

AN ORIGINAL CONTRIBUTION:

JERUSALEM: A VIEW OF THE HOLY CITY FROM
CHRISTIAN, JEWISH, ISLAMIC AND UNITED NATIONS SOURCES

by

Prof. Ze'ev W. Falk*

On September 25, 1971 the United Nations Security Council, by a vote of 14 to 0, adopted a resolution on Jerusalem which, *inter alia*, stated that it:

“urgently calls upon Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the city, or which would prejudice the rights of the inhabitants and the interests of the international community or a just and lasting peace.”

The resolution, as the discussion which preceded it showed, was directed at what was called “Israeli efforts to judaicize Jerusalem”. For the representatives of the Great Powers and other nations, the Old City of Jerusalem was obviously more Muslim, or even Christian, than it was Jewish.

In the light of this attitude, it is worthwhile examining the various religions' views of the Holy City. Paul, in his letter to the Galatians 4:21 – 32, describes the classic difference between Judaism and Christianity in terms of Jerusalem:

“For these are the two covenants; the one from Mount Sinai, which gendereth to bondage, which is Agar. For this Agar is Mount Sinai in Arabia, and answereth to Jerusalem which now is, and is in bondage with her children. But Jerusalem which is above is free, which is the mother of us all.”

The underlying idea of this allegory is the relation between spiritual and political bondage. To Paul, Jewish suffering in the Jerusalem of his day is a symbol of the spiritual suffering under the covenant of Sinai. Just as the Jews were enslaved by the Roman authorities in Jerusalem, they were enslaved by the yoke of the Torah.

On the other hand, the allegory can be read to mean that the Jews accepted the yoke of the covenant of Sinai although this implied the

* Two original contributions on Jerusalem are included, one written by Professor Ze'ev W. Falk of the Hebrew University of Jerusalem, and the other by the Anglican Archbishop in Jerusalem, George Appleton (see p. 104f.). They are respectively personal Jewish and Christian views on the matter, but might serve as a contribution to the continuing debate. (Ed.)

limitation of their freedom; similarly, they remained attached to Jerusalem even though this meant political and individual bondage.

Professor W. D. Davies¹ has shown how Christianity changed Jewish holy realia into spiritual concepts and, conversely, how Christians established the corporal holiness of the Messiah to replace the holiness of the City and the Land. Liberated from the "bondage of the law", Christianity renounced the earthly Jerusalem for the spiritual one. For Christians Jerusalem is a symbol of eternal life and eschatological hopes; it is a spiritualized entity, almost totally detached from the reality of the earthly city.

It is true that Christians take an interest in the places associated with the activities of Jesus, and sometimes even considered such places a kind of sacramental realization of the Messiah himself. But the New Testament, in general, belittles the importance of the Temple and of the City. It describes the Jewish attachment to these places as a disadvantage. Christianity is satisfied with retaining the memories connected with the places where Jesus was active, but as a universal religion it does not demand political rule over the city.

In fact, from a true theological point of view, as distinguished from utilitarian or political motives, Christianity admits Jewish sovereignty over earthly Jerusalem. If Israel remained loyal to the City while it was under foreign rule, and this attachment was recognized by Christianity, how can Christians deny Israel's right to Jerusalem when the foreign yoke is broken?

According to *Islamic law*, Muslims must similarly recognize Israel's jurisdiction over the united city of Jerusalem. By their own admission, Eastern Jerusalem is now a part of Dar al-Harb, ("Abode of War"), that part of the world which will become Dar al-Islam ("abode of Islam") only by conquest.

From 1948 until 1967 the Old City of Jerusalem was clearly part of Dar-Islam, an area of the world which is ruled by Muslim authorities. Did the war of 1967 change that, or does the City still retain its Muslim character under Islamic law?

Similar questions were asked in India when Muslim sovereignty was replaced by that of the Hindus. Islamic legal authorities then ruled that Dar al-Islam could revert to the status of Dar al-Harb under three conditions:

1. that the legal decisions of unbelievers are regarded and those of Islam are not;
2. that the country immediately adjoins an Abode of War, with no Muslim country between the two;

¹ W. D. Davies, 'Jerusalem and the Land in the Christian Tradition', in: *International Colloquium on Religion, Peoplehood, Nation and Land, Jerusalem, November 1-7, 1970* (in print).

3. that there is no longer protection for Muslims and the non-Muslim dhimmis.²

The first two conditions have obviously been fulfilled by the extension of Israeli sovereignty over the Old City. Actually the third condition has not. Yet Muslim spokesmen have often claimed that Israel has violated the rights of Muslims in Jerusalem. Thus, by their own statements, they recognize the legal rights of Israel over Jerusalem.

When an attempt was made to burn the Al-Aksa Mosque two years ago, a number of Muslim leaders called for the declaration of a Jihad, or holy war, to liberate Jerusalem. It is evident that such a call could only be made on the assumption that the city was no longer a part of Dar al-Islam and therefore not under Muslim jurisdiction. Incidentally, it should be noted that after the Crusaders' conquest of Jerusalem no claim was made by Muslims that the city was an Abode of Islam. Only after several generations were complaints raised against the prevention of Muslim access to Muslim Holy Places.³

Nor does international law present any obstacles to the recognition of Israeli sovereignty over Jerusalem. The conquest of East Jerusalem by the Arab Legion in 1948 was rejected by the Arab States themselves. Only two nations of the entire world community ever recognized Jordan's rule over the Old City. Jordan had no claim to sovereignty over the city nor any right against Israeli rule.⁴

For more than twenty years the Jordanian army prevented access to Jewish holy places and desecrated synagogues and cemeteries, in blatant disregard of signed agreements, law and morality. During all this time neither the UN Security Council nor any individual nation protested against "the change of status of the city" or "the prejudice to the rights of her inhabitants".

Moreover, on June 5, 1967, when Israel asked Jordan to abide by the Armistice Agreement, King Hussein responded by shelling the Jewish section of Jerusalem. It was only following the Jordanian attack that Israel answered in kind and eventually reunified the city.

To the Jews, Jerusalem has always remained the centre of their religious and national existence. The outcome of the war in 1967 was, to them, the fulfilment of a centuries-old prophecy: "Break forth together into singing, you waste places of Jerusalem; for the Lord has comforted his people, he has redeemed Jerusalem" (Is. 52:9).

² H. A. R. Gibb and J. H. Kramer, 'Shorter Encyclopedia of Islam', Leiden, 1953, 69; Y. Meron, *Hamizrah Hahadash XXI* (1971) 63-67.

³ J. Siwan, *Studia Islamica XXVII* (1967) 149-182

⁴ E. Lauterpacht, 'Jerusalem and the Holy Places', London 1968; Y. Z. Blum, *Israel Law Review* (1968).

It is perhaps, difficult for other nations and other religions to accept the prophetic fulfilment. In the time following the Babylonian exile the situation was similar: "When Sanbalat and Tobiah and the Arabs and the Ammonites and the Ashdodites heard that the repairing of the walls of Jerusalem was going forward and that the breaches were beginning to be closed, they were very angry" (Neh. 4:7).

But today Jerusalem, for the first time in centuries, is really worthy of her name: "City of Peace,,. Even the American representative to the United Nations admitted that Israel's guardianship of the holy places was exemplary. With free access provided to all, Jerusalem is truly "a house of prayer for all peoples" (Is. 56:7).