

# The Status Quo and the Living Stones<sup>i</sup>



By Issa Kassissieh

The recent closure of the Church of the Holy Sepulcher made headlines worldwide. This measure was considered an extreme action by the heads of churches in Jerusalem in response to the escalation made by Israeli settlers and officials against the real estate of the churches. From the Jaffa Gate scandal that threatens to change the identity of the Christian and Armenian quarters of the Old City to the freezing of the bank accounts of several religious communities, the heads of churches have denounced the injustice they suffer from Israel. Many wondered, however, whether closing the church for a financial dispute was the only measure being protested. After all, Israeli illegal policies imposed on the Palestinian people in general, and Palestinian Christians in particular, are a daily bitter reality. The grievances go beyond the current financial dictation.<sup>ii</sup>

The latest Israeli steps have moved in the direction of changing the historical Status Quo agreement regarding churches and their properties in Jerusalem. The Status Quo of the Holy Places, as we understand it today, regulates the status of several holy sites in



Coptic Orthodox Church in the Old City of Jerusalem.

Jerusalem and Bethlehem, including an outline of the rights and duties of the various Christian denominations and the status of Muslim holy sites. It was made by an Ottoman Farman (state official) in 1757, confirmed in 1852, and framed as a treaty in the treaties of Paris (1856) and Berlin (1878). It was respected by the British Mandate, the United Nations, and Jordan.

Historically, as an acknowledgement of the services they deliver to all Palestinians in various sectors, regardless of their religion, churches have been exempt from paying property tax. This practice has lasted for centuries but is being questioned by the Israeli government today. This represents a (further) Israeli violation of international law: As the occupying power, Israel is not entitled to change

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the Status Quo regarding the religious sites (including Al-Aqsa Mosque Compound) or the long-standing tax-exempt status granted to the churches.

The Old City with the Haram al-Sharif in the foreground, seen from the Mount of Olives. The golden rotunda of the Dome of the Rock is seen in the middle, Al-Aqsa mosque to its right.





Al-Aqsa Mosque in the Old City of Jerusalem.

From this perspective, to ask the churches to pay the property tax would be to accept the illegal Israeli annexation of East Jerusalem. After President Trump's recognition of Jerusalem as Israel's capital, Israeli officials have been empowered to increase their efforts that aim to change the identity of East Jerusalem. This not only includes measures against the churches, but also the building of settlements, the demolition of homes, and the latest bill that would allow Israel to strip Jerusalemites of their residency rights if they are "disloyal" and stand to challenge such wrongful policies. This, by itself, is a grave violation of international humanitarian law.

The Israeli escalation of measures against the churches cannot be separated from the targeting of Al-Aqsa Mosque, and it must be understood that such policies stand to undermine the very identity of the Palestinian people. It is impossible to talk about the holy places without talking about the people who have kept them alive for centuries. Palestinian families, both Muslims and Christians, have preserved the heritage of such places. This has been the historical

message of the priests who serve the various communities in Palestine, and it is the message of great figures such as Patriarch Michel Sabbah and other heads of churches who have stood steadfast, asserting that they must confront not only Israeli policies that jeopardize the financial well-being of the churches, but also other unjust policies against their denominations.

We cannot forget the response received from some church officials when 58 Palestinian Christian families from Beit Jala asked them to take action regarding the construction of Israel's illegal Annexation Wall in the Cremisan Valley: "We are against the Wall, but if Israel wants to build, there's nothing we can do about it," was one of the responses I personally heard. Wasn't the construction of the Wall between Bethlehem and Jerusalem separating the Nativity Church from the Church of the Holy Sepulcher enough reason to stand tall and take a position to confront the challenge? In the end, it was the action of other religious figures – beginning with Father Ibrahim Shomali, the local Catholic parish priest of Beit Jala – who managed to focus international attention on the situation in the valley.

It was a priest, with the legal support of the Society of Saint Yves, who kept hope alive among the parishioners. And everyone remembers the heroic stand of Father Ibrahim Faltas during the siege of the Church of the Nativity.

In reality, the churches of the Holy Land are an integral part of Palestine's social fabric. The Palestine-Holy See comprehensive agreement stipulates clearly that churches, including their properties and institutions, are exempt from paying taxes. But the issue should go deeper than just the question of paying taxes: the voices who state that they would not mind paying taxes to Israel should be reminded that the challenges that Christians of the Holy Land face when wishing to stay in their homeland will not be resolved by reaching an agreement on taxation. The fear is that such behavior would accelerate the exodus of the remaining living stones of the Holy Land.

Residency and property rights are at the top of the list of Israeli violations against Palestinians. It is time for the faithful to feel that the churches will stand tall in their defense. Church properties should not be treated as foreign assets that could be sold to the highest bidder, but rather as part of the heritage, past, present, and future of Palestine. One can understand the grievances felt by members of the Christian communities when they see the disconnection between several of their spiritual heads and the reality they live in. Let us be clear: Just as churches, their institutions and properties, in Greece, Italy, and Spain are for the benefit and defense of their faithful, the same should be the case in Palestine.

"Man shall not live by bread alone" (Matthew 4:4) is one of the most beautiful teachings of the Bible. Closing the Church of the Holy Sepulcher was perhaps the right measure to force Israel to stop this dangerous escalation against the churches. However, it is important to always keep the people in mind. It is time for the churches to make it clear to their faithful that they consider Palestine, the Holy Land, to be not only a major pilgrimage destination but also a place to uphold the values of justice and peace. In this case, concrete messages are needed regarding the daily injustices affecting their own communities.

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<sup>i</sup> The phrase "living stones" is a biblical metaphor for the Christian faithful and their close connection to God (1 Peter 2:5).

<sup>ii</sup> See, for example, Jonathan Cook, "Money, not the protection of Palestinian Christians, was at the root of Holy Sepulcher protest," Middle East Eye, March 2, 2018, available at <http://www.middleeasteye.net/columns/money-not-protection-palestinian-christians-was-root-holy-sepulchre-protest-1616428657>. This article provides some critical voices, although the author does not agree with a number of points.