

IDSA

Issue Brief

Is it Jerusalem or Jerusalems?

P R Kumaraswamy

December 15, 2017

Summary

Recognition of the Jewish claims appears to be so frightening that many Arab and Islamic leaders, scholars and laypersons merely refer to the Christian and Muslim claims and rights to the city and consciously omit the Jewish dimension. Using the present Israeli occupation of Jerusalem as a pretext, even some Indian observers and scholars tend to trace the origin of the city and its religious claims only to the birth of Jesus Christ.

For a gentile, kafir, infidel and pagan, Jerusalem might be another piece of territory as good or as bad as Alaska. This is, however, not true for the followers of the three Abrahamic faiths, and with valid reasons. Their genealogical trajectory is sequential and closely intertwined and some of their key historical moments are traced to the City of Jerusalem. Religion is an article of faith and hence one either accepts all beliefs and traditions or rejects them altogether; and modernity presupposes that no faith is inherently superior to or supersedes the other.

According to Islamic traditions, between 610 and 623 CE, Jerusalem was the direction of prayer or *Qibla* until it was changed towards the Ka'aba in Mecca by Prophet Mohammed in February 624. The city is also associated with the Prophet's ascendance to heaven or the Night-Journey and his Ascension on a winged horse traced to 620 CE. Thus, Jerusalem is the third holiest place in Islam after Mecca and Medina.

The city is also closely linked to Christianity. While Jesus Christ's birth is traced to a manger in nearby Bethlehem, the central elements of Christianity are linked to Jerusalem. Believers trace the last thirteen steps of Christ in the old city, and the crucifixion and resurrection, the very core of Christianity, is located in the city where the Church of the Holy Sepulchre stands today.

For the Jews, Jerusalem was the home of their two ancient temples, both being destroyed by invading armies; the first by the Babylonian ruler Nebuchadnezzar II in 586 BCE and the second by the Romans in 70 CE. Hence, Jerusalem is the holiest place for the Jews.

Despite all three religions tracing their origins to Abraham, interfaith accommodation over Jerusalem has been limited. Over centuries, Christians have largely diluted and even abandoned their political claims and, until the June War, Jewish claims to the old city and the Western Wall remained dormant. This is, however, not the case for Muslims whose rulers continuously controlled the city since the early seventh century and until 1917, except for the Crusades era.

Holy and Unholy

Regarding theology and historicity, Jerusalem is sacrosanct and intertwined with all the Abrahamic faiths. Politics is, however, a different matter. Even after the Oslo Accords, many Palestinian leaders including Chairman Yasser Arafat had questioned Jewish claims to the city. For a vast majority of Arabs and Muslims, the presence of the Second Temple in the Old City was nothing more than a myth. In their eagerness to reject Israeli claims to that part of Jerusalem, they do not hesitate to reject even Jewish religious claims. This revisionist approach towards Judaism got a boost in

October 2016 when UNESCO adopted a resolution that tacitly rejected any Jewish claims to the city. This resolution was repeated twice during 2017.

Recognition of the Jewish claims appears to be so frightening that many Arab and Islamic leaders, scholars and laypersons merely refer to the Christian and Muslim claims and rights to the city and consciously omit the Jewish dimension. Using the present Israeli occupation of Jerusalem as a pretext, even some Indian observers and scholars tend to trace the origin of the city and its religious claims only to the birth of Jesus Christ.

The religious dimension of the city gets complicated if one looks at the evolution of the al-Aqsa mosque within the Walled City. Shortly after his army captured Jerusalem in late 637 CE, Caliph Umar visited the city and offered prayers. The construction of the al-Aqsa mosque began a few years later during the Umayyad period (661-750) and was finalized in 705 CE. The problem lies in its location, namely, upon the ruins of the Second Temple. Thus, al-Aqsa mosque stands atop a pre-Islamic, non-Islamic and unIslamic religious structure. Unfortunately, even scholars on the Middle East rarely flag this central issue of the location of al-Aqsa, lest Islamic claims to Jerusalem become contested and controversial. History can never be revised let alone undone, but a balanced, dispassionate and non-partisan recognition of its trajectory will lessen much of the tension over Jerusalem.

Even without the religious dimension, geographically there are multiple Jerusalems, each with a specific timeframe and political baggage.

How many Jerusalems?

Though all the Abrahamic faiths lay claims to Jerusalem, in the modern political context, the city has different geographic contours. Under the partition plan approved by the UN General Assembly on 29 November 1947, Jerusalem and its surrounding areas including Bethlehem were declared *corpus separatum*. The UN thereby sought to place the city under an international regime due to the shared and contested religious claims over it.

The Declaration of Independence which announced the establishment of Israel hours before the British departure on 14 May 1948 was conspicuously silent on the country's capital. Formally giving up Zion (another name for Jerusalem) would have meant the realization of Zionism without Zion. At the same time, a formal declaration of Jerusalem as the capital would have angered many Christian or Christian-majority countries, including the US, whose recognition was critical for the Jewish State. With the partition plan already dividing international opinion, the infant state did not have the luxury of ticking off international opinion at its birth. Its entry into the UN, formalized in May 1949, was another compulsion and hence the otherwise colourful

and detailed Israeli declaration of independence was silent on the question of its capital.

Meanwhile, the UN-sponsored Armistice Agreement between Israel and the Hashemite Kingdom of Jordan signed on 3 April 1949 formalized the division of Jerusalem, namely Israeli control of West Jerusalem and Jordanian control and subsequent annexation of East Jerusalem, including the old city and its religious sites holy to all the three Abrahamic faiths. This brought in the concept of West and East Jerusalem into the political discourse of the Middle East. Later that year, Israel declared the Western part of the city as its capital and gradually established or moved all its sovereign institutions, such as the office of the President, the seat of the Supreme Court, Knesset and government offices. By the early 1950s all the ministries except the Ministry of Defence were shifted to West Jerusalem.

West Jerusalem, which Israel declared as its capital has, however, not been recognized by much of the international community. Until President Donald Trump's sudden announcement, even the US never recognized Israel's claims to West Jerusalem as its capital. For a while, a few Latin American countries had gone along with Israel but reversed their decision in the wake of Arab political pressure.

Until the June War, East Jerusalem was under Jordanian control and occupation. Their control of the Old City and the third holiest place of Islam was a consolation for the Hashemites who lost Mecca and Medina to the al-Sauds in the 1920s. There were suggestions that the Hashemites were toying with the idea of declaring East Jerusalem as their capital but that they were dissuaded by the British. During this period, a number of Jewish synagogues in the old city were desecrated, damaged or even destroyed and even non-Israeli Jews were prevented from praying in the Western Wall. At the same time, despite international disapproval, the Armistice Agreement of 1949 institutionalized a *de facto* partition of the city and this status continued until 1967.

During the June War, Israel captured, along with the West Bank, the eastern part of Jerusalem, including the Walled City and since then this has remained under its control. Even as West and East Jerusalems remained high on the international agenda, Israel sought to remove the Green Line (the pre-June armistice lines) on the ground. Through a host of political and legislative moves, it sought to declare Jerusalem to be its 'united, undivided and eternal capital'. And it also sought to establish this fact on the ground through the construction of settlements beyond the June 1967 border. But the international community, including the US, never recognized the eastern part of the city as a part of Jerusalem or Israeli territory. Thus, *East Jerusalem* entered the political lexicon of the Middle East after the June War.

Israeli activities since 1967 have led to the introduction of nomenclatures such as Municipal Jerusalem, Greater Jerusalem and Jerusalem security perimeters. Though administrative in nature, they also indicate Israel's territorial expansion through the annexation and seizure of lands beyond the Green Line. At the height of the Oslo process, the Arab village of Abu Dis in the old city was often suggested as a possible Palestinian capital.



However, the real problem of Jerusalem lay in the Walled City, which houses the ruins of the Western Wall, Holy Sepulchre and al-Aqsa Mosque. Despite its proximity of only a few hundred yards, the Christian holy site can be separated due to its distinct geographical location, but this is not possible for the other two sites. Al-Aqsa and Harem al-Sharif stand on top of the ruins of the Western Wall. Over the years, as noted above, Christian political claims over the city have receded leaving the other two faiths to seek exclusive claims and sovereignty. Besides seeking exclusive control and sovereignty over the Walled City, the Palestinian leadership has no alternate option for Jerusalem.

The Oslo process was possible partly because of the Israeli willingness to discuss contentious issues including Jerusalem during the final status negotiations. But the absence of meaningful progress on the core issues brought the peace process to a halt. At the same time, it is essential to recognize that while other issues are bilateral in character between Israel and Palestine, Jerusalem is special in that not just Arab countries but Muslim societies beyond the Middle East have also acquired a stake and hence a veto in its resolution.

During the Camp David talks between Prime Minister Ehud Barak and Palestinian leader Yasser Arafat in the summer of 2000, President Bill Clinton floated the idea of vertical and horizontal sovereignty over the contested religious space with Jerusalem remaining the shared capital of both the people. This presupposes mutual respect and accommodation, which is absent at present.

Jerusalem is not a legal or political issue. It is an emotional problem that defies reason, logic or evidence. Claims are absolutist with little room for compromise and accommodation. The issue is so vast and complicated one can easily pick up a particular issue, timeframe or logic and make a passionate case for it. As it is said, everyone is right to the extent of their knowledge.

Occupied Jerusalem

There is near unanimity among scholars and laypersons alike that Jerusalem, especially the Walled City, is an occupied territory. But who is the occupying power? It is often forgotten that this has been the case for centuries and that only the occupying powers have been different. Israeli occupation began with the June War of 1967, but the question of ‘occupation’ did not begin then. Until it lost the West Bank to Israel, Jordan had occupied the old city of Jerusalem. During the Arab-Israeli War of 1948, the Arab Legion of the Hashemite Kingdom captured the old city including the holy sites of all the three Abrahamic faiths and subsequently annexed it along with the West Bank. This was not accepted by much of the international community just as it did not recognize Israeli actions beyond the pre-June 1967 borders.

Prior to the Jordanian move, Jerusalem and the wider Palestine came under British control during the First World War after the allied army led by General Edmund Allenby entered the city on 9 December 1917. This was weeks after the Balfour Declaration which expressed British support for a Jewish homeland in Palestine. Until then, Jerusalem was under Islamic control and sovereignty following its liberation from the Crusaders by Saladin in 1187. During the previous two centuries, since the Crusaders laid siege to the city in 1099, Jerusalem was under Christian control.

Before that, Jerusalem came under Arab and Islamic control in the year 637 after the armies of the Second Caliph Umar laid a successful siege and captured the city from the Byzantine Empire. For its part, Byzantium had captured the city from the Early Roman Empire. And, as for the Roman Empire, the armies of Pompey the Great laid siege to Jerusalem in 63 BCE and this eventually culminated in the Jewish tragedy of the destruction of the Second Temple in 70 CE and their dispersal or Diaspora.

In short, Jerusalem came under Roman rule in 63 BCE; Islamic rule in 637 CE; under the Crusaders in 1099; under Saladin in 1187; under the British in 1917; under the Jordanians in 1948 and under Israel in 1967. Hence, the question of ‘occupation’ is entirely subjective and people decide the timeframe of ‘occupation’ in line with their religious beliefs and political convictions.

Trump and Jerusalem

In October 1995, during the heydays of the Oslo process, the US Congress passed the Jerusalem Embassy Act, which demanded the relocation of the American embassy from Tel Aviv to Jerusalem and to recognize that city as Israel’s capital. However, citing larger American interests, successive presidents deferred the move. At the same time, since 1967, various US administrations have considered areas beyond the Green Line, including East Jerusalem, to be a part of the Occupied Territories. For example, President Barack Obama’s formulation of May 2011 that the final borders between Israel and Palestine “should be based on the 1967 lines with mutually agreed swap” was legally correct but led to a diplomatic row with Prime Minister Benjamin Netanyahu.

On 6 December, much to the surprise of the international community, President Trump announced that he had “determined that it is time to officially recognize Jerusalem as the capital of Israel” and went on to add that, like other sovereign nations, Israel has the right “to determine its own capital”. He located this move within the context of the peace process.

President Trump’s move, which has enraged many US friends, infuriated Muslim allies and spurred massive protests in different parts of the world, has opened a Pandora’s Box and raised many questions than answers. Does it mean that the US has accepted Israeli claims of Jerusalem being its ‘united and undivided’ capital, including the old city? Is it an abandonment of the American position of East Jerusalem being part of the Occupied Territories? If it means recognition of only West Jerusalem, is President Trump merely accepting the pre-1967 Israeli claims without any rights over the old city? Such questions are especially valid in the context of Trump’s call on “all parties to maintain the status quo at Jerusalem’s holy sites, including Temple Mount, also known as Haram al-Sharif.”

Despite the international uproar, the wording of President Trump’s statement indicates that recognition of Jerusalem as Israel’s capital is accompanied by a subtle reiteration of partition of the city into West and East Jerusalem, which is not the Israeli position. In that sense, there is no need for Netanyahu to celebrate.

India and Jerusalem

Until 1992, India followed a cautious policy of recognition-without-relations towards Israel for over four decades. Like in the case of many other countries, India's normalization of relations with Israel was followed by the establishment of a diplomatic mission in Tel Aviv. After the establishment of the Palestine National Authority, New Delhi established a mission in the Gaza Strip in 1996, which was moved to Ramallah in 2003 when Arafat shifted his headquarters to the West Bank. The Indian mission in the Palestinian territories reports directly to South Bloc and not to the embassy in Tel Aviv, thus reiterating the legal separation between Israel and Palestine.

For nearly a decade, incidentally coinciding with UPA rule, India's support for a Palestinian state was accompanied by an explicit reference to East Jerusalem being the Palestinian capital. If the international community and the UN do not recognize West Jerusalem as Israel's capital, the same holds true for East Jerusalem as the Palestinian capital. However, political considerations resulted in a number of countries embracing and endorsing the Arab-Islamic position on Jerusalem. This was reflected in multilateral forums such as BRICS and IBSA. During his initial months in office, even Prime Minister Narendra Modi adhered to this position.

However, a major shift became noticeable during the visit of President Mahmoud Abbas in May 2017. With the Palestinian President standing by his side, Prime Minister Modi reiterated India's support to Palestinian statehood but carefully avoided any direct reference to East Jerusalem. This shift indicated an Indian recognition of the complexities surrounding Jerusalem and the need for a settlement among the parties concerned. Only a few weeks earlier, India had reversed its earlier position and abstained over a UNESCO resolution that denied any Jewish links to the city. Indeed, the absence of any reference to East Jerusalem was also noticeable in the statement that BRICS leaders including Modi issued in Xiamen in September 2017.

The absence of any reference to East Jerusalem as the capital of the future Palestinian state led to suggestions that India was moving towards accepting the city as Israel's capital. This was flagged when Prime Minister Modi visited Israel in July 2017. While staying at the King David Hotel in Jerusalem, he skipped the Palestinian headquarters in Ramallah located only a few miles away.

In the aftermath of President Trump's Jerusalem announcement, there were media speculations about the Indian stand especially given a non-committal statement issued by the Ministry of External Affairs observing that "India's position on Palestine is independent and consistent. It is shaped by our views and interests, and not determined by any third country." This bland statement without any reference to

Jerusalem did not, however, satisfy many who felt it was insufficient, vague, anti-Palestinian and even anti-Muslim.

States are less ideological and more responsible than individuals and rhetoric is unsuitable and counterproductive. If one looks at some of its recent positions, it is obvious that the Indian government is aware of the complex religious claims and political contestations over Jerusalem. The city is not Berlin to be divided or Chandigarh to be shared. It is a theological, geographical, historical, archaeological, political and emotional issue with contested claims and overlapping legacies. While it is necessary to simplify the problem, looking for a simple solution is dangerous and irresponsible. From India's viewpoint, let the parties concerned—Israel, Palestinians and the wider Arab-Islamic world—reach a settlement based on respect, compromise and accommodation. Thus, if India no longer recognizes East Jerusalem as the Palestinian capital, it is also not recognizing West Jerusalem as Israel's capital. Is there a better option?

About the Authors

P. R. Kumaraswamy is Professor of Middle Eastern Studies at Jawaharlal Nehru University, New Delhi.

The Institute for Defence Studies and Analyses (IDSA) is a non-partisan, autonomous body dedicated to objective research and policy relevant studies on all aspects of defence and security. Its mission is to promote national and international security through the generation and dissemination of knowledge on defence and security-related issues.

Disclaimer: Views expressed in IDSA's publications and on its website are those of the authors and do not necessarily reflect the views of the IDSA or the Government of India.

© Institute for Defence Studies and Analyses (IDSA), 2017