Jews Not Allowed on the Temple Mount After the British Capture of Jerusalem: Tracing the ever-changing status quo, 1917-1927

By: F. M. LOEWENBERG

In November 1917, the British government issued the Balfour Declaration, proclaiming its support for the establishment of a "national home for the Jewish people" in Palestine. This decision was greeted with great enthusiasm by Jews throughout the world and especially by the small Jewish community of Eretz Yisrael. This optimism was still evident when a month later the British army occupied Jerusalem.

The Turkish Army retreated from Jerusalem on Friday, December 7, 1917, after the British army had been shelling some Jerusalem neighborhoods for the previous two days. Before the Turkish governor departed from the city that Friday evening, he handed a surrender document to Hussein Salim al-Husseini, the Arab mayor of Jerusalem, and asked him to deliver it to the British army the next day. That day, Saturday, December 8, was a cold, rainy, wintery day. Mayor al-Husseini, accompanied by his family and a delegation of ten dignitaries, as well as a photographer, repeatedly tried to deliver the governor's letter of surrender and the keys of the city to the British army. Before the day was over, the mayor had handed over the letter four or five times. Legend has it that just outside the city he came across two army cooks who were looking for eggs to serve for breakfast. They inadvertently became the first British soldiers to see the surrender document but they refused to receive it. Next were two British sergeants who encountered the Jerusalem delegation at the western end of Jaffa Road. They also refused to accept the surrender document and instead called their officers, who were prepared to receive it, but a higher-ranking officer, Brig. Gen. C.F. Watson, decided that the surrender of Jerusalem was so important that it required his accepting the letter

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of surrender again. When the sector commander, Maj. Gen. John Shea, arrived in Jerusalem later that morning, he ordered Watson to return the letter to the mayor so that he, Maj. Gen. Shea, could receive it in a proper manner. When General Sir Edmund Allenby, the commander-in-chief of the British army in the Middle East, heard what had happened, he demanded that the official surrender ceremony be conducted in his presence. This final surrender ceremony took place on Tuesday, December 11, at noon, near Jerusalem's Jaffa Gate. Unfortunately, Mayor al-Husseini could no longer attend this ceremony since he died a day earlier.

When General Allenby entered the Old City of Jerusalem on foot that Tuesday for the official surrender ceremony, he became the first Christian conqueror of the Holy City since the days of the Crusaders. He was very much aware that this was an historic event. For over seven hundred years, the city had been living under Muslim rulers. Now everyone was anxious to find out what changes this new Christian ruler would introduce. Standing on the steps of the Citadel (today's Migdal David Museum), Allenby announced that for now a military government would rule Palestine. He assured all religious communities that the *status quo* would remain in effect so that everyone could continue to utilize their traditional rights at all of their holy sites. He said,

> … every sacred building, monument, holy spot, shrine, traditional site, endowment, pious bequest, or customary place of prayer of whatsoever form of the three religions will be maintained and protected according to the existing customs and beliefs of those to whose faith they are sacred.[1]

He did change, however, the rules of access to the Temple Mount that had been in place for more than seventy years. In a cable to the War Cabinet in London, General Allenby spelled out what had been decided with respect to the Temple Mount.

> Guards have been placed over the holy places… The Mosque of Omar and the area around it have been placed under Moslem control, and a military cordon of Mohammedan [Indian Muslim] officers and soldiers has been established around the mosque. Orders have been issued that no non-Moslem is to pass within the cordon without permission of the Military Governor and the Moslem in charge.[2]

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1 "Proclamation of General Allenby," in Charles F. Horne (ed.), *Source Records of the Great War*, Vol. 6 (Stuart Copley Press, 1923), p. 417.

2 *Source Records of the Great War*, Vol. 6, pp. 416–417. The use of the term "Mosque of Omar" to designate the entire Temple Mount was a common usage at that time in British government documents. Most probably it was an attempt to be

The decision to close access to the Temple Mount to all but Muslims was a major change in the arrangements that had been in effect since the middle of the previous century. This change was most astonishing in view of Great Britain's traditional role of keeping this holy site open for both Christians and Jews. In fact, three months later the War Cabinet in London responded to the pressures of a number of English Protestant groups who demanded the restoration of the *status quo* that permitted all non-Muslims access to the Temple Mount. Allenby was forced to countermand his order and non-Muslim visitors once again flocked to the Temple Mount according to the rules that were in place prior to the British occupation. Although non-Muslims now were once again allowed on the Temple Mount, the day-by-day management of the site remained in the hands of Muslim religious authorities. Muslim control of the site was strengthened in 1922 when Haj Amin al-Husseini, Grand Mufti of Jerusalem and President of the Supreme Muslim Council, moved his office from a government building in downtown Jerusalem to the Temple Mount. From that time on, there were many instances when Jews and Christians were prevented from entering the holy site. The British authorities tacitly or actively agreed to their exclusion. For example, when Lord Arthur Balfour (a Christian)—the author of the famous Balfour Declaration and currently a senior member of the British Cabinet—was visiting Palestine in the spring of 1925 to participate in the inauguration of the Hebrew University, the Muslim authorities prevented his going on the Temple Mount by barricading all entrances to the site. They did this as part of a nationwide protest ordered by the Executive Committee of the Palestinian Arab Congress in protest against Balfour's visit to Palestine. The Mandatory police took no action to keep the site open for his visit, claiming that many threats on his life had been received.[3] In 1929, the *waqf* authorities closed the Temple Mount hermetically to Jews and this closure remained in effect until 1967.

The question is whether personal prejudices of General Allenby and, in later years, of leading officials of the Mandatory government were responsible for the closure of the Temple Mount to non-Muslims, and especially to Jews. Were they anti-Semites? Did they hold pro-Arab views? Or were there other reasons that led to this new policy?

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neutral by avoiding the use of the Hebrew *Har Habayit* or the Arab *Haram al-Sharif*. See also p. 5.

3 Ronald Storrs, *The Memoirs of Sir Ronald Storrs* (NY: Putnam's Sons, 1937), p. 457; "Lord Balfour's Visit to Jerusalem," *The Times* (London), February 27, 1925, p. 11.

British government archives from the First World War suggest that the idea to restrict entry on the Temple Mount or turning over the management and complete control of it to the Muslim authorities was not the decision of one general or of one bureaucrat but reflected a change in policies and priorities at the highest levels of government. Once the Ottoman Empire entered the First World War in November 1914 on the side of Germany, the British government made great efforts not to displease their Muslim subjects in any way. In the war against the Islamic Ottoman Empire, the British Empire depended particularly on the support of the very large number of Muslim troops from India. Decision-makers on the highest levels believed that no Muslim would ever forgive Britain if any damage or disruption occurred to one of the Muslim holy sites in areas under their control.

Momentous decisions that impacted on the future of the Temple Mount were made during the four war years. These decisions were made in pursuance of the primary aim of all military and diplomatic activities to defeat the German Empire and its Eastern ally, the Ottoman Empire. Fostering Arab nationalism became a major strategy to weaken the thrust of the Ottoman army. Negotiations with the Arabs were conducted to encourage their revolt against the Ottoman Empire and their joining forces with the British Eastern army.

All of Britain's policies in Palestine during and after the war were also rooted in British geopolitical aims. Palestine could provide a foothold for Great Britain in the Eastern Mediterranean. It could serve as a buffer between the Suez Canal and Britain's enemies to the north. This would guarantee the security of the Suez Canal and keep the road to India open. Palestine could provide a reserve base near Egypt that was independent of Anglo-Egyptian relations. It would also provide an overland route to Iraq and its all-important oil reserves.

Ottoman Caliph Mehmet V, immediately after entering the war, proclaimed a *jihad* against the Allies and urged all Muslims to support the struggle against Great Britain and her allies. The immediate British response to this *jihad* was to encourage Arab nationalism by promising independence to all Arabs in Ottoman-occupied lands once they had been liberated from Ottoman rule. For example, after a long exchange of correspondence between Sharif of Hejaz King Hussein ibn Ali and Sir Henry McMahon, the British high commissioner in Cairo, Great Britain agreed in October 1915 to support an independent Arab nation in reward for King Hussein's joining a joint British-Arab uprising.[4]

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4 Palestine Royal Commission (Peel Commission) *Report*. London, 1937, 17. The full report is available at https://ecf.org.il/media_items/290.

This promise to King Hussein reflected one of the recommendations of the De Bunsen Committee, an inter-departmental committee established by the British government in 1915 to formulate British objectives for the war in the Near East. Its final report was issued in June 1915, but was kept secret for over fifty years. The British government followed many, but not all, of the committee's recommendations when in the following years it entered into a number of conflicting agreements with the Arabs, the French, and the Zionists. One of the questions extensively discussed by the De Bunsen committee was whether Great Britain should take into account the strong feelings in the Muslim world that Islam should have a political as well as a religious base. The committee formulated nine objectives for the region for the period following Turkey's defeat. The seventh stated that Arabia and the Muslim holy places should "remain under independent Muslim rule."[5]

Several weeks *before* Gen. Allenby's army conquered Jerusalem, the War Cabinet received a suggestion to proclaim "throughout the Moslem world … that we are the protectors of the Moslem religion and would pay every respect to the Moslem Holy Places." It was noted that this applied especially to the "so-called Mosque of Omar" which all Muslims regard as the third most holy spot after Mecca and Medina. The preparation of a proclamation along these lines was approved by the War Cabinet at its meeting on November 19, 1917.[6]

Early in 1918, a few weeks after General Allenby had conquered Jerusalem, the War Cabinet in London discussed King Hussein's concerns about the future of the Arab people. Lord Balfour, the Foreign Minister, suggested a three-point reply. The first point suggested an international regime to deal with the shrines, *waqfs*, and holy places, sacred to Christians, Moslems, and Jews. He added that "the mosque of Omar would be considered as a Moslem concern alone and would not be subjected, directly or indirectly, to any non-Moslem authority."[7] This message was cabled to

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5 Asiatic Turkey: Report of de Bunsen Committee, June 1915, TNA: CAB 43/3/12, par. 12, p. 3. See also Aaron S. Klieman, "Britain's War Aims in the Middle East in 1915," *Journal of Contemporary History,* July 1968, v.3 (3), pp. 237–251.

6 TNA [The National Archives]: CAB/23/4/51, War Cabinet, Meeting Minutes, Nov. 19, 1917. See also the communication of the War Office to Headquarters Cairo, Nov. 21, 1917, concerning the policies adopted for the occupation of Jerusalem, TNA: PRO FO 371/3061.

7 TNA: CAB24/144/25, Eastern Report no. 50, January 10, 1918, p. 5. The second point dealing with giving the "Arab race" an opportunity to form a nation, provided the Arabs achieve unity. The final point reiterated Britain's policy on encouraging a Jewish homeland in Palestine, compatible with the economic and political freedom of the country's existing population.

King Hussein and evidently also communicated to General Allenby. Before long it became the unwritten policy guideline for the military government and, later, for the civilian Mandatory government of Palestine.

Even though Allenby's closure of the Temple Mount in December 1917 was cancelled within three months, subsequent events indicate that this new British policy that viewed this site as an exclusive Muslim holy site was not abrogated. The Council of the League of Nations endorsed this general policy when it assigned the Palestine mandate to the British government in 1922 by stating specifically that,

> … nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.[8]

As a result of this policy, the Mandatory government lost control of the Temple Mount within a few years. No one contradicted the Grand Mufti, Haj Amin al-Husseini, when he testified before the Shaw Commission on December 4, 1929, that the Muslim community had full autonomy and authority over its holy sites, including the Haram (Temple Mount) and the Buraq (Western Wall). He, and not the British government, had the power to exclude whomever they wished from these sites. As the leader of the Muslim community, he exercised sole jurisdiction. He decided who was permitted and who was not permitted to enter the Temple Mount.[9]

It seems clear that this new policy of denying access to the Temple Mount to non-Muslims was the result of policy decisions by the London government that were reached after lengthy deliberations. How was this decision received by the various groups in Palestine?

Reactions of the Arabs

The British troops that conquered Jerusalem were greeted warmly by Moslems, Christians, and Jews alike. They were received as liberators, not as conquerors, because all sections of the population had suffered extreme deprivations at the hands of the Turkish soldiers during the four years of war. The initial ambivalence of the Moslems about what life would be like under a Christian ruler was quickly replaced by a sense of euphoria when

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8 Paragraph 13, League of Nations Mandate for Palestine (adopted 12 August 1922), Document C. 529. M. 314. 1922. VI., archived at https://ecf.org.il/media_items/291.

9 Great Britain. Commission on the Palestine Disturbances of August 1929 (Shaw Commission) *Report,* London, 1930, p. 534.

they heard Gen. Allenby's declaration that the *status quo* would be maintained at all the holy places and that the Temple Mount would be protected by Indian Muslim soldiers with orders not to permit access to any non-Muslims.

Soon, however, this sense of euphoria was replaced by skepticism and even anger, especially when three months later Allenby cancelled his original order and replaced it with instructions that permitted access to the Temple Mount to non-Muslims, as had been the practice for the previous seventy years. The issue of non-Muslim access to the Temple Mount did not seem to be of major concern as long as the site was under Muslim control, but it became a major issue once it was joined to the quest for Arab nationalism. Already in 1919 Emir Feisal, son of the Sharif of Mecca and leader of the Arab independence movement, presented a document to the British Chief of the General Staff of the Egyptian Expeditionary Force, stating, "every Mohammedan believes that his Holy Places should be under the protection of a Caliph or an independent ruler …"[10]

Reactions of the Jews

The Jewish population of Palestine at the end of the First World War was estimated at 56,000 adults. Four years earlier the number had been 85,000; the drastic decline was due to epidemics, starvation, emigration, and deportation by the Turkish government. By 1922, the official census listed 83,970 Jews (12.9% of the total population). The *yishuv*, though small in number and proportion, was further divided into two entirely different groups, known as the Old Yishuv and the New Yishuv. The Old Yishuv generally refers to the descendants of the Jewish community that had lived in Palestine prior to the beginning of the Zionist-inspired immigration. These Jews continued a traditional way of life, were strictly observant, and resisted any modernization efforts in their way of life. Most males of the Old Yishuv spent their entire life studying Torah and Talmud, supported by the charity-*ḥalukah* that was donated by overseas Jewry. They lived mainly in the "Four Holy Cities" (Jerusalem, Safed, Tiberius, and Hebron), with smaller communities located in Jaffa, Haifa, Acre, and Nablus. In contrast, the New Yishuv consisted primarily of nationalist-motivated immigrants from Eastern Europe, generally secularists, who settled in the communal settlements that were established beginning in the 1880s in the coastal plain and the Galil, or in the urban areas around Tel Aviv and

[10] *Documents on British Foreign Policy*, 1st Series, Vol. IV, 1952, p. 388.

Haifa. Emphasizing work and self-sufficiency, many identified with socialist movements. All were motivated to establish a vibrant Jewish presence in Eretz Yisrael.

Though the *Weltanschauung* of these two groups was completely divergent, their response to the Temple Mount closure was remarkably similar, even if based on disparate reasons. Neither group expressed any desire for Jews to visit the holy site. The Old Yishuv strictly prohibited Jews from going up on the Temple Mount. Though they prayed daily for the rebuilding of the Holy Temple and the restoration of sacrificial services, they declared that at the present time no Jew was in the state of ritual purity necessary for approaching the Temple Mount. In 1921, Chief Rabbi A. Kook wrote a response that confirmed the ban on entering any part of the Temple Mount, as had been proclaimed by the Jerusalem rabbis in the 1850s when non-Muslims were first permitted to enter the site.[11] Placards prohibiting going on the Temple Mount were posted annually in his name, both in Hebrew and in English.[12]

The strategy of the Zionist leaders was based on different premises. They relinquished any claim to the site because they thought that the Temple Mount might become a point of contention between Arabs and Jews. This was made explicit in documents such as the agreement between Chaim Weizmann, president of the Zionist Organization, and Emir Feisal, which stated that Muslim holy places shall be under exclusive Muslim control (January 3, 1919 Agreement, par. 6). This agreement was limited to the area of the Temple Mount and did not include the Western Wall or the city of Jerusalem. As early as December 1917 Chaim Weizmann had written a letter to Herbert Samuel, a member of the British Cabinet who would later become the first British high commissioner for Palestine, refuting the rumors that the Zionists had decided to relinquish any claim on Jerusalem.[13] Instead, Weizmann moved the "Temple" from Mount Moriah to Mount Scopus, the next mountain, where he was instrumental in

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11 Abraham Isaac Kook, *Shu"t Mishpat Cohen, Hil. Bet Habeḥirah* (Jerusalem, 1966), pp. 182–192. (Hebrew). Archived at https://www.hebrewbooks.org/22302.

12 Poster archived at https://he.wikipedia.org/wiki/%D7%9B%D7%A0%D7%99%D7%A1%D7%94_%D7%9C%D7%94%D7%A8_%D7%94%D7%91%D7%99%D7%AA_(%D7%94%D7%9C%D7%9B%D7%94).

13 Chaim Weizmann, *Letters and Papers* (Jerusalem: Israel Universities Press) Vol. 8, edited by Dvorah Barzilay and Barnet Litvinoff, 1980, Letter 25.

founding the Hebrew University. In a letter to his wife, he called the university "the Third Temple."[14]

Response of British Military and Civilian Personnel in Palestine

Policies made by the highest levels of government in London needed to be implemented on the ground in Palestine. There are examples in history where such policy directives from the central government were ignored and not implemented because local personnel for one reason or another disagreed with the policy. Other such policies were enthusiastically implemented because they matched the local personnel's political or socio-cultural views.

As noted earlier, Great Britain's primary concern in Palestine was the protection of the Suez Canal and the sea route to India—not the creation of a Jewish National Home or the strengthening of Arab nationalism. The Balfour Declaration already stated that "nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine." This permitted British officials to follow the "dual obligation" doctrine and thus demonstrate their fairmindedness to both communities. In practice, however, this doctrine permitted British officials to switch their support consistently from one side to the other, resulting in anger from both sides.

The apparent anti-Zionism of key members of the military administration resulted in deteriorating relations between the military administration and the Zionist Commission in Palestine. An official Court of Enquiry into the April 1919 riots in Jerusalem found that the majority of officers in the military administration were pro-Arab.[15] In March 1920, Chaim Weizmann, as chairman of the Zionist Commission in Palestine, wrote to the Zionist Executive in London that "relations between the Jews and the Administration have gone from bad to worse."[16] The relationships became so bad that the Cabinet in London, especially Foreign Minister Balfour, became convinced that it was necessary to replace the military government with a civilian government.[17]

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14 Paz, Yair. "The Hebrew University on Mt. Scopus as a Secular Temple," in *The History of the Hebrew University of Jerusalem: Origins and Beginnings*, ed. Shaul Katz and Michael Heyd (Jerusalem, 2000), pp. 281–308.

15 TNA: PRO WO 32/9614, April 1920.

16 Letters and Papers of Chaim Weizmann, Weizmann to Zionist Executive, 25 March 1920.

17 Bernard Wasserstein, *The British in Palestine: The Mandatory Government and the Arab-Jewish Conflict* (Oxford, 1991), pp. 58–72.

General Money, who was the chief military administrator immediately after the British occupation of Jerusalem, was highly critical of Great Britain's support of the Zionist effort to build a Jewish homeland in Palestine. He was not the only member of General Allenby's staff who was opposed to the work of the Zionist Commission headed by Weizmann when it arrived in 1918. This same General Money prohibited the soldiers of the Jewish Legion from entering the Old City of Jerusalem during Passover 1918. Their commanding officer, Col. J. H. Patterson, a Christian and a professional soldier, wrote, "I cannot conceive a greater act of provocation to Jewish soldiers than this, or a greater insult."[18] Brigadier General Sir Gilbert Clayton, the military governor of the Occupied Enemy Territory Administration South thought "the Balfour Declaration represented a policy not compatible with acceptance of a British mandate by the Arabs of Palestine." He refused to treat the Balfour Declaration as Government policy until he was specifically instructed to do so in August 1918.[19]

In summary, British military and civilian personnel in Palestine had no difficulty in implementing London's policy concerning the Temple Mount.

Ronald Storrs and the Grand Mufti

General Bill Borton was the first military governor of Jerusalem, but because of his poor health, he resigned this position after being in office only a few weeks. He, as well as his successor, Ronald Storrs, who previously had been the Oriental Secretary to the British Residency in Cairo, continued the Ottoman practice of relying on prominent local families to fill senior positions in the local government. General Allenby also confirmed this policy. He advised the War Office in London that the "Turkish system of government will be continued and the existing machinery utilized."[20]

During the First World War Ronald Storrs, as a member of the Arab Bureau,[21] had participated in the negotiations between Sharif Hussein and

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18 J. H. Patterson, *With the Judæans in the Palestine Campaign* (London: Hutchinson & Co., 1922), p. 195.

19 Ronald Sanders, *The High Walls of Jerusalem: A History of the Balfour Declaration and the Birth of the British Mandate for Palestine* (NY: Holt, Rinehart and Winston, 1983), p. 651.

20 TNA: PRO FO 371/3384, 23 October 1918. See also B. Wasserstein, *The British in Palestine* (Oxford: Blackwell, 1991), p. 20.

21 The Arab Bureau was a section of the Intelligence Department established by the British in Cairo in 1916 for the purpose of collecting and disseminating propaganda and intelligence about the Arab regions in the Middle East. It was actively involved in providing logistic support for the Arab revolt. See Samir

the British government and was among those who were instrumental in organizing the Arab Revolt against the Ottoman Empire. In 1917, he was appointed as a political officer to represent the Egyptian Expeditionary Force in Mesopotamia (EEFM) in Baghdad and Mesopotamia. Later that year General Allenby appointed him as the military governor of Jerusalem, for which purpose he was given the army rank of lieutenant colonel even though he had had no previous military experience. He was meant to serve as a bridge between the military administration in Palestine and the political establishment in London. He served as military governor of Jerusalem from 1918 to 1920 and as its civilian governor from 1920 to 1926.

Soon after Storrs's arrival in Jerusalem, a new mayor for Jerusalem had to be appointed. Storrs's choice was Musa Kazim, one of the most prominent members of the Husseini family. Even though he was known as an activist for Arab independence, as mayor he initially muted his opposition to the British administration and the Zionist cause. However, before long Storrs was forced to dismiss him from office because of his role in fermenting the 1920 Nebi Musa riot.[22]

When the British Military Government of Palestine was replaced by a civilian government in 1920, Sir Herbert Samuel was appointed as its head with the title "high commissioner of Palestine." The Arab population of the country received this appointment with anger because they were convinced that this Jewish high commissioner who had been active in Zionist activities had now come to Palestine to establish a Jewish homeland. When Samuel arrived in Jaffa on June 30, 1920, he was greeted by a general boycott by most Arabs. Nevertheless, in both Jaffa and Jerusalem some Arab officials did welcome him. In Jerusalem, the city's current mayor, Ragheb al-Nashashibi, was on hand to greet him.

Within a year of his arrival, Sir Herbert Samuel was instrumental in appointing Haj Amin al-Husseini as Grand Mufti of Jerusalem and as president of the Supreme Muslim Council. By continuing the traditional policy of appointing a member of one of the city's prominent families, he most probably thought that he was making the best decision for the welfare of the country. Who was Amin al-Husseini?

Seikaly, "Arab Bureau" in *1914-1918-online International Encyclopedia of the First World War*, ed. Ute Daniel et al., Berlin, 2016. Archived at https://encyclopedia.1914-1918-online.net/article/arab_bureau.

22 Roberto Mazza, "Transforming the Holy City: From Communal Clashes to Urban Violence: The Nebi Musa Riots in 1920," *Urban Violence in the Middle East; Changing Cityscapes in the Transformation from Empire to Nation State,* Nelida Fuccaro et al., eds. (NY: Berghahn, 2015), pp. 179–94.

Amin al-Husseini was born in Jerusalem, probably in 1893. The Husseinis were one of the two most prominent Arab families in Jerusalem. They claimed descent from the Prophet Muhammad. The position of mufti of Jerusalem was held by members of the Husseini family from the end of the eighteenth century onwards. In 1840, Muhammad Tahir Effendi al-Husseini became the mufti of Jerusalem.[23] In 1865, the Ottoman Government had bestowed the title of mufti upon Amin's father, Mohammed Tahir al-Husseini. The title at that time signified that the bearer was an elder religious leader in the community. After his father's death in 1908, Amin's older half-brother, Kemal, was similarly honored.

Amin al-Husseini attended St. George's School in Jerusalem, and later studied at the al-Azhar University in Cairo. After he made the pilgrimage to Mecca he added the title of Haj to his name. During World War I, he served in the Turkish Army. Following the collapse and capitulation of the Ottoman Empire in 1918, he was attached to the British Public Security Service in Palestine, changing over later to work for the French Secret Service in Damascus. His services were in high demand by the English and French conquerors because he spoke fluent English, French, and Turkish, in addition to his native Arabic.

On April 4, 1920, when three religious holidays (the Jewish Passover, the Christian Easter, and the Muslim Nebi Musa) overlapped, Arab rioters took to the streets of Jerusalem and randomly attacked Jews, killing five and injuring many others. One of the leaders of the Arab mob was Amin al-Husseini. He was generally identified as the main inciter of the violence, though some have suggested that he tried to restrain the mob. After the riots he fled to Trans-Jordan. He was sentenced in absentia by a British court martial to ten years of imprisonment for incitement. At the behest of Ronald Storrs, the military governor of Jerusalem, Herbert Samuel, the newly appointed high commissioner of Palestine, soon pardoned him.[24]

Kāmil al-Husseini (1867–1921), Haj Amin al-Husseini's stepbrother, had been mufti of Jerusalem from 1908 until his death on March 31, 1921. The British had changed his title to "Grand Mufti" in 1919 in reward for his "underground" services to Great Britain during World War I. The Ottoman authorities had failed to have him removed from office during the

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[23] Butrus Abu Manneh, "The Husaynis: The Rise of a Notable Family in 18th Century Palestine," in David Kushner (ed.), *Palestine in the Late Ottoman Period* (Brill Academic Publisher, 1997), p. 95; Vincent Lemire and Angelos Dalachanis (eds.), *Ordinary Jerusalem 1840–1940*. Vol. 1. (Leiden and Boston: Brill, 2018) p. 193.

[24] Boris Havel, "Haj Amin al-Husseini: Herald of Religious Anti-Judaism in the Contemporary Islamic World," *The Journal of the Middle East and Africa*, 2014 (5:3), pp. 221–243; *Encyclopaedia of Islam, New Edition* (Leiden: E. J. Brill, 1986–2004), 12:67.

war even though they had suspected that he was collaborating with the British.

Although the position of mufti is not hereditary, immediately after the death of his stepbrother Kamil al-Husseini, Haj Amin began to grow a beard, wear a turban, and conduct himself as though the position was already his. Apparently, this strategy was successful. When the high commissioner, Sir Herbert Samuel, made a mourning visit to the family, he implied that he would be the next mufti.[25] Haj Amin al-Husseini was appointed as Grand Mufti of Palestine on May 8, 1921.

The British Palestine government had reshaped and redefined the office of mufti of Jerusalem so that it bore little resemblance to the position of the same name that existed for centuries in the Ottoman Empire. Originally, this office was geographically limited to the city or district of Jerusalem. The mufti then had no power over any other local mufti, nor was he superior to the *qadi* (Muslim judge who makes decisions following Sharia law). The British restructured the office, making the mufti of Jerusalem the Grand Mufti of Palestine and placing him above all other Muslim religious officials in the country. Traditionally, the mufti's power and prestige were subordinate to that of the *qadi*. The *qadi* was chosen from the ranks of the centralized official Ottoman religious establishment and almost never came from a local family. The mufti, on the other hand, was always chosen from one of the foremost local families.[26]

According to Ottoman law (which prevailed in British Palestine in the absence of any other relevant Mandatory law), the governor of Jerusalem (whose authority the high commissioner had inherited) selected the new mufti from a short list of three candidates who had been elected by a council of religious leaders and local notables. When Mufti Kamil al-Husseini died in 1921 this council considered four candidates. Three candidates had more experience and a superior education than Haj Amin; these three received 19, 17, and 12 votes respectively, while Haj Amin received only 9 votes and thus was ranked number 4 on the list. He should have been automatically excluded from the short list of the three top contenders from which the final choice was to be made. Herbert Samuel was convinced, however, that from the British point of view, Haj Amin was the most desirable candidate. He therefore persuaded the top contender to withdraw by offering him another more prestigious appointment. This made it possible for Samuel to choose his favorite candidate from the revised short list.

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25 Lorenzo Kamel, "Hajj Amīn al-Husaynī, the 'creation' of a leader," *Storicamente* 9, 2013, pp. 4–5.

26 Kamel (2013), 4–5.

Haj Amin al-Husseini was neither a *sheikh* (an accredited religious leader or judge) nor an *'alim* (a religious scholar). He never completed an accredited program of religious studies, nor did he have the religious qualifications which would qualify him to hold this office. He did, however, impress the high commissioner with his charisma and appeared to be reliable to further the interests of the Mandatory power—even though earlier a British government intelligence report had labeled him a "deep-seated enemy of Great Britain."[27] Samuel, as well as the senior echelon in the Mandatory government, thought, however, that they could easily manage this young and inexperienced person. Their choice of Amin was motivated primarily by underlying political and strategic factors. Years later, Samuel's great-granddaughter recalled that he once told her that the only thing he regretted about his term as high commissioner of Palestine was his appointment of Haj Amin al-Husseini as mufti of Jerusalem.[28]

The Establishment of the Supreme Muslim Council

A conference of muftis, *ulema*,[29] and other Moslem notables was summoned by the Mandatory government in November 1920 to consider questions relating to the long-term management of the Muslim religious courts and the administration of Muslim *waqfs*. This conference appointed a committee that advised the government on the establishment of a Supreme Muslim Council, an official government body that had never existed before. There was no precedent in the history of Islam or of the Ottoman Empire for such a Supreme Muslim Council, but, nonetheless, it was officially recognized by the high commissioner in December 1921. This new body was seen as a balance to the Zionist Commission which had been representing the interests of the Jewish community of Palestine. Note that the Mandatory government chose to relate to the local non-Jewish population not as Arabs but as Muslims.

Later that year, after certain modifications to the regulations were accepted by the Mandatory government, an assembly of Muslim representatives was elected. This assembly appointed a general committee to draw up the constitution of the Supreme Muslim Council and regulations for the administration of Muslim *waqfs* and Sharia affairs. The constitution

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27 CZA – L35/50-1. William Ormsby-Gore (1885–1964), House of Lords, 8 December 1938.

28 Maya Polak, "Governor in the Service of the State," *Mekor Rishon-Dikon,* 26 June 2020, 25–31 at 26.

29 A body of Muslim scholars recognized as having specialist knowledge of Islamic sacred law and theology.

and the regulations were ultimately approved by the high commissioner in 1927.[30] The Council consisted of a president and four other officials. Its official functions included administering and controlling the *awqaf,*[31] approving the *waqf* budgets, nominating judges and inspectors for the *sharia* courts, and appointing muftis and administrative officials.

Haj Amin al-Husseini was elected to serve as president of the Supreme Muslim Council on January 2, 1922, by 56 electors, all of whom had been elected deputies of the last Ottoman parliament. Some prefer to call this an "appointment" rather than an "election" because in fact Haj Amin was selected by the Mandatory government. When Sir Herbert Samuel during his first month in office had called a meeting of local notables to discuss the establishment of a Supreme Muslim Council, Haj Amin was the designated leader and spokesman of this group. The same group of 56 persons who attended that preliminary meeting subsequently elected him. According to Kupferschmidt, Haj Amin's election was a foregone conclusion since by this time he already held the position of Grand Mufti.[32]

By law, the Council was established as an organ of the British government and its members received a government salary. The Council members, however, had a different perspective. They saw the Supreme Muslim Council as an organ of an independent Arab government. This became clear to the British Mandatory Government only after it received a secret intelligence report that the mufti

> was genuinely surprised at the theory proposed to him that he and the Supreme [Moslem] Council are in any way a branch of the Administration. He honestly regards himself as the elected millet-bashi of the Moslems of Palestine for all purposes.[33]

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30 Andrews, Fannie Fern. *The Holy Land Under Mandate*, v. 2 (Cambridge: Riverside Press, 1931), p. 190. See *Official Gazette* of May 15, 1921 and *Official Gazette* of December 20, 1927.

31 A *waqf* (pl. *awqaf*) is a charitable endowment established under Islamic law in which a person endows their property and reserves its profit in perpetuity for charitable purposes.

32 Uri M. Kupferschmidt, *The Supreme Muslim Council: Islam under the British Mandate for Palestine* (Leiden: E.J. Brill, 1987), p. 20.

33 Secret Political Report for Jerusalem District, June 17, 1922. Storrs Papers, Pembroke College, Cambridge, Box III/2, cited by Robert W. Nicholson, "Managing the Divine Jurisdiction: Sacred Space and the Limits of Law on the Temple Mount (1917–1948)," Syracuse University thesis, 2012, p. 40. Archived at http://surface.syr.edu/hst_thesis.

Haj Amin al-Husseini, as president of the Council, was assigned an office in a British government building in downtown Jerusalem. A short time after his election, however, he moved his office to the Temple Mount. This move was much more than a mere geographic relocation of an office. Though this move was ignored by the government, it represented a major turning point for Palestine's Muslim community. Now, for the first time since the British had conquered the country, Muslims held effective and exclusive control over Palestine's most important Muslim space. They had regained a territorial center, a source of legitimacy, and a means for mobilizing international Islamic solidarity.[34]

Even though Great Britain was the country's sovereign power, actually the Temple Mount was no longer under its control. As Haj Amin al-Husseini testified before the 1929 Shaw Commission, he as the leader of the Muslim community decides who was permitted and who was not permitted to enter the Temple Mount.[35]

The British did not respond to Haj Amin's move to the Temple Mount because they were fearful of upsetting the worldwide Muslim community. In this manner, they handed complete and undisputed control of the Temple Mount to a Muslim administration. Nicholson has suggested that this policy of "affirmative deference" allowed Muslim leaders to carve out on the Temple Mount a sphere of *de facto* sovereignty and create there the center of a would-be independent Arab state in Palestine. By refusing to enforce the rule of law on this site, the Mandatory government effectively created a zone of lawlessness in the center of Palestine that was bound to undermine the entire regime. It is widely believed that the British adopted this new policy because they were fearful that any forceful reaction to Haj Amin al-Husseini's move would upset Muslims everywhere, but in time, this inaction resulted in undermining the very basis of the Mandatory regime.[36] For example, years later in 1937, when the British police wanted to arrest Haj Amin al-Husseini for his part in the Arab rebellion, he managed to escape and take refuge in the Haram al-Sharif where the British police did not dare to arrest him since he was protected by his bodyguard. He stayed there for three months, directing the revolt from within.

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34 Nicholson, 2012, p. 40; Kupferschmidt, 1987, pp. 26–27, 58.

35 Great Britain. Commission on the Palestine Disturbances of August 1929 (Shaw Commission) *Report,* London, 1930, 534.

36 Nicholson, 2012, pp. 3–4.

Summary

The Jewish response (or lack of response) to the changing *status quo* on the Temple Mount during the decade after the British occupation of Jerusalem made it easy for Great Britain to deal with the Arab demands for control of the Temple Mount. Even though the military administration was accused by most Jewish and non-Jewish Zionists of being anti-Zionist and/or anti-Semitic, in the case of the Temple Mount this charge is hardly relevant because Arab demands and British decisions coincided more or less with the Jewish positions.

At a 1939 cabinet meeting that discussed the general Palestine situation, not specifically the Temple Mount, Prime Minister Neville Chamberlain summarized the situation by pointing out the "immense importance" of having "the Moslem world with us. If we must offend one side, let us offend the Jews rather than the Arabs."[37] It appears that this summary guided the policy decisions of both the military government and the civilian Mandatory government since the first days after the occupation of Palestine in December 1917. ☙

[37] TNA: CAB/24/285/11 p. 18.