

Outlawed Visitors on al-Haram al-Sharif: Jews on the Temple Mount during the Ottoman and British rule of Jerusalem, 1517–1967

By: F. M. LOEWENBERG*

“The 144-dunam al-Aqsa Mosque/al-Haram al-Sharif is a place of worship and prayer for Muslims only,” according to Zaid Lozi, Secretary-General of the Jordanian Ministry of Foreign Affairs.¹ This statement that the Temple Mount in Jerusalem is exclusively a Muslim holy site is not new, but merely repeats what has been a basic position of the Arab world for many centuries. Because of this belief non-Muslims were prohibited for centuries from going up on the Temple Mount. It is widely believed that no Jew ascended the Temple Mount in the 450 years prior to the Israel army’s capture of East Jerusalem in 1967.²

While there are many reports of Jewish activities on the Temple Mount in the millennium prior to the Ottoman conquest of Jerusalem in 1517,³ after that date the ascent of Jews and all other non-Muslims was strictly prohibited. An unsubstantiated folktale has it that the Western Wall was awarded to the Jews as a place of Jewish prayer in compensation for any rights they previously had on the Temple Mount.

Actually, the prohibition of Jews from going up to the Temple Mount was in effect already prior to the Ottoman conquest. Rabbi Oba-

* I want to thank Rav Elisha Wolfson who in his recent book *Har Habayit ke-halakhab* (Jerusalem: Divrei Shir, 2018) drew my attention to several rabbis who went up on the Temple Mount in the 1920s.

¹ Jordan parliament calls for expelling Israeli envoy, *Jerusalem Post*, 19 August 2019.

² See, for example, Gedalia Meyer and Henoah Messner, “Entering the Temple Mount—in Halacha and Jewish History,” *Hakirah*, 2010, vol. 10, pp. 29–72, esp. pp. 64–65.

³ See, for example, Meir Loewenberg, “A Synagogue on Har Habayit in the 7th Century: Dream or Historical Fact?,” *Hakirah*, vol. 21, Summer 2016, pp. 253–262.

F. M. Loewenberg is professor emeritus at Bar Ilan University’s School of Social Work. Since his retirement his research interests have focused on the history of the Temple Mount and the Western Wall. His writings have been published in *Middle East Quarterly*, *Hakirah*, *Segula*, *Nonprofit & Voluntary Sector Quarterly*, and *Journal of Jewish Communal Service*.

diah of Bertinoro, the famous Mishnah commentator (born in Italy in 1445) settled in Jerusalem in 1488, that is, almost thirty years before the Ottoman occupation of Jerusalem. He wrote in one of his letters from Jerusalem:

No Jew is allowed to enter the site of the Holy Temple. Even though the Muslims frequently have wanted to employ Jews who are skilled in wood work and metal work to work on the Temple Mount, these Jews have refused to enter these areas because of their uncleanness.⁴

Similarly, one of Rabbi Obadiah's students wrote in 1495 that no Jew would enter the place of the Temple because this was forbidden by *halakha* “and in any event, the Muslims would not permit [any Jew] to enter their holy place.”⁵ In other words, there were two reasons that Jews did not enter the Temple Mount—Jewish law forbids their going up on the Temple Mount in a state of ritual defilement and the Muslim rulers of the country did not allow a non-Muslim to enter the sacred areas.

Alongside the *halakhic* prohibition of entering the Temple Mount there appeared to be another *halakhic* tradition that permitted the ascent to the Temple Mount to specified areas. This is evident from a responsa of the chief rabbi of Jerusalem in the 16th century, Rabbi David ben Shlomo Ibn Zimra (1479–1573), known as the Radbaz, who wrote that in his day all of the city’s Jews regularly went up to the Temple Mount in order to view the entire Temple ruins and pray there. He added that “we have not heard or seen anyone object to this.”⁶ It is not clear whether this ruling was written in the last decades of the Mamluk era or during the first years of the Ottoman rule, but it is obvious that in these years Jews did not hesitate to ascend the Temple Mount to offer their prayers.

⁴ Ya'ari, Abraham. *Igarot Eretz Yisrael* (Eretz Yizrael Letters). Tel Aviv, 1943. [Hebrew], pp. 98–103.

⁵ Ya'ari (1943), p. 173.

⁶ Responsa of the Radbaz, v.2, no. 691. For the full text and a critical analysis of this ruling see Sagiv, Tuvya. “Ha-knissa l-Har Ha-bayit—T'shuvat Ha-Radbaz” [Entering the Temple Mount—the Decision of the Radbaz], pp. 46–81 in *Kumo v'Na'aleh*, ed. Yehuda Shaviv. Alon Shvut: Machon Tzomet, 2003 [Hebrew]. See also Wolfson (2018), pp. 59–89 for another critical analysis.

Ottoman conquest of Jerusalem in 1517

Ever since Ottoman Sultan Mehmed II conquered Constantinople in 1453 the Ottoman Empire was considered the preeminent power in the eastern Mediterranean. In the following century further conquests in the Balkans and the Middle East resulted in a vast expansion of the Ottoman Empire.

Many Jews had joined the Ottoman army when it was about to conquer Jerusalem. Among the Jewish soldiers were professionals with much experience who occupied senior posts in the army's medical corps, planning division and supply corps. Sultan Selim I had promised the heads of the Jewish community that after the conquest of Jerusalem he would permit them to renovate all of the Jewish holy places in the Holy Land, except those places that were also holy to Islam — first and foremost in this excluded list was the Temple Mount!

Selim's successor, Suleiman I the Magnificent, was the longest reigning ruler of the Ottoman Empire, ruling from 1520 until his death in 1566. He was among the most prominent monarchs of 16th-century Europe and conquered many Christian strongholds in Europe, including Belgrade, Rhodes and most of Hungary — his advance was stopped in 1529 when he failed to conquer Vienna. Subsequently he turned his attention towards consolidating his gains in the Middle East. In 1536 he rebuilt the walls of Jerusalem which had remained in ruins since the 13th century. Suleiman's positive attitude toward the Jews of Jerusalem persuaded many European Jews, especially those who had been expelled from Spain and Portugal a generation earlier, to settle in the Holy City of Jerusalem. Suleiman no doubt had his own reasons for encouraging Jewish immigration, but many believe that he did so because he wanted to limit the influence of the Arab population. Whatever his reason, Jerusalem's Jews benefited from his benevolence toward them.

In the last decades of the Mamluk regime the Jewish population of Jerusalem declined from 250 families in 1481 (as reported by Meshulam da Volterra) to 76 in 1488 (as reported by R. Obadiah of Bertinoro). While conditions improved greatly after Bertinoro took over the community's leadership, the real growth occurred only after the Ottomans captured the city in 1517. The census of 1525-26 listed 199 Jewish families, compared with 119 Christian families and 616 Muslim families. A census 13 years later reported 224 Jewish families and 19 bachelors. In the 1553-54 census there were 324 Jewish families and 13 bachelors.

Even though nine years later only 237 Jewish families and 12 bachelors were enumerated, the long-term trend was a growing Jewish population.⁷

Subsequent Ottoman rulers invested great effort and funds to rebuild Jerusalem, but they did little to keep the Dome of the Rock and the Al-Aksa Mosque in good repair. The weeds and grass that are visible between the stone flooring in an 1875 photo suggest that few Muslims came to the Temple Mount during those years.⁸ There are no records of important Muslim clerics or kings praying on the Temple Mount nor is there any evidence that great crowds of Muslims came to worship on the Mount during the four hundred years of Ottoman rule (1517–1918).⁹

Outlawed visitors on the Temple Mount

For more than three hundred years the official policy was that everyone who was not a Muslim was forbidden to enter the Temple Mount; almost all of those who disobeyed and were caught visiting the mountain were executed, unless they were categorized as feeble-minded or drunkards. The London Literary Gazette of June 1818, for example, published the following letter that describes the experiences that a “Prussian Traveler” had in Jerusalem:

The Turks told us, that it was certain death for any Christian to be found in the interior of the mosque. They related to us that many years ago a Christian obtained a *firman* of the Grand Seignior to examine the interior, and having arrived at Jerusalem he presented his document to the *Bey*, who told him that he certainly was bound to respect the *firman* of Constantinople, and that therefore he was at liberty to enter the temple. After remaining for some hours in the interior, and having fully satisfied his curiosity, the Christian wanted to quit the place, but he found the door locked, and was informed that the *firman* gave him permission to go in, but not to come out again. The *Bey* kept him shut up till night came on, and then caused his head to be cut off, and his body to be buried beyond the walls of Jerusalem.

We have found no evidence whether this incident actually took place, but it does illustrate what contemporary Christians believed or

⁷ Salo Wittmayer Baron, *A Social and Religious History of the Jews*, 2nd ed., revised and enlarged (Philadelphia: JPS, 1980) vol. 18, p. 206.

⁸ This picture can be found at <http://www.lib.uchicago.edu/e/su/mideast/photo/155-85.jpeg>

⁹ Manfred R. Lehmann, “The Moslem Claim to Jerusalem is False,” *Algemeiner Journal*, August 19, 1994.

what the Muslim authorities wanted non-Muslims to think. Shor compiled a list of Christians who had visited (with — or more rarely — without permission) the Temple Mount during the Ottoman period.¹⁰ He dismissed the idea that any Jews would ascend the mountain because this was prohibited by Muslim law, as well as by Jewish religious law.

Nevertheless, there is no doubt that throughout this period of over 400 years some Jews did visit the Temple Mount furtively—some to pray, some to observe, and some for other reasons. Most of these visitors left no record of their visit so that we do not know how many there were. Occasionally there is a short reference to such a visit in a sacred book or in the Muslim court records that refer to the proceedings against those few Jews who were caught by the ruling authorities on the Temple Mount. We have no way of knowing whether the list of “outlawed” Jewish visitors includes all or only a part of those who did go up on the Temple Mount. Most probably there were many others who did not leave a record, whose records have been lost, or who were not caught.

In the mid-16th century, Rabbi Zechariah al-Zahari (c.1519–c.1585), one of the most famous Jewish poets from Yemen, visited Jerusalem. After travelling to India, the Middle East, and spending many years in Safed, he returned to his native Yemen around 1567. Describing his short stay in Jerusalem, he laconically wrote that “I walked on the Temple Mount.” Soon after his return home he was imprisoned together with most of Sana’s Jewish community by the authorities who suspected them of sympathizing with the Ottoman Empire, the country’s bitter enemy. It was in prison that he wrote his famous book, “The Book of Morality,” a rhymed prose narrative, which was based in part on his extensive travels and contains the statement cited.¹¹

In 1551 a group of Jewish men, accompanied by six Jewish women, was caught on the roof of a Muslim school, next to and overlooking the Temple Mount. They were brought before the Muslim court. The evidence presented to the judges suggested that the men were drunk. What particularly upset the judges was that from this roof there was a walkway directly to the Al Aqsa Mosque. After weighing all the evidence, the judges decided to forbid all Jews from “looking at the Temple Mount.”

¹⁰ Natan Shor, “Forbidden Visits on the Temple Mount,” *Kardum* 21–23, 1982, pp. 90–96. [Hebrew].

¹¹ Abraham Ya'ari, *Massa'ot Eretz Yisrael* (Travels to Eretz Yisrael) (Tel Aviv, 1976) [Hebrew], p. 207; Adena Tanenbaum, “Of a Pietist Gone Bad and Des(s)erts Not Had: The Fourteenth Chapter of Zechariah Aldahiri’s *Sefer hamusar*,” *Prooftexts*, Vol. 23, No. 3 (October 2003), pp. 297–319.

The men also received lashes as punishment for looking at the Mount. Another group of Jews was caught at the same place three years later and also received lashes.¹² Evidently these men received a "light" punishment because they did not actually enter the Temple Mount but merely looked at it. From reading a number of such court records, covering several centuries, it almost seems that the Muslim judges considered that any Jew who ascended the Temple Mount, despite the strict prohibition, must have been drunk, mentally deranged, or insane.

Later in the 16th century, the body of Yakov ben Yosef, a Jew, was found in a well on the Temple Mount. He had been murdered by unknown persons. At first the judges of the Muslim court tried to pin the murder on one or more Jews, thus suggesting that surreptitious visits by Jews on the Temple Mount were not unknown at that time. The judges, however, were unable to obtain sufficient evidence to reach such a conclusion. No one was ever charged with this murder.¹³

Rabbi Joseph Mitrani (1568–1639), known as the Mahari”t, wrote in his *Kuntres Ha-bayit* that he had “the privilege to go up on the Temple Mount in Jerusalem.”¹⁴ Rabbi Mitrani’s visit, as well as those of other rabbis (see below) suggests that the rabbinical prohibition was not universally accepted.

A complete ban on access to the Temple Mount by non-Muslims remained in effect until the end of the Crimean War (1853–1856). Yet, “accidents” did happen. One morning in 1833 when the Muslim guards opened the Temple Mount they found a young Jew who had spent the night on the mountain. “He had made great havoc among the costly lustres, lamps, lanterns, and the like—whatever, in fact, he was able to destroy. But it was speedily perceived that he lacked reason, and was not much less than downright crazy.” The Muslims dragged him off the mountain, threw him into prison and beat him mercilessly all day long, “thinking it a religious duty to ill-use him.” They asked Mahmud Ali Pasha of Egypt, the ruler of the land, to approve the usual punishment, burning him at the stake, but the answer to their request was not what they had expected. Ali Pasha wrote that the guards of *Haram al-Sharif* [The Noble Sanctuary, the Arabic name for the Temple Mount] were responsible; and greatly deserving of punishment, in so carelessly execut-

¹² Amnon Cohen, *Jews in Moslem Religious Courts: 16th century* (Jerusalem: Ben Tzvi 1993) [Hebrew], document 104 of 4 May 1551, pp. 114-15 and document 107 of 19 May 1554 of p. 117.

¹³ Cohen (1993), document 194 of 20 October 1585, p. 183.

¹⁴ Wolfson (2018), p. 92, citing R. Chaim Alfandri, *Sefer Derekh Ha-kodesh* 10:3.

ing the duties of their office; and that the Jew should be set at liberty, since the sacred law which interdicts the entrance to the mountain to a non-Muslim, under punishment of death, that is, to be burnt, is inapplicable in the present instance, because the Jew is also circumcised, and is thus somewhat akin to a Muslim; that he could not indeed be permitted to enter freely the sanctuary; nevertheless he is not liable to the death penalty.¹⁵

For centuries armed guards kept non-Muslims away. A mid-19th-century book describes this complete closure as follows:

On all sides of the temple place, are seen Mahomedan dervishes, who come from Barbary, in Africa ... armed with spears, standing sentinel day and night, to prevent any profane person, i.e., anyone but a Mahomedan, from entering on this holy spot.¹⁶

How complete this barring of non-Muslims was can be seen by the following story that appeared in an 1858 book on Jerusalem, written by James Turner *Barclay* (1807–1874) the first missionary of The American Christian Missionary Society to Jerusalem:

It is well known that every kind of handicraft avocation is regarded as degrading by all classes of Moslems; and hence when the clock of the Mosk needs repairing, they are compelled, however reluctantly, to employ a Frank. But in order to have a clean conscience in the commission of such an *abominable piece of sacrilege* as the admission of an *infidel* upon the sacred premises, they adopt the following expedient. The mechanic selected being thoroughly purged from his uncleanness by ablution *a la Ture*, a certain formula of prayer and incantation is sung over him at the gate. This being satisfactorily concluded, he is considered as exorcised, not only of Christianity (or Judaism, as the case may be), but of humanity also; and is declared to be no longer a man but a donkey. He is then mounted upon the shoulders of the *faithful*, lest, notwithstanding his depuration, the ground should be polluted by his footsteps; and being carried to the spot where his labors are required, he is set down upon matting within certain prescribed limits; and the operation being performed, he is carried back to the gate, and there, by

¹⁵ Joseph Schwartz, *Geography of Palestine*, trans. I. Leeser (Philadelphia, 1850) pp. 417-418. This story does not appear in the 1900 Hebrew edition edited by Lunz. I do not know the reason for this omission.

¹⁶ Schwartz (1850), pp. 262-3.

certain other ceremonies, he is duly *undonkeyfied* and transmuted into a man again!¹⁷

It is not clear whether this description refers to an event that occurred in the 19th century or earlier; it may even be that this story is apocryphal.

Temple Mount open to Non-Muslims

As the power of the Ottoman Empire waned in the 19th century, a few very important persons were able to obtain exceptional permission to go on the Temple Mount. Among these was Sir Moses Montefiore who was accompanied on his first visit in 1855 by James Fine, the British consul in Jerusalem. The critical turning point came as a result of the Crimean War (1853–1856) which was fought between an alliance of England, France and the Ottoman Empire against Russia. This war was part of a long-running contest between the major European powers for influence over territories of the declining Ottoman Empire. The more specific cause for this conflict was France's attempt to force the Ottoman Empire to recognize it as the "sovereign authority" in the Holy Land, a claim that was disputed by the Russian Czar.¹⁸ One of the many consequences of the defeat of Russia was the opening of the Temple Mount to all visitors, no matter what their religion — a concession that was insisted upon by the victorious British Empire. In the Treaty of Paris, signed on 30 March 1856 at the end of the Crimean War, the Ottoman Empire agreed that the Temple Mount would be open to non-Muslims daily (except on Fridays). However, until 1910 each visitor was required to obtain an admission ticket which was issued only after a specified amount of money was paid to the official who issued this document.

In response to this new policy the rabbis of Jerusalem once again issued a public decree prohibiting all Jews from going up to the Temple Mount. As Meyer and Messner noted, "By the time the Muslims lifted the prohibition during the 19th century, the tradition to not ascend to Har Habayit was firmly entrenched in the Jewish world."¹⁹ Any Jew who dared to ignore this decree faced a violent response from the Jewish community, including being put under the ban. Nevertheless, there were

¹⁷ J.T. Barclay, *The City of the Great King* (Philadelphia: J. Challen and Sons, 1858) p. 483. Schwartz (1850, p. 425) confirms this procedure, but notes that no Jewish craftsman was willing to enter the Temple Mount "on account of want of purification."

¹⁸ Trevor Royle, *Crimea: The Great Crimean War, 1854–1856* (Palgrave Macmillan, 2000).

¹⁹ Meyer and Messner, 2010, p. 65.

Jews who ignored this decree and did go up. As noted above, Sir Moses Montefiore had visited the Temple Mount already in the summer of 1855, prior to the signing of the peace treaty. Montefiore, an observant Jew, was aware of the rabbis' opposition to anyone visiting the Temple Mount, but thought that he could overcome their ruling if he would arrive at the site in a closed cabin, in what is known in halakha as "a box, a cabinet, or a tower." In this way, he thought that he would not be in violation of the prohibition to ascend the Mount in an impure state. Nevertheless, his visit caused a vehement reaction from Jerusalem's Jews who pelted him with stones when subsequently he visited a synagogue. Some of the rabbis put him under the ban, prohibiting any social or commercial contact with him; this ban was removed only after he solemnly promised that he would not repeat such a visit.

Dr. Ludwig August Frankel, Ritter von Hochwart, an Austrian poet and secretary of the Vienna Jewish community, came to Jerusalem in 1856 for the purpose of opening the Lemel School, the first Jewish school in Jerusalem where secular subjects were to be taught. He was very much aware that the rabbis and traditional leadership of the Old Yishuv were opposed to his school.²⁰ He also was acquainted with the stringent rabbinical prohibition against visiting the Temple Mount, yet he could not deny his curiosity. Not wanting to antagonize the very Jews whose children he was trying to attract to his new school, he scheduled his visit on a Saturday morning when the streets of the city would be empty of all pious Jews who at that hour would be at prayer in the synagogue. Thus he hoped to escape detection and the fury of Jerusalem's Jews.²¹

Despite the rabbinical prohibition, Jews yearned to be in contact with the holy places on the Temple Mount. Thus, the Po'alei Tzedek Society announced in 1874 that it had purchased a house overlooking the site of the Holy Temple and was planning to open a synagogue there. The house, however, was outside the proscribed area of the Temple Mount so that those worshipping there were not be affected by the rabbinical prohibition. Another example of Jewish yearning for the Temple Mount is a report that Rabbi Yehoshua Leib Diskin (1817–1898), the rabbinical leader of the Old Yishuv, lived only in houses that

²⁰ Dovid Rosoff, *Where Heaven Touches Earth* (Jerusalem, Guardian Press, Feldheim, 2004) pp. 236-237 discusses the Orthodox opposition to this educational innovation.

²¹ Frankel's visit to the Temple Mount, as well as some of those listed in the following pages, was documented in Dotan Goren's thesis, a summary of which appears at <http://www.e-mago.co.il/Editor/history-1728.htm>.

faced the Temple Mount so that there would never be a thirty-day period when his eyes did not catch sight of the Mount, yet he steadfastly refused to go up on the Temple Mount because of halakhic reasons.

Baron Edmond Benjamin James de Rothschild (1845–1934) was known as "HaNadiv HaYadu'a" (Hebrew for "The Known Benefactor" or "The Famous Benefactor") because of his generous donations that lent significant support to the Zionist institutions during the early decades of the Return to Zion. He went on the Temple Mount during his visit to Jerusalem in April 1887 and again on later visits, even though he was made aware of the opposition of the rabbis to such visits. After his last visit to Jerusalem and the Temple Mount in February 1914 Rabbi Abraham Isaac Kook (1865–1935), then chief rabbi of Yaffo, issued a stringent rebuke to the Baron for failing to adhere to the rabbis' ruling against visiting the Mount.

Theodor Herzl (1860–1904), the father of the Zionist political movement, came to Jerusalem in October 1898 in order to meet with German Kaiser Wilhelm II whose support he sought for the Zionist enterprise. He wanted to visit the Temple Mount but decided to respect the feelings of the Jerusalem Jewish community, even though he himself was a completely secular Jew. He, therefore, only viewed the Temple Mount from the roof of the Tiferet Israel Synagogue in the Old City. In his utopian novel *Altneuland* (1902) he described the erection of a secular Third Temple, but did not locate this building on the Temple Mount.

Baron de Rothschild and Dr. Ludwig Frankel were not the only Jews who visited the Temple Mount in the years before World War I. The Hebrew-language newspaper *Hamoriah* reported in 1914 that many Jews from the "New Yishuv," in other words, many secular Jews, openly visited the Temple Mount, walked from one gate to the other and even entered the various buildings, though all of this was forbidden by the rabbis. In 1913, Rabbi A.Y. Kook, when he was chief rabbi of Yaffo–Tel Aviv, wrote to the administration of the new Herzliya Gymnasium, asking them not to take their students onto the Temple Mount when they took their annual class trip to Jerusalem.

Though the rabbis consistently tried to prevent Jews from entering the Temple Mount, an ever-increasing number of visitors ignored their decrees. They, as well as a large number of Christian pilgrims, went up to the sacred mountain. Despite the growing number of pilgrims from all over the world, the Muslims seemed to have done little to maintain the Temple Mount or the buildings located on it. When the British army conquered Jerusalem in 1917, it found the Temple Mount in a state of

complete neglect. The Dome of the Rock and the Al-Aqsa Mosque were almost on the point of collapse.²²

British occupation and the Mandatory government, 1917–1948

Jerusalem's mayor surrendered the city to the British army on December 9, 1917. Two days later General Sir Edmund Allenby entered the city as its first Christian conqueror since the Crusades. He was greeted by the city's Jewish inhabitants who had high hopes and saw him as their savior, but these hopes soon turned into disappointment. The army of occupation seemed unaware of the recently issued Balfour Declaration. For example, it ruled that from now on the official languages of the country were to be English and Arabic.²³

General Allenby tried to demonstrate his government's goodwill to all inhabitants of the city. Standing on the steps of the Tower of Herod, he announced that even though Palestine was now under military occupation, "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."²⁴ He reported to his superiors that the Temple Mount had 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." This order, of course, cancelled the policy that had been in effect for sixty years and permitted free access to the Temple Mount to everyone, Muslims as well as non-Muslims.²⁵ This order was strongly protested by many Christian groups in England that were determined to strengthen the Christian presence in Jerusalem. As a re-

²² Menachem Elon, *Temple Mount Faithful - Amutah Et Al v. Attorney-General, Inspector-General of the Police, Mayor of Jerusalem, Minister of Education and Culture, Director of the Antiquities Division, Muslim WAQF* - In the Supreme Court Sitting as the High Court of Justice [September 23, 1993]; English translation in *Catholic University Law Review*, 45, 3 (Spring 1996), pp. 866–942 at p. 888.

²³ Robert W. Nicholson, *Managing the Divine Jurisdiction: Sacred Space and the Limits of Law on the Temple Mount (1917–1948)*, p. 9.

²⁴ "Proclamation of General Allenby," in Charles F. Horne (ed.), *Source Records of the Great War*, vol. V (Boston: Stuart Copley Press, 1923) p. 417, archived at <https://archive.org/details/sourcerecordsofg05char/page/n.9>.

²⁵ Nicholson, p. 21.

sult three months later the British Cabinet commanded Allenby to cancel this order and permit once again free access to the Temple Mount for everyone.²⁶ This “new” policy remained in force for more than ten years.

The British army enforced military rule until 29 September 1923. The military was replaced by the civilian British Mandate over Palestine, under the general supervision of the League of Nations. The mandatory government continued the previously established policies with respect to the Holy Places. Not long after the 1929 Arab riots against the Jews, the Mufti of Jerusalem Haj Amin al-Husseini closed the Haram to all non-Muslims. The British mandatory government evidently condoned this closure order as far as it was directed against Jews who were barred from the Temple Mount for the next 38 years.²⁷

There is a widespread belief that the Temple Mount was of little importance or interest for Jews during the 20th century. Religious Jews stayed away because their rabbis severely prohibited entering the sacred precincts. And most secular Jews just were not interested. Chaim Weizmann, president of the Zionist Organization, for example, moved the “Temple” from the Temple Mount to Mount Scopus, the next mountain over, where he was instrumental in building the Hebrew University.²⁸

In the years following World War I, the Jerusalem rabbis continued to prohibit going up to the Temple Mount. Rabbi A. Y. Kook, now the Ashkenazi chief rabbi of the Holy Land, did not revoke the prohibition, preferring to leave things as they were. He explained a number of times that Jews were not permitted to go up to the Mount because the exact location of the holy sites could not be determined.²⁹ His successor, Rabbi Yizchak Isaac Halevi Herzog (1888–1959), testified in 1938 before the British Partition Committee that Jews were not allowed to go onto the Temple Mount until the Messiah came.

²⁶ *War Cabinet, Eastern Report* no. 61, Mar. 27, 1918, CAB/24/145.

²⁷ Uri Kupferschmidt, *The Supreme Muslim Council: Islam Under the British Mandate in Palestine* (Leiden: E. J. Brill, 1987) p. 237.

²⁸ Norman Rose, *Chaim Weizman—A Biography* (NY: Penguin Books, 1989) p. 126.

²⁹ See, for example, *Mishpat Cohen*, p. 202 – H. Beit Habechira, par. 96. In his ruling Kook followed most medieval and contemporary halakhic codes—for example, Rabbi Abraham Gombiner (c. 1633–c. 1683) wrote that “one who enters nowadays the place where the Temple used to stand incurs the punishment of excision (*kareh*)” (*Magen Avraham* OH 561.2). Rabbi Yisrael Meir Kagan, known as the Chofetz Chaim (Poland, 1838–1933) used the very same words in his authoritative legal commentary *Mishna Berurah* (561.5).

Yet some Jews continued to go up on the Temple Mount. While most religious Jews followed the Chief Rabbis' ruling, secular Jews were not the only ones who ascended. Rabbi Shmuel Horowitz, a leader of the Breslever community in Jerusalem, described his going up on the Temple Mount in the 1920s. On Sukkot 5685 (1924) he and others of his group walked up to the Temple Mount "as far as it is permitted for *tamei meitim* to walk." They said various prayers, but not from a prayer book because the Arab guard did not permit them to open a prayer book. On one occasion they were able to organize a circle dance on the Temple Mount while singing sacred melodies. He reported that they continued to go up on the Temple Mount for some years, but later certain areas that in the past were open were now closed for Jews. Still later [presumably in 1929] Jews were prevented from entering the Temple Mount altogether and were permitted only to look upon it from afar.³⁰

Rabbi Jacob Nissan Rosenthal (1924–2010), born and educated in Jerusalem, served for many years as Chief Rabbi of Haifa. He was in close contact with all the Torah giants of his generation. In his *Mishnat Yaakov*, a commentary on Maimonides, he wrote that it is possible for a Jew to visit the Temple Mount nowadays (*Beit Habechira* 7.1-2). According to his primary student, Rabbi Shlomo Amar, Chief Rabbi of Israel (2003–2013) and currently Chief Rabbi of Jerusalem, Rabbi Rosenthal went up on the Temple Mount in the years before the establishment of the State of Israel because he and other rabbis had an established tradition informing them which places on the Temple Mount Jews were allowed to visit and which were prohibited.³¹

Prior to the War of Independence which established the State of Israel, General David Shaltiel (1903–1969), the commanding general of the Haganah, the Jewish underground forces in the Jerusalem sector,

³⁰ Wolfson (2018), pp. 102-3, no source given.

³¹ R. Avi Kahana, "93rd birthday of the late R. Jacob Nissan Rosenthal" [Hebrew], archived at <https://har-habait.org/articleBody/7723>. Wolfson 2018, p. 103, n.13, cites an undated comment by R. Amar, confirming that his rabbi, R. Jacob Nissan Rosenthal, as well as other rabbis, did go up onto the Temple Mount in the past because they had a tradition about the permitted places. When he, R. Amar, issued his decree prohibiting going up on the Temple Mount, he first contacted his rabbi to explain to him why he felt it necessary to prohibit something that his rabbi himself practiced. He explained that he issued his prohibition because nowadays most Jews were no longer aware of the tradition of permitted areas and would therefore mistakenly enter areas of the Temple Mount that are prohibited to them. Rabbi Rosenthal responded that he agreed with his ruling.

consulted with Rabbi Herzog, the chief rabbi of the Holy Land, about the forthcoming war. The rabbi instructed the general that if his forces captured the Temple Mount, they should make every effort to expel all of the enemy forces — but once they had accomplished this, they should leave the Temple Mount as quickly as possible because of the holiness of the place.

Jordanian occupation and annexation of Jerusalem (1948–1967)

Following the 1948 War of Independence, the Jordanian army occupied East Jerusalem, including the Old City and all of its Christian and Jewish holy places. For nineteen years no Jew was allowed to approach the Temple Mount or the Western Wall. This absolute ban was strictly enforced, despite provisions in the Jordanian-Israeli Armistice Agreement that called for “... free access to the Holy Places and cultural institutions and use of the cemetery on the Mount of Olives...”³² The Temple Mount and the Western Wall were hermetically sealed for any Jewish visitors, no matter what their nationality.³³

Summary

For almost 340 years the official policy of the Ottoman Empire was that the Temple Mount be accessible only to Muslim worshippers. In earlier times provisions were made for Jews to go up on the Mount either freely or occasionally (or at times, not at all), but now the rule was that any Jewish presence was proscribed. Nevertheless, the attachment of Jews to site of the destroyed Temples, the holiest site in Judaism, was so strong that illicit or forbidden ascents continued to occur throughout this period. We have combed the relevant literature to bring a number of examples of these. We suspect that there were many more.

Postscript

For almost two thousand years until 1967, foreign rulers decided whether or not Jews were permitted to go up on the Temple Mount. The situation changed radically after the Israeli victory in the Six Day War. From

³² Israel-Jordan Armistice Agreement of 3 April 1949, Article 8, archived at <https://mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook1/pages/israel-jordan%20armistice%20agreement.aspx>

³³ Shmuel Berkowitz, *The Temple Mount and the Western Wall in Israeli Law* (Jerusalem: The Jerusalem Institute for Israel Studies, 2001) p. 13.

that day on, the Temple Mount came under the jurisdiction of the State of Israel, the Jewish State.

As a result of the Israeli government's decision in 1967, the general public, including Jews and Christians, were now allowed to visit the Temple Mount (but not allowed to pray there) without hindrance. Many visitors have taken advantage of this permission. Initially most religious Jews followed the instructions of the Chief Rabbinate which prohibited Jews from entering the Mount because nowadays no Jew is ritually fit to do so. A small (but over time, increasing) number of rabbis have followed Rabbi Goren's plea to permit Jews to enter those areas on the Temple Mount that did not require complete ritual purity.

Many appeals have been made to Israel's Supreme Court to permit Jews to pray on the Temple Mount. Despite the 1967 Law for the Protection of Holy Places which allows free access and freedom of worship to all religions everywhere, Jews and Christians are prohibited from praying on the Temple Mount, ostensibly to ensure public order. As Justice Menachem Elon, Deputy Chief Justice of the Supreme Court, explained, this prohibition was created because "the Temple Mount possessed extraordinary sensitivity that has no parallel anywhere."³⁴

The final chapter in this story still has not been written. ❧

³⁴ Elon (1993); Yoel Cohen, "The Political Role of the Israeli Chief Rabbinate in the Temple Mount Question," *Jewish Political Studies Review*, 11 (1-2), 1999, pp. 101-126.