen and visitors. The mosque itself, which has been barricaded, has become a storeroom for projectiles and a refuge for rioters.<sup>5</sup>

## Al-Aqsa Mosque Was Off-Limits

In the context of the special rules of conduct that Israel accepted for the Temple Mount, and out of respect and sensitivity for what is a sacred compound for Muslims, one rule was established to which there are almost no exceptions: even during riots the security forces avoid entering the Al-Aqsa Mosque.<sup>6</sup> Pacification is usually achieved through dialogue with the leaders of the *Waqf* (religious leadership) and the rioters, and also by arresting rioters on the basis of intelligence information and video.

This time, as the incidents have continued and dialogue has not succeeded to quell them, Israel has taken a different tack. After four straight months of extreme violence, with intelligence information on large stocks of projectiles hidden in the mosque, and amid ongoing attacks on visitors and policemen on the Mount, on November 5, 2014, Israeli policemen entered the mosque arrested rioters and confiscated dozens of firework containers along with caches of rocks and petrol bombs.<sup>7</sup>

During these months incidents of violence and incitement against Jews on the Temple Mount have led to severe riots. The Palestinian Authority has played a central role in the incitement.<sup>8</sup> PA Chairman Mahmoud Abbas’ statement that Jews, who “defile” Al-Aqsa, must be prevented from entering it in any way possible<sup>9</sup> only further fanned the flames. Within a span of three days, Palestinian TV broadcast Abbas’s words of incitement 19 times.<sup>10</sup>

## The Incitement Led to Violence

The incitement and subsequent riots led Israel to impose strict limitations on the entry of Jews to the Temple Mount, and on more than one occasion it was closed to them completely. This contradicts both the declared policy of the Israeli government as well as the Protection of Holy Places Law, which ensures freedom of access to all holy places in Israel. The result was that agitation on the Mount only escalated. The tension came to a boil with the assassination attempt on Yehuda Glick, one of the prominent advocates of Jews’ right to pray on the Mount, on October 29, 2014. A few days later, after further riots and clashes on the Mount, Jordan announced that it was withdrawing its ambassador to Israel for consultations and even weighing the fate of its peace agreement with Israel, given “Israel’s belligerency at the holy places of Islam in Jerusalem.”

In recent weeks attention has focused on the issue of the “status quo on the Temple Mount,” i.e. the regulations and arrangements that Israel instituted there immediately after the 1967 Six-Day War. The chairwoman of the Interior Committee of the Knesset, MK Miri Regev, along with Housing Minister Uri Ariel and several other members of Knesset expressed support for the Israeli Temple Mount movement’s demand to change the status quo and allow Jewish prayer on the Mount.

Prime Minister Benjamin Netanyahu, Internal Security Minister Yitzhak Aharonovich, and Justice Minister Tzipi Livni have, however, repeatedly stated that there will be no change in the status quo. Netanyahu has also discussed the matter with Jordan’s King Abdullah and told him this explicitly.<sup>11</sup> Netanyahu also conveyed this message to the European Union’s foreign policy chief during her visit to Israel.<sup>12</sup> Arab members of Knesset who have visited the Mount have also demanded that the status quo be maintained. They have been told from the Knesset podium, and in face-to-face talks, that the status quo on the Mount will not be changed and Jewish prayer will not be allowed there.

This article will briefly survey the history of the status quo on the Temple Mount, describe the circumstances of its birth, and examine whether it still exists and to what extent it is relevant at present.

## Main Findings

1. The reality on the Mount, 47 years after the establishment of the status quo, has changed dramatically. The main elements of this status quo are no longer in practice. In many regards the status quo of 1967, which Israeli Defense Minister Moshe Dayan crafted for the Temple Mount at that time, has “died” even though no one has buried it, while the political and diplomatic discourse keeps mistakenly referring to it as if it is still with us.
2. The reality that replaced the old status quo has greatly increased Muslim control and status on the Mount compared to the arrangements that emerged after the Six-Day War. Conversely, this situation has greatly degraded the status of Jews and the State of Israel on the Mount.
3. The most notable element that remains from the old status quo is the prohibition on Jewish prayer on the Mount. The State of Israel does not intend to change this rule, and declares again and again that it intends to uphold it.

## The Birth of the Status Quo in 1967<sup>13</sup>

A few hours after Israel won the Six-Day War and unified Jerusalem Moshe Dayan came to the Temple Mount and began to devise the arrangements that would eventually be called the status quo. He ordered the lowering of the Israeli flag that had been raised at the site and the removal of the force of paratroopers who had liberated the Mount and set up permanent quarters in the northern part of the compound. In the following days, Dayan acted alone consulting with only a few experts. His main advisor was David Farhi, an expert on Arab affairs and lecturer in the history of the Islamic lands at the Hebrew University.

Farhi, who greatly influenced Dayan, put special emphasis on Islam’s basic attitude toward Judaism. Dayan was apprised that for hundreds of years Jews had suffered in the Muslim world solely as an enslaved people, without rights to any political status. Having rejected the teachings of Muhammad, they had come to be seen as an accursed people that had distorted the message of God.

Dayan thought, and years later committed the thought to writing, that since the Mount was a “Muslim prayer mosque” while for Jews it was no more than “a historical site of commemoration of the past...one should not hinder the Arabs from behaving there as they now do and one should recognize their right as Muslims to control the site.”

Dayan believed that the new order he designed on the Mount was the best way to prevent the national-territorial conflict from turning into a religious one that would be much more dangerous.

The basic elements of the status quo he devised included:

1. The *Waqf*, as an arm of the Jordanian Ministry of Sacred Properties, would continue to manage the site and be responsible for arrangements and for religious and civil affairs there.
2. Jews would not be permitted to *pray* on the Temple Mount, but they would be able to *visit* it. (This right of freedom of access to the Mount was also eventually anchored within the context of the Protection of Holy Places Law.)
3. Israel, by means of its police force, would assume responsibility for security in the sacred compound, both within the site itself and regarding the wall and gates surrounding it.
4. Israeli sovereignty and law would be applied to the Temple Mount as to the other parts of Jerusalem, to which Israeli law was applied after the Six-Day War. (This stipulation was approved more than once by the Israeli High Court of Justice.)
5. It was later decided that the only entrance to the Temple Mount through which Jews would be permitted would be the Mughrabi Gate, located in the center of the Western Wall, whereas Muslims would be able to enter the Mount through its many other gates. As for tourists it was established that they would enter through three gates: the Mughrabi Gate, the Chain Gate, and the Cotton Merchant’s Gate. Today, the entrance of tourists is permitted only through the Mughrabi Gate.
6. Over the years the raising of flags of any kind was prohibited on the Mount.

This arrangement essentially established an unofficial division of prayer areas between Muslims and Jews: the Muslims on the Temple Mount and the Jews at the Western Wall, which is the western retaining wall of the Temple Mount compound and derives its sacredness from the Mount, at the base of which Jews prayed for many hundreds of years.

## The Logic of the Status Quo According to Dayan

The prohibition of Jewish prayer on the Mount was the most controversial element of the status quo for the Jewish public. For many in the Jewish world, both in Israel and abroad, the liberation of the Temple Mount evoked powerful emotion. The exclamation of Mordechai Gur, commander of the paratrooper force that carried out the liberation – “The Temple Mount is in our hands” – entered the pantheon of national symbols of the State of Israel. Books and numerous newspaper articles vividly described the spiritual exaltation that took hold of many with the announcement of the conquest of the Mount, the center for the Jewish people in ancient times. The decision to forbid Jews to pray there was, then, unnatural, not at all logical in itself, and difficult for many.

Dayan, however, had other considerations that overrode these sentiments. On both sides of the Arab-Israeli conflict, deep-rooted religious themes were intermingled with nationalist themes. On both sides, the religion – Judaism or Islam – had driven countless national wars and struggles.

Dayan felt duty-bound to try and create a barrier between religion and nationalism and prevent the conflict from taking on a religious hue. He believed that Islam should be allowed to exercise religious sovereignty over the Mount – religious sovereignty as opposed to national sovereignty. He thought it would thereby be possible to confine the Arab-Israeli conflict to the national-territorial dimension, while eliminating the potential for a conflict between the Jewish religion and the Muslim religion.

In granting Jews the right to visit the Temple Mount, Dayan sought to mitigate the power of Jewish demands for worship and religious sovereignty at the site.

In granting religious sovereignty to Muslims on the Temple Mount, Dayan believed he was mitigating the power of the site as a center for Palestinian nationalism.

Dayan's logic at the time was well expressed by Meron Benvenisti, to whom the Israeli government delegated responsibility for the Arabs of east Jerusalem:

So holy is the place to the Jewish people that the Jewish Halakhah forbade the impure to walk on it unless they were purified. Here, in the bowels of the earth, under the foundations of the mosques, lie the remnants of the First Temple and the Second Temple, symbols of the independence of the Jewish people and the center of their spiritual life. Their destruction symbolized the end of Jewish sovereignty in all the Land of Israel. A scion of Israel must not only take upon himself this huge emotional burden, but also decide what is to be done in this holy place where, during Israel's exile from its land, the members of other religions arose and took firm hold of it...and see, he does not allow the emotional burden to decide the matter, but engages in rational consideration and decides to maintain the Muslims' control of the place....They are not its only possessors....However, in no way will he take from them what belongs to them according to their sentiment, having held the place for a thousand years and more.<sup>14</sup>

In retrospect, the concession Dayan made in the name of the Jewish people was indeed immense, colossal, almost inconceivable. The Jewish state entrusted its holiest place to a competing religion – the Muslim religion, for which the place is only the third in holiness, and gave up the right to pray there.

What made this concession possible from the Jewish public's standpoint was mainly the stance of the rabbis – both ultra-Orthodox and religious-Zionist. At that time (unlike today) an overwhelming majority of rabbis upheld the Halakhic prohibition on Jews entering the Temple Mount at all. From that standpoint, forbidding prayer at the site was not even relevant.

This was an alliance of interests – between religion and state – not often seen in Israel, and it won the backing of the High Court of Justice.<sup>15</sup> Israel's supreme legal authority indeed recognized Jews' right to pray on the Temple Mount, but posited that this right was diminished by the near-certainty that exercising it would entail compromising public order and the security of the population as the conflict turned into a religious one. Thus, the triad of state, rabbis, and High Court of Justice made the status quo on the Temple Mount a lasting reality. In the first two decades after the Six-Day War, only few questioned it.

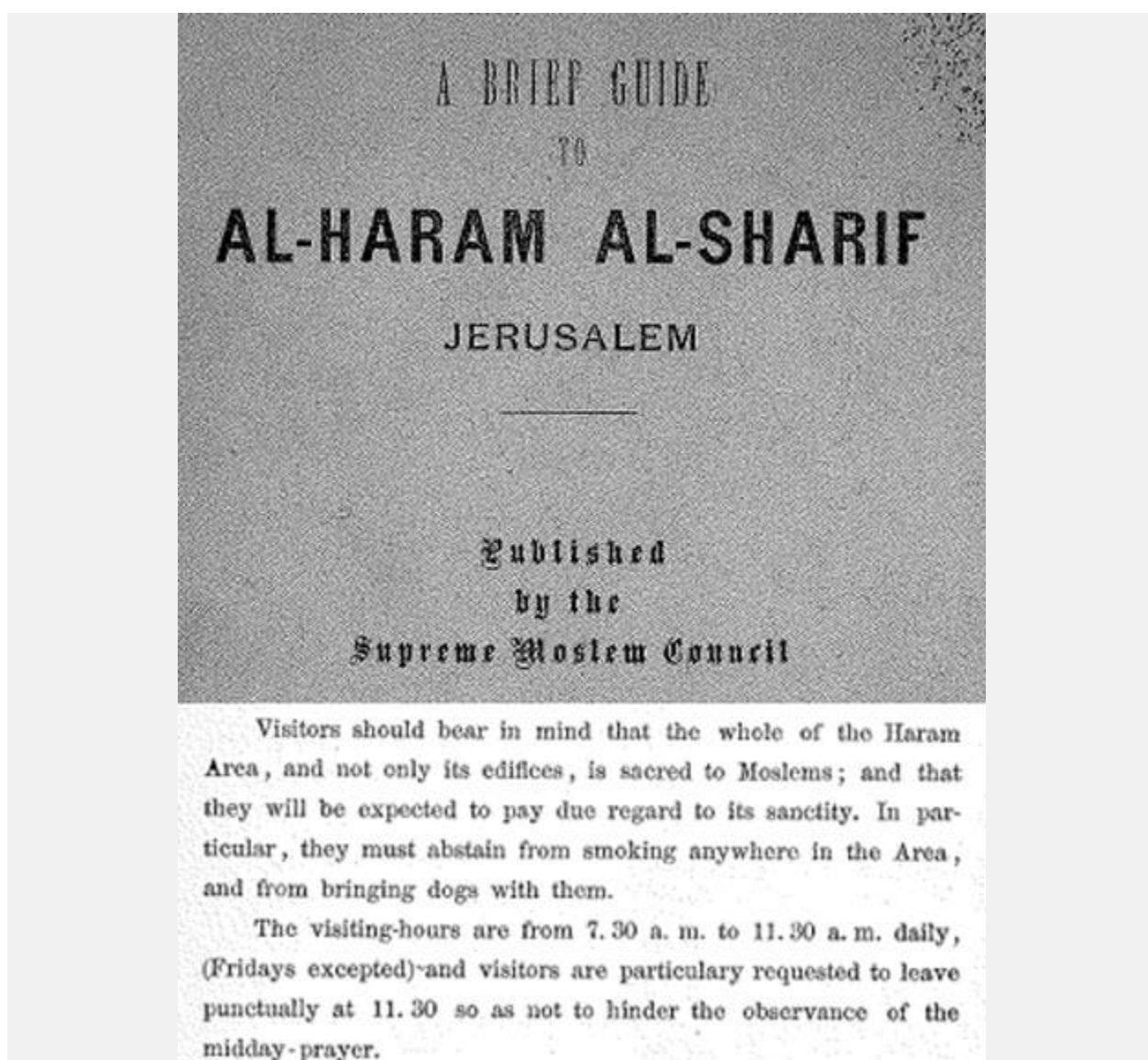
## **The Main Changes in the Status Quo and their Reasons**

The following is a list of the changes in the status quo that have occurred on the Temple Mount, and the processes and considerations that led to them.

The original status quo barred Jewish prayer on the Temple Mount, but it allowed Jews to visit it. Today, however, even visits to the Mount by Jews (even without prayer) are often prevented or substantially restricted.<sup>16</sup>

This change stems from the incitement, threats, and violence that the Muslims are deploying against the Jews who try to ascend the Temple Mount. At the crux of the incitement is the “Al-Aqsa is in danger” calumny, which is directed at the State of Israel and accuses it of intending and planning to topple the Al-Aqsa Mosque.<sup>17</sup>

In the past Jews were allowed to visit not only during the week but also on Sabbath days, and even within the mosques. Today that is no longer possible. Likewise, entry to the Mount by Jews having a religious appearance is limited to groups. Their visits are carefully monitored by Waqf guards and policemen. Visiting hours on the Mount for Jews and tourists have been restricted to Sunday through Thursday, for only four hours each day: three of them in the morning and one in the early afternoon.



Excerpt from 1925 Waqf Guide<sup>18</sup> to the Haram al-Sharif Rules did not restrict Jews, prohibit prayers, or prohibit visits on Saturday.

## The Main Reasons for the Change

1. The numbers of Jews who go up to the Mount have increased considerably because of a gradual but extensive, ongoing change in the Halakhic rulings. The religious-Zionist stream today permits Jews to enter the Temple Mount, subject to several Halakhic requirements (for instance, immersion in *amikveh*).<sup>19</sup> This has alarmed the Muslims and led to a radicalization of their behavior.
2. The ongoing struggle of the Temple Mount movements to fulfill Jews' right to pray on the Mount has encountered fierce opposition from Muslims of all streams, leading them to oppose even what they had accepted in practice previously: visits to the Mount by Jews.
3. The police have often been deterred by the threats of the Muslims to harm Jews who ascend the Mount, and prefer to close the Mount to them, limit the number who can visit there, or restrict their visits to a circumscribed course and limited time spans – all to prevent agitation and clashes within the Temple Mount compound.
4. When the status quo was established, the Muslims prayed in the Al-Aqsa Mosque. Over the years, however, the areas of Muslim prayer on the Mount have greatly expanded. The Dome of the Rock, which originally was not a mosque, has become a mosque in practice, particularly on Fridays for Muslim women.
5. At the beginning of the 2000s, the Muslims began to use two additional prayer areas in the compound: Solomon's Stables in the underground space in the southeastern part of the Mount, where the Al-Marwani Mosque was built, and the ancient Al-Aqsa areas under the existing Al-Aqsa Mosque. Likewise considerable open parts of the compound have been paved and serve for mass prayer, especially on Muslim holidays and commemorative dates.

## De Facto Changes for the Worse

1. The considerable expansion of the Muslims' prayer areas on the Mount is part of a proclaimed intent of the Muslims and the Waqf to turn the whole compound into a prayer area, thereby precluding any possibility in the future of even allocating a corner for Jewish prayer.
2. In the late 1990s and early 2000s, the intra-Muslim struggle over priority on the Temple Mount between actors such as Jordan, the Muslim Brotherhood, Hamas, and the Northern Branch of the Islamic Movement in Israel fostered intensive activity on the Mount by the last of those four. Concomitantly, the prayer areas of Solomon's Stables and ancient Al-Aqsa were prepared, and the leader of the Northern Branch, Sheikh Raed Salah, who dubs himself "Sheikh Al-Aqsa," greatly upgraded his own religious and political status at the site. Salah is known for radical and inflammatory sermons against the State of Israel, the Zionist movement and Jews, and for baseless calumnies about the Temple Mount.
3. In the face of this major change in the situation on the Mount, the Israeli government appeared weak and reluctant. It feared that more resolute action would ignite a conflagration, accepted what had been done after the fact, and in effect perpetuated the situation there indefinitely.

4. After the Six-Day War the state, and subsequently the High Court of Justice, had determined that the laws of the State of Israel applied to the Temple Mount.<sup>20</sup> Today the situation is different. De jure, the State of Israel has indeed upheld this principle; de facto, already for many years the laws pertaining to planning, construction, and antiquities on the Temple Mount have not been enforced, or have been enforced only very partially and unofficially.

## Israel's Legal Establishment Is Cautious

Amid ongoing damage to antiquities, blatant violations of the laws on planning, construction, and antiquities on the Mount, and repeated appeals to the High Court of Justice on these matters by different groups,<sup>21</sup> as well as political activity by members of Knesset and other public figures, constant tension has arisen between the Muslim religious authorities and the State of Israel concerning the enforcement of Israeli law on the Temple Mount.

In response, the state has entrusted the attorney-general and a special ministerial committee to decide on issues related to law enforcement in the compound. The ministerial committee has not convened for many years, and it was reactivated only a few years ago. The attorney-general is very cautious about applying Israeli law to the Temple Mount and sometimes has even refrained from doing so, preferring to deal with this issue through unofficial dialogue with the Muslims via the Israel Police. The Israel Police, for its part, has often preferred to keep things quiet on the Temple Mount even if the "price" entails compromising the rule of law, damage to antiquities, or violating planning and construction laws.

The status quo granted Jordan a role in managing the Temple Mount compound by means of the Waqf, an arm of the Jordanian Ministry of Sacred Properties. Today, Jordan's influence over the Mount has greatly increased. From a limited influence that involved internal management of the Mount and payment of salaries to Waqf workers, the Jordanian influence has spread to the outer walls of the compound and in certain cases to the areas that surround it.

## Jordan's Key Role on the Temple Mount

At present the Jordanians, de facto, even influence the conduct of the Israel Police on the Temple Mount.

The main reason for this change is the special relationship between Israel and Jordan. This relationship was unofficial before the Israeli-Jordanian Peace Treaty was signed, and became official or semiofficial subsequently. It is based on a set of written and unwritten understandings between Israel and Jordan in the domains of security, regional cooperation, and the Temple Mount. By means of Jordan and the upgrading of its status on the Mount, Israel also seeks to deflect and diminish the influence of extremist actors such as Hamas and the Northern Branch of the Islamic Movement on the Temple Mount.

The first public expression to be given to Jordan's special status on the Temple Mount came in the framework of the Israeli-Jordanian Peace Treaty. It includes an article that grants Jordan priority among the Arab actors whenever a permanent Israeli-Palestinian peace settlement is reached.<sup>22</sup> In actuality, Israel has already decided to promote this Jordanian status before a permanent settlement is attained. For example, Prime Minister Ariel Sharon entrusted Jordan with the reinforcement of the Western Wall and the southern wall of the Temple Mount, which had undergone some attrition. (This occurred in 2003-2004.)

In 1993, the golden roof of the Dome of the Rock was refurbished with a donation of \$8.2 million by King Hussein of Jordan to fund the 80 kilograms of gold leaf required.

Later Israel refrained from replacing the temporary Mughrabi Bridge. This wooden bridge had replaced an earthen ramp to the Mughrabi Gate that had collapsed, closing one of the entrances to the Temple Mount. This gate, as noted earlier, is the only one through which non-Muslims, including Jews, can enter the Temple Mount. The temporary bridge was both unaesthetic and posed a security hazard, drawing criticism both from the rabbi of the Western Wall and the holy places and from the engineer of the Jerusalem municipality. A plan to replace it with a more sturdy and aesthetic bridge was prepared and approved by the Jerusalem planning committees. However, because of a Jordanian veto, Prime Minister Benjamin Netanyahu decided not to replace it for the time being with a more suitable, permanent bridge. Thus “temporary” became (to this day) a matter of over a decade.<sup>23</sup>

A Jordanian veto is also what prevents Israel from clearing out construction refuse and garbage from behind tin sheets that years ago were affixed to the “Little Wall” (the continuation of the Western Wall, about six hundred feet north of the open prayer compound).<sup>24</sup>

Jordanian sensitivity is also what led the government to appeal to the Knesset to postpone a debate on the issue of “Israeli sovereignty on the Temple Mount.” This occurred in February 2014, and the debate in the Knesset was indeed postponed for a week.<sup>25</sup>

Jordan’s special status on the Mount is also accepted by the Palestinians. It is anchored in an additional agreement that was signed between King Abdullah and Abbas on March 31, 2013. The sides agreed that Jordan would represent the Palestinians and the Palestinian Authority on matters of preserving the Muslim holy places in Jerusalem, and would safeguard the various interests of Muslims in these places including the Temple Mount, until a Palestinian state is established whose capital is Jerusalem, which is also to include the Temple Mount compound.

The prohibition on raising flags on the Temple Mount is enforced only in the case of Israeli flags. However, when demonstrations and assemblies are held on the Mount, flags of movements are often raised – sometimes even of terrorist movements such as Hamas. Even then the police prefer to exercise restraint and avoid clashing with demonstrators.<sup>26</sup>

## Conclusions:

1. The old status quo on the Temple Mount no longer exists. It has changed fundamentally in major ways that greatly strengthen the status of the Muslim side on the Mount and greatly weaken the status of the Jewish side there.
2. At the same time, one of the main elements of the old status quo, the one that prohibits Jewish prayer on the Temple Mount, has been zealously maintained.

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## Notes

1 For more on the events of the Jerusalem intifada and data about it, see, for example: Friday issues of the (Hebrew) local paper *Yediot Yerushalayim* from July, August, September, and November 2014, ongoing reports in *Haaretz* from that period, and a series of overview articles on the network/totality of violence in Jerusalem by

Nadav Shragai that were published in the *Israel Hashavua* supplement of the newspaper *Israel Hayom* on July 18, September 12, September 19, October 24, and November 7, 2014.

2 On June 12, 2014, Palestinian Hamas terrorists kidnapped three Israeli teenage boys in Gush Etzion and murdered them that same night. The bodies of the three, Gilad Sher, Naftali Frenkel, and Eyal Ifrach, were found on June 30, 18 days after the kidnapping at the end of an extensive search west of the town of Halhoul.

3 Hamas has been designated a terror organization by many countries including Israel, the United States, Canada, the European Union, Jordan, Egypt, and Japan.

4 Testimony of this was provided to the Israel Security Agency (Shabak) in April 2014 by Muhammad Issa Toameh, a senior Hamas member and member of its General Shura Council. Toameh told in his interrogation that Hamas stands behind the projects of the institute ס"אנתה "Amara'a Al-Aqsa" that acted to prevent visits by Jews on the Temple Mount, via an array of hundreds of activists who stayed every day in the Temple Mount compound. To these activists was even paid a monthly salary. For more on this,

see: <http://www.shabak.gov.il/publications/publications/Pages/NewItem290514.aspx>

5 See, e.g., a *Haaretz* report ,October 13, 2014 (Hebrew): "Dozens of Palestinians Attacked Policemen and Fortified Themselves in the Al-Aqsa Mosque": <http://www.haaretz.co.il/news/politics/1.2457415> and also a parallel report on this incident at the website of the Israel Police

(Hebrew): <http://www.police.gov.il/articlePage.aspx?aid=3115>

6 Information on this behavior was given to the author by senior officials of the Jerusalem Police.

7 See, e.g., a report on this at the *0404* news site

(Hebrew) [http://www.0404.co.il/post/20331?utm\\_source=mivzakimnet&utm\\_medium=rss&utm\\_campaign=mivzakimnet](http://www.0404.co.il/post/20331?utm_source=mivzakimnet&utm_medium=rss&utm_campaign=mivzakimnet)

8 See, e.g., a report on Palestinian Media Watch from November 5, 2014

(Hebrew): [http://palwatch.org.il/main.aspx?fi=157&doc\\_id=12956](http://palwatch.org.il/main.aspx?fi=157&doc_id=12956)

9 Abbas said in mid-October 2014 and his words were quoted throughout the Arab media. Abbas said, *Settlers must be prevented from entering the Temple Mount – by any means. It is forbidden to let Jews go up to the Temple Mount. We must prevent this in any way possible. The Temple Mount is ours, the Al-Aqsa Mosque is ours, the churches are ours. They do not deserve to enter these places and defile them.*

10 See Palestinian Media Watch (Hebrew): [http://www.palwatch.org.il/main.aspx?fi=157&doc\\_id=12917](http://www.palwatch.org.il/main.aspx?fi=157&doc_id=12917)

11 "Netanyahu in a Calming Discussion with the Jordanian King: 'We Will Preserve the Status Quo on the Temple Mount'" (Hebrew), *Haaretz*, November 7, 2014.

12 "Committed to the Status Quo" (Hebrew), *Israel Hayom*, November 9, 2014.

13 For more on the issue of the status quo on the Temple Mount, its contents, the circumstances of its establishment, and its logic, see: Nadav Shragai, *Mount in Dispute: The Struggle over the Temple Mount: Jews and Muslims, Religion and Politics* (Hebrew) (Keter, 1995), pp. 22-27; Uzi Benziman, *Jerusalem, an Unwalled City* (Hebrew) (Schocken, 1973), pp. 128-131; Advocate Dr. Shmuel Berkovitz, *How Awesome Is This Place* (Hebrew) (Carta, 2006), pp. 532-534; Meron Benvenisti, *Facing the Closed Wall* (Yediot Aharonot, Wiedenfeld & Nicolson, 1973), pp. 230-231.

14 Benvenisti, *ibid.*

15 See, e.g., High Court of Justice 222/68, Rulings of the High Court of Justice, Vol. 24, Part II, 1970 (Hebrew).

Explanations are given there for the continued denial of Jews' right to pray on the Temple Mount.

16 For example, on November 9, 2014, the police allowed Jews to enter the mount in groups of five only, ensuring that only five could be on the Mount simultaneously.

17 For more on this issue, see: Nadav Shragai, *The "Al-Aqsa Is in Danger" Libel: The History of a Lie* (Jerusalem Center for Public Affairs, 2012).

18 <https://www.templeinstitute.org/1925-wakf-temple-mount-guide.pdf>

19 Among the rabbis from the central stream of religious Zionism who permit entry to the Temple Mount are the Yesha Rabbis Council; many of the rabbis of Beit Hillel, an organization of Orthodox and liberal rabbis; heads of Bnei Akiva yeshivas; Rabbi Haim Druckman; the rabbi of Kiryat Shmonah, Rabbi Zephaniah Drori; and the elder of the heads of the *hesder* yeshivas and head of the Birkat Moshe yeshiva, Rabbi Nahum Rabinovich.

20 See, e.g., High Court of Justice 4185/90, ruling from September 23, 1993.

21 Over the years the High Court of Justice was petitioned by the Committee to Prevent the Destruction of Antiquities on the Temple Mount and by the Temple Mount Faithful movement. Among the major damages to antiquities on the mount: at the end of the 1990s, an enormous quarry was dug at the southeastern corner of the Temple Mount during groundbreaking work for the Al-Marwani Mosque at Solomon's Stables. The contents of the quarry were transferred in trucks by night and dispersed in garbage dumps in the Jerusalem area. In addition, an industrial saw was emplaced on the mount to saw through ancient engraved stones, Roman columns, and so on. In another instance trenches were dug in the elevated part of the mount for the laying of electricity infrastructure there. In this case, too, there was severe damage to archeological sites. The state comptroller issue a harsh report on this matter, only a small part of which was made public while most of it was kept under wraps.

22 Article 9/2 of the peace treaty between the two countries states:

In this regard, in accordance with the Washington Declaration, Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.

23 For details on this episode, see, at the website of the Jerusalem Center for Public Affairs, Nadav Shragai, "The Mughrabi Gate to the Temple Mount in Jerusalem: The Urgent Need for a Permanent Access Bridge," October 24, 2011.

24 A senior Israeli official confirmed this to the author.

25 On this matter see, e.g., a report on an Israeli news site (Hebrew): <http://www.nrg.co.il/online/1/ART2/555/194.html>

26 See, e.g., a report and photos that document the raising of a Hamas flag on the mount on the *Mahlakah Rishona* site, April 14, 2014 (Hebrew): <http://www.news1.co.il/Archive/001-D-347383-00.html>

Publication: [Jerusalem Viewpoints](#)

Filed Under: [Israeli Security](#), [Jerusalem](#), [Palestinians](#), [Radical Islam](#)

Tags: [status quo](#), [temple mount](#)

## About Nadav Shragai

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