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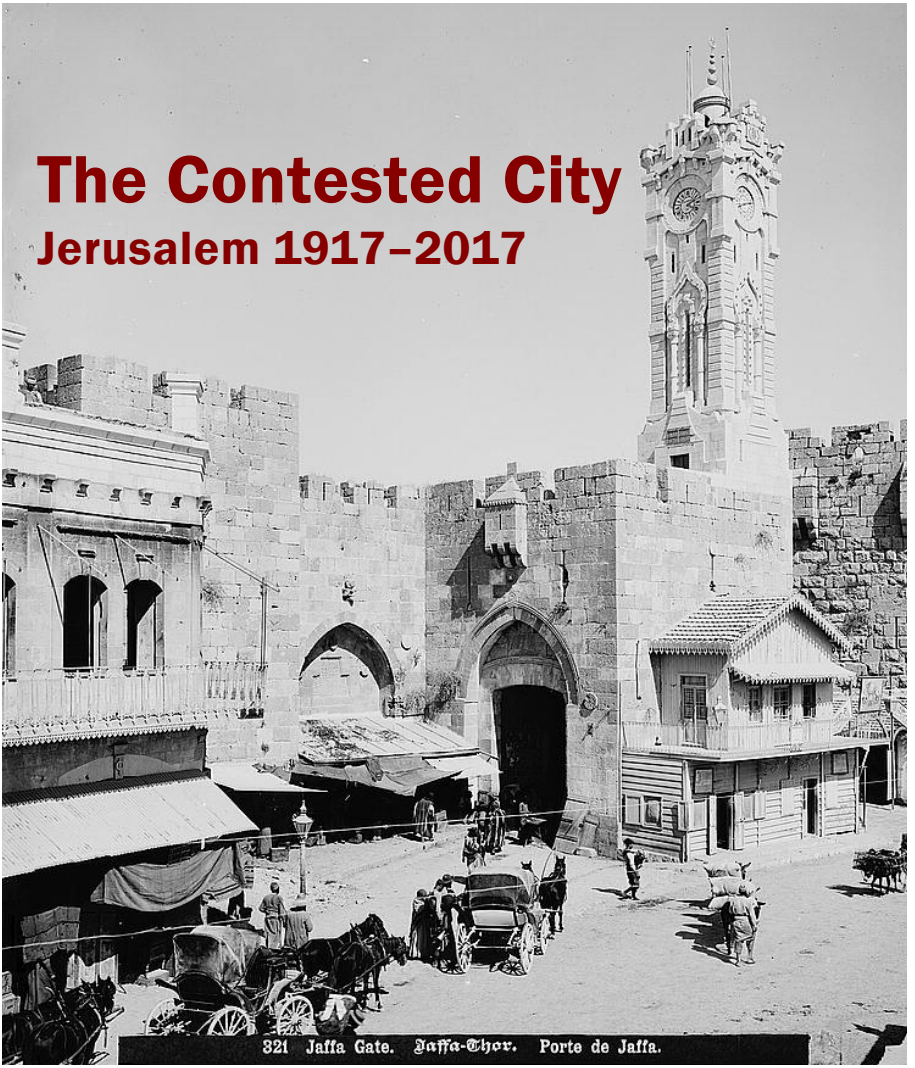
INSIGHTS

The Contested City

Jerusalem 1917–2017



Series Editor: Victor Kattan

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Contents

Editor's Introduction

The Contested City: Jerusalem 1917–2017

In December 2017, US President Donald Trump announced that the United States would recognise Jerusalem as the capital of Israel and relocate the US embassy from Tel Aviv to the holy city, a move that caused an international outcry. Just over a century earlier, the age-old contest for control of the Holy Land saw a turning point when the Balfour Declaration of November 1917 promised the Jewish people a national home in Palestine.

Many significant moments spanned that 100-year period between the two events: Israel was established in 1948, following the failure of the United Nations to implement the Partition Plan for Mandate Palestine and the outbreak of a major armed conflict, which the Palestinians refer to as *al-Nakba* (catastrophe) and Israelis, as the war of independence. The war fundamentally altered the identity and character of Jerusalem in many ways. In 1967, Israel captured the Old City of Jerusalem and annexed the city in a move that was condemned universally.

Given these developments, the international reaction at the UN and other forums to President Trump's recognition of Jerusalem as the capital of Israel was not surprising, although the reasons justifying that criticism were somewhat occluded. Much was said about the recognition prejudicing final status talks between Israelis and Palestinians, but very little was said about the special status of Jerusalem in diplomatic history, which was one of the reasons so many countries came out to criticise the decision. UN resolutions consistently refer to the "character and

status of Jerusalem" but rarely explain what that character and status is.

The reason so many countries refuse to move their embassies to Jerusalem is that such a move would imply recognition of Israeli sovereignty over the city. To date, Guatemala is the only other country to have moved its embassy from Tel Aviv to Jerusalem. There is, however, no guarantee that a future Guatemalan government will keep its embassy there. And the reason Israeli sovereignty over Jerusalem is contested is the presence of sites in and around the city that are holy to the three monotheistic faiths, and the belief that, given the intractable nature of the dispute, no single state should have sovereignty over the city, even though everyone knows that Israel has been in possession of the city for more than 50 years.

Jerusalem is more than a holy city, however, although of course it has been shaped by the presence of the holy places and by the multitudes of pilgrims who visit it. Jerusalem is also a "living" city, with its own special features, its own culture you might say, or subculture, depending on which Jerusalem you visit — East or West, old or new. Whether you go shopping in Jaffa Street, the Mamilla Mall, the market at Mahaneh Yehuda, or at Salahadin Street will say a lot about you. Not to mention the different languages that are spoken in the city.

To understand Jerusalem, one has to understand its history — not just its ancient history, which is also important, but its recent past. This series of *MEI Insights* therefore focuses on the history of the city over the past century, when the modern political dispute over the destiny of the Holy Land was said to have begun with the Balfour Declaration. It carries short essays devoted to the stages of Jerusalem's history, including its diplomatic, institutional and social history, from the Ottoman period to the British Mandate, from the division of Jerusalem between Israel and Jordan between 1948 and 1967 to the subsequent occupation and annexation of the city.

The contested status of Jerusalem goes beyond the political dispute between Israelis and Palestinians, however. For something more was going on in the debates at the United Nations in December 2017. The last time the United Nations addressed the status of Jerusalem was almost 40 years ago, after the Knesset (Israel's legislature) adopted a Basic Law declaring Jerusalem the capital of Israel. This was why some states, in criticising the American decision to recognise Jerusalem, were citing the very UN resolution that had condemned that Basic Law for being, among other things, "null and void". Other states cited even older UN resolutions from the 1970s and 1960s. Egypt, Uruguay, the United Kingdom, Senegal and Sweden even made reference to a resolution from 1947, which predated the Declaration of Independence of the State of Israel in 1948.

How could a UN resolution that was more than 70 years old possibly be relevant to what President Trump had to say about the city less than two years ago?

The answer is that the resolution is relevant to the sovereignty dispute over Jerusalem, which goes back to the earliest days of the League of Nations, when the United Kingdom became the mandatory power after four centuries of Ottoman rule, which **Falestin Naïli** addresses in her essay. **Naïli** explains that the British government created a modern city in West Jerusalem, while the Old City, where most of the holy sites are located, was treated as though it were a museum. The problem was that during the period of the League of Nations, none of the great powers could agree on what to do with the holy places in Jerusalem; its status was left in limbo. Article 14 of the Mandate concerning the appointment of a special commission "to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine" was never brought into effect. And we must also remember that the United Kingdom never had *sovereignty* over Palestine; it was the *mandatory power*, with only the right to administer the territory.

In 1947, before the United Kingdom relinquished the Mandate, the United Nations recommended the establishment of a special regime or "*Corpus Separatum*" for the City of Jerusalem and its holy places, which **Elad Ben-Dror** addresses in his essay. While the UN Partition resolution was ultimately never enforced, the United Nations did not give up on the idea of establishing that special regime. This is what is meant by the "character and status" of Jerusalem in subsequent UN resolutions.

I do not mean to suggest that what UN member states had in mind in voting for these resolutions was establishing exactly the same institutional arrangement that the United Nations had envisaged in 1947. Too much water has passed under the bridge since then, and there have been too many changes to the city's demographics, as we can read in **Issam Nassar's**, **Menachem Klein's** and **Nur Arafeh's** essays. But, despite these changes, the idea that Jerusalem should be treated differently from the other cities in Israel/Palestine has not been abandoned. Even today, we have consulates in the city that are accredited to neither Israel nor the Palestinian Authority but to the "City of Jerusalem" that was mentioned in the UN Partition Plan. And, the existence of these consulates goes back to the 19th century, long before the establishment of Israel or Palestine, as **Roberto Mazza** explains in his essay on the establishment of the Italian consulate in Jerusalem.

Then, there are the special interests in the city of various states, including France, Russia, Jordan and the Holy See, some of which **Dominique Trimbur**, **Silvio Ferrari** and I address in our essays. Although the Greek Orthodox and Armenian Churches are also major landowners in the city and enjoy special privileges such as tax exemptions, what I think is special about the French, Jordanian, Russian and Vatican interests in Jerusalem is that they concern *sovereign* actors.

Does the special status of Jerusalem still matter, you may ask? Well, on 4 July 2018, the State of Palestine informed the United States of the existence of a dispute under the Vienna

Convention on Diplomatic Relations. Some may raise their eyebrows at this reference to the State of Palestine, but it has been recognised as a non-member observer state at the United Nations since 2012. Given that 4 July is a holiday in the United States, it appeared that nobody in the State Department took Palestine's notification seriously when it was made, and, a few months later, having received no response, Palestine's lawyers promptly made an application at the International Court of Justice challenging the legality of President Trump's decision to move the US embassy from Tel Aviv to Jerusalem.

It is too early to say whether this case will ever reach the merits, and indeed, one of the issues the court will have to address in its preliminary phase is Palestine's claim to statehood. But one of the arguments that Palestine's lawyers appear to be advancing is that no state has sovereignty over Jerusalem, and therefore the United States cannot legally move its embassy to the territory in the absence of consent from a receiving state due to the special status accorded to the city in the UN Partition Plan. This is because the provision in question, so the argument goes, is based on the assumption that embassies can only be located in the territory of a sovereign state. The position that no state has sovereignty over Jerusalem had also been the position of the US government from Presidents Truman to Obama. Trump changed that. The question is whether he can do so without breaching international law.

What the high profile nature of this dispute demonstrates is that Jerusalem is an issue that concerns people far removed from the Holy Land, whether it is American Evangelicals, Roman Catholics, diaspora Jews or Indonesian Muslims. As **Michael Dumper** writes in his opening essay, "Jerusalem is holy not just to one monotheistic religion of the world, but three. These three religions have emerged from one another's traditions and cultures and have elements of doctrine and ritual that both overlap and are embedded in one another. In this way, layer upon layer of faith and belief have been deposited upon the city."

Dumper also cites Singapore as an example that could perhaps be emulated in Jerusalem, as the Lion City's history and multi-confessional society provide a "lesson that the state should take an active role in creating policies and a public discourse that is inclusive and respectful of difference".

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Jerusalem Under the British Mandate
Confessionalisation and Division[1]

By **Falestin Naïli**

Abstract

The British Mandate of Palestine brought about major political, social and spatial changes in Jerusalem. The municipal council was slowly stripped of its power, particularly in urban planning, in favour of confessional representatives and British "experts". At the same time, the organic growth of the city was stemmed, and what was once a fluid space was progressively divided through urban planning schemes into a sacred Old City oriented towards the past and a modern New City looking towards the future.

In his first public address in Jerusalem at the moment of the city's occupation by the British army in December 1917, General Edmund Allenby emphasised the need to uphold the status quo in the religious sphere and in the holy places. Conspicuously absent in his speech was any reference to the civic

[1] A version of this article was published earlier in French as "*La démunicipalisation de la gouvernance urbaine et de l'espace politique post-ottoman: le cas de Jérusalem*", in *Le carnets de l'Ifpo*, 6 February 2017, and in English as "Demunicipalization of Urban Governance: Post-Ottoman Political Space in Jerusalem", in *Jerusalem Quarterly 76*.

institutions of the city, notably, the municipality, which had already been in existence for half a century by then.

This reduction of Jerusalem to its religious character and disregard for the municipality had important repercussions for the nature of urban governance and the character of the city.

Jerusalem Under the Ottomans

Jerusalem was one of the first cities in the Ottoman empire to establish a municipal council in the 1860s, following the promulgation in 1867 of the first Ottoman law calling for the creation of such councils. From the 1880s onwards, the city's municipal council was composed of 9–12 members elected (through censitary male suffrage) for four-year renewable terms. The council members had to be Ottoman citizens. Muslims made up the vast majority on the council, which also always included Christian and Jewish members. The council's president (mayor) was chosen by the imperial government from among the elected members.[2]

The establishment of the municipality occurred at a turning point in Jerusalem's history, with the second half of the 19th century rife with important administrative, political, demographic and spatial changes. In 1872–3, Jerusalem, which had been under the jurisdiction of the province of Damascus, was brought directly under Istanbul as an autonomous sub- province (*mutassarifiyya)*. Thus, during that period, Jerusalem played

[2] Johann Büssow, *Hamidian Palestine: Politics and Society in the District of Jerusalem, 1872–1908* (Leiden: Brill, 2011), 73.

an "interstitial role" between the imperial centre and the provincial periphery.[3]

The other important development of this period was the city's spatial growth had demographic changes. As the population doubled between 1800 and 1870, it spilled out from the Old City into the periphery. By 1914, the population had grown to 70,000 inhabitants, divided equally between the Old City and the emerging city outside it.[4]

With this spillover, by the turn of the century, municipal services such as street lighting, sweeping and garbage collection had progressively been extended beyond the walls of the Old City. The municipality played an important role in the planning and development of the New City, which stretched westwards from Jaffa Gate (*Bâb al-Khalîl*) along Jaffa Street opposite the Old City. The New City was an extension of the commercial artery located inside the Old City, near Jaffa Gate, where the municipality owned many shops. In 1895, the municipal council took office on Jaffa Street. This move was both symbolic and practical: it demonstrated the municipality's will to accommodate and manage the city's growth and simultaneously located it at the heart of the city's new business district.[5] The municipality also established a municipal hospital and pharmacy and a municipal park nearby, giving the new city centre a civic character. In its approach to urban planning, the municipality thus emphasised the continuity between the Old and the New

[3] Jens Hanssen, Thomas Philipp, Stefan Weber, eds, *The Empire in the City: Arab Provincial Capitals in the Late Ottoman Empire* (Würzburg: Ergon in Kommission, 2002), 13.
[4] Vincent Lemire, *Jérusalem 1900: La ville sainte à l'âge des possibles* (Paris: Armand Collins, 2013), 32.
[5] Lemire, *Jérusalem 1900*, 162.

City, while allowing the new neighbourhoods to differ in form from the old heart of the city.

The British Mandate: Confessionalisation

The charter of the British Mandate affirmed in Articles 2, 6 and 11 the commitment of the British authorities to the creation of a "Jewish home" in Palestine and to facilitating the necessary conditions for Jewish immigration. Article 4 called for the recognition of a "Jewish agency" whose role would be to advise and collaborate with the Mandate administration in all matters related to the establishment of a Jewish homeland in Palestine. The World Zionist Organisation quickly began to fulfil this role and became accepted as the Jewish Agency. While the British authorities would have liked to see a similar organisation take shape among the Arabs, the executive committee of the Arab Congress of Palestine refused to become the counterpart of the Jewish Agency since doing so would imply its recognition of the Mandate's charter and the Balfour Declaration.

In 1921, the Mandate authorities established the Supreme Muslim Council, charged with the responsibility of administering all Muslim religious affairs, including religious endowments (*waqf*), funds for orphans, and the religious courts. Unlike the Arab Congress, which had Christian members, this council effectively excluded Christian Arabs.

Having established such communitarian bodies, the Mandate authorities went on to curtail the power of the municipality. The municipality was still tasked with providing public services but was no longer given any role in urban planning or even in

collecting taxes.[6] However, since the provision of services included supplying water, the municipality had significant power, which subjected it to several challenges. In fact, the municipality became a theatre for, and a stake in, the conflict between Palestinian nationalists and the Zionist movement. The latter agitated for stronger representation of Jews at all levels of the municipality.[7]

The Municipal Corporations Ordinance of 1934 specified that the municipal council was to be composed of six Arabs and six Jews. The mayor had to be a Muslim, one of the deputy mayors, a Christian, and the other, a Jew. This was said to be according to the breakdown of the population, as established by the Mandate.[8] In fact, in drawing up electoral districts at that time, the British engaged in gerrymandering, incorporating many new Jewish neighbourhoods within the boundaries of the Jerusalem municipality, while excluding several Arab villages.[9]

The municipality thus became a locus of confessionalisation and was politically marginalised.[10] The municipality's loss of power between the end of the Ottoman era and the Mandate period was both a consequence of this process and a part of a colonial

[6] Michael Dumper, *The Politics of Jerusalem since 1967* (New York: Columbia University Press, 1997), 27.
[7] Vincent Lemire, *La Soif de Jérusalem: Essai d'hydrohistoire (1840–1948)* (Paris: Publications de la Sorbonne, 2010).
[8] Eugene Bovis, *The Jerusalem Question* (Stanford, California: Hoover Press, 1971), 34.
[9] Dumper, *The Politics of Jerusalem*, 27–28.
[10] Salim Tamari, "Confessionalism and Public Space in Ottoman and Colonial Jerusalem", in *Cities and Sovereignty: Identity Politics in Urban Spaces*, ed., Diane Emily Davis and Nora Libertun de Duren (Bloomington, Indiana: Indiana University Press, 2011, 81.

plan to check the political mobilisation of the Arab population.

The British Mandate authorities intervened repeatedly in municipal affairs, starting with the dismissal of Mayor Musa Kazim al-Husseini for participating in an anti-Zionist demonstration during the Nabi Musa festival in 1920.[11] In 1937, they exiled Mayor Husayn Fakhri al-Khâlidi for having played an active role in the Arab revolt that had begun in 1936. By 1945, the conflicts within the municipality had become so paralysing that the British decided to dissolve the municipal council and appoint a municipal commission in its place.[12]

Urban Planning: Dividing the Old and New City

Long before the dissolution of the municipality, British authorities had usurped its roles in urban planning and in the enforcement of building regulations. Initially, in 1918, they set up the Pro-Jerusalem Society (PJS), tasked with preserving the city and its archaeological and historical sites as well as improving public spaces and cultural life. Ostensibly, a non-governmental body — apart from the mayor, the PJS included representatives from the Arab and Jewish communities and from the various Christian denominations — in reality, the PJS represented the interests of the Mandate: Military Governor Ronald Storrs was PJS president and his adviser Charles Ashbee served as its secretary. In 1921, the Town Planning Commission, established under the Palestine Town Planning Ordinance, took over from the PJS, with responsibility for defining the city's boundaries, zoning,

[11] Lemire, *La Soif de Jérusalem*, 485–7.
[12] Roza el-Eini, *Mandated Landscape: British Imperial Rule in Palestine, 1929–1948* (New York: Routledge, 2006), 67–8.

and arranging eight new neighbourhoods in the New City.[13] The commission also acquired the right to review all building permit applications submitted to the municipality[14] and became the sole authority for receiving complaints about urban planning.[15] The composition of the Town Planning Commission, in its first few years of existence, seems to have been fairly similar to that of the PJS: Storrs was its chairman and Ashbee its secretary.[16] As Roberto Mazza has pointed out, the commission was not a democratically elected institution and was composed of "officials, professionals and local representatives".[17]

When Governor Storrs called for the development of a master plan for Jerusalem in the early 1920s, one of his stated objectives was to preserve the appearance and "atmosphere" of Jerusalem. But in carrying out this objective, Storrs and his planners were oblivious of some of the realities on the ground.

As noted earlier, during the late Ottoman period, the Old and New City were characterised by a spatial continuity, particularly around Jaffa Gate, that corresponded to the demographic, social, and

[13] Charles Ashbee, *Jerusalem, 1920–1922: Being the Records of the Pro-Jerusalem Society (*London: J Murray, 1921), xv, 15–20.
[14] Benjamin Hyman, "British Planners in Palestine, 1918–1936" (PhD dissertation, London School of Economics, 1994), 406–7.
[15] Nicholas E Roberts, "Dividing Jerusalem: British Urban Planning in the Holy City", *Journal of Palestine Studies* 42, no. 4 (2013): 24.
[16] Benjamin Hyman, "British Planners in Palestine", 362–3.
[17] Roberto Mazza, "'The Preservation and Safeguarding of the Amenities of the Holy City without Favour or Prejudice to Race or Creed': The Pro-Jerusalem Society and Ronald Storrs, 1917–1926", in Angelos Dalachanis and Vincent Lemire (eds), *Ordinary Jerusalem, 1840–1940: Opening New Archives, Revisiting a Global City* (Brill, 2018), 418.

administrative continuity existing between the two parts of the city. On the assumption that religion was the sole source of the Old City's identity, the British set about stemming the organic growth of the Old City and its spillover outside the walls. Besides designating certain areas in the Old City as closed archaeological sites, preserving the presumed essence of Jerusalem for the British meant the prohibition of major commercial and industrial activity as well as prostitution, bars and cabarets in and around the Old City.[18] To preserve the Old City and its view from the outside, the British established a green belt around the walls. They also rebuilt a section of the city's walls that had been removed by the municipality in 1898.[19]

In short, the British prioritised the city's historical and religious sites and past traditions rather than its residents and their current needs. Following the same logic of preserving the Old City as an unchanging historical monument, the British undid some of the modern development initiatives undertaken by the Ottomans. One of the most symbolically significant steps in this respect — undertaken despite protests from the municipality — was the demolition of the clock tower on Jaffa Gate, which had been built by the Ottomans in 1907.[20]

[18] Ronald Storrs, *The Memoirs of Sir Ronald Storrs* (New York: Putnam, 1937), 106, cited in Roberts, "Dividing Jerusalem", 21.
[19] Roberts, "Dividing Jerusalem", fn. 23.
[20] Tamari, "Confessionalism and Public Space in Ottoman and Colonial Jerusalem", 65.

21

Ultimately, the British approach to urban planning divided Jerusalem sharply into a predominantly Arab Old City that was religious in orientation and a modern and predominantly Jewish New City. The services offered to the Old City were mainly aimed at preserving its historical and architectural heritage, while those offered to the

21 American Colony. Photo Dept, photographer. *Jerusalem El-Kouds. Jaffa Gate.* Jerusalem, none. [Between 1898 and 1914] Photograph. https://www.loc.gov/item/mpc2004006752/PP/.

New City were meant to create a modern city in accordance with European criteria.

Admittedly, an economic and social dichotomy between the Old and New City had already begun emerging under the Ottomans, when the first neighbourhoods outside the walls were built and some of the residents, mainly the wealthy, began to move out, resulting in a more secular and modern city outside the walls and a more religious and less modern city within them. But British planners reinforced this division through their urban planning process.[22] And, by doing so, they limited the opportunities for the various communities to come together in a shared urban space.

The British also undertook confessionalisation as a "social and spatial process".[23] The Old City was now represented as comprising four confessional quarters — Muslim, Christian, Jewish, and Armenian — entrenching religion as a marker of identity. This division actually ran contrary to the last Ottoman population census at the beginning of the 20th century (1905),[24] which documented the Old City as comprising largely mixed districts and with street names devoid of any confessional connotation.[25]

[22] Roberto Mazza, "The Preservation and Safeguarding", 415.
[23] Tamari, "Confessionalism and Public Space", 81.
[24] See Michelle Campos, "Placing Jerusalemites in the History of Jerusalem: The Ottoman census (*sicil-i nüfus*) as a Historical Source", in A Dalachanis and V Lemire (eds), *Ordinary Jerusalem 1840–1940* (Leiden: Brill, 2018), 15–28.
[25] See Adar Arnon, "The Quarters of Jerusalem in the Ottoman Period", *Middle Eastern Studies* 28, no. 1, January 1992, 1–65.

Conclusion

The erosion of the municipality's power, particularly in urban planning, seems to have been a deliberate plan on the part of the British to monopolise control of the city's space, in both the physical and the political sense. The municipality's political marginalisation was accompanied by the creation of competing institutions in which representatives from the main religious groups joined the regime of "experts" imposed by the mandatory authorities. The urban management of Jerusalem was thus largely entrusted to "experts" chosen by the mandatory governor and religious leaders in a dual movement of confessionalisation of Jerusalem's local authority and patrimonialisation of the Old City. The latter enterprise involved recasting Jerusalem as a city sharply divided between a religious Old City, oriented towards the past, and a secular New City, looking towards the future, whereas the early development of the New City had by and large constituted an organic spillover with an important continuity with the old heart of Jerusalem.

Corpus Separatum

The UN Plan for the Internationalisation of Jerusalem

By **Elad Ben-Dror**

Abstract

Between 1947 and 1949, the United Nations played a critical role in the Palestine conflict, a role centred on a plan for the internationalisation of Jerusalem. This plan, incorporated into the Partition Plan of 29 November 1947, called for Jerusalem and its environs to be declared a "Corpus Separatum" with special status. Although the Partition Plan was dropped when war broke out between the Arabs and Israelis in 1948, UN envoys strove to keep the idea of internationalisation alive. Despite their efforts and a second resolution on internationalisation passed by the UN General Assembly in December 1949, an international regime for Jerusalem never materialised. This paper examines the UN vision for internationalisation, plans for its implementation and the reasons behind the failure of the idea.

Jerusalem is a city holy to Jews, Christians and Muslims alike. Clustered on a small parcel of land in the heart of the city are sites held sacred by people around the world. This parcel of land — most of it in Jerusalem's Old City — has become known as the Holy Basin.

From the moment the British marched into Palestine during the First World War, religious feelings began surging. It was clear that the fate of Jerusalem merited special attention. The seeds of internationalisation had been sown a decade before the United Nations intervened: in 1937, Britain's Peel Commission recommended terminating the British Mandate for Palestine and dividing the territory between Jews and Arabs. However, Jerusalem, which was connected by a land corridor to the Mediterranean, would remain in British hands. Openly, Britain spoke of safeguarding the holy places of all religions in Jerusalem,[1] but it was the prestige that went with being the defender of Christianity that constituted an even greater motivation underlying its plan for the city.

However, the Peel proposal remained on paper. Ten years later, in the winter of 1947, the Palestine question was turned over to the United Nations, which established the UN Special Committee on Palestine, or UNSCOP. This commission, active from mid-May until late August 1947, had 11 members, mostly from countries with a Christian majority. The same was true for the composition of the United Nations as a whole — its 55 member countries were predominantly Christian. This link to Christianity greatly influenced UN policy, with UNSCOP instructed to devote special attention to the holy places. It was fairly certain that if the British left the country, some part of Jerusalem would be internationalised. The question was the extent of the territory to be internationalised and the manner in which the arrangement would be implemented. In general, there were two possibilities: a limited version of internationalisation that would include only the Old City

[1] *Palestine Royal Commission Report*, 1937, 381–382.

and a full-scale version with the entire city under international control.

With tension between Jews and Arabs running high, supervision of the holy places by a neutral body charged with guaranteeing freedom of access and worship to all religions was almost a given. In this case, the rest of Jerusalem would be divided between a Jewish and an Arab state.

There were also good reasons for full-scale internationalisation. The chief argument was that dividing the city would create dangerous rivalry between the Jewish and Arab sides. Each side would encourage immigration to its territory, build up its army and try to outdo the other, creating tension that could degenerate into violence. There were also hidden reasons for internationalising all of Jerusalem. In those days, the Vatican had a theological problem with Jewish sovereignty in Jerusalem. Full internationalisation would allow the Vatican to have a say in the administration of the holy places under UN auspices.[2]

The findings of UNSCOP led to almost universal agreement on British withdrawal from Palestine and the establishment of Jewish and Arab states. In the debate on Jerusalem, a clear majority supported full internationalisation and the creation of a third entity between the two states — a *Corpus Separatum* — which would be administered by the United Nations and be neither Jewish nor Arab. UNSCOP outlined the programme for internationalisation, which was later

[2] On the views of the Vatican, see: Silvio Ferrari, "The Holy See and the Postwar Palestine Issue: The Internationalisation of Jerusalem and the Protection of the Holy Places", *International Affairs* 60 (1984), 238–261.

adopted by the UN General Assembly: the *Corpus Separatum* would be demilitarised and administered by a governor who was not a Jew or an Arab and not a resident of either of the two states. The governor would have broad powers, especially with respect to the holy places. Inhabitants of the *Corpus Separatum* would be citizens of the City of Jerusalem but could also hold joint citizenship in one of the two states. The borders of the *Corpus Separatum* would include villages and towns around Jerusalem (most importantly Bethlehem), and the population of 200,000 would consist of an equal number of Jews and Arabs.[3] In September 1947, UNSCOP's recommendations were brought before the Second Session of the UN General Assembly. The idea of internationalisation was enthusiastically embraced and undoubtedly contributed to the adoption of the UN Partition Plan (Resolution 181) on 29 November.

Internationalisation Plan: How the Jews and Arabs Reacted

The Zionist leadership agreed to internationalisation in principle. David Ben-Gurion, later Israel's first prime minister, adopted the line that internationalising Jerusalem was the price to pay for a Jewish state. The Zionist leadership, no doubt, was not thrilled. Jerusalem was a core component of Judaism and had been central in Jewish national and religious thought from time immemorial. However, the Zionists understood that they would have to compromise on Jerusalem to gain a sovereign state.[4]

[3] UNSCOP Report to the General Assembly, 1947, 49–50.
[4] Motti Golani, "Zionist without Zion: The Jerusalem Question 1947–1949", *Journal of Israeli History* 16 (1995), 39–52.

The Arabs did not voice a specific opinion on internationalisation. They rejected partition outright. The leader of the Palestinian Arabs, Mufti Haj Amin al-Husseini, demanded an Arab state in all of Palestine and insisted Jerusalem be part of it.

On the day following the UN vote, the Arabs attacked, the Jews retaliated, and the violence quickly deteriorated into civil war. At this stage, another UN commission was scheduled to visit Palestine to move forward on the Partition Plan and prepare the ground for internationalising Jerusalem. However, the partition resolution turned out to be a paper tiger. The United Nations conducted months of talks and investigations, and most members, including the Americans and the Soviets, were in favour of the resolution. But in the wake of the bloodshed that erupted in Palestine, the United Nations could not recruit a single soldier to man the barricades and ensure the safe execution of the plan.

Making the situation even more complicated was Britain's refusal to allow the United Nations to operate in Palestine as long as the British Mandate was in force (until mid-May 1948). The UN Secretariat tried to organise a military force to be sent to Jerusalem, which was under Arab siege, but no such force ever came into being.

Looming in the background was the nascent Cold War. The Americans supported the Partition Plan, as did the Soviets, but they were worried that the Soviet Union might take advantage of the unrest in Palestine to gain a military foothold in the region. They were not prepared to intervene militarily in the crisis, their biggest nightmare being that American soldiers would simply replace British soldiers and become embroiled in a military campaign between Jews and Arabs. The Americans thus foiled any plan to dispatch an armed force to Palestine. This resolute

stance on the part of the United States and the impasse caused by its stand-off with the Soviet Union left the United Nations powerless then.[5]

A New Reality on the Ground

The impotence of the United Nations and the declining situation in Palestine led the Zionist leadership to change its policy. Until April 1948, the Zionists had waited for the United Nations to act and concentrated on defence. In April, however, the Jewish forces launched an offensive with the aim of breaking the Arab siege of Jerusalem. From then on, the Yishuv (pre-state Jewish community) effectively pursued a dual policy with respect to Jerusalem. Openly, it continued to support internationalisation, but, behind closed doors, Ben-Gurion conceded that the city's fate would ultimately be determined by military might, not UN resolutions. When the battle was over, he speculated, Jerusalem might well be the capital of the future Jewish state.[6]

In mid-May 1948, following the proclamation of Israeli independence and the invasion by the Arab armies, a new battlefront opened in Jerusalem. Earlier, King Abdullah of Jordan had declared that he would fight to protect the mosques on Temple Mount. The Jordanian army was indeed victorious, conquering the Old City's Jewish Quarter and turning its Jewish inhabitants into refugees. Israel succeeded in maintaining its hold over the western part of the city (most of which was Jewish) and

[5] James Barros, *Trygve Lie and the Cold War* (Dekalb: Northern Illinois University Press, 1989), 184–205.
[6] Golani, "Zionist without Zion".

conquering the Arab neighbourhoods, whose inhabitants became refugees too.

This new reality led to the appointment of a UN mediator, Count Folke Bernadotte, nephew of the king of Sweden, who negotiated a ceasefire agreement between the parties. At the end of June, Bernadotte presented a plan calling for Jerusalem to be administered by Jordan. When this plan met with harsh criticism (from Britain, America, France, the Vatican and others), Bernadotte realised that the only answer was internationalisation. He established his headquarters in Jerusalem and worked to demilitarise the city. Under his next plan, Jerusalem went back to being a UN-controlled city. The day Bernadotte signed the plan — 17 September 1948 — turned out to be his last day: he was assassinated by Jewish extremists in Jerusalem owing to his refusal to back down on internationalisation. His murder drove home the great sensitivity and complexity of the Jerusalem question. Bernadotte's successor, Ralph Bunche, tried to promote the Bernadotte Plan, but to no avail.[7]

In the meantime, a political vacuum prevailed, which served both Israel and Jordan: they preferred to split the city and portray internationalisation as unnecessary. To this end, Israel and Jordan reached a number of agreements between themselves and drew a ceasefire line under the aegis of the United Nations. The Old City and the holy places, which were in East Jerusalem, remained under Jordanian control, whereas Israel controlled West Jerusalem. This arrangement was also incorporated into the armistice agreements signed in Rhodes in 1949.[8]

[7] Elad Ben-Dror, *Ralph Bunche and the Arab Israeli Conflict: Mediation and the UN, 1947–1949* (New York: Routledge, 2016), 70–95.
[8] Elad Ben-Dror and Assaf Ziedler, "Israel, Jordan and their Efforts to Frustrate the UN Resolutions to Internationalise Jerusalem", *Diplomacy & Statecraft*, 4 (2015), 636–658.

In early 1949, the UN General Assembly established the Palestine Conciliation Commission (PCC), which was asked to submit a proposal for a permanent international regime in the Jerusalem region by the autumn of 1949. In its meetings with the PCC, Israel objected to the internationalisation of all of Jerusalem but agreed to international control of the Old City, which was then under Jordanian rule. However, Jordan strongly objected to any form of internationalisation. In the end, the PCC submitted a scaled-back proposal which did not completely rule out full internationalisation but left Israel and Jordan many autonomous powers. The UN governor would only be responsible for the holy places, Jerusalem would neither be the capital of Israel nor Jordan, and there would be no change in the demographic balance. It was a compromise between the UN's vision for Jerusalem and the facts on the ground.

The PCC plan won the support of global powers like the United States, while its opponents were divided into two camps: one led by Jordan and Israel, which held that even a watered down version of internationalisation was unnecessary, and the other led by those who accused the PCC of straying from the intentions of the original internationalisation scheme. This later criticism, which took the form of a proposal to return to full internationalisation, was supported by a coalition of countries that were predominantly Catholic. Pope Pius XII also worked openly to promote internationalisation. On 9 December 1949, after a stormy debate, and despite clear objections from Israel and Jordan and the low likelihood of the plan's implementation, most members of the

General Assembly voted in favour of full internationalisation (Resolution 303).[9]

Jordan and Israel swiftly condemned the resolution. Jordan released a series of belligerent statements and Israel declared Jerusalem the capital of Israel, defiantly moving its parliament and government ministries to Jerusalem. Once again, the United Nations was proven to be a toothless organisation capable of making dramatic decisions but not implementing them. In fact, the direct outcome of this resolution was to hasten Israel's declaration of Jerusalem as its capital.

Conclusions

Ever since the Palestine question was put before the United Nations in 1947, internationalising Jerusalem has been on its agenda. Before war broke out, Israel agreed to internationalisation. When the war ended in 1949, Jerusalem was split between Israel and Jordan. At that point, Israel was still prepared to accept an international regime but only in the Old City. Jordan rejected this option while the United Nations insisted on its utopian vision of full internationalisation. Internationalisation thus remained on paper, and a status quo was created where Jordan controlled East Jerusalem and the holy places and Israel governed West Jerusalem. This situation ended in 1967, when Israel scored a military victory and occupied all of Jerusalem. The schemes for internationalisation outlined here continue to colour Jerusalem's vague and controversial political status to this day.

[9] Elad Ben-Dror and Assaf Ziedler, "Israel, Jordan and their Efforts to Frustrate the UN Resolutions".

Partitioned Jerusalem

The Fate of the Palestinians Who Remained in West Jerusalem

By **Issam Nassar**

Abstract

This essay seeks to document the fate of the Palestinians who remained in the Israeli-occupied part of Jerusalem after the city was partitioned in 1948 between the newly created state of Israel and the kingdom of Jordan. Drawing largely from the unpublished diary of a Palestinian Jerusalamite, it represents an attempt to rethink history from the margins, rather than present the mainstream perspective based on government documents and political statements. Although the conditions described occurred more than seven decades ago, some of them persist in the city to this day.

In November 1947, the United Nations General Assembly passed resolution 181 for the partition of historical Palestine. According to the plan, Jerusalem was to become a separate entity, a *Corpus Separatum*, to be governed by a special international regime. But neither the Partition Plan nor the *Corpus Separatum* plan was implement. Instead, fierce battles ensued between the Zionist militias and Palestinian fighters over control of Jerusalem.

Within five months, Jerusalem was effectively partitioned between Jordan and the newly created state of Israel. And so began the plight of the Palestinians: they would soon cease to be citizens and would lose their Palestinian identity, being termed "Arab refugees" instead.

Diaries and other personal papers are not usually the main sources that traditional historians use in their work, but they have the power to illustrate how historical events transformed the lives of ordinary people. This essay deals with the fate of the Palestinians who were expelled from, or fled, their homes in the Israeli-occupied part of Jerusalem in 1948 and especially the fate of the few who managed to remain behind. Its primary source is the unpublished diary of one such Palestinian who wrote about his painful quotidian existence.

The voices of the Palestinian victims scattered in refugee camps in the surrounding countries were eventually heard, especially after the rise of the Palestinian resistance movement in the aftermath of the 1967 war, in which Israel occupied the rest of Palestine. But the voices of those who remained inside their homeland were largely erased from historical memory. This study, therefore, focuses on the transitional phase between 1948 and 1967, particularly on the first two uncertain years following de facto partition. Understanding the fate of Jerusalem, and the entire Palestinian conflict, will not be complete without serious consideration of what happened in the city at the time.

Background

By the end of April 1948, Zionist forces had occupied the western suburbs of Jerusalem, or the New City, as the area was called. This was where many important Arab neighbourhoods were located, including al-Baq'a and al-Qatamon. The Arab residents in the area numbered about 30,000, according to most reliable sources, although one source places the number at 60,000.[1] Many of these Arabs were pushed out and prevented from returning by the advancing Zionist forces and, later, by the state of Israel; some fled in fear of their lives following the gruesome Zionist massacre of Palestinians in the neighbouring village of Deir Yassin on 9 April 1948.

The eastern part of the city remained in Arab hands and was taken over by Jordan shortly afterwards. That part included the Old City and the villages to the north and the east. The majority of the Jews living in the Old City were exchanged in a "prisoner" swap between Jordan and Israel, but the Jews living in the surrounding settlements fled into what became Israel. The exchange involved largely civilians although some of those swapped were fighters from the Haganah Zionist militia.

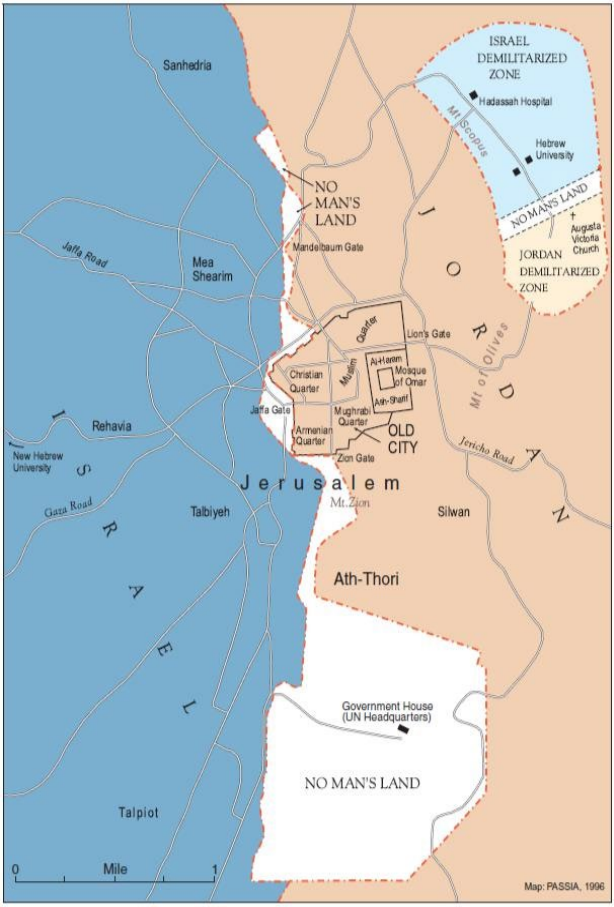
[1] According to Nathan Krystall, before the *nakba* (Palestinian catastrophe), 28,000 Arabs lived in the western suburbs of Jerusalem — excluding the neighbouring villages. See Nathan Krystall, "The Fall of the New City: 1947–1950", in Salim Tamari, ed, *Jerusalem 1948: The Arab Neighborhoods and their Fate in the War,* 2nd edition (Jerusalem: Institute of Jerusalem Studies and Badil, 2002), 85. However, Ibrahim Matar places the number of exiles and refugees from West Jerusalem at 60,000. See Ibrahim Matar, "The Jewish Conquest of West and East Jerusalem: 1948 to the Present", *Palestine–Israel Journal of Politics, Economics & Culture*, March, 2011, 214.

Initially, the transitional Israeli government considered the western part of Jerusalem that had fallen under its control to be "territory occupied by Israel".[2] However, following the signing of the armistice between Israel and Jordan on 3 April 1949, which determined the border between the two states on the basis of the realities on the ground,[3] the Israeli government declared that West Jerusalem was no longer considered occupied territory but part of the state of Israel.

Barbed wire and a demilitarised no-man's land now separated the Israeli and Jordanian sectors of Jerusalem (see Figure 1). Mandelbaum Gate was the only crossing point between Israel and Jordan at the time. A UN peacekeeping camp was located between the two sectors of the city.[4] UN peacekeepers and international diplomats were allowed to cross the gate freely and Christians from the Galilee were permitted to cross over to participate in Christmas celebrations in the Old City. However, for Palestinian Jerusalemites under Israel's control, crossing this checkpoint into Jordanian-controlled areas was usually a one-way journey, with no possibility of return.

[2] Krystall, "The Fall of the New City 1947–1950", 112.
[3] The text of the armistice can be found on the UN website on the Question of Palestine, https://www.un.org/unispal/document/auto-insert-189953/.
[4] Bernard Wasserstein, *Divided Jerusalem: The Struggle for the Holy City* (New Haven and London: Yale University Press, 2002), 180.

Figure 1. Partitioned Jerusalem, 1948–1967



Source: Passia.org, http://passia.org/media/filer_public/df/f5/dff5b344-258f-441e-97b5-33194bde7356/pdfresizercom-pdf-crop_53.pdf

Refugees in Their Own Homeland

This essay is based on the diary of a Palestinian Jerusalamite, Jeries Salti, who remained in the West Jerusalem suburb of al-Baq'a. Salti and his family were among the only few hundred or so who remained in the western suburbs following the Zionist capture and the expulsion or flight of Arabs.[5] Salti's diary is unique in a number of ways in the Palestinian discourse on the *nakba*, or Palestinian catastrophe, of 1948. Notably, it illustrates that the catastrophe touched not only poor villagers but also wealthier residents: a large number of residents in the western suburbs were middle class Palestinians. Before the unfolding events, Salti himself had been a successful businessman who owned a construction metal store in the city in partnership with his nephew.[6]

The essay also draws on published diaries, including that of John Rose, whose father, a British national, had arrived in Jerusalem with General Edmund Allenby, whose forces conquered Jerusalem in late 1917, and that of Hala Sakakini, the daughter of the renowned educator Khalil Sakakini. While Sakakini and her family fled just before the fall of West Jerusalem, Salti and Rose chose to remain. Their decision to remain could

[5] The exact number of residents who remained is hard to determine. According to one resident of the area at that time — Raja Salti, son of Jeries Salti — the number did not exceed 200. (Interview with Raja Salti, Ramallah, 7 August 2007.) But, according to David Ben Gurion, Israel's first prime minister, the number was around 1,000. See David Ben-Gurion, *Israel: A Personal History* (New York: Funk and Wagnalls, Inc, 1971), 183. The discrepancy might be due to whether or not those who remained in the nearby villages were included in the count.

[6] The diary is being edited for publication and will be published in Arabic in 2020 by the Institute for Palestine Studies in Beirut.

not have been an easy one, judging from the ferocity of the final Zionist attack on the neighbouring suburb of Qatamon, as described by Sakakini. In a diary entry on 29 April 1948, the day she and her family fled Qatamon for Egypt, Sakakini described the attack thus:

> At twelve o'clock (the usual hour), not long after our visitors [Abu Dayyeh and Abu 'Ata] had left us, the attack on Katamon began. It was stronger than ever. The firing was heavy and continuous and it sounded so very near all of us thought that the Jews had reached our street. Every one of us deep down in his heart feared that before morning we would all be dead.[7]

Sitting in a temporary home in al-Baq'a, a little over a year after the fall of the area, Salti wrote in an unused old diary what would become the first line in his year-long journal, "We started writing in this diary on Friday, 13 May 1949." It had been a whole year since Salti and his family members had seen any of their loved ones who had departed for, or were living in, what had become the Jordanian side of the city. Staying on with him were his wife, Mudallaleh; his three daughters, Adele, Hind and Nada; one of his sons, Raja; his sister, Nazha Sahar, and her son, Abdullah; and a second, unnamed sister.

Restrictions on Movement and Confiscation of Property

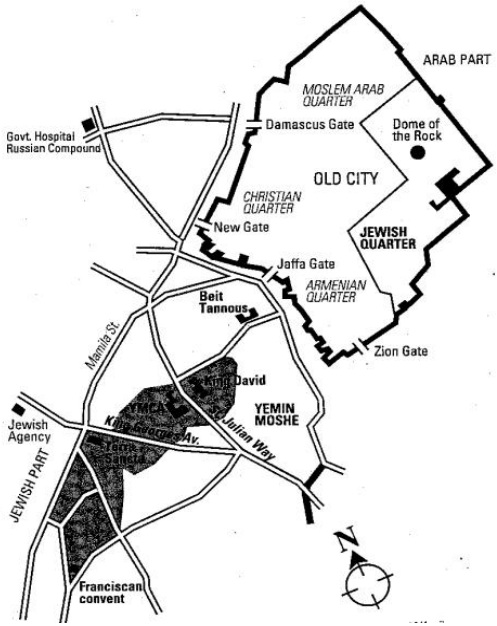
In September 1948, the Israeli authorities erected barbed wire around a small area — about 1.3 km in

[7] Hala Sakakini, *Jerusalem and I* (Jerusalem: Commercial Press, 1987), 121

size — within al-Baq'a.[8] This was intended to form a security zone and enforce greater control over the Palestinians in and around the area. As Rose noted: "[t]he creation of the zone was not good news for the few who lived outside it. They were told that for their own protection they had to move into an abandoned house of their choice within the fenced area."[9] The Saltis, like Rose, were among those whose houses were outside of the zone, so they were forced to move into someone else's house inside the zone. Within the enclosed "Zone A", as it was called, residents were allowed to move freely during the day but were subjected to a curfew at night (see Figure 2 for location of the zone).

[8] John H. Melkon Rose, *Armenians of Jerusalem: Memories of Life in Palestine* (London and New York: The Radcliffe Press, 1993), 205.
[9] Rose, *Armenians of Jerusalem*, 206.

Figure 2. A rough representation of where "Zone A" was located.



Courtesy of Salman Abu Sitta

The Israeli authorities then began giving the houses outside the zone that belonged to Arabs like the Saltis and the Roses to Jews who needed homes, thus creating a new reality on the ground. But as the houses outside the zone became occupied, Jews soon began entering Zone A and taking over empty homes there as well. Some zealots among the Jews from outside would drive noisy motorcycles in al-Baq'a late at night, making a commotion in the hope of scaring the Arab residents into abandoning their homes. In

fact, as Salti's journal entry of 19 October 1949 illustrates, some Jews were doing more than taking over empty Arab houses: "the situation is getting worse. The Jews are squatting even in inhabited Arab houses aiming to take over a room."

It was only in November 1949, when the Arab residents of West Jerusalem were granted temporary identity cards by the Israeli state and those Palestinians who had been forced into Zone A were allowed freedom of movement again, that many realised their properties had been confiscated by the government. Although the city had not been officially annexed by Israel at that time, the Israeli government had already "employed its Absentee Property Regulations to confiscate all Arab homes, lands and businesses, including any contents that had not been already looted".[10] Those regulations were eventually codified under Knesset Law Number 20 of 1950, which created the office of the Custodian of Absentee Property for the properties of Palestinian refugees, including real estate, currency, financial instruments and other goods, and allowed the rental and sale of such properties.[11] Ironically, although the Palestinians who remained in the Israeli section of Jerusalem were not "absentees" as defined by the law, they lost their properties and were treated like squatters and foreigners.[12] An entry in Salti's journal

[10] Krystall, "The Fall of the City", 113.
[11] The text of the law is carried on the website of the Legal Center for Arab Minority Rights in Israel, https://www.adalah.org/en/law/view/538.
[12] An absentee, according to the Knesset law number 20, was a person who, after 29 November 1947, had visited an Arab country or was a national of such a country, or who normally resided in Palestine but left his

dated 22 June 1949 describes how the authorities treated the Palestinians:

> Today a Jewish [meaning an Israeli] official went around the Arab houses and recorded the names of those residing there so they can start collecting rent from them.

Theft was not limited to squatting in Arab homes but extended to raiding homes to take furniture, home appliances, jewellery, and even doors, windows and bathroom tiles. Rose wrote the following account about a looting incident that he had witnessed:

> Next day at about four in the afternoon a truck stopped outside the front gates. Five armed men made their way to the top floor. We remained indoors and watched as they threw mattresses, cushions, bedding and other unbreakable items through the windows down to the garden below. Furniture they carried by the staircase. The last man to leave took the *oude* which he had found on top of the cupboard. The looters threw the keys back at us contemptuously and showed no regret for their actions. As soon as they were out of sight we went upstairs to tidy up what was left in the ransacked flat, much shaken by this threatening experience and dreading what would happen next.[13]

ordinary place of residence for a place outside of Palestine before 1 September 1948. See footnote 12.
[13] Rose, *Armenians of Jerusalem*, 215.

Figure 3. New Jewish immigrants moving a couch from an abandoned home in Ein Karem

Source: Israeli Government Press Office (GPO), Jerusalem.

And, individual Jews were not the only ones involved in the looting. Police often conducted searches of Arab homes under the guise of security, and looting during such searches was not uncommon.

The Saltis spent their first year after the conquest largely confined to their home, venturing out only when absolutely necessary, such as to seek food or to see the lawyer who represented them in a case against the Israeli authorities. Although al-Baq'a still had a number of families, it looked like a deserted town as most of these families, like the Saltis, avoided being seen outside. The only passers-by were cats, wild dogs, Israelis in armoured vehicles, and irregular

Jewish forces, who would capture and expel any Arab they came across to the Jordanian side of the city.

Clandestine Cross-border Contacts

The number of officially sanctioned visits from the Israeli side to the Jordanian side and vice versa was limited and the contacts heavily restricted. Owing to the extreme circumstances in occupied Jerusalem, some Palestinians maintained illegal contacts with Palestinians on the other side of the barbed wire. These clandestine meetings took place in the early hours of the morning at the fence that split the village of Beit Safafa into Israeli and Jordanian sections. (See Figure 4.) Through these legal and illegal contacts, food, personal items and other goods were exchanged. Several entries in Salti's journal describe the encounters across the fence that his family had with relatives from the other side. Since his food stock had run out and he was prevented from shopping by virtue of his location and his lack of money, Salti was overjoyed upon seeing items brought to his family from the Jordanian side. In a diary entry from 24 May 1949, he wrote:

> Sitt (madam) Nuha Halaby arrived from the Old City — on the Jordanian side of the city — and brought with her some stuff sent by Sami and Jeryis al-Luci and the children of Abu Roufa. We were very happy with what we got, particularly with the cucumbers, tomatoes and meat. Hind and Adele were happy with their new shoes and Raja with the sandals and so was Um Sami with her new shoes as well. I was glad to see rice, sugar

> sent to us by George al-Luci … and the two bottles of arak and peanuts that he sent.

Salti's diary shows that these encounters at the fence with relatives had become highly meaningful for the Palestinians and often constituted the highlights of their lives even if they carried the risk of being spotted by police. In fact, in an entry in August 1949, we learn that Beit Safafa had become the community's window to the world: people would go to the fence at great risk just to talk to anybody who happened to be on the other side.

On 29 May 1949, Salti made what appears to be his first clandestine visit to Beit Safafa and met another one of his sons and an in-law:

> Today at 6 am we all went to Beit Safafa, including Nada and Raja [the youngest of the children]. There we saw Sami [Salti's older son] and my in-law George al-Luci. We were very happy to see them and we prayed to God that nothing should happen that would ruin our reunion such as being seen by one of the Jews.

Figure 4. The fence dividing Beit Safafa, seen from the Israeli side, 1 November 1949

Source: Cohen Fritz, GPO

Being caught by the police was not the only risk Palestinians on the Israeli side were taking when they went to the "border areas". Salti's journal entry on 9 September 1949 describes a tragic event that occurred when a family was returning from Beit Safafa:

> Today we heard the most terrible news. Yousef Abu Khalil and his five daughters were on their way to their original home —

> which was reduced to a pile of rubble — on the road between Beit Safafa and Bethlehem to pick fruits from their trees. After they picked grapes and figs and were on their way back, a mine exploded under their feet. His most beautiful daughter of 23 was killed instantly, her two sisters are now hospitalised in critical condition and Yousef himself was wounded.

A few days later, Salti wrote that one of the two wounded girls had died in hospital.

Salti's Cause

The store owned by the Saltis, Salti Iron Store, was located in al-Shama'a. Although this was within the uninhabited and largely destroyed no-man's land that was supposedly under neither side's control, the Saltis were unable to reach their store to retrieve any of their property. Then, one day early in 1949, Salti, whose existence within the boundaries of the state had been bordering on the clandestine, suddenly found that he had a cause worth fighting for: he learnt from a Jewish acquaintance that the Israeli army had pillaged the entire contents of his store.[14] The pillaged items were estimated to be worth £100,000. Enraged, Salti then decided to go to court to seek redress against the Custodian of Absentee Property since he was legally not an "absentee".

[14] Interview with Raja Salti, Ramallah 7 August 2007.

Salti meticulously recorded in his journal everything related to the court case, from the court sessions, his efforts to collect evidence connected to the case, his frequent visits to his Jewish lawyer and the latter's requests to bring him gifts, including whiskey smuggled in from East Jerusalem. In fact, it is plausible that Salti began his diary so that he could keep a record of all the events surrounding the case, and in the process ended up documenting much more. Had it not been for the extraordinary conditions under which Salti was living, his journal would have been considered mundane.

Conspicuously absent in Salti's chronicles is any reference to the national question or the larger political situation. It is possible that the hardships of daily life, such as scarcity of money and food, left Salti little time to contemplate on issues of such nature. It is also possible that he was being careful not to have a written record that could fall into the wrong hands and jeopardise his right to continue residing in his hometown.

Although Salti won his case, he failed to get the compensation owed to him by the state. The ensuing negotiations with the authorities resulted in Salti eventually agreeing to accept only £10,000 instead of the £100,000 that the court had ruled he was entitled to.

Salti's legal troubles with the authorities were not over, though. Upon his return from Zone A, he threatened to go back to court, this time to evict those who had taken over his house. Eventually, in October 1949, Salti and his family got back their home but not through a fair implementation of the law. As his diary reveals, winning back his home involved intense negotiations with the occupants.

Life in a Liminal Space

Despite these small victories, Salti's life remained far from normal. His journal entries continued to reflect a sense of sadness and desperation, often in the form of oblique references and prayers at the end of each entry. Using terms such as "my patience is running out" and "the situation is rather depressing", Salti was in effect reflecting on the *state of liminality* in which he and the remaining members of the Palestinian community found themselves.

Victor Turner describes *liminal space* as the "interstructural situation" or the condition of *betwixt and between.*[15] The concept refers to a transitional phase or situation where a person finds herself between two different worlds but not within either of them. By being in Israel but not of it, the Arabs of West Jerusalem existed in a transitional space; they were neither fully in the state of Israel, nor did they have ties with the rest of their community outside of it. Their streets, houses and gardens stood right in front of their eyes, but these no longer belonged to them. Instead, these Arabs were surrounded by strangers — strangers who were oblivious of the presence of the Arabs but who saw the latters' houses and belongings as booty they could easily claim. In this sense, despite remaining in their own neighbourhoods, the Palestinians of West Jerusalem shared the experience of displacement with Palestinians in refugee camps overseas. Their obliteration from the everyday life around them, together with the opening up of their neighbourhoods and property for Jewish settlers to appropriate, was

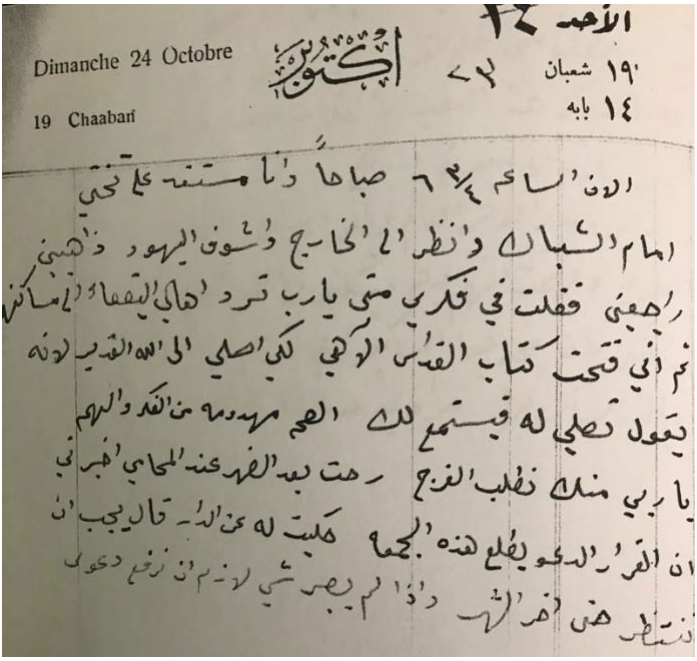
[15] See Dag Oistein Endsjo, "To Lock up Eleusis: A Question of Liminal Space", *Numen* 47, no. 4 (2000), 351–386.

symptomatic of the way Zionism saw the land of Palestine while negating its people.

It is precisely in this context that Salti's journal is most significant. For it gives voice and an agency to the Palestinians silenced in the dominant historical narrative of Israel's founding. And, it does so without the slightest nationalist undertone. Salti's account adds to a more humanised and profound understanding of the Palestinian experience. It offers an exceptional opportunity to see Israel not as it imagined itself to be then — a project of salvation and redemption — but as what it was to the natives: a colonial project. Reading the journal clearly brings to mind what Walter Benjamin philosophically once described as "the state of emergency", which is not the exception but the rule, adding that "we must attain a conception of history that is in keeping with this insight" in order to improve our position in the struggle against fascism.[16] For the Palestinians, the state of exception that began in 1948 seems to have become the rule. Not only have they not returned to their homes or homeland in accordance with UN resolution 194, which stipulated their right to do so, but they have also continued to live in conditions of oppression ever since.[17]

[16] Walter Benjamin's VIII Thesis on History in Walter Benjamin, *Illuminations*, translated by Harry Zohn (New York: Schocken Books, reprint of 1969 edition), 266.
[17] For the complete text of UN resolution 194 see the website of the UN Question on Palestine, https://unispal.un.org/DPA/DPR/unispal.nsf/0/C758572B78D1CD0085256BCF0077E51A.

Figure 5. One of Salti's Last Few Journal Entries



Source: Courtesy of Raja Salti

In an entry in his journal dated 23 October 1949, Salti wrote: "It is now 6.45 am, and, as I lie on my bed next to the window, I can see the Jews outside coming and going; I say to myself when will the people of al-Baq'a return to their homes?" Salti's longing still applies today to many Palestinians, who wonder when their permanent state of emergency will end.

Jerusalem 1949–1967

A Socioeconomic Tale of Two Cities[1]

By **Menachem Klein**

Abstract

Following the 1948 war and until the 1967 war, Jerusalem was divided between Jordan and Israel. During this period, each of the two cities changed demographically and geographically. This article captures the major changes in those respects. It also compares the political and social changes and the development policies implemented by the two governments, including how the two sides of the city were integrated into the national policies of their respective states.

The 1948 Arab–Israeli war ended on 30 November, when Israel and Jordan agreed to a ceasefire. Later, on 3 April 1949, the two countries signed an armistice. Based on

[1] This paper is part of a work in progress on urban realities and everyday life in divided Jerusalem. Unless mentioned otherwise, I relied on two of Meron Benvenisti's books containing the same data, albeit in different languages, namely, *Jerusalem: the Torn City* [in Hebrew] (Jerusalem/Weidenfeild and Nicolson, 1973), 82–116; and [in English] (Jerusalem/Isratypset, 1976), 17–62. As East Jerusalem administrator from 1967 to 1978, Benvenisti was able to obtain Jordanian documents that Israel took possession of following its occupation of the city in 1967. These include minutes of city council meetings, as well as mayors' and governors' papers, and surveys that Israeli agencies undertook in East Jerusalem between 1967 and 1968. Benvenisti deposited his archives, including these documents, in Yad Ben Zvi library, Jerusalem. I have complemented his data with information from other Israeli primary sources.

their pre-war co-operation, the two countries preferred to divide Jerusalem between themselves rather than accept the United Nations' *Corpus Separatum* (separate entity) proposal, which would have left them no hold in the city as Jerusalem would have been internationalised.

The war left Jordanian and Israeli Jerusalemites with mixed feelings towards their city. They had just endured a traumatic experience, which cut the city along ethno-national lines. No Israeli Jew remained on the Jordanian side and very few Palestinians lived on the Israeli side. Many among these Jerusalamites remembered their pre-1948 joint urban space. Both publics tried to adjust to the dramatic geographical, political and social changes that the war had created, including the challenge of absorbing huge numbers of refugees and immigrants.

Meanwhile, municipal instability prevailed on each side. Sharp political struggles among the players who made up the city council on the Israeli side drove the Israeli government to dissolve the council in April 1955. Stability was achieved only after the July 1955 municipal elections. On the Jordanian side, a series of conflicts since 1951 between the mayor, 'Aref al-'Aref, and the government in Amman led to the latter discharging the mayor. Two persons, each for a short time, and a managing committee led the municipality thereafter. Stability was achieved only in 1957, when the government appointed a new mayor, who remained in office until the Israeli occupation in 1967.

The comparative socioeconomic data I present below for the period between the mid-1950s and June 1967 show that, although the two municipality buildings in Jerusalem were separated by just some 100 metres, they represented two vastly different cities and two different sets of central

government–municipality relations. On the Jordanian side, the government heavily limited Jerusalem's development and closely controlled the municipality's decisions. On the Israeli side, however, the government invested sizeable resources to develop what was to become its capital.

Jordanian and Israeli Cities: An Overview

Table 1 captures the huge differences between the two cities in terms of size, population, government outlay and local municipal resources.

Table 1. Key differences between the two municipalities, mid-1960s

	Size (sq km)	Population (thousands)	Voters (thousands)	Budget allocation (million Israeli Pounds, IL)	Budget allocation (as percentage of total government budget)	Government expenditure per capita (IL)
J	6.5	60.5 [1961]	11	3.6, of which 2.85 for development	12	Less than 108
I	38.1	200 [1965]	110	60, of which 15 for development	50	370

Notes

(i) J = the Jordanian city; I = the Israeli city.

(ii) In Jordanian Jerusalem, only males over 21 years of age who paid taxes were eligible to vote, whereas in the Israeli city, anyone above 18 who was registered as a resident was entitled to vote.

Table 2 shows the population growth in the two cities between 1948 and 1967. Jewish immigrants from abroad constituted the main source of population growth in Israeli Jerusalem, whereas, in Jordanian Jerusalem, the newcomers to the city were locals, refugees of the 1948 war and Hebronites. Jordanian Jerusalem had more young persons than its Israeli counterpart (see Table 3).

Table 2. Population (in thousands), 1948–1967, and percentage growth

	1948	1949/1951	1961	1967
J	33 (July)	45 (1951) (36.3%)	60.5 (34%)	70 (15.7%)
I	84 (November)	103 (1949) (22%)	167 (62%)	197 (17%)

Table 3. Population — Age distribution by percentage, 1967[2]

	0–14 years	15–64 years	65+ years
I	34.5	59	6.5
J	44.6	49.9	5.5

[2] Uzi Benziman, *Jerusalem: A City Without A Wall* [in Hebrew] (Jerusalem and Tel Aviv: Schocken, 1973), 177.

Sociopolitical Profile

In terms of origins, in mid-1964, 50 per cent of the population of Israeli Jerusalem were born in Israel or Mandatory Palestine, 25 per cent in Asian and African countries, and 25 per cent in Europe, mostly in eastern Europe. Among those who were born in Israel or Mandatory Palestine, 45 per cent had their ancestral origins in Asian and African countries while 38 per cent had ancestors who came from Europe. In other words, the early 1950s immigrants to Israeli Jerusalem changed the balance between western and Arab Jews in favour of the latter. Given the influx of immigrants and the fact that 34.5 per cent of the population were aged 14 years or below in 1967 (see Table 3), a sizeable number of Israeli Jerusalemites by then had no experience of the shared city that Jerusalem was prior to 1948.[3] But the core neighbourhoods (eg Rehavia, Beit Hakerem, Nahlaot) were populated by pre-1948 Jerusalemites affiliated with local and national institutions. The old Ashkenazi elite in Israeli Jerusalem prevented newcomers to the city from holding leading positions. They patronised the immigrants and governed them through veteran and newcomer Arab Jew collaborators.

The demographic shift in Israeli Jerusalem would lead, in the 1970s, to the fall of the Labour movement. The Labour-led Israeli government put in transit camps the large number of immigrants it had brought into the country in the early 1950s. About 10,000 people lived in such a camp in south Jerusalem. Later, Israel relocated them to

[3] *Lives in Common: Arabs and Jews in Jerusalem, Jaffa and Hebron* (London: Hurst: New York: Oxford University Press), 2014

neighbourhoods along the armistice line,[4] where they suffered discrimination and were fully dependent on the ruling Ashkenazi establishment.

In Jordanian Jerusalem, most of the population — 36,800 persons — lived in the Old City in 1961, with just 23,600 living outside it. The 1948 war, followed by the Jordanian annexation of the West Bank two years later, terminated the rule of the old clan- and wealth-based elite. While the Palestinian nationalist elite who opposed the annexation struggled against the Hashemites, the middle and lower classes enjoyed social mobility as the Jordanian regime encouraged those in Hebron who supported it to move to East Jerusalem.

While Israel gradually moved its government offices to Jerusalem and invested in its development, Jordan kept its side of Jerusalem underdeveloped. In 1950, Jordan began empowering Amman at Jerusalem's expense by, among other things, transferring its central government departments in Jerusalem to its emerging capital. This move drew complaints and protests from local leaders in East Jerusalem but to no avail. Later, when Israel moved its capital to Jerusalem in July 1953, Jordan declared that it did not consider matching the move; it merely opened in Jerusalem branches of its Economic Affairs, Construction, Education, Justice and Transport ministries. Given the declining opportunities in Jerusalem owing to Jordan's neglect, educated Jerusalemites emigrated to Amman. This exit as well as the aforementioned immigration of Hebronites

[4] These included neighbourhoods such as Talpiot, Katamonim, Kiryat Yovel, Mussrarah and Sanhedriyah.

to East Jerusalem meant that, by 1967, only 26,000 people in Jordanian Jerusalem were original Jerusalemites; 67 per cent of the residents of the Old City and 95 per cent of those of Abu Tor to the south of the Old City came from Hebron. Hebronites dominated the *waqf* (religious endowment) in East Jerusalem, the Shari'a courts, the Bureau of Commerce and the city council. Out of eight Jerusalem district governors, only one — Anwar Nusseibeh — was a member of the local elite. The percentage of businesses in East Jerusalem owned by those who came from Hebron rose from 36 in 1950 to 40.8 by 1960.

Economy and Living Standards

In both cities, most employees worked in services, either in the private or public sector (see Tables 4 and 5). The tourism industry was the dominant source of income in the Jordanian city, employing over 50 per cent of the workers across the different professions in the industry. In 1966, Qalandia airport became an international terminal serving about 100,000 passengers travelling to international destinations nearby. In the same year, about 600,000 tourists visited Jordanian Jerusalem, of whom 175,000 came from western countries.

Table 4. The Israeli city — Changes in employment sources (by percentage of employees)

Sector	1984	1967
Light industry	25	18
Commerce	16	13
Services, executives & professionals	37	50
Construction	5	9

Table 5. Distribution of employees by sector 1967 (in percentages)[5]

	Agricul-ture	Indus-try	Construc-tion	Trans-port	Electri-city & Water	Private & public services, profess-sionals
I	1.7	17.3	9.1	4.8	0.8	66.3
J	2.1	20.5	10.2	7.3	2.7	57.2

About 10 per cent of the residents of each city worked in construction (see Table 5). It should be noted that in any two-year period before 1967, Israel built on its side of Jerusalem more houses than Jordan did throughout the entire 19 years of its rule in Jordanian Jerusalem. Furthermore, in the mid-1960s, women constituted just 9 per cent of the labour market in Jordanian Jerusalem, but 33 per cent in the Israeli city.

[5] Benziman, *Jerusalem: A City Without A Wall.*

Pre-occupation income gap data show that wide gaps existed between the two cities where unskilled jobs or jobs requiring low skills were concerned, eg construction work or low-level office work. The income gaps between the two cities narrowed, however, where skilled, professional or management jobs were concerned (see Table 6A).

In terms of living costs, owing to Israeli import duties and the cost of labour, Israeli Jerusalemites paid 40–50 per cent more than their Jordanian counterparts did for the same basket of goods. A kilogram of meat, for instance, cost 9.20 IL in the Israeli city but just 3.50 IL in the Jordanian city. Living conditions in the Israeli city were generally better than those in the Jordanian city. (See Table 6B.)

Nine bank branches and three cinemas served residents and tourists in the Jordanian city. The Israel city, in contrast, had 14 cinemas and 58 banks.[6] The Jordanian city had no university while on the Israeli side, the Hebrew University attracted many students from all over Israel and prepared the next generation of professionals and scientists.

[6] Bank of Israel, Statistics of Financial Institutions, January 1969, https://www.boi.org.il/he/BankingSupervision/Data/Documents/historicalinfo/1969/%D7%A1%D7%98%D7%98%D7%99%D7%A1%D7%98%D7%99%D7%A7%D7%94%20%D7%A9%D7%9C%20%D7%94%D7%9E%D7%95%D7%A1%D7%93%D7%95%D7%AA%20%D7%94%D7%91%D7%A0%D7%A7%D7%90%D7%99%D7%99%D7%9D_0169_00030001.pdf.

Table 6. Living Standards, 1966–1967

(A)

	Person per room	Households with no water pipelines &/or electricity (%)	Household expenditure on food and drinks (% of total expenditure)	Wage gap between lowest & highest in the same profession
I	1.6	0	30.6	1:3
J	2.4	59% without running water 30% without electricity	50.4	1:11

(B)[7]

	Average family size	In-home toilet (% households)	Private shower or bathroom (% households)	Private kitchen (% house-holds)	Private radio (% house-holds)	No refrigerator or icebox (% households)
I	3.6 persons	96.4	84.9	94.1	76.3	6.9

[7] Benziman, *Jerusalem: A City Without A Wall.*

J	5.1 persons	49.7	26.2	77.6	73.3	75.9

Notes

(i) Without refrigerators or iceboxes and water pipes at home, cooking in the private kitchen was time and labour consuming on a daily base. Consequently, more women worked in their homes than outside.

(ii) The popularity of radio during that period is noteworthy.

An official Israeli survey of 994 shops outside the Old City in July 1968 found that 926 of them were sole proprietorships, meaning, no branches of big chains existed then.[8] The owners were mostly middle class members, as shown by place of residence.[9] The survey found also that there were 64 hotels and guest houses in East Jerusalem, 51 outside the Old City walls and 13 within it. In addition, there were 99 coffee shops and food stalls in the Old City.[10]

[8] Of the 994 shops, 355 were in the food business (cafes, restaurants, bakeries, groceries, butcheries) and 82 were souvenir shops. The rest included shoemakers (41), tailors (33), moneychangers (2) and electrical goods shops (2).

[9] About half of the owners (471) lived in the Old City, whereas 456 lived outside it, mostly in Wadi Joz (112), Beit Hanina (63), Shouafat (61) Silwan (46) and Abu Tor (46).

[10] Israel State Archive, Israeli Land Authority East Jerusalem Branch, 13926/14 לג [in Hebrew], http://www.archives.gov.il/archives/#/Archive/0b0717068002f157/File/0b071706808702a0. The survey was made in order to find land and properties available for Israel to take over, including pre-1948 Jewish properties and land or properties owned by absentees or citizens of enemy countries.

Conclusion

Fearing the rise in Jerusalem of Palestinian national aspirations, which had already sprung up during the Mandate period, the Hashemite regime consistently worked to strengthen Amman's political and economic status while keeping Jerusalem underdeveloped. Subsequently, when the anti-Hashemite opposition created unrest in the West Bank in 1955–1957, Jerusalem became the focal point for a stormy demonstration. The Jordanian government responded by crushing the demonstration and imposing martial law in the city.

Although Israeli Jerusalem was a capital, it enjoyed the tranquillity of a provincial city at the end of a narrow road towards the coastal plain because Israel's main security, political, economic, commercial and press centres were located in Tel Aviv. Just like its Jordanian counterpart, which styled East Jerusalem its spiritual capital, Israel, before the 1967 war, attached higher symbolic status to its side of Jerusalem than the city actually had. But, where Jordan continued to present Jerusalem just as a holy city, Israel built its side of Jerusalem into a national centre, with reinvented traditions based on Mt Zion's Jewish holiness being only secondary.

Jerusalem under Continuous Settler Colonialism (1967–Present)

By **Nur Arafeh**

Abstract

Since the occupation and illegal annexation of East Jerusalem in 1967, Israel has been working on transforming Jerusalem from a multi-religious, multicultural city into a "reunified" Jewish city under exclusive Israeli control and sovereignty. The different political, economic, legal and demographic control measures undertaken by Israel to fulfil its goal fall within its larger settler-colonial project, which is aimed at displacing the Palestinian population to expand Jewish domination over the city. This paper identifies the different logics underpinning Israel's settler-colonial project in Jerusalem. It then discusses Israel's master plans for Jerusalem, which represent a critical stage of settler colonialism. Finally, it examines the impact of Israel's policies on the lives of Palestinians in Jerusalem.

This paper defines Israel's policies in Jerusalem, as in the rest of Palestine, as part of a settler-colonial project, challenging the common depiction of the Israeli-

Palestinian "conflict" as an ethnic or a religious one.[1] Settler colonialism is "a form of colonisation, marked by ongoing efforts to displace the local population and expropriate their land in order to establish or expand a society dominated by settlers".[2] Israel's settler-colonial project in Jerusalem is grounded in its vision of the city as a "unified", "undivided" Jewish city. Its policies, since 1967, have thus been aimed at the Judaisation of Jerusalem, that is, ensuring and expanding Jewish control and monopoly over the land, its economy, politics, history and even terminology, while evicting and dispossessing Palestinians. This settler-colonial project is underpinned by different, highly interlinked logics.[3]

(I) The Logics Underpinning the Settler-Colonial Enterprise

"The Logic of Elimination"[4]

The elimination of the indigenous society in order to replace it with a new settler society has been at the core of Israel's project. As Theodor Herzl wrote: "If I wish to substitute a new building

[1] Andy Clarno, *Neoliberal Apartheid: Palestine/ Israel and South Africa after 1994* (Chicago: The University of Chicago Press, 2017); John Collins, *Global Palestine* (London: Hurst and Company, 2012); Nadim Rouhana and Areej Sabbagh-Khoury, "Settler-colonial Citizenship: Conceptualizing the Relationship between Israel and its Palestinian Citizens," *Settler Colonial Studies* 5, no. 3 (March 2015).
[2] Clarno, N*eoliberal Apartheid*, 5.
[3] The paper draws on Collins's analysis (*Global Palestine*) of the different logics of settler colonialism in Palestine and applies them to the case study of Jerusalem.
[4] Wolfe, "Settler Colonialism."

for an old one, I must demolish before I construct."[5] In Jerusalem, attempts to eliminate indigenous presence have taken different forms, not all of which involve physical acts or the use of force, as in 1948, when Arab villages in the western part of Jerusalem were emptied and razed. Israel has also sought to assimilate or incorporate Palestinians into the polity as the threatening others who should be under constant surveillance.[6]

However, the assimilation of Palestinians has been conditional on one important demographic principle — that Palestinians must be the minority to secure Jewish dominance. Therefore, since 1967, one of the goals of Israeli policies has been to ensure the growth of the Jewish population and "force Arab residents to make their homes elsewhere".[7] To deal with the "demographic threat" posed by Palestinians, Israel designated them as "permanent residents", whose residency cards may be revoked at any time under the pretext of having committed a "breach of allegiance".[8] Israel also imposed severe restrictions on family unification and enforced discriminatory

[5] Wolfe, "Settler Colonialism," 388.
[6] Shir Hever, "Securing the Occupation in East Jerusalem: Divisions in Israeli Policy," *Jerusalem Quarterly* 75, (Autumn 2018): 104.
[7] Amir Cheshin, Bill Hutman, and Avi Melamed, *Separate and Unequal: The Inside Story of Israeli Rule in East Jerusalem*,
(Cambridge, MA: Harvard University Press, 1999), 31.
[8] Munir Nuseibah, "Israel's Dangerous New Transfer Tactic in Jerusalem," *Al-Shabaka: The Palestinian Policy Network*, 12 April 2016, https://al-shabaka.org/commentaries/israels-dangerous-new-transfer-tactic-in-jerusalem/.

urban and zoning policies,[9] which confined Palestinian buildings to only 13 per cent[10] of East Jerusalem.[11]

"The Logic of Expansion"

Expansion and access to land have also been at the heart of Israel's settler-colonial project, which perceives its frontier "as a moving structure that facilitates territorial acquisition".[12] In 1967, Israel redrew the municipal boundaries of Jerusalem and annexed 70 km sq of West Bank territory, including East Jerusalem (6.5 km2). In doing so, Israel ensured that the highly populated Palestinian neighbourhoods were excluded, annexing only the areas with small numbers of Palestinians.

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[9] "Aggressive Urbanism: Urban Planning and the Displacement of Palestinians within and from Occupied East Jerusalem," The Civic Coalition for Defending Palestinian Rights in Jerusalem, 2009, accessed 9 June 2019. http://rete-eco.it/2012/attachments/article/38254/Aggressive%20Urbanism%20Report.pdf.

[10] "West Bank, East Jerusalem: Key humanitarian concerns," UNOCHA, accessed 14 June 2019, https://www.ochaopt.org/content/west-bank-east-jerusalem-key-humanitarian-concerns.

[11] It is this logic of elimination that is behind the potential plan by Israeli authorities to excise Palestinian neighbourhoods situated east of the wall (Kufr Aqab, Shoafat refugee camp/Anata, Sawahra and al-Walaja) with a view to preventing Jerusalem from becoming a minority-Jewish city by 2045, as a recent report by the International Crisis Group foretold. "Reversing Israel's Deepening Annexation of Occupied East Jerusalem", International Crisis Group (ICG), https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israelpalestine/202-reversing-israels-deepening-annexation-occupied-east-jerusalem.

[12] Collins, *Global Palestine*, 32.

The establishment of illegal settlements in Jerusalem has also facilitated territorial acquisition. For example, 35 per cent of the land in East Jerusalem has been seized for Israeli settlements,[13] thus raising the number of settlers in East Jerusalem (to 212,000),[14] while also reshaping the geographical landscape by isolating East Jerusalem from the rest of the occupied West Bank. The building of the so-called separation wall is another demographic control measure taken by Israel to enforce the de facto political borders of Jerusalem, as it allows Israel to annex an additional 160 km^2 of occupied Palestinian territory while ensuring a Jewish majority in the city by separating more than 25 per cent of the Palestinian residents of Jerusalem from the city centre.[15]

"The Logic of Denial"

Another logic that has guided Israel's settler-colonial enterprise is that of denying that there were indigenous people on the land before the establishment of Israel. The creation of myths has thus been central to the Zionist project — myths such as "A land without people for a people without land." Worse, some Zionist movements stand reality on its head: for example, the Temple Mount Movement declares that one of its goals is to "liberate the Temple Mount from Arab [Islamic] occupation", thus transforming the colonisers into the colonised and the indigenes.[16]

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[13] "West Bank, East Jerusalem," UNOCHA.
[14] "West Bank, East Jerusalem," UNOCHA.
[15] "Displaced in their own city: The impact of Israeli policy in East Jerusalem on the Palestinian neighborhoods of the city beyond the separation barrier," Ir Amim, 2015, accessed 14 June 2019, http://www.ir-amim.org.il/sites/default/files/akurim_ENG_for%20web_0.pdf.
[16] "Objectives of the Temple Mount Faithful," Temple Mount and Land of Israel Faithful Movement, accessed 2 June

This logic of denial entails the manipulation of history and archaeology as powerful political tools in the recreation of Jerusalem as a Jewish city. Israel also undertook a renaming process in East Jerusalem to re-write history along the lines of Zionist dicta. For instance, Mamilla cemetery was renamed "Independence Park" and Talbiyeh neighbourhood was renamed "Komemiyut".

"The Logic of Exceptionalism"

The moral force behind Israeli policies, especially in Jerusalem, has been the sense of Israeli Jewish exceptionalism, as exemplified in the claim that the Jews are "the chosen people". These beliefs remain widespread today. For example, a poll by *Haaretz* in 2018 showed that 56 per cent of Jewish Israelis believe that the Jews are a chosen people, and three out of four right-wingers believe that Israel has a divine deed for its land and that their right to Israel stems from God. This belief in the exceptionalism of the state of Israel, coupled with the dehumanisation of Palestinians, has provided "ethical" or "legal" justifications for the dispossession of Palestinians and for the institutionalised discrimination against them.

(II) Israeli Master Plans for Jerusalem

To turn its vision of Jerusalem into reality, Israel has perfected a planning system[17] that represents the "highest stage of settler colonialism."[18] This system combines national, district, local,

2019. http://templemountfaithful.org/objectives.php.

[17] usef Jabarin, *Israeli planning in Jerusalem: Strategies for Control and Hegemony: A Treatise on Israel's Attempts to Settle the Future of Jerusalem* (Ramallah: The Palestinian Forum for Israeli Studies (MADAR), 2016).

[18] Raja Khalidi, borrowing from Lenin, in reference to his "Imperialism, the Highest Stage of Capitalism", in: Arafeh, Nur,

and detailed outline plans and is advanced by different stakeholders — the state, non-government organisations (NGOs) and the private sector.

Advancing Settler Colonialism Through Urban Planning and Tourism

Israel's "2000 Master Plan for Jerusalem", also called "Jerusalem 2020", is considered the eternal master plan. Published in August 2004, it is the first comprehensive spatial plan for both East and West Jerusalem since 1967. The plan, which views Jerusalem as one urban unit and as the capital of Israel, seeks to ensure a solid Jewish majority in the city. It uses urban planning as a geopolitical and strategic tool to conquer more land while constricting Palestinian urban development.

For instance, in the area of housing, while most (62.4 per cent) of the increase in Israeli Jewish housing construction will happen through expansion and the building of new settlements,[19] more than half (55.7 per cent) of the increase in housing for Palestinians will happen through densification, ie building within the existing areas, despite the presence of serious hurdles to the vertical expansion of Palestinian buildings.[20]

Raja Khalidi and Maha Samman, "Roundtable: Israel's Colonial Projection and Future Plans for Jerusalem," *Jerusalem Quarterly* 68, (Winter 2016), https://www.palestine-studies.org/sites/default/files/jq-articles/Pages%20from%20JQ%2068%20-%20Arafeh%2C%20Samman%2C%20Khalidi.pdf.

[19] Francesco Chiodelli, "The Jerusalem Master Plan: Planning into the Conflict," *Jerusalem Quarterly* 51 (Autumn 2012).

[20] To be able to build, one needs a building permit from Israeli authorities. A number of requirements should be met before Israeli authorities issue building permits, including the presence of: an adequate road system; sewage networks; public buildings and institutions; and parking spaces. However, these conditions are the responsibility of the municipality, thus making it very hard for Palestinians to build new houses.

Israeli Jews are thus allowed more territorial expansion and control than Palestinians. Moreover, the plan allocates only 2,300 dunams[21] for Palestinian construction compared to 9,500 dunams for Israeli Jews.[22]

Another area that has received much attention from policymakers is the promotion of the tourism sector to build a Jewish international city. The Jerusalem 2020 master plan focuses on supporting international and urban tourism and on investing in tourism infrastructure. The development of the tourism sector is not only used as a tool to achieve economic growth and thus attract Jews to the city, it is also used as a political tool to develop an exclusively Jewish narrative of Jerusalem, thus re-creating it as a Jewish city. This explains why Israel has strict rules over who can serve as tour guides and the history tourists are told.

The Role of Israeli NGOs and Businessmen in Judaising Jerusalem

Several Israeli NGOs and the private sector play an important role in Israel's settler-colonial project, and their goals intersect with those of the state. For instance, Elad, a right-wing settler organisation, has been growing in political influence and financial power and has been playing a major role in the remaking of urban space. Elad works on settling Jews in the Palestinian neighbourhood of Silwan and runs tourist and archaeological sites there. Tourists are exposed to Elad's selective Zionist narrative of history that disregards the

[21] A unit of measurement for land area used in countries such as Israel equivalent to 1,000 square metres.
[22] Rami Nasrallah, "Planning the Divide: Israel's 2020 Master Plan and Its Impact on East Jerusalem," in *Decolonizing Palestinian Political Economy: De-Development and Beyond*, ed. Mandy Turner and Omar Shweiki, (London: Palgrave Macmillan UK, 2014), 158-175.

centuries-old Arab presence there[23] and thus fits in with the state's project of re-creating Jerusalem as a Jewish city with a predominantly Jewish history and heritage. Furthermore, since Elad funds most of the excavations in the site, it has been able to use archaeology as a powerful tool to produce a solely Jewish history of the city, in line with its political interests.[24]

Among Jewish entrepreneurs who have been playing a key role in Jerusalem is Kevin Bermeister, an Australian technology innovator and real estate investor. Bermeister developed the Jerusalem 5800 master plan, which provides a vision of Jerusalem as a "Global City". Although the plan attempts to present itself as an apolitical plan, it works in line with the state's politico-demographic goals and expansionist logic. For example, the plan, whose project manager is a former member of Elad, has a full chapter on the "demographic problem" and strives to increase the share of the Jewish population in Jerusalem through increased migration to the city.[25]

"Development" Plans for East Jerusalem: A Political Tool

Israel's plans to Judaise Jerusalem have been coupled with "development" plans for East Jerusalem. For instance, in 2015, a five-year plan was approved to invest US$3.85 billion for the

[23] Matt Broomfield, "Inside a settler-run tour of an East Jerusalem tourist trap," *Electronic Intifada*, 1 February 2017, https://electronicintifada.net/content/inside-settler-run-tour-east-jerusalem-tourist-trap/19391.
[24] "Archaeology in the shadow of the conflict: The Mound of Ancient Jerusalem (City of David) in Silwan," *Emek Shaveh*, accessed 10 June 2019, https://alt-arch.org/en/booklet_online/.
[25] Nir Hasson, "Right-wing Master Plan Envisages mega-Jerusalem in 2040 - With Invisible Palestinians," *Haaretz*, 28 November 2016,https://www.haaretz.com/israel-news/.premium.MAGAZINE-rightist-plan-mega-jerusalem-in-2040-with-invisible-palestinians-1.5465629.

social and employment development of Palestinians in Jerusalem.[26] In 2018, US$550 million was to be invested in East Jerusalem over a five-year period, especially in the education sector, to promote Hebrew education and urge Palestinian schools to use the Israeli curriculum.[27] The stated objective of these plans was to bridge the gap between the eastern and western parts of Jerusalem. However, in reality, these plans were a political tool based on the belief that the improvement of socioeconomic conditions would subsume Palestinians under the Israeli system and weaken their resistance.

(III) Palestinian Life under Israel's Settler-Colonial Regime

Israel's regime in Jerusalem has heavily affected Palestinians in the city at the political, institutional, economic and community levels.

Leadership, Political, and Institutional Vacuum

Two of the serious setbacks to the Palestinian resistance were the death of Palestinian leader Faisal Husseini in 2001 and Israel's closure of the Orient House, which had served as the unofficial headquarters of the Palestine Liberation Organisation (PLO) in Jerusalem. These two events exacerbated the void left

[26] Moti Bassok, "Cabinet Approves Five-year Plan for Arab Development," *Haaretz*, 31 December 2015, https:// www.haaretz.com/israel-news/.premium-cabinet-approves-five-year-plan-for-arab-development-1.5384104.
[27] Nir Hasson, "Israel Promises 'Revolution' for East Jerusalem Schools. Palestinians Say It's 'Brainwashing'," *Haaretz*, 29 August 2018, https://www.haaretz.com/israel-news/.premium-critics-five-year-plan-for-e-j-lem-focuses-on-israelization-1.6429472.

after the Oslo Accords and the deferral of Jerusalem to final status negotiations. Since then, Palestinians in Jerusalem have endured a leadership vacuum, which has left them with limited political power. The official entities that represent them[28] are either completely inactive or play a limited role and are weakened by internal conflicts and poor coordination among themselves. Moreover, while several plans have been developed for East Jerusalem since Oslo,[29] they have mostly remained ink on paper owing to the absence of executive arms and sufficient funding to implement them.[30] Palestinians' disgruntlement with the Palestinian Authority has therefore increased.

This political void has been exacerbated by an institutional vacuum. Since 2001, Israeli authorities have closed

[28] These entities include: the High Committee for Jerusalem Affairs (*al-Lajna al-'uliya li-shu'un al-Quds*); the Palestine Liberation Organization's Department of Jerusalem Affairs (*Da'irat shu'un al-Quds*); the Ministry of Jerusalem Affairs (*Wizarat shu'un al-Quds*); the Palestinian Authority's Jerusalem Governorate (*Muhafadhat al-Quds*); the Popular National Conference for Jerusalem (*al-Mu'tamar al-watani al-sha'bi lil-Quds*); and the Jerusalem Municipality (*Amanat al-Quds*).

[29] These include: a strategic plan developed by Faisal Husseini and the Arab Studies Association in 1999; a plan by the Welfare Organization in 2002; a multisector review by the Arab Studies Association in 2003; a strategic multisector development plan in 2006; the *Strategic Multi-Sector Development Plan for East Jerusalem* published by the Jerusalem Unit at the President's Office in 2010; and the new *Strategic Sectorial Development Plan for Jerusalem* (SSDP) (2018–2022) launched in 2019 on the same day when another plan was published by the Palestine Economic Policy Research Institute (MAS) and the Negotiations Affairs Department, entitled: *Preserving East Jerusalem in the Context of the Two State Solution. Short- and Medium-Term Sectoral Development Agenda for East Jerusalem (SMSDA-EJ) (2019–2023).*

[30] Nur Arafeh, "How Strategic is the Strategic Sectorial Development Plan for Jerusalem? A Review of the "Strategic Sectorial Development Plan for Jerusalem (2018–2022)," *Jerusalem Quarterly* 76, (Winter 2018).

at least 32 Palestinian institutions and NGOs in Jerusalem.[31] While a number of Palestinian organisations have been trying to fill the gap in the areas of education, youth, culture, and the Old City, these organisations are weakened by their dependency on donor funds, which have been declining, and by the increasing competition among themselves.

Economic Deterioration of East Jerusalem[32]

Socioeconomic conditions in Jerusalem have been characterised by a debilitated business and trade sector, a stagnant investment environment,[33] de-industrialisation, the economy's loss of productive capacity, a restricted tourism sector, a depleted education sector, housing deficiency, discrimination in service provision and drug issues. Meanwhile, the poverty rates in the city have been high: in 2016, 75 per cent of Palestinians in Jerusalem were living below the poverty line, compared with a rate of 29 per cent for Jews in Jerusalem.[34]

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[31] The Civic Coalition for Palestinian Rights in Jerusalem, "Israel orders Jerusalem office of Palestinian Health Union closed for one year," 2015, accessed 3 November 2018, https://plateforme-palestine.org/IMG/doc/pr_-_ngo_closure_in_jerusalem_final_hwc.doc.

[32] Nur Arafeh, "Economic Collapse in East Jerusalem: Strategies for Recovery," *Al-Shabaka: The Palestinian Policy Network*, 30 November 2016, https://al-shabaka.org/briefs/economic-collapse-east-jerusalem-strategies-recovery/.

[33] Except for the investment boom that took place between 2008 and 2012.

[34] Michal Korach and Maya Choshen. *Jerusalem: Facts and Trends* (Jerusalem: Jerusalem Institute for Policy Research, 2018), http://en.jerusaleminstitute.org.il/.upload/jerusalem/%D7%A2%D7%9C%20%D7%A0%D7%AA%D7%95%D7%A0%D7%99%D7%99%D7%9A%20%D7%90%D7%A0%D7%92%D7%9C%D7%99%D7%AA%202018%20-%20%D7%93%D7%99%D7%92%D7%99%D7%98%D7%9C%20-%20%D7%A1%D7%95%D7%A4%D7%99%20.pdf

Identity Crisis Coupled with Community Resistance

Israel has sought to occupy not only land but also the mind since the physical elimination of the natives cannot be fully realised. To eradicate political consciousness in East Jerusalem, Israel has been targeting the education sector. For example, since 2011, schools in East Jerusalem have been increasingly pressured to use textbooks censored by the Israeli government. More recently, the Israeli Education Ministry proposed giving more funding to Palestinian schools should they switch to the Israeli curriculum.[35]

These efforts to control what Palestinian students are taught, coupled with the political and institutional void and socioeconomic deterioration, have led to an identity crisis in East Jerusalem. Nevertheless, Palestinian resistance remains strong, even if unorganised, as seen in July 2017, when Palestinian protests forced Israel to remove the metal detectors it had installed at the entrance of Al-Aqsa mosque.

[35] Or Kashti and Nir Hasson, "Israel's Education Ministry to Pay East Jerusalem Schools to 'Israelize' Curriculum," *Haaretz*, 29 January 2016, https://www.haaretz.com/israel-news/.premium-israel-to-pay-e-jlem-schools-to-israelize-curriculum-1.5397288.

The Opening of Consulates in Jerusalem

The Case of Italian Diplomacy

By Roberto Mazza

Abstract

The opening of consulates in Jerusalem from the mid-19th century mirrored the increased European interest in the region. The consuls derived their authority from the capitulary regime negotiated with the Ottoman empire and enjoyed an extensive range of freedoms. This article discusses the establishment and activities of the Italian consulate to provide a snapshot of the widespread influence enjoyed by some of the foreign powers and their attempted interference in the social, economic and political life of Jerusalem and Palestine until the outbreak of World War Two.

The establishment of consulates in Jerusalem from the mid-19th century onwards was a response to the increase in foreign economic, social and religious activities in the city and surrounding areas. The British consulate was the first to be established. This was in 1839. It was followed by the German consulate (1842), the consulates of France and the Kingdom of Piedmont and Sardinia (1843), the Austrian consulate (1849) and the Russian consulate (1858). The Americans opened their

consulate in 1844 but it became fully functional only in 1856.[1] Other, smaller consulates opened in the early 20th century.

The consuls derived their authority from their respective countries' capitulations with the Ottoman empire, which granted them extraterritorial status: freedom of movement, trade and settlement for the consuls and their protégés. The consuls usually dealt with all aspects of the personal status of the individuals under their protection. Furthermore, consulates were the seats of consular courts, which dealt with all civil and criminal cases involving foreign subjects. Consuls also presided over mixed courts which adjudicated cases involving Ottoman and foreign subjects.[2] By the outbreak of the First World War, there were six general consulates in Jerusalem whose consuls were directly answerable to the foreign affairs ministries of their respective countries rather than to their ambassadors in Istanbul. There were also a number of regular consulates and consular agents operating in the city.[3]

Paramount among the European powers which developed interests in Jerusalem from the mid-19th century were Britain, Germany, France and Russia. Britain was looking after its strategic, economic and political interests in the eastern Mediterranean.[4] Germany was keen to establish itself on the Ottoman scene as an emerging nation. From the 1840s, the Prussian state, and subsequently, Germany, supported the

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[1] M Eliav, "The German and Austrian Consular Archives in Jerusalem as a Source for the History of Palestine and its Population in the Late Ottoman Empire", in *Palestine in the Late Ottoman Empire*, ed D Kushner (Leiden: EJ Brill, 1986), 372–373.

[2] M Eliav, *Britain in the Holy Land* (Jerusalem: The Magnes Press, 1997), 15–16.

[3] The six consulates were France and Russia (1893), Persia (1901), Greece and Italy (1902), Germany (1914). C Nicault, "*Retour à la Jérusalem Ottomane*", in *Jérusalem 1850–1948: Des Ottoman aux Anglais*, ed C Nicault (Paris: Ed Autrement, 1999) 89–90.

[4] AL Tibawi, *British Interests in Palestine, 1800–1901: A Study of Religious and Educational Enterprise* (London: Oxford University Press, 1961), 29–57.

Ottoman empire and favoured the settlement of its citizens, both Jews and Christians, in the region.[5] France, through its role as the traditional protector of Catholics in the Holy Land, was looking to maintain its influence in the region and among the local population. Meanwhile, the Russian government continued its protection of the Orthodox Church by trying to weaken the Ottoman empire further after the Crimean War.[6] At the turn of the 20th century, the United States was not interested in politics or strategic positions, and the American consulate mainly promoted American economic interests and assisted American travellers, pilgrims and scholars.[7] After the unification of Italy in the 1860s, the Italians expanded their interests in Palestine and Jerusalem in particular, where they competed with the French government for the right to protect Catholics.[8] Spain, which had opened a consulate in 1854, was another player keen on catering to the different Catholic institutions of the city and competing with France and Italy for the protection of Catholics.

As representatives of their governments, consuls had to deal with both the Ottoman authorities and the local population. Their most important relationship was with the *mutasarrif* (governor) of Jerusalem. Given the frequent rotation of Ottoman officials, the consuls were always careful and thorough in their assessment of the officials appointed to the governorship of Jerusalem. The main preoccupation of the governor in dealing with the consuls was attempting to circumvent the capitulations through the enforcement of

[5] M Eliav, "German Interests and the Jewish Community", in *Palestine in the Late Ottoman Empire*, ed D Kushner (Leiden: EJ Brill, 1986), 426–427.
[6] D Kushner, "The Foreign Relations of the Governors of Jerusalem Toward the End of the Ottoman Period", in Kushner, *Palestine in the Late Ottoman Empire*, 301–311.
[7] Kark, *American Consuls in the Holy Land, 1832–1914* (Jerusalem: The Magnes Press, 1994), 236.
[8] S Minerbi, "Italian Economic Penetration in Palestine 1908–1919", in *Studies on Palestine during the Ottoman Period*, ed M Ma'oz (Jerusalem: Magnes Press, 1975), 466–482.

measures restricting the free movement of foreigners or imposing special taxes on foreign businesses.[9] Usually, the consuls had the upper hand in revising their capitulary rights. Only on a few occasions did the governors win their legal cases against the consuls.[10] For instance, in 1905, the governor, Reşid Bey, managed to impose a municipal tax on street lighting and sanitation on foreign residents outside the walls notwithstanding great dissent from the consuls.[11]

Key source of friction

One particular issue which caused friction between the Europeans and the Ottoman empire was Jewish immigration to Palestine, fostered by the former. The Ottomans attempted to counteract Jewish immigration through strict laws prohibiting the movement of Jews and by placing limits on their purchases of land and houses. In October 1913, Istanbul ordered the local Ottoman authorities in Palestine to stop the system of issuing "red papers", which granted Jews entering Palestine permission to visit for a limited period, as long as they surrendered their passports.[12] Despite instructions from the authorities, Ottoman governors often succumbed to consular pressure and continued issuing red papers.[13] The consuls were, in general, highly critical of the Ottoman administration and dismissive of the local government, as was reflected in a statement from the Italian consul in 1896: "It is general opinion that the Ottomans will not obtain any efficient result from the reforms [referring mainly to the issuing of red papers] … the new administrative system will

[9] Kushner, "The Foreign Relations of the Governors of Jerusalem", 312.
[10] Kushner, "The Foreign Relations of the Governors of Jerusalem", 312–313.
[11] See *Ministère des Affaires étrangères* (MAE), Nantes, « *Ambassade Costantinople* », *Série D*, *Carton* 15.
[12] The National Archives: Public Records Office (TNA: PRO), Kew, UK, FO 195/2452, "William Hough to McGregor, Jaffa, 27 October 1913".
[13] See A Hyamson, *The British Consulate in Jerusalem,* Vol 2 (London: E Goldstone, 1941) and in Eliav, *Britain in the Holy Land.*

upset the population. The reforms are likely to be delayed."[14] Although the consuls were critical, ultimately, owing to some degree of genuine respect for Ottoman authority, they generally accepted the final decisions of the Ottoman rulers while often finding it easier to blame local authorities when things turned negative. In 1906, the governor of Jerusalem, Ali Ekrem Bey, wrote to Istanbul complaining that in a country where more than half of the population was foreign, it was impossible to treat foreigners as though they did not exist where matters relating to the local administration were concerned.[15]

The consuls also tried to influence relations between the local authorities and the European firms that managed the city's public services.[16] There was great competition among the consulates to win concessions from the Ottoman administration. Early in 1914, for instance, after fierce competition between a number of European companies, a large contract was granted to the French Parisian bank Périer to construct a tramway line, install pipes to bring potable water to the city and expand and electrify street lighting. However, the project was halted by the outbreak of the war.[17] Under this contract, the municipality of Jerusalem would have acquired control of both services and infrastructure only after a period of

[14] Kark, *American Consuls in the Holy Land*, 143; Kushner, "The Foreign Relations of the Governors of Jerusalem", 313; *Archivio Storico Diplomatico del Ministero degli Affari Este*ri (ASDMAE), *Ambasciata d'Italia in Turchia*, *Busta* 239, "Italian Consul in Jerusalem to the Italian Ambassador in Istanbul, Jerusalem, 26 November 1896".

[15] Israel State Archives (ISA), RG 83/28, "Ekrem Bey to Istanbul, 15 November 1906",

[16] TNA: PRO, FO 368/1139, "McGregor to Foreign Office, 29 January 1914", 16.

[17] NA: PRO, FO 368/1139/6143, "McGregor to Foreign Office, Jerusalem, 29 January 1914"; V Lemire, "*L'Eau, le consul et l'Ingénieur*", in *France and the Middle East: Past, Present and Future*, ed M Abitbol (Jerusalem, 2004), 136–137.
17 Lucia Rostagno, *Terrasanta o Palestina? La Diplomazia Italiana e il Nazionalismo Palestinese (1861–1939),* (Rome: Bardi, 1996), 12.

10 or 15 years.[18] The municipality was thus trapped in a vicious circle of dependency created by the capitulary system, which greatly favoured the penetration of foreign capital.

It is difficult to assess the relationship between the consuls and the local population. The consuls often dealt with local entrepreneurs and members of notable families but, occasionally, they also dealt with ordinary citizens. In official correspondence this relationship was rarely discussed. Indeed, some consuls might have chosen to be completely isolated from the local scene, although, being residents of the city, they could not ignore its environmental problems, such as the lack of water or periodic epidemics.

The Italian Consulate

An Italian presence has been visible in Jerusalem for centuries in the form of clergymen and pilgrims. However, echoing the relative unimportance of Italy on the international stage, the size of this community was not matched by its political relevance, which was overshadowed by that of the British and French consulates and communities. In the only work dedicated to Italian diplomacy in Palestine,[19] Lucia Rostagno was right to suggest that, from Italy's perspective, Palestine was far away and not included in the colonial dreams of the new Italian state and certainly not seen as a destination for Italian migrants. At the end of the 19th century, Italian interest in Palestine was mainly devotional.[20] Italy had no connection with the local Eastern Catholic churches — a field left to the French. Italian

[18] TNA: PRO, FO 368/1139/6144, "McGregor to Foreign Office, Jerusalem, 29 January 1914".
[19] Lucia Rostagno, *Terrasanta o Palestina? La Diplomazia Italiana e il Nazionalismo Palestinese (1861–1939),* (Rome: Bardi, 1996), 12.
[20] It is important to highlight that although Italians were not interested in relocating to Palestine, attention to the Holy Land was voiced through the Vatican's publications.

governments saw indigenous Catholics in Palestine as a channel for promoting and defending the Italian character of the Latin Patriarchate and the Custody of the Holy Land (both the Patriarch and the Custos were, in fact, Italian subjects).[21] But, Italian politicians and diplomats were still far removed from the scene.[22]

In 1843, Consul Luigi Lenchantin from the Kingdom of Piedmont and Sardinia was sent to Jerusalem to protect the interests of the kingdom's subjects and to challenge the French protectorate over the Catholics.[23] When his successor left Jerusalem in 1849, the position of consul remained vacant and was filled only a decade after the Italian unification process was completed. The newly created Kingdom of Italy could not afford a wide and sophisticated diplomatic network. However, members of the Italian parliament were convinced of the necessity of opening a consulate in the holy city.[24] Eventually, an internal agreement was reached, and Vice-Consul Alessandro de Rege di Donato was elevated to consul in Jerusalem on 15 November 1871. Neither ~~Di~~ di Donato nor his seven successors until the outbreak of the First World War had deep knowledge of the region or its languages, religions and peoples. It was only in 1911, with the impeding Italian invasion of Libya, that an Italian Orientalist, Leone Caetani, passionately petitioned the Italian parliament and the foreign ministry to support the

[21] See Andrea Giovannelli, *La Santa Sede e la Palestina: La Custodia di Terra Santa tra la fine dell'impero ottomano e la guerra dei sei giorni* (Rome: Studium, 2000).
[22] Simonetta della Seta, "*La Presenza e l'Opera dei Salesiani in Palestina*", *Storia Contemporanea* 20, no. 1 (1989): 81–101.
[23] ASDMAE, *Consolato Gerusalemme*, *Pacco 1*, note written in 1897 with a short history of the consuls in Jerusalem. Information on Lenchantin can be found in ed Federico Adamoli, *Cronache Marinare di Giuseppe Alessando Piola Caselli* (1843–1883), accessed 16 December 2016, www.piolacaselli.altervista.org/cronache-marinare/Cronache%20Marinare%20con%20Indice.pdf.
[24] Rostagno, *Terrasanta o Palestina*, 22–23.

Oriental Institute in Naples as a place to groom young diplomats to serve in the East.[25]

A major change occurred with the appointment of Carlo Senni as Italian consul in May 1907. Although not an Orientalist, the young consul was a careful observer, and in his reports gathered increasing amounts of information about the local communities,[26] while also offering suggestions on how to engage them. Some of his comments may seem naïve or poorly informed as he did not possess deep knowledge of local politics. However, the fact that he was not involved in any major local dispute or scheme to control one or more groups gives his perspective of local dynamics some degree of objectivity.[27] Senni's information about Jerusalem during the First World War was also invaluable to the Italian government because he remained in the city until the spring of 1915, reporting on a variety of subjects.[28] With his long tenure in Jerusalem, it is possible to say that he contributed significantly to making the Italian presence in the region more relevant and at the same time brought Jerusalem and Palestine closer to Italy and the Italians.

With the end of the war, Senni returned to Jerusalem for a short time, but the situation had changed completely. Now, the British were in control and the Italian government was involved in the major powers' efforts to redraw the Middle East. But, despite Italy's increased diplomatic efforts in Palestine, it was marginalised by both the British and French, who saw Italy

[25] Rostagno, *Terrasanta o Palestina*, 27

[26] Biographic information on Carlo Senni can be found on the historical website of the Italian Parliament, accessed 21 March 2017, notes9.senato.it/web/senregno.nsf/d973a7c868618f05c125711400382868/ea6b98faa6aaa56a4125646f0060866f?OpenDocument.

[27] ASDMAE, *Consolato Gerusalemme*, *Pacco* 8, "Local and Foreign Religious Communities".

[28] ASDMAE, *Consolato Gerusalemme*, *Pacco* 10, various written exchanges in relation to the outbreak of the First World War.

more as a nuisance than a challenge.[29] Italian diplomacy, in fact, was unable to react quickly to the changes occurring in Palestine. Between 1919 and 1926, seven different consuls led the Italian consulate. Copies of the reports they sent to Rome show the lack of diplomatic initiative and a generally superficial understanding of events unfolding in Palestine and Jerusalem, including the emerging nationalist struggle between Arabs and Zionists. This diplomatic weakness was a reflection of Italian politics as the fascist regime was in the process of establishing itself. It was only in 1926, with the appointment of Mario Zanotti Bianchi as consul, that Italian diplomatic efforts became more substantial and visible.[30]

Heightened Italian Activity

The Italian dictator Benito Mussolini's dream of making Italy an empire included extending Italian influence over the Mediterranean. Thus, Jerusalem and Palestine soon became a battleground for Italian efforts to counter British influence in the region.[31] One of the most interesting Italian consuls whose role has yet to be fully analysed is Orazio Pedrazzi, appointed in February 1927. A journalist rather than diplomat by profession and an expert on Middle Eastern politics, Pedrazzi may have had a direct line to Mussolini. During his short tenure, he emphasised the necessity of working with the Zionists as he believed they were going to dictate the future of Palestine. Although he was an anti-Zionist and an Arabophobe, his main concern was challenging British rule and thus he lost his job rather quickly, as the British pressured Mussolini to remove him. After Pedrazzi left, on the eve of the Wailing Wall riots of 1929,

[29] Andrea Gabellini, *L'Italia e l'assetto della Palestina (1916–1924)* (*Firenze*: *Societá per gli studi sul Medio Oriente*, 2000).
[30] Rostagno, *Terrasanta o Palestina*, 136.
[31] Nir Arielli, *Fascist Italy and the Middle East, 1933–40* (London: Palgrave MacMillan, 2010).

Mussolini changed direction, and his support for the Arab–Palestinian cause became more visible in terms of Italian propaganda and the help lent to local Palestinian elites. But, Italian–Zionist relations did not cease altogether, and it would be interesting to find out the extent and quality of this relationship using the archived documents of the Italian consulate, which have only recently been made publicly available.[32]

The man who helped bring some local Arabs to the Italian side was Mariano De Angelis. Appointed consul in 1932, De Angelis served until 1936 and worked publicly and secretly to transform the anti-Italian sentiments among the Arabs into feelings of sympathy. At the same time, De Angelis looked with favour upon the Zionist hardliner Ze'ev Jabotinsky and his colleagues. Although Mussolini never met Jabotinsky, it would be interesting to find out whether he was influenced by De Angelis's positive views of the Zionist leader.[33] Many works have dealt with the emergence of an alliance between Mussolini and the mufti of Jerusalem, Amin al-Husayni, which clearly compelled Mussolini to adopt different policies in Libya — including halting violence and repression — to show a stronger commitment towards the Arabs and Muslims in order to gain the mufti's friendship and transform anti-Italian sentiments in Palestine. By 1933, De Angelis had a good relationship with the mufti and the documents now available in Rome may provide more details on the ways in which the shift in sentiments towards the Italians occurred. De Angelis also wrote extensively about the possibility of an agreement between the Arabs and the Zionists and how he hoped that Mussolini would become a peacemaker.[34]

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[32] Arielli, *Fascist Italy*, 20–21

[33] ASDMAE, Ap, Palestina, Busta 13, Roma, 4 November 1935. Jabotinsky's efforts to meet Mussolini were rebuffed several times. However De Angelis wrote a memo suggesting that it was important to support Zionist revisionism.

[34] ASDMAE, Ap, Palestina, Busta 8, "Gerusalemme", 21 March 1934.

De Angelis left Jerusalem on the eve of the Arab revolt against the British Mandate, which lasted from 1936 to 1939. He was succeeded by Quinto Mazzolini until the consulate was closed with the outbreak of war between Italy and Britain. Italian support for the Palestinian cause was strong throughout the Arab revolt. However, Italian propaganda played hardly any role in turning the Palestinians against the British.

France's Religious "National Domains" in Jerusalem

By **Dominique Trimbur**

Abstract

This paper examines the background to the close, special relationship that secular France has with the Holy Land, a special relationship based on its past role as protector of Catholics in Palestine and on its "national domains" in Jerusalem.

During an official visit to Jerusalem in January 2020, French President Emmanuel Macron prevented his Israeli security detail from escorting him into the Church of Saint Anne, in an incident reminiscent of President Jacques Chirac's dramatic encounter with his Israeli security detail at the same church in 1996.[1] President Macron was symbolically asserting that the church was a French "national domain", that is, French sovereign territory.

[1] BBC News, "'Go outside': France's Macron berates Israeli police at Jerusalem church", *BBC News*, 23 January 2020, https://www.bbc.com/news/world-middle-east-51212543.

For a state that strictly upholds the separation of church and religion through the concept known as *laïcité*, it may seem paradoxical to apply the term "national domain" to a church. This paper examines the origins and functions of that seeming paradox — France's extraterritorial enclaves comprising four religious sites in the Holy Land, which have a unique status as part of the French national heritage.

Foreign Powers and the Status Quo of the Holy Places

France was the first of the European powers to sign capitulations with the Ottomans in 1536. These were agreements that gave the Europeans residency rights and rights of extraterritorial jurisdiction in Ottoman territory, along with commercial privileges such as substantial cuts in taxes and customs duties. They facilitated the Europeans' economic penetration of the Ottoman empire.

The European governments took advantage of these treaties to intervene in religious affairs as well. In particular, France, the so-called "eldest daughter of the church", managed to establish a protectorate over the Latin (Catholic) foreign residents in the Ottoman empire. It played the role of a mediator between the Holy See and the Ottoman authorities and supported Catholic predominance at the holy places, which were at the centre of internecine disputes among the various Christian denominations. This French protectorate over the Catholics in the Holy Land was later expanded by custom to cover the local, Oriental "united Christians" linked to Rome.

France's special role was strengthened at the end of the first half of the 19th century, the period of religious revival in France. The

French, among other powers, cast their eyes on Palestine to expand their spheres of influence. France established a consulate in Jerusalem in 1843, three years after the British had established the first foreign consulate in the holy city. Soon, French pilgrims began to flock into the Holy Land while a network of Catholic institutions closely linked to France sprang up in the area. This network included orphanages, hospitals, dispensaries, general and professional schools, buildings to host French pilgrims and seminaries for French clerics. France's privileged position as protector of the Catholics gave it special privileges: its representatives enjoyed liturgical honours during religious ceremonies held in the Holy Land, in particular, at the Church of the Holy Sepulchre.

The situation prevailing at the Christian holy places by then was based on what is known as the "Status Quo", the Ottoman decree of 1852 confirming the customary practices existing in 1757 in terms of control of and access to these sites by the various Christian denominations. The status quo holds till today. According to Bernardin Collin, an expert on the subject, the status quo recognised the reality there, based on two principles: that "facts create law" and that "regarding buildings, possession means lawful ownership".[2]

The National Domains

Among the network of French institutions in the Holy Land, four are "national domains", involving proper land

[2] Bernardin Collin, *Les Lieux saints*, Paris, Presses universitaires de France, 1962, 107.

appropriation by the French government. This is unlike the case of the institutions associated with the Italians and the Germans, for instance. Also, the national domains should be distinguished from religious institutions placed under French patronage but which are not French possessions. For instance, the École biblique et archéologique française de Jérusalem, a school established by the French in 1920, is hosted by the Dominican St Stephen's convent but the land on which the convent stands does not entail extraterritorial status for the French, unlike in the case of the national domains. The French national domains — three located in Jerusalem and the fourth located in its vicinity — are:

(i) **The Church of Saint Anne**. This property, which has belonged to France since 1 November 1856, was the first property it acquired. It is a Roman church dating back to the Latin kingdom of Jerusalem (1140) and is located at the spot where, according to an apocryphal tradition, the Virgin Mary was born. The place was named the house of Anne and Joachim, after the parents of Mary. The church had been transformed into a *madrasah* under Saladin, the Muslim warrior who wrested Jerusalem back from the Crusaders in 1187. The Probatic pool (or Bethesda pool), where Jesus is believed to have performed the miracle of healing a lame man, is part of the domain. In 1914, at the outset of the First World War, the Ottomans unilaterally abrogated the capitulations and requisitioned Saint Anne, converting it to a *madrasah* again.

(ii) **Benedictine monastery of Abu Gosh**, acquired in 1873, is a Roman church, also dating back to the Latin kingdom. According to tradition, it is one of the possible locations of Emmaus, the

town mentioned in the Bible as the place where Jesus appeared after his resurrection.

(iii) **The Church of the Pater Noster and the Sanctuary of Eleona**. This has been in French possession since some time between 1868 and 1874. It comprises various plots of land on Mount of Olives, and, according to tradition, was the place where Jesus was believed to have taught the Lord's Prayer to his disciples. French excavations at the site in 1910 uncovered remnants of the Byzantine-era Eleona basilica.

(iv) **The Tomb of the Kings.** This has been French property since 1886. Located north of the Old City, French archaeologists excavated this plot of land, which used to be a Jewish mausoleum dating back to the first century.

The domains were acquired by the French in two different ways:

(i) As gifts from the Ottoman empire. This was the case with Saint Anne. In the middle of the 19th century, Sultan Abd al-Majid gave France the church and the disused *madrasah*. The gift was an expression of his gratitude for France coming to his assistance against Russia during the Crimean War. Likewise, Abu Gosh church, which was also disused, was given to France by the Ottoman rulers as compensation after the Saint-Georges Catholic church in Lod had been transferred to the Greek Orthodox patriarchate.

(ii) As gifts from individuals. The domain of Pater and Eleona was donated by the French princess of La Tour d'Auvergne in 1868. As for the Tomb of the Kings, it was donated by the Péreire brothers,

notorious French-Jewish businessmen who had bought the tomb on the advice of the archaeologist Félicien de Saulcy. (The archaeologist had conducted excavations at the site in the 1860s and sent the sarcophagi he discovered there to the Louvre in Paris, where they are still housed today.)

France's first step upon acquiring these properties was to ensure that the title deeds were properly established in its name. From then on, France had the right to hoist its flag on the sites and to assert its sovereignty. The domain of Saint Anne was subsequently extended with the purchase of additional plots, while a cloister and a church were added to the Eleona.

Eager for scientific valorisation of its acquisitions, France subsequently arranged for archaeological excavations to be conducted at these sites. The excavations were intended primarily to establish the location of the Bethesda pool at Saint Anne and to confirm Abu Gosh as *the* place of the Emmaus encounter, which France believed would give the status of a quasi-holy place to both domains. In September 1938, the church of Abu Gosh, restored from its derelict state, was registered in the list of French national monuments.

Following the appropriation of the domains, France had to entrust them to appropriate custodians. The Tomb of the Kings, a Jewish site, was placed under the custody of a local Arab–Muslim family that had traditionally been employed by the French consulate-general. As for the Catholic domains, custodianship was entrusted to friars or nuns from various Catholic communities. In each case, France imposed strict conditions on the custodians: the superior had to be a French citizen, a criterion that was

also applied to the whole, or at least two-thirds, of the community.

That friars and nuns were chosen to keep an eye on the domains that France had acquired under either the Second Empire or the Third Republic — that is, at the height of the French anti-clerical campaign — may seem paradoxical. But it was probably a reflection of the view attributed to the French politician Léon Gambetta, that "anti-clericalism is not an export good".

Political Upheavals of the 20th Century

By the beginning of the 20th century, the French protectorate had been weakened progressively by the efforts of the other European powers, who were concerned about protecting their citizens and resentful of the special honours that the representatives of France were receiving at the holy places. Russia had already challenged the French a century earlier, positioning itself as the protector of the Orthodox community. The weakening of the French protectorate was especially felt after the separation of church and state in France in 1904–1905 and the consequent freeze in relations between France and the Vatican.[3] In early 1917, as Ottoman defeat was approaching, the Vatican indicated to the French that it intended to end the French protectorate over Catholics once the Ottomans left the city.

In the 1920s, a new French cultural policy in Palestine emerged. This was when the British Mandate had come into force and the Zionist movement was gaining in strength, with the migration of Jews to Palestine. Fearing

[3] Catherine Nicault, "The End of the French Religious Protectorate in Jerusalem (1918–1924)", *Bulletin du Centre de recherche français à Jérusalem 4*, 1999.

that these developments might mean the end of the French protectorate and the loss of French privileges in the Holy Land, France recognised and began promoting the seminaries for Oriental united Christians at its national domains as they contributed to the dissemination of both the French language and culture. Indeed, France saw the seminaries, schools and other religious institutions affiliated with it as a spearhead for the diffusion of French values.

For pragmatic reasons, the British Mandate authorities allowed the pre-war tax privileges and privileged status for the French institutions to continue as a means of appeasing its ally in the war and to avoid getting entangled in the squabbles between the various Christian denominations. But France's effectiveness as an interlocutor with the British on behalf of the Catholics later declined later in the face of the British Mandate authorities' indifference and preference for dealing directly with the various communities.

Officially, the capitulations were abolished by Article 8 of the 1922 British Mandate for Palestine and Article 28 of the 1923 Treaty of Lausanne ending the First World War, which effectively ended the French protectorate. Earlier, at the San Remo conference of 1920 between the allies in the First World War, France grudgingly abandoned its call to retain its protectorate status but later quibbled to retain its liturgical honours. The French Quai d'Orsay claimed that it had given up only its right to intervene on behalf of the Catholics, not the right to honours, so "if the representative of France can no longer demand honours, he still has the right to accept them (...) nothing prevents the Holy See from ordering their preservation (...) nothing authorises the British from breaking with tradition".[4]

[4] Cited in Catherine Nicault, "The End of the French Religious Protectorate in Jerusalem".

In 1927, France and the Vatican finally reached an agreement to the effect that t h e liturgical honours throughout the former Ottoman territories could be reinstated with the permission of local governments. Thus, France managed to preserve its privileged position and prestige, albeit only at French institutions or institutions connected to France.

Current Status and Significance

Although the protection that the French still claim to exercise over Catholics in the Holy Land may be little more than a façade today, the legal ownership of the national domains has not, for the most part, been challenged by the successive agreements between France and the local authorities, beginning with the Ottoman empire (although the Ottomans requisitioned Saint Anne just before the collapse of the empire), then the British Mandate authorities, followed by Jordan and Israel and, finally, the Palestinian Authority.

But while France's possession of these domains has not been questioned by the local authorities, it has been contested by other entities. This is particularly so in the case of the only non-Catholic French national domain — the Tomb of the Kings, considered holy to the Jews. Orthodox Jews have tried to challenge its possession by a foreign state, especially one considered a Catholic power.

The valorisation of the sites remains a preoccupation for the French. Archaeological work is continuing at the Tomb of the Kings and at the Pater. France has also continued to invest in conservation and enhancement works right through the 21st century. Such works have been conducted the past several years at the site of the Probatic pool in Saint Anne while the frescos in

Abu Gosh church have also being restored. Likewise, the Tomb of the Kings underwent a decade-long restoration programme and was provisionally reopened to the public in November 2019.

Although France has the right to exercise sovereignty over the national domains, any restoration or excavation work it plans to carry out requires the approval of the Israeli Antiquities Authority. Such compliance with local building and heritage controls is not contradictory to the immunities granted to foreign diplomats and their premises through international diplomatic conventions. Controversially, even work meant to be carried out at Saint Anne, a non-Jewish site located in the contested Old City, requires Israeli authorisation.

The domains remain important in the day-to-day lives of the French in Jerusalem. At the political level, they constitute a special area of responsibility for the French diplomats based in the Holy Land. The consul-general is responsible for the management of the national domains and provides allocations for their functioning. At the religious level, the friars and nuns in charge of the domains ascribe great significance to them. The custody of the national domains has remained in the same hands, except Abu Gosh, where the original Benedictines have been replaced by the Monte-Oliveto congregation, whose monks are still French, or at least French-speaking people.

The national domains today are sites for what are known as "consular masses", that is, religious services on specific occasions during which the French consul-general is accorded a special place. At Saint Anne, consular masses take place every year on the French national day (14 July), on the Nativity of the Virgin Mary (8 September), and, on the Feast of the Immaculate Conception (8 December). At the Pater church, a special service takes place every year to honour Saint Thérèse

d'Avila (15 October). At Abu Gosh, a celebration is held on every anniversary of the dedication of the church (28 November). Furthermore, since 1924, Saint Anne has been celebrating the arrival of every new French consul-general by hosting a *Te Deum* honouring France.

In terms of heritage value, the significance of France's acquisitions revolves around their functions: while one of them, the Tomb of the Kings, constitutes a "passive" good, the other three constitute "active" goods. The latter are real *lieux de mémoire,* a concept popularised by the French historian Pierre Nora. In Nora's words, a *lieu de mémoire* is "any significant entity, whether material or non-material in nature, which by dint of human will or the work of time, has become a symbolic element of the memorial heritage of any community".[5] In the case of Saint Anne and Abu Gosh, each of which houses an Oriental united Christian seminary, they are also French *lieux de vie* (living spaces, as opposed to uninhabited ancient monuments).

Today, the national domains in the Holy Land give France great prestige and virtually unparalleled status as part of the Holy Land's, Palestine's and Israel's space. Although legally immutable, the status of the domains has nevertheless evolved. Once symbols of France's role as inheritor of the Crusader tradition and protector of Catholics in the Holy Land, today they belong more to the realm of French cultural heritage. In the eyes of the average observer, the peculiarity lies in the fact that this national heritage of secular France is embodied in Catholic institutions, hosting friars and nuns. But this is

[5] Pierre Nora, "Preface to English Language Edition: From *Lieux de memoire* to Realms of Memory", in *Realms of Memory: Rethinking the French Past,* ed Pierre Nora, http://faculty.smu.edu/bwheeler/Joan_of_Arc/OLR/03_PierreNora_LieuxdeMemoire.pdf.

not a paradox; it constitutes a pragmatic instrumentalisation of religion for the spread of secular France's influence in the region.

The Vatican and Jerusalem
Another Turning Point?

By **Silvio Ferrari**

Abstract

In a departure from the Vatican's longstanding call for the internationalisation of Jerusalem, a March 2019 joint statement between Pope Francis and the king of Morocco mentioned only the preservation of the spiritual dimension and cultural identity of the city. Is this shift a step towards a more "spiritual" conception of Vatican diplomacy, devoid of political content? Or a tacit recognition that any kind of international status for Jerusalem is unattainable in the present political context? Or is it part of a broader Vatican strategy aimed at maintaining good relations with Jewish and Muslim communities worldwide? This paper seeks to explain the Vatican's new stance by looking at the broader context of relations between the Holy See, Israel and Palestine.

The Vatican's policy on the Jerusalem question cannot be understood without being placed in a broader context. First, we cannot overlook the peculiar character of the Holy See, which is a religious and political actor at the same time. Starting from the Second Vatican Council (1962–1965),

dialogue with other religions and other Christian denominations has been a significant element of the Holy See's Jerusalem policy, often equal in importance to the Holy See's political relations with the Middle Eastern states. Second, we need to keep in mind that the Vatican's interest in the Holy Land goes back to long before the Jerusalem question came into existence. The preservation of the Christian holy places and the protection of the local Catholic community have been for many centuries the main objectives of the Vatican in the region, and the Holy See's approach to the Jerusalem question is strictly related to these two goals. Finally, we must consider the general political context in which the Vatican has been conducting its diplomatic activities. The issue of the holy places and the Christian community in the Holy Land had long been addressed through bilateral agreements between Christian states and the Ottoman rulers. Only since the dissolution of the Ottoman empire have these problems (together with the status of Jerusalem) been "internationalised", becoming the subject of treaties and conventions signed by a plurality of states and national or international organisations. More recently, this trend seems to have been reversed again in favour of the bilateral approach. The Vatican's own approach to the Jerusalem question thus had to take these changes into account and adapt to them. This paper analyses how these different elements have combined to determine the Jerusalem policy of the Holy See.

Background

Historically, granting special status to Jerusalem was not the first objective of the Vatican's policy on the Holy Land. The protection of the holy places and the protection of the Catholic community were the first concerns, and, during the Ottoman period, these goals were pursued through a third party, a Catholic state that acted as the protector of Catholic interests

in the Holy Land. France played this role for a long time, concluding a number of capitulations with the Ottoman rulers that ensured a special regime for Catholics and Catholic places of worship. Russia acted as the protector of the Orthodox community and its interests in the Holy Land. Through the understanding reached among the religious communities known as the Status Quo of 1757, the Orthodox community had gained the upper hand in the ownership and management of many holy places in Jerusalem and the surrounding region. But control of the holy places remained a constant source of strife between members of the Catholic and Orthodox churches in the Holy Land, with the Ottoman government acting as an (interested) arbiter of their disputes. In fact, one of several causes behind the dispute between Russia and the Ottoman rulers that led to the Crimean War (1853–1856) was the issue of control over the holy places.

Origins of the Jerusalem Question and Internationalisation Plans

The question of Jerusalem came to the forefront after the First World War in connection with the dissolution of the Ottoman empire and the Balfour Declaration (1917) announcing British support for the establishment of a national home for the Jewish people in Palestine. Earlier, the Sykes–Picot agreement (1916) between the British and the French had envisaged an international government for a large section of Palestine, including Jerusalem, Bethlehem and Nazareth. The agreement was never implemented and Palestine, including Jerusalem, was entrusted to the British Mandate, but the idea of an international regime for Jerusalem did not disappear in political and diplomatic circles

and resurfaced after the Second World War. The plan for the partition of Palestine between Jews and Arabs, approved by the United Nations in 1947, included the internationalisation of Jerusalem and Bethlehem and their direct rule by the United Nations. At this juncture (and again two years later), the Holy See played a key role, mobilising several Catholic states to support the plan, which was opposed by the Arab countries and reluctantly accepted by the Jewish Agency for Israel, the Zionist organisation that played a central role in the founding of the state of Israel. The Vatican considered the internationalisation of Jerusalem as a recognition of its universal significance and also as a way of maintaining the Christian presence in the city and control of its sacred places. However, the UN plan remained on paper (as did a subsequent UN resolution of 9 December 1949), and Jerusalem was divided between Jordan and Israel. Subsequent attempts to resurrect the internationalisation plan failed, mainly owing to the strong opposition of Israel and Jordan, which shared control of Jerusalem, with the latter in possession of the Old City and its holy places.

The First Turning Point in the Holy See's Jerusalem Policy

The Holy See had made a huge political and religious investment in the creation of a *Corpus Separatum* (or separate entity) under international administration for Jerusalem. The Pope had published two encyclicals justifying the demand for internationalisation on the basis that Jerusalem preserved the "memorials of the Life and Death of the Divine Redeemer".[1] Vatican diplomats then exerted strong pressure on the governments of Catholic countries to secure a vote in

[1] See the encyclicals *Redemptoris Nostri Cruciatus*, 15 April 1949, n. 9, and *In multiplicibus curis*, 24 October 1948.

favour of the internationalisation plan at the UN General Assembly. During negotiations at the General Assembly, the Holy See rejected a plan for the "functional" internationalisation of Jerusalem (that is, a regime of extraterritoriality for the holy places), considering it an unacceptable watered-down compromise. It is, therefore, understandable why the Holy See did not budge from its position subsequently even when political support for territorial internationalisation started declining. However, Vatican diplomats were aware that this position was increasingly untenable and took the first opportunity to revise the Vatican's strategy. The opportunity to do so was provided by the Six-Day War (1967) and the fall of the whole of Jerusalem into Israeli hands. In a speech devoted to Jerusalem, Pope Paul VI avoided mentioning territorial internationalisation and in its place proposed an internationally guaranteed special statute that would protect the holy places, grant the civil and political rights to members of all religious communities and "take into account" the historical and religious character of Jerusalem.[2] Although formulated in cautious diplomatic language, the shift was evident: no more a *Corpus Separatum,* but a special statute which did not imply any physical separation of the city from the state (or states) that exercised sovereignty over it.

Another new element worth highlighting in the speech of Pope VI is that a special statute for Jerusalem was no longer demanded on the strength of the Christian memorials preserved in the city. It ~~is~~ was justified with a different argument instead, namely, the "historic and religious personality of Jerusalem", a city that enshrines the holy places "considered as such

[2] *Acta Apostolicae Sedis*, 1968, 25–26.

by the three great monotheistic religions, Judaism, Christianity and Islam".[3] In the following years the Pope repeatedly underlined the uniqueness and universal significance of Jerusalem as the converging point of these three religions, and this new approach was finally formalised in a note drawn up by the Vatican's Permanent Observer at the United Nations. In this document, the demand for "a special statute, internationally guaranteed for Jerusalem" was explained with the intention "to preserve and guarantee to the Holy City its identity as a religious centre, unique and outstanding in the history of the world, in such a way that it may become a stable place of encounter and concord for the three great monotheistic religions".[4] In this perspective, the fate of the Christian holy places and of the Catholic community was placed within a wider horizon that embraced also Jews and Muslims.

The last step to keep alive the project of an internationally guaranteed statute was taken in 1999, when Cardinal Jean-Louis Tauran restricted the area to be subjected to the proposed statute to the Old City of Jerusalem. He was reported to have said:

> "… with regard to the question of Jerusalem, the Holy See has always maintained that this question cannot and should not be reduced simply to one of unimpeded access to the holy places. The living dimensions of these places requires also (1) that the global character of Jerusalem as a sacred heritage common to

[3] *Acta Apostolicae Sedis*, 1968, 25−26.
[4] Report of the UN Security Council Commission Established under Resolution 446 (1979), S/13679, 4 December 1979.

> the three monotheistic religions be guaranteed; (2) that religious freedom in all its aspects be defended; (3) that all the acquired rights of the various communities with regard to shrines, centers of spirituality and study, and charitable institutes be safeguarded; (4) that the maintenance and development of the respective religions be treated equally. In order that all of these may be guaranteed, the Holy See seeks a special internationally guaranteed statute for the most sacred part of the City of Jerusalem."[5]

The Second Turning Point

The second turning point has no definite date. It is rather a process that started at the beginning of this century, when references to an internationally guaranteed statute for Jerusalem began becoming more infrequent in the statements of Vatican representatives. In their past allocutions to members of the diplomatic corps accredited to the Holy See, traditionally pronounced at the beginning of every year, popes would mention the need for this statute. In 2002, Pope John Paul II made a reference to "an internationally guaranteed *special status* for the most holy places in

[5] This statement by Cardinal Tauran was quoted by the Permanent Observer of the Holy See in a speech at the UN General Assembly. See The Roma Curia Secretariat of State, "Intervention of H.E. Archbishop Renato R. Martino at the United Nations on 'United Nations Relief and Works Agency For Palestine Refugees in the Near East' (November 3, 1999)", http://www.vatican.va/ roman_curia/secretariat_state/documents/rc_seg-st_doc_03111999_palestine_en.html.

Jerusalem" (emphasis added), something less than the usual demand for an internationally guaranteed *statute* for Jerusalem.[6] Since then, ~~any~~ reference to any form of special status for Jerusalem has been dropped and even mention of the city ~~had became~~is sporadic.

More significantly, even events directly affecting the legal status of Jerusalem failed to prompt the Vatican to revive its old demand. In 2018, when US President Donald Trump announced his decision to transfer the US embassy from Tel Aviv to Jerusalem, Pope Francis limited himself to a general "appeal to ensure that everyone is committed to respecting the status quo of the city, in accordance with the relevant resolution of the United Nations".[7] Nor was there any reaction from the Holy See when, in the same year, the Israeli Knesset approved the Basic Law known as "Israel as the nation state of Jewish people", which defines Jerusalem as the "complete and united … capital of Israel". The apostolic administrator of Jerusalem, the highest Catholic authority in the city, and the Assembly of the Catholic Bishops in the Holy Land criticised the law as discriminatory against the Palestinian citizens of Israel but did not mention the issue of Jerusalem.[8]

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[6] *Address of His Holiness Pope John Paul II to the Diplomatic Corps*, 10 January 2002, http://w2.vatican.va/content/john-paul-ii/en/speeches/2002/january.index.htm.

[7] See John L Allen, *Why Vatican won't be joining U.S. on Jerusalem Embassy Row*, in *Crux,* May 16, 2018, https://cruxnow.com.

[8] See Francesca Merlo, *Apostolic Administrator of Jerusalem stands against new Israeli law*, in *Vatican News*, 1 August 2018, https://www.vaticannews.va/en/church/news/2018-08/israel-law-palestine-human-rights-discrimination -archbishop.html; Jeremy Sharon, *Senior Catholic leadership calls on government to rescind nation-state law*, in *The Jerusalem Post*, November 5, 2018, https://www.jpost.com/ Israel-News/Senior-Catholic-leadership-calls-on-government-to-rescind-nation-state-law-571115.

From time to time, a low-ranking Vatican diplomat might hint at the internationally guaranteed statute of Jerusalem,[9] but, on the most important occasions, this topic has been completely overlooked. For example, the March 2019 declaration on Jerusalem signed by the Pope and King Mohammed VI of Morocco states that Jerusalem needs to be preserved as "the common patrimony of humanity and especially the followers of the three monotheistic religions, as a place of encounter and as a symbol of peaceful coexistence, where mutual respect and dialogue can be cultivated". The statement also makes an appeal for the protection and promotion of "the specific multi-religious character, the spiritual dimension and the particular cultural identity" of Jerusalem. However, the demand for an international statute for the city is conspicuously absent.[10]

Conclusion

The evolution of the Vatican's policy on Jerusalem can be better understood against the broader framework provided by the Vatican's policy on the Holy Land. In the last 25 years the Holy See has established diplomatic relations with Israel (1993), Jordan (1994) and the State of Palestine (2017).

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[9] The last statement was made by Monsignor Simon Kassan, Chargé d'Affaires of the Vatican's mission to the United Nations. He said the Vatican believes Jerusalem needs an "internationally guaranteed" special status, in order to ensure freedom of religion for the city's inhabitants, "as well as secure, free and unhindered access to the holy places by the faithful of all religions and nationalities". See John L Allen, *Why Vatican.*

[10] See *Appeal by His Majesty King Mohammed VI and His Holiness Pope Francis regarding Jerusalem / Al-Quds the Holy City and a place of encounter*, March 30, 2019, http://w2.vatican.va/content/francesco/en/travels/2019/outside/documents/papa-francesco-marocco-2019.html.

During the same span of time, agreements have been concluded with Israel (1993) and the state of Palestine (2015). Although they do not directly address the Jerusalem question,[11] both agreements contain provisions concerning the holy places and the freedom of the Catholic community. All these diplomatic steps go in the same direction and show that the goal of giving Jerusalem an international status — even in the milder form of non-territorial internationalisation — has been set aside. Its place has been taken by a different diplomatic strategy grounded on bilateral conventions through which the Holy See aims to secure the two other goals it has long pursued, namely, safeguarding the holy places and safeguarding what remains of the local Catholic community. Beyond the rhetoric on the universal value and the unique character of Jerusalem, the Vatican knows that the best way to attain these goals is not through the United Nations or the European Union but through the establishment of solid political and diplomatic ties with the states that rule the Holy Land.

How should the Jerusalem policy of the Vatican be evaluated? There are two interpretations. One contrasts utopia with realpolitik, concluding that the dream of making an internationalised Jerusalem the institutional sign of peace and dialogue among the faithful of three religious communities has been shattered by the national interests of the local

[11] The preamble to the agreement with the State of Palestine recalls the statement, included in the previous agreement between the Holy See and the Palestine Liberation Organization (2000), namely, "that an equitable solution for the issue of Jerusalem, based on international resolutions, is fundamental for a just and lasting peace…, and that unilateral decisions and actions altering the specific character and status of Jerusalem are morally and legally unacceptable".

stakeholders. The other interpretation sees the evolution of the Vatican's policy as an indication of its progressive "spiritualisation". It interprets the Vatican's abandonment of its demand for internationalisation as a renunciation of any "temporal" claim and as a recognition of the autonomy of the political realm, within whose borders the question of Jerusalem and its status should be addressed and confined. From this perspective, the burden of providing a visible expression of the uniqueness of Jerusalem shifts from the members of the (secular) international community to the faithful of the Jewish, Christian and Muslim religions, who bear the responsibility for overcoming their differences regarding the fate of the city and finding a suitable way to transform Jerusalem into a symbol of dialogue and unity.

Jordan's Custodianship of the Muslim Holy Shrines in Jerusalem

By **Victor Kattan**

Abstract

The Israel–Jordan peace treaty of 1994 requires that Israel respect Jordan's special role in the Muslim holy shrines in Jerusalem. But that role was not clearly spelt out, making it a point of contention for the two countries. Victor Kattan argues that Jordan's role arose from local custom prior to Israel's occupation of the West Bank, including the Old City of Jerusalem, and involves custodianship, with its attendant duties of maintaining, protecting and regulating access to the holy shrines. He draws on international conventions on war and on the protection of cultural property in the event of armed conflict to argue that Israel has an obligation to respect whatever role Jordan had prior to the occupation.

Twenty-five years have passed since Israel and Jordan concluded the Washington Declaration (25 July 1994), which paved the path for the historic peace treaty between the two nations. Among the treaty's provisions is Article 9(2), according to which "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".[1]

The question is, what was the special role of the Hashemite Kingdom of Jordan in the Muslim holy shrines in Jerusalem that Israel purportedly recognised in the treaty? The answer to this question is important as there is an ongoing dispute between Israel and Jordan over the meaning of Article 9 of the peace treaty. The dispute arose after Israel placed restrictions on Muslim pilgrims and Jordanian personnel, including archaeologists, curators, guards and religious dignitaries, travelling to the sanctuary during the second Palestinian intifada, which began in September 2000. The intifada ended in 2005 but the restrictions remain in place.

Jordan's special role dates back to the time when the Ottoman sultans took great pride in protecting the pilgrimage to Mecca, defending the holy places on the route of that pilgrimage, which included Jerusalem,[2] Hebron and other "holy cities",

[1] See "Israel–Jordan: Treaty of Peace done at the Arava/Araba Crossing Point, 26 October 1994", *International Legal Materials* 34 I.L.M. 43 (1995) (Cambridge University Press, 1995), 43−66.

[2] According to Amikam Elad, a historian of the medieval Middle East, the tradition of pilgrims visiting Jerusalem in order to sanctify themselves for the haj or the *umrah* ("minor" pilgrimage) dates to the first quarter of the eighth century. See Amikam Elad, *Medieval Jerusalem and Islamic Worship: Holy Places, Ceremonies, Pilgrimage* (Brill, 1995), 64–68. Johann Büssow explains that, under the Ottomans, Jerusalem attracted pilgrims from all over the Islamic world,

and maintaining the shrines.[3] While Mecca and Medina are purely Muslim holy places, Jerusalem is a city that is holy to three faiths. Yet, for many centuries, Jerusalem had been under a Muslim suzerain, which also acted as the protector of the Christian and Jewish holy places. Jordan is today fulfilling the role that had once been assumed by the Ottoman sultans in respect of the Muslim holy shrines.

The dispute between Israel and Jordan is not a dispute about sovereignty. Jordan does not recognise Israeli sovereignty over Jerusalem, only its *de facto* control of the city. Nor does Jordan claim sovereignty over Jerusalem.[4] The dispute concerns Jordan's special role regarding the access, maintenance and security of the shrines. Jordan maintains that its special role is that of a custodian or guardian of the Muslim holy shrines in Jerusalem on behalf of the Muslim world, a special role which Israel recognised in the peace treaty.

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including North Africa, Persia, Afghanistan and India, who stopped to visit Palestine's sacred site before they went to Mecca. See Johann Büssow, *Hamidian Palestine: Politics and Society in the District of Jerusalem 1872–1908* (Brill, 2011), 438−439.

[3] On Ottoman practices see Suraiya Faroqhi, *Pilgrims and Sultans: The Hajj under the Ottomans 1517–1683* (IB Tauris, 1994); Selim Deringil, *The Well-Protected Domains: Ideology and Legitimation of Power in the Ottoman Empire, 1876–1909* (IB Tauris 1999); and Kimberly Katz, *Jordanian Jerusalem: Holy Places and National Spaces* (University Press of Florida, 2005), 8–9.

[4] See the speech by King Hussein, "Address to the Nation, 31 July 1988", available on Jordanian government tribute website for King Hussein, http://www.kinghussein.gov.jo/88_july31.html.

The Israel–Jordan Peace Treaty

Jordan's special role in the Muslim holy shrines in Jerusalem finds expression in Article 9(2) of the peace treaty, which is sandwiched between Article 9(1) on freedom of access to places of religious and historical significance and Article 9(3) regarding interfaith relations. While both sides have agreed to provide freedom of access to places of religious and historical significance in Article 9(1), arguably Jordan could restrict such access if it interfered with its special role in the Muslim holy shrines. For example, if the entry of extremists were likely to cause a disturbance in al-Haram al-Sharif/Temple Mount, then it would seem prudent to restrict or prevent such access.

This is what happens in practice where the adherents of all faiths have been given access to the sanctuary through Mughrabi Gate during visiting hours agreed to by the Jordanian Awqaf.[5] Jordan, however, objects to the entry of Christian and Jewish extremist groups that want to pray in the sanctuary. It argues that this practice breaches Article 9(2) of the treaty and the status quo, according to which Muslims pray at the al-Haram al-Sharif/Temple Mount, while non-Muslims visit. Given the threats to the shrines and the history of violent attacks, Jordan's

[5] *Awqaf* is the plural of *waqf* in Arabic and is used to refer to the entire administration of the compound. A *waqf* is an endowment registered in a Shariʿa court created by wealthy benefactors who wish to support a religious facility such as mosques, pilgrims' hostels, schools, hospitals, hospices and orphanages. Income from such land and property is endowed in perpetuity to support their purposes.

position would seem to be a reasonable interpretation of Article 9.[6]

The Meaning of "Muslim Holy Shrines"

The term "Muslim holy shrines" is not defined in the Washington Declaration nor in the peace treaty. While the two documents both refer to Muslim *holy shrines* rather than to Muslim *holy places*, Israeli jurists Reuven Merhav and Rotem Giladi accept that the wording refers to "al-Haram al-Sharif compound and the sites inside it".[7] In support of this interpretation, they quote US President Bill Clinton as having told Jordan's King Hussein at the signing ceremony of the Washington Declaration that: "…in the declaration you will sign, your role as guardian of Jerusalem's Muslim holy *sites* [emphasis added], Al-Aqsa among them, has been preserved. And Israel has agreed to accord a high priority to Jordan's historic role regarding these holy sites in final status negotiations."[8]

Evidently, the distinction between a Muslim holy shrine, place or site is a fine one and there is very little to distinguish between them. But as

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[6] For example, in 1969, Denis Michael Rohan, an evangelical Christian, set fire to the pulpit of Al-Aqsa Mosque. He believed he was given divine instructions to enable the Jews of Israel to rebuild the temple on Temple Mount in accordance with the Book of Zechariah, thereby hastening the second coming of Jesus Christ.

[7] Reuven Merhav and Rotem M. Giladi, "The Role of the Hashemite Kingdom of Jordan in a Future Permanent-Status Settlement in Jerusalem" in *Jerusalem: A City and its Future*, ed Marshall J Breger and Ora Ahimeir (Syracuse University Press, 2002), 191–192.

[8] Reuven Merhav and Rotem M Giladi, "The Role of the Hashemite Kingdom of Jordan", 192. See also, "Remarks at the signing ceremony for the Israel–Jordan Washington Declaration" in "Weekly Compilation of Presidential Documents 30 (30)", US Government Publishing Office, 1 August 1994, 1548, https://www.govinfo.gov/content/pkg/WCPD-1994-08-01/pdf/ WCPD-1994-08-01-Pg1548-2.pdf.

Merhav and Giladi admit, by granting Jordan de facto autonomy in the Haram al-Sharif/Temple Mount following the 1967 war, Israel accepted that *the whole of the compound* is a "holy place" or a "holy shrine".[9] And, as President Clinton made clear, while Jordan's historic role as guardian of Jerusalem's Muslim holy places includes Al-Aqsa, it is not limited to Al-Aqsa.

The Meaning of "Respect"

According to Article 9(2) of the peace treaty, "Israel *respects* [emphasis added] the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem".

The word "respect" in Article 9(2) of the peace treaty must be read with due regard for the circumstances of Israel's presence in the Old City of Jerusalem, which it captured in June 1967 — that of an "occupying power" under the laws of belligerent occupation.[10] Under Article 43 of the 1907 Hague Regulations on the Law and Customs of War on Land, which reflects customary international law,[11] Israel is required to take all the measures in its power "to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country".[12] The

[9] Reuven Merhav and Rotem M Giladi, "The Role of the Hashemite Kingdom of Jordan", 192, fn 33.
[10] See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, International Court of Justice (ICJ) Reports 2004, at 136, para 78.
[11] *Legal Consequences of the Construction of a Wall*, Advisory Opinion, para 89.
[12] See Art. 43 of Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulation concerning the Laws and Customs of War

laws in force in Jerusalem prior to 4 June 1967 were the laws of the Hashemite Kingdom of Jordan, which included the Law for the Restoration of Al-Aqsa Mosque and the Dome of the Rock.[13]

When it comes to the law that applies to cultural property, the word "respect" has a specific meaning that imposes an obligation on state parties to protect cultural property. For instance, Article 4(1) of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention),[14] to which Israel and Jordan are contracting parties,[15] requires that they "undertake to *respect* [emphasis added] cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of

on Land, 18 October 1907, available on the website of the International Committee of the Red Cross, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/73cb71d18dc4372741256739003e6372/4d47f92df3966a7ec12563cd002d6788.

[13] The Hashemite Kingdom of Jordan, Law no. 32 of 1954, 2 December 1954. For the text of the law (in Arabic), see website of East Laws network, accessed 5 December 2019, https://site.eastlaws.com/GeneralSearch/Home/ArticlesTDetails?MasterID=74666&related.

[14] Convention for the Protection of Cultural Property in the Event of Armed Conflict [Hague Convention], 14 May 1954, *United Nations Treaty Series* 249: 215, https://treaties.un.org/doc/Publication/UNTS/Volume%20249/volume-249-I-3511-English.pdf.

[15] Israel ratified the 1954 Hague Convention on 3 October 1957; Jordan ratified it on 2 October 1957.

armed conflict; and by refraining from any act of hostility, directed against such property".[16]

Significantly, the obligation to protect cultural property under the 1954 Hague Convention also includes the obligation to take *positive* steps to ensure that cultural property is fully protected in situations of belligerent occupation. This is derived from Article 5(1) of the Convention, which provides: "Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible *support* [emphasis added] the competent national authorities of the occupied country in safeguarding and preserving its cultural property." The competent national authority in al-Haram ash-Sharif/Temple Mount is the Jordanian Awqaf.

Accordingly, it may be concluded that Israel, by agreeing to "respect the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem", is under a legal obligation to respect, and to continue to respect, whatever that special role was when the treaty was concluded in 1994. It is also argued that the obligation to respect, when read in light of the obligations imposed on Israel by the 1954 Hague Convention, includes a positive obligation to support the Jordanian Awqaf in safeguarding and protecting the Muslim holy shrines in Jerusalem. This would include an obligation to undertake a cultural impact assessment prior to undertaking any work on or around the Muslim holy shrines, which would involve notifying and closely coordinating such work with Jordan beforehand.[17]

[16] Art. 4(1) 1954 Hague Convention (emphasis added).
[17] One can infer the existence of such an obligation from the law of environmental protection and the duty to carry out an

Conclusion

It should be emphasised that the special role of Jordan as custodian of the Muslim holy shrines in Jerusalem is not predicated on the existence of the peace treaty. It is a right that Israel had recognised before the conclusion of the peace treaty and that exists independently of it. Jordan's special role arose from a local custom that was codified in Article 9(2) of the peace treaty.[18] Ultimately, Jordan's special role aims to protect the inviolability of the holy shrines in Jerusalem on behalf of the Muslim world. This role has since been defined in Article 2 of the agreement concluded between Jordan and Palestine in 2013 to "Jointly Defend al-Masjid al-Aqsa", which was based on the "eternal association of the Holy Sites with Muslims of all lands and all ages; and bearing in mind the significance of Jerusalem to those of other faiths."[19]

environmental impact assessment over the common management of resources prior to undertaking a measure that might cause transboundary harm to another state. See, for example, *Pulp Mills on the River Uruguay* (Argentina v Uruguay), Judgment, ICJ Reports 2010, at 14, para. 204.

[18] In the *Right of Passage though India* case, the ICJ held that a local custom could be established between two states. "The Court sees no reason why long continued practice between two States accepted by them as regulating their relations should not form the basis of mutual rights and obligations between the two States". See *Case Concerning Right of Passage over Indian Territory* (Merits), Judgment of 12 April 1960: ICJ Reports 1960, 39.

[19] See Jordanian-Palestinian Agreement to Jointly Defend al-Masjid al-Aqsa a, 31 March 2013, available online on website of Jordanian embassy in Washington DC, http://jordanembassyus.org/news/jordanian-palestinian-agreement-jointly-defend-al-masjid-al-aqsa.

Jerusalem: A Many-Bordered City

By **Michael Dumper**

Abstract

Jerusalem is unique among the issues underlying the Israeli–Palestinian conflict: it is not just a bilateral issue between Palestinians and Israelis; Jerusalem also houses sites considered holy by the world's three major faiths, Islam, Christianity and Judaism. Thus, the fate of Jerusalem can have lessons or even repercussions for multi-confessional countries outside the Middle East where religion is a source of political contestation or is one of several factors driving militancy. Religious conflicts within a state may be contained if the rule of law implemented by the sovereign power is recognised as broadly legitimate. In the conflicts over the holy sites in Jerusalem, however, the Israeli state's authority is constantly undermined by its lacs of legitimacy in East Jerusalem, given its partiality towards Israeli Jews as well as the fluidity of the city's borders as it rapidly expanded in the 20th century.

Why should Jerusalem be of interest to Singapore? We should note that Singapore lies in a politically dynamic and multi-confessional region with significant overlapping of beliefs and values. In many cases, these beliefs and values are

expressed in political and sometimes militant terms. Just to the south and southeast of Singapore lies Indonesia, the world's most populous Muslim country, where religion is increasingly becoming politicised; to the east, the militant Abu Sayyaf group is active in the Philippines; to the north, there is evidence of a revival of Salafi-inspired activism in Malaysia while Buddhist-Muslim tensions are rife in Myanmar; finally, to the west, an increasingly Arabised South Indian Muslim community is emerging in Kerala while a violent outbreak of Muslim-Christian tensions was witnessed recently in Sri Lanka.

The region, in short, is a volatile mix of religions, ethnicities and national identities often waiting to erupt into political violence. The religious dimension of these tensions brings the role of Jerusalem as a holy city to the fore, and tensions in the Middle East and in the Israeli-Palestinian conflict contribute to this volatility. Therefore, there is clearly a need for academics and policymakers in Singapore to keep an eye on the region and on developments in Jerusalem.

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Jerusalem is crammed full of religious sites and associated buildings, which has played a key part in framing the conflict between Israelis and Palestinians. The most important religious sites of Judaism, Christianity and Islam are sometimes found on top of each other, in what is a relatively small city.[1] For Judaism, the Temple Mount (*Har Habayit*) is the primary site and comprises the ruins of what are known as the First and Second Temples. The Wailing (or Western)

[1] At night, when the traffic is light, it is possible to drive from the Israeli separation wall on the eastern edge to the western suburbs in less than 15 minutes. Jerusalem has a population of less than 1 million people.

Wall is now the only visible reminder of its destruction in AD70. Located on the Temple Mount is also the site of the "Holy of Holies" of the Israelite tribes, presided over by a priestly elite. For Muslims, standing in the exact same location is the Haram al-Sharif (or Noble Sanctuary), one of the three holiest sites in Islam, the other two being Mecca and Medina. It contains the Dome of the Rock, where the Prophet Muhammed is believed to have ascended briefly to heaven, and Al-Aqsa mosque, towards which the first Muslims prayed to before the decision to face Mecca was made. In Islam, the Wailing Wall is known as *al-buraq* in Arabic and it is believed to be the site where the prophet tethered his horse during his ascension to heaven. Located nearby is the Church of the Holy Sepulchre, the pre-eminent Christian holy site, which marks Golgotha, where Jesus Christ is believed to have been crucified after his final walk along the Via Dolorosa, which runs through most of the Old City.

Thus, Jerusalem is holy not just to one monotheistic religion of the world, but three. These three religions have emerged from one another's traditions and cultures and have elements of doctrine and ritual that both overlap and are embedded in one another. In this way, layer upon layer of faith and belief have been deposited upon the city. Having lived in and visited the city many times since 1977, I became have become so accustomed to the plurality of faiths and the variety of rituals on the streets that it has become easy to overlook this uniqueness.[2]

Before examining how these religious traditions play their part in the political dynamics of the city, taking a snapshot of the current situation will give us a strong idea

[2] Michael Dumper, *Jerusalem Unbound: Geography, History and the Future of the Holy City* (New York: Columbia University Press, 2014), 99.

why understanding Jerusalem continues to be critical in understanding the conflicts of the Middle East region.

***

In December 2017, the US government declared that it would recognise Jerusalem as the capital of the state of Israel and that its embassy would be re-located from Tel Aviv to Jerusalem. This was a momentous decision whose consequences are still being played out today. Until this announcement, the US embassy, together with every other embassy in Israel, had been located in Tel Aviv and not in Jerusalem.[3] This comprehensive diplomatic boycott by the international community was a sign that it did not recognise the city as the capital of Israel and that its future governance was still subject to negotiations.

The dramatic change in US policy had two effects. The first was the damage done to the prospect of peace negotiations over the city in the near future. By recognising Jerusalem as Israel's capital and moving its embassy to the city, in one stroke, the United States took the issue of Jerusalem off the negotiating table. Because of the central role played by the United States in the Palestinian–Israeli peace negotiations, the US decision pre-empted the possibility of Palestinian counter-claims to the city being considered and consequently nullified the

[3] The key texts that deal with the United States and its policies on Jerusalem are: S Adler, "The United States and the Jerusalem issue, *Middle East Review* XVII (4; Summer, 1985); J Boudreault and Y Salaam, "The Status of Jerusalem", IPS US Official Statement Series, Institute for Palestine Studies, Washington DC, 1992; Y Feintuch, *US Policy in Jerusalem* (New York: Greenwood Press, 1987); D Neff, "US Policy on Jerusalem", *Journal of Palestine Studies* 89 (1993), 20–45; and S Slonim, "The United States and the Status of Jerusalem, 1947–1984", *Israel Law Review* 19, 179-252. For a summary of US policy on Jerusalem see Michael Dumper, *Jerusalem Unbound,* 176–180.

purpose of these negotiations. The second impact was to remove the United States as a potential broker for any agreement between Israel and the Palestinian Liberalisation Organization (PLO). As important, however, is the fact that the US decision also postponed negotiations over other important issues: the evacuation of Israeli colonies or settlements from the occupied Palestinian territories, security co-operation, and Israeli recognition of the State of Palestine. Without progress on the Jerusalem issue, there could be no agreement on these other important issues.

To many experts and observers of the Jerusalem issue, the US decision was confusing and related directly to the lack of clarity over the geographical area termed "Jerusalem". The announcement specified that the United States was taking "no position on boundaries or borders".[4] But what did this mean? That the United States recognised Israeli sovereignty over both Israeli West Jerusalem and Palestinian East Jerusalem? If so, then which borders in East Jerusalem was it recognising as part of the capital of Israel? Scholars of Jerusalem will point out that there are quite a few boundaries, walls, barriers and borders, and not all of them are congruent with each other. So what was the United States actually recognising? Which parts of Jerusalem were to be regarded as Israeli?

[4] "Recognizing Jerusalem as the Capital of the State of Israel and Relocating the United States Embassy to Israel to Jerusalem, Proclamation 9683 of December 6, 2017", Presidential Documents, [US] *Federal Register* 82 (236), 11 December 2017, 58,331, https://www.govinfo.gov/content/pkg/FR-2017-12-11/pdf/2017-26832.pdf#page=1

Fluid Borders

Why is this lack of clarity important and how did it arise in the first place? A critical element running through the various stages in the modern history of Jerusalem is the fluidity of the borders of the city as it rapidly expanded in the 20th century and as it was contested by Palestinian and Israeli nationalisms. My overall contention is that Jerusalem is a city of *many borders* — which has simultaneously led to many challenges for policymakers but also offered up some opportunities for accommodation between the opposing parties.

In 1922, following the defeat of Turkish forces in the First World War, the British Mandate for Palestine was recognised by the international community. A key British policy that was fundamentally at odds with the Palestinian goal of independence was the policy to advance a Jewish national home in Palestine, which had been initiated under the Balfour Declaration of 1917 and incorporated into the terms of the Mandate. Jerusalem, with its many iconic religious sites, as well as its role as the centre of colonial government, thus became one of the arenas where Palestinian and Jewish, later Israeli, nationalisms fought.

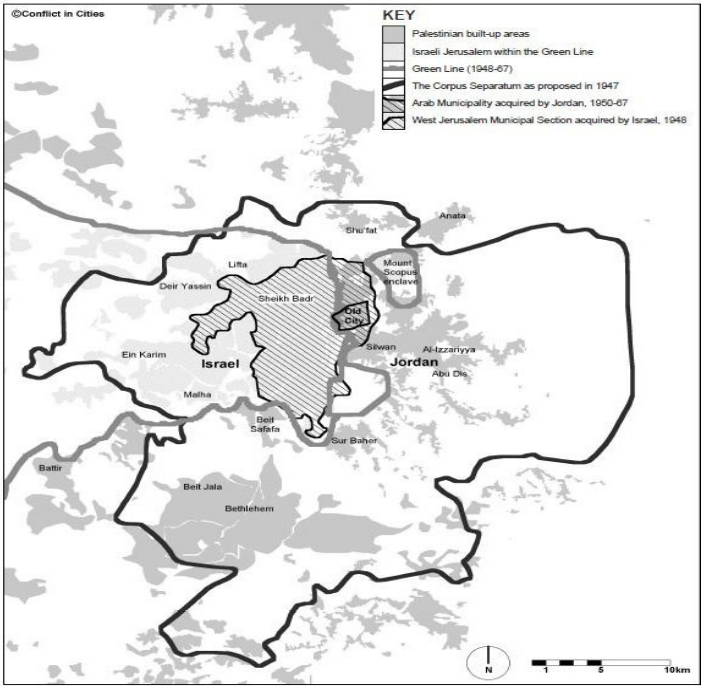
The rapid expansion of Jerusalem outside the walls of the city, and hence its boundaries and borders, began with the establishment of the British Mandate. New employment opportunities in government and municipal services drew in Palestinians from the hinterland. In addition, the increased inflow of Jewish settlers as a result of the Jewish National Home Policy led to overcrowding and congestion in the city. New neighbourhoods were created, mostly in the west of the city, and roads to the surrounding villages were improved, bringing them even further into the city's orbit. As a result, the British

introduced a series of extensions to the city's municipal borders.

Fast Forward to 1948: the Partitioning of Jerusalem

By the end of the 1940s, the British Mandate proved impossible to sustain in the face of growing Jewish immigration and the clamouring of both Palestinian and Jewish communities for an independent state. In 1947, the United Nations proposed a partition of Palestine into three entities — a Jewish state, an Arab state and a temporary international zone for Jerusalem, known as the *Corpus Separatum*.

Figure 1. The Evolving Borders of Jerusalem

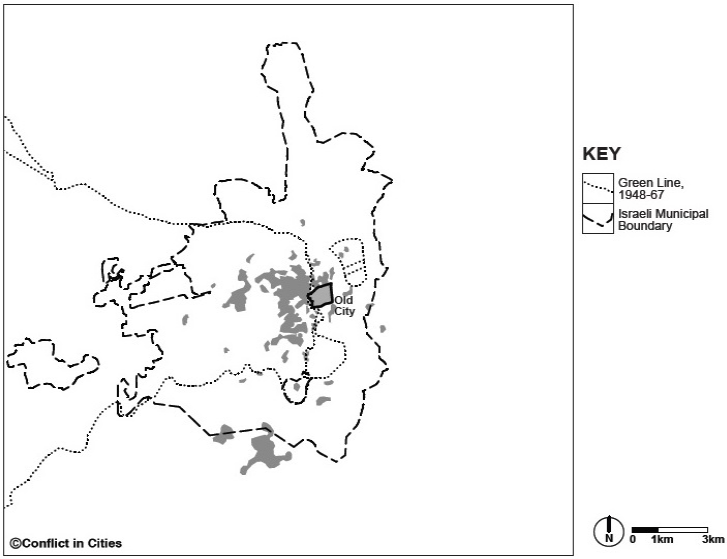


Map courtesy of Michael Dumper /Lefkos Kyriacou, "Conflict in Cities and the Contested State", Economic and Social Research Council, UK.

The international zone for Jerusalem was never established. Following the outbreak of fighting between the Palestinian Arab and Jewish communities, the British withdrew from Palestine in May 1948, and the city was divided between what became known as Israeli West Jerusalem and Palestinian East Jerusalem. This partitioning of Jerusalem was one of the most important developments in the city's modern history.

It was a division that lasted 19 years until the Israeli takeover of East Jerusalem in 1967. It was also a division which has left its scars on the city to this day, where it is still possible to identify physical markers and architectural and cultural differences between the two sides of the city. The entire Palestinian population in the western neighbourhoods of Jerusalem fled to the eastern side. Similarly, all of the Jewish population in the Old City and in enclaves adjacent to the Old City fled to the areas held by the new state of Israel. The dividing line ran along the western edge of the Old City walls before curling back down towards the coast, which became the heartland of the new Israeli state. This became known as the famous "green line". During this period of division, the municipal area of East Jerusalem fell under the control of the Hashemite Kingdom of Jordan and was slightly enlarged to incorporate a number of villages. Similarly, a new Israeli municipality was established in West Jerusalem, also with new and larger borders.

Figure 2. The Expansion of the Israeli Municipality, 1967



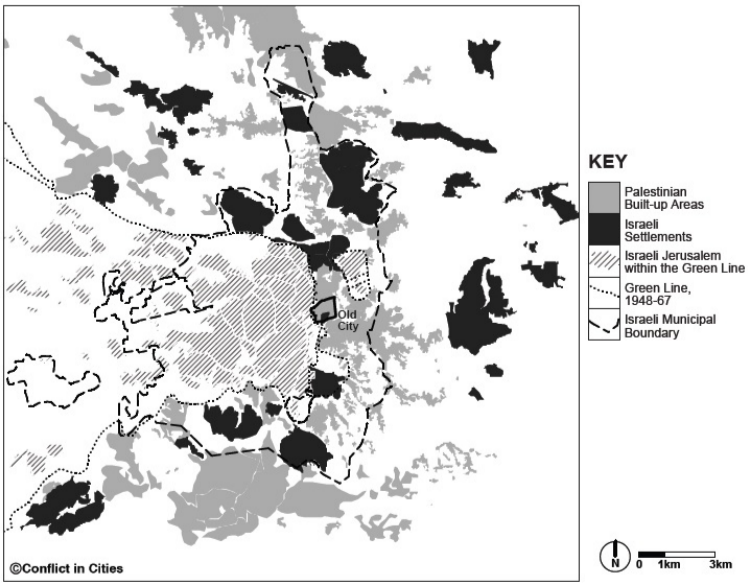
Map courtesy of Michael Dumper /Lefkos Kyriacou, "Conflict in Cities and the Contested State", Economic and Social Research Council, UK.

In 1967, Israel occupied the West Bank, including East Jerusalem, which ostensibly meant that a single polity was once again in charge of the whole city. The Israeli state rapidly moved to incorporate East Jerusalem and additional adjacent parts of the West Bank into a new and greatly enlarged Israeli Jerusalem municipal area. However, despite enormous investment in these acquired areas, not only did it fail to completely repair the slash running through the heart of the city, its policies also engendered a whole series of new divisions and sub-political borders in the city. It is at this point that one can see most clearly how Jerusalem became a city of many borders. Although there are many reasons for these

Israeli policies, exploring the main ones should suffice to illustrate this broader pattern of fragmentation.

The first main issue is that of demography and residential segregation. Figure 3 shows that the implantation of Israeli settler colonies in East Jerusalem has been a huge and comprehensive exercise.

Figure 3. Israeli Colonies in East Jerusalem



Map courtesy of Michael Dumper/Lefkos Kyriacou, "Conflict in Cities and the Contested State", Economic and Social Research Council, UK.

It was designed both to ensure the physical separation of East Jerusalem from its West Bank hinterland and to bind those colonies and the territory they are built upon to the Israeli state through infrastructure,

services and a separate legal system. Putting aside the issue that, in the main, this was land which belonged to Palestinians or to non-Israeli institutions, the essential feature of these colonies is not just their often forbidding quasi-military configurations, but that they are legally reserved for Israeli Jews. Palestinian Arabs of East Jerusalem and even Palestinians with Israeli passports are not permitted to live in them. In one single policy action, the whole of East Jerusalem had been broken up into a collection of enclaves, creating a series of social, linguistic, religious, educational as well as political borders across a large part of the city. No decision has had a greater impact on the integrity of the city than this policy of residential segregation.

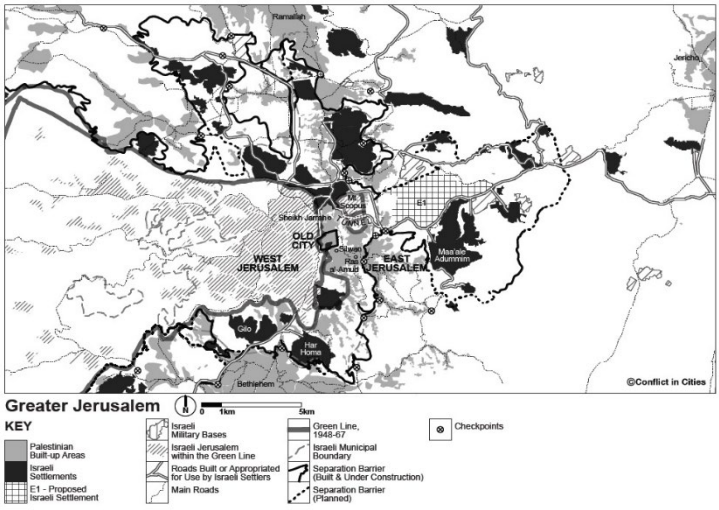
The second driver behind the fragmentation of Jerusalem is the Israeli quest for security in and around the city. Following the 1967 war, Israel was able to assert complete military dominance over the eastern parts of the city and its hinterland.[5] Military operations and terrorist attacks have been carried out by the different Palestinian military and political groups but these have been largely sporadic and easily quashed. There has also been widespread public disorder, notably during the two Palestinian intifadas (uprisings), stretching between 1987 and approximately 2006. Nevertheless, Israeli military dominance over East Jerusalem is not in doubt or under threat.

At the same time, Israeli security concerns and policing operations have created a dual security system, which further divides the eastern part of the city into enclaves. From 1967 until 1993, for example, a security

[5] For further details, see Michael Dumper, "Policing Divided Cities: Stabilization and Law Enforcement in Palestinian East Jerusalem", *International Affairs* 89 (5; September 2013), 1,247−1,264.

border that ringed East Jerusalem was in place, but it was barely congruent with the new municipal borders introduced in 1967. Checkpoints and barriers were placed at key access points to the city, which in some cases were well inside the municipal borders and in others, further out, depending on the topography and the security risks for the soldiers involved. From 1993 onwards, following a wave of attacks by Palestinian militants on Israeli soldiers and civilians, a barrier, also known as the "wall", was erected. This "wall" ran between the Israeli colonies and the more outlying areas of Palestinian residence and bore little relation to the municipal borders of the city.

Figure 4. Jerusalem: Residential Divisions, Israeli Colonies, Separation Wall



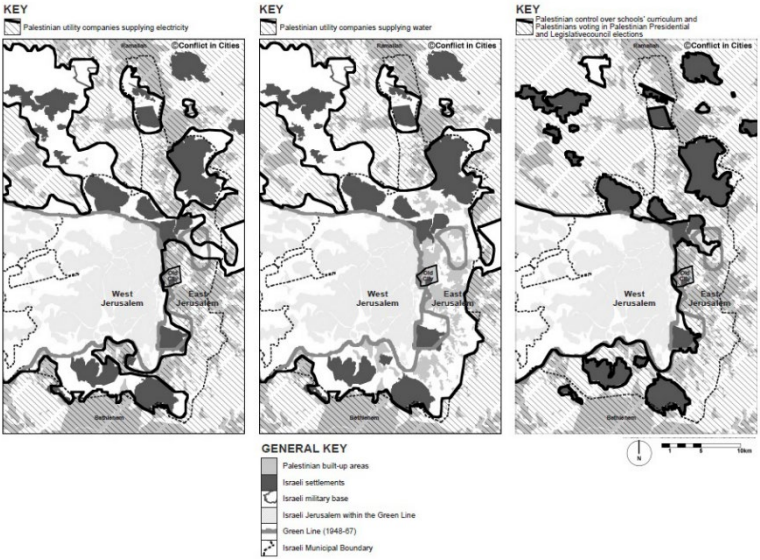
Map courtesy of Michael Dumper/Lefkos Kyriacou, "Conflict in Cities and the Contested State", Economic and Social Research Council, UK.

Thus, not only was East Jerusalem divided by policies of segregation, it was further divided by policies which sought to enhance the security of Israeli residents in East Jerusalem.

"Soft Borders"

There are other examples which may not have had the same impact as the segregation and security policies mentioned above, but, nonetheless, have exacerbated the fragmentation those policies have brought to the city. These I refer to as the "soft borders" of the city. One example is that the water supplied to the northern Palestinian suburbs is piped in by the Palestinian-owned Ramallah Water Undertaking based in Ramallah. Similarly, electrical power in all Palestinian areas is supplied by the Palestinian-owned East Jerusalem Electricity Company. So, ironically, in the capital of the state of Israel, some key services are supplied by institutions associated with that state's main opponent.

Figure 5. The Multiple Borders of Jerusalem's Services



Map courtesy of Michael Dumper /Lefkos Kyriacou, "Conflict in Cities and the Contested State", Economic and Social Research Council, UK.

Another example of "soft borders" is in the realm of religion. As one might imagine in a city so replete with religious institutions and religious history, the various religious communities and their governing hierarchies play important roles in the way the city is governed. These are powerful institutions that constrain the ability of the state to exercise its full sovereignty and jurisdiction in Jerusalem. In the period after 1967, when Israel began its colonising activities and extended its rule over East Jerusalem, it made concessions to Muslim and Christian religious establishments, allowing them a significant degree of autonomy in administering their properties and their holy places. One should recall that

significant parts of East Jerusalem and, in particular, the Old City, are owned and administered by churches or the Waqf Administration, an Islamic foundation. Since 1967, the Waqf Administration has continued to be funded by the Jordanian government, which also appoints most of the senior personnel. Thus, the Waqf Administration, a semi-autonomous administration and one of the largest employers in the city carrying out significant building works and communal activities in East Jerusalem, is simultaneously managed by the Jordanian government and staffed by personnel loyal to either the PLO or to Hamas — and right in the heart of territory that Israel is claiming as its capital. (We should also not forget here the role of the Jewish *eruv*, which is a barely visible border running along the tops of lampposts and high posts demarcating the area where Orthodox Jews are permitted to carry out certain normal activities on the Sabbath, which they cannot do if they are not within this line. For *haredi* residents of Jerusalem it may be the most important border of all and constitutes the core of the city they claim!)

All these criss-crossing hard and soft borders combine to divide Jerusalem into small pieces. Enclaves and stretches of land or street, each operating under a different legal jurisdiction, different policing rules, different curricula, etc, sit adjacent or in close proximity to one other.

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It is possible to compare Jerusalem with a number of other cities with religious conflicts, for example, Banaras in northern India and Lhasa in Tibet. In such comparisons, one can find evidence that religious conflicts in cities emerge when there are certain factors at play.

These factors include the existence of two or more religious communities fighting for control over holy sites that are central to their faith and the presence of powerful clerical hierarchies that have sources of revenue independent of the state and strong international links either through a religious diaspora or through pilgrimage. Some religious conflicts are exacerbated by residential, educational and employment segregation and by policies which privilege one community above another. At the same time, religious conflicts can be ameliorated if the rule of law implemented by the sovereign power is recognised as broadly legitimate. Despite the rise of Hindu nationalist parties in India that have targeted mosques said to be built upon the ruins of Hindu temples, the legitimacy of the state itself is not in question. Opposition to Hindu maximalist claims proceeds broadly within the accepted legal framework.

In the Jerusalem case, we can clearly see how the absence of legitimacy from the Israeli state in East Jerusalem constantly undermines the authority of the Israeli state in the conflicts over the access to, and management of, the holy sites. In these conflicts, the Israeli state is seen by Palestinians, the Muslim and Arab world and more broadly by the international community as privileging the interests of Israeli Jews over those of Palestinian Arabs.

In these circumstances, many of the proposals to break the impasse between Israeli and Palestinian negotiators founder on the question of the right of Israel to any claims to East Jerusalem in the first place. Taking just two of the many dozens of proposals on the table — the Geneva Initiative and the Jerusalem Old City Initiative — we can see some of the difficulties in coming to an agreement.

As one can see from these maps, for all their merits in trying to reconcile the positions of the two protagonists, the way that Jerusalem has evolved since 1967, with its patchwork of enclaves, has led to a series of proposed borders which are a security expert's nightmare: on one hand, they consist of narrow necks or tongues of land, enclaved clusters of houses, long tunnels with bends, and bridges over strategically important roads, all of which will require a huge investment in surveillance systems and security personnel on the ground[6]; on the other hand, crucial elements such as sovereignty over key areas are deferred to a later date. I do not dismiss such urban security devices out of hand, but raise the challenges they present here as an illustration of how the many borders of Jerusalem render any movement on the future of the city extremely difficult.

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This paper began by drawing attention to how the December 2017 declaration by the current US administration, through its unilateralism regarding the Palestinian claims to East Jerusalem, has deferred the resumption of negotiations. Reflecting on the two and a half decades of political stalemate since the Oslo Accords, we should ask ourselves: to what extent is the search for

[6] For example, it is not clear from the drawings included in the Geneva Initiative whether or not the border which is to run along the middle of Road 60, the main road leading out of Jerusalem northwards, is designed to be impermeable. Consisting of a low barrier and a narrow ditch, hidden by green shrubs, presumably to soften the visual impact of a border in this central location, I cannot imagine it offering much deterrent to a determined infiltrator despite the electronic surveillance. See Geneva Initiative, "Annex 05: Jerusalem — Urban Challenges and Planning Proposals", 156–7, available online at https://geneva-accord.org/annexes-translations/

peace in the city in the current context a search for fool's gold? Surely, we need to recognise that unless there is a dramatic shift in the current balance of power between Israel and the Palestinians, there can be little change in the ongoing low-intensity conflict situation? I would argue that this ongoing low-intensity conflict is based on a trajectory where Israel will gradually and steadily encroach upon non-Jewish holy sites and either gradually and steadily squeeze out the Palestinian population from East Jerusalem, or gradually and steadily absorb it into Israel as second-class residents.

At the same time, however, such an eventuality will not resolve the conflict, which will continue to fester. This is because although Israel can advance its position in East Jerusalem with relative impunity, it is not able to take more far-reaching steps to completely neutralise the opposition to its advance from both Palestine and the international community. It is not able, for example, to act as ruthlessly as the Chinese government has in Lhasa, where the Tibetan Buddhist leadership, the religious institutions, and holy sites are controlled by the Chinese state. Israel has not yet been able to dismantle the religious institutions that constitute the Islamic and Christian presence and thus the Palestinian presence in East Jerusalem. Similarly, its internal political dynamics mean that the prospect of Israel succumbing to international and Palestinian pressure to return the Palestinian property which it has acquired in East Jerusalem and recognising Palestinian sovereignty there is equally remote. Such an impasse means it is highly unlikely that there will be any semblance of a negotiated agreement over the city and the conflict will remain for the foreseeable future, producing spikes of sporadic violence that are hastily and temporarily managed, but not ultimately resolved.

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Where does this leave countries like Singapore, lying in the middle of a region which will be affected by the continued impasse in Jerusalem and in the Palestine–Israel conflict? First, conferences such as the conference on Jerusalem organised by the Middle East Institute play a crucial role in keeping policymakers and the general public informed of possible instability that may emanate from the Middle East and affect its wider backyard. One of the least welcome aspects of the conflict has been the way that ill-informed interventions by third parties have exacerbated and made much more complicated the attempts of the key actors in the conflict to come to an agreement. By supporting research and disseminating information on the topic, Singapore can contribute to a greater understanding of its complexity.

Second, Singapore is well-known for its close adherence to the rule of law in international relations, including on the Palestinian issue. By encouraging an agreement between the two parties to the conflict that is equitable and just, Singapore will find itself on higher moral ground when it calls for similar adherence to the rule of law in regional tensions closer to home and in situations where there is an asymmetrical balance of power.

Third, the example of Singapore as a multi-ethnic and multi-confessional society should not be undervalued or overlooked. The civic peace that has prevailed on the island since the shock of 1969 has not been achieved easily. There have been mistakes and disappointments along the way, but the lesson that the state should take an active role in creating policies and a public discourse that is inclusive and respectful of difference is an important one that can be fruitfully

shared with allies, neighbours and interested parties in the Middle East. As we can see, studying Jerusalem raises all these issues and opens up so many avenues for debate and discussion, which are relevant to Singapore.

Author Biographies

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Dr Issam Nassar is a professor of Modern Middle East History at Illinois State University and a professor of History at the Doha Institute for Graduate Studies in Qatar. He was the co-editor of *Jerusalem Quarterly* and author of a number of books and essays on the history of Jerusalem, Palestine, and photography in the Ottoman world. Among his latest publications is *The History of the Palestinians and their National Movement* (Institute of Palestine Studies, 2018), co-authored with Maher Charif, and *The Storyteller of Jerusalem: The Lives and Times of Musician Wasif Jawharriyeh* (Institute of Palestine Studies, 2013), co-edited with Salim Tamari.

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Dr Roberto Mazza holds a PhD from SOAS, University of London and is currently a lecturer at the University of Limerick. His works include two books published by IB Tauris, *Jerusalem from the Ottomans to the British* (2009) and *Jerusalem in World War I: the Palestine Diary of a European Consul* (2011). An editorial board member of the *Jerusalem Quarterly,* Dr Mazza has edited several issues of the journal and also contributed articles to it. He has also edited a special upcoming issue of the journal *Contemporary Levant* dedicated to the centennial of the British Mandate in Palestine. He is currently working on a major project discussing the urban planning of Jerusalem between 1917 and 1926 and a smaller project discussing Italian cultural diplomacy in Palestine from the late Ottoman era to 1948.

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Professor Silvio Ferrari is a Professor of Law and Religion at the University of Milan. He was

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Professor Michael Dumper, an alumnus of St Andrew's School, Singapore (1964–1968), is Professor in Middle East Politics at the University of Exeter, UK. In addition to his most recent edited book, *Contested Holy Cities: Urban Dimensions of Religious Conflicts* (Routledge, 2019), his works include *Jerusalem Unbound: Geography, History and the Future of the Holy City* (Columbia University Press, 2014), *The Politics of Sacred Space: The Old City of Jerusalem and the Middle East Conflict* (Lynne Rienner, 2002) and *The Politics of Jerusalem Since 1967* (Columbia University Press, 1997). His forthcoming book *Power, Piety and People: Holy Cities in the 21st Century* compares religious conflicts in cities in Europe, Asia and the Middle East, and will be published by Columbia University Press in 2020. He has acted as a consultant on Middle East politics for the British and Canadian governments, as well as for the United Nations and the European Union.

Cover Image

Image caption: Jaffa Gate in Jerusalem. Photo: American Colony dept photographer, between 1898 and 1914

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