

Jerusalem's Religious Institutions

Abstract

Jerusalem is a very unique and complex city. Jerusalem is a holy city, divided and contended, its streets are the theatre of a clash aiming at the definition of two different questions: its sovereignty and status of the holy places. The first regards two National groups, the second several religious communities and their representatives.

The purpose of this research is to analyze the role and the functions of Jerusalem's religious institutions with the aim to observe the way in which those interact and influence the actual historical process.

In this document I will only outline the historical framework that lie at the basis of the research and I will not anticipate fragments of analysis that could result misleading or superficial. My aim here will be to contextualize the subject of my research, motivating my choices regarding the institutions to analyze in this paper and describing the outcomes of my field research. This paper however should be considered only a preliminary study of a necessary systematic research to be done on this subject.

Jewish, Christian and Muslim people consider Jerusalem a holy city and thus it is residence of many important holy places. In particular it hosts two destroyed Jewish temples of which remain today only the western wall (Wall of cry), the Holy Sepulcher (built where, according to the tradition, Jesus Christ was crucified) and the Mosques esplanade, placed where, according to the Islamic tradition, the prophet rose to the sky, and where today resides Al Aqsa Mosque. Each year thousands of pilgrims belonging to these monotheist faiths reach Jerusalem from any part of the world.

Several hundreds religious institutions, referring to different faiths, are concentrated inside the city managed by different administrative authorities and operating in several fields. These institutions are often working for the affirmation of particular political, national, historical and cultural identities on behalf of different communities, while also promoting and defending the interests of external powers.

In each different historical phase the evolution of the city has been deeply influenced by the politics of the religious institutions. More than half of the old Jerusalem, as a matter of fact, after 12 centuries of Islamic domination –interrupted only during the crusades' period- consisted in *waqf*, charitable properties, used as housing units or for public social aims (mosques, schools, clinics etc).

The expansion of the city outside the walls started in the second half of the XIX century and it was not under the initiative of the Ottoman Empire but as result of foreign capital's investments, linked in particular to Christian institutions active on the capitulation front. Constructions did not aim the instauration of new neighborhoods for living purposes, but the realization of public institutions such as schools, hospitals, churches and monasteries all administrated by foreign staff with the aim to increase the particular influence of each religious authority in the area and the interests linked to the pilgrim's economy and the business connected to spirituality, archeology and imperialism.¹

After the occupation of Jerusalem in 1967, the Jewish state started to Judaize the old city expropriating Palestinian areas and pushing its inhabitants outside the walls, often motivating its action with the need to pursue archeological research of biblical places. Palestinians were thus pressed to answer to such politics and to present their own historical archeological hypothesis, moreover they were protecting their presence through their religious institutions, in particular, the charitable ones. During the British Mandate many properties were turned into *waqf* in order to prevent their selling to Zionists: already by then the struggle for ownership inside the old city had started. After 1967 the number of *waqf* entities in Jerusalem increased, while in the rest of the Islamic world such institutions resulted clearly in decline.

Countries like Jordan, Saudi Arabia and the Gulf were sustaining public Palestinian institutions and offered to found the constructions on condition that they would be registered as *waqf*, with the purpose to guarantee their integrity in times of political change.

On the other side, the struggle for the control over Jerusalem, as any other conflict, is an historical dialectical process where each side is committed to defend its own interests using at this purpose all the instruments at its reach, among them, its religious and historical tradition.

This paper will follow the history of several institutions giving particular attention to the representative organisms of each faith with its religious courts whose system is inherited from the ottoman millet². Up until today in Jerusalem many personal issues are still administrated by religious courts. This phenomenon implies the absence of a valid civil code, universally recognized by all citizens, and the imposition of a religious jurisdiction to atheists and not practicing people. Moreover the territorial partition of the city according to religious criteria –not merely territorial– makes religious belonging a very central element in the definition of the self contributing to melt

¹ Yitzhak Reiter, *Islamic Institutions in Jerusalem. Palestinian Muslim Organizazion under Jordanian and Israeli Rule*, Kluwer Law International, London 1997, p. 25-26.

² The term *millet* refers to religious communities that enjoyed an autonomous jurisdiction with respect to personal matters under the Ottoman Empire. Each one of them had religious authority and normative and jurisdictional powers constituting the political representative for its community in front of the Ottoman Government.

down together national and confessional identity. It is worth to underline at this purpose the fact that Israeli citizenship is issued accordingly to the religious belonging of the individual³, to detriment of non Jewish people, which result strongly discriminated.

The relationship between religion and State is for Israel quite ambiguous: Judaism is not considered the official faith of the State, liberty of cult is guaranteed, but religion affects in several ways the decision making of the government. The administration of governmental funds for example is linked to religious matters to the extent that religious authorities and institutions receive money from it, religious norms are enforced and political language is pervaded of biblical images and quotations.

Jerusalem is thus a complicated environment where each religious community has its own interest, affirms its own claims and raises its problems.

For what concerns the Jewish community, the local and regional rabbinic courts and the Appealing Court refer to the Great Rabbinate of Jerusalem following the Sephardic or Ashkenazi rites, both orthodox. Otherwise there are several other Jewish religious currents, reformed, conservative or secularist, but they don't receive any legal recognition: the non-orthodox currents are thus against religious particularism and hold a more universalistic approach to religion.

Christian community as well is not homogenous since it includes different churches often disputing between them and having each one church its own court: the Catholic Church (usual Latin, Melchita, Maronita, Syrian, Armenian and Chaldean), the Orthodox (usual Greek, Armenian, Coptic, Syrian and Ethiopian) and the Protestant (Anglicans and Lutherans). Moreover, the clergy of these churches is composed by members coming from abroad nourishing different interests and requests with respect to the Palestinian Christian community.

Thus, Christian churches present in Jerusalem also express different official positions regarding the conflict and the future of the City: the Vatican, for instance, signed an Agreement with the Israeli Government in 1993 and with the Palestinian Authority in 2000, and since the years' 40 its position is to promote the internationalization of Jerusalem under the control of the Nations United in order

³ See, for example, the Law of Return, approved by the Knesset in 1950, which guarantees automatic and fast Israeli citizenship to any Jew in the world on the sole base of his/her religious belonging, even when not practicing. On the other side the State of Israel denies its Palestinian Citizens expelled from their land in 1948 to come back to their home and to obtain Israeli citizenship. In order to gather more information about the discriminations suffered by non Jewish people resident in the Jewish State of Israel, look at *Country Report on Human Rights Practices on Israel and Occupied territories*, redacted by the State Department of the United States in 2004 and available online at <http://www.state.gov/g/drl/rls/hrrpt/2004/41723.htm>

to guarantee the right for pilgrim coming from all over the world to have access to the holy places together with the aim to maintain its authority exercised on Christians holy places 4.

On the other way, when the religious authority has local and Arab origins members of the clergy show to express a very clear position with respect to the state of the Occupation: this is the case, for example, of Michel Sabbah, native of Nazareth and Latin Patriarch until 2008, who has appealed to the duty and right to resist against the unfair military Occupation of the Palestinian Territories 5.

Finally, Muslims of Jerusalem, although are not internally divided, undergo for the control of the religious founding shared between the Israeli Government, Jordan and the Palestinian National Authority. The three political subjects compete and limit each other by imposing different procedures and also providing different certificates needed by the Muslim community. As a main consequence, Muslims find themselves obliged to refer once to the Scharaitic Court in West Jerusalem which is under the control of the Israeli Ministry of Religious Business and once to the Scharaitic Court in East Jerusalem under the control of the Jordanian Ministry of Religious Business

As we can see the Israeli strategy is based on the recognition of the Jordanian control of the Scharaitic court in Jerusalem which is ended a not passive recognition: in fact the Israeli Government compels the Palestinian population resident in East Jerusalem to refer to the court in West Jerusalem under the control of its Ministry 6.

Thus, in order to obtain some documents such as the identity card or the visa for emigration and certificates attesting personal status, it is compulsory for Muslims to refer to the Scharaitic Court of West Jerusalem. It is important to note that the two courts have different legislations that do not match: the Jordanian one, in fact, stems from Ottoman origins, while the other is Israeli.

⁴ Under the pressures of the Vatican the UNGA 181 Resolution was approved by the Nations United in 1947 (29 November). In the text the two national communities present in Palestine are both entitled with the right of self-determination and it is stated that the Land is the *locus* of “*unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world*” and *therefore to all*”. A new Resolution adopted in 1997 (25 April) and recalling unequivocally the resolution 181 says: “Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and the protection of the unique spiritual and religious dimension of the City, as foreseen in relevant United Nations resolutions on this matter”. Paragraph 11 of the same Resolution recommends that “*a comprehensive, just and lasting solution to the question of the City of Jerusalem, which should be reached in permanent status negotiations between the parties, should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the Holy Places by the faithful of all religions and nationalities*”.

⁵ “*To remain a spectator means to place oneself on the margin, becoming strangers to the men and women of one’s people, which is not the vocation of Christians. Like all the Palestinians, we are victims of the occupation. Like all the Palestinians, we have to pay the price in order to again find our political and economic freedom as well as in some ways, our religious freedom where access to the Holy Places and to Jerusalem itself is concerned.*”: Pastoral letter of Michel Sabbah, 1th March 2008, available at <http://www.lpj.org/newsite2006/patriarch/pastoral-letters/2008/timeofmydeparture2008-ita.html>

⁶ Yitzhak Reiter, cit., p. 37-39.

Moreover, with the establishment of the Palestinian National Authority (PNA) in 1994, Palestinians have claimed the right to manage the holy places of Jerusalem and the existing religious founding and entered in competition with Jordan.

Nevertheless, the Hashemite Monarchy has refused to renounce to its authority until the definition of the final status of the City, even though the Monarchy has granted the PNA the possibility to monitor the administration of the *waqf* (the pious endowments) and that of the Scharaitic courts of the West Bank.

The analysis of the religious founding of Jerusalem shows that they represent an element deeply involved in the conflict, either because of their capacity to promote appeals and give them political means – as in the case of religious authorities' declarations⁷-, either because through the religious founding the different political powers can affirm their sphere of influence.

Thus, if it is true that religion and its channels can easily give space to political exploitation, this is even more true in the case of the Holy City: profoundly endowed with sacred values, Jerusalem offers a valid pretext to justify territorial ambitions more than spiritual. Nevertheless, the superimposition of religious speeches with national discourses risk to legitimate a misunderstanding of the conflict: by representing the conflict as it was rooted in religion and not as it is originated from the state of the military occupation and from the annexation of one community's territory to detriment of the other.

Occupation and annexation that have become possible thanks to the force of a nationalist ideology – and not a religious one – as like as the Zionism which has been then opposed by the Palestinian National Liberation movement.

⁷ Religion's most important sources are speeches and discourses through which religion legitimize and spread moral authority empowered by declarations expressed. Thus, the symbolic structures of a religious tradition can be a vehicle for political understanding, giving back the religion the moral principles to reorganize the society or to mobilize the collective action in the name of an universal language and a transcendent justice. See H. Williams, R. H., "Religion as Political Resource: Culture or Ideology?" in *Journal for the Scientific Study of Religion*, Vol. 35, No. 4. (Dec., 1996): 374.