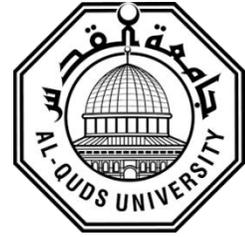


**Deanship of Graduate Studies**

**Al-Quds University**



***“A General Review of the Status Quo Arrangements in  
the Holy Sepulchre Church”***

***Case Study: The Coptic Ethiopian Discord over Dair al-  
Sultan 1970 – 2015***

**Simon Kevork Azazian**

**M.Sc. Thesis**

**Jerusalem - Palestine**

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***“A General Review of the Status Quo Arrangements in  
the Holy Sepulchre Church”***

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**A thesis Submitted in Partial fulfilment of requirements  
for the degree of Master of Jerusalem Studies Program**

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Al-Quds University  
Deanship of Graduate Studies  
Jerusalem Studies



## **Thesis Approval**

**“A General Review of the Status Quo Arrangements in the Holy Sepulchre Church”**

*Case Study: The Coptic Ethiopian Discord over Dair al-Sultan 1970 – 2015*

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Master thesis submitted and accepted, Date: 28/04/2016

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1- Head of Committee	Dr Yusuf Natsheh	Signature:_____
2- Internal Examiner	Dr Bernard Sabella	Signature:_____
3- External Examiner	Dr Nazmi Jubeh	Signature:_____

Jerusalem – Palestine

1437 / 2016

## **Declaration**

I Certify that this thesis submitted for the degree of Master, is the result of my own research, except where otherwise acknowledged, and that this study (or any part of the same) has not been submitted for a higher degree to any other university or institution.

Signed

Simon Kevork Azazian

12/04/2016

## **Acknowledgement**

First and foremost, I am heartily thankful for my lovely wife Lara and my two amazing children George Matthew and Joyce who have been true supporters during the process of the research.

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I would like to express my deepest appreciation and thanks to my supervisor Dr Yusuf Natsheh, who has kept me encouraged and focused throughout this process, and has contributed a lot of his experience to this work.

Finally, I give my thanks to God who has allowed me to contribute to the magnificent history of the Holy Sepulchre Church, hoping that this research will be of use for future generations.

## **Abstract**

The Church of the Holy Sepulchre is one of the magnificent religious monuments in Jerusalem. Christian pilgrims – both locals and foreigners- come to this church in search for spiritual experience as the Church is believed to be the site of Jesus’ crucifixion, burial and resurrection. The size, splendour, and architecture reflect an important part of the Church’s historical significance; a spiritual significance that has sadly mutated to an earthly physical struggle over power and control; Greek Orthodox, Roman Catholics, Armenians, Copts, Ethiopians, and Assyrians -all having the right to worship in this Church- under an agreement known as the “Status Quo”; a Turkish edict issued by the Ottoman Sultan Abdul Majid in 1852 and still in force today, the edict defines exactly which parts of the Church of the Holy Sepulchre belongs to each of six Christian groups.

Despite of the Status Quo intending to keep peace among the denominations, disputes have occasionally erupted into fistfights between clergymen. Greeks and Armenians, for example, have clashed over the way certain ceremonies and processions are conducted, and the Copts have a long-running feud with the Ethiopians over possession of a rooftop monastery known as Dair al-Sultan.

The study focuses on the formation of the Status Quo in the Holy Sepulchre Church and researches the dispute over Dair al-Sultan between the Copts and the Ethiopians.

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## **Thesis Proposal**

### **Problem Statement (Research Question)**

The problem that this research will try to explore is:

How effective has the implementation of the Status Quo been since the Israeli occupation of Jerusalem in 1967, and has the agreement been secretly utilized to serve Israeli agenda especially in the case regarding Dair al-Sultan?

### **Justification**

This subject is an important one to research because a lot has been written by foreigners as well as Israelis about the Holy Sepulchre Church, the Status Quo and the struggle between the different denominations, yet hardly any local Palestinian Christian writers have tackled the issue. This gives the research additional value for two reasons:

- 1) The research process will be done with complete neutrality and unbiased approach because the researcher –although Armenian by heritage- considers himself as an interconfessional, and so there is no favouritism to a certain denomination.
- 2) The research will explore –as much as the available data will permit- political interferences and hidden agendas behind the denominational feuds; especially the

case of Dair al-Sultan, and the different court rulings made by the Israeli government in this regards.

### **Goals and Objectives**

The overall goals of this research are:

- 1) To examine if the Status Quo, despite being created to bring reconciliation, has resulted in more feuds and continuous tension among the Christian Palestinian community.
- 2) To investigate that despite of the Israeli confirmation to respect the Status Quo agreement in the Holy Sepulchre Church, Israel has altered the agreement for its own political benefits.
- 3) To document the practices of implementing the Status Quo agreement during the sensitive period beginning with the Israeli occupation in 1967 till the year 2000.

The **objectives** of this research are:

- 1) Exploring the historical construction of the Status Quo by the Ottomans, and evaluating its validity to the current day situation of the city.
- 2) Discovering the real problems behind the Coptic/Ethiopian dispute over Dair al Sultan and the Israeli governmental response to these problems.

## Secondary Questions

The questions the research will try to answer are:

- 1- What is the historical background for creating the Status Quo, and how much of it is still valid today in the Holy Sepulchre Church?
- 2- How the British Mandate approached the Status Quo and what was the Israeli official response to it in 1967?
- 3- How did the Jordanians approach the Status Quo from 1948 – 1967 and do they have a role to play today?
- 4- How has the Status Quo shaped the life and struggles of the Arab Christian community of Jerusalem and Bethlehem?
- 5- What are the disadvantages of the Status Quo and how serious has its negativity impacted the Church physically and emotionally?
- 6- How does the local Christian community recognize the Status Quo agreements in the Holy Sepulchre Church?
- 7- What is the historical background of the Coptic-Ethiopian Struggle over Dair al-Sultan, and has the Israeli approach to the case been public or secretive?
- 8- Has the Israeli government utilized the issue of Dair al-Sultan to increase the number of Ethiopian immigrants?
- 9- How do the leaders of the Coptic and the Ethiopian Churches respond to the current struggle, and what is the response of their governments?

10- How can the local Palestinian Christian community promote, maintain and preserve a Palestinian national unity against the division being created by the Status Quo?

11- What is the long term effect of the Status Quo and its implications on the future of the city, and how will the Palestinian Authority respond to it?

12- Are there any advantages of the Status Quo? Are there any substitutes?

### **Hypothesis**

- 1) Despite of all its efforts to create stability inside the Holy Sepulcher Church, the Status Quo has been a major stumbling block to bring unity among the different Christian denominations, and continues to create year-round tensions among the local community.
- 2) Israel has been manipulating the Status Quo and has engaged in governmental talks with world leaders - especially in the case of Dair al-Sultan – to gain political benefits.

### **Boundaries**

**Time:** The research will mainly emphasize on the period 1970 to 2015, but it will also focus on major historical events and future developments.

**Place:** The research will emphasize on the Church of the Holy Sepulchre.

**Target Group:** The target will be divided as follows:

- Church leaders, monks and priests in Jerusalem. These might include:
  - Greek Orthodox Patriarch Theophilos III
  - Coptic Bishop of Jerusalem
  - Ethiopian Bishop of Jerusalem
  - Fr Danial (Ethiopian Monk)
  - Fr Issa Misleh (Spokesman of the Greek Orthodox Patriarchate)
  - Fr Rafeek Khoury (Catholic Church)
  - Franciscan Custodian.
  - Fr Yousef Sa'adeh (Greek Catholic Church)
  - Syriac Bishop of Jerusalem
- The local community's opinion – both Christians and Muslims.
- The Religious Department (Christian Section) in the Israeli Government.
- The Ministry of Religious affairs in the Palestinian Authority, الهيئة الاسلامية المسيحية، اللجنة الرئاسية لشؤون الكنائس (الاخ حنا عميرة)

## **Limitations**

- 1) The limitation of the research might be the refusal of Church leaders to reveal sensitive information, especially those related to political issues.
- 2) Another limitation might be the difficulty of obtaining contextual evidence in documentation revealing the true ownership of Dair al-Sultan.

- 3) Another major limitation to this research project could be the limited amount of time given for interviews by the Coptic and the Ethiopian Bishops in Jerusalem, or their refusal to cooperate.

## **Methodology**

In this research the key sources are based on primary data applying a qualitative-investigative approach through conducting and examining interviews with the church leaders, the local community in Jerusalem, as well as interviews with personalities who occupy leadership positions in both civil and religious institutions –including Israeli governmental ones (department of religious affairs), as to diagnose the research problem; additionally, research sources include secondary data obtained through literature analysis of texts and documents (books, articles, conferences, reports, newspapers, websites etc.)

The qualitative (descriptive – investigative) research methodology has been chosen for this kind of research, since currently the qualitative research method is a popular social science methodology, as information gathered and presented in a manner that can be clearly comprehended, qualitative inquiry provides an inductive and exploratory methodology. (Saunders Lewis Thornhill 2007; Babbie 2007).

In addition to the qualitative research method, the Daily Interpretive Analysis (DIA) will be used to analyse the data.” The use of DIA will help to assemble and interpret the information that was collected *at the end of every day of interviews*. This will help the

researcher to document flashes of insight, or first round conclusions, that might come up when listening to a respondent.

Building upon the evidence provided by the literature on the topic, **In-depth (Semi Structured) interviews** were deemed to achieve superior results, where semi-structured interviewing is a valued tool in examining participants' perceptions, this method is considered good to be used to collect qualitative data by setting up an interview that allows a respondent the time and the possibility to talk about their opinions on a particular subject and the interviewee will be able to talk about things in detail and in depth, it is considered as a practical way of getting data.

This method uses **open-ended questions**, and the researcher tries to build an understanding with the respondent, and the interview is like a conversation. Questions are asked when the interviewer feels it is appropriate to ask them.

Instruments that will be used include pen, paper, audio recorder, and camera. Audio recorded interviews will be accompanied with taking notes.

A standard form will be developed to record all notes. The standard form will provide basic identification information (date, time, name of the interview, location, characteristics of the respondent, etc).

The archiving system will be sufficiently detailed that it will permit the researcher to link the content in the simplest way.

## **Research Tools and Requirement**

The research tools needed to accomplish this research are the following:

- 1) Historical research through references, sources and documents.
- 2) Field Research and Personal Interviews.
- 3) Documentation and digital photography.

## **Previous Studies**

Most of the previous studies have been directed towards understanding the Status Quo agreement and describing its historical background and the various implications it has created inside the Church of the Holy Sepulchre. Only one direct and detailed study about the Dair al-Sultan problem has been found:

- 1) *Cohen, Raymond, "Saving the Holy Sepulchre, How Rival Christians Came Together To Rescue Their Holiest Shrine". Oxford University Press, 2008*

The book tells the story of the three major Christian traditions--Greek Orthodox, Roman Catholic, and Armenian Orthodox--each jealously guarding claims to the church, struggling to restore one of the great shrines of civilization. Cohen shows how the repair of the dilapidated basilica was so complicated due to the Status Quo agreement and its unending complications.

2) Abd al-Sayed, Anthony, “The Problem of Dair al-Sultan in al-Quds” Madbooly Library, 1991.

مشكلة دير السلطان بالقدس، دراسة وثائقية للصراع التاريخي بين الاقباط والاثيوبيين على الدير، تأليف الدكتور أنتوني سوريال عبد السيد، استاذ مساعد التاريخ الحديث والمعاصر بجامعة اسيوط، (1991)

In this book written in Arabic, the author presents proof that the monastery of Dair al-Sultan has always been Coptic owned. The author is clearly influenced by his nationality, being Egyptian, so he doesn't present the Ethiopian side of the struggle, and so the evidence is most probably biased.

### **Timetable**

The research will require 18months of work. Starting April 2014, the research will start collecting data and information from local and foreign libraries. During Aug/Sep and after enough information has been collected, the process of personal interviews will begin. In October, after all data has been analysed, a first draft will be handed to the supervisor, and further work will be done, until the research is completed.

### **Thesis Outline**

Thesis: A General Review of the Status Quo Arrangements in the Holy Sepulcher Church  
*Case Study: The Coptic Ethiopian Discord over Dair al-Sultan 1970 – 2015*

The thesis outline will cover three Chapters; the First Chapter will give a historical and architectural background to the Holy Sepulchre Church, while explaining the reason of tension and dispute among the Christian denominations. The Second Chapter will give an

explanation about the Status Quo and its creation; it will also provide an example of how complex the Status Quo is by presenting a case study on a ladder that has not moved for almost 200 years.

The Third chapter will present the Coptic Ethiopian dispute over Dair al-Sultan Monastery; it will reveal the historical struggle over this location, while illuminating recent findings about Israel's involvement and interference in this struggle, and how Israel failed as an occupying power to maintain the Status Quo.

# Chapter 1: The Church of the Holy Sepulchred

## 1.1 Historical Overview

The name “Church of the Holy Sepulchred” in English means the “Church of the Resting Place” or “Church of the Grave”, while the Arabic name of the Church “*Kaniset al-Kiyamah*” translates to the “*Church of Resurrection*”; an indication that different Biblical events related to the last hours of Jesus’ life took place on this location. The church was built on a spot believed by Christians to be the hill of Golgotha or Calvary, mentioned in the Gospel of Luke<sup>1</sup> where the crucifixion of Jesus took place. Some criminals were punished in Roman times by being crucified outside the walls of the city, and according to archaeological excavations carried out by Father Virgilio Corbo<sup>2</sup>, this site was an abandoned quarry outside the city walls, which also had a garden very nearby. In the second Century AD, Hadrian<sup>3</sup> decided to replace what remained from Jerusalem with a Roman city calling it Aelia Capitolina<sup>4</sup>, the plan was carried out, and an entirely new city was built on the previous remains; Aelia Capitolina replaced the majority of old Jerusalem’s ruins; there were pagan temples, theatres, baths and other public buildings<sup>5</sup>. The hill of Calvary was incorporated into the city and a temple to Aphrodite was built on

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<sup>1</sup> Luke 23:33 “When they came to the place called the Skull; they crucified him there, along with the criminals--one on his right, the other on his left”.

<sup>2</sup>In 1960 father Corbo began a long activity as an archaeological expert at the Church of the Holy Sepulcher, at the same time carrying out other important archaeological investigations at Herod’s Fortress (1962-1967) and Mount Nebo (1963-1970).

<sup>3</sup>Publius Aelius Hadrianus Augustus; Roman Emperor from 117 to 138 AD.

<sup>4</sup>The name was given, after the Second Jewish Revolt 132–135 AD, in honor of the emperor Hadrian (whose nomen, or clan name, was Aelius) as well as the deities of the Capitoline Triad (Jupiter, Juno, and Minerva).

<sup>5</sup> Watson (1912, p. 116)\*

*\*The researcher has followed the APA style, and has provided the citation according to the regulations of Alquds University in the foot note sections “Author (date, page)”*

the site<sup>6</sup>. It is assumed that the construction of the Roman temple helped in identifying the location of Golgotha, especially among the locals of the city, who handed down the memory of the site generation after the other<sup>7</sup>. The earliest writing we have linking this location with Hadrian's temple is from 395 AD, cited by Raffaella Zardoni, St. Jerome explains:

*“From the time of Hadrian to the reign of Constantine, a period of about one hundred and eighty years, a statue of Jupiter stood on the site of the Resurrection, while a marble statue of Venus was placed by the pagans on the rock of the Cross and became an object of worship”*.<sup>8</sup>

However, there is no mention, by any writer during those “one hundred and eighty years” that the position of the tomb, in which the body of Jesus was laid, was known to Christians, but the principal place to which pilgrims resorted was the Mount of Olives<sup>9</sup>.

In early 380 AD<sup>10</sup>, Christianity became the official religion of the Roman Empire. However, a few years before this, Christianity began the slow transition to becoming the dominant religion of the empire under the rule of Emperor Constantine the Great<sup>11</sup>. At some period, the exact date of which cannot be regarded as known with certainty, Emperor Constantine declared himself a Christian<sup>12</sup>. One of his first acts was to summon

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<sup>6</sup>Roman (2010-2011, p. 98)

<sup>7</sup>Zardoni (2011, p. 26)

<sup>8</sup>Zardoni (2011, p.26)

<sup>9</sup> Watson (1912, p. 120)

<sup>10</sup>The Edict of Thessalonica, also known as Cunctos populos, was issued in 380 AD. It ordered all subjects of the Roman Empire to profess the faith of the bishops of Rome and Alexandria, making Nicene Christianity the state religion of the Roman Empire

<sup>11</sup> Ruled from 306–337 AD.

<sup>12</sup> Gerberding (2004, p. 55)

a council of Christian Bishops, which met at Nicea<sup>13</sup> in 325 AD to discuss the doctrines of Christian religion. A number of Bishops were appointed across the Roman Empire, and Bishop Macarius was ordained as the first Bishop of Jerusalem.

That same year, Bishop Macarius requested from Constantine to destroy the pagan temples erected over the Holy Places in Jerusalem. Macarius also accompanied St. Helena, the mother of Constantine, in her successful search for the True Cross<sup>14</sup> and identification of the Christian sites.<sup>15</sup>

It is said that Constantine saw a vision of the cross in one of his battles and decided to build the Church of the Holy Sepulchre. The suggestion must have been made that the church be built over the south open space of Hadrian's forum, but the insistence of the community that the tomb was under Hadrian's temple prevailed<sup>16</sup>. The eyewitness Eusebius<sup>17</sup>, Bishop of Caesarea, in his book "Life of Constantine" explains:

*"At once the work was carried out, and, as layer after layer of the subsoil came into view, the venerable and most holy memorial of the Saviour's resurrection, beyond all our hopes, came into view"*<sup>18</sup>

The building of the Church started in 326 AD and was dedicated around 335 AD. Although not fully completed until 384 AD, the Church was composed of a four part

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<sup>13</sup>The ancient city is located within the modern Turkish city of İznik (whose modern name derives from Nicaea's), and is situated in a fertile basin at the eastern end of Lake Ascanius, bounded by ranges of hills to the north and south.

<sup>14</sup>The True Cross is the name for physical remnants which, by a Christian tradition, are believed to be from the cross upon which Jesus was crucified.

<sup>15</sup> The history of finding the Cross and the Holy Sepulchre by Macarius is far too long to deal with here, but those interested are advised to read "Golgotha and the Holy Sepulcher" by C.W.Wilson.

<sup>16</sup> Murphy-O'Connor (1998, p. 47)

<sup>17</sup> Eusebius was also Constantine's Biographer.

<sup>18</sup> Eusebius (1999)

complex: An Atrium<sup>19</sup>, a Basilica<sup>20</sup>, an open courtyard venerating Golgotha, and finally the Rotunda<sup>21</sup> which contained the tomb of Christ.

Eusebius described the Church as being richly decorated:

*“Its interior was lined with many colored marbles, and the outer surface of its walls decorated with polished and closely-jointed masonry, as handsome as marble itself”*<sup>22</sup>

### **Persian Invasion**

For three centuries, the Holy Sepulchre Church stood as a magnificent structure in the center of Jerusalem as the city had been far from war, but this state of peace came to an end in 614 AD, when Chosroes II, the king of Persia, sent an army to Palestine to capture it from the Byzantines.

*“As the Persian army marched southwards, it was joined by many thousands Jews, who were determined to avail themselves of this opportunity of regaining what they considered to be their own city, and of revenging themselves upon the Christians”*<sup>23</sup>

It is estimated that around 60,000 people were slaughtered, and the Holy Sepulchre Church, with many other Churches, was completely destroyed. Once the violence of the

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<sup>19</sup>An open-roofed entrance hall or central court in an ancient Roman house.

<sup>20</sup>An open, Roman, public court building, usually located adjacent to the forum of a Roman town. By extension it was applied to Christian buildings of the same form and continues to be used in an architectural sense to describe those buildings with a central nave and aisles.

<sup>21</sup>A round building or room with a dome.

<sup>22</sup>Wallace (1898, p. 178)

<sup>23</sup>Wallace (1898, p. 128)

destruction, killing and expulsions had finally ceased, an edict was issued by the Persian king in 622 AD allowing the reconstruction to begin.

The restoration was initiated by Abbot Modestus<sup>24</sup>, travelling through Palestine; he collected money from the Christian community, while working with only scarce means and in an uncertain political situation<sup>25</sup>. Modestus rebuilt the Church; but the great basilica was completely destroyed and lost forever.

### **The Church under Muslim rule**

In 638 AD Palestine was conquered by the Arabs. Caliph Omar took possession of Jerusalem peacefully, and came to sign the treaty of surrender which transferred Jerusalem from Christian to Muslim control<sup>26</sup>. When Omar visited the basilica of the Holy Sepulcher, he was invited by the Patriarch Sophronius to pray inside the Church, yet Omar deliberately did not pray inside, so as to avoid having the complex turned to a Mosque. Some writers noted that Omar's decision not to pray inside the Church was related to number of Muslim Hadith; that praying inside a Church which contains pictures or icons is forbidden, and so Omar refrained from doing so<sup>27</sup>. Although this might not be accurate as researchers say that Muslims prayed at both the Nativity Church and Church of the Virgin Mary.

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<sup>24</sup>Modestus of Jerusalem: was appointed Greek Orthodox Patriarch of Jerusalem by Heraclius.

<sup>25</sup>Zardoni (2011, p. 30)

<sup>26</sup> The Arabic text of the edict of Omar is contained in Codex Saint Germain 100 of the Bibliotheque Nationale de France. In the text it is stated that anyone who in the future shall refute the validity of the edict shall be hated by Allah; which is why almost all of Omar's successors respected hid edict.

<sup>27</sup>13489 شيخ الإسلام بن تيمية في الفتاوى الكبرى 59/2 and السنن الكبرى للبيهقي، حديث رقم 13489

In all cases, the Tomb of Christ and all shrines was delivered to the Greek Patriarch Sophroniuos, who was called the patriarch of the royal race of the Rmaioi or Roman.<sup>28</sup>

During the early years of Muslim era, the Christian inhabitants of Jerusalem appear to have lived on excellent terms with the new masters; according to Arculf<sup>29</sup>, they kept their Churches, and pilgrims were allowed to come freely to the Holy City as before<sup>30</sup>. It is also during this time of history, that Sophroniuos presented the keys of the Church to Omar, which Omar passed on to the Nusiebeh family<sup>31</sup>. The keys, as claimed by the Nusiebeh family, were kept with them and passed on from generation to the other, until the Crusaders took over the city in 1099 AD<sup>32</sup>.

At the beginning of the ninth century a violent earthquake damaged the dome of the Anastasis. The Church was set on fire in 841 AD, 938 AD and again in 966 AD<sup>33</sup>. This caused the Church to be partially destroyed and rebuilt repeatedly, until in 1009, when the Fatimid Caliph al-Hakim ordered the destruction of the Church, the Holy Sepulchre was lost. His destruction was systematic; demolishing troops bashed the courses from the walls and knocked down the rock tomb of Christ with destruction instruments, stopping only when the debris covered what remained<sup>34</sup>; Christians were not allowed to visit the Church or even pray in its ruins. In 1014, Hakim's mother, a Christian, began the reconstruction of the Church, however, the poor community of Jerusalem could not

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<sup>28</sup> Skarlakidis (2011, p. 29)

<sup>29</sup> Arculf was a Frankish Bishop who toured the Levant in around 680 AD

<sup>30</sup> Watson (1912, p. 140)

<sup>31</sup> According to Wajih Yacoub Nusiebeh, in an interview with Skynews in 2013, he claims that his family received the key of the Holy Sepulchre Church directly from Patriarch Sophroniuos. The researcher was not able to confirm any significant historical proof on this.

<sup>32</sup> Daniel (2013, p. 14)

<sup>33</sup> Zardoni (2011, p. 30)

<sup>34</sup> Murphy-O'Connor (1998, p.48)

afford repairs, and the fundraising process was poor. A big earthquake, in 1033, added to the damage.

Immediately upon ascending to the throne in 1042, Constantine IX Monomachos<sup>35</sup> set about restoring the Church of the Holy Sepulchre in Jerusalem. Permitted by a treaty with al-Hakim's son and Byzantine Emperor Romanus III, it was Constantine IX who funded the reconstruction of the Church<sup>36</sup>. However, the funding was not sufficient to perform a full repair, and a great part of the original structure had to be abandoned resulting in the complete loss of atrium and basilica, but keeping the courtyard and rotunda. It was also during this period of history that the conflict over doctrinal and political issues between Rome and Byzantine sparked the schism between Eastern and Western Churches thus resulting in the division between Orthodox and Catholic.

### **Crusader Influence**

The Holy Sepulchre continued to change hands several times between the Fatimid's and the Seljuk Turks until the arrival of the crusaders in 1099. When the Crusaders arrived in Jerusalem, the only clear structure they found was the rotunda, while the tomb had vanished; there was only *“empty space, surrounded by a jewel box of delicate columns with mosaics on the circular wall. Lamps burned perpetually over a raised slab of marble intended to represent the tomb”*<sup>37</sup>. The Crusaders started immediate but slow and gradual reconstruction as well as modification of the Church, their main aim being to restore the

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<sup>35</sup>Constantine IX Monomachus reigned as Byzantine emperor from June 11, 1042 to January 11, 1055.

<sup>36</sup> Ousterhout (1989, p.24)

<sup>37</sup> Payne (1986, p. 20)

Holy Sepulcher to its previous beauty and pride; this was described in the writings of the chronicler William of Tyre that said:

*“The crusaders investigated the eastern ruins on the site, occasionally excavating through the rubble, and while attempting to reach the cistern, they discovered part of the original ground level of Hadrian's temple enclosure; they decided to transform this space into a chapel dedicated to Helena (the Chapel of Saint Helena), widening their original excavation tunnel into a proper staircase”<sup>38</sup>.*

They first erected the monastery of the Canons, where the Constantinian basilica used to be. Then in 1119 they completely replaced the replica of Christ's tomb<sup>39</sup>. Later, they came up with the idea of joining together the sanctuaries and chapels that spread throughout the area by constructing a church, in Romanesque style. The new Church of the Holy Sepulchre was finally erected on the 15<sup>th</sup> of July 1149, the fiftieth anniversary of the conquest of Jerusalem<sup>40</sup>. Around 1170 a bell tower was added<sup>41</sup>

The first Latin Patriarchs established their seats in this new magnificent Church while the Crusaders tried to make Jerusalem a central point for Christianity.

### **Saladin Captures the City**

Yet, a few years later, Christianity lost Jerusalem to the Islamic world, as Saladin captured this city in 1187 AD. Although, near the Aqsa Mosque, the Churches of Saint

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<sup>38</sup> Tyre (1976, p.55)

<sup>39</sup> Murphy-O'Connor (1998, p. 50)

<sup>40</sup> Zardoni (2011, pp. 31-33)

<sup>41</sup> Murphy-O'Connor (1998, p. 50)

Anne and was converted into a place for Islamic teachings, Saladin resisted the opinions of some that the Church of the Holy Sepulchre be demolished. It remained closed for three days before he commanded its reopening for the several thousand Armenian and Syrian Christians who wanted to remain under his rule. Saladin restored the Church to Greek Orthodox control, while bricking up one entrance to regulate the movement of pilgrims more easily. Saladin also permitted Jews to remain or settle in the city<sup>42</sup>.

It is during this time, that the first bases of the Status Quo agreement came to existence. Saladin restored the Church and gave back the keys to the Judeh family<sup>43</sup> in order to look after the peace between the different Eastern and Western Christian denominations, which were at serious odds over control of the Sepulchre.

During the 13<sup>th</sup> century, Emperor Frederick II regained the city and the church by treaty while he himself was under a ban of excommunication, leading to the curious result of the holiest church in Christianity being laid under prohibition. Both city and church were captured by the Khwarezmians in 1244.<sup>44</sup>

The pilgrim Thietmar wrote in 1217 that the Church of the Holy Sepulchre and the site of the Passion:

*“...are without lamps and without honor and worship, and always closed except when opened to pilgrims on payment of fees.”*<sup>45</sup>

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<sup>42</sup>Runciman (1965, p.467)

<sup>43</sup> Dr Sari Judeh in an interview with Skynews in 2013 reports that his family received the keys of the Holy Sepulchre Church directly from Salah El Din. The researcher was not able to provide any other significant source for this.

<sup>44</sup> Trainor (2010, p. 82)

<sup>45</sup> Zardoni (2011, p. 34)

## **Mamluk& Ottoman Era**

In the middle of the 13th century, Jerusalem was captured by the Egyptian Mamluk Sultanate. During the Mamluks reign over Jerusalem, Christian colonies from Mesopotamia, Egypt, Armenia, Ethiopia, Syria, Greece and Georgia became established in the city. The Mamluks developed Jerusalem to a spectacular Islamic icon, while the Church gradually decayed. There have not been major incidents regarding the Church during this time.

However, it is worth noting that in 1342 AD, Pope Clement VI confirmed the care of the Holy Land to the Franciscans and the Franciscan Custos of the Holy Lands (The Grand Masters of the Order of the Holy Sepulchre), another reason for tensions to grow between Western and Eastern denominations.

The following 200 years are described as a period of relative calm; historians explain that different Christian communities managed to celebrate Holy Week<sup>46</sup> services together, including Palm Sunday processions.

## **The Ottomans in Jerusalem**

In 1517 the center of power in the Islamic world shifted from the Mamluk dynasty in Egypt to the Ottomans in Turkey. With the Sultan residing in Constantinople, it was clear that ties with the Greek Orthodox Church would certainly reignite tensions between

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<sup>46</sup>Holy Week in Christianity is the week just before Easter.

Greeks and Latins. An earthquake hit the city in 1545 causing parts of the bell tower to collapse<sup>47</sup>; The Franciscan friars renovated it in 1555, as it had been neglected despite increased numbers of pilgrims. The Franciscans rebuilt the Aedicule, extending the structure to create an ante-chamber<sup>48</sup>.

Between 1630 and 1637 several parts of the church changed hands more than six times between different denominations; it was related to power and money. In 1644, the Gregorian's could no longer afford paying the required tax and left the Church forever. The Ethiopians also departed shortly after the Gregorian's for similar reasons.<sup>49</sup>

On the night of October 11, 1808, the Church of the Holy Sepulchre was discovered to be on fire; and between five and six in the morning the burning cupola, with all the melting and boiling lead upon it, fell in. The excessive heat which proceeded from this immense mass of liquid fire, caused not only the marble columns, which supported the gallery, to burst; but likewise the marble floor of the Church, together with the pilasters and images in bas relief that decorate the chapel, containing the Holy Sepulchre, situated in the center of the church. Shortly after, the massive columns which supported the gallery fell down, together with the whole of the walls<sup>50</sup>.

The Orthodox Church obtained permission to repair the Church, and the task was given to Greek architect Nikolaos Komnennos. However, a powerful earthquake in 1867 damaged the dome of the Anastasis, and another earthquake in 1927 devastated both the Church and the city of Jerusalem.

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<sup>47</sup> Mare (2002, p. 291)

<sup>48</sup> Murphy-O'Connor (1986, p. 56)

<sup>49</sup> Zardoni (2011, p. 36)

<sup>50</sup> Clarke (1817)

## 1.2 Architectural Background

Understanding the architecture of the Holy Sepulchre Church is a key to examining the Status Quo agreement. The larger part of the Status Quo agreement emphasizes on the division of the space among the different denominations, so every corner, step and even tile become an important piece of this complicated puzzle.

Archaeological discoveries, done in 1961, give a realistically accurate idea of the topography of Calvary. These discoveries opened archaeological trenches in various points of the church, which gave insight that this area served as a stone quarry from the eighth to the first centuries BC<sup>51</sup>.

The quarry was abandoned in the second century BC and the area was then used for small gardens, while tombs were hewn in the steep rocky walls. A shaft type tomb – said to be that of Joseph of Arimathea – can still be seen today behind the Chapel of the Syrians. Its presence shows that in the first century the area was still outside of Jerusalem, in as much as the Jewish religion did not permit burial inside the city.<sup>52</sup>

This section will examine the 3 stages of construction, starting with the Basilica of Constantine, then the buildings from the second period 614 – 1010 AD, and finally the buildings from the third period 1010 – 1099 AD.

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<sup>51</sup> Corbo (1981)

<sup>52</sup> Zardoni (2011, p.26)

## 1. The Basilica of Constantine (The first Holy Sepulchre Church)

The Life of Constantine, written by Eusebius, presents Constantine as being eager to do honor to the place of the Lord's Resurrection, at Jerusalem, and so commanded a House of Prayer to be erected on the spot of Calvary. The narrative of Eusebius is quiet detailed on the process of construction and gives a rather good picture of the architecture<sup>53</sup>. A great amount of research has been done on the structure of the first church, and the researcher has compared different reconstructed diagrams and images, which quiet interestingly, agree on the main architectural designs of Constantine's enormous basilica.

The original 122 meters complex, begun by Constantine the Great in 326 AD, incorporated the traditional sites of Jesus' Crucifixion (*Calvary, in the south eastern corner of the church courtyard*) and Entombment (*in the Rotunda*) as well as a long basilica church. Today, only fragments, including partial columns and an entryway, remain.

Figure 1<sup>54</sup> reflects the architecture of the Constantine Church: A distinguished Rotunda over the tomb of Jesus,

and Atrium between the Tomb and Golgotha, then an Apse heading into the Basilica

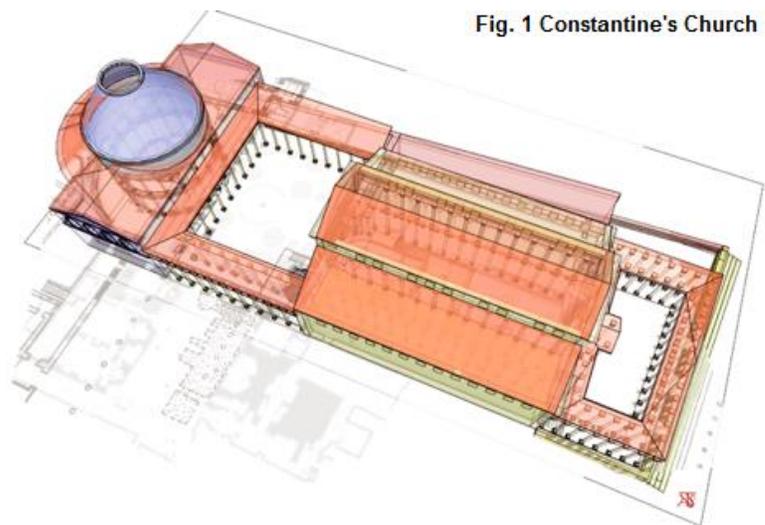


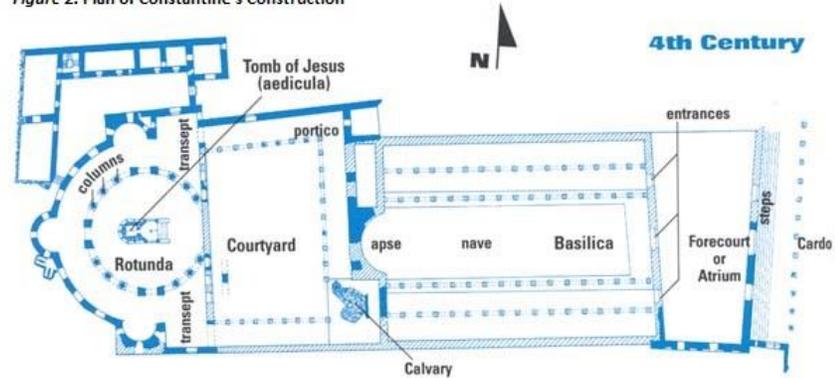
Fig. 1 Constantine's Church

<sup>53</sup> Eusebius (1999, p.78)

<sup>54</sup> Figure 1: By Paola Pozzo. Retrieved <http://www.holysepulchre.custodia.org/default.asp?id=4078>

covered with a large roof, and separated by another Atrium from the Propylaeum or entrance of the Church. The Church

Figure 2. Plan of Constantine's Construction



was entered from the Cardo (the main street). Parts of this original street can be seen today in two different locations<sup>55</sup>.

Figure 2 shows a similar description of this building created in the 4<sup>th</sup> century<sup>56</sup>.

## 2. The Buildings between 614 AD – 1010 AD

The Persians conquered Jerusalem in 614, the Constantine era was over and the Church was destroyed. The damage incurred during the Persian period was soon repaired through the passion of the monk Modestus. However, Modestus made no significant changes, except for enclosing Calvary within the Church. The Church was supported on twelve columns, and it had two groups of four doors. In 638 AD, the Muslims arrived to Jerusalem, and the famous story of Khalif Omar ibn al-Khattab with Sophroniuos, the Patriarch of Jerusalem, takes place in front of this humble building.

<sup>55</sup>The first is the Zalatio sweets shop, and the other is in the Alexander Nevsky Church across from the redeemers Church.

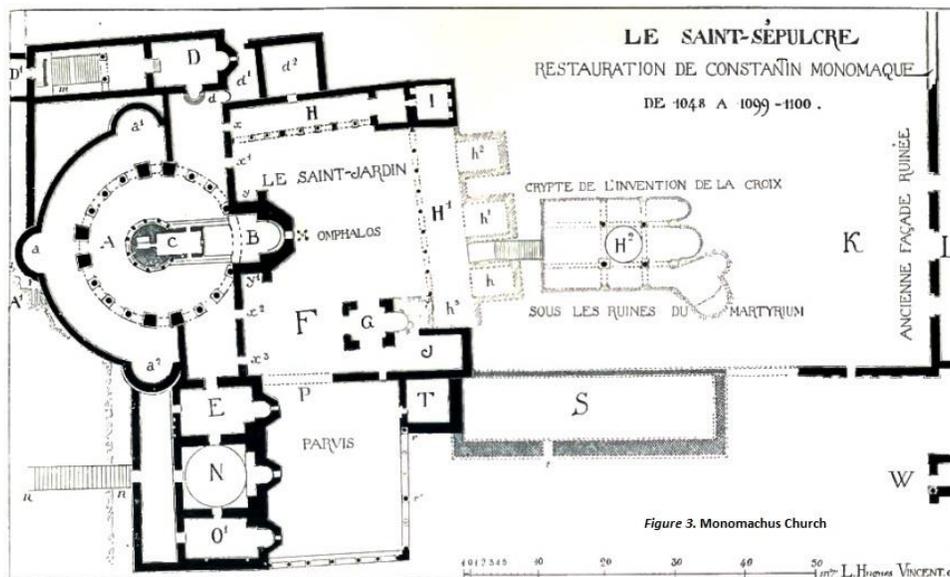
<sup>56</sup> Figure 2: Plan after Virgilio Corbo, courtesy of Robert Ousterhout.

### 3. The Church Building 1010 – 1099 AD

What remained from the previous Constantine and refurbished Modestus Church was to be completely dismantled according to the orders of Caliph-Hakim in 1009 AD.

Yahya of Antioch, a Christian doctor who was alive at the time, gives an indication to what remained of the architecture:

*“They seized all the furnishings they found in the church and completely destroyed it, leaving only those things whose destruction would have been too difficult. They also destroyed Calvary and the church of St. Constantine and all that was located within its confines, and they tried to destroy the sacred remains.”<sup>57</sup>*



The reconstruction of the Church was permitted; however, the original Constantinian design could not be recreated. The Rotunda of the Anastasis was now at the center of the church, and is the only basilica mentioned in subsequent historical sources. The

<sup>57</sup> Sanctuary Holy Sepulchre, Retrieved from <http://www.churchoftheholysepulchre.net/>

restoration, undertaken by the Byzantine imperial government, was completed in 1048 during the reign of Emperor Constantine Monomachus and is reflected in (Fig 3)<sup>58</sup> in the previous page.

The Crusaders journeyed on a big plan to reorganize the structure of Monomachus' Church and adapt it to a more Latin liturgy sanctuary, since the Church had been mainly under Orthodox control. The main reorganizing was in *the area of the former Tri-portico*<sup>59</sup>, a *Chorus Dominorum* was constructed connecting to the Anastasis, in which the Latin clergy officiated. Another major structure developed by the Crusader was the St. Helena's Chapel, commemorating the finding of the cross by Queen Helena<sup>60</sup>. In 1119, the Crusaders completely replaced the replica of Christ's tomb, and the coronation in the rotunda of Fulk of Anjou and Melisende, daughter of Baldwin II, on 14 September 1131 emphasized the need for a radical transformation of the Church, thus the Constantinian courtyard with a Romanesque Church<sup>61</sup> was dedicated in 1149, and finally a bell tower was added in 1170<sup>62</sup>.

Because of this new structure, the Church was now able to host thousands of pilgrims arriving to Jerusalem, and for the first time, it engulfed all the separate single Churches under one roof.

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<sup>58</sup> Figure 3: By Le P. Hugues VINCENT [Public domain], via Wikimedia Commons

<sup>59</sup> Church Courtyard

<sup>60</sup>Zardoni (2011, pp. 31-32)

<sup>61</sup>The initial works carried out during the reign of King Baldwin (1100-1118) were characterized by the diversity of European Romanesque styles employed. Over time a greater unity in style was achieved, due above all to artists working for King Baldwin III (1140-1150)

<sup>62</sup> Murphy-O'Connor (1998, p. 50)

Figure 4. Crusader Church

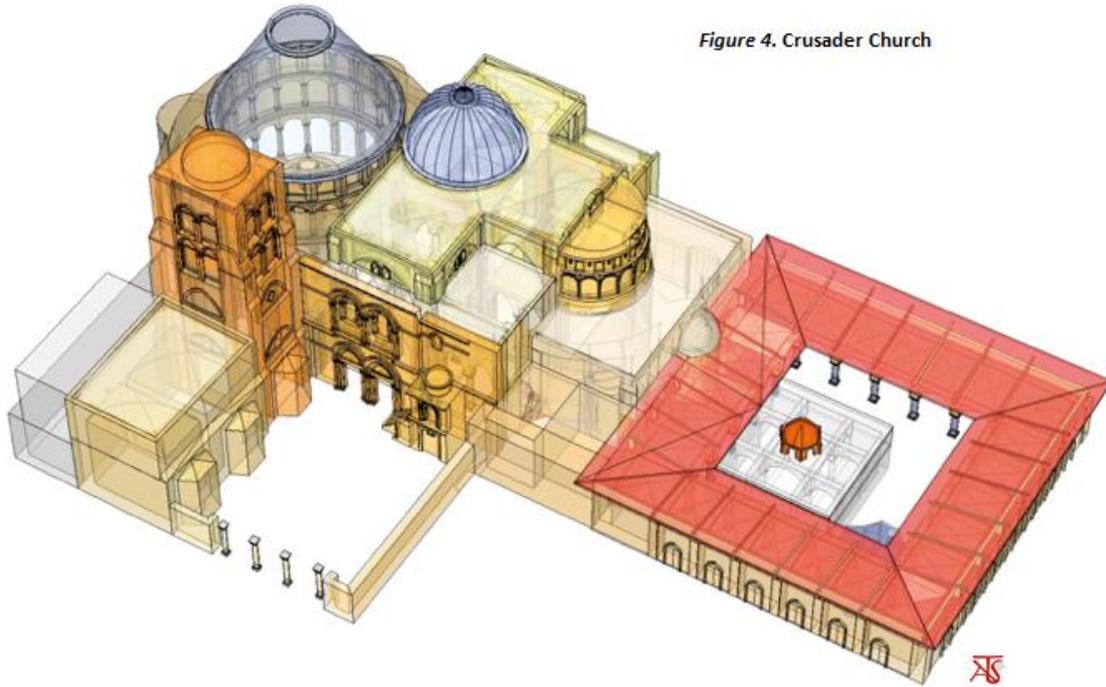


Fig. 4<sup>63</sup> gives a good explanation of the Crusader Church. The Church today almost has the similar structure.

A few major architectural adjustments were carried out during the next 100 years. A fire severely damaged the Church in 1808, causing the dome of the Rotunda to fall and destroying the Edicule's exterior decoration.

*“The rebuilding work was carried out by the Greek architect Nikolaos Komnenos of Mytilene had transformed a Latin Crusader Church- (the Holy Sepulchre Church)- into a neo-Byzantine edifice, acquired Greek space at the expense of common areas and replaced Latin markers and decoration with Greek ones”<sup>64</sup>*

An Earthquake shook Jerusalem on July 11<sup>th</sup> 1927, the Church amazingly survived, yet the Catholicon over the Greek Choir suffered damage and needed reparation.

<sup>63</sup> Figure 4: Plan after Virgilio Corbo, courtesy of Robert Ousterhout.

<sup>64</sup> Cohen (2008a, pp. 7-8)

Today the Church structure stands weary and old, yet this is:

*“...the only Church in the world where first-century Herodian, second-century Hadrianic, fourth-century Constantinian, eleventh-century Byzantine, twelfth-century Crusader, nineteenth-century neo-Byzantine, and twentieth-century modern masonry are visible in one place”<sup>65</sup>*

### **1.3 Denominational Complexity**

The Mac Millan dictionary defines the word “denomination” as: *“a section of the Christian religion with its own beliefs and practices”*. The Biblical historical Christian faith is compromised by seven major families of denominations: Oriental Orthodox, Roman Catholic, Eastern Orthodox, and Four Protestant Families.

The **Oriental Orthodox** Churches broke off in the earliest of divisions in Church history at the Council of Chalcedon (451 CE) which condemned Monophysitism and Nestorianism. Monophysitism claimed that Jesus has one nature (a special divine-human mixed nature) and one person (Jesus Christ). Nestorianism claimed that Jesus has two natures (separate divine and human natures), and two persons (separate divine and human persons). Both of these were rejected by the Chalcedonians that claimed Jesus held two natures (separate divine and human natures) but one person (Jesus Christ). This family of Chalcedonian’s still has a representation of denominations today dating back to the third

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<sup>65</sup> Cohen (2008a, p. 4)

century; they are the Coptic Christians in Egypt, Church of India, Armenian Orthodox, and the Ethiopian Orthodox Tewahedo Church. It is interesting to note that both the Coptic Church and Ethiopian Church are part of the same family, yet the issue of Dair al-Sultan (which this research will use as a case study) has been a big dispute between these two denominations.

The **Roman Catholic** Church (the largest Church in the Christian faith) was created during the great division of 1054 AD, but was slowly forming hundreds of years prior. Via the dogma of Papal Primacy, originally introduced by Leo, then the head of the Church at Rome, who fought to establish Rome as the "primary power" and its Bishop as the Primal Papacy, he would emerge from this contested ecumenical council as "Pope Leo", the first to be referred to by that title with the meaning of "Primal Papal Office". This office would be further solidified in the west by the combination of church and state with the Pope appointing Kings and emperors and Kings and emperors influencing who would be Pope<sup>66</sup>.

### **Eastern Orthodox**

The Eastern Orthodox Church, also known as the Orthodox Catholic Church, The Orthodox Church and Orthodoxy is the second largest Christian Church in the world that includes the following Churches: British Orthodox; Serbian Orthodox; Orthodox Church of Finland; Russian Orthodox; Syrian Orthodox; Ukrainian Orthodox; Bulgarian

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<sup>66</sup> Truth for Saints, Christian Denominations, Retrieved from [http://www.truthforsaints.com/Christian\\_Denominations/Christian\\_Denominations.html](http://www.truthforsaints.com/Christian_Denominations/Christian_Denominations.html)

Orthodox; Romanian Orthodox; Antiochian Orthodox; Greek Orthodox; the Church of Alexandria; the Church of Jerusalem; and the Orthodox Church in America.

The Eastern Orthodox Catholic Church and Roman Catholic Church were the same Church until the East-West Schism (or Great Schism) of 1054 took place, when medieval Christianity split into two branches.

500 years later, the **Protestant Church** or Protestantism formed from the split with Roman Catholicism during the Reformation in the 16<sup>th</sup> century. Led by Martin Luther, John Calvin, and others, the reformers broke from the Roman Catholic Church due to abusive ecclesiastical structures and theological differences<sup>67</sup>. There are more than 100 branches of the Protestant Church, the largest being Anabaptist, Presbyterian, Anglicanism, and Lutheran.

There is no need to explain more regarding the denominational complexity in the Christian faith; however the purpose here is to draw the attention to the fact that during the first one thousand years of Christianity the problem of denominational struggle was not an issue in the Holy Sepulchre Church, yet the first signs of this struggle are traced back to the arrival of Crusaders in Jerusalem, and placing Arnulf as the Patriarch of the city.

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<sup>67</sup> Patheos Library, Retrieved October 29, 2014: <http://www.patheos.com/Library/Protestantism.html>

## Chapter 2: The Status Quo Arrangements

### 2.1 Historical Review of the Status Quo Arrangements

In the previous Chapter, several hints regarding the formation of the Status Quo were provided as part of the History of the Holy Sepulchre Church. The true understanding of the Status Quo cannot be comprehended without the basic understanding of the serious complexity of denominational competence in Christianity.

In an interview with the Greek Orthodox Patriarch of Jerusalem, his beatitude Theophilos III explained to the writer of this thesis that:

*“The Status Quo arrangements are like magic; keeping order to whatever tradition and time have sanctioned...The Status Quo is a positive thing, creating description and arrangements of laws and bi-laws that are agreed upon in times of dispute...”<sup>68</sup>*

The Holy Sepulchre is the only Church in the world today, where six different denominations pray together under one roof. The three major denominations are the Greek Orthodox, Roman Catholic, and Armenian Orthodox; these have the rights of possession and usage of the holy places. The three other minor denominations are the Coptic, Ethiopian and Syrian Orthodox; as it is today, these denominations have rights of usage only, but no possession<sup>69</sup>. Centuries of struggle and rivalry between the different groups was finally encapsulated in numerous efforts to reach a suitable arrangement known as the Status Quo Agreement.

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<sup>68</sup> Personal Interview with His Eminence Theophilos III, January 27, 2015, Jerusalem.

<sup>69</sup>Georgian and Syrian Christians lost rights through their inability to pay Ottoman taxes.

The Latin term “Status Quo” is defined as the existing condition or state of affairs, or simply, the way things are. Since the mid-nineteenth century, the term Status Quo (henceforth capitalized) has had the special technical meaning of the normative regime or set of binding written agreements covering possession, usage and ceremony at the holy places.<sup>70</sup>

The formation of the Status Quo wasn’t a one-time event, but rather accumulations of historical events resulting from struggles to maintain or gain rights of worship and/or control over certain sacred sites among the rival Christian denominations –mainly Orthodox versus Latin. Throughout the centuries, control of the individual holy places changed hands many times.

The first major denominational struggle over the Holy Sepulchre was during the Crusader period, when the Latins reigned supreme, and the Greek Orthodox were refused entry to the Holy Sepulchre and were forced to leave Jerusalem before the siege<sup>71</sup>. Later, in the 1400s, possession of Calvary changed hands between the Armenians and the Georgians five times in a period of thirty years, whereas during the Ottoman times, the Greeks and Armenians gained significant rights<sup>72</sup>.

A significant event dates back to 1453 AD, as immediately after his entrance into Constantinople, Sultan Mohammed II<sup>73</sup> proclaimed the Greek Patriarch of Constantinople as the religious and civil authority for all Christians residing in his Empire. In accordance with the commands of Muslim tradition, practicality, and circumstance, Mohammed II

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<sup>70</sup> Cohen (2008a, p. 8)

<sup>71</sup> Asali (2000, p. 140)

<sup>72</sup> Emmett (1997, p. 19)

<sup>73</sup> Ottoman Sultan Muhammed bin Murad, Mehmed the Conqueror, Kayser-iRûm, and Fatih Sultan Mehmed, (30 March 1432 – 3 May 1481).

enhanced the importance of the Greek patriarchate, the bishops, and the parish clergy in securing the stability of his territories. The church became a part of the Ottoman system<sup>74</sup>, and so was the case in the Holy Sepulchre even after the end of the Mamluks era in Jerusalem 1517.

Accordingly, the Orthodox religious communities of Greece started to flow into the Holy Land exercising effective influence over the sultan to obtain advantages in their favor within the sanctuaries. This resulted in the progressive replacement of the oriental and native clerics with Greek ones. Since 1534, there has been an uninterrupted presence of ethnic Greek Patriarchs in Jerusalem, and with the nomination of the first Hellenic Greek Patriarch of Jerusalem in 1634, the Greeks succeeded in ousting the native-born Patriarch who had previously been the only Greek Patriarch to be recognized.

Moreover, the Franciscan resided in the Holy Land since 1335 AD, and over time they had acquired ownership of numerous places within the Holy Sites making them the largest owners<sup>75</sup>, until the prevalence of the Ottomans in Palestine, under the successor of Mohammed the Conqueror- Selim in 1517 AD. The rights of the Greek were recognized again by the Ottoman Authority, and the Franciscan presence gradually became the object of adversity as their monastery on Mount Zion was destroyed in 1523 AD<sup>76</sup>.

The 17<sup>th</sup> century was a time of bitter conflict between the Western powers and the Ottoman Empire; regular disputes arose over the ownership of the Holy Places while “money and palace intrigues transformed the Holy Sepulchre into a trophy to be given to

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<sup>74</sup> Babinger (1978, p. 104)

<sup>75</sup> Sanctuary Holy Sepulchre , Retrieved from <http://www.holysepulchre.custodia.org/default.asp?id=4086>

<sup>76</sup> During the imprisonment of the Franciscans (1537-1540), the Copts obtained permission from the Turkish government to erect an altar behind the Aedicula of the Holy Sepulcher.

whoever offered the most”<sup>77</sup>. The Greeks had the support of Russia and the Holy Places became almost a traded commodity<sup>78</sup>, particularly from 1690 to 1757<sup>79</sup>, as in the corridors of power in Istanbul, bribes and diplomatic pressure were used to obtain royal Firman’s<sup>80</sup> bestowing rights of possession and usage<sup>81</sup>.

And so, control of the church fluctuated between the Franciscans and the Orthodox, depending on which community could obtain a favourable firman from the “Sublime Porte”<sup>82</sup>. To summarize these years of struggle, two important years will be examined here; the first being the Easter of 1757, and the second the firman issued by Sultan Abdul Majid in 1852.

According to Cust, the Capitulations of 1604, 1673, and 1740, confirmed the Latins in the possession of the Holy Sepulchre and Calvary, the Church of the Nativity, and the Church of the Virgin. On the other hand, in 1637 the Patriarch of Jerusalem, Theophanes III, obtained a firman in favor of the Orthodox and finally in 1757, while the European Powers were engaged in continual strife among themselves, this element definitely regained the supremacy<sup>83</sup>. Yet, according to the sources provided by the Franciscan custody, the events were led by the Greek clergy during the Easter of 1757; the Orthodox masses attacked the Franciscans inside the Church of the Holy Sepulchre on Palm

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<sup>77</sup>Zardoni (2011, p. 36)

<sup>78</sup> The Georgians left the Holy Sepulchre Church in 1644 as they were unable to pay the required taxes, the Ethiopians shortly after departed as well.

<sup>79</sup>Zardoni (2011, p. 60)

<sup>80</sup>A firman was, and may still be, any written permission granted by the appropriate Islamic official at any level of government.

<sup>81</sup> Cohen (2008b, p. 54)

<sup>82</sup> It is the French for Porta Sublima, the “lofty gate.” Constantinople had twelve gates, and near one of these gates is a building with a lofty gateway called “Bab Humagun.” In this building resides the vizier, in the same are the offices of all the chief ministers of state, and thence all the imperial edicts are issued. (Dictionary of Phrase and Fable, E. Cobham Brewer, 1894).

<sup>83</sup> Cust (1930, p. 5)

Sunday and created chaos. Following this sabotage they blamed the Friars of all kind of conspiracies. The Porte, without inquiry, issued a firman giving the Greeks possession of the Nativity Church, the Tomb of the Virgin Mary in Jerusalem, and joint possession with the Latin's in parts of the Basilica of the Holy Sepulchre. Despite the appeals of the Pope Clement XIII to all the Western Powers, the firman stood and the position in the Holy Places has changed only in details since then<sup>84</sup>.

During the 19th century the question of the Holy Places became a political issue<sup>85</sup>, the largest competitors being France and Russia. France assumed the exclusive protection of the Catholics and Russia that of the Eastern Rites. Each sought by all means to outdo the other. France often came to the defence of Catholic interests in the holy places and was able to gain greater rights through various concessions from the Ottoman rulers, whereas Russia was often successful in promoting Greek claims<sup>86</sup>.

In 1850 the French representative at Constantinople, on behalf of his government and the Catholic Kingdoms of Sardinia, Belgium, Spain, and Austria submitted a demand from the Sublime Porte to restore the Latin's and the Holy Places that they possessed before the 1757 order. These claims were received with powerful tenure from Russia, and were one of the reasons that led to the Crimean War<sup>87</sup>. Yet against this background, and in an attempt to resolve the problems of competing claims, which had local and international

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<sup>84</sup>Franciscan Custody of the Holy Land, The Question of the Holy Places. Retrieved January 4, 2015, from Franciscan Cyberspot: <http://198.62.75.1/www1/ofm/pope/10GPen/15/15GPdo02.html>

<sup>85</sup>In 1829, the Armenian Orthodox, now forming a big part of the civil service of the Ottoman Government succeeded in getting their present rights in the Holy Sepulchre Church.

<sup>86</sup>Asali (2000, p. 221)

<sup>87</sup>Cust (1930, p. 9)

consequences, Ottoman Sultan Abdul Majid<sup>88</sup> issued a firman in 1852 granting the various religious communities shared rights in the holy places, defining which areas came under whose control, and establishing time schedules for presiding in areas shared by more than one religious group<sup>89</sup>, thus the term Status Quo was created, whereby the sultan not wanting to offend Russia or the West altering the current state of affairs, wisely kept things in their existing state. Satisfaction was given to the French by the grant of the ruined Crusader Church of St. Anne<sup>90</sup>.

Cust notes here that:

*“Later in 1868 and 1869, when the question of Holy Places was raised again, the Sultan Abdul Mejid by firman confirmed the Status Quo, and in the Treaty of Vienna, which terminated the Russo-Turkish War, it was specified that no alteration was to be made in the Status Quo, without the general consent of the Signatory Powers”.*<sup>91</sup>

However, it is a clear mistake by Cust to mention Sultan Abdul Mejid in this period as the Sultan was deceased in 1861. It would be rather logical to mention Sultan Abdülaziz I<sup>92</sup>, the successor of Abdul Mejid, as the one to confirm the Status Quo<sup>93</sup>.

The Status Quo applied to the following locations<sup>94</sup>:

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<sup>88</sup> Also known as Abdul Majid the 1<sup>st</sup>, from (23/25 April 1823 – 25 June 1861) and was the 31st Sultan of the Ottoman Empire; he succeeded his father Mahmud II on 2 July 1839.

<sup>89</sup> Emmett (1997, p. 19)

<sup>90</sup> St. Anne was built over the traditional site of the House of the Virgin; it was also transformed to a mosque and a school known as the Salahiyeh. (Asali, 2000, p. 136)

<sup>91</sup> Cust (1930, p. 10)

<sup>92</sup> From (9/18 February 1830 – 4 June 1876), he was the 32<sup>nd</sup>. Sultan of the Ottoman Empire and reigned between 25 June 1861 and 30 May 1876.

<sup>93</sup> No resources were found to confirm this possibility.

- 1- The Church of Holy Sepulchre.
- 2- The rooftop monastery of Dair al-Sultan.
- 3- The Sanctuary of the Ascension on Mount of Olives.
- 4- The Tomb of the Virgin Mary in Gethsemane.
- 5- The Church of the Nativity in Bethlehem.

Interestingly, the Status Quo gained further legitimacy by being included in the 1856 Paris Peace Convention Treaty, the 1878 Treaty of Berlin, the 1919 Versailles Peace Treaty and the British Mandate Government's 1922 Palestine Order-in-Council.<sup>95</sup>

As the British mandate took over Palestine in 1917, the lack of detailed knowledge of the Status Quo seriously delayed the work of British Officials who discovered that the Turkish governors' records and the Ottoman administration records had disappeared without trace<sup>96</sup>. Therefore, during the Mandate they could not always firmly define customary rights. The officials had to find a substitute for the missing archive and so they commissioned a young official, L.G.A. Cust, to draw up a memorandum describing the Status Quo<sup>97</sup>. Cust's report on the Holy Sepulchre is dealt with in twenty pages, giving detailed information on subjects as: the right to open the great door, the possession of the lamps at the Stone of Unction and the Aedicule, liturgy on Calvary, and rights of usage and cleaning in the rotunda are discussed as well.

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<sup>93</sup> Later, the Western Wall, the Haram al-Shareef, the Cenacle at Mt. Zion, and Rachel's Tomb in Bethlehem were included in an unofficial Status Quo.

<sup>95</sup> Hintlian K. (1989, p.46), Emmett (1997, p. 20)

<sup>96</sup> Cohen (2008a, p.19)

<sup>97</sup> A detailed description of the Status Quo is found in Cust, *The Status Quo in the Holy Places* (Jerusalem: Ariel Publishing House, 1930)

The Cust memorandum has demonstrated its usefulness over the years, though incomplete, it is informative and provides guidance to major issues, still the Churches accept only their own records and tend to cite Cust when he is on their side.<sup>98</sup>

At present, the Holy Sepulchre Church areas that are subject to the regulation of the Status Quo are the Parvis and Entrance, the Rotunda, the Katholikon, the main fabric of the Church, and the commemorative shrines and chapels. The three Patriarchates of Jerusalem (Greek Orthodox, Armenian Orthodox and Latin) are considered as having possessory rights in the Church with the exception of the small Chapel belonging to the Copts behind the Tomb of Christ.<sup>99</sup>

## **2.2 The Status Quo under British & Jordanian Rule**

Conflicts related to managing the construction of sacred space and time, as well as which community should be where and when inside the Holy Sepulchre have created a true challenge for governing or occupying powers. No inch of the Church is outside the control of the Status Quo, and no moment in the Church's yearly calendar there is without its sanction<sup>100</sup>. When these disputes arise, the opposing parties turn to the government for solutions; however, this doesn't always mean that clear answers are given.

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<sup>98</sup> Cohen (2008a, pp. 23)

<sup>99</sup> Cust (1930, pp. 14-15)

<sup>100</sup> Hecht R. (1995, p. 184)

## The British Mandate

When the British took control of Palestine after World War I, they committed to maintain the Status Quo by international law according the treaty of Berlin<sup>101</sup>.

On Dec 9<sup>th</sup>, 1917, General Allenby entered Jerusalem and announced:

*“every sacred building, monument, holy spot, shrine, traditional site...or customary place of prayer of whatsoever from of the three religions will be maintained and protected according to the existing customs and beliefs of those whose faith they are sacred”*<sup>102</sup>

Article 13 of the Mandate declared that it will:

*“...preserve existing rights and securing free access to the Holy Places, religious building and sites, and the free exercise of worship, while ensuring the requirements of public order and decorum”*.<sup>103</sup>

And Article 14 proposed the appointment of a special international committee, under the sponsorships of the League of Nations which will be given the task:

*“...to study, define, and determine the rights and claims in connection to the Holy Places”*.

The British undertook the task of defining terms crucial in understanding the Status Quo – for example *existing right* and *Holy Places*.<sup>104</sup> However, and as mentioned previously,

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<sup>101</sup> Guaranteed in Article LXII of the Treaty of Berlin (1878): "that no alterations can be made in the status quo in the Holy Places".

<sup>102</sup> Ashbee (1923, p. 181)

<sup>103</sup> Tucker & Roberts (2008, p. 1227)

when the British took power, Ottoman records of the Status Quo agreements had been lost or destroyed during the 1917 retreat<sup>105</sup>. Without the records, the British government had to depend on documents selected by the opposing communities and brought from their own archives; usually the documents were contradictory evidence of witness, or not equally reliable<sup>106</sup>. The British officials reached out to some former Ottoman officials like Abdullah Effendi Kurds and continued employing them as they were able to give respected advice drawn from long experience.

Though the speech of General Allenby seemed promising for the local Christian community who felt that a Christian rule over the city will come into their benefit, still the British Mandate altered the Status Quo arrangements in two ways. The first was to extend the Status Quo over a wider area of holy places by including a number of Muslim and Jewish sites and adding more Christian sites. And the second was to replace the Ottoman state sovereignty over the holy sites with a body distinct from the states “initially to be a religious organization, then an international body” and finally a committee known as the Holy Places Commission<sup>107</sup> that would legislate over Holy Places and determine rights and privileges<sup>108</sup>.

It is important to note that violence breaking out between the different communities during the British mandate was different than during Ottoman past, because violence during the Ottoman time was a productive means of drawing attention, and intervention,

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<sup>104</sup> Eordegian (2003, p. 308)

<sup>105</sup> Bowman (2011, p. 385)

<sup>106</sup> Cohen (2008a, p. 19)

<sup>107</sup> Because of Catholic demands to hold a majority on such a special commission, the Council of the League of Nations did not succeed in establishing such a commission.

<sup>108</sup> Eordegian (2003, p. 311)

of the authorities<sup>109</sup>. After 1917, and in the absence of authoritative Commission for the Holy Places, such violence became a reactive response to the assumption that others were trying to seize one's own "possessory rights". This violence was a response to an expropriation drive sensed in the other which in fact was a refraction of one's own community's frustrated will to expand and drive the other out<sup>110</sup>.

### **Jordanian Jerusalem**

One of the first moves King Abdullah of Jordan, after capturing the Old City of Jerusalem on 28<sup>th</sup> May 1948, was to contact the pope assuring him that the Christian holy places would be protected<sup>111</sup>. The Jordanian government also adopted all the mandatory orders-in-council that had applied to Jerusalem's religious and international institutions<sup>112</sup>. In December 1950, and against opposition from many elements of the world community, the King appointed Raghib al-Nashashibi as "*Nazir al-Haram al-Sharif wa-al-haris al-samilil-amakin al-muqaddasa*" rendered in English as "The Supervisor of Noble Sanctuary and the Custodian of the Holy Places".

According to Katz:

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<sup>109</sup> The overturning of the Latin hegemony granted by the treaty of 1749 came about in the wake of an Orthodox provoked riot in the Anastasis in 1757.

<sup>110</sup> Bowman (2011, p. 387)

<sup>111</sup> Zander (1971, p. 77)

<sup>112</sup> Cohen (2008a, p.86 – 87)

*“The Kings’ appointment of someone from a notable Jerusalem family, as al-Nashashibi<sup>113</sup>, was a wise move, as it gave integrity and legality to both persons”<sup>114</sup>.*

Ragheb Pasha was instructed by Royal berat<sup>115</sup> to protect “all communities and pilgrims of all nations” and “preserve their liberties, shrines, rites, and places of worship”. This would be “in accordance with the established Status Quo governing the rights of all communities, mosques, churches and monasteries”.<sup>116</sup>

A special ceremony for Raghib’s appointment was held in Jerusalem giving him the title of “Minister”. This new appointment sent cautionary indicators heaving through Jerusalem’s diplomatic and religious communities. Christian leaders wondered if there was a hidden agenda behind this royal decree, while the French consul consulted with his government as to the official French response to the appointment. The British ambassador questioned whether the king thought he would rule Jerusalem along the path of the “rightly guided caliphs”<sup>117</sup>.

Similar to what had encountered the British officials, the Jordanian government realized that many of the district commissioner’s files relating to the administration of the holy places were missing. Not a single copy of the Cust memorandum, the Mandate

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<sup>113</sup> Choosing a Nashashabi for this post had its political tactics as well, because it played a block against the Husseinis’ family which was considered not loyal to King Abdullah.

<sup>114</sup> Katz (2005, p. 74)

<sup>115</sup> MECA, J & EM XVII/5

<sup>116</sup> Cohen (2008a, p. 92)

<sup>117</sup> Katz (2005, p. 75)

handbook on the Status Quo, was to be found<sup>118</sup>, making it difficult for the Jordanian's to administer the disagreements inside the Church.

In another complicated turn out, and contrary to what Jerusalem's consular corps had hoped, the custodian's position continued after the death of Raghīb al-Nashashībī in April 1951. To fill this position of "high custodian of the holy places", the king appointed another Jerusalem notable, Dr. Hussein al-Khaldī.

From the beginning, Khaldī faced difficult measures. Khaldī mentions that "he had something like one minor dispute to settle each day, involving perhaps only a matter of centimetres or millimetres in the placing of a picture or a carpet but representing none the less an important issue for one or other of the religious communities"<sup>119</sup>.

Khaldī's position lasted for eighteen short months. In the summer of 1952, he ruled on a dispute between the Greek Orthodox from one side, and the Catholics and Armenian Orthodox from the other. The Greek Orthodox replaced the oil lamps on a star<sup>120</sup> in the Church of Nativity in Bethlehem with electric lamps. The Catholics and Armenians opposed to this move considering it a breach in the Status Quo. Al-Khaldī ruled in favor of the Catholics and Armenians<sup>121</sup>, causing the Greeks to appeal the decision to the Ministry of Interior in Amman. The Jordanian cabinet upheld the appeal, reversed the

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<sup>118</sup> Cohen (2008a, p. 87)

<sup>119</sup> Cohen (2008a, p. 87)

<sup>120</sup> Raymond Cohen in his book "Saving the Holy Sepulchre" mentions that it was an attempt to illuminate a "Cross" above the Church of Nativity with electric lights.

<sup>121</sup> Katz (2005, p. 78)

ruling in effect, and undermined the custodian's authority, causing Dr. Khaldi to resign<sup>122</sup>.

Moreover, on July 27, 1953, King Hussein<sup>123</sup> of Jordan, in an attempt to legitimize his sovereignty over Jerusalem and the holy places, announced that East Jerusalem was "the alternative capital of the Hashemite Kingdom" and would form an "integral and inseparable part" of Jordan<sup>124</sup>. Jordanian officials, and in an unprecedented step, played a role in confirming the successions<sup>125</sup> of Jerusalem patriarchs in the Armenian Orthodox and Greek Orthodox communities<sup>126</sup>, involving prime ministers, judges, and the king in the process<sup>127</sup>.

In conclusion, the Status Quo allows rivals to live and worship alongside each other in a confined space. Without it there would be a free-for-all. Because the major communities realize this, they insist on its strict observance, though it includes many inconvenient provisions. The Status Quo is a seamless web: if you pick and choose, it will fall apart. Change is not completely ruled out, however, provided the parties can agree.<sup>128</sup>

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<sup>122</sup> Cohen (2008a, p. 94), Katz (2005, p. 78)

<sup>123</sup> Ḥusayn bin Ṭalāl (14 November 1935 – 7 February 1999) was King of Jordan from the abdication of his father, King Talal, in 1952.

<sup>124</sup> Gilbert (1996, p. 254)

<sup>125</sup> Historically, both Armenian and Greek Orthodox communities followed a procedure for patriarchal succession that included seeking a berat (conferral of authority) from ruling sultan or king, following ecclesiastical approval from the community.

<sup>126</sup> The Latin Patriarchate in Jerusalem, unlike Greek Orthodox or Armenian Orthodox, is subject to papal authorization of appointing a new Patriarch.

<sup>127</sup> Katz (2005, p. 80)

<sup>128</sup> Cohen (2008b, p.142)

### 2.3 The Status Quo in Action–The Ladder of Time

Due to the Status Quo’s complexity and seriousness, as well as reflecting the inexplicable outcome of this religious struggle, a wooden ladder has been standing in the same location just above the entrance of the Church for around 200 years<sup>129</sup>.

Researchers have not been able to give an accurate date to when the ladder was placed in its position, but various lithographs show that the ladder was in place by the late 1830s and are explained in the next page.

One researcher mentions that:

*“Possibly the oldest image is an engraving which the Franciscan Custody of the Holy Land dates to 1728. While the Franciscans make no reference to the ladder, something in the form of a ladder can be seen in the right window above the entrance”.*<sup>130</sup>

The research was not able to verify the engraving mentioned by Simmermacher, and do so cannot confirm a date to when the ladder was placed -in its present position.

The five-stepped wooden ladder rests on the upper level to the right window ledge above the main entrance and can be noted by anyone coming into the plaza of the Holy Sepulchre Church. Throughout the research investigation, there had been limited sources of accurate information as to who placed the ladder, when it was placed, or why it sits in this particular location. Yet, there are many interesting narratives that have been circulated over the internet, but only a few people have really worked on gathering

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<sup>129</sup> Goldhill (2008, p. 13)

<sup>130</sup> Simmermacher (2012, p. 194)

information; such as James E. Lancaster who since 1998 has been interested in revealing the different stories related to this ladder<sup>131</sup>.

The first and earliest known documentation of the ladder's existence comes from the painter Clarkson Frederick Stanfield<sup>132</sup>. His painting<sup>133</sup> Fig. 5 dated 1834 AD shows the exterior



**Figure 5.** Stanfield's painting

of the church with a ladder placed on the right window ledge, exactly the same location where it appears today.

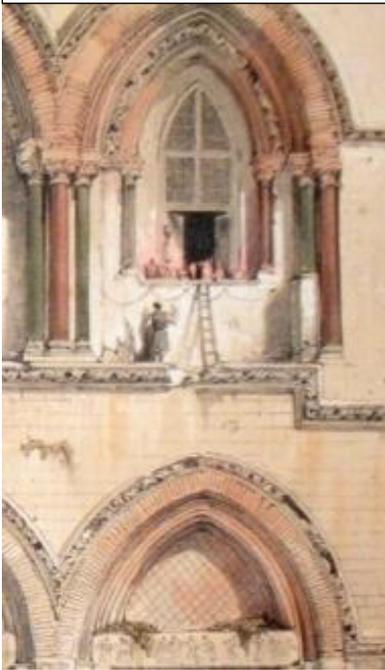
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<sup>131</sup> Lancaster J. E., 1998, Holy Sepulchre Ladder, Retrieved from <http://coastdaylight.com/ladder.html>

<sup>132</sup> (3 December 1793 – 18 May 1867), was a prominent English marine painter.

<sup>133</sup> Drawn by C. Stanfield, engraved by E. Finden, published by J. Murray, London, via Wikimedia Commons

**Figure 6. A Roberts Painting**



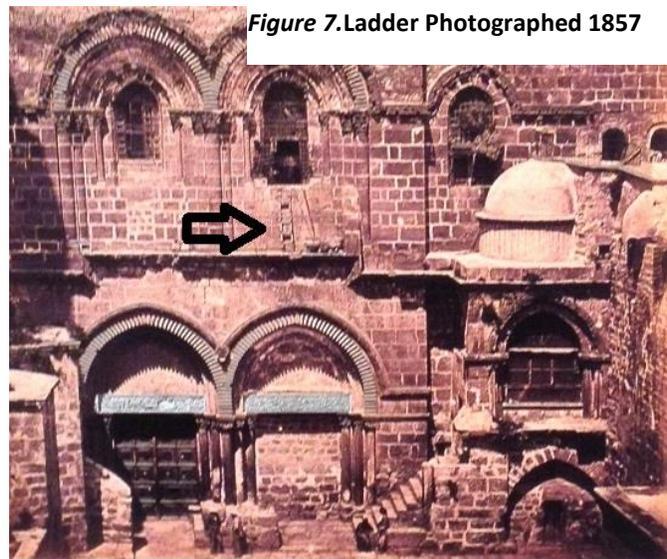
The second painted documentation comes from the famous painter A. David Roberts<sup>134</sup> and it shows the ladder clearly standing on the window ledge, similar to our day (Fig.6)

Another old picture documents the ladder back to 1857, and can be found at the Rockefeller Museum in Jerusalem in the section displaying the original marble lintels of the Churches' doors. A picture displays the façade of the Church of the Holy Sepulchre showing the lintels above

the doors prior to their removal; the ladder is again clearly noted positioned in its same exact location. (Fig. 7)

Other 19th Century images of the ladder have been noted in Lancaster's website<sup>135</sup> and are dated 1840 – 1870's.

So, if the earliest documentation dates the ladder back to 1834, the ladder is at



**Figure 7. Ladder Photographed 1857**

least 180 years old. By this time someone must have had placed the ladder in this position, and it has not been moved since. However, while comparing different pictures of the ladder, the writer of this paper has concluded that the ladder itself is renewed about

<sup>134</sup>The cover page of A. Roberts' Album: The Holy Land Vol.3, published between 1842 and 1849.

<sup>135</sup>Lancaster J. E., 1998, Holy Sepulchre Ladder, Retrieved from <http://coastdaylight.com/ladder.html>

every fifty years, or as it wears out. There are ladders with five steps, and some with six steps. A. Roberts painting above shows the six-stepped ladder.

### **Conflicting Narratives**

The research detected many conflicting narratives about the history and background of the ladder, however none could be verified as accurate information; some might be considered myth or legends, the main interesting ones are mentioned here.

Regarding the ownership of the ladder, Cust writes that the window belongs to the Armenians, and so the ladder was used to access the porch –by the Armenians- during the “washing of feet” and other religious ceremonies. He says:

*“Above the doorway runs a classical cornice, a relic of the Byzantine buildings. This is reached from the windows of the Armenian Chapel of St. John, and this Community has the use thereof on the occasion of the festival ceremonies that take place in the Courtyard. The upper cornice is used in the same manner by the Orthodox...<sup>136</sup>”*

Herman seems to agree with Cust regarding the window belonging to the Armenians, however, he interestingly notes that the base or porch belongs to the Greek Orthodox:

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<sup>136</sup> Cust (1930, p. 17)

*“...the ladder must not be removed because it sits on property of the Greek Orthodox ... but leans on property of the Armenians...; neither group therefore controls the ladder, nor may either remove it”.*<sup>137</sup>

The explanation given by the two writers brings a fact that the ladder occupies a disputed ground, because it sits on property of the Greek Orthodox, so only the Greek Orthodox can go there and change anything on it, but leans on property of the Armenians, and only the Armenians can alter something that touches the window.

But why the ladder was placed there in the first place has not been easy to govern. Montefiore writes:

*“...a little ladder belonging to the Armenians on the balcony outside the right hand window in the façade of the church which tour guides claim can never be moved without other sects seizing it. In fact, the ladder leads to the balcony where the Armenian superior used to drink coffee with his friends and tend his flower garden; it is there so that the balcony can be cleaned”*<sup>138</sup>.

The author refers to the ladder in a footnote while writing about disputes that took place during the Holy Fire ceremony in 2005, but the writer doesn't give any citation or reference to his information on how he concludes that the ladders' function is to allow the Armenian Superior to tend his flowers.

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<sup>137</sup> Herman (2010, p. 14)

<sup>138</sup> Montefiore (2011, p. 625)

Other writers and researchers elaborated on the function of the ladder, Bar-Am, as well as Natsheh mentioned that: *“the ladder... was used over a century ago for hauling food up to Armenian monks locked in the church by Turks”*<sup>139</sup>.

While searching for additional information, a number of visits to the Holy Sepulchre Church in an effort to interview clergy and priests on what they know about the ladder were not so fruitful. In an interview with a Greek Orthodox Priest Fr. Alkimos, who was guiding a pilgrimage group from Greece; he said that he had no knowledge of why the ladder was there or what its origins were, his only response was: *“Status Quo”*!

Coptic priest Basilios was surprised to know that this ladder had significance, he said: *“I never paid attention to it”*!

However, inside the Armenian section of the Church, a young Armenian priest with broken English seemed relaxed and willing to share his limited views after identifying the researcher a fellow Armenian: *“This ladder is very old; it is very historical and very important...lots of history...”*

Local Christians seemed to have gotten used to the ladder being there. Ramzi explained:

*“Since I was a child, I remember gazing at this ladder; it has always been there... I think it belongs to the Greek Orthodox, because I have seen old pictures of people sitting on the ladder and porch during the Holy Fire Ceremony and the Washing of the feet... I think it is a sensitive issue, related to the Status Quo”.*

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<sup>139</sup> Bar-Am (1999, p. 56), Natsheh, Y. (2015, March 15, Jerusalem), Interview.

The function of the ladder seems also problematic, as writers and researchers give different uses to the ladder. Interestingly, in Lancaster's document there is mention that:

*"...the ladder was first introduced at a time when the Ottomans taxed Christian clergy every time they left and entered the Holy Sepulchre. The clergy who served the church reacted by leaving the church as rarely as possible. They set up living quarters within the church..."<sup>140</sup>*

This gives reason to conclude that the ladder was used to haul up food to the priests, but further evidence was needed.

In an interview with Mr Kevork Kahvedjian<sup>141</sup>, he explained that the detailed story of the ladder was passed down from one generation to another, and this is how he narrated it:

*"During the Ottoman period, constant clashes between the Armenians, Orthodox and Catholics became very irritating to the sultan who ordered that the Church doors would be closed and all the priests remain locked up inside the Church until they agree to settle their differences... This resulted in a three months closure of the church as an agreement among the groups seemed impossible... During those three months, the ladder was placed by the Armenian priests and a rope was brought down for food and supplies, and then hauled up into the Church... When the Status Quo was placed everything had to remain in its exact place, and so was the ladder".*

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<sup>140</sup>Lancaster J. E., 1998, Holy Sepulcher Ladder, Retrieved from <http://coastdaylight.com/ladder.html>

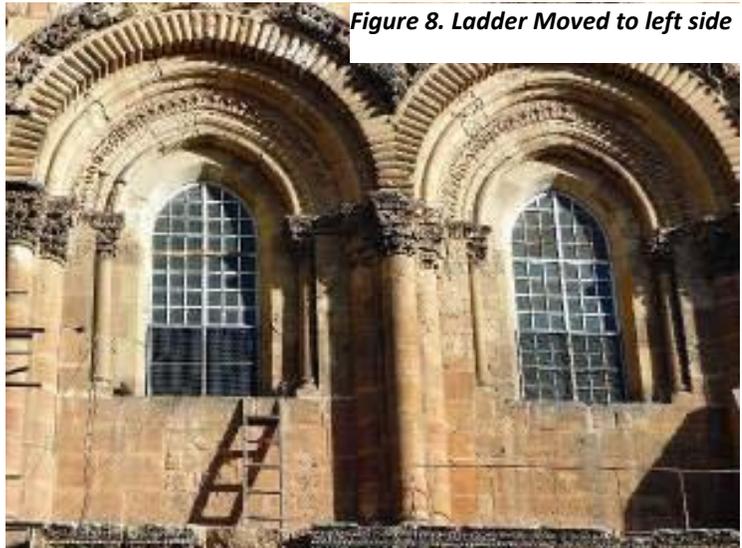
<sup>141</sup>Owner of the Elia Photo Service in the Old City of Jerusalem and son of the famous photographer Elia Kahvedjian. The family is Armenian.

From what is noted in the interview above, the placing of the ladder and its function is related to a kind of “lock-up” that was directly or indirectly imposed by the Ottomans on the Church at a certain time in history, still limited information made it impossible to fully verify what the function of the ladder was, and if it was really used to haul up food for locked up monks, or if it was placed on the balcony to get fresh air and sunshine, and to grow vegetables by the Armenian superior. The ladder remains frozen in time, and so will its secrets remain hidden.

### **The moving of the ladder!**

Some points of view shared in stories relating to the “Status Quo” reflect the disappointment of people regarding the general dispute among the Christian denominations. Many, if not all, describe a desire to see the Christians more united; to witness a change or a move in the current broken relations among the groups. Yet, even if things cannot be moved, the ladder has almost certainly moved!

On February 4<sup>th</sup>. 2009, a student in the Israeli Tour Guide Licensing course noticed that the ladder had



*Figure 8. Ladder Moved to left side*

been moved from its location under the right-side window to a new location, under the left side window. His camera captured the ladder in its current location on the left window. (Fig 8)<sup>142</sup>

The ladder was moved back to its standard location (right window) later on, and sits there today untouched and un-moved. There has been no source of information as to what happened and who moved the ladder.

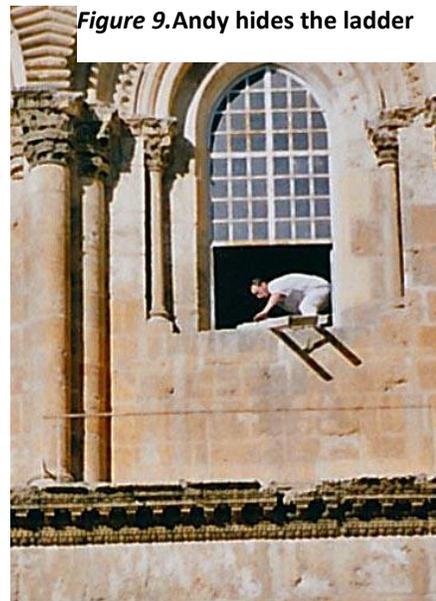
### **The Disappearance of the ladder!**

Not only did the ladder move, but the ladder disappeared for a few hours. Lancaster's article mentions a unique and bizarre event; someone named Andy took the opportunity of sneaking into the church and pulling the ladder inside in 1997. The picture in (Fig. 9)<sup>143</sup> shows an unnamed accomplice<sup>144</sup> hauling the ladder through the window.

After this act, a new solid frame with a lock was placed at the window to make sure that this doesn't happen again.

In conclusion, three points have to be mentioned:

- 1- The ladder is there because of the Status Quo agreement. It reflects the seriousness, and significant interpretation of such an agreement.



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<sup>142</sup> Herman (2010, p. 15)

<sup>143</sup> Lancaster J. E., 1998, Holy Sepulcher Ladder, Retrieved from <http://coastdaylight.com/ladder.html>

<sup>144</sup> Some websites have referred to him as (Andy)

2- The windows belongs to the Armenians, but the ladder is standing on a cornice belonging to the Greek Orthodox, so no one has the exclusive ownership of it, thus it needs the consensus of all denominations in deciding its fate.

3- The function of the ladder is most probably related to a “lock-up” that was imposed by the Ottomans during their rule in Jerusalem; it was a means of access to the outer section of the church as well as a means of hauling up food to the priests.

The case of the ladder is a simple example of how Armenians and Greek Orthodox have accepted the Status Quo arrangements and abided to even the smallest of matters. In the following chapter, the struggle over Dair al-Sultan monastery will unfold the huge dispute among Copts and Ethiopians over property and existence.

## Chapter 3: Dair al-Sultan Dispute (Case Study)

### 3.1 Coptic and Ethiopian Presence in the Holy Land

#### The Copts

“Copt” and its adjective “Coptic” developed from Greek *Aigyptos/Aigyptios* (Egypt/Egyptian). This became Arabic (*Qibt* قبط) English “Copt”. It would be correct to say that all Egyptians are Copts, but common understanding defines Copt as “Egyptian Christian”. As Arabic replaced Coptic in daily life and the majority of Egyptians became Muslims, labelling Egyptian Christians as Copts or Coptic Christians followed<sup>145</sup>. The Copts constitute the largest denomination of Middle Eastern Christians although the community is very small outside of Egypt. Coptic Christianity was formed by the rejection of Christological formula of the Council of Chalcedon in 451AD. Today, Egyptian Christians use Arabic in their daily life, but revive the memory of their original language, Coptic, in Church masses.

In the book of Acts, St. Luke mentions that Egyptians were present in Jerusalem on the day of Pentecost: “*Phrygia, and Pamphylia, in Egypt, and in the parts of Libya about Cyrene, and strangers of Rome, Jews and proselytes*”<sup>146</sup>. Egyptian clergy believe that these Egyptians returned later to their country, and formed the core of the first Christian Community in Egypt, known today as Copts.

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<sup>145</sup> Timbie (2010, p. 94)

<sup>146</sup> Holy Bible: “Acts 2:10”

Yet Coptic monastic presence in Jerusalem began as early as the fourth century through pilgrimage<sup>147</sup>, which was commenced by St. Mary of Egypt<sup>148</sup>, and additional Coptic presence –as pilgrims- in Jerusalem is mentioned in the pact of Caliph Omar dated in the 15<sup>th</sup> year of Hira (637A.D) and to Patriarch Sophronius<sup>149</sup>.

Al-Maqrizi mentions that Macarius of Nebruhah (Maqaraal-Nabruh), during the patriarchate of Anba Ya'qub (810-830), built in Jerusalem, the Coptic Church of “St. Mary Magdalene”<sup>150</sup>.

From this date, up to the arrival of the Crusaders, Copts maintained their chapels, clergy and the poor of their respective communities<sup>151</sup>, however during the patriarchate of Anba Kirillus II (1078-1092), and when the Ghuzz or Turkomans captured Jerusalem, the Coptic churches and monasteries in Jerusalem, as well as Ethiopian ones were confided to<sup>152</sup> the Syrian Jacobite's<sup>153</sup>, who held the same belief as Copts<sup>154</sup>.

When the Crusaders arrived to Jerusalem, they expelled most the Copts and other Eastern Church priests in an aim to Latinize the city<sup>155</sup>. From the beginning of the 12<sup>th</sup> century, both the Church and the Monastery of St. Mary Magdalene served again as the spiritual center for the Jacobite's, both Syrians and Egyptians<sup>156</sup>.Saladin, in 1187AD, reestablished

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<sup>147</sup> The Letter of Paula and Eustachium to Marcella, 386 AD refers to Egyptian monks in the Holy city.

<sup>148</sup> More about the story of St. Mary of Egypt can be found in “*The Pilgrimage of Seawulf*”, PPTS, IV, 14. (PPTS = Palestinian Pilgrims' Text Society)

<sup>149</sup> Asali (2000, p. 107), Famine(1853, p. 456)

<sup>150</sup> Meinardus (1960, p. 12), Maqrīzī(1873, p. 81)

<sup>151</sup> Gibbon (1917, p. 184)

<sup>152</sup> Meinardus(1960, pp. 12-13)

<sup>153</sup> It seems that during this period, the Syrian Jacobite Church became the custodian under which the Coptic and Ethiopian Churches ruled under.

<sup>154</sup> The term Jacobite was originally applied to the Syrian Monophysites doctrine only; however, Maqrizi in his *History of the Copts* refers to the Copts as Jacobite's.

<sup>155</sup> Runciman (1965, p. 249)

<sup>156</sup> Meinardus (1960, p. 13)

the presence of the Eastern Church and expelled the Crusaders. He also confirmed the privileges of the Copts and the Abyssinians (Ethiopians) to have sites in the Church of the Holy Sepulchre<sup>157</sup>. According to Anba Yoánis, and in an attempt to confirm the Coptic narrative, he says that Saladin was accompanied by a large number of Copts who entered with him to Jerusalem; some of them were writers and some were skilled labourers, while Saladin's special secretary was a Copt named Safi al-Din Ibn Abi al-Maáli<sup>158</sup>. Strangely, this was not mentioned in any of the contemporary books about Saladin, and so cannot be confirmed as accurate information.

The first accurate inventory of Coptic churches in Jerusalem was written in 1281AD and can be found in Abu al-Makarim's "History of Churches and Monasteries" (*Tarikh al-Kana'iswa al-Adyirah*)<sup>159</sup>, as well as Al Maqrizi (*A Short History of the Copts and Their Churches*) in 1441AD.<sup>160</sup>

According to an unspecified Spanish Franciscan pilgrim, the Copts, in 1553, had a small chapel behind the aedicule in the Holy Sepulchre<sup>161</sup>. It also seems that Copts achieved some relative prosperity during this period. Meinardus mentions that the Copts celebrated the Liturgy in the Church of Resurrection, wearing mitres, while the Greek Orthodox Patriarch, Germanous, lacked a mitre<sup>162</sup>.

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<sup>157</sup> Biddle (2000, pp. 86,89)

<sup>158</sup> يوانس (n.d, p. 179)

<sup>159</sup> Al-Mu'taman Abu al-Makarim Sa'd Allah Jirjis ibn Mas'ud. He was a priest of the Coptic Orthodox Church in Egypt living in the thirteenth century.

<sup>160</sup> Shenouda III (1995, p.121)

<sup>161</sup> Luke (1927, p. 28)

<sup>162</sup> Meinardus (1960, p. 29)

Verniore, in 1631, noted that the Copts had to pay some money to the Turks every month, and that every Easter, they had to apply for a special permit to make wine<sup>163</sup>. This made the condition of the community vulnerable and weak, and the situation continued so during the 18<sup>th</sup> century, and the beginning of the 19<sup>th</sup> century.

The Coptic Patriarchate of St Anthony was built in 1837<sup>164</sup>, the same year when the cholera epidemic which broke out in Jerusalem and resulted in the death of seven Coptic priests. And in 1843, Egypt was struck by a terrible outbreak of cattle-plague, and then by a plague of locusts, in addition to cholera during the winter and spring of 1844. The situation of the Copts in Jerusalem was a reflection of the social and economic difficulties in Egypt<sup>165</sup>, and this has continued to be the case in current times.

Today, the Coptic Church in the Holy Land, represented by an archbishop, is under the authority of the Coptic Pope in Egypt. The late head of the Church, known as Pope Shenouda III, was one of the most charismatic Christian leaders in the Arab Middle East<sup>166</sup>. He died in 2012, and was succeeded by Pope Twadros III. The Coptic Church established a school in Jerusalem, in addition to owning several buildings in the Christian Quarter of the Old City including Monasteries and Convents.

The Coptic Patriarchate of Jerusalem is located on the roof of the of the Holy Sepulchre Church at the 9<sup>th</sup> station of the Via Delarosa<sup>167</sup>

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<sup>163</sup> Hintlian G. (1995, p. 119)

<sup>164</sup>Manuscript Monk Neophitos of Cyprus, Translated from the Greek by S.n. Spyridon, Reprint from the Journal of the Palestine Oriental Society, vol. XVIII, 1938, Ariel Publishing House.

<sup>165</sup> Meinardus (1960, p. 40)

<sup>166</sup> Hulsman (2012, n.d)

<sup>167</sup>It includes the Patriarchate itself (His Eminence's residence), St Anthony's Monastery, five Churches and St Anthony's secondary Coptic College The Copts also own St. George's Monastery in the Maronite quarter, the Virgin Mary Church on Mt. of Olives, and St Anthony's Jerusalem School in Bet Hanina.

## The Ethiopians

According to the Illustrated Bible Dictionary, Ethiopia means the country of burnt faces, blackness or heat; the Greek word by which the Hebrew Cush is rendered. Other dictionaries refer the word Ethiopian as a member of any of the mythical or actual peoples usually described by the ancient Greeks as dark-skinned and living in Africa south of the Sahara, southern Arabia, and sometimes Madagascar and the adjacent islands<sup>168</sup>. However, another older word describing Ethiopians is Abyssinian. It is the old name for Ethiopia, from Modern Latin Abyssinian, from Arabic *Habash* (حبش), the name for the region, said to be from Amharic “hbsh” “mixed”, in reference to the different races dwelling there<sup>169</sup>. Ethiopian clergy and educated Christian Ethiopians trace their connection to the Holy Land since the time of King Solomon and the Queen of Sheba<sup>170</sup>. According to Ethiopian tradition, King Solomon and Sheba had a son, Menlik (from Melekh or king), and became the founder of the Solomon’s dynasty in Ethiopia. Menlik, in his early youth, visited his father in Jerusalem and brought back with him some believing Jews-mainly priests from the temple- but most interestingly, tradition tells, that Menlik also brought back the Ark of Covenant<sup>171</sup>, which is believed to be kept, till today, in a Church dedicated to the Virgin Mary in the royal city of Aksum<sup>172</sup>.

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<sup>168</sup> Merriam – Webster Dictionary

<sup>169</sup> Online Etymology Dictionary

<sup>170</sup> From Kings 1<sup>st</sup> 10:1-10 and Chronicles 1<sup>st</sup> 9:1-9

<sup>171</sup> Also known as the “Ark of the Testimony”, it is a chest described in the Book of Exodus as containing the Tablets of Stone on which the Ten Commandments were inscribed.

<sup>172</sup> Pedersen K. S. (1994, pp. 1-2)

Christianity according to Ethiopian tradition was brought in by the eunuch of queen Kandake<sup>173</sup>, according to the book of Acts 8:26-40. In the Ethiopian Orthodox Tewahedo tradition, he was referred to as Bachos, and in Eastern Orthodox tradition he is known as an Ethiopian Jew with the name Simeon, also called the Black, the same name he is given in Acts 13:1<sup>174</sup>. Then as early as the 4<sup>th</sup> century Aksum had its own first Bishop, Saint Frumentius<sup>175</sup> who is also credited with bringing Christianity to the Aksumite Kingdom<sup>176</sup>.

Like other Christian groups, Ethiopians pilgrims' settled in Jerusalem early as the fourth century<sup>177</sup>, while Ethiopian monks were found in Holy Places or in the Judean desert as hermits living in celibacy<sup>178</sup>.

However, little is known about the Ethiopians in Jerusalem during the Byzantine and early Islamic periods. Enrico Cerulli in his book mentions<sup>179</sup> that Ethiopian celibates living at Jerusalem in those days probably found accommodation with the Copts and the Syrians<sup>180</sup> in the Coptic monastery of St. Mary Magdalene -which once stood- near Herod's Gate<sup>181</sup>. In 1238, and while the head of this community, a metropolitan, was

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<sup>173</sup> The Ethiopian eunuch was an important official in charge of all the treasury of the "Kandake", which means "queen of the Ethiopians".

<sup>174</sup> Paulos(1988, p. 67)

<sup>175</sup> Born at Tyre in the early fourth century, died 383 AD in Ethiopia.

<sup>176</sup> Adejumobi (2007, p. 171)

<sup>177</sup> The disciples of St. Jerome 386 – 412 AD, mention in their letters the arrival of Ethiopian Monks in the Holy Land, however it is difficult to determine if the term "Ethiopic" or "Ethiopes" means Ethiopian or black African.

<sup>178</sup> Kessler (2005, p. 344)

<sup>179</sup> Ethiopia in Palestina, volume 1, 1943

<sup>180</sup> During the Crusader Period, the Latins grouped the pre-chalcedonic Christians (Copts, Syrians, Nubians and Ethiopians) as one community under the name "Jacobites".

<sup>181</sup> Pedersen K. S. (1994, p. 17)

appointed by the Patriarch in Antiochia<sup>182</sup>, the Patriarch of Alexandria Cyrillus III Ibn Laqlaq<sup>183</sup> objected, and appointed an Egyptian metropolitan causing a break within the Jacobite community of Jerusalem, bringing together Copts, Nubians and Ethiopians, and leaving the Syrians alone<sup>184</sup>. In this insecure situation, Abba Thomas, an Ethiopian monk, tried to take advantage to get free of Alexandrian authority, because Ethiopians and Copts were functioning together as one Church, yet his attempts failed, mainly because of the opposition of the Latins<sup>185</sup>, and so this had to wait till the 1950's.

The Ethiopian community gradually gained property in Jerusalem, from the period between the Crusader Invasion and up till the arrival of the Ottomans in Jerusalem; According to P. Nicolo da Poggibonsi<sup>186</sup>, the Ethiopians were found praying at the chapel of "Saint Mary of Golgotha" and the Chapel of "St. Michael". They also had four chapels in their hands within the Church, all of them within the Church of the Holy Sepulchre<sup>187</sup>

During the second half of the fifteenth century, the Ethiopians acquired the chapel dedicated to the memory of the insults and torture of Jesus, as well as erecting a new monastery around the Cave of David on Mt Zion, behind the convent of the Franciscans Cerulli also points out that around 1511 AD, the Ethiopians owned the Chapel of Abraham's Sacrifice which is situated next to the Chapel of Adam under Golgotha.<sup>188</sup>

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<sup>182</sup>According to the Encyclopaedia Britannica: It was an ancient Greek city on the eastern side of the Orontes River, known today as Antakya, Turkey.

<sup>183</sup>Pope Cyril III of Alexandria (also known as Cyril III ibn Laqlaq), 75th Pope of Alexandria & Patriarch of the See of St. Mark. In 1238, he issued a new set of canons for the Coptic Church and its dependencies in Ethiopia, Nubia, and Cyrenaica. Ref Encyclopaedia Brtiannica

<sup>184</sup> Today the term "Jacobite" belongs to the Syrians.

<sup>185</sup> Pedersen (1983, p. 7)

<sup>186</sup> A Franciscan from Florence who visited the Holy Land in 1384.

<sup>187</sup> Pedersen (1983, p. 8)

<sup>188</sup> Cerulli(1943, p. 277)

The very well sustained situation of the Ethiopian community started to dwindle during the Ottoman of the Holy Land. Connection between Ethiopian monks and their country became interrupted due to internal struggles in Ethiopia including the devastating “holy war” led by a Somali emir Ahmad ibn Ghazi, in the 1530s. This caused the Ethiopian monks to remain without means to pay the taxes and bribes which the new rulers in the Holy Land demanded from non-Muslim inhabitants<sup>189</sup>. The situation continued to deteriorate for the Ethiopians as disease and poverty led them to losing most of their properties and privileges either to the Armenians, Copts or the Greek Orthodox.

In the nineteenth century, the Ethiopian government tried to regain those privileges and built several new buildings for the community outside the walls of the Old City; Emperor Yohannes (1872-1889), provided the community with a new site and a new Church “Dabra Gannat” (*Mount of Paradise*).<sup>190</sup> The church was built along Ethiopia Street, which was purchased in 1888 just north of the Prophets Street in West Jerusalem, under the initiative of Ethiopian Empress Taytu Betul<sup>191</sup>.

The Italian occupation of Ethiopia, 1936 -1941, not only affected the Ethiopian capital, but also had harsh consequences on the Ethiopian community in Jerusalem. In 1939, the Italian consul, in agreement with British officials, began to claim ownership of the Ethiopian property and houses in Ethiopia and Prophet Street in favor of the King of

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<sup>189</sup> Pedersen (1994, p. 19)

<sup>190</sup> See Anthony O'Mahony: *The Christian Communities of Jerusalem and the Holy Land: Studies in History, Religion and Politics*.

<sup>191</sup> See George Hintilian: *The Christian Heritage in the Holy Land*

Italy, but his attempts failed as Italy entered World War II and became enemies with Britain in 1940<sup>192</sup>.

The desire of Abba Thomas became a reality after several decades of efforts, particularly on the part of Emperor Haile Sellassie (1930-74), as the Ethiopian Church finally became independent from Alexandria (much as the Balkan Churches achieved independence from Constantinople in the nineteenth century), and received its own Patriarch in 1951<sup>193</sup>. This could be considered as the seed of the Coptic Ethiopian conflict.

In 1959, an agreement was reached between the Ethiopian Holy Synod and the Alexandrine throne to appoint a Patriarch in a transitional period. The Ethiopian archbishop ordained as primate of the Ethiopian Orthodox Church back in 1950, was elevated by the Coptic Orthodox Pope of Alexandria Joseph II in Cairo and enthroned in Addis Ababa by the members of the Ethiopian Holy Synod and an Alexandrine delegation. The first bishop, Abuna Basilios I (1959–1971), patriarch of Addis Ababa and all Ethiopia, was ordained and enthroned in 1959, by Pope Cyril VI of Alexandria<sup>194</sup>. Today, the Church is represented in Jerusalem by an archbishop under the authority of the Patriarchate of Ethiopia. The Church conducts its liturgy and ritual celebrations in Ge'ez; an ancient purely-Semitic language<sup>195</sup>. The Ethiopian Patriarchate

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<sup>192</sup> Pedersen (1983, p. 22)

<sup>193</sup> O'Mahony (2004, p. 166)

<sup>194</sup> Mara (1972, pp. 113-115)

<sup>195</sup> Ge'ez is the liturgical language of the Ethiopian church. Also spelled Ge'ez, it is a Semitic language of the Southern Peripheral group, to which also belong the South Arabic dialects and Amharic, one of the principal languages of Ethiopia.

in Jerusalem is located on the Ethiopian Monastery Street (near to the 8th Station of the Via Dolorosa)<sup>196</sup>.

### 3.2 The dispute over Dair al-Sultan

One of the most difficult unsolved problems within the Status Quo is the conflict between the Copts and the Ethiopians<sup>197</sup> over the possession of Dair al-Sultan (The Sultans' Monastery)<sup>198</sup>.

The history of Dair al-Sultan unfortunately contains one of the many unpleasant events which reflect the arguments, violations and acts of violence perpetrated by the representatives of the various Christian communities in Jerusalem<sup>199</sup>. The monastery is the one area of the Church that defies the peace of the Status Quo and demonstrates how geopolitical factors become intertwined in the politics of the Church of the Holy Sepulchre<sup>200</sup>.

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<sup>196</sup> They also own a monastery outside the walls on Ethiopia Street and a large building; they also have property in Jericho and Bethlehem. See Al-Aref, 1961, p. 534

<sup>197</sup> Another major unsolved problem is the conflict between the Armenians and the Syrian Jacobite's over the chapel of Nicodemus.

<sup>198</sup> Williams (1849, p. 564): According to De Sauley (1882), the Dair as-Sultan, at one time being the Hospital of St. Helena, was founded by the famous Khurrem Sultana, Roxelana, the daughter of Russian preist and wife of Sulaiman I, the Magnificent (1520-1566). However, the information given by De Sualey is contradictry, since the Hospital of St. Helena (Khanka Salahiyeh) is around 400 meters away from the location of Dair al-Sultan.

Other researhces disagree, the "History of the Coptic Church" writes that the Sultan Salah El-Din gave the Monastery as a gift for their role in fighting the Crusaders, which seems most convincing however no real proof has been uncovered during the research.

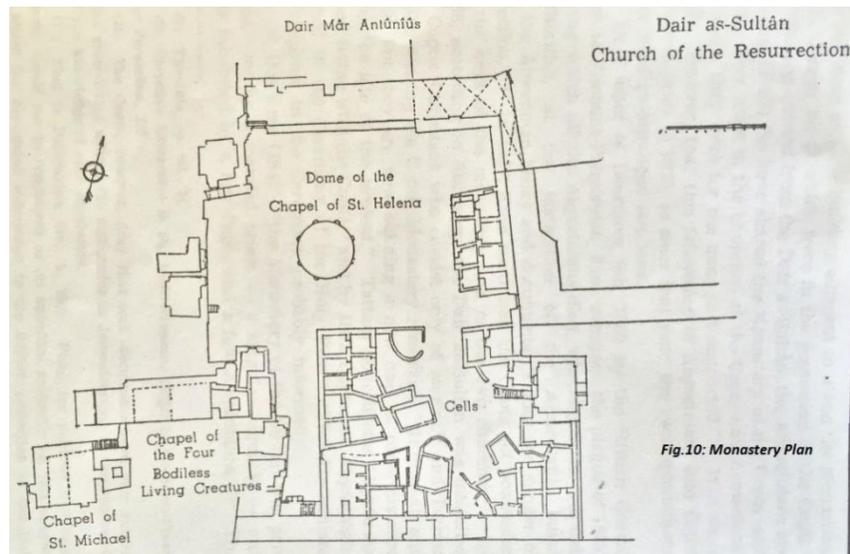
<sup>199</sup> Meinardus (1960, p. 47)

<sup>200</sup> Hecht R. (1995, p. 201)

The coming paragraphs will try to detect and analyze the conflict between the Ethiopians and the Copts over the monastery and how Israeli political interest has hindered the two groups from reaching a solution.

Located on the roof of the Chapel of St. Helena; the monastery was built more than one thousand years ago<sup>201</sup>. It encircles the area around the dome of the Chapel of St. Helena; it also includes the Chapel of the Four Living Creatures, and the Chapel of St. Michael, which levels with the parvis of the Holy Sepulchre Church. The monastery is accessed either from the parvis of the Holy Sepulchre; by entering the Chapel of St. Michael and then walking up the stairs to the Four Living Creatures Church, or it can be accessed from the main road “Souk Khan al-Zeit” leading up to the Coptic Patriarchate<sup>202</sup>, then

taking a left through a door which leads directly to courtyard of Dair al-Sultan(Fig.10) gives a general view of the Monastery.



One of the major difficulties with regards to Dair al-Sultan is to determine the extent of its boundaries<sup>203</sup>. The recent style of construction gives a feeling of an African village in

<sup>201</sup> Remains of crusader style structures, including bells and chains are still visible in this area.

<sup>202</sup> For the Copts, Dair al-Sultan is considered the only direct passage from the St. Anthony’s Monastery (the Coptic Patriarchate) to the Church of Resurrection. The other passage is from the Souk.

<sup>203</sup> Meinardus (1960, p. 49)

the heart of Jerusalem, however, and because of the ongoing struggle between the two groups over ownership, the structure is in terrible need of repair for it is remarkably dilapidated.

Ownership and possession of this fairly large complex is disputed between the Copts and the Ethiopians. The issue is complicated by the historical origins of the Ethiopian Orthodox Church as the “daughter church” of the Coptic Egyptian Patriarchate<sup>204</sup>; like the client relationship between the Armenians and Syrian Jacobite’s, the Copts were designated by the ruling authorities to represent the Ethiopians; this has led to the fact that Ethiopian and Coptic claims of ownership overlap<sup>205</sup>. Today Ethiopian monks and nuns, in addition to one Coptic monk live in the structure.

Moreover, it is worthwhile noting here that it is not an easy task to give a clear ruling of who the real owner of the complex is. During this research, the writer has found many conflicting Coptic and Ethiopian claims that either present convincing narratives that are empowered by legal documentation, or unreliable claims accompanying forged certification in regards to ownership. The following paragraphs have been written subjectively in order to represent historical events related to the dispute.

The Copts, like the Ethiopians, claim full ownership of Dair al-Sultan. The oldest proof of ownership is presented by Meinardus:

*“When Williams visited Dair al-Sultan in 1842, Coptic Clergy told him that the Coptic secretary (un-named) to one of the Mamluk Sultans was offered any reward he chose for his long and faithful services. He refused to accept any*

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<sup>204</sup> Hecht R. (1995, p. 201)

<sup>205</sup> Emmett (1997, p. 22)

*remuneration for himself, but humbly prayed that his master would repair this ruined convent at Jerusalem, that it might be useful to his brethren. The Sultan consented and the memory of this event is still preserved not only in the name of the Monastery “Dair al-Sultan”, but in a heavy iron chain fastened in the wall by the door as a perpetual memorial of the Sultan’s bounty, and as a witness to all, that the monastery was under his special protection”.*<sup>206</sup>

No mention of the sultan names or dates are provided, which raises doubts about its historical significance.

Moreover, Timoteos<sup>207</sup>, cited also by Meinardus, mentions that on August 22<sup>nd</sup> 1688, the administrator of Coptic waqfs in Jerusalem, Mu’allim Salim al-Banna, carried out certain repairs at Dair al-Sultan.

The Coptic narrative then emphasizes on the fact that during the 17<sup>th</sup> century the Ethiopians were evicted from the Holy Sepulchre<sup>208</sup> and resided as guests on the roof of St. Helena’s Church<sup>209</sup>. This is also mentioned in the United Nations report regarding the Status Quo applied to Dair al-Sultan:

*“The Abyssinians (Ethiopians) contend that when they lost their holding in the Church of the Holy Sepulchre in the 17th Century, being unable to pay the dues exacted by the Ottoman Government, they obtained possession of the Dair al*

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<sup>206</sup> Meinardus (1960, p. 47)

<sup>207</sup> Translation of Documents Bearing on the Rights over the Sultan’s Monastery and other Places in Jerusalem. Cairo, n.d., p.10.

<sup>208</sup> Khoury (1925, p.150) Khoury claims that the Ethiopians couldn’t pay the high taxes imposed by the government and asked the Armenians to help, which resulted in the Armenians capturing their property.

<sup>209</sup> Some Coptic writers argue here that if Dair al-Sultan was owned by the Ethiopians, then the Armenians would have also confiscated it as they have with other Ethiopian locations in the Holy Sepulcher Church, so this is enough proof that Dair al-Sultan was owned by the Copts.

*Sultan which they have occupied till today. The Copts, on the other hand, maintain that the Convent has always been their property but that they took in the Abyssinians out of charity when the latter were expelled from their possessions. In the view of the Copts the Abyssinians now living in the Convent reside there on sufferance only and as guests. The dispute between the two rites began early in the 19th Century and has continued intermittently ever since*<sup>210</sup>.

As for the Ethiopian narrative, it states that before the 1838 cholera epidemic in Jerusalem, Dair al-Sultan was fully in the hands of their monks. The cholera disease sadly claimed the lives of almost all Ethiopian monks living in the monastery. Immediately thereafter, the ruling authorities gave the keys of the convent to the Egyptian Coptic monks. The Egyptian ruler, Ibrahim Pasha, then ordered that all thousands of very precious Ethiopian holy books and documents, including historical and ecclesiastical materials related to property deeds and rights<sup>211</sup>, be burned—claiming that the plague was produced by the Ethiopian parchments<sup>212</sup>. By the time new Ethiopian monks arrived in Jerusalem to replace the deceased ones, the Copts claimed their residential rights and the new monks were eventually allocated onto the open rooftop of the church.<sup>213</sup>

And so, the Copts became the keeper of the keys to the chapels and the monastery, whereas their Ethiopian guests, who never gave up their claim to the lost chapels, were

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<sup>210</sup> United Nations Report, 8 April 1949 – Section under Dair al-Sultan

<sup>211</sup> Monasteries are traditionally important hubs of learning and, given its location and its opportunity for interaction with the wider family of Christendom, the Ethiopian monastery in Jerusalem was even more so than others.

<sup>212</sup> Pedersen( 1987-1988, p. 40)

<sup>213</sup> Ayele, 2003, Deir Sultan, Ethiopia and the Black World. New York. Retrieved from [http://www.tadias.com/v1n1/v1n1/HY\\_1\\_2003-1.html](http://www.tadias.com/v1n1/v1n1/HY_1_2003-1.html)

allowed only to live in the rooftop rooms and celebrate Easter services under a then erected in the courtyard.<sup>214</sup>

From 1838 and up to the early 1900's, a number of clashes arose between the Copts and the Ethiopians, mainly related to stealing the keys of the monastery<sup>215</sup>. The Ethiopians pursued this issue first with the Ottomans and then later with the British, but without success, the Copts remained in control. The British sought verification of trust-deeds for the Dair al-Sultan, which according to the Ethiopians in Jerusalem, were on deposit in Addis Ababa. When the consul general attempted to find them, he discovered that they were formerly in the possession of a Russian who was willing to sell them only at a very high price<sup>216</sup>.

Then in 1905, the Ethiopians approached the conflict in a different tactic, as they began to approach the different heads of the Christian community and Church leaders by requesting them to state their personal judgment on the issue of Dair al-Sultan<sup>217</sup>. The writer of the research has analyzed the letters and summarized the most important:

Greek Orthodox Patriarch of Jerusalem, Damyanos, wrote on September 7<sup>th</sup> 1905:

*“It is not known to us on which date in the ancient time the Abyssinian (Ethiopian) monks began their residence in the said convent (Dair al-Sultan). However: Part of the Church which exists in the Convent of Our Father Abraham, which belongs to our Patriarchate...the structure underneath... the yard... the*

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<sup>214</sup> Emmett (1997, p. 22)

<sup>215</sup> Meinardus (1960, pp. 51-58)

<sup>216</sup> Cust (1930, pp. 30-33)

<sup>217</sup> All 13 letters have been compiled in 1959 by order of His Eminence Bishop of the Ethiopian Orthodox Church in Jerusalem, Enba Philipbos. The title of the book is “The Rights of the Abyssinian Church in the Holy Places – Documentary Authorities”. A copy can be found in the Hebrew University Library.

*lower reservoir, all of which has been the subject of dispute between the Coptic Monks and the Abyssinian Monks establishes clearly the fact that the Sultan Convent (Dair al-Sultan) is one which belongs to the Abyssinian Monks”.*<sup>218</sup>

The examination of letters presented by almost all the heads of Churches in Jerusalem had the same response as the Greek Orthodox Patriarch; Armenian Orthodox and Armenian Catholic Patriarchates, Latin Patriarchate, the Syrian Church, the Custodian for the Holy Land, as well as the Maronite Patriarchate, all agreed-whether directly or indirectly- that Dair al-Sultan had belonged to the Ethiopians since ancient times. A specific date of ownership was never mentioned in any letter, but interestingly, the letter written by Maronite Bishop in Jerusalem, J. El Mouallem, clearly stated the following:

*“I, the undersigned hereby testify that according to the records in our possession, Dair al-Sultan belongs to the Abyssinians”.*<sup>219</sup>

The Maronite Bishop claimed that the Patriarchate owns records or documents that prove the ownership of the Ethiopians to the convent, but no further information is given in this regard, which makes it worthless.

With the letters collected in Jerusalem as well as other old firmans, the Ethiopians Delegation in Constantinople submitted a convincing petition, and with success results, an Imperial Decree was issued to reconsider the question of Dair al-Sultan. Moreover, the high council at Jerusalem strongly replied to a memorandum by the Grand Vizier on December 27<sup>th</sup> 1907, claiming that although the Abyssinians took on some occasions the key of the Sultan’s Monastery, yet, a searching inquiry into the matter was started by the

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<sup>218</sup>Philibbos (1959, p.19)

<sup>219</sup>Philibbos (1959, p.25)

Governorate and proved that Copts were the rightful owners of the said monastery. The firmans referred to in the petition of the Abyssinian Delegation states only that the Abyssinians, the Georgians, and the Serbians are under the jurisdiction of the Greek Patriarch, while in the firmans connected with the Status Quo, no allusion is made to the Abyssinian, and that the Status Quo of the said monastery is based on a firman issued in this respect and is being carried out ever since, as it is confirmed by official document”.<sup>220</sup>

### **Dair al-Sultan during the Jordanian Rule**

Despite of the efforts to maintain the Status Quo during the British Mandate, clashes between the Ethiopians and the Copts kept arising. These disputes were related to the much needed renovations at Dair al-Sultan, especially that neither water, nor electricity had been supplied to the monastery. However, the British government didn't allow any of the two parties to perform renovations according to the mandatory law known as: “The King's order in Council of 1924” concerning the Holy Places<sup>221</sup>. In 1939, the Copts wished to carry out certain repairs, but the Government refused to grant a permit for this on the grounds that the right to carry out repairs was disputed by another community. Similar actions took place in 1945, as the Ethiopians were warned by the District commissioner's Office in Jerusalem for carrying out some works of redecoration in the St. Helena's Chapel, and under the Jordanian rule in 1952, the Ethiopians were scolded by the Government for violating the Status Quo by opening certain doors of the

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<sup>220</sup> Meinardus (1960, p. 59)

<sup>221</sup> Pedersen (1994, p. 22)

monastery for their Easter celebration, and for appointing a caretaker for the monastery<sup>222</sup>.

Despite of this scolding, the Jordanian government approached the issue of Dair al-Sultan in favor of the Ethiopians, as this was related to the Egyptian Jordanian political relations. In the 1950's, the Jordanian government set up two communities' contending claims. Its findings were confirmed by the governor, Ihsan Hashem, on the 22<sup>nd</sup> of February 1961, in a historical decision<sup>223</sup>, issued a decree where Dair al-Sultan, including the two chapels which had remained locked since 1890 was now Ethiopian property. The Copts were ordered to hand the keys over to the Ethiopians<sup>224</sup>. When the Copts refused, the Jordanian police forcefully broke open the monastery's locks and handed the new keys over to the Ethiopians. Though the Jerusalem Copts complied with the Jordanian order, the Copts in Egypt, through their patriarch in Alexandria, pressured Nasser's government to intervene<sup>225</sup>. As a result, the situation lasted for 40 days only, and because of political pressure from Cairo to revise the decision, the Jordanian king personally intervened and ordered the responsible committee that the monastery be restored to the Coptic Church<sup>226</sup>. The committee said there was no other solution than to maintain the status quo, as it had been in force since Ottoman days. In conclusion it added the following remarks

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<sup>222</sup> Meinardus (1960, p. 60)

<sup>223</sup> Cohen (2008a, p. 194)

<sup>224</sup> Pedersen (1994, p. 23)

<sup>225</sup> Hecht R. (1995, p. 196)

<sup>226</sup> Tseday, 2008, An Ethiopian Easter in Jerusalem, Retrieved from <https://tseday.wordpress.com/tag/deir-sultan/>

*“Every attempt to investigate the origins of the dispute and to decide upon the substantive issues will only open the doors to further controversy, complications and confusion”<sup>227</sup>.*

In a detailed interview carried out by the writer of this research with the Coptic Archbishop of Jerusalem, His Eminence Metropolitan Archbishop Dr. Anba Abraham explained the following:

*“The relationship between the King of Jordan and Jamal Abd El-Nasser was not good. Because of this, the Jordanian police took the keys from Archbishop Baselios by force and gave it to the Ethiopians. So Anba Baselios carried out an official visit to King Hussien – who was very young during that time- and the King ordered for a responsible committee to return the keys”<sup>228</sup>.*

Archbishop Abraham then revealed what he called sensitive information:

*“Two documents were issued during those years; the first document was the decision by the Jordanians to give the keys to the Ethiopians claiming their ownership of Dair al-Sultan, while the second document was issued by the responsible committee declaring that the governor of Jerusalem had no authority whatsoever to take the keys from the Copts, and that the monastery is Coptic. The Ethiopians have kept the first document and still use it today to emphasize their so claimed ownership of Dair al-Sultan, while they have hid the second document*

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<sup>227</sup> Zander, Jurisdiction and Holiness: Reflections on the Coptic-Ethiopian Case, 1982, p. 5

<sup>228</sup> Abraham, A. Coptic Archbishop of Jerusalem (2015, April 24, Jerusalem), Interview.

*and never refer to it. However, we keep our copy<sup>229</sup> safe here at the Patriarchate”.*<sup>230</sup>

The struggle during the Jordanian era remained, as in 1962 the Jordanian government proposed a compromise, but it was rejected by the two parties<sup>231</sup>. Tensions continued to arise, with disputes over issues such as the lighting of the courtyard of the monastery at Easter, and repairs to the Ethiopian monks' dwellings<sup>232</sup>. However, in 1966, when Anwar al-Khatib became governor of Jerusalem, he managed to install electricity, running water and modern toilets in the monastery.

Because of this, the Ethiopians claim that their Easter procession in 1967<sup>233</sup> was greeted by their Coptic brethren in faith with a rain of stones. The Jordanian police interfered in order to restore peace, and since then, the Ethiopians have been celebrating Easter<sup>234</sup> every year under police protection.<sup>235</sup>

Pedersen writes that during Easter 1969, there was again another serious clash between the two communities in which stones were thrown during the early night Ethiopian celebration of (Sabt al-Nour) or Holy Fire Ceremony; the celebrations had to be

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<sup>229</sup>The researcher was not able to examine the document as it had to be previously arranged- according to the responsible priest.

<sup>230</sup>Abraham, A. Coptic Archbishop of Jerusalem (2015, April 24, Jerusalem), Interview.

<sup>231</sup> Pedersen (1994, pp. 23-24)

<sup>232</sup> Cohen (2008a, p. 194)

<sup>233</sup> Few months before the six day war of 1967

<sup>234</sup>Sabt al-Nour or Holy Fire Ceremony. *The researcher has attended this ceremony for the last 10 years and confirms that Israeli police and soldiers are present throughout the event.*

<sup>235</sup> Pedersen (1994, p. 23)

halted.<sup>236</sup> However, the Copts believe that the events in 1969 were a rehearsal or a trail performance by the Israeli police to events to come in the Easter of 1970<sup>237</sup>.

It is worthwhile noting here that the researcher has tried numerous times to interview the Ethiopian Bishop to get on hand information, however this was in vain.

### **Easter 1970 –Israeli Interference**

The peak of the struggle over Dair al-Sultan burst into the open during the Easter of 1970. During the midnight mass on Easter Sunday, while Coptic Archbishop Anba Basilios and the rest of the Coptic monks were praying at the Holy Sepulchre Church, the Archbishop was informed that the Ethiopians had changed the locks on the doors at both ends of the disputed chapels<sup>238</sup>. As Coptic monks immediately made their way to verify the situation, Israeli police were stationed around the monastery but did nothing to prevent the change<sup>239</sup>.

Archbishop Abraham explains here that:

*“Anba Baselios was heading mass in the Holy Sepulchre when he received the news, so he rushed up with the rest of the crowds. Sadly, Israeli police gave him hard blows on the head using the backs of their rifles”.*<sup>240</sup>

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<sup>236</sup> Hecht R. (1995, p. 202)

<sup>237</sup> Abraham, A. Coptic Archbishop of Jerusalem (2015, April 24, Jerusalem), Interview.

<sup>238</sup> Cohen (2008a, p. 194)

<sup>239</sup> Emmett (1997, p. 22)

<sup>240</sup> Abraham, A. Coptic Archbishop of Jerusalem (2015, April 24, Jerusalem), Interview.

Father Antonios al-Orshalimy, General Secretary to the Coptic Church in Jerusalem, also narrated to the writer of the research:

*“The Ethiopians were always there as our guests, but then they wanted to take control, so they changed the locks in 1970 with the help of the police”.*

The Ethiopians, taking advantage of strong ties between Israel and Ethiopia managed to reassert control<sup>241</sup>; the locks in the Dair al-Sultan monastery were changed and the keys were now in the hand of the Ethiopians.

The Coptic Patriarchate tried to regain the keys and use of the passage, by appeals to the police and the government, but this proved useless, so the Patriarchate appointed a well-known Israeli advocate Abraham Sophohlovsky to pursue the case<sup>242</sup>. Three days after the incident, the Coptic Archbishop submitted his first Petition to the Supreme Court. It was directed against the Minister of Police, the Minister of Religious Affairs, and the Ethiopian Archbishop. The main relief was sought against the first Respondent, namely to instruct his subordinates to enable the Petitioner and his representatives to re-fix the locks and restore the position as it had been on April 25, 1970 at midnight<sup>243</sup>.

Taking the opportunity into advantage, on April 27<sup>th</sup> 1970, Abuna Joseph, the Ethiopian Orthodox Archbishop of Jerusalem, openly declared that the Ethiopians had regained their historical rights<sup>244</sup>. This act affectively altered the constant Status Quo arrangements; locking the Copts out of what they believed was theirs. It was a clear act of

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<sup>241</sup> Emmett (1997, p. 22)

<sup>242</sup> Abraham, A. Coptic Archbishop of Jerusalem (2015, April 24, Jerusalem), Interview.

<sup>243</sup> Zander (1982, p. 7)

<sup>244</sup> Cohen (2008a, p. 195)

interference from the Israeli side, and during those first few years, it was not clear why Israel had committed such act.

The legal case took effort from Anba Basilios as he pursued the issue by supplying the court with many documents and legal ownership papers, while the Ethiopians couldn't present any documents, claiming that they had all been burned. The court did field visits to the Monastery to examine the situation on the ground<sup>245</sup> before it made its ruling.

On the 28<sup>th</sup> of March 1971, the High Court<sup>246</sup> gave its ruling by declaring that it was not in power to intervene in this dispute and to decide the issue of *predominance*, but criticized the police for not helping the Copts to restore the situation of the Status Quo<sup>247</sup>.

The full verdict issued by the High Court is found in the appendix.

Cohen summarizes the verdict:

*“Under the 1924 order-in-council, it (the Supreme Court) had no authority to decide on the merits of the dispute between the Copts and the Ethiopians over possession of passage and the two chapels. This was the government’s responsibility. Rather its decision was directed to the petitioner’s request to restore the situation on the eve of the incident.”*<sup>248</sup>

The court made its injunction against the police absolute and ordered them to take the keys from the Ethiopians and to give them to the Copts<sup>249</sup>. But the decision comprised a condition; according to the mandatory law of 1924, the court gave the government a one

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<sup>245</sup> Al-Sayed (1990, p. 109)

<sup>246</sup> Court Case: The Coptic Patriarchate v. the Minister of Police (1971) (I) 25 P.D. 225.

<sup>247</sup> Hecht R. (1995, p. 202)

<sup>248</sup> Cohen (2008a, p. 195)

<sup>249</sup> Hecht R. (1995, p. 202)

year grace period to set up a commission with the task of examining the basic rights of possession in the monastery. The government of Golda Meir decided to do so.<sup>250</sup> At the end of the year, the government decided to “appoint a special ministerial committee to deal with the dispute, declaring that, in the meantime, the present Status Quo would remain”,<sup>251</sup>

In 1976, the Israeli government proposed a compromise, but the proposal was rejected by both parties, and to the present, the ministerial committee has not ruled on how the matter should be resolved, thereby leaving the Ethiopians in control. Since then, the angered Egyptian government discouraged its Christians from making pilgrimages to Holy Land, and the late Pop Shenuda III issued an order prohibiting Coptic pilgrims from visiting Jerusalem until the issue of Palestine and Dair al-Sultan are resolved. Pop Shenuda declared:

*“The Monastery is Egyptian land owned by Egyptians inside Jerusalem. The Israelis have snatched this property, therefore the Coptic Church with its religious leadership has left this issue for the Egyptian government to solve... as for us Copts, we will only enter Jerusalem with our Muslim and Arab brothers, and after the issue of our monastery is resolved God willing”<sup>252</sup>.*

Archbishop Abraham sarcastically explained:

*“The Israeli government could have solved the issue and given back the key to us... instead they appointed a committee to solve the issue...forty five years have*

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<sup>250</sup> Pedersen (1994, p. 23)

<sup>251</sup> Benvenisti (1976, p. 275)

<sup>252</sup> Al-Sayed (1990, p. 111)

*passed since the incident and things are the same. We will wait another two hundred years, but they eventually have to give back the keys... this is our only demand, the Ethiopians can stay in the Dair al-Sultan, we don't mind, we just want our access back... can you imagine that I don't have direct access to the Holy Sepulchre Church? That I have to use the main street to get to Church? They only allow me to use the stairs through the two Churches<sup>253</sup> during Sabt al-Nour".<sup>254</sup>*

### **The Coffee Project**

During the research process, the writer has come across different local voices claiming that the struggle over Dair al-Sultan is driven by the political ties between Ethiopia and Israeli. A further investigation was carried out, especially after the interview with Archbishop Abraham who said:

*"In 1969 a deal was signed between Ethiopia and Israel, where Israel hands in Dair al-Sultan to the Ethiopians in exchange for Military bases in Ethiopia, and free access to Ethiopian airspace for El-Al flights, as well as bringing back a number of Ethiopian Jews to Israel... a very attractive deal".<sup>255</sup>*

To verify this information, the following has been researched:

The Israeli presence in Ethiopia in the late 1960's and early 1970's was almost unique in the Israeli diplomatic effort; the Israeli diplomatic community in Ethiopia was Israel's second largest, next only to New York, around 100 Israeli families were living in Addis

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<sup>253</sup> The Four Living Creatures and St. Michael Churches leading to the Holy Sepulchre

<sup>254</sup> Abraham, A. Coptic Archbishop of Jerusalem (2015, April 24, Jerusalem), Interview.

<sup>255</sup> Abraham, A. Coptic Archbishop of Jerusalem (2015, April 24, Jerusalem), Interview.

Ababa and Asmara. These families were exceptional Israeli's who were trusted advisors in the fields of economic planning, agriculture, education, transportation, health, industry, and banking<sup>256</sup>

Beginning in 1967, Israelis were invited to advise Ethiopia on all positions of sensitivity, the security branches, the secret services, the police forces, the Territorial Army; to train the elite units, and to teach in the army's staff college<sup>257</sup>. In the spring of 1968 the two countries agreed to work secretly for the establishment of a military alliance. A program under the code name "**Coffee Project**" was designed. It involved a close Ethio-Israeli military cooperation in the Red Sea, the turning of Assab Port into a joint naval base, with Israel obtaining ground facilities for the use of its air force on Ethiopian soil<sup>258</sup>.

For the Coffee Project to exist, Israel was ready to respond concerning the issue of Dair al-Sultan; a demand that was continuously brought up by the Ethiopian government. After the annexation of East Jerusalem, the Ethiopians "*laid the matter at Israel's doorstep again*"<sup>259</sup>. The Israeli response came on May 26<sup>th</sup> 1969, as Israeli Foreign Minister announced to Emperor Haile Selassie<sup>260</sup>:

*"I have the honor and pleasure to inform Your Highness that the Government of Israel has decided to recognize the historical rights of the Ethiopian Church to Dair al-Sultan, without prejudice and detriment to the historical status and rights of other Christian denominations. The Government of Israel will therefore and as*

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<sup>256</sup> Erlich (1994, p. 165)

<sup>257</sup> Pateman (1998, pp. 96-97)

<sup>258</sup> Erlich (1994, p. 169)

<sup>259</sup> Erlich (1994, p. 169)

<sup>260</sup> Haile Selassie was Ethiopia's regent from 1916 to 1930 and Emperor of Ethiopia from 1930 to 1974. He was a member of the Solomonic dynasty.

*a token of friendship to the Emperor...assist the Ethiopian Church in the restoration of their rights, including the possession of the key to the South Gate and the key of the Church of the Angel Michael. Taking into consideration the manifold complexities of this problem... ”<sup>261</sup>*

The execution of this order took place on the 25<sup>th</sup> of April 1970.

Again, politics interfered in the Status Quo, and Dair al-Sultan became a focus of political negotiations between states rather than religious communities. Further evidence was given by Richard Hecht, as he explains:

*“Yisrael Lippel, who was then the director of the Ministry of Religious Affairs, gave some insight into the government’s position. First, the Jordanian committee had ruled in favor of the Ethiopians in 1961, and the Israeli committee could simply defer to the earlier position. Second, the Israeli government was interested in gaining the support of the Ethiopian government for the emigration of the Falasha Jews. Third, the Israeli government wanted access to Ethiopian airspace for its commercial airline routes to sub-Saharan Africa. Fourth, diplomatic recognition of Israel by the Ethiopian government would further Israel’s foreign policy towards the African Nations ”<sup>262</sup>*

In addition to Hecht’s information, Cohen narrates an additional complex set of events and negotiations, revealing that the Israeli prime minister, shortly after the six days war, gave a promise to the head of the Ethiopian Church that Dair al-Sultan and the staircase

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<sup>261</sup> Erlich (1994); IFM-Aynor, “The Key”, African Department of Israeli Embassy, Addis Ababa, 18 June 1969.

<sup>262</sup> Hecht R. (1995, p. 197)

would be given to the Ethiopians in return for a security alliance with Ethiopia against the Nasserite Egypt and the opening of an Ethiopian Embassy in Jerusalem<sup>263</sup>.

In 1969 the Israeli government had proposed the formation of an anti-Pan-Arab alliance consisting of the United States, Israel, Ethiopia, Iran and Turkey. Ethiopia rejected the proposal. Later, in 1971, the Israeli Chief of Staff Bar Lev made a visit to Ethiopia, during which he presented proposals for deepening of Israeli-Ethiopian cooperation. The Ethiopians turned down the Israeli proposals<sup>264</sup> but nevertheless, Ethiopia became internationally accused of having given concessions to Israel for setting up Israeli military bases on Ethiopian islands in the Red Sea. Ethiopia consistently denied all such accusations.<sup>265</sup> Only one “Coffee Project” meeting on intelligence cooperation took place in 1971, and it was the last of the project.<sup>266</sup> Ethiopia failed in what Israel saw as its promised alliance, never opening an embassy in Jerusalem, sponsoring in 1971 a UN resolution hostile to Israel, and breaking off diplomatic relations in wake of the 1973 Yom Kippur War<sup>267</sup>.

### **The Begin – Sadat Negotiations**

However, the Begin-Sadat negotiations and the signing of the peace treaty between Israel and Egypt gave hope to the Copts. During Sadat’s dramatic trip to Jerusalem, the Coptic archbishop, Anba Baselios, encouraged Sadat to make the Coptic

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<sup>263</sup> Cohen (2008b)

<sup>264</sup> The research has not been able to find a link between the refusal of the Ethiopians to the Israeli proposal and the Israeli’s Supreme Court ruling to return the keys of Dair al-Sultan to the Copts in 1971.

<sup>265</sup> Spencer (2006, pp. 322-323)

<sup>266</sup> Erlich (1994, p. 172)

<sup>267</sup> Bowman (2011, p. 391)

position on the Dair al-Sultan part of any negotiations with Menahem Begin and other officials in the Israeli government. And so, during the late 1970's the press regularly reported that the Israeli government's position was shifting towards the Copts, and that the small Ethiopian community would soon be removed from Dair al-Sultan<sup>268</sup>. Israel suggested returning Dair al-Sultan to the Copts in return for normalization of relations after the diplomatic breach brought about by the First Lebanon War in 1982, and secondly as a concession in the 1986 negotiations over Taba.<sup>269</sup> The Israeli side argued that the matter should be submitted to international mediation. The Egyptians argued that the issue should remain a condition for normalization of diplomatic relations between Jerusalem and Cairo<sup>270</sup>.

Despite of all these efforts, Israel refrained from restoring the keys to the Copts by the obligation to appease the Ethiopian government during "Operation Moses"<sup>271</sup> in 1984-1985; the concealed mass emigration of Falasha Jews out of Ethiopia, in addition to worrying about endangering El Al Israel airlines flights through Ethiopian air space.

In 1986, Yisrael Lippel, who was the deputy director of the general of the Israeli ministry of religious affairs, spoke to Kol-Ha'ir, regarding the event of Easter 1970. He said:

*"The government of Israel committed a serious error. It mixed up foreign policy and politics with the most sensitive religious questions in the Christian world.*

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<sup>268</sup> Hecht R. (1995, p. 203)

<sup>269</sup> Bowman (2011, p. 391)

<sup>270</sup> Hecht R. (1995, p. 204)

<sup>271</sup> Operation Moses was secretly organized in 1984 in order to bring as many Ethiopian Jews as possible to Israel. As the Jews were forbidden to depart Ethiopia, it was necessary that the operation remain secretive, and as a symbol of the idea that the redemption of Ethiopian Jews was similar to the Exodus from Egypt, the operation was given the name Moses.

*When you favor political considerations over the maintenance of the Status Quo you invite pressures and complications”.*<sup>272</sup>

This statement is enough proof that Israel has altered the Status Quo arrangements to gain political profits. The Ethiopians gained while the Copts had to pay a heavy toll in this act. The dispute over Dair al-Sultan sadly remains to this day.

### **3.3 How Israel failed as an occupying power to maintain the Status Quo**

Immediately after the 1967 war, Moshe Dayan, the Israel Minister of Defence announced the following:

*“To our Arab neighbors we stretch out, again at this hour – and with added emphasis- the hand of peace. And to our Christians and Moslem fellow-citizens we solemnly promise religious freedom and rights. We came to Jerusalem not to possess ourselves of the Holy Places of others, or to interfere with the members of other faiths, but to safeguard the City’s integrity and to live in it with other in unity”*<sup>273</sup>

Zander argues that as far as the Christian Holy Places are concerned, the most relevant part of the proclamation of Dayan is the statements: *“We came to Jerusalem not to possess ourselves of the Holy Places of others”*. He claims that no one can doubt the truth of these words, and that no one could have seen that the purpose of the 1967 war was the conquest of the Holy Sepulchre or the Nativity Church, as many Israeli’s had hardly ever

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<sup>272</sup> Cohen (2008a, p. 201)

<sup>273</sup> Zander (1971, p. 98)

heard of the Christians sanctuaries<sup>274</sup>. However, this assumption made by Zander, is misleading, as it will be noted in the following pages how the issue of a Christian sanctuary “Dair al-Sultan” was used by Israel to gain political achievements.

Immediately after Dayan’s announcement, Israeli Prime Minister, Eshkol Levi, convened a meeting with the heads of major religious communities in Jerusalem. “*You can be quite certain that no harm of any kind will be permitted to the holy places*”, he said. Arrangement for the holy places of Judaism, Islam and Christianity, he proposed, should be made by clergymen of each religion, not the government. In the Christians case, he referred to a “council of Christian dignitaries”<sup>275</sup>.

Then on June 27, the Knesset passed a law<sup>276</sup> providing protection of the holy places. Section 1 explains that the Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feeling with regard to those places<sup>277</sup>. Section 4 of this Law charges the minister of religious with its implementation<sup>278</sup>. The same day, Eshkol gathered in his office more than forty religious leaders that included the Greek, Latins, and the Armenian patriarchs, where he declared his government’s commitment “*to preserve the holy places, to ensure their religious and universal character, and to guarantee free access*”<sup>279</sup>

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<sup>274</sup> Zander (1971, pp. 98-99)

<sup>275</sup> Cohen (2008a, p. 185)

<sup>276</sup> “Protection of Holy Places Law 5727-1967”

<sup>277</sup> Zander (1971, p. 102)

<sup>278</sup> Eordegian (2007, p. 41)

<sup>279</sup> Cohen (2008a, p. 185)

With all this being declared, Israel still adopted from the British and Jordanian governments the role of policing the Holy Sites (*Holy Places*) so as to prevent public disorders, but refused to take on that of mediating controversies between the churches over the application of the Status Quo regulations<sup>280</sup>. Cohen makes clear the implications of this refusal: “*disputes... were now negotiated directly and not settled by an empire... in the past... the Jordanian governor was there to help in the event of a deadlock in the talks. Now, there was no governor to fall back on*”<sup>281</sup>. This was “*extremely problematical, as it was, after all, the very inability of the Christian communities to solve the problems of internal administration of the Holy Places that led to the Status Quo being instituted*”<sup>282</sup>.

The absence of a legally binding provision of the term *Holy Places* was felt after 1967, when the Israeli High Court of Justice had to make a decision on a few incidents related to the Christian Holy Places. Those incidents helped the court to comprehend the intricacies with adjudicating claims regarding the Holy Places that came under the Order of Council and consequently take measures on their jurisdiction. The first incident happened in 1968, when a dispute broke out between the Armenians and the Copts over repairs in the Church of the Holy Sepulchre. An attempt made by the Copts to change the Status Quo through the court was settled when the judge realized that he had made a mistake and apologized for having forgotten that the 1924 Order in Council, which withdrew such matters from the jurisdiction of the courts, was still in effect.<sup>283</sup>

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<sup>280</sup> Bowman (2011, p. 388)

<sup>281</sup> Cohen (2008a, p. 211)

<sup>282</sup> Benvenisti (1976, pp. 263-264)

<sup>283</sup> Eordegian (2007, pp. 42-43)

What this was later translated in practice, during the Israeli occupation period, is that in any situation “*where a lack of clarity exists in the Status Quo regulation or where there is no solid consensus over the application of the existing legislation, confrontations flare up which can only be quenched, if at all, by drawn out and aggravated negotiations*”<sup>284</sup>. An example of this was the constant clashes between the Armenians and the Greek Orthodox over the caretaker of the Edicule. Twice in 2008, violent clashes broke out between the two groups. The Israeli authorities made no rulings on the Status Quo but “*continued to carry out the sort of law-and-order functions... they only intervened in the event of a dispute between a major community and a minor community, not between major communities*”<sup>285</sup>. The authorities resided to “*breaking up fights and arresting violent monk*”<sup>286</sup>.

According to Eordegian, Israel failed to respect the principles of the Status Quo regulations applying to the Christian Holy Places on three levels. The first level, from the early years of statehood, Israel applied the concept of the Status Quo to its definition of the Holy Places with the purpose of securing its sovereignty over West Jerusalem and limiting international control to the Holy Places administered by the Status Quo regulations. As those Holy Places were situated in Jordanian East Jerusalem, Israel argued that only that part of the city needed international protection. Secondly, after 1967, and in an attempt to divert the world attention from internationalization of Jerusalem, the Israeli authorities measured the option of signing a treaty with the UN, which would guarantee the protection of Holy Places. However, Israel apprehended that

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<sup>284</sup> Bowman (2011, p. 388)

<sup>285</sup> Cohen (2008a, p. 211)

<sup>286</sup> Bowman (2011, p. 389)

reaching a separate agreement with the Vatican, a passionate supporter of the internationalization plan, would serve the purpose better<sup>287</sup>. Thirdly, and as is the case with Dair al-Sultan, *“Israeli High Court of Justice was called upon to make decisions on cases related to the Status Quo arrangements. Accordingly, it made an innovation to the British Mandatory practice of not adjudicating on such cases. The Israeli High Court of Justice did so by empowering the government with the legislative duty of making decision on these cases. However, the Israeli government has so far failed to perform this duty.”*<sup>288</sup>

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<sup>287</sup> This resulted in the signing of an ongoing series of agreements between Israel & the Vatican in 1993 and 1997.

<sup>288</sup> Eordegian (2007, p. 45)

## **Findings and Recommendations**

One of the major findings was the difficulty of maintaining the Status Quo agreements after the end of the Ottoman era in Palestine. It is interesting that the lack of information and missing documents caused the British government to carry out an extensive research in trying to gather the Status Quo arrangements into one book; this was done by appointing L.G.A Cust to overtake this responsibility. Though it was not an easy task, still Cust managed to bring us the only written document available today, which describes in details many of the specific arrangements on ground at the Holy Sepulchre church and other Christian locations. The document was later used by the Jordanian rule over the city.

An important point in relation to this would be that territorial sovereignty, regardless of its nationality or identity, does not govern the status of the Holy Places. Rather, it is the certain religious groups who exercise rights on the territory of the Holy Land. Christians, including the Eastern Orthodox, Roman Catholic, and Armenian Churches all exercise these rights independently, irrespective of the state sovereignty. The status quo comprises three elements:

- 1) A determined territory
- 2) Precise rights
- 3) Certain persons to whom these rights belong.

Written and unwritten legal sources determine these concrete rights, and these in return result in De Jure versus De Facto, depending on the situation. However, Israel has clearly manipulated the Status Quo to gain political benefits causing tensions between Ethiopians

and Copts by altering the precise rights and the determined territory of the Copts in Dair al-Sultan. The unresolved incident of this case was the use of force by members of the Ethiopian community and the Israeli police on Easter night, 1970. By changing the locks of the doors of the passage they violated straightforward Status Quo arrangements. It is surely unimaginable that the Israel continues to tolerate such a breach of public order and peace.

It is in my recommendation, therefore, that the first and most important measure is for the order to be amended in such a way that the locks fixed by the Ethiopians be removed, that they then be replaced by new locks on both sides of the passage, and that the keys will be handed back to the Copts. This would restore the right of the Copts to move freely through the passage as before the incident, without being dependent on the consent or approval of the Ethiopians; a right which had never been taken from them throughout history.

Archbishop Abraham told me that:

*“The court ordered the Ethiopians to open the passage every day at 4:00 am, they don’t abide to this, and instead they only open the gate at 8:00am. The Status Quo continues to be breached every year, as they have now renovated the doors of 11 chambers in Dair al-Sultan... the Ethiopians have also scrapped off all Coptic icons and verses from the two churches, and have started using a stage, a tent and even microphones during their Easter celebrations... this is all unacceptable”.*

Finally, there is a need to translate the Cust Memorandum to Arabic and then make it available for the Christian Palestinian community in Jerusalem and other parts of Palestine. There is a need to educate the people in the Status Quo arrangement and help them realize the effect of such arrangements on the day to day life of the Holy Sepulchre Church. We have to work towards educating the generations to dwell on the historical and religious values rooted in the stones of Churches and Mosques, and to be the true keepers of tradition and faith, standing together in unity, until peace prevails in this city.

Doubtless, the status quo in Jerusalem has its flaws. Nevertheless, it also has one great merit: it works. Let it then become the starting point of cooperation between Christian Churches, not the beginning of trouble for all parties concerned.

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## **Annex 1:**

### **Israeli High Court Verdict on Dair al-Sultan**

There remains one submission of the State Attorney, the most serious of his submissions, that in view of the complicated, problematic nature of the history surrounding the Holy Places and the confused nature of the dispute between the Copts and the Ethiopians it is most desirable that the handling of this substantive dispute that entirely belongs to the domain of the Government, which possesses the necessary means therefore, should not be separated from the possessory dispute to which the Hearings in this trial are confined. For this reason, equity demands that the Court should not now grant the relief prayed for which lies in its discretion. The Government has not indeed embarked on a closely detailed enquiry into the rival substantive claims of these communities, but the reason for that is because the petition was only presented three days after the trespass incident and the Government, therefore, took the position that it must wait until this trial was completed.

On his part, counsel for the third Respondent (the Ethiopian Archbishop) wished to emphasize the said submission by pointing to the pattern described by the legislator in the last part of sec. 19 of the Land Law, 1969, where under the Court, having jurisdiction to deal with and decide the possessory claim of the previous occupier and the proprietary claim of the person who took the law into his own hands, may join the two actions and also lay down temporary arrangements for possession that will obtain pending a final decision of the parties' rights. The policy reflected by such arrangement, according to counsel's submission, is most apt in the present instance because of the special

extraordinary character of the dispute. But it is impossible to put it into effect if the police are today ordered to assist the Copts to recover possession of the passage to the two chapels.

Furthermore, the third Respondent will be unable to come to Court, in view of the jurisdictional obstacle set up by the Order in Council of 1924, with a proprietary claim to effectuate the substantive rights of the Ethiopians in the said property; he has the option only of asking the Government to ponder the problem and decide between them.

I see some reason in these objections, but not so far as to conclude that they necessitate a waiver in principle of the application of decided law, the import of which is that no one is to be encouraged to take the law into his own hands and that if an act of trespass is still “fresh” the police must hasten to the assistance of the dispossessed person and help him restore the status quo. Along with this, it is essential to make an effort to arrive at a solution that also has regard for all those considerations which were raised in the aforesaid submissions. Let me explain. If after the incident, the Government had decided, in accordance with the powers given to it under sec. 29 of Basic Law: The Government, to deal with the substantive dispute between the two communities in the manner which the Court would act under sec. 19 of the Land Law and for this purpose to make an interim order providing for temporary regulations of possession, then, thereafter, there would have been no room for any interference on the part of the police in the matter, nor would this Court have interfered. Be it noted that the fact alone that in the meantime the petition had been filed would not constitute any barrier to the Government acting in this way while the trial was still pending. Having regard to these matters, the solution which should be adopted in this case is as follows: The Order Nisi will be made absolute against

the first Respondent in the sense of the relief claimed against him, the substance of which was set out above. Execution of the Order Absolute will, however, be postponed until April 6, 1971, to enable the Government, if it thinks it right, to exercise the powers - which are always available to it - and deal with the substantive dispute in such a manner as it thinks fit. Clearly, in a case such as the present, the Government can always issue interim orders to the parties for the purpose of regulating possession temporarily until the dispute is decided or composed in some final manner.

On the basis of the foregoing it is, in my opinion, right to make the Order Nisi absolute against the first Respondent alone, with the proviso, however, that execution of the Order Absolute be postponed until April 6, 1971, to enable the Government to proceed in accordance with what has been said above”.

## Annex 2

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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

COMMITTEE ON JERUSALEM

### THE HOLY PLACES

Working Paper prepared by the Secretariat

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Paragraph 7 of the Resolution on Palestine adopted by the General Assembly on 11 December 1948\* states that the Assembly resolves:

"That the Holy Places - including Nazareth - religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposal for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval."

The present paper consists of two sections: Part I, containing a brief explanation of "existing rights and historical practice" concerning the Holy Places in Palestine, together with an annotated list of the Holy Places; Part II, consisting of a short account of the studies and recommendations made hitherto in regard to the Holy Places by various organs of the United Nations.

#### PART I. THE STATUS QUO AND THE HOLY PLACES

Throughout the centuries, tradition has accorded to certain shrines, sites and religious buildings in Palestine a special significance, and they have accordingly been held in particular veneration by three of the great religions of mankind. Although the larger

number of the sites generally known as "Holy Places" are especially revered by Christians, Palestine is a Holy Land by virtue equally of its spiritual significance to Islam and to Judaism and of its many shrines and sites sacred to those faiths.

In his Report on the Administration of Palestine, 1920 - 1925\* (*\*Colonial No. 15, page 48, London 1925*), the first British High Commissioner, Sir Herbert Samuel, described the problem of the care of the Holy Places as follows:

"All the chief shrines sacred to Christendom are here; Islam sends pilgrims to mosques in Palestine which rank next only to the Kaaba at Mecca and the Tomb at Medina; there are spots round which are entwined the strongest affections of Judaism. The access to these places, their ownership and care, have given rise to controversies through the centuries. Local disputes have often caused disturbances, the support, given by Great Powers, to one party or another has been a factor in diplomacy, and sometimes a contributory cause of enmity and of war."

#### A. NOTE ON THE HISTORY OF THE STATUS QUO

The disputes which occurred with the passage of years concerning certain of the Holy Places related especially to questions of ownership and the right to hold religious services, and arose chiefly between the Latin and Orthodox branches of Christianity. As a result of these disputes, the Ottoman Government decreed in 1757 a modus vivendi which applied to certain Holy Places and which subsequently became known as the Status Quo.

The Ottoman Sultans tended to favour the Orthodox Christians in Palestine, who were their own subjects, at the expense of the Latin Christians, who were the subjects of European Powers with whom the Sultans were frequently at war; and the arrangement of 1757 deprived the Latin Church of a number of Holy Places which had formerly belonged to it. The French Government, on behalf of the Catholic Powers, made several attempts to redress the balance in favour of the Latin Church. In the main, however, it was unsuccessful, and in 1852 the Sultan Abdul Majid reaffirmed the Status Quo of 1757. In 1853, an undertaking to maintain its provisions was made by the signatory Powers of the Treaty of Paris signed at the conclusion of the Crimean War.

At the end of the First World War, Palestine passed under the protection of Great Britain. It was felt that it was opportune to re-examine the whole question of the conflicting claims regarding the Holy Places. Therefore, while Article 13 of the Mandate for Palestine made the Mandatory responsible for the protection of the Holy Places and for the preservation of existing rights relating to them (i.e. the Status Quo), Article 14 provided for the appointment by the Mandatory of a Special Commission "to study, define and determine the rights and claims in connection with the Holy Places and ..... the rights and claims relating to the different religious communities in Palestine. Article 14 further laid down that "the method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval and the Commission shall not be appointed or enter upon its functions without the approval of the Council."

In 1922 the British Government put forward suggestions for the composition of the Commission, but these were not acceptable to the Catholic Powers on the League Council and were withdrawn. The Mandatory Power then suggested in 1923 that, pending the establishment of the Special Commission provided for by the Mandate, an ad hoc Commission of Enquiry, composed of one or more British judges not resident in Palestine, should be appointed to deal with any disputes which might arise in connection with the Holy Places. This proposal, however was not carried into effect, and as a consequence, the Status Quo promulgated in 1757, and reaffirmed in 1852 was applied in respect of the rights and claims of the various communities throughout the duration of the British Mandate. All disputes were referred to the Government of Palestine\* (*\*Palestine (Holy Places) Order in Council, 1924 reproduced as Annex (a) Part I of this paper.*); if the Government's decision was not accepted, a formal protest was made by the interested community and it was recorded that no change in the Status Quo was held to have occurred.

Since the end of the Mandate for Palestine, no other international arrangement has been concluded concerning the Holy Places; further, the General Assembly of the United Nations, by its reference to the protection of the Holy Places, "in accordance with existing rights"\*\*\* (*\*\*A/807, paragraph 7*) would appear to have endorsed the validity of the Status Quo as presently applied. It should, moreover, be noted that in response to the invitation extended in 1947 by the United Nations Special Committee on Palestine (UNSCOP) to the heads of religious bodies in Palestine asking them to present statements on their religious interests, the Armenian, Greek Orthodox and Coptic Orthodox Patriarchs specifically urged the integral and permanent maintenance of the present Status Quo.\*\*\*

*(\*\*\*Memorandum presented to UNSCOP by the Armenian Patriarch of Jerusalem, 15 July 1947; Memorandum presented to UNSCOP by the Patriarchal Representative of the Greek Orthodox Patriarchate, Jerusalem, 3 July 1947, Letter to UNSCOP from Coptic Orthodox Patriarch, Jerusalem, 15 July 1947.)*

## B. THE SCOPE OF THE STATUS QUO

The Status Quo is in effect the perpetuation of arrangements approved by the Ottoman Decree of 1757 concerning rights, privileges and practices in certain Holy Places to which conflicting claims had been put forward. The conflicting claims related to disputes between religious faiths concerning a Holy Place (Cf. Rachel's Tomb, the ownership of which has been claimed by both Jews and Moslems) and disputes between branches of religious faiths (Cf. the Basilica of the Holy Sepulchre, where rights and claims have been contested by the Latin, Greek Orthodox, Armenian, Coptic and Syrian Jacobite Churches). In the main the disputes concerned

(a) questions of ownership and matters devolving therefrom, such as the right to carry out repair work or alterations;

(b) questions relating to the right to hold religious services.

The Status Quo may be said to have "frozen" the situation regulated in 1757, even in regard to the most minute and intricate details, such as the use of candelabra and the decoration of an altar.

In all matters of principle concerning the Status Quo in the Christian Holy Places, only the three "major communities" are taken into account. These are the Latin Church (i.e. the Roman Catholic Church and in particular the Franciscan Fraternity of the Custody of Terra Sancta); the Greek Orthodox Church; and the Armenian Church. The right to hold services at certain times is possessed by the Abyssinians, the Copts and the Syrian Jacobites.

The Holy Places and their component parts governed by the Status Quo fall into four groups:

- (1) The parts that are agreed to be the common property of the three major communities in equal shares;
- (2) The parts claimed by one community as being under its exclusive jurisdiction, but in which the other two communities claim joint proprietorship;
- (3) The parts the ownership of which is disputed between two rites;
- (4) The parts of which one community has the exclusive use qualified by the right of the others to cense and visit it during their offices;
- (5) The parts which are in the exclusive jurisdiction of one community but are comprised within the ensemble of the Holy Place.

In the administration of the Status Quo, certain fixed principles relating to ownership are followed. For example, authority to repair a floor or a roof implies the right to exclusive possession on the part of the restorers. The right to hang or change a lamp or a picture is hold to imply exclusive possession of a pillar or wall. The right of other communities to cense at a chapel recognizes the position that the ownership of that chapel is not exclusive.

The application of the Status Quo varies in strictness. In the parts in dispute, nothing can be done in principle in the way of repairs. In the case of urgently needed repairs, under the Mandate the work was carried out by the Government or local authority and the question of payment left in suspense. Sometimes an arrangement was made whereby a community that wished to carry out work in a locality might be allowed to do so, provided the other communities were allowed to undertake equivalent work in places where they put forward a similar claim. In other cases it was sufficient for a community to give formal notice of the intended work, but any fundamental change had to be made the subject of a special arrangement.

### C. HOLY PLACES TO WHICH THE STATUS QUO APPLIES

The Status Quo applies to the following nine Holy Places in Palestine (all of which are in the Jerusalem area).

1. The Basilica of the Holy Sepulchre and its dependencies, Jerusalem.
2. The Deir al Sultan, Jerusalem.
3. The Sanctuary of the Ascension, near Jerusalem.
4. The Tomb of the Virgin, near Jerusalem.
5. The Basilica of the Nativity, Bethlehem.
6. The Grotto of the Milk, Bethlehem.
7. The Field of the Shepherds, Bethlehem.
8. The Wailing Wall, Jerusalem.
9. Rachel's Tomb, near Bethlehem.

A summary note on the way in which the Status Quo applies in each of the above nine cases is given in Section D below in the note on the Holy Place concerned.

Apart from those nine Holy Places, all the remaining Holy Places in Palestine are not subject to the Status Quo because the authorities of one religion or of one community within a religion are in recognized or effective possession.\* (*\*As for example the Cenacle which, though a Christian Holy Place, has been in Moslem hands since the middle of the 16th century. The position that Christians do not in effect enjoy the right to hold services there is uncontested.*)

### D. LIST OF THE HOLY PLACES IN PALESTINE

The following list of Holy Places in Palestine is in no sense comprehensive; it is merely compilation of lists presented on various occasions to the United Nations Special on Committee on Palestine by the Custody of Terra Sancta, the Greek Orthodox and Armenian Patriarchates and the Government of Palestine. All these bodies gave the Special Committee lists of shrines and sites which in their view were to be regarded as Holy Places. The list presented by the Greek Orthodox Patriarchate differed somewhat from those prepared by the other bodies, in that it included a large number of monasteries and churches. The list given below, therefore, is not completely consistent since it includes a much larger number of Greek Orthodox than of Roman Catholic or Armenian religious buildings. Reference may also be made to the "partial List of Roman Catholic Activities in Palestine, presented to UNSCOP by the Catholic Near East Foundation\* (*\*Annex to Memorandum presented to UNSCOP by the Catholic Near East Foundation, 5 June 1947*), which includes churches and monasteries not specifically regarded as "Holy Places", and to the Memorandum presented to UNSCOP by the Consul-General of France\*\* (*\*\*Jerusalem, June 1947*), which lists French religious and educational institutions in the Holy Land.

It should moreover be pointed out that neither the Moslem nor the Jewish religious authorities submitted lists of Holy Places to the Special Committee, those listed below were brought to the attention of the Committee by the Government of Palestine as being

more important shrines in Palestine sacred to Islam or Judaism.

Since the Conciliation Commission's terms of reference differentiate between the Holy Places in the Jerusalem area and those in the rest of Palestine\*\*\* (\*\*A/807, paragraph 7 (quoted on page 1 of this paper)), the list is divided into two sections: the Jerusalem area, and the rest of Palestine. The Holy Places are listed in each section alphabetically under three groups: Christian, Moslem and Jewish. Those to which the Status Quo relates are indicated by an asterisk. An index is appended.

## INTERNATIONAL AREA OF JERUSALEM

### A. CHRISTIAN HOLY PLACES

#### AIN KARIM

AinKarim is venerated by Christians as the place of the visitation of the Virgin Mary and as birthplace of St. John the Baptist.

1. The Church of the Visitation is built on the traditional site of one of the two houses of the High Priest Zachary (St. Luke I, 40), the house where the Virgin Mary visited Elizabeth and spoke the Magnificat. A church stood on this site before the end of the 4th Century. It fell in ruins towards the end of the 15th Century. The Franciscans bought the ruins from the Ottoman Government in 1679 and were permitted to rebuild the lower part of the original church, but not the upper part, which remained in ruins until a few years ago, when the Franciscans built a new church incorporating all that still remained of the original building. The Latin rite regards the Church of the Visitation as coming under its exclusive jurisdiction. According to the Armenian Patriarchate, the Armenian Church at one time owned the Church.

2. The Church of St. John the Baptist is built on the traditional site of the other house of the High Priest Zachary, the birthplace of St. John the Baptist.

The first church on this site was built during the 5th Century. It was destroyed by the Samaritans during their revolt against the Byzantine Empire (A.D. 521-531) and the Greek brethren who served it were martyred. The church was soon afterwards restored; by the beginning of the 12th Century it was again in ruins, but shortly afterwards it was once more restored. After the expulsion of the Crusaders, it was transformed into an inn and stables, but was still a place of pilgrimage for all rites. The Franciscans finally purchased the site. The present traditional birthplace of St. John the Baptist is venerated in a grotto at the east end of the northern nave.

The Latin Church regards the Church and the Grotto as coming under its exclusive jurisdiction. The Greek Orthodox Church lists a Church of St. John as a Holy Place under its guardianship.

### 3. The Desert of St. John the Baptist

This site is a short distance to the west of AinKarim; it includes the Grotto where St. John traditionally lived his hermit's life, and the small Franciscan Chapel of St. John the Baptist In the Desert.

The whole site is a Holy Place under the jurisdiction of the Custody of the Holy Land.

### BEIT JALA

4,5, 6. The Greek Churches of the Blessed Virgin Mary, St. Nicholas and St. Michael are regarded by the Orthodox Church as Holy Places under its guardianship.

### BEIT SAHUR

See below under BETHLEHEM: Shepherds' Field.

### BETHANY

The village of Bethany as a whole is sacred in Christian tradition as the home of Martha, Mary and Lazarus. From the neighbourhood of Bethany and the adjacent village of Bethphage Jesus set out upon His triumphal entry into Jerusalem on the first Palm Sunday. The following shrines are especially venerated:

7. The Tomb of Lazarus (where Jesus performed the miracle of raising Lazarus from the dead). The Tomb was venerated from an early date; by the time of St. Jerome (A.D. 349-419) a church had already been built over it. In 1134 Queen Melisande built an abbey a short distance east of the Tomb; it fell into ruins some years after the capture of Jerusalem by Saladin in 1187. Towards the end of the 16th Century the remains of the ruins of the original church were transformed into a mosque which Christians were forbidden to enter. Shortly afterwards, however, the Custos of the Holy Land obtained permission from the Ottoman Government to open a new entrance into the Tomb, which has ever since been available to the veneration of Christians.

The Custos of the Holy Land lists the Tomb as being used "in common" - presumably by the Latin, Armenian and Greek Churches.

8. The Stone of Meeting. The Custos of the Holy Land lists this as being "used in common".

9. The ruined Church of St. Lazarus, also known as the House of Martha and Mary, and the adjoining ruins of monastery. The Latin Church claims exclusive jurisdiction over these.

10. The Monastery of Bethany. The Greek Orthodox Church claims guardianship of this

monastery.

11. The site of the House of Simon the Leper, where the friends of Jesus invited Him to take supper. The Latin Church claims exclusive jurisdiction over this site.

12. The site of the departure for the triumphal entry into Jerusalem is under the custody of the Latin Church.

13. The Monastery of Bethphage is regarded by the Orthodox Church is a Holy Place under its guardianship.

## BETHLEHEM

### 14. The Basilica of the Nativity\*

The Basilica of the Nativity in Bethlehem is built over the Grotto where Jesus was born. It is held to be probably the oldest Christian place of worship still in constant use. It was originally built by the Emperor Constantine in A.D. 330 and was restored and enlarged in the 6th Century. The basilica was again restored and enlarged in the 6th Century by the Byzantine Emperor Manuel Comnenus; the mosaics date from this period.

The Status Quo applies to the Basilica. The details of its application are too complicated to be described in this paper; reference should be made to the annexe to L.G.A. Cust's Memorandum on the Status Quo in the Holy Places: "The Status Quo in the Church of the Nativity, Bethlehem, by Adbullah Effendi Kardus."

Briefly speaking, the Orthodox Church claims exclusive ownership of the Church as a whole, but parts of the Church belong to the Latin and Armenian Churches, and the right to hold religious services, under certain conditions, is shared by Latins, Armenians, Copts and Syrian Jacobites.

At the Christmas festivals the three Patriarchs enter the Church in solemn procession. Under the Mandate they were accompanied from Jerusalem by an escort of mounted police.

The Parvis. The Orthodox claim sole ownership, but no work can be carried out except with consent of the other communities. The Armenian Patriarchate in its Memorandum to UNSCOP claimed equal ownership of the Parvis with the Orthodox.

The Entrance Doorway. The key is kept by the Orthodox.

The Narthex (space between the Nave and the entrance door) is Orthodox property and cleaned daily by them, with the exception of the strips leading to the Armenian Convent, which are Armenian property. One

lamp belongs to the Greeks and the other to the Armenians.

The Nave. The cleaning of the Nave is undertaken exclusively by the Orthodox, to whom all ikons, lanterns and lamps belong. The Orthodox also hold the key to the "common door" of the Nave. The Armenians enjoy right of passage through the Nave to their Church on certain feast days and special occasions. The Latins have the right of passage from the entrance to their Convent door between the first and second pillars of the Convent doors; any attempted departure from this practice is immediately contested by the other communities. Urgent repairs to the roof of the Nave had to be carried out by the Government of Palestine in 1926 because the Latins and Armenians strongly contested the Orthodox claim to the exclusive right to undertake this work.

The Katholikon is exclusively used by the Orthodox. Cleaning may not take place when the Armenians are using their Church.

The Church of St. Nicholas in the south transept is exclusively Orthodox property.

The Armenian Church of the Nativity in the north transept is under the exclusive jurisdiction of the Armenian Church. The Latins have the right of passage from the door in the north-west corner of the Armenian Church to the door of the Grotto. The Syrian Jacobites and Copts have the right to hold services in the Armenian Church on certain occasions and the Syrian Jacobites claim that the altar on which they officiate is their property. The arrangements for cleaning the Armenian Church are very complicated; in certain parts under dispute a cleaning was formerly undertaken by the Government of Palestine.

The Grotto of the Nativity consists of two parts: the Altar of the Nativity, shared by the Armenians and Orthodox, the Copts and Syrian Jacobites enjoying the right to officiate; and the Altar of the Manger, exclusively under Latin jurisdiction. There is a highly complicated system of rights of ownership of hangings, curtains, pictures and lamps, which is rigidly adhered to. To take only one example, the silver star of the Nativity has been the subject of so many disputes that both Ottoman and British administrations stationed a guard in the Grotto to watch over it. The Star is dusted daily by the Orthodox and is washed by the Orthodox and Armenians, twice a week by each; the Altar above it is cleaned by the Orthodox only.

In 1924 a member of the Polish consular staff was married in the Grotto. The Orthodox claimed a breach of the Status Quo, but the right of all three communities to hold services in the Grotto was upheld.

The Latin Church further claims exclusive jurisdiction over the following altars and shrines:

Site and Altar of the Adoration of the Magi.  
Cave and Altar of the Holy Innocents.  
St. Jerome's Grotto.  
Altar of St. Joseph dedicated to the Flight into Egypt.  
Tomb and Altar of St. Jerome.  
Tomb and Altar of St. Eusebius.  
Tomb and Altar of St. Paula.  
Tomb and Altar of St. Eusiochium.

15. Cistern of David. One of the three cisterns situated to the north of Bethlehem and known as the "Cistern of David" is regarded by the Latin Church as a Holy Place under its exclusive jurisdiction.

16. Milk Grotto\* (Mgharet-es-Saiydi)

The Grotto lies a short distance to the south-east of the Basilica of the Nativity. According to local tradition, the Virgin Mary stayed in the Grotto before the Flight into Egypt, and a few drops of her milk dropped on the ground. The spot is highly venerated by Christians and Moslems in the neighbourhood, and the white stones of the Grotto in powdered form, are held to increase the flow of mothers milk.

The shrine is preserved and maintained by the Latin Church, and, together with the adjacent chapel of St. Joseph, is considered by the Latins as coming under their exclusive jurisdiction.

The Milk Grotto is in general subject to the Status Quo, but in this connection there is nothing to record concerning the site.

17. The Armenian Monastery of Bethlehem

This 5th Century Monastery, adjacent to the Basilica of the Nativity, is regarded by the Armenian Church as a Holy Place in its exclusive custody.

18. The Greek Monastery of Bethlehem

The Greek Orthodox Church regards this Monastery as a Holy Place under its guardianship.

19. Shepherds' Field\* (near Bet Sahur, the "Village of the Shepherds")

An olive tree, held to be sacred, is said to mark the spot where the angel appeared to the shepherds.

The Status Quo applies in general to the Shepherds' Field, but in this connection there is nothing on record concerning the site. The Latin Church claims exclusive jurisdiction over a part of the Field.

The Field has been venerated since the 4th Century. At the time of the Crusades a field about 2 km from Bethlehem known traditionally as the spot where Ruth met Boaz, was identified with the Shepherds' Field.

The Greek Orthodox Rite regards the Church of the Shepherds at Bet Sabur as a Holy Place under its guardianship.

BETHPHAGE: see above BETHANY

#### EL-KHADER

20. The Greek Monastery of St. George is regarded by the Orthodox Church as a Holy Place under its guardianship. (El-Khader is a small village situated to the right of a point on the Jerusalem-Hebron road, 3 kms south of Rachel's Tomb.)

#### JERUSALEM

21. The Basilica of the Holy Sepulchre\*

The first Basilica of the Holy Sepulchre was built on the site of the Crucifixion and the Resurrection of Christ at the order of the Emperor Constantine. It was solemnly dedicated in A.D.335. The Basilica was burnt when King Chosroes of Persia captured Jerusalem from the Romans (A.D.614). It was partly rebuilt by the Byzantine Emperor Constantine X in 1048, and further rebuilt by the Crusaders, in A.D. 1149. The Rotunda was destroyed by fire in 1808 and restored by the Orthodox Church.

The whole ensemble of the Church, including its commemorative shrines and chapels, is subject to the application of the Status Quo. The details of application are too complicated to be summarized adequately in this paper; reference may be made to the Memorandum on the Status Quo in the Holy Places by L.G.A. Cust, pp. 13-30.

Briefly speaking, the Latins, Orthodox and Armenian Churches share possessory rights in the Basilica, with the exception of a small chapel which belongs to the Copts. The Copts and Syrian Jacobites also possess the right to hold religious services under certain conditions. The Abyssinians hold this right only during Easter Week and then only on the roof of St. Helena's Chapel.

The Entrance Doorway and the Facade, the Stone of Unction, the Parvis of the Rotunda, the great Dome and the Edicule are owned in common by the three rites, who consent to share the costs of any repair work. The Entrance Courtyard is in common use but the Orthodox alone have the right to clean it. The keys of the entrance doors are in the custody of Moslem guardians, traditionally since the time of the Caliph Omar.

The Dome of the Katholikon is claimed by the Orthodox as being under

their exclusive jurisdiction. The other two rites contest this claim and demand a share in any repair costs. The Latin Church similarly maintains a disputed claim to the Chapel of the Invention of the Cross, and the Armenian Church to the Chapel of St. Helena.

The Latins and the Orthodox dispute the ownership of the Seven Arches of the Virgin; the Armenians and the Syrian Jacobites dispute the ownership of the Chapel of Nicodemus. In both cases neither party will admit the right of the other to do any repair work or to divide the costs.

The Chapel of the Apparition, the Calvary Chapels and the shrines commemorating incidents of the Passion are in the sole possession of one or other rite, but the others enjoy certain rights of office therein.

The Katholikon has been Orthodox property since the 14th Century, but as the Status Quo applies to the whole of the Basilica, any important structural repair or alteration has to be notified to the Latins and the Armenians.

## 22. The Cenacle (Mount Zion)

The Cenacle is the place of the Last Supper and of the descent of the Holy Ghost at Pentecost. It was the first meeting place of the Early Christians in Jerusalem.

Since 1552 the Cenacle has been under Moslem control and no Christian services may be held therein.

The Cenacle was already in use as a church as early as A.D. 135. During the 4th Century a basilica was built on the site of the primitive church. The basilica was destroyed by Moslems and Jews in 966; rebuilt by the Crusaders in the 12th Century; and destroyed once again by the Sultan of Damascus in 1219, on which occasion the Cenacle itself escaped destruction. It passed into the care of the Franciscans in the early 14th Century and remained so until 1552, when the Franciscans were ejected by the Ottoman government.

The "Franciscan Chapel of the Cenacle" is listed by the Custos of the Holy Land as being under the exclusive jurisdiction of the Latin Church.

## 23. Church of St. Anne

This church is built on the site of the house belonging to St. Anne (Mother of the Virgin Mary), where the Virgin was born.

This Church and its site have been, since 1856, the exclusive property of the French Government.

The present Church was built by the Crusaders in the 12th Century, on the site of a 6th Century Church. It was seized by Saladin in 1187 and converted into a Moslem theological school (the Salahiyeh, by which name it is still known to the Arabs today).

24. Church of St. Demetrios

This Church is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.

25. Church of St. George (Nikephoria)

This Church is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.

26. The Church of St. James the Great, on Mount Zion

The Church is the Cathedral of the Armenian Patriarchate of Jerusalem. It is built over the traditional site the martyrdom of St. James the Great. The Church, with the residence of the Armenian Patriarchate, and its hostel, monastery, convent, and school occupies the greater part of the southwest corner of the Old City.

It is a place of pilgrimage for members of all Churches, and the Latin Church in particular enjoys certain usages.

The present Cathedral was built in the 11th Century on the foundations of a 5th Century Church which was destroyed in 614. The North Wall is a remnant of the 5th Century Church.

27. Church of St. James (Cathedral Church)

This Church, which encloses the Chapel of Mary Magdalene and of the Forty Martyrs, is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.

28. The Church of St. Mary-Mark

This Church is built on the traditional site of the house of Mary, the mother of John surnamed Mark; St. Peter went to this house after his miraculous deliverance from Prison.

It is the seat of the Syrian Jacobite Bishop of Jerusalem; the Latin Church possesses the right to visit on certain feasts.

The present Church dates from the 12th Century. It stands on the site of a 6th Century Church.

29. Church of St. Panteleimon

This Church is regarded by the Orthodox Patriarchate as a Holy Place under its guardianship.

30. Central Convent of Saints Constantine and Helena

The Convent is the residence of the Greek Orthodox Patriarch and of the Holy Synod and the Brotherhood of the Holy Sepulchre. It is considered by the Orthodox Patriarchate as a Holy Place under its guardianship.

31. Deir al Sultan\*

The Convent of the Deir al Sultan is situated on the east side of the Basilica of the Holy Sepulchre, on the site of the cloisters of the Augustinian Canons of the Latin Kingdom. The Convent consists of a courtyard and a cluster of hovels occupied by Abyssinian monks under a Coptic guardian. The Chapels of St. Michael and the Four Martyrs are attached to the Convent.

The Status Quo applies to the Deir al Sultan, possession of which is claimed by both Copts and Abyssinians. The Abyssinians contend that when they lost their holding in the Church of the Holy Sepulchre in the 17th Century, being unable to pay the dues exacted by the Ottoman Government, they obtained possession of the Deir al Sultan which they have occupied till today. The Copts, on the other hand, maintain that the Convent has always been their property but that they took in the Abyssinians out of charity when the latter were expelled from their possessions. In the view of the Copts the Abyssinians now living in the Convent reside there on sufferance only and as guests. The dispute between the two rites began early in the 19th Century and has continued intermittently ever since. As according to the Status Quo no repairs can be carried out, the Convent is in very bad condition. Essential repairs were carried out during the Mandatory regime by the Municipality of Jerusalem or by the Government.

32. Gethsemane: the Gardens of Gethsemane

The Gardens of Gethsemane are sacred to Christians as the place of the Agony, Betrayal and Arrest of Christ, and also as the place to which He withdrew with His Apostles, in order to instruct them. The Gardens include the Grotto of the Apprehending of Jesus and the Grotto of Isaias; adjacent to these, in the Vale of Kidron, is the Tomb of the Virgin Mary (see No. 34 below).

33, In or near the Gardens are two churches the Basilica of the Agony, built in 1919 by the Franciscans on the site of a church erected by the Byzantine Emperor Theodosius (A.D. 379-395), and a church dedicated to St. Mary Magdalene and built by the Tsar Alexander III in 1888. It belongs to the Orthodox Russians.

The Status Quo does not apply to the Gardens of Gethsemane. The Latin Church

35, regards the Gardens, together with the Basilica of the Agony, the Grotto of the Apprehending of Jesus and the Grotto of Isaias, as coming under its exclusive jurisdiction. In 1925, during the building of the Basilica, a dispute arose between the Latin and Orthodox Churches concerning the demolition of a wall near the Pater

NosterColumn (which marks the spot of the Betrayal). The Orthodox Patriarchate made some concessions to the Latins, who in turn abandoned their former right of holding a service in the Orthodox Church of ViriGalilaei on the Mount of Olives. But the right of access had to be maintained. The column was eventually replaced opposite to the entrance to the Russian Garden, on the Public way.

37. The Orthodox Patriarchate lists the Monastery of Gethsemane as a Holy Place under its guardianship.

38. Gethsemane: the Tomb of Virgin\*

The Church of the Tomb of the Virgin (Sitna Miriam) is built over the place in the Vale of Kidron where, according to Christian tradition, the Virgin Mary was buried and three days later transported bodily to heaven.

The Church is governed by the Status Quo. It was at one time the exclusive possession of the Latin Church, but by the beginning of the eighteenth century the Orthodox and Armenian Churches each possessed an altar. The Latins were finally dispossessed in 1757\* (*\*According to Survey of Palestine, Vol. III, p. 1358, but the Custos of the Holy Land mentions 1740 (List of Holy Places submitted to UNSCOP.)*), and at present hold no services in the church. One of the claims that the Latin Church presses with great insistence, is however, the possession of this church. The Firman of 1652 gave it the right to hold services in the church but this right has never been exercised.

The ownership of the church and responsibility for repairs to it are shared by the Orthodox and Armenian Churches. Both churches enjoy the same privileges of worship.

Inside the church, the first Chapel on the right, dedicated to SS. Joachim and Anne, the Altar of St. Nicholas; the hangings and lamps on the right section of the Tomb of the Virgin, the altar of St. Stephen and all the end part of the Church belong to the Orthodox. The Armenians own the Chapel of St. Joseph, the altar of St. Bartholomew, the Chapel of the Presentation and the hangings and lamps on the left section of the Tomb of the Virgin. The Syrian Jacobites possess the right to officiate once a week on the Armenian altars and further claim that the altar of St. Bartholomew is their property. A dispute occurred between them and the Armenians in 1923, concerning the changing of two dilapidated icons on this altar by the Armenians. The Armenians eventually proved that the icon had Armenian inscriptions, and were therefore allowed to change them. The Copts also have the right to hold services in the church, they are allowed to use the Armenian Chapel of the Presentation twice a week.

A church existed on this site in the 4th Century. Bernard the Wise in the 9th Century described a round church "on which rain never falls, although

there is no roof on it". This church was destroyed in 1010 by the Caliph Hakim. It was rebuilt by the Crusaders in the form in which it stands today, Queen Melisande being its founder. It is largely constructed underground and has two semi-circular apses.

39. House of Annas the High Priest

The site of the house of Annas, with its 12th century church and convent, is regarded by the Armenian Church as a Holy Place in its exclusive possession.

40. The House of Caiaphas and the Prison of Christ.

The sites of the House of Caiaphas and the Prison of Christ (where He passed the night of Holy Thursday before His Crucifixion on Good Friday) are traditionally located beneath the Armenian Church on Mount Zion. Some archeologists hold, however, that they are located a few hundred yards away beneath and adjoining the Church of St. Pierre enGalicante.

The site, with its 12th Century Chapel and courts and 5th Century mosaic floor, is the property of the Armenian Patriarchate. It contains the stone that traditionally covered the Tomb of Christ and was rolled away by the Angel.

The Latin Church possesses the right to visit the site at stipulated times.

41. Martyrdom of St. James the Less, Site of

The site of the martyrdom of Saint James the Less in the Valley of Josaphat is regarded by the Armenian Patriarchate as a Holy Place in its exclusive possession.

The following monasteries and convents in Jerusalem are considered by the Greek Orthodox Patriarchate as Holy Places under its guardianship:-

42. Monastery of Abraham
43. Monastery of the Archangels
44. Monastery of the Blessed Virgin Mary (Nunnery)
45. Monastery of Praetorium
46. Monastery of St. Anna
47. Monastery of St. Basil (Nunnery)
48. Monastery of St. Charalambos
49. Monastery of St. Eftymios
50. Monastery of St. George (Jewish Quarter)
51. Monastery of St. George (Near Latin Quarter)
52. Monastery of St. John the Baptist
53. Monastery of St. Katherine
54. Monastery of St. Nicodemus
55. Monastery of St. Nicholas

56. Monastery of St. Spyridon

57. Monastery of St. Theodorus

58. Mount of Olives (see also No. 64 below, Sanctuary of the Ascension).

The Mount of Olives is sacred to Christians not only as the place of the Ascension but as the scene of Jesus weeping over Jerusalem, the resurrection of Lazarus, the triumphal entry into Jerusalem, the prophecy of the Last Judgment and Jesus' last words to his Apostles. From the 4th Century to the 7th Century the Mount of Olives was covered by churches and monasteries.

59. The site and the Chapel of Jesus weeping over Jerusalem (Dominus Fleuit) is in the custody of the Latin Church.

60. The 5th Century mosaics in the Museum were formerly the property of the Armenian Church, and now belong to the Russian Orthodox.

61. The Greek Monastery of ViriGalilaei is regarded by the Greek Orthodox Church as a Holy Place under its guardianship.

62. Pater Noster, Site of

This site is considered by the Custos of the Holy Land as a Holy Place which the Latin Church has the right to visit on certain occasions. The French Government, however, claims that full rights to this property were ceded to it in 1874, since when France has maintained full and undisputed ownership and enjoyment of this site.

63. The Pool of Bethesda

This was the scene of the miracle of the healing of the paralytic. It is in the custody of the Benedictines.

64. The Sanctuary of the Ascension\*

The Sanctuary of the Ascension, in El Tor village on the Mount of Olives, is built over the site of the Ascension of Christ. It is venerated by all Christian communities in Palestine.

The Sanctuary consists of a circular yard enclosed by a high wall. In the centre of the yard is a round domed building covering the rock which is regarded as the spot of the Ascension and which bears the imprint of the foot of Jesus.

The Status Quo applies to the Sanctuary. The whole of the Sanctuary has for many centuries belonged to the Moslems. It is attached to the Assadieh Takya but it is not used as a mosque, and the Armenian, Latin and Orthodox Churches and the Copts and Syrian Jacobites are permitted to hold services there. The Orthodox, Armenian, Copts and Syrians each have an altar outside the actual shrine, where they hold their services on

the Eastern Churches' Ascension Day. The Orthodox were permitted by the Firman of 1852 to hold their service within the shrine, but they have never exercised this right. The Latins hold a service on their Ascension Day inside the shrine. In 1922 they placed an altar outside in the yard, and aroused a protest from the Orthodox Patriarch. The Latins maintained, however, that they had the right of worship outside or inside the shrine as they chose, and the matter closed. In 1926 the Orthodox carried out some repairs to the outside of the surrounding wall, but this in turn gave rise to a protest from the Latins, on the ground that the shrine and enclosure were common property, and the work was stopped. Some repairs were carried out by the Jerusalem Municipality, at the joint expense of the three rites and it was agreed that any future repairs would be carried out at the expense of the three Patriarchates. The Sanctuary is open at all times and is regularly visited by pilgrims and visitors.

The earliest church on this site was built between A.D.333 and A.D.378. It was damaged by the Persians in 614 and restored under the Byzantine Emperor Heraclitus in 630. Travellers in the 8th and 9th centuries report having seen a round church with an open roof "to admit of the passing of Our Lord's Body". The church was again restored by the Crusaders early in the 12th century. Saladin transformed it into a mosque in 1198. It was almost completely destroyed about 1530; all that now remains is the Aedicule, built by the Crusaders.

#### The Stations of the Cross (Via Dolorosa)

The Via Dolorosa is the road which Christ followed bearing his Cross, from the Palace of Pontius Pilate to Calvary. The first nine Stations of the Cross form part of the Via Dolorosa, the last five are actually a part of the Basilica of the Holy Sepulchre.

A procession, presided over by the Franciscans, visits the Stations of the Cross each Friday, and on special Holy Days, such as Good Friday, there are solemn processions.

The Stations of the Cross are as follows:

65. 1st Station. The Condemnation of Jesus to death; the Judgment; the Crowning with Thorns; the Flagellation and Presentation to the people. The Chapels of the Flagellation and of the Condemnation are under the exclusive jurisdiction of the Custody of Terra Sancta.

66. 2nd Station. The Imposition of the Cross.

67. 3rd Station. Jesus falls for the first time.

68. 4th Station. Jesus meets His Mother.

69. 5th Station. Simon the Cyraenean helps Jesus to carry His Cross. The spot is marked by a small Chapel, which is under the exclusive jurisdiction of the Custody of Terra Sancta.

70. 6th Station. Saint Veronica wipes the face of Jesus.

71. 7th Station. Jesus falls for the second time. The Chapel built at this spot is under the exclusive jurisdiction of the Custody of Terra Sancta.

72. 8th Station. Jesus consoles the women of Jerusalem.

73. 9th Station. Jesus falls for the third time.

74. 10th Station. Calvary: the place of the Divesting of Garments. This site is under the exclusive jurisdiction of the Latin Church.

75. 11th Station. Calvary: the place of the Nailing to the Cross. The site is under the exclusive jurisdiction of the Latin Church.

76. 12th Station. The place of Crucifixion.

77. 13th Station. The place of Stabat Mater.

78. 14th Station. The Holy Sepulchre.

ViriGalilaei, See above Mount of Olives, No. 55.

79. Mar Elias.

The Greek Monastery of Mar Elias, situated on the Jerusalem-Bethlehem road, is regarded by the Orthodox Church as a Holy Place under its guardianship.

80. Saint Sabas, Monastery of (Mar Saba)

This Orthodox Monastery, which the Greek Church regards as a Holy Place under its guardianship, was founded by St. Sabas, a disciple of St. Euthymius, in A.D. 484.

B

ANNEX  
PALESTINE (HOLY PLACES) ORDER IN COUNCIL  
25 July 1924.

WHEREAS by the Palestine Order in Council, 1922, it is (among other things) provided that the Civil Courts in Palestine shall exercise jurisdiction in all matters and over all persons in Palestine:

AND WHEREAS it is expedient that certain matters shall not be cognizable by the said Courts:

AND WHEREAS by treaty, capitulation, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within Palestine:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

(1) This Order may be cited as "the Palestine (Holy Places) Order in Council, 1924."

(2) Notwithstanding anything to the contrary in the Palestine Order in Council, 1922, or in any Ordinance or law in Palestine, no cause or matter in connection with the Holy Places or religious buildings or sites in Palestine or the rights or claims relating to the different religious communities in Palestine shall be heard or determined by any Court in Palestine.

Provided that nothing herein contained shall affect or limit the exercise by the Religious Courts of the jurisdiction conferred upon them by, or pursuant to, the said Palestine Order in Council.

(3) If any question arises whether any cause or matter comes within the terms of the preceding Article hereof, such question shall, pending the constitution of a Commission charged with jurisdiction over the matters set out in the said Article, be referred to the High Commissioner, who shall decide the question after making due enquiry into the matter in accordance with such instruction as he may receive from one of His Majesty's Principal Secretaries of State.

The decision of the High Commissioner shall be final and binding on all parties.

(4) His Majesty, His Heirs and Successors in Council, may at any time revoke, alter or amend this Order<sup>289</sup>.

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<sup>289</sup>For the full version see [http://mideastweb.org/un\\_palestine\\_holy\\_places\\_1.htm](http://mideastweb.org/un_palestine_holy_places_1.htm)

## دراسة عامة لإتفاقيات الوضع الراهن في كنيسة القيامة والخلاف الأثيوبي القبطي على دير السلطان 1970 – 2015 كحالة دراسية

أعداد: سايمون كيفورك أزازيان

أشراف: د. يوسف الننتشة

### ملخص الرسالة

تعتبر كنيسة القيامة في القدس من أهم الأماكن المقدسة التي يحج إليها المسيحيين من كل بقاع العالم، فحسب الإيمان المسيحي، بنيت الكنيسة على مواقع هامة جداً ارتبطت بالساعات الأخيرة من حياة السيد المسيح. ففي هذا الموقع صُلب المسيح ودفن و قام من بين الأموات حسب العقيدة المسيحية، لذلك سميت بكنيسة القيامة. وتشارك ست طوائف مسيحية في هذه الكنيسة، منهم ثلاثة طوائف رئيسية هم الروم الارثوذكس والأرمن الارثوذكس واللاتين الكاثوليك، و ثلاثة الثانوية وهم السريان، والاقباط والاحباش وهم ارثوذكس.

بحثت الرسالة موضوع تنافس الطوائف المسيحية (بالأخص الغربية والشرقية) السيطرة على مرافق الكنيسة وتملكها. وتعود جذور تلك المنافسات والصراعات الى العهد الصليبي (الافرنجي)، حيث تم الغاء منصب بطريرك الروم واستبداله ببطريرك لاتيني افرنجي. لكن تم في عهد صلاح الدين ارجاع المنصب والحقوق للطوائف الشرقية وعلى رأسهم الروم الارثوذكس. واستمرت هذه الخلافات بين الطوائف لعصور طويلة جداً، تبادلت خلالها أيادي الكثير من الطوائف ملكية الكنيسة، وأدت الى خسارة بعض الطوائف لتواجدها الكامل في الكنيسة، مثل طائفة الجورجيين الذين اختفوا من القدس تماماً.

الرسالة تتكون من مقدمة وثلاثة فصول. الفصل الأول ركز على تاريخ الكنيسة وهندستها المعمارية، وتطرق بشكل موجز الى تكون الطوائف المسيحية المختلفة عبر التاريخ.

في الفصل الثاني من الرسالة، نال العهد العثماني عناية الباحث حيث بين كيف كثرت مطامع الدول الأجنبية في الكنيسة في ذلك العهد، حينما حاولت جاهدة كل دولة تثبيت طائفها في كنيسة القيامة، بحيث لم تخرج بعدها كنيسة القيامة يوماً ما خارج المعادلات والمنافسات السياسية، حتى أن هذه الخلافات لعبت دوراً في نشوب حرب القرم. وهنا كان لا بد من إيجاد حل لهذه المعضلة، فقام السلطان عبد المجيد عام 1852م بإلزام جميع الطوائف على قبول تسوية عرفت بإسم "إتفاقيات الوضع الراهن". وملخص الاتفاقية ان كل من يسيطر حالياً على موقع ما، يؤهله تلقائياً لإستمرار السيطرة عليه الى أجل غير مسمى. واذا وجدت عدة مطالبات من فئات مختلفة على نفس الموقع، حينها يجب موافقة جميعها على اي تغييرات في الموقع، مهما كانت طفيفة.

حرص الباحث على تقديم ملخص لتأسيس هذه الاتفاقيات، و تناول في كيفية تعامل الإنتداب البريطاني والحكم الأردني معها. ثم قدمت الرسالة مثلاً لجدية هذه الاتفاقية من خلال استعراض قضية (سلم الزمن)، الموجود على الواجهة الرئيسية فوق مدخل للكنيسة، والذي بقي في نفس المكان لمدة تزيد عن 200 عام بسبب وجود السلم على منطقة متنازع عليها بين الأرمن والروم.

خصص الفصل الأخير من الرسالة، لتتبع حالة دراسية تتعلق بقضية دير السلطان والخلاف عليه ما بين الاحباش والاقباط على ملكية هذا الدير الذي يقع على سطح جزء من كنيسة القيامة (كنيسة القديسة هيلانا). ففي عام 1970 قام الإحتلال الاسرائيلي ممثلاً بالشرطة بفرض واقع جديد، وهو تثبيت الاحباش بالدير من خلال تغيير أفعال الدير واعطاء المفاتيح للاحباش والإعتداء على الأقباط. وهذا تغيير صريح في حالة الوضع الراهن بقي قائماً حتى يومنا هذا وبالرغم من كل المحاولات القبطية لإسترجاع السيطرة على الدير.

في نهاية الرسالة، إستطاع الباحث أن يحلل أسباب التدخل الاسرائيلي في تغيير مسار "الوضع الراهن" من خلال الكشف عن مشروع سري سياسي تم بين اسرائيل واثيوبيا عام 1969 عرف باسم "مشروع القهوة"، والذي تم من خلاله توفير قواعد عسكرية اسرائيلية ومسار للطيران التجاري الاسرائيلي فوق اثيوبيا، مقابل تسليم دير السلطان للاحباش.