



# Protecting the Status of the Temple Mount in Jerusalem for All

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**Nadav Shragai**



Jerusalem Center for Public Affairs

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Palestinians demonstrate in front of the Dome of the Rock after clashes between Palestinian stone throwers and Israeli forces on the Temple Mount on September 27, 2015. (AFP)

## Introduction: The Temple Mount as a Catalyst for Palestinian Violence

The Temple Mount, where the First and Second Jewish Temples once stood, is the holiest place for the Jewish people. Today, two famous houses of prayer – the al-Aqsa mosque and the Dome of the Rock – the third holiest site for Muslims – reside on the Temple Mount. For the Jews, the Temple Mount – Mount Moriah – is sanctified by the belief that here God’s divine presence (the *Shchina*, in Hebrew) resides for eternity.<sup>1</sup> For Muslims, “*Haram esh-Sharif*” (“the Noble Sanctuary”) – the Arabic term for the Temple Mount – is sanctified by Muslims’ belief that adjacent to where the al-Aqsa mosque stands was the destination of the Prophet Mohammed’s Night Journey from Mecca to Jerusalem on his winged steed (al-Buraq) and that it was from this spot that the Prophet ascended to heaven.

Since the days of the Grand Mufti Haj Amin al-Husseini in the first half of the twentieth century, and all the more so after the 1967 Six-Day War and the unification of Jerusalem, the Mount ceased to serve solely as a site for religious ritual and prayer for Muslims and as a sanctified memory for Jews; it took on additional significance. In the days of the Grand Mufti, the Mount was transformed into a religious-national symbol for all Muslims and became a hub of protracted national and religious conflict between the Jewish world and the State of Israel, and the Muslim world, the Arab states, and the Palestinian public. Over the years, the conflict over the Temple Mount has been the catalyst for many waves of violence and terrorism.

Despite the fact that the State of Israel respects the sanctity of the Temple Mount for Muslims, limits Jewish visitors, and even prevents the exercise of Jewish rights at the site, Muslims deny any Jewish historic and religious connection to the Temple Mount and harass Jews who visit there. In April 2016, after a request from the Palestinian Authority, the United Nations Educational, Scientific and Cultural Organization (UNESCO), an

organization dedicated to protecting heritage and culture worldwide, handed down a decision to no longer use the term “Temple Mount,” but to only refer to the area as “Al-Aqsa.”

In June 1967, the Temple Mount underwent a fundamental change after Israel liberated Jerusalem and unified the two parts of the divided city. For the first time since 136 CE (the crushing of the Bar Kochba Revolt), a Jewish sovereign entity controlled the Temple Mount. The status quo on the Temple Mount was established in the first days after the Six-Day War, but over the years it has undergone many changes.

\* \* \*

The impact of the two waves of terror instigated by the Palestinians in 2014 and 2015 on the status quo on the Temple Mount is the major focus of this study.

In July 2014 and October 2015, the Temple Mount issue was used to spark two waves of severe Palestinian violence. The 2014 “Jerusalem Intifada” centered primarily within the boundaries of the capital. The 2015 wave – graver and more extensive than the previous one – was labeled the “Third Intifada” or the “Lone Wolf Intifada,” and it spread across Israel. The wave of violence and terror was accompanied by public discussion in Israel and around the world regarding the status of the Temple Mount and the status quo that prevailed there.

Time after time, incited young Palestinians left their homes to engage in acts of terror throughout Israel. The overwhelming majority were convinced that al-Aqsa was in danger and believed that their actions would safeguard al-Aqsa.<sup>2</sup> Some believed that Israel was about to raze the mosques. They were convinced that Israel was working to change the status quo on the Temple Mount and allow Jews to pray on the Mount. These accusations had no foundation. The State of Israel has repeatedly emphasized this, but young Palestinians were convinced to stab, mow

down with vehicles, and shoot Jews – men and women, children and elderly persons, soldiers and civilians – to protect al-Aqsa.<sup>3</sup>

In October–November 2015, such attacks were at first limited to Jerusalem and it appeared that the events of the summer of 2014 were repeating themselves. However, very soon the violence began to spill beyond the capital to all areas of Israel and the West Bank, as Jews on both sides of the “Green Line” were attacked, injured, and killed.

As the violence continued, it became evident that the motivations of the perpetrators were not only about al-Aqsa. At times the trigger was frustration or a personal crisis of the perpetrator, at times it was the desire to become a *shahid* (Muslim martyr), and at times the motive was nationalistic and religious combined.<sup>4</sup> After a period, it even became evident that the attacks had, to a great extent, become “viral” and contagious. Many of the perpetrators “copied” the actions of their peers. Within the milieu prevailing among Palestinians, targeting Jews with a knife or a speeding vehicle became a kind of fad – the fashionable thing to do. Others sought revenge for the death of friends or relatives killed in previous attacks. Many drew inspiration for their actions from Palestinian television broadcasts and social media where hate speech and incitement against Israel were consistent and systematic. They were inundated with the glorification of the murderers of Jews and encouragement for *shehada* (martyrdom as a Muslim). Moreover, it was common for Palestinians to reverse the context of the attacks and present the perpetrators as innocent victims.<sup>5</sup>

During the initial period of the 2015 attacks, the al-Aqsa narrative was the primary motive of the attackers.<sup>6</sup> In police interrogation rooms, rock-throwing minors from the flashpoint Arab neighborhoods in Jerusalem – Silwan, Abu Tor and Shuafat – repeatedly spoke of “the Israeli occupation of al-Aqsa” and its “defilement.” They viewed themselves as liberators of the Nobel Sanctuary. A resident of Shuafat, a father of five who had not been involved previously in terrorism, rammed into a group of civilians and a border policeman with a vehicle at a Jerusalem light



rail station in the Sheikh Jarrah neighborhood. He was convinced that Israel was desecrating the mosque and so he decided to run down Jews. In September–December 2015, the Temple Mount was prominent as a powerful component of the motives of the rioters and perpetrators of stabbings and car rammings.

The Temple Mount and the al-Aqsa mosque were also intensely conspicuous on the Internet and in social media in the Arab sector of Israel, in eastern Jerusalem, in Palestinian communities in the West Bank, and in Arab countries as well. Israeli-Arab high school students from the Arab towns of Sachnin and Kfar Kana who met with their Jewish counterparts in Jerusalem at the peak of the riots and terrorism in the summer of 2014 made it clear that they were willing to “die for al-Aqsa in order to liberate it from its captors.” The participants in the meeting, as well as those who tried to carry out attacks and were caught, quoted the same texts spread by the Northern Branch of the Islamic Movement in Israel, headed by Sheikh Raed Salah, that turned the slogan “al-Aqsa is in danger” into their mantra.

Just prior to the outbreak of the “Lone Wolf Intifada” in September 2015, Sheikh Salah had threatened a new intifada.<sup>7</sup> The Islamic Movement’s advisor on Jerusalem Affairs and al-Aqsa, Sheikh Ali Abu Sheikha, assessed that “there would be a genuine intifada at the end of the month of September, during the Jewish holiday of Sukkot” – as indeed happened. “The situation in al-Aqsa is fateful and dangerous,” said Abu Sheikha.<sup>8</sup> Islamic elements even cited the date September 27, 2015 – the first day of Sukkot – as “a day of general mobilization” because “on this day, Jewish groups [would] break into al-Aqsa.”<sup>9</sup> MK Ahmad Tibi from the Joint List spoke about “al-Aqsa needing strengthening of the protest and enlargement of the number of *murabitoun* [the Sentinels],” saying: “We must block the streets of east Jerusalem and its alleyways with thousands of *murabitoun* and thwart the attempt by the murderous settlers to enter the al-Aqsa mosque.”<sup>10</sup> A senior member of the Palestinian Islamic Jihad in Gaza, Khaled al-Batash, called upon inhabitants of the West Bank “to smash the checkpoints and ignite a popular Intifada.”<sup>11</sup>



A Jewish boy cries as he and his father walk past Palestinian *murabitat* protesters.  
(AFP)

This is the backdrop to this study, which briefly surveys the history of the status quo on the Temple Mount, presents the reasons for its establishment, details the many substantive changes it has undergone, and explains the reasons behind these changes. The questions at the heart of this study are: “Does the status quo still exist?” What form does it take? And, to what extent is it still relevant today?



## Major Findings

1. Forty-nine years after the establishment of the status quo on the Temple Mount, realities on the Mount have changed dramatically. Main elements of the status quo are no longer in force. From many standpoints, the status quo of 1967 formulated by then- Minister of Defense Moshe Dayan is dead. However, public debate continues to relate to the status quo as if it is still alive and binding.
2. Realities on the ground have replaced the old status quo while greatly enhancing the status of Muslims on the Temple Mount and their control over the compound, compared to arrangements crystallized immediately after the Six-Day War. This reality has deeply eroded the status of Jews and the State of Israel on the Temple Mount.
3. The most prominent element that remains unchanged from the 1967 status quo is the prohibition on prayer by Jews anywhere on the Mount. The State of Israel has declared repeatedly that it intends to adhere to this policy.
4. The status of Jordan on the Temple Mount has been greatly upgraded since 2000 as a result of understandings, agreements, and interests, as will be discussed. Jordan has become an open partner with Israel in administering the Temple Mount.
5. The status of the Northern Branch of the Islamic Movement in Israel on the Temple Mount has undergone ups and downs. The Northern Branch greatly influenced realities on the Temple Mount at the end of the 1990s, at the outset of the millennium, and since 2010. However, its influence on the Mount has been substantially diminished following the outlawing of the Northern Branch at the end of 2015.



## **The Role of the Temple Mount in the Summer 2014 Terror Wave**

The summer of 2014 was marked by riots and violence, particularly along the seam line between Jewish and Arab neighborhoods of Jerusalem, and in mixed neighborhoods. There were approximately 13,000 incidents of rock-throwing and firebombs, aiming fireworks at people, three car rammings, and two shootings that targeted Jews. Many of those participating in the rampage and perpetrating the terrorist acts were exposed to the “al-Aqsa is in danger” libel and presented this declaration as the motive for their actions. The peak of the violence was the attack by two Palestinians armed with axes, knives, and a gun on worshipers in a synagogue in the Har Nof neighborhood on November 18, 2014, in which five congregants and a Druze police officer were murdered, and six more congregants and another police officer wounded.

Thousands of Arabs, many in their teens and early twenties, joined in the riots. In the first four months of the violence (July-October 2014), approximately a thousand rioters were apprehended and approximately 300 were charged for their actions; ten Jews were murdered in car rammings and shootings, and dozens of others were wounded. Seven Palestinians were killed in Jerusalem; six were perpetrators of terrorist attacks. The seventh Palestinian fatality was Mohammed Abu Khdeir, 16, from Shuafat, who was kidnapped and murdered by fanatic Jews in reprisal for the kidnapping and murder of three Jewish teens, a day after their funeral.<sup>12</sup> Abu Khdeir’s murderers were apprehended, tried and sentenced to maximum terms in prison.

The events in 2014 on the Temple Mount – often the hub of activity by assailants and rioters – were led by operatives associated with Hamas, Fatah, and the Northern Branch of the Islamic Movement in Israel. Hamas even transferred funds to the Northern Branch of the Islamic Movement and paid them to be present on the Temple Mount and to instigate

disturbances that would prevent Jews from going up to the Mount.<sup>13</sup> This project was code-named “Platforms of Knowledge.”<sup>14</sup>

The Temple Mount became a source of severe incitement against Israel with two fallacious claims at the hub: 1) that Israel is planning to change the status quo on the Temple Mount and permit Jewish prayer there; 2) that Israel is planning to raze the al-Aqsa mosque.

These two canards were not new, but the violence that accompanied them continued for a full five months. During this period, the al-Aqsa mosque was transformed, in practice, into a base for repeated attacks on non-Muslim visitors to the Temple Mount and Israeli police who sought to protect the visitors. Rocks and firebombs were thrown and fireworks were aimed directly at the police and the visitors from within the mosque. Behind barricaded entrances, the mosque itself was transformed into a storehouse of weapons and a shelter for the rampaging mob.<sup>15</sup>

Within the confines of the special rules of conduct that Israel had taken upon itself for handling matters on the Temple Mount, and out of respect and sensitivity for the holy compound and its significance for Muslims, one “rule of engagement” was that even in times of riots, Israeli security forces refrained from entering the al-Aqsa mosque.<sup>16</sup> Defusing the situation and calming emotions was pursued, in general, by parleying with the heads of the Waqf and the rampagers, as well as taking rioters into custody – arrests were made only after the fact, based on intelligence and video footage. The incidents at this time were protracted and talks failed to quell them, leading Israel, after a lengthy period of restraint, to adopt a different tactic. After four months of severe violence and in the face of intelligence that large reserves of weapons had been hidden in the mosque for use in a broad-scale attack on visitors and police on the Temple Mount, on November 5, 2014, police entered the mosque and confiscated dozens of racks of firework-launching tubes and caches of rocks and firebombs, and arrested the rioters.<sup>17</sup>



Israeli security forces stand guard at one of the main entrances of the al-Aqsa mosque as Palestinians throw firebombs from inside the mosque. (AFP)

The severe incidents on the Temple Mount were accompanied by extreme incitement in which the Palestinian Authority played a core role.<sup>18</sup> During these months, incidents of violence and incitement against Jews on the Temple Mount escalated into severe riots. The pronouncements of the head of the Palestinian Authority, Mahmoud Abbas, that Jews defiled al-Aqsa and that their entrance to the Temple Mount should be prevented at all costs, added more fuel to the fire.<sup>19</sup> In the course of three days, Palestinian state television broadcasted Abbas' words of incitement 19 times.<sup>20</sup>

This incitement, and the riots it set in motion, led Israel to severely curtail the entrance of Jews to the Temple Mount, and more than once the entrance of Jews was blocked entirely. Such a step was a breach of the declared policy of the Government of Israel and even a breach of the Protection of Holy Places Law (1967) that ensures freedom of access to all holy places in Israel. The tensions surrounding the Temple Mount reached a peak on October 29, 2014, with the attempt to assassinate Yehuda Glick, a prominent advocate of the right of Jews to pray on the Temple Mount. Days later, against the backdrop of further turmoil and



clashes on the Temple Mount, Jordan announced that it was recalling its ambassador to Israel for consultations and was even re-examining its 1994 peace treaty with Israel against the backdrop of what Jordan labeled “Israel’s aggression in the holy places to Islam in Jerusalem.”



Masked Palestinians prepare stones inside Jerusalem’s al-Aqsa Mosque, one of Islam’s holiest sites, on September 27, 2015. (AFP)

During this period, public discourse in Israel focused on the “status quo on the Temple Mount” – that is, the regulations and arrangements introduced on the Temple Mount by the State of Israel in June 1967, immediately after the Six-Day War. The chair of the Knesset Internal Affairs Committee, MK Miri Regev (now Minister of Culture and Sport); Housing Minister Uri Ariel (now Minister of Agriculture); and a number of other Knesset members publically expressed their support for the demands of Israeli Temple Mount movements “to change the ‘status quo’ and allow prayer by Jews on the Temple Mount.”

On the other hand, senior officials at the time – Prime Minister Benjamin Netanyahu, Minister of Internal Security Yitzhak Aharonovich, and Minister of Justice Tzipi Livni – repeatedly clarified that “there will not be any

change in the status quo on-site.” Netanyahu even spoke with King Abdullah II of Jordan directly on this issue and told him this explicitly.<sup>21</sup> Netanyahu expressed the same to the EU foreign policy chief Federica Mogherini when she visited Israel.<sup>22</sup> Arab Knesset members who visited the Temple Mount also addressed the “status quo on the Temple Mount” and demanded that it be upheld. They also were told that the status quo on the Temple Mount would not be changed, and that prayer by Jews on the site would not be permitted.



## Changes on the Temple Mount following the October 2015 Terror Wave

In the first six months of the Palestinian terror wave that began in October 2015, sparked again by charges that “al-Aqsa is in danger” and apprehensions that changes in the status quo on the Temple Mount were about to be made, dozens of Israelis were murdered and hundreds injured. Magen David Adom records from September 13, 2015, to March 21, 2016, listed 389 casualties, with 34 deaths and 355 wounded.<sup>23</sup>

According to the Israel Security Agency (ISA), data from the corresponding period until mid-February 2016 recorded 228 serious terrorist attacks and attempted attacks, not counting rock-throwing. These attacks included shootings, car rammings, stabbings, firebombs, and explosive devices. Seventy-four percent of the attacks occurred in the West Bank, 10 percent in Israel within the Green Line, and another 16 percent in Jerusalem. Eighty percent of the perpetrators came from the West Bank (half from the Hebron area) and the remainder from eastern Jerusalem. Only a handful of perpetrators were Israeli Arabs. Almost all of the perpetrators acted on their own volition, without organizational affiliation. Thirty-seven percent were aged 16-20 and another 10 percent were minors. A third of the terrorists were aged 21-25, and another 10 percent were 30 and above.<sup>24</sup>

Many of the perpetrators, particularly in the first months of the 2015 wave, tied their actions to the Temple Mount and its mosques. Muhannad Halabi from Sundra, north of Ramallah – who on October 3, 2015, knifed Rabbi Nehemia Lavi and Aharon Banita-Bennett to death in the Old City – had posted on his Facebook account a day prior to the attack about events within the al-Aqsa compound.<sup>25</sup> Abd Mahmoud Abd Raba Du’iyat, one of a group of rock-throwing youth who caused the death of Alexander Levlovitz, 64, whose car was stoned on the eve of the Jewish New Year (September 14, 2015), told his interrogators that he had embarked on the attack wrapped in a Hamas flag. Du’iyat had received the flag when

he participated in an “al-Aqsa is in danger” rally in the Arab-Israeli town of Umm al-Fahm prior to the attack.<sup>26</sup> Fadi Samir Mustafa Alloun, who knifed a Jewish teen on a Jerusalem street on October 4, 2015, was shot and killed; after his death, the military arm of the Democratic Front for the Liberation of Palestine declared he had died “defending the al-Aqsa mosque.”<sup>27</sup> There are countless other examples that link perpetrators and their ideological mindset with the belief that their actions were “in defense of al-Aqsa.”

Parallel to this, there has been a rise in incendiary expressions within the Palestinian Authority – both in social media and in the framework of official or semi-official media organs of the Palestinian Authority that accused Israel of a plot to destroy the al-Aqsa mosque. Hamas also participated in spreading this libel. Many of these incendiary expressions link the perpetrators with “defense of al-Aqsa” and even praised and glorified them for doing so.<sup>28</sup>

In October–November 2015, when it became clear that the dominant motivation for many of the perpetrators was the “al-Aqsa is in danger” motif and/or fear of a change in the status quo on the Temple Mount, and while Jordan threatened to cut diplomatic relations with Israel against the backdrop of events on the Temple Mount,<sup>29</sup> a precedent-setting agreement was reached between Israel and Jordan. Arrived at through American mediation, the agreement dealt directly with arrangements on the Temple Mount and proposed a number of changes, discussed below.

When Israel realized that this agreement would not be enough to restore quiet on the Mount, severe steps were taken against the Northern Branch of the Islamic Movement in Israel and two of its auxiliary arms operating on the Temple Mount – the *murabitoun* and the *murabitat* [the Sentinels]. These two sister organizations of the Northern Branch operated systematically and in an organized manner to curtail visits by Jews to the Temple Mount and to engineer provocations at the site. The Northern Branch of the Islamic Movement in Israel 17 non-profit organizations and movements operating on its behalf were declared unlawful organizations on November 17, 2015.

## The Status Quo in 1967: The Arrangement and Its Components

Within hours of Israel's victory in Six-Day War and the unification of Jerusalem, the Minister of Defense at the time, Moshe Dayan, arrived on the Temple Mount and began to formulate the arrangements that would eventually be labeled "the status quo on the Temple Mount."<sup>30</sup> Dayan ordered the Israeli flag that had been raised at the site to be lowered and Israeli forces on the Temple Mount to be withdrawn to a position in the northern sector of the compound. In the days that followed, Dayan acted alone (without any decision by the Cabinet), consulting with only a few experts.



Defense Minister Moshe Dayan (center) visits the Temple Mount after its capture, June 7, 1967. Accompanying him (from right to left) Gen. Rehavam Zeevi, Chief of Staff Yitzhak Rabin, Dayan, and Gen. Uzi Narkis. Future president Chaim Herzog is in the third row, center. (*Ilan Bruner, Israel Government Press Office*)

Dayan's main advisor was David Farhi, an advisor on Arab affairs and lecturer in the history of the Islamic lands at the Hebrew University. Farhi, who had a major influence on Dayan, viewed Islam's basic attitude toward Judaism as very important. Dayan learned from Farhi that after Jews rejected the teachings of Muhammad, Jews were tolerated by the Muslim world for hundreds of years only as an enslaved people, without any political standing, and that the Jews were viewed by Islam as an accursed people that had distorted the message of God.<sup>31</sup>

Dayan thought at the time, and years later committed his thoughts to writing, that since the Mount was a "Muslim prayer mosque," while for Jews it was no more than "a historical site of commemoration of the past... one should not hinder the Arabs behaving there as they now do and one should recognize their right as Muslims to control the site."<sup>32</sup>

The new order that Dayan formulated on the Temple Mount (to be discussed below) was crystallized on the basis of Dayan's belief that this was the correct formula of action to prevent the national-territorial conflict from spilling over into a religious one, since a religious war would be much more dangerous.

The historical status quo on the Temple Mount included the following key components:<sup>33</sup>

1. The Waqf, as an arm of the Jordanian Ministry of Sacred Properties, would continue to administer the site and would be responsible for the religious and civil arrangements concerning the Temple Mount.
2. Jews would not be permitted to pray on the Temple Mount, but they could visit there. (This right – freedom of access to the Mount – was even anchored in the framework of Israel's Protection of the Holy Places Law, 1967).
3. The Israeli Police would be responsible for security within the holy compound, the interior area and its outskirts, the wall and the gates.

4. Israeli sovereignty and law would apply to the Temple Mount, as in the other parts of Jerusalem where Israeli law applied after the Six-Day War. This ruling was upheld by the Israel Supreme Court more than once.
5. Later on, it was decided that the only gate by which Jews would be allowed to enter the Temple Mount would be the Mughrabi Gate (Moors' Gate), located in the middle of the Western Wall, while Muslims would enter the Mount through all the other gates. Tourists would be permitted to enter via three gates: the Mughrabi Gate, the Chain Gate and the Cotton Merchants' Gate. In practice, today tourists are able to enter the Mount only via the Mughrabi Gate.
6. Over the years, it was prohibited to wave flags of any kind on the Temple Mount.

The crux of the arrangement established an unofficial allocation of prayer areas between the Muslim and the Jews: The Muslims prayed on the Temple Mount and the Jews prayed at the foot of the Western Wall – the retaining wall that buttresses the western boundary of the Temple Mount compound – a place where Jews have prayed for hundreds of years, which draws its sanctity from its proximity to the site of the ancient Jewish Temple.

### **The Logic of the Status Quo according to Dayan**

Among the Jewish public, prohibition of Jewish prayer on the Temple Mount was the most controversial element of the status quo. Liberation of the Temple Mount was received by many in the Jewish world, in Israel, and beyond with an outburst of intense emotion. The declaration that the Temple Mount had been liberated, uttered by the commander of the paratroopers Motta Gur over the military radio – *Har HaBayit b'Yadeinu!* (the Temple Mount is in our hands!) – entered the State of Israel's pantheon of national symbols. Newspaper narratives and countless books described



in vivid colors the heart-pounding sense of exhilaration that engulfed many Jews upon hearing the news that the Temple Mount – the epicenter for the Jewish people since ancient times – was now in Jewish hands. Thus, many found it difficult to accept the decision to prohibit Jews from praying on the Temple Mount.

Dayan, however, was moved by other considerations that pushed such emotions to the side: On both sides of the Israeli-Arab conflict there were deep-seated religious components that were intermingled with nationalist foundations. On both the Israeli side and the Arab side, the two religions – Judaism and Islam – had nourished countless struggles between the two sides.

Dayan saw himself duty-bound to try and establish a barrier between religion and nationalism, and prevent situations where the conflict was liable to take on a religious hue. He believed that it was possible to allow Islam to express its religious sovereignty over the Mount – *religious* sovereignty, in contrast to *national* sovereignty. Dayan believed that, in this manner, it would be possible to confine the Israeli-Arab conflict to the national-territorial domain, eliminating the conflict's potential to become a religious one.

In permitting Jews to visit the Temple Mount, Dayan sought to curb demands for Jewish worship and religious sovereignty on the Mount; by giving religious sovereignty to the Muslims on the Temple Mount, Dayan believed he was blunting the site's importance as a hub of Palestinian nationalism.

The logic behind Dayan's thinking at the time was well-expressed by Meron Benvenisti, a deputy-mayor of Jerusalem, who was given responsibility for eastern Jerusalem affairs by Mayor Teddy Kollek:

So holy is the place to the Jewish people that the Jewish law [*halakhah*] forbade the impure to walk on it unless they were purified. Here, in the bowels of the earth, under the foundations of

the mosques, lie the remnants of the First Temple and the Second Temple, symbols of the independence of the Jewish people and the center of their spiritual life. Their destruction symbolized the end of Jewish sovereignty in all the Land of Israel. A scion of Israel must not only take upon himself this huge emotional burden, but also decide what is to be done in this holy place where, during Israel's exile from its land, the members of other religions arose and took firm hold of it...and see, he does not allow the emotional burden to decide the matter, but engages in rational consideration and decides to maintain the Muslims' control of the place....They are not its only possessors.... However, in no way will he take from them what belongs to them according to their sentiment, having held the place for a thousand years and more.<sup>34</sup>

**In retrospect, the concession that Dayan took upon himself to make in the name of the Jewish people was immense in scope – colossal, and almost inconceivable: The Jewish state entrusted its holiest site to a rival religion – Islam, for which the Mount was only its third holiest site, and conceded the right of Jews to pray there.**

From the Jewish public's standpoint, what made this concession possible was the position of the rabbis – both the ultra-Orthodox (*haredi*) and Religious Zionist streams. At the time (in contrast to today), the overwhelming majority of rabbis upheld the *halakhic* prohibition on Jews entering the Temple Mount at all – a prohibition that *ipso facto* would rule out praying there.

This was a rare instance where the interests of religion and state intersected, and even won the backing of the High Court of Justice.<sup>35</sup> While Israel's supreme legal authority recognized Jews' right to pray on the Temple Mount, it ruled that this right could not take precedence in the face of the near-certainty that exercising it would be detrimental to public order and security and turn the conflict into a religious conflict. Thus, the triad of the state, rabbis, and High Court of Justice made the

status quo on the Temple Mount a lasting reality. In the first and the second decades after the Six-Day War, only a few questioned it.

## Prominent Changes in the Status Quo

The following is a brief description of the changes in the status quo that have taken place on the Temple Mount and the processes and considerations that led to them.

### 1. Restrictions on Visits by Jews

The original status quo prevented Jews from praying on the Temple Mount, but allowed them to *visit* the site. Today, by contrast, Jews are often prevented from visiting the Mount (even without praying there) or such visits are substantially restricted.<sup>36</sup>

In the past, visits by Jews were permitted on the Sabbath, including within the mosques. This is no longer possible today. In the 1970s, 1980s, and part of the 1990s, occasionally it was possible for large groups of Jews to enter the Mount, sometimes more than a hundred at a time. Today the entrance of Jews is limited to very small groups, at most up to 10 people at any one time. Visits by religious Jews on the Mount are accompanied by close surveillance and monitoring by Waqf guards and Israeli police. Individual Jews visiting the Mount are even prevented from silently saying prayers, and more than once, Jews whose hand motions aroused suspicion that they were praying have been made to leave the Mount. The visiting hours of Jews and tourists on the Mount have been curtailed to Sunday through Thursday – only four hours every day: three hours in the morning and one hour in the afternoon.

These changes were instigated through incitement, threats, and even violence by Muslims toward Jews seeking to go up on the Temple Mount. At the hub of the incitement is the “al-Aqsa is in danger” libel leveled at the State of Israel, accusing Israel of a plot to topple al-Aqsa.<sup>37</sup>

## Primary Reasons for the Change

1. The circles of Jews who seek to go up on the Temple Mount have expanded substantially, following a gradual but broad ongoing change in *halakhic* rulings regarding the Mount. Today, many more rabbis, particularly from the religious Zionist stream, permit Jews to enter the Temple Mount, subject to a number of *halakhic* provisions (for example, immersion in a *mikve* – a ritual bath, prior to the visit).<sup>38</sup> This has alarmed Muslims and led to the radicalization of their conduct.
2. The ongoing struggle of the “Temple Mount movements” to fulfill Jews’ rights to pray on the Mount has been met by fierce opposition of Muslims of all stripes, and has led to their opposition to what they had previously acquiesced to: visits by Jews on the Mount.
3. Numerous times, the Israeli police have been deterred in the face of incitement and threats by Muslims to harm Jews going up to the Temple Mount. Law enforcement officials prefer to close the Mount to non-Muslims, curtail the number of visitors, or restrict visits to a curtailed course and limited duration in order to prevent flare-ups and clashes on the Temple Mount.
4. In recent years, leading Jewish public figures have demanded to change the status quo on the Temple Mount to allow Jews to pray there, not just visit. Among them: Minister Uri Ariel (Jewish Home party); Minister Miri Regev (Likud) in her previous capacity as chair of the Knesset Internal Affairs Committee, and MK Rabbi Eli Ben Dahan, currently Deputy Minister of Defense and former Minister of Religious Affairs, who declared publically that the Ministry of Religious Affairs intends to pass regulations that would allow prayer by Jews on the Temple Mount. This declaration played into the hands of the rioters, who used Ben Dahan’s declaration as an excuse to justify their violent behavior. In response, the Muslims demanded not only to ban prayer by Jews on the Mount, but also to ban their right to visit. Repeated statements

from Prime Minister Netanyahu that Israel does not intend to change the status quo have been met with disbelief by Muslims.

## **2. Expansion of Muslim Prayer Areas**

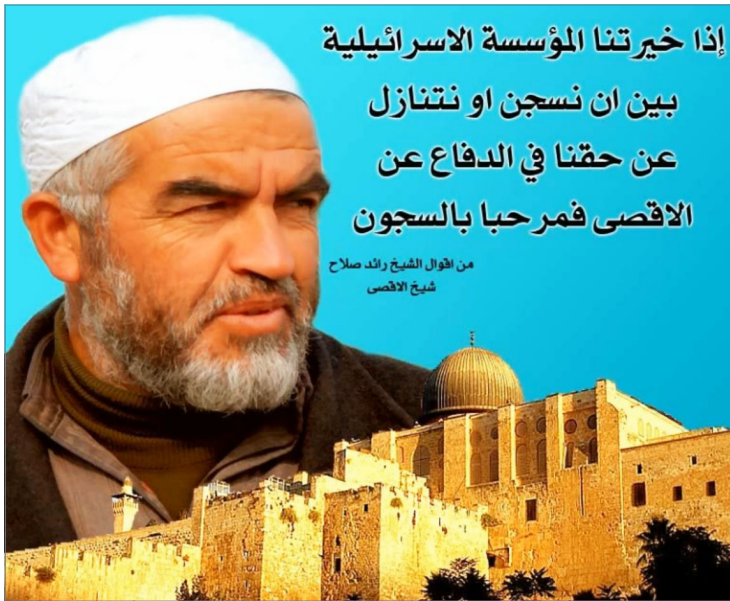
When the status quo was established, the Muslims prayed only in the al-Aqsa mosque. Over the years, their prayer areas on the Mount were greatly expanded – first to the Dome of the Rock, which originally was a memorial shrine, not a mosque, but was transformed into one, becoming in practice a mosque for Muslim women, primarily on Fridays.

In 2000, the Muslims began using two additional prayer areas in the compound: Solomon's Stables in a subterranean space in the southeastern part of the Mount, where the Waqf established what became known as the al-Marwani mosque, and a section of the al-Aqsa mosque from an earlier period, located under the existing al-Aqsa mosque. Likewise, a large section of the Temple Mount compound was paved and serves, in practice, as a prayer site for tens of thousands of worshipers, primarily on Muslim holidays.

### **Primary Reasons for the Change**

1. The substantial expansion of Muslim prayer areas on the Mount was part of the declared intent of the Muslims and the Waqf to turn the entire compound into a prayer area in order to block any possibility that an area would be allocated for prayer by Jews.
2. The intra-Muslim struggle for the leading role on the Temple Mount between Jordan, the Muslim Brotherhood, Hamas, and the Northern Branch of the Islamic Movement in Israel in the late 1990s and early 2000s led to intensive activity on the Mount by the Northern Branch. It was in this context that the prayer areas were prepared in Solomon's Stables and at the earlier al-Aqsa mosque. The leader of the Northern

Branch, Sheikh Raed Salah (who calls himself “Sheikh of al-Aqsa”), greatly enhanced his own religious and political status at the site by fostering such steps. Salah already had a reputation for delivering radical and inflammatory sermons against the State of Israel, the Zionist movement and the Jews, and for spinning baseless tales about the Temple Mount.



Sheikh Raed Salah and the al-Aqsa mosque. “If the Israeli establishment puts in front of us the choice between imprisonment or surrendering our rights to protect the al-Aqsa mosque, we will blessedly choose prison.” (*YouTube, JUB TV*)<sup>39</sup>

3. The Government of Israel responded weakly in the face of such substantive changes on the Mount. It feared that more resolute action on its part would ignite an eruption, and so acquiesced to these actions, in essence, perpetuating the new realities for generations to come.

### 3. The Suspension of Enforcement of Planning, Construction and Antiquities Laws

After the Six-Day War, the State of Israel and the High Court of Justice ruled that the laws of the State of Israel applied to the Temple Mount.<sup>40</sup> Today, however, the situation has changed. While *de jure*, the State of Israel has upheld this principle for many years, *de facto* the laws regarding planning, construction, and antiquities have not been enforced on the Temple Mount, or only have been enforced partially and unofficially.

The primary reasons for this change include repeated damage to antiquities on the Mount; blatant violations of the laws of planning, construction, and antiquities; appeals to the High Court of Justice by various groups in this regard;<sup>41</sup> and political action by members of the Knesset and other public figures that generated constant tension between the Muslim religious authorities in eastern Jerusalem and the State of Israel over enforcement of Israeli law on the Temple Mount.

The state established a procedure that placed decision-making regarding law enforcement in the compound in the hands of the Attorney-General and a special ministerial committee. However, the ministerial committee didn't convene for many years, and was only re-activated a few years ago. The attorney-general (who is also chief legal counsel to the government) has been very cautious in applying Israeli law to the Temple Mount and has even refrained from doing so at times. The attorney-general has preferred to deal with this issue through informal dialogue with the Muslims through the auspices of the Israeli police. For its part, the Israeli police have often preferred calm on the Temple Mount even if they had to "pay" with compromises in the rule of law, damage to antiquities, or violation of planning and construction laws.

The late director-general of the Israel Antiquities Authority, Yehoshua ("Shuka") Dorfman, wrote in his book *Underneath the Ground* about the glaring changes that have occurred and explained how the Muslims



damaged antiquities on the Mount without taking into account the Israel Antiquities Authority:<sup>42</sup>

For many years the Islamic Waqf conducted no small number of works...most without the requisite permits, and most certainly without archeological supervision. Antiquities Authority inspectors only learned about these works [excavations] after the fact, and their ability to oversee them was limited, if at all. Thus, a situation was created where although the Mount was within Israeli sovereignty, in practice, the Muslim Waqf continued to conduct its business on the Temple Mount without taking into consideration Israeli law or its representatives....

Over the years, key decision-makers in Israel have refrained from dealing in a fitting manner with breaches in the law and implementation of Israeli sovereignty in everything regarding the Temple Mount, and, in practice, have left matters on the Temple Mount exclusively to the Waqf administration. This state of affairs had broad ramifications for the workings of the Authority on the Temple Mount. While the Authority is entrusted with safeguarding the antiquities on the Mount, unlike other antiquities sites where it executes its authority under the law, in the most important site for the Jewish world, of all places, the Authority's supervision is very limited. The consequence is that the archeological supervision on the Temple Mount is not thorough and the information gathered on damage to antiquities is incomplete and fragmentary.

Dorfman recalled the precedent-setting document drawn up in 1988 by the chief legal counsel to the government, Attorney General Yosef Harish, which served as the legal basis for the Government of Israel's handling of the Temple Mount; Dorfman branded it in his book "a document riddled with conflicting directives." Dorfman explained that, on one hand, the document advised the Antiquities Authority and the government to take action on the Temple Mount and, on the other hand, prevented the

same entities from taking action in situations where the law was being breached.<sup>43</sup>

#### **4. The Inclusion of Jordan in the Administration of the Temple Mount**

The original status quo granted Jordan involvement in the administration of the Temple Mount through the auspices of the Waqf, which was an arm of the Jordanian Ministry of Sacred Properties. Jordan is, in practice, the official employer of Waqf workers on the Temple Mount and pays their salaries. Today, Jordan's influence over the Temple Mount has expanded greatly. From limited influence that involved the internal administration of the Mount, Jordanian influence has spread to the outer walls of the compound, in certain cases even covering areas outside the compound that are adjacent to the Mount. On the Mount itself, Israel coordinates certain issues with Jordan and even takes into consideration Jordanian sensitivities and curtails the number of Jewish visitors on the Mount. Today, Jordanian influence *de facto* extends even to the way the Israeli police conduct themselves on the Temple Mount.

- **Expressions of the Growing Status of Jordan**

1. Israel agreed to coordinate with Jordan on the installation of surveillance cameras on the Temple Mount to provide live coverage of what takes place there, with footage transmitted to both the Jordanian and Israeli side.<sup>44</sup>
2. In practice, Israel takes into consideration Jordan's sensitivity regarding the number of "religious visitors" [outwardly religiously-observant] to the Temple Mount and curtails their numbers.<sup>45</sup>
3. During the first years of the millennium, the late Prime Minister Ariel Sharon placed in the hands of the Jordanians the task of rehabilitating and reinforcing two of the Temple Mount's outer retaining walls, the

southern wall and the eastern wall, after cracks appeared and it was feared they could collapse.<sup>46</sup>

4. Israel accepted a Jordanian veto regarding the Mughrabi Bridge. The bridge – a wooden ramp-like structure between the Western Wall plaza and the Temple Mount above – was built to replace an earthwork path that had collapsed during the winter of 2004 due to rainstorms, snow, and a minor earthquake. Israel built a temporary wooden bridge that arches over the women’s section of the Western Wall, with plans to replace it with a permanent bridge that would be safe and more aesthetic. The bridge was criticized by the chief administrator of the Western Wall and the holy sites, Rabbi Shmuel Rabinowitz (“the Western Wall rabbi”), due to its ugly appearance and the fact that it curtailed the woman’s section of the Western Wall. The Jerusalem Municipality’s chief engineer demanded that the temporary wooden bridge be replaced by a more stable and safer one. Plans to replace the temporary bridge with a permanent one received the approval of the Jerusalem Planning Commission, but the Jordanian Government vetoed it, and Prime Minister Benjamin Netanyahu decided to freeze the change. Thus, the use of the wooden bridge by non-Muslims continues to this day.<sup>47</sup>
5. A Jordanian veto has also prevented Israel from removing building waste and trash trapped behind corrugated tin sheets that were attached years ago to the “Little Wall” [*Kotel HaKatan*] – a continuation of the Western Wall of the Temple Mount, some 180 meters in length, situated north of the open prayer area.<sup>48</sup>
6. Jordanian sensitivity also prompted the government to request that the Knesset defer a discussion of the issue of “Israeli sovereignty on the Temple Mount” in February 2014, and the discussion was indeed postponed by a week.<sup>49</sup>

- **Agreements with Jordan on the Temple Mount Issue**

1. The first public expression given to Jordan's special standing on the Temple Mount appears in the peace treaty with Jordan, signed in October 1994. In the Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan is a clause that bestows on Jordan precedence among Arab entities for the safeguarding of the holy sites of Islam in the framework of setting their permanent status.<sup>50</sup> The clause stipulated that "Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim holy shrines in Jerusalem" and that "when negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines." The clause does not mention the Temple Mount, but it was very clear that this referred primarily to the Mount and its two mosques. In practice, Israel decided to promote such a standing for Jordan even before reaching a permanent status agreement<sup>51</sup> – both due to interests tied to relations with Jordan (discussed below) and in order to diminish the influence of the Northern Branch of the Islamic Movement in Israel.
2. In January 2013 an agreement was signed between King Abdullah II of Jordan and Mahmoud Abbas, the head of the Palestinian Authority. The agreement stated that Jordan, as "custodian of the Muslim holy shrines in Jerusalem," represents the interests of Muslims in the city and this includes the interests of the Palestinian Authority, in everything regarding the Temple Mount, until a Palestinian state will be established whose capital is Jerusalem. This agreement also included a coordination mechanism between Jordan and the Palestinian Authority with regard to the Temple Mount. Yet there is often tension between the two sides due to conflicting interests.<sup>52</sup>
3. Another agreement addressing the situation on the Temple Mount is "the Kerry Understandings" (named after U.S. Secretary of State John Kerry) between Israel and Jordan in an attempt to lower the flames and curtail the riots that broke out on the Temple Mount in October

2015. The Kerry Understandings were formulated against the backdrop of a severe crisis in Israeli-Jordanian relations caused by the events on the Temple Mount, and reflected the interests of the United States and Israel to preserve their special relationships with Jordan. On a practical level, the understandings included an agreement, in principle, to install surveillance cameras in the paved open areas of the Mount (but not in the mosques themselves) that would transmit live footage of events to Jordan and to Israel simultaneously. Israel had an interest in documenting the riots at the site and to present them to the world. Jordan had an interest in keeping track of the number of Jews going up to the Temple Mount, and to make sure they were not praying there. The understandings included an Israeli agreement to limit the number of religiously-observant Jews visiting the Temple Mount and not to allow large numbers of outwardly-religious Jews to visit the Mount at the same time. These were unspoken agreements. If and when the “quota” would be enlarged, this would be coordinated with Jordan.<sup>53</sup>

The Kerry Understandings contained four official clauses: They were presented by Secretary of State John Kerry at a press conference in Amman on October 24, 2015:<sup>54</sup>

One, Israel fully respects the special role of the Hashemite Kingdom of Jordan, as reflected in their 1994 peace treaty, and the historic role of His Majesty King Abdullah II. Two, Israel will continue to enforce its longstanding policy on religious worship at the Temple Mount/Haram al-Sharif, including the fundamental fact that it is Muslims who pray on the Temple Mount/Haram al-Sharif and non-Muslims who visit. Three, Israel has no intention of dividing the Temple Mount/Haram al-Sharif and it rejects completely any attempt to suggest otherwise. Four, Israel welcomes increased coordination between Israeli authorities and the Jordanian Waqf, including to ensure that visitors and worshipers demonstrate restraint and respect for the sanctity of the area in accordance with their respective responsibilities.<sup>55</sup>

### ***Ongoing Disagreement regarding the Installation of Security Cameras<sup>56</sup>***

The placement of cameras on the Temple Mount has been delayed due to lack of agreement on the following issues:

- Where would the pictures be transmitted? To Jordan? To Israel? To both? Or to an independent Internet site?
- Who would install the cameras and who would control them?
- Where would the cameras be placed? Israel requested that they also be placed inside the mosques, but the Palestinians and Jordan opposed this.
- How many cameras would be installed on the Mount?
- Would Israel be permitted to stop the cameras' operation?

Palestinians protested the placement of cameras because they were afraid the cameras will be used to prevent riots on the Mount. In April 2016, leaflets were distributed on the Temple Mount with the message: "Break the cameras and the hand." Even the Northern Branch of the Islamic Movement in Israel is against the placement of the cameras and posted a video attacking Israel, Jordan, and the Palestinian Authority on this matter. In April 2016, Jordan announced that it would suspend its plan to install the cameras in light of strong Palestinian opposition.<sup>57</sup>

In addition, Israel's High Court of Justice has not yet ruled on a petition to the Israeli Supreme Court submitted by Professors for a Strong Israel and the Israel Independence Fund in opposition to the installation of cameras on the Temple Mount.

### ***The Precedents in the "Kerry Understandings"***

In terms of substance, there is nothing new in the Kerry Understandings. Nevertheless, this was the first time that the State of Israel publically and formally announced that Jews would not pray on the Temple Mount

and that this option was reserved for Muslims only. On the other hand, this was the first time that an official statement was promulgated both from the American side and from the Jordanian side (in coordination with Israel) that Jews could visit the Temple Mount (without praying there).

While the Kerry Understandings didn't formally change the status quo, they most definitely changed its character. The Dayan status quo was vague and, to a large extent, unofficial. As such, its ambiguity allowed Jews to continue to believe they had not given up their hopes vis-à-vis the Temple Mount. Likewise, its ambiguity allowed the Muslims to believe that they had not relinquished the Western Wall (which they called *al-Boreq*). The regulations dictated by Dayan allowed Muslims to reject charges that they were collaborating with Israel and claim this was a compromise forced upon them.

The Kerry Understandings clarified some of the vague elements and turned the unofficial into an official position. From this standpoint, they set a historical precedent: The Jews formally and officially relinquished the right to pray on the Temple Mount, while a Muslim entity of importance, Jordan, formally agreed to Jews visiting the Mount. From Israel's perspective, the prohibition on Jews praying on the Temple Mount, which had arisen as a *security* principle (that is, maintenance of public order), was transformed into a *political* principle and an international commitment. The Jewish state had not formally relinquished the right of Jews to pray on the Temple Mount, but it had formally relinquished *acting* upon this right for the foreseeable future.

### ***The Reasons behind Israeli Consent to Upgrade Jordan's Standing***<sup>58</sup>

1. Cooperation between Israel and Jordan is a strategic, regional, and security imperative. Peace with Jordan eliminates Israel's need to maintain large military forces along a long and complex border that is relatively close to Israeli population centers.

2. Israel and the United States feared a crisis in Jordan, primarily in light of Jordanian demographics. Bedouin tribes loyal to the Hashemite Royal House constitute less than half the population of Jordan, and constitute the security and military backbone of Jordan. The Palestinians, who are the majority, constitute a constant source of worry.<sup>59</sup> The assumption is that strengthening the status of Jordan as “custodian of the Muslim holy sites in Jerusalem” is a stabilizing factor helping to support the rule of Jordan’s Hashemite Royal House.
3. Jordan is sandwiched between Iraq and Israel and also between Syria and Saudi Arabia (a rich oil-producing state that is an American ally).
4. Jordan borders Syria to the north and Iraq to the east, thus facing the growing presence of the terrorist Islamic State (IS) which seeks to gain a foothold in Jordan, as well. Rallies in support of IS have already occurred in various parts of Jordan.<sup>60</sup>
5. According to foreign news reports, there is close cooperation on security and intelligence between Israel and Jordan, and Israel goes out of its way to warn Jordan of subversive elements that appear to threaten the stability of the Hashemite kingdom.<sup>61</sup>
6. According to *Atlantic Magazine*, Israel requested permission to use Jordanian airspace to target chemical weapons sites in Syria.<sup>62</sup>
7. Cooperation between Israel and Jordan is not limited to the security domain. Jordan allows Israel to export goods to the Gulf States through Jordanian territory.<sup>63</sup> In addition, Jordan is collaborating with Israel and the Palestinian Authority on a joint project to bring sea water from the Red Sea to stabilize the Dead Sea’s rapidly dropping water level.<sup>64</sup>
8. Israel supplies large quantities of natural gas to Jordan and expects to make substantial profits from these sales.<sup>65</sup>



9. The United States also has military interests in Jordan. According to foreign news reports, the Jordanian Army has conducted joint military exercises with France, Great Britain, and the U.S.<sup>66</sup>
10. Foreign observers have speculated that Jordan might allow Israeli planes to cross its airspace in order to bomb nuclear facilities in Iran. *Newsweek*, for example, published strike scenarios that examined such a possibility.<sup>67</sup>
11. Alongside Israel's and Jordan's mutual interests, Israel's recognition of the historical status of the Temple Mount for Muslims (and Jordan as its custodian) was uppermost in the mind of Jordan in contacts with Israel. After the First World War, the Hashemite dynasty lost its position as guardian of the holy places for Muslims in Mecca and Medina on the Arabian Peninsula, and consoled itself with the secondary role as custodian of the holy place for Muslims in Jerusalem. Hussein bin Ali, who had been the Sharif and Emir of Mecca, was a descendant of the Hashemite Royal House, whose members view themselves as descendants of the Prophet Mohammed.

Hussein bin Ali died in 1931 and was buried on the Temple Mount. His second son, King Abdullah I, became the first king of Jordan when Transjordan was founded in 1946. Abdullah I was murdered on July 20, 1951, while visiting the al-Aqsa mosque, in the midst of secret negotiations with the newly-established State of Israel. His grandson, Hussein, who took the throne soon afterwards, witnessed the assassination. Between 1948 and 1967, Jordan had controlled the West Bank and eastern Jerusalem (which Transjordan had occupied in the course of the 1948 War), including the Temple Mount, and viewed itself as the custodian of the holy places of Islam in Jerusalem. Even after the Israeli takeover of eastern Jerusalem and the holy places, Jordan continued its bonds with the Mount, paying the salaries of the Waqf, transferring funds to gild the Dome of the Rock, and donating prayer rugs for the mosques.



King Abdullah I of Jordan (at right in white *kaffiya*) and his brother King Feisal of Iraq (in white suit) at the al-Aqsa mosque and Dome of the Rock in Jerusalem, Palestine, circa 1933 (*Library of Congress*)<sup>68</sup>

## 5. The Prohibition on Raising Flags on the Temple Mount



Hamas flags on the Temple Mount



Fatah flags on the Temple Mount

Today, the prohibition against raising flags on the Temple Mount is enforced only when the flag in question is an Israeli flag. By contrast, flags are frequently raised – Islamic movement flags and even the flags of terrorist movements such as Hamas – in the course of demonstrations and rallies that take place on the Mount. In this case as well, the Israeli police prefer to exercise restraint, their main concern being to avoid clashes with demonstrators within the Temple Mount compound and risk the deterioration of the situation.<sup>69</sup>

## **Reasons for Change**

Such conduct is linked to Israel's desire to minimize the points of friction on the Temple Mount, based on a willingness to pay a certain price as a tradeoff. Only in a handful of instances were those raising flags of terrorist organizations on the Temple Mount put on trial after they were photographed in the act. Generally speaking, no steps have been taken against those raising flags of this kind.

## Additional Processes Affecting the Status Quo

The changes surveyed above relate to their outcomes, but they have also been accompanied by broader changes. Here are some examples:

1. Unlike the past, today Muslims define “al-Aqsa” not solely as the mosque that bears that name; they use the term to define the *entire area* of the Temple Mount, its open areas and walls, including the Western Wall.<sup>70</sup>
2. Muslims today are engaged in total denial of any Jewish bond or linkage to the Temple Mount – to such an extent that they call the Jewish Temples that once sat on the spot in the past: “*al-miz’um*” – the “presumptive or fabricated [temples]” – despite well-known historical records to the contrary, archeological evidence, and even in the face of Muslim statements and writings up until several decades ago.<sup>71</sup>
3. Muslims, as noted, have adopted the “al-Aqsa is in danger” libel directed against both Israel’s government and Israeli society as a whole. They also spread fantastic charges such as accusations that Israel has secretly introduced material that will dissolve soil and rock under the Mount to topple the mosques. They publish political cartoons with snakes, dragons, and bulldozers with Jewish stars aiming to raze the mosques. They also reject repeated assurances that the State of Israel will not change the status quo.<sup>72</sup> “Al-Aqsa is in danger” has become a prime generator of violence and terrorism, prompting Palestinian terrorists to embark on two waves of terrorism in the streets of Israel in recent years to stab, run over, and shoot Jews.<sup>73</sup>
4. Over the years, Muslims have done severe damage to antiquities on the Temple Mount from the Jewish, Christian, and Muslim periods. Many have dealt with this phenomenon, including the Ombudsman of the State of Israel.<sup>74</sup>

5. The Northern Branch of the Islamic Movement in Israel headed by Sheikh Raed Salah, the self-proclaimed “Sheikh of al-Aqsa,” has over the past two decades been the prime mover in inculcating the “al-Aqsa is in danger” libel among Israeli Arabs, even spreading the motif throughout the Muslim world. In the 1990s, the Northern Branch was a dominant force in turning Solomon’s Stables into the al-Marwani mosque and preparing the al-Aqsa mosque from an earlier period to also serve as a mosque (under the existing al-Aqsa mosque). In recent years, the Northern Branch has organized groups of men and women to disrupt visits by Jews to the Temple Mount – called the *murabitat* and the *murabitoun*.

The operations of Salah and his movement were supported by various entities in the Muslim world. For example, the *Waqf al-Umma* for al-Aqsa has funneled money from Istanbul for operations in Jerusalem. The International Jerusalem Institution in Beirut also donated funds to support actions organized by Raed Salah. Another organization active in Jerusalem which brings in women of the *murabitat* is called the Organization of the Flags (*Ma’assat al-Bi’araq*). For months on end, this organization bused *murabitat* women to the Temple Mount. On the Mount, the women systematically cursed and harassed Jewish women who visited there.<sup>75</sup> In November 2015, the Government of Israel outlawed the Northern Branch of the Islamic Movement in Israel and declared it an illegal organization.<sup>76</sup> Two months prior, in September 2015, the Northern Branch’s *murabitoun* and *murabitat* were outlawed and their offices were closed.<sup>77</sup> These steps led to a substantial drop in the scope of the operations of the Northern Branch and its sub-groupings on the Temple Mount, and this has had a dampening effect on Muslim agitation on the Mount.

6. In April 2015, the Jordanian government spokesman, Dr Mohammed al-Moumani, said he expected the UN to take a stand in support of a return to the situation that prevailed at the al-Aqsa mosque in 2000. In the years 2000-2003, immediately after the visit of then-opposition leader Ariel Sharon on the Mount, the Waqf closed the Temple Mount

to visits by Jews. During that time, Israel refrained from forcing the Waqf to allow visits by Jews. More recently, in April 2016, in response to a Palestinian Authority initiative, UNESCO decided to drop the term “Temple Mount” and from now on will refer to the holiest site in Judaism as the “al-Aqsa mosque.”

On the Jewish side, as well, a number of changes were seen with regard to the Temple Mount:

1. In the 1970s and 1980s, Jewish extremists sought to harm the mosques and blow them up – whether as a vehicle to torpedo political initiatives underway that threatened to include territorial compromise, or as a messianic trigger to bring Redemption and the Messiah closer.<sup>78</sup> All these plans were foiled by Israeli security forces or failed. However, they greatly intensified the apprehensions of Muslims regarding Jewish intentions. Many Muslims fail to distinguish between such extremist fringe elements and the State of Israel. From their perspective, the two were one and the same. Furthermore, for years Muslims had charged that the State of Israel was party to the extremists’ plans, and even had initiated them. Many Muslims believe this lie.<sup>79</sup>
2. Rabbinical (*halakhic*) rulings regarding the appropriateness of Jews visiting the Temple Mount – from a religious standpoint – have changed dramatically. Hundreds of rabbis from the national religious stream now approve/endorse Jews entering the Temple Mount. They include rabbinical leaders from the mainstream of religious Zionism, such as Rabbis Haim Drukman Zephaniah Drori and Nachum Rabinowitz; rabbis from among the settlers in Judea and Samaria (the West Bank); and rabbis from the Beit Hillel group. Even on the edges of the ultra-Orthodox (*haredi*) community there are small fringe groups that have obtained rabbinic permission from authorities in their own circles to visit the Temple Mount.<sup>80</sup>
3. As a result, more Jews are requesting to act on the right given them under the status quo set by Dayan and visit the Temple Mount. The

Israeli police, accustomed for years to having only a small minority of Jews wanting to visit the Temple Mount, were not prepared for this change. Time and again crowds waited in long and unnecessary lines, and harsh verbal exchanges ensued between those waiting to go up on the Temple Mount and the police on duty. There were instances where police prevented Jews from going up to the Mount. The increase in the number of Jews seeking to ascend to the Mount undoubtedly contributed to subjective Muslim perceptions that the status quo stood to be changed and the Mount stood to be lost and “conquered.” In fact, Israel did not allow these changes in *halakhic* rulings to change the human landscape on the Mount. The number of Jews who annually sought to go up on the Mount did not exceed 15,000, while each year hundreds of thousands of Muslims visited there.<sup>81</sup>



*Murabitoun* demonstrators on the Temple Mount

## Conclusions

1. The old status quo on the Temple Mount no longer exists and has lost its relevance. It has changed substantially according to a host of key parameters in a manner that has greatly enhanced the status of Muslims on the Mount and greatly undermined the status of Israeli Jews at the site.
2. The situation on the Temple Mount continues to change periodically. The most blatant examples are the strengthening of Jordan's position, the takeover of the Mount by the Northern Branch of the Islamic Movement in Israel and then its removal, and the severe curtailment of visits by Jews on the Mount. In light of these events, discussions on maintaining the status quo on the Temple Mount are less relevant.
3. At the same time, one of the core elements of the old status quo – the prohibition against Jews praying on the Temple Mount – is strictly maintained. It appears that this is the most stable element in the original status quo. Along with this, the religious and administrative autonomy of Muslims on the Mount since 1967 has been preserved and even expanded, while Israel continues to control the Temple Mount and its outer rim from a security perspective.
4. For an extended period, the status quo on the Temple Mount was vague and undefined. Expression of this can be found in the words of Professor Shlomo Ben Ami on December 1, 1999, when he served as internal security minister in the Israeli government:

Under all periods and under all governments, no binding framework has been officially set to maintain the status quo, and never has an official position of the government of Israel of what is permitted and what is prohibited on the Mount been brought to the attention of the Palestinians and the Waqf. Nor has it ever been clarified what steps will be taken by the State



of Israel in the case of violation of the status quo...There is an obligation to exercise our sovereignty on the Temple Mount and to enforce the laws of the state in all domains, including archeological supervision on the Mount.<sup>82</sup>

It appears that these sentiments, voiced by the very person responsible for upholding and enforcing the laws of the state on the Temple Mount, reveal the essence of the status quo there over the years. It is specifically the ambiguous character and the fact that nothing was put in writing that enabled so many players on the Mount to change the status quo, knead it, and mold it according to their own wishes. The first step toward defining the status quo in any official way took place in the framework of the Kerry Understandings. At the same time, many elements of the status quo remain vague. This had led and will continue to lead in the future to a host of debates over its interpretation. On the other hand, ambiguity allows Israel a degree of flexibility in its conduct on the Mount, with regard to both Jews and Muslims.

## Notes

1. *Jewish Medrash Rabbah*, chapter 2; *Medrash Tanchuma, Shmot*: 10.
2. The “father” of the “al-Aqsa is in Danger” libel was the Grand Mufti Haj Amin al-Husseini, who at the beginning of the 20th century incited Muslim publics to believe that Jews planned to take over and demolish the al-Aqsa mosque, and as a result of this incitement the 1929 Palestinian Riots broke out.
3. For expansion on events during the “Jerusalem Intifada” and statistics about it, see, for example: Friday editions of *Yediot Jerusalem* – the local Jerusalem supplement to the Hebrew daily *Yediot Aharonot* from July through November 2014; ongoing reports in the *Ha’aretz* daily during the corresponding period; and the investigative series by the author summing up the violence in Jerusalem, published in the weekly political supplement of *Israel HaYom (Israel HaShavua)* July 18, September 12, September 19, October 24, and November 7, 2014.
4. See, for example, the findings of the Meir Amit Intelligence and Terrorism Information Center: “Initial Findings on the Profile of Perpetrators of Attacks in Judea and Samaria in the Current Terror Wave, 14 September–15 November 2015” (in Hebrew).
5. Many examples of incitement and reversing or “rewriting the narrative” can be found on the website of the NGO Palestinian Media Watch (PMW), which monitors Palestinian media in Arabic and disseminates the content with English subtitles, at <http://www.palwatch.org/>. See, for example, “A Terror Rampage under the Auspices of the Palestinian Authority, 2014-2016” (in Hebrew).
6. Nadav Shragai, “Times of Calamity,” *Israel HaYom*, September 25, 2015 (in Hebrew).
7. See “Senior Palestinians and Israeli Arabs Call for an Intifada,” MEMRI, September 22, 2015 (in Hebrew), at [http://www.memri.org.il/cgi-webaxy/sal/sal.pl?lang=he&ID=875141\\_memri&act=show&dbid=articles&dataid=3966](http://www.memri.org.il/cgi-webaxy/sal/sal.pl?lang=he&ID=875141_memri&act=show&dbid=articles&dataid=3966)
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. On 12 July 2014, Hamas terrorists kidnapped three Israeli youths from the Etzion Bloc and killed them the same night. The bodies of the three – Gil-ad Shaar (16), Naftali Fraenkel (16) and Eyal Yifrach (19) – were found on June 30, 18 days after their kidnapping, following an extensive search west of the Arab village of Halhul.
13. Hamas is classified as a terrorist organization by many countries, including Israel, the United States, Canada, the European Union, Jordan, Egypt and Japan.
14. Testimony to this effect was given to the Israel Security Agency in April 2014 by Mohammad Issa To’ameh, a senior Hamas official who is a member of Hamas’ General Shura Council. To’ameh told his interrogators that Hamas stood behind the project of the Northern Branch of the Islamic Movement in Israel – an institution labeled “עמארא אל אקצא.” These operatives even received monthly salaries. For additional information on this affair, see details on the ISA website, “Hamas Operative Abroad Mohammad To’ameh Arrested” (in Hebrew). <http://www.shabak.gov.il/publications/publications/Pages/NewItem290514.aspx>

15. See, for example, “Tens of Palestinians Attacked Police and Barricaded Themselves in the al-Aqsa Mosque,” *Ha’aretz*, October 13, 2014 (in Hebrew) at <http://www.haaretz.co.il/news/politics/1.2457415>. See also parallel reportage on the same event on the website of the Israel Police in Jerusalem, <http://www.police.gov.il/articlePage.aspx?aid=3115>
16. Information about this kind of conduct was given to the author by senior elements in the Israel Police in Jerusalem.
17. See, for example, reportage on this on the news website: 0404, [http://www.0404.co.il/post/20331?utm\\_source=mivzakimnet&utm\\_medium=rss&utm\\_campaign=mivzakimnet](http://www.0404.co.il/post/20331?utm_source=mivzakimnet&utm_medium=rss&utm_campaign=mivzakimnet)
18. See, for example, Palestinian Media Watch, November 5, 2014, [http://palwatch.org.il/main.aspx?fi=157&doc\\_id=12956](http://palwatch.org.il/main.aspx?fi=157&doc_id=12956)
19. Abu Mazen (Mahmoud Abbas) said this in mid-October 2014, and his comments were quoted in all the Arab media. Abu Mazen said that “entrance of settlers to the Temple Mount must be prohibited – by all means.... Jews must not be permitted to go up on the Temple Mount. We must prevent this by them by all means. The Temple Mount is ours. The al-Aqsa mosque is ours. The entrances [to the Mount] are ours. They [the Jews] don’t deserve to enter these places and defile them.”
20. See reportage about this on the Palestinian Media Watch website, [http://www.palwatch.org.il/main.aspx?fi=157&doc\\_id=12917](http://www.palwatch.org.il/main.aspx?fi=157&doc_id=12917)
21. Netanyahu in talks with the King of Jordan: “We will maintain the status quo on the Temple Mount,” *Ha’aretz*, November 7, 2014, p. 5 (in Hebrew).
22. [http://jcpa.org.il/article/הבית-הבהר-קוו-הסטטוס-#\\_ftnref12](http://jcpa.org.il/article/הבית-הבהר-קוו-הסטטוס-#_ftnref12)
23. Magen David Adom Report, March 8, 2016.
24. Statistics on the ISA website: “A Survey of the Character of Terrorism Perpetrators between 1 October 2015–10 February 2016” (in Hebrew), at <https://www.shabak.gov.il/publications/updates/pages/11015-10216מאפיינייהמפגעיסביןהתאריכים.aspx>
25. “Terrorism News and the Israel-Palestinian Conflict, 21 September-7 October 2015,” Meir Amit Intelligence and Terrorism Information Center website (in Hebrew).
26. “Initial Findings of the Profile of Terrorists Who Committed [Terrorist] Attacks in Israel in the Current Terrorism Wave,” Meir Amit Intelligence and Terrorism Information Center website, p. 18 (in Hebrew).
27. *Ibid.*, p. 23.
28. Palestinian Media Watch website. See the relevant dates in the “Daily News” roundups at <http://palwatch.org.il/main.aspx?fi=771>
29. A government source.
30. For more on the issue of the “status quo on the Temple Mount” – its content, the circumstances in which it was created and its logic, see: Nadav Shragai, *The Temple Mount Conflict – Jews and Muslims, Religion and Politics since 1967* (Keter Publishers, 1995), pp. 22-27 (in Hebrew); Uzi Benzema, *Jerusalem, an Unwalled City* (Schocken, 1973), pp. 128-131 (in Hebrew); Attorney-at-Law Dr. Shmuel Berkovitz, *How Awesome Is This Place* (Carta, 2006), pp. 532-534 (in Hebrew); Meron Benvenisti, *Facing the Sealed Wall* [other editions listed as *Jerusalem: The Torn City*] (Yediot Aharonot and Weidenfeld & Nicolson, 1973), pp. 230-231.

31. Farhi had been an advisor on Arab affairs to the commander of the IDF's Central Command, General Uzi Narkis. Narkis, who had been present in the meeting between Dayan and Farhi, told me of this meeting when I was gathering material for my book, *The Temple Mount Conflict – Jews and Muslims, Religion and Politics* (Keter Publishers, 1995), p. 24.
32. Moshe Dayan, *Milestones* (Yediot Aharonot, 1976) (in Hebrew), p. 165.
33. Based on the discussions regarding the Temple Mount conducted by the author, spanning 35 years. For a deeper look, see the author's 1995 work *The Temple Mount Conflict – Jews and Muslims, Religion and Politics*, pp. 22-27.
34. Meron Benvenisti, *op. cit.*, [http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#\\_ftnref14](http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#_ftnref14)
35. See, for example, High Court of Justice (Bagatz) Case 2222/68, *Judgments of the Supreme Court*, Volume 24, Part 2, 1970 (in Hebrew), where the judges detail the reasoning behind their decision supporting continuing to prevent implementation of the right of Jews to pray on the Temple Mount. [http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#\\_ftnref15](http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#_ftnref15)
36. Thus, for example, on November 9, 2014, the Israeli police allowed only groups of five Jews to enter the Temple Mount, in a manner where at any given time there were only five Jews within the compound. [http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#\\_ftnref16](http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#_ftnref16)
37. For further details on this issue, see Nadav Shragai, *The "al-Aqsa is in Danger" Libel – Profile of a Lie* (Jerusalem Center for Public Affairs and Maariv Publishers, 2012), pp. 53-60 (in Hebrew). [http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#\\_ftnref17](http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#_ftnref17)
38. Among the rabbis identified with the mainstream of religious Zionism that permit or support the *halakhic* view that entering the Temple Mount is permissible is the Committee of Judea and Samaria Rabbis, many members of the Beit Hillel rabbis, heads of Bnei Akiva yeshivot, Rabbi Haim Drukman, the Chief Rabbi of Kiryat Shmona, Rabbi Zephaniah Drori, and Rabbi Nachum Rabinowitz, head of the Birkat Moshe Yeshiva who is considered the 'dean' of *Hesder* Yeshivot. [http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#\\_ftnref18](http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#_ftnref18)
39. Raed Salah, <https://www.youtube.com/watch?v=mrr2yUGDwAA>
40. See, for example, High Court of Justice (Bagatz) Case 4184/90, Supreme Court ruling from September 23, 1993. [http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#\\_ftnref19](http://jcpa.org.il/article/בהר-הבית-קו-הסטטוס-#_ftnref19)
41. Among those that over the years appealed to the High Court of Justice (Bagatz) in this regard were the Public Committee to Prevent Destruction of Antiquities on the Temple Mount and the Temple Mount Faithful movement. Among the most blatant damage to antiquities on the Temple Mount: The digging of a huge pit at the southwestern corner of the Temple Mount at the end of the 1990s, in the course of work to prepare Solomon's Stables to be made into a mosque (what became known as the al-Marwani mosque). The contents of the pit were hauled away by the truckload in the dead of night and scattered in a dump on the edge of Jerusalem. In addition, an industrial-gauge saw was installed on the Mount and used to cut up ancient Roman capitals and columns, and more. In additional incidents, trenches were dug in the raised areas of the Temple Mount to bury electricity cables. In this case as well, archeological relics were severely damaged. The State Ombudsman issued a scathing report on this topic, only a small part of which was

- made public, while the majority was classified. [http://jcpa.org.il/article/-הסטטוס-הבית-קהר-בהר-קו-#\\_ftnref20](http://jcpa.org.il/article/-הסטטוס-הבית-קהר-בהר-קו-#_ftnref20)
42. Shuka Dorfman, *Underneath the Ground (Me-Tachat Pnei HaShetach)* (Kinneret Zmora Bitan, 2015), p. 146 (in Hebrew).
  43. *Ibid.*, pp. 147-150.
  44. "Netanyahu confirms: Only Muslims will be permitted to pray on the Temple Mount," *Ha'aretz*, October 25, 2015 (in Hebrew).
  45. A source in the Israel Police.
  46. Shuka Dorfman (z"l), who served for many years as deputy director general of the Israel Antiquities Authority, in a private conversation.
  47. For details of this affair, see Nadav Shragai, "The Legitimacy and the Urgent Need to Replace the Temporary Mugrabi Bridge (opening to the Temple Mount) with a Permanent Bridge," October 25, 2011 (in Hebrew). [http://jcpa.org.il/article/-הסטטוס-הבית-קהר-בהר-קו-#\\_ftnref21](http://jcpa.org.il/article/-הסטטוס-הבית-קהר-בהר-קו-#_ftnref21)
  48. A senior Israeli official confirmed this.
  49. In regard to this, see, for example, the item on the Israeli news website of the Hebrew newspaper *Maariv* at <http://www.nrg.co.il/online/1/ART2/555/194.html>; [http://jcpa.org.il/article/הסטטוס-קהר-בהר-הבית-#\\_ftnref24](http://jcpa.org.il/article/הסטטוס-קהר-בהר-הבית-#_ftnref24)
  50. Clause 2 of Article 9 on Places of Historical and Religious Significance stipulates among other things that "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 historic Jordanian role in these shrines."
  51. Israel Ministry of Foreign Affairs, English version of the Treaty, at <https://web.archive.org/web/20070630203151/>; <http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Israel-Jordan%20Peace%20Treaty>.
  52. A copy of the Abdullah-Abbas Agreement is in the author's possession.
  53. A source in the government.
  54. "Netanyahu confirms: Only Muslims will be allowed to pray on the Mount," *Ha'aretz*, October 25, 2015 (in Hebrew).
  55. "Remarks to the Press with Jordanian Foreign Minister Nasser Judeh," October 24, 2015, U.S. Department of State Archives, at <http://www.state.gov/secretary/remarks/2015/10/248703.htm>
  56. Barak Ravid, "Placement of cameras on the Temple Mount postponed for two months due to disagreement between Israel and Jordan," *Ha'aretz*, February 7, 2016 (in Hebrew).
  57. "Jordan abandons plan to install cameras on Temple Mount," *Jerusalem Post*, April 18, 2016, <http://www.jpost.com/Arab-Israeli-Conflict/Jordan-abandons-plan-to-install-cameras-on-Temple-Mount-451610>
  58. Based on a lecture behind closed doors about discussions with security authorities and political entities. The content also appeared in written form in a magazine article published in the weekend political supplement of the Hebrew daily *Israel HaYom*. See "The Jordanian Custodianship" (in Hebrew), *Israel HaYom – Israel HaShavua*, November 28, 2014 (in Hebrew).
  59. Jordanian demographic data in a government document.

60. For further information on infiltration of ISIS into Jordan, see, for example, the internet news website of the Hebrew daily *Yediot Aharonot – Ynet*: “Test of the Kingdom: Support for ISIS in Jordan Increases,” Reuters, August 30, 2013 (in Hebrew), at <http://www.ynet.co.il/articles/0,7340,L-4565632,00.html>
61. A security source. On the history of relations with Jordan, see Yossi Melman, “Diplomacy: Back to square one on Jordanian-Israeli relations,” *Jerusalem Post*, November 1, 2014, at <http://www.jpost.com/International/Diplomacy-Back-to-square-one-380408>
62. See, for example, the report on the Hebrew news website *First Class News*, <http://www.news1.co.il/Archive/001-D-315821-00.html>
63. See, for example, the website of the Hebrew economic daily *Calcalist*, <http://www.ynet.co.il/articles/0,7340,L-4565632,00.html>
64. See, for example, the signing of the agreement between Jordan and Israel regarding the Two Seas Canal on the website of the Hebrew economic daily *Globes*, <http://www.globes.co.il/news/article.aspx?did=1001014153>
65. See, for example, the website of the Hebrew economic daily *Globes* on the huge \$15 billion natural gas deal between Israel and Jordan. <http://www.globes.co.il/news/article.aspx?did=1000968817>
66. See, for example, the website of PZM, <http://www.mako.co.il/pzm-magazine/Article-ebaa5a1597a6b31006.html>
67. See, for example, <http://www.ynet.co.il/articles/0,7340,L-3566902,00.html>, <http://news.nana10.co.il/Article/?ArticleID=980538>
68. King Abdullah I of Jordan, photograph, Library of Congress, <http://www.loc.gov/pictures/item/mpc2010001268/PP/>
69. See, for example, reportage and photos documenting waving Hamas flags on the Mount, on the First Class News website from April 14, 2014, at <http://www.news1.co.il/Archive/001-D-347383-00.html>. For more, see: [http://jcpa.org.il/article/ההסתטוס-קוו-ברה-הבית/#\\_ftnref25](http://jcpa.org.il/article/ההסתטוס-קוו-ברה-הבית/#_ftnref25)
70. Yitzchak Reiter, “From Jerusalem to Mecca and Back – Consolidation of Muslims Concerning Jerusalem,” Jerusalem Institute for Israel Studies, 2006, p. 18 (in Hebrew), at [http://jiis.org.il/upload/meka\\_heb.pdf](http://jiis.org.il/upload/meka_heb.pdf)
71. Nadav Shragai, *The “al-Aqsa is in Danger” Libel – Profile of a Lie* (Jerusalem Center for Public Affairs and Maariv Publishers, 2012), pp. 53-60 (in Hebrew).
72. On the libel and its express, see *The “al-Aqsa is in Danger” Libel* Chapter 5 (in Hebrew).
73. Details on the libel and further information can be found in the author’s book, *The ‘al-Aqsa is in Danger’ Libel – Profile of a Lie* (Jerusalem Center for Public Affairs and Maariv Publishers, 2012) (in Hebrew).
74. See, for example, the publication of the Israel Antiquities Authority: Gideon Avni and Yonatan Deligman, “The Temple Mount 1917-2001,” pp. 25-37 (in Hebrew), and the website and publications of The Public Committee to Prevent Destruction of Antiquities on the Temple Mount (the Temple Mount Antiquities Rescue Committee) at <http://templemountdestruction.com/e/Home/tabid/160/Default.aspx>
75. For more on this, see Nadav Shragai, “The Raed Corpus,” *Israel HaYom-Israel HaShavua*, pp. 4-6, October 16, 2015 (in Hebrew). English translation – “The Man who Lights the Match,” *Israel HaYom*, October 16, 2015, at [http://www.israelhayom.com/site/newsletter\\_article.php?id=28949](http://www.israelhayom.com/site/newsletter_article.php?id=28949)

76. See *Ynet* news website, <http://www.ynet.co.il/articles/0,7340,L-4726711,00.html>
77. See *Ha'aretz* website, <http://www.haaretz.co.il/news/politics/.premium-1.2727946>
78. For more on this affair, see Nadav Shragai, *The Temple Mount Conflict – Jews and Muslims, Religion and Politics since 1967* (Keter Publishers, 1995) (in Hebrew).
79. For more information, see *The 'al-Aqsa is in Danger' Libel*, and Nadav Shragai, *The Temple Mount Conflict – Jews and Muslims, Religion and Politics since 1967* (Keter Publishers, 1995) (in Hebrew).
80. For example, the ultra-Orthodox (*haredi*) group called “Establishment of the Temple movement” – headed by Rabbi Yosef Elboim – a group that focuses on “preparations for a Third Temple” by trying to recreate priestly garments, sacrificial instruments, breeding a “pure” red heifer, and so forth.
81. Israel Police – Jerusalem data
82. Shuka Dorfman, *Underneath the Ground (Me-Tachat Pnei HaShetach*, in Hebrew) (Kinneret Zmora Bitan, 2015), p. 156, from the protocol of a discussion in which Ben-Ami participated (in Hebrew).

## About the Author

Nadav Shragai is a senior researcher at the Jerusalem Center for Public Affairs. He served as a journalist and commentator at *Ha'aretz* between 1983 and 2009, is currently a journalist and commentator at Israel Hayom, and has documented the dispute over Jerusalem for thirty years.

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The old status quo on the Temple Mount no longer exists and has lost its relevance. It has changed substantially according to a host of key parameters in a manner that has greatly enhanced the status of Muslims on the Mount and greatly undermined the status of Israeli Jews at the site.

The situation on the Temple Mount continues to change periodically. The most blatant examples are the strengthening of Jordan's position, the takeover of the Mount by the Northern Branch of the Islamic Movement in Israel and then its removal, and the severe curtailment of visits by Jews on the Mount.

At the same time, one of the core elements of the old status quo – the prohibition against Jews praying on the Temple Mount – is strictly maintained. It appears that this is the most stable element in the original status quo.

Unfortunately, the principle of freedom of religion for all faiths to visit and pray on the Temple Mount does not exist there today.

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