



The Risk of Changing the Status Quo on the Temple Mount

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The Temple Mount is the holiest place for Jews, but it is also the third most important place for Muslims. This is the background to the status quo arrangement introduced there by then-Minister of Defense Moshe Dayan in June 1967. One of the fundamental principles of this arrangement, which was scrupulously observed until 2018 by all Israeli governments and enforced by the Israeli police, was a ban on Jewish prayer on the site. In 2018, Jews were given permission to pray quietly without prayer accessories on the path close to the eastern wall of the Temple Mount. Since then, extremist Jewish groups have been persistently trying to obtain official permission for Jewish prayer in all parts of the Temple Mount.

The Palestinians are aggressively and violently opposed to this (to the point of suicide terrorist attacks), because they regard it as a desecration of the holiness of the Temple Mount to Muslims and an attack on its national importance to them. Israel therefore invites great danger if it allows Jews to pray on the Temple Mount. Minister of National Security Itamar Ben-Gvir has recently led calls supporting the granting of such permission. Despite the judgement by the Chief Rabbinate Council and leading authorities on Jewish religious law, that Jews must not set foot on the Temple Mount and the security warnings against this that have been issued, Minister Ben-Gvir is exerting pressure on the Israeli government to officially permit Jews to pray throughout the Temple Mount. He has personally visited the Temple Mount, prayed on the site, and declared a change in the status quo there.

This article reviews the history of the status quo, reveals for the first time that Jews have been authorized to pray in a specific location on the Temple Mount since 2018, explains the reason why Jewish law forbids Jews to do this, and warns about the security and political risks for Israel should it officially allow Jews to pray on the Temple Mount.

Key words: Temple Mount, Palestinians, Israel, Jerusalem, Islam, Judaism, status quo, Ben-Gvir, prayer on the Temple Mount.

Introduction

The Temple Mount is the holiest place in the world for Jews, because they believe that the Divine presence occupies it constantly and eternally. **Three** Jewish Temples stood there: the Temple built by King Solomon, the Temple built by the exiles who returned from Babylonia, and King Herod's temple. The Holy of Holies in these temples (the *Even HaShtiya*—Foundation Stone—in the Dome of the Rock Mosque) is the holiest place in the world for Jews. Only the High Priest ever entered it, and even that was only on Yom Kippur. In Judaism, this site is also regarded as the place where the creation of the world began, the center of the world, and the site where the Binding of Isaac took place (Berkovits, 2006; Berkovits, in progress, Chapter 1, paragraph 1). For many Jews, the Temple Mount is also a national symbol of the historical Jewish kingdom. Today, a growing number of Jews believe that this place is the key to the future redemption of the Jewish people in a Jewish kingdom. They want to build the Fourth Temple and perform ritual animal sacrifices there. This is the background to past attempts by "messianic" Christians and Jews to burn down the Al-Aqsa Mosque (Denis Michael Rohan in 1969), attack the Dome of the Rock Mosque (Alan Harry Goodman in 1982), and blow up the latter (the Lifta underground and the Jewish underground in 1984).¹

The site's religious holiness and national importance for the Palestinians are the basis for their demand to establish the capital of a future state of their own in Jerusalem. For this reason, the Palestinians oppose Jewish prayer on the Temple Mount with exceptional fury that has even extended to suicide attacks, even though there are no grounds for such opposition in Muslim religious law.

This site, however, which the Muslims call Al-Haram Al-Sharif (the Noble Sanctuary), is also the third most holy place for the world's

1.25 billion Sunni Muslims (after the Black Stone Mosque in Mecca and the Prophet Muhammad's Tomb Mosque in Medina), and especially for Palestinians. In Islam, this holiness is based on the belief that during his night journey from Mecca to Jerusalem on the flying horse al-Buraq, the Prophet Muhammad landed near the Al-Aqsa Mosque and ascended from the Dome of the Rock into the heavens. There he met Allah and received from him the commandment to pray five times a day, which every Muslim is obligated to perform (Berkovits, 2006, pp. 201-202).

The Temple Mount has accordingly been a place of **exclusively** Muslim ritual for some 1,300 years since the Arabs first conquered Jerusalem in 638 CE, except for the Crusader period in Jerusalem (1099-1187). There are now six mosques on the site: the Dome of the Rock (opened in 691 CE to commemorate the Prophet Muhammad's ascent into the heavens, and which became a women's mosque in May 1952; the Al-Aqsa Mosque (opened in 705 CE); the Al-Aqsa Al-Kadima Mosque (opened in August 1999); the Al-Marwani Mosque (Solomon's Stables), opened in December 2000; the Bab Al-Rahma Mosque (opened in February 2019); and the Al-Buraq Mosque (opened in the seventeenth century). Many Muslims pray five times daily in these mosques. On Muslim holidays and during the Ramadan fast, the number of Muslim worshippers on the Temple Mount reaches hundreds of thousands.

This site is also a supremely important national symbol for the Palestinians (both Muslims and Christians). They regard it as their last bastion of control in Jerusalem, because according to the status quo arrangement (see below), the Waqf still exercises civilian control over Al-Haram Al-Sharif/the Temple Mount. **The site's religious holiness and national importance** for the Palestinians are the basis for their demand to establish the capital of a future state of their own in Jerusalem. For this reason, the Palestinians oppose Jewish prayer on the Temple Mount with exceptional fury that has even extended to suicide attacks,

even though there are no grounds for such opposition in Muslim religious law. The reason why the Palestinians are so violently opposed to such prayer is that they interpret it as an effort to demonstrate Israeli sovereignty over their holy site, a grave breach of their civilian control of Al-Haram Al-Sharif, and a desecration of its holiness.

This is the background to the status quo arrangement on the Temple Mount/Al-Haram Al-Sharif, established by Minister of Defense Moshe Dayan (on his own initiative without a cabinet decision) in his meeting with the leadership of the Supreme Muslim Council and the Muslim Waqf in the Al-Aqsa Mosque on June 17, 1967.

The Status Quo Arrangement on the Temple Mount

The status quo arrangement on the Temple Mount includes three principles, and another principle was established shortly following Dayan's meeting with the leadership of the Supreme Muslim Council and the Waqf (see d below), at the initiative of Minister Menachem Begin:

- a. Internal civilian management of the Temple Mount/Al-Haram Al-Sharif will remain in the hands of the Muslim Waqf.
- b. The maintenance of public order and security on the Temple Mount and its environs will be in the hands of the Israeli security forces.
- c. Only Muslims will be allowed to pray on the Temple Mount; non-Muslims, including Jews, will be allowed to visit but not pray.
- d. Non-Muslims will enter the Temple Mount free of charge through the Dung Gate, while Muslims will enter the Temple Mount free of charge through eight other gates.

The Israeli government discussed the issue only two months after Moshe Dayan's announcement of the new arrangement. Dayan wrote, "Although, understandably, no minister wished to take a formal position stating that Jews were forbidden to pray on the Temple Mount, it was decided to 'maintain the current policy,' which in fact banned them from doing

so. It was evident that if we did not prevent Jews from praying in what was now a mosque compound, matters would get out of hand and lead to a religious clash... We should certainly respect the Temple Mount as an historic site of our ancient past, but we should not disturb the Arabs who were using it for what it was now – a place of Moslem worship" (Dayan, 1976, pp. 387-390).

The police have accordingly been taking care to prevent Jewish prayer on the Temple Mount, and Jews who tried to pray there have been arrested, tried under criminal law, and given restraining orders forbidding them access for a given time. The police have justified their actions in preventing prayer by Jews on the Temple Mount by citing their duty under the law to ensure the maintenance of both public order and security, given the concerns about a violent reaction by Muslims to such Jewish prayer.

The Israeli government therefore never explicitly ratified the ban on Jews praying on the Temple Mount, and no law forbids them to do so. Among other things, however, Resolution No. 761 of the Ministerial Committee for Preservation of the Holy Places, dated August 16, 1967, states, "When Jewish worshippers ascend to the Temple Mount, they will be directed by the security forces to the Western Wall."² In addition, [High Court of Justice judgement 68/222, National Groups vs. the Minister of Police](#) (p. 170) quotes the Minister of Police in response to a question in the Knesset, "...The person responsible for the police station on the Temple Mount has explicit orders not to allow Jews to pray on the Temple Mount plaza in order to avoid clashes and public disturbances.' The learned state attorney has notified us that this order was issued in the name of the entire cabinet."³

Every Israeli government without exception, whether of the left or the right, including all of the governments headed by Benjamin

Netanyahu (1996-1999; 2009-2024) adopted the policy of barring Jews from praying on the Temple Mount, and ordered the Israeli police to prevent such prayer as part of the status quo.⁴

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Over the course of time, however, the police have shifted their restriction on Jewish prayer on the Temple Mount to prayer with “external expressions,”⁶ i.e. Jews were allowed to stand without moving and pray silently, but were forbidden to pronounce prayers even in a whisper (a violation of Jewish religious law, which requires that prayers be said aloud), bow (as practiced during the 18 blessings recited during the central *amida* prayer), or stretch their hands out in front with fingers spread (as practiced by the *kohanim* (descendants of Aaron the priest—members of the hereditary priesthood) when reciting their blessing, even though these prohibitions run contrary to Jewish religious law.⁷ Non-Muslims were also forbidden to bring prayer accessories, such as prayer books, *tallitot* (prayer shawls), and *tefillin* (phylacteries) onto the Temple Mount. In 2003, the Israeli police accordingly placed a sign at the entrance to the Temple Mount stating, among other things, that “**Religious/ritualistic activity with visible external characteristics is forbidden**” on the Temple Mount. The sign also

said, “**Taking ritual articles or other objects used for religious/ritualistic activity**” was forbidden.⁸

Prayer by Jews on the Temple Mount

In 2018, at the initiative of then-Minister of Public Security Gilad Erdan and Jerusalem District Police Commissioner Yoram Halevi, Jews were permitted to hold daily morning and afternoon prayers on the Temple Mount with external expressions: reading prayers from mobile telephones and praying aloud in a quiet voice.⁹ This involved great risk because it was obvious that the Jews who wanted this would not be satisfied with “quiet” prayer with such modest “external expressions” on the Temple Mount. It was practically certain that a dangerous process of “improvements” would quickly ensue. In the next stage, worshippers would ask for better conditions for their prayer, and for the right to use ritual articles customarily used in prayer, such as *talitot*, prayer books, and *tefillin*. Then worshippers would demand that they be allowed to pray in some kind of building (like the Muslims), especially in the winter—in other words, that they be allowed to build a synagogue there, like the Muslims praying in a mosque. The next stage would be a demand by the worshippers and their supporters to allow them to build a large decorative synagogue (as proposed by late Chief Rabbis Shlomo Goren and Mordechai Eliyahu and current Minister of National Security Itamar Ben-Gvir), on at least the same scale as the Al-Aqsa and Dome of the Rock Mosques, in the name of national honor and equality of religious ritual rights between Jews and Muslims. Both in principle and technically, the existence of a decorative synagogue would shorten the route to renovating the synagogue and turning it into a temple, to be located in Herod’s addition to the Second Temple in the southern Temple Mount near the Al-Aqsa Mosque, or near the elevated area around the Dome of the Rock (according to a ruling by some rabbis that Jews are allowed to enter the Temple Mount), or

(if a red heifer is found) next to or instead of the Dome of the Rock, since the two Jewish temples stood there, according to Jewish law and tradition and the books written by Josephus Flavius.

In all the judgements by the High Court of Justice concerning access to and prayer on the Temple Mount, the Supreme Court consistently emphasized [the great sensitivity of this holy place from a security standpoint](#):

The Temple Mount is a volatile place into which flow rivers of molten lava from the national conflict and the religious conflict, resulting in the danger of an explosion in the heart of this blazing furnace. It will be no exaggeration to say that this is one of the most difficult and sensitive places in the Middle East, if not the entire world... Any small incident in this place is liable to cause great conflagration.¹⁰

On January 11, 2013, then-Jerusalem District Police Commissioner Major General Mickey Levy also issued a severe warning against changing the status quo on the Temple Mount:

The situation on the Temple Mount should be maintained as it is. The Court has ruled [this is an error. It was the Israeli government that made the decision in August 1967, S.B.] that any (Jew) who wants to worship God should be directed by police forces to the Western Wall. Period. Any attempt to change the status quo on the Temple Mount will be perceived as an emotional-religious attempt, and we cannot even begin to imagine the destruction, the damage, the casualties, and loss of life in vain. Nobody can measure that... If we are not exceedingly cautious, World War III will start here.

(Dangerous Liaison: The Dynamics of the Rise of the Temple Movements and Their Implications. Keshev and Ir Amim, March 1, 2013, p. 14).

In a speech to Likud members on March 7, 2020 (five days after the elections to the 23rd Knesset, won by the Likud), Prime Minister Benjamin Netanyahu also revealed to his audience that Otzma Yehudit Party Chairman Itamar Ben-Gvir had proposed before the elections that his party (Otzma Yehudit) would withdraw from the elections and support Likud on condition that Netanyahu commit himself in advance to allow Jewish prayer on the Temple Mount. Netanyahu said that he had rejected this proposal because [“it would set the Middle East on fire and enrage a billion Muslims. There is a limit. There are things I am unwilling to do in order to win an election.”](#)

All of the terrorists left alive after the terrorist attacks committed at the beginning of the third intifada in the last four months of 2015, [cited](#) the protest against the Israeli aggression on Al-Haram Al-Sharif (the Temple Mount) and the attempts [to change the status quo](#) there by issuing a permit to Jews to pray there, as one of the two motives for their actions. For example, the terrorist who murdered three members of the Solomon family in the village of Halamish on July 21, 2017, [wrote](#) on his Facebook page before the attack:

I am a young man... I had many dreams and aspirations. But what kind of life is it... when they are desecrating the Al-Aqsa Mosque, and we are sleeping? It is a disgrace that we are sitting idly by... Why aren't you declaring war for the sake of God? They have closed the Al-Aqsa Mosque, and your weapons are silent.

With this background, Israel **officially** undertook as early as October 2015 to maintain the status quo on the Temple Mount and prevent Jewish

prayer there. In view of the terrorist attacks in Jerusalem during the High Holy Days in 2015, the incitement by the Palestinian Authority concerning “Israeli aggression against the Muslim worshippers on the Temple Mount and the breach of the status quo there by Israel,” and the vehement protests by Jordanian King Abdullah, the Israeli prime minister was forced to reach understandings with American Secretary of State John Kerry at their meeting in Berlin on October 22. An [announcement](#) by the Prime Minister’s Office on October 25, 2015, stated:

Recognizing the importance of the Temple Mount to peoples of all three monotheistic faiths—Jews, Muslims and Christians: Israel re-affirms its commitment to upholding unchanged the status quo of the Temple Mount, in word and in practice. As we have said many times, Israel has no intention of dividing the Temple Mount, and we completely reject any attempt to suggest otherwise. We respect the importance of the special role of the Hashemite Kingdom of Jordan, as reflected in the 1994 peace treaty between Jordan and Israel, and the historical role of King Abdullah II. Israel will continue to enforce its longstanding policy: Muslims pray on the Temple Mount; non-Muslims visit the Temple Mount

It should be emphasized that **this was the first time that Israel announced publicly and officially that Jews would only visit the Temple Mount, not pray there, and that only Muslims would pray there.** It was also the first time that such a declaration became an official part of the diplomatic agreements between Israel, the US, and Jordan. In their meeting on January 24, 2023, [Prime Minister Netanyahu again promised the Jordanian king](#) that the status quo on the Temple Mount would be preserved.

From a police prohibition, the ban on Jewish prayer on the Temple Mount thus became **an international diplomatic commitment** that in effect disavowed the right of Jews to pray on the Temple Mount **even in cases in which there is no near certainty that Jews praying there on a given date will result in public disturbances by Muslims.** The Israeli government thereby also officially and publicly rejected all the calls by the temple organizations, Temple Mount activists, and rightwing ministers and Knesset members to change the status quo on the Temple Mount by allowing Jewish prayer there.

Tens of thousands of Muslim worshippers pray daily on Al-Haram Al-Sharif, and their number can reach hundreds of thousands on Muslim holidays. If the status quo on the Temple Mount is changed and the Israeli government allows Jews to also pray on the Temple Mount, and even more so if the chief rabbinate states that Jewish law commands or allows it, hundreds of thousands of Jews will ascend the Temple Mount in order to fulfill this commandment yet there are no physical arrangements for such a phenomenon. In such a situation, the security forces will be unable to maintain separation between the masses of worshippers from the two religions struggling for both national and religious control over this site. The “near certainty” of bloody riots and deadly terrorist attacks against Jews in Jerusalem, all over Israel, and in the West Bank could thereby become a concrete and terrible reality.

[The number of Jews ascending the Temple Mount](#) has greatly increased in the past six years, reaching 45,000 in 2023.¹¹ Many of them even prayed there (on the path next to the eastern wall) under police auspices and in breach of the government’s commitment not to allow this and ensure the continuation of the status quo. Many of those ascending the Temple Mount are unimpressed by the predictions of the terrible results expected from a change in the status quo “with near certainty” following the issuing of an official permit for Jewish prayer there.

These people seek not only public Jewish prayer with visible external manifestations and ritual articles, but also the imminent construction of the Fourth Temple there.

If the Israeli government decides to officially allow communal Jewish prayer (and even more so with ritual articles such as tallit, tefillin, and prayer books), and still more so if Jews are allowed to build a synagogue on the Temple Mount, Israel's national security is liable to be seriously affected, because the Muslim world is liable to interpret this as a declaration of war against it. It is a near certainty that the result will be another Palestinian intifada with suicide attacks and many victims, both Jews and Muslims, on the Temple Mount, in Jerusalem, throughout Israel, in the West Bank, and even worldwide in protest against the "desecration" of the Al-Aqsa Mosque, as the Palestinians call the Temple Mount.

Such a dramatic change in the status quo on the Temple Mount would unite the entire Muslim world against Israel, upset Israel's important relations with Jordan and Egypt (the only two Arab countries that have signed peace treaties with Israel) and with United Arab Emirates (UAE), Bahrain, Sudan, and Morocco (the countries that have signed the Abraham Accords with Israel). It would end the negotiations for such an agreement with Saudi Arabia.

Israel and Jordan signed a peace treaty on October 26, 1994. Good relations between the countries are of profound diplomatic, security, and economic importance. Under the peace treaty in general, and in particular Article 9 (which recognizes the special status of Jordan on the Temple Mount), and due to the special relations between the two countries, Jordan has an important role on the Temple Mount. Similarly, Jordan regards itself as the custodian of Al-Haram Al-Sharif, the third holiest place in Islam. It is therefore clear that the Jordanians will regard a change in the status quo on the Temple Mount resulting from permission for Jewish prayer there as a grave breach of the 1994 peace treaty and the public commitment

of October 22, 2015, aimed primarily at Jordan, that Jews will not pray on the Temple Mount; Prime Minister Netanyahu's promise to Jordan in his meeting with King Abdullah in January 2023; and previous agreements between Israel and Jordan concerning this matter. A severe crisis in relations between the two countries would ensue.

Furthermore, official permission for Jewish prayer on the Temple Mount will also result in a crisis in Israel's relations with its closest allies in the world, such as the US, Germany, the UK, and France, and even more so with all the European Union countries. In such a situation, Israel can expect threats, condemnation, and a series of harsh resolutions against it in the UN Security Council (including sanctions), the UN General Assembly, and the rest of the UN institutions.

The first sign that this gloomy forecast is likely to materialize came after the hasty visit to the Temple Mount by Minister of National Security and Otzma Yehudit Party chairman Itamar Ben-Gvir on January 3, 2023. Although he entered the Temple Mount at 7 AM, stayed there only 13 minutes, did not pray, and made no statement whatsoever, it was enough to cause an international wave of protests and condemnation. In view of Otzma Yehudit's platform and the statements during the election campaign by Ben-Gvir, its leader, about the need to change the status quo on the Temple Mount by officially allowing Jewish prayer there, this visit by an important minister in the Israeli government was interpreted as a provocation and a preliminary step to an official change in the status quo. Immediately following his visit, UAE, Israel's new Persian Gulf friend, asked the UN Security Council to convene an urgent meeting to discuss Ben-Gvir's visit to the Temple Mount/Al-Haram Al-Sharif. [This discussion took place on January 5, 2023 – two days after Ben-Gvir's visit.](#) Most of the country representatives in the discussion condemned the visit to the Temple Mount and regarded it as a provocation. They called on Israel to preserve the status quo on the Temple Mount in order to avoid violent

riots in the occupied territories, in Israel, and throughout the region. It should be noted that many country representatives took advantage of the discussion to emphasize their countries' support for a solution to the conflict between Israel and the Palestinians through realization of the two states for two peoples' vision.¹²

The Prohibition in Jewish Law on Jews Entering the Temple Mount

In 20 BCE, King Herod, with the consent of the Jews, demolished the Second Temple constructed by the returning Jewish exiles from Babylon and built the Third Temple, inaugurated in 19 BCE, in its place (Flavius 1963, 2011). For the purpose of constructing the new Temple compound (which also included a large plaza and three royal covered halls), Herod filled in the ravines surrounding the Temple Mount on the northern, western, and southern sides with tens of thousands of tons of earth, thereby more than doubling the area of the original Temple Mount—from 62.5 dunam (15.6 acres) to 144 dunam (36 acres).¹³ This is also the area of the Temple Mount today. In order to maintain the stability of the new compound, a retaining wall was constructed around the Temple Mount. The western side of this retaining wall is what is now referred to as the Western Wall. From the perspective of Jewish law, doubling the area of the Temple Mount did not change the areas to which the various laws of holiness applied during the Second Temple period, and today these laws apply solely to the area of the Second Temple (which preceded Herod's Temple). In other words, the areas added to the Temple Mount by King Herod (mostly in the south—the area of Al-Aqsa and Solomon's Stables) are not holy, and [it is permitted to enter them](#).¹⁴ According to the prevailing opinion, the especially holy part of this compound ("the abode of the divine presence"), which included the Temple and its Courts, was on the elevated plaza on the Temple Mount, in the middle of which stands the Dome of the Rock Mosque. This area was surrounded

by a wall (or an open area) five meters wide called the *chail* (rampart). According to the accepted ruling in Jewish law, the rock inside this mosque is the Holy of Holies of the three temples that stood here in the past (Ofen, 2022; Ariel, 1997; Wolfson, 2019, p. 107; Koren, 1977, pp. 300–310).

Almost all of the greatest and most important experts in Jewish law in Israel, both Ashkenazim and Sephardim, from the time of Maimonides until the present day, have said that Jews are forbidden to enter the Temple Mount. The Chief Rabbinate Council has expressed this view (in numerous judgments).⁵⁴ Of the most important Jewish religious jurists in Israel and more than 300 other rabbis signed the Chief Rabbinate religious judgement in June 1967 forbidding Jews to enter the Temple Mount.

The main reasons for this prohibition are as follows:

- a. The technical difficulty of determining the precise boundaries of the original Temple Mount compound during the First and Second Temple periods, especially the boundaries of the Temple itself, its courts, and the *chail*. Establishing the exact location of these sites is of decisive importance, because according to Jewish law, all Jews, except for most of the *kohanim*,¹⁵ are in a state of ritual corpse impurity, since they have either been present in the home of a dead person or have touched a deceased's clothing or possessions. A person in such a state of ritual impurity is forbidden to pass through the *chail* and enter the holy sites beyond it without having been previously purified with spring water mixed with ashes from a red heifer.¹⁶
- b. From the period of the temples until the period of the *Amoraim* (Jewish lawgivers in the third to fifth centuries CE), it was possible to be purified from ritual corpse impurity by using ashes of a red heifer. After the Third Temple was destroyed, however, this heifer became extinct, and Jews, all of whom were in a state of ritual corpse impurity (except

for most of the kohanim), were therefore forbidden to pass beyond the *chail*. The punishment for breaching this prohibition was *karet* (divine punishment by untimely death). It was feared that Jews who had not been purified with ashes from a red heifer would make a mistake in locating the area which those in a state of corpse impurity were forbidden to enter (beyond the *chail*), enter this area, and even reach the temple grounds by mistake.

- c. Concern about bloodshed resulting from the murderous response of the Muslim world if Jews are allowed to pray on the Temple Mount.

For these reasons, for the sake of caution, and in order to eliminate any possibility that Jewish law would be breached, almost all the great scholars of Jewish law completely forbade entry to the **entire** Temple Mount compound (Berkovits, 2006, p. 111-119).¹⁷

Jewish Law's Permission for Jews to Enter Certain Areas on the Temple Mount

Even though Jewish law bars Jews from entering the Temple Mount, there are today dozens of rabbis who have issued judgements permitting Jews to enter certain areas on the Temple Mount, most prominently late Chief Rabbi Shlomo Goren and Rabbis Dov Lior, Nachum Eliezer Rabinovich, and Yisrael Ariel (Ariel, 2001; Goren, 2004; Wolfson, 2019). The basis for this permission is that these rabbis place the holiest compound, which contained the Temple and its Courts, and which was enclosed by the *chail*, entirely within the elevated area on the Temple Mount surrounding the Dome of the Rock, the area of which is 140 meters x 160 meters—22,400 square meters. In contrast, the Mishnah (Tractate Middot 2:5-6) lists the dimensions of the holy compound as: width from north to south, including the width of the *chail* on both ends (10 meters), as 77.5 meters; length from east to west (including the width of the *chail*)—171 meters. This would make the

area of the holy compound 77.5 meters x 171 meters = 13,252.5 square meters.

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In other words, the rabbis giving permission for ascension to the Temple Mount rely on the holy compound being completely within the elevated area surrounding the Dome of the Rock. They assert that the area barred to entry by people in a state of ritual corpse impurity is smaller than the elevated area, and that people in such a state can therefore also ascend to this higher level in the existing space between it and the *chail* on the north and on the south. According to the Mishnah, the holy compound is a rectangle with a west-to-east length of 171 meters, but the eastern side of the holy compound extends 11 meters beyond the edge of the elevated area, and there is therefore a non-holy area in the northern and southern part of the elevated area. Nevertheless, in the absence of certainty about the exact boundaries of the holy compound, especially given the deviation in the holy area on the eastern side of the elevated area, and for the sake of caution (to prevent any possibility that Jewish law will be breached), even the rabbis who allow entry to the Temple Mount still forbid getting close to the elevated area. They allow Jewish visitors only to walk around and pray on it at a distance of at least 12 meters. [Accordingly, a route for perimetric visiting and prayer was established](#) (coordinated between the rabbis allowing ascension to the Temple Mount and the police) for Jews wishing to pray on the Temple Mount. They enter the Temple Mount through the Hillel Gate (Moors Gate) pass near the Al-Aqsa Mosque and Solomon's Stables,

go from there to the paved path adjoining the eastern wall of the Temple Mount, and pray in a specific location opposite the Dome of the Rock. They continue on the paved path until they have almost reached the Gate of Mercy Mosque, turn west and walk from the north to the elevated area, turn south, and exit the Temple Mount through the Chain Gate (Goren, 2004; Wolfson, 2019; Koren, 1977).¹⁸ According to the rabbis who say that ascending the Temple Mount is permitted, Jews today are entitled to enter the Temple Mount and stand close to the elevated area of the Temple Mount at a distance of 12 meters from it, including **those who are in a state of ritual corpse impurity and have not purified themselves** with ashes from a red heifer, on condition, however, that they have immersed themselves in a *mikve* (ritual bath) before entering the Temple Mount (Wolfson, 2019).

According to the rabbis who permit ascension to the Temple Mount, prayers should be said in the area between the elevated area and the line running from the Hillel Gate to the eastern wall (as noted, the area south of this line was added to the Temple Mount by Herod) on the paved path close to the eastern wall, and in a specific area north of the elevated area. Indeed, in his visit to the Temple Mount on August 13, 2024, Minister Ben-Gvir walked around the elevated area on the eastern path, prayed there, walked around the elevated area on the north side, and left via the Chain Gate, as do the groups who pray on the Temple Mount.¹⁹

It should be emphasized that all of the rabbis without exception (including those who say that entry to the Temple Mount is permissible, and even Rabbi Shlomo Goren and the dozens of rabbis who are following in his footsteps) prohibit the entry of Jews to the elevated area around the Dome of the Rock because of the commandment to revere the Lord's Sanctuary, since the three

temples were located there.²⁰ All of the rabbis therefore hold that Jewish law currently forbids Jews to enter this area in order to pray or build the Fourth Temple there.

In view of the judgement by the greatest authorities in Jewish law, the visit of MK (his title at the time) Itamar Ben-Gvir to the Temple Mount on May 29, 2022, was severely criticized by Sephardic Chief Rabbi Yitzhak Yosef (son of the late Rabbi Ovadia Yosef). In Rabbi Yosef's weekly lesson on June 19, 2022, at the Yazdim Synagogue in the Bukharan Quarter in Jerusalem, a synagogue identified with the Shas Party, **he attacked Ben-Gvir** in a style that he seems to have inherited from his father:

All of them forbade entrance to the Temple Mount. There's one called Ben-Gvir. He enters the Temple Mount boldly—what a *chilul Hashem* (desecration of God's name) to go against all the greatest rabbis. Stop and think a moment, moron. Is this like your rabbi or all these other rabbis?... This MK comes along, stirs things up... You should keep away from him and all his actions."

Rabbi Yosef also criticized Ben-Gvir's visit to the Temple Mount on January 3, 2023, in his own name, that of the Chief Rabbinate, and that of Jerusalem Chief Rabbi and former Sephardic Chief Rabbi Shlomo Amar. In this context, the criticism of Ben-Gvir's visit to the Temple Mount in an editorial appearing in *Yated Neeman*, the newspaper of the Degel Hatorah ultra-Orthodox political party, on January 4, 2023, the day following the visit, should also be mentioned:

Such irresponsible shows endanger the lives of Jews and play into the hands of the inciters in mosques, the murderous ideologists of Hamas and the Islamic movement, who use such

useless and inane acts to persuade the Palestinian rabble that the Yahud will remove Al-Aqsa from its place, and they need to perform beastly ‘acts of revenge’... Who allows such people, including some people who look like haredim, to endanger the lives of Jews unnecessarily and in contravention of *halacha* (Jewish religious law)?

Haderech (The Way), the journal of the Shas Party, also published an editorial on January 4, 2023, severely criticizing Ben-Gvir’s visit to the Temple Mount:

It is obligatory to protest deeds forbidden and in contravention of *halacha*, and certainly when they involve ascending to the Temple Mount, which has been forbidden by the religious authorities in all generations... Nothing good can come from a breach of God’s will. Doing what is forbidden will mean no governance, no sovereignty, and no security; it can result in damage and attacks, God forbid.

The security warnings and protests against the violation of Jewish religious law had no effect on Minister Ben-Gvir, who again ascended the Temple Mount on the Tisha b’Av (August 13, 2024) with another member of his party—Minister for the Development of the Periphery, the Negev, and the Galilee, Yitzhak Wasserlauf. Hundreds of Jewish visitors to the Temple Mount took advantage of the Minister of National Security’s provocative prayer there to hold prayers themselves, including bowing down with outstretched arms and legs (as was the practice in the Temple), in complete violation of police policy and the status quo arrangement forbidding Jewish prayer on the Temple Mount. Even though many policemen were present on this occasion, none of them

enforced the prayer ban on Minister Ben-Gvir and the other worshippers.

This [visit](#) was also widely condemned, not only by Jordan, Egypt, the Palestinian Authority, and the US, but also in Israel. The Prime Minister’s Office stated, “**There is no private policy of any minister... on the Temple Mount... This morning’s incident on the Temple Mount deviated from the status quo.**” Knesset Finance Committee Chairman MK Moshe Gafni (United Torah Judaism) also [condemned](#) Minister Ben-Gvir’s behavior, saying that it “**goes against the great men of Israel and the chief rabbis... We will have to check with our rabbis if we can be partners with him in the government.**”

The opinion of the chief rabbis and most of the leading authorities in Jewish religious law is that entering the Temple Mount is a sin, the punishment for which is *karet*. Given the current political map, however, the religious political parties should not be expected to show loyalty to their religious values by following through on MK Gafni’s threat to leave the government coalition and causing it to fall, because the downfall of the current government will force the religious parties to give up the unprecedented huge budgets granted by the current government to them and their institutions. For the same reason, it is a virtual certainty that these parties will also not insist on the dismissal of Minister Ben-Gvir from the government in punishment for his repeated visits to the Temple Mount, despite the gravity of this violation and the fact that the punishment for it under Jewish law is *karet*.

Even more shocking, however, is the fact that the Minister of National Security, who is one of the main people responsible for enforcing the law, including on the Temple Mount (by means of the Israel Police, for whose actions he is responsible), is praying on the Temple Mount in breach of the policy of the government of which he is a member, and in violation of the rules for visiting the Temple Mount established by the police in order to carry out this policy. The police have arrested or detained for questioning, issued

restraining orders for given periods, and even instituted criminal proceedings against Jews who prayed on the Temple Mount, alleging that these Jews had jeopardized public safety and disrupted public order in breach of the police's duty to maintain public safety and order under Sections 3-5 of the Police Ordinance (New Version) – 1971, and to forbid interference with a policeman in the performance of his duty under Section 275 of the Criminal Code (New Version) – 1977.

The High Court of Justice has repeatedly affirmed the legality and necessity of the police policy in preventing Jewish prayer on the Temple Mount, given the extreme security sensitivity of this site.²¹ The provocative visits by Minister Ben-Gvir, which are always accompanied by prayer and nationalistic statements, therefore constitute illegal behavior that is jeopardizing public safety and security, and is liable to cause a terrible conflagration on the Temple Mount. No one disputes that violent rioting on the site is a virtual certainty under these circumstances. This is particularly true at the present time in the midst of a war against Hamas, which declared its responsibility for the Temple Mount on Jerusalem Day in May 2021 and brought about Operation Guardian of the Walls, during which Hamas fired 4,360 rockets and missiles at Israel. The Hamas invasion of Israel and the terrible slaughter committed by its forces at communities and IDF bases on the Gaza Strip border on the Simchat Torah holiday, October 7, 2023, were also referred to in Arabic as Topan Al-Aqsa (Al-Aqsa Flood).

Given this background, the recent ascent to the Temple Mount by Minister Ben-Gvir, his provocative nationalistic statements there, of all places (“Bring Hamas to its knees”), and his call for a unilateral change in the status quo on the Temple Mount by holding Jewish prayer there now, are liable to escalate the war in the Gaza Strip into a new intifada in Jerusalem and the West Bank, and also to have a negative impact on the negotiations for the release of the hostages held by Hamas. [The Hostages and Missing Persons Families Forum has accused](#)

[Ben-Gvir](#) of thwarting a deal for the return of the hostages and contributing to their continued abandonment by ascending the Temple Mount and making extreme statements.

According to the traditional policy of all Israeli governments on Jewish prayer on the Temple Mount, it could at least have been expected that Minister Ben-Gvir's visits would have been prevented. As mentioned, [a decision by the Knesset Ethics Committee](#) on November 2, 2015, barred Knesset members from ascending to the Temple Mount because of the security tension there. [The Committee rescinded its ban](#) only on February 1, 2017. It is time to renew this ban and to also apply it to the government ministers.

The police have forbidden Temple Mount Faithful leader Gershon Salomon from ascending the Temple Mount **for 28 years** because of the “near certainty,” in their opinion, that the presence there of someone who has planned to lay the cornerstone for the Fourth Temple, was liable to cause a violent reaction by the Palestinian public. In my opinion, the provocative visits to the Temple Mount by Minister Ben-Gvir also pose a similar, clear, and immediate risk to public safety and security, and it is therefore time to forbid him from doing this. Indeed, shortly following the writing of this article, it was learned that Israel Security Agency Director Ronen Bar had sent a severe [warning letter](#) on the subject to the Prime Minister, a number of other ministers, and the Attorney General on August 14, 2024—the day following Minister Ben-Gvir's latest visit to the Temple Mount. Bar warned and protested that **“progress in the direction” of a change in the status quo on the Temple Mount by conducting Jewish prayer there “would lead to great bloodshed and change the face of Israel beyond recognition,” and even “generate a significant risk to the security of the entire region.”**

The turning of a blind eye by the police to the prayers and violation of the status quo on the Temple Mount is dangerous and clear disregard

of not only the police's duty to preserve public safety and public order, but also of its duty to refrain from unjustified selective enforcement of this duty. **If the police have been forbidding Jewish prayer on the Temple Mount for decades and conducting criminal proceedings against Jews who violated this ban, why are they not also enforcing the ban against Minister Ben-Gvir and failing to prosecute one man of the hundreds of Jews who have violated it?**

Summary

As noted, the Prime Minister has reiterated that the status quo on the Temple Mount still stands and has condemned the prayer by Minister Ben-Gvir as a "deviation" from this arrangement. This condemnation, however, is **insincere**, because Jews are already praying on the Temple Mount in breach of the status quo arrangement. It is also known that the Prime Minister's military secretariat **gave advance written approval** to the request by Ministers Ben-Gvir and Wasserlauf to ascend the Temple Mount on Tisha b'Av, the day that commemorates the destruction of the historical temples. Nor was this approval made conditional on a commitment by the two ministers not to pray there, even though Minister Ben-Gvir had already prayed on the Temple Mount on his previous visit.

While Netanyahu's rejected Ben-Gvir's 2020 offer of political support in return for changing the status quo, it now seems that his political dependency on support from Ben-Gvir and his party is so great that **he is willing to "set the Middle East on fire" and "enrage a billion Muslims"** by consenting to Jewish prayer on the Temple Mount near the eastern wall, and to the entry of Ben-Gvir to the Temple Mount and his prayer there, as long as Netanyahu remains prime minister.

The question therefore arises: Given the Prime Minister's great dependence on support from Minister Ben-Gvir and his party, what will the Prime Minister do if it turns out that Ben-Gvir has instructed the police to cease enforcing the ban on Jewish prayer on the Temple Mount,

in complete contravention of the status quo arrangement carefully observed by all Israeli governments and despite the consequent grave security risk to public safety and security? This is not a purely theoretical question, because at an "Israel's Return to the Temple Mount" conference at the Knesset on July 24, 2024, Ben-Gvir stated, **"I am the political echelon, and the political echelon permits prayer on the Temple Mount."** Indeed, since Minister Ben-Gvir's latest visit to the Temple Mount on Tisha b'Av, the police have been allowing the Jews walking on the path next to the Temple Mount's eastern wall to not only pray there, but also to bow down to God with outstretched arms and legs.²² In a tour of the Temple Mount that I guided on November 20, 2024, I saw this prayer and bowing down with my own eyes. Furthermore, during this tour, I saw policemen also guarding a group of women praying **on the Western side** of the Temple Mount, near the steps leading to the Dome of the Rock plaza.

In view of his great influence on the Prime Minister, I call on Minister Ben-Gvir to step down (literally and politically) from the Temple Mount and announce that he will no longer pray there in order to avoid a violent response by the Palestinians (and possibly also by Arab Israelis) caused by their fear that his visits and prayers constitute a preliminary sign of a change in the status quo there in terms of Jewish prayer.

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This article is based primarily on a book by Dr. Berkovits that will be published in the near future: **The Western Wall or an Al-Buraq Wall!?: The Struggle over the Identity of the Temple Mount, the Western Wall, and the Al-Aqsa Mosque.**

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Notes

- 1 I thank Prof. Mordechai Kremnitzer for drawing my attention to this matter.
- 2 The decision can be obtained from the Cabinet Secretariat.
- 3 See Supreme Court judgements 24(2) 141, 170; High Court of Justice judgement 4185/90, Temple Mount Faithful vs. the Attorney General; Supreme Court judgements 47(5) 211, 247.
- 4 For a detailed discussion of the status quo on the Temple Mount and its elements, history, and the changes that have been made to it, see [Shragai, Nadav. \(2014\). The Status Quo on the Temple Mount. Jerusalem Center for Public Affairs](#); [Reiter, Yizhak. \(2017\). The Eroding Status-Quo: Power Struggles on the Temple Mount. Jerusalem Institute for Policy Research](#); [Ramon, Amnon. \(2022\). The Temple Mount/](#)

[Al-Aqsa: Heading Towards Loss of Control? Jerusalem Institute for Policy Research](#); Berkovits, 2006; [The Right is Turning the Temple Mount into a Jewish Settlement, Peace Now, October 17, 2015 \(Hebrew\)](#).

- 5 Paragraphs 8-11 in High Court of Justice judgment 6031/22, Center for the Land of Israel and others vs. the Prime Minister and others, October 18, 2022; High Court of Justice judgment 5321/20, the Temple Mount Heritage Foundation, and the references mentioned in it; Paragraphs 3-4 in High Court of Justice judgment 6766/20, Center for the Land of Israel vs. Jerusalem District Police Commissioner Major General Doron Yadid; Paragraphs 3,12 in High Court of Justice judgment 6013/18, Moked: Israeli Center for Advancing Democracy and Protecting Human Rights vs. Israel Police; High Court of Justice judgment 8871/17, Foah vs. Jerusalem District Police Commissioner Major General Yoram Halevi. All of these judgments have been published on the Supreme Court website.
- 6 According to letters of the Israel Police Jerusalem District Commissioner dated March 19, 1997 and July 14, 1997 to Yisrael Medad, a member of the Temple Mount Faithful movement, who gave me copies of the letters. See also statements by a state representative on various requests in Jerusalem Magistrates Court judgment 433/95 (Shalom Jerusalem) concerning the criminal cases of Yehuda Etzion.
- 7 According to Jewish religious law, a worshipper must move his lips, whisper his prayer, and sometimes also pray aloud (such as in the repetition of the 18 blessings recited by the prayer leader), stand, and bow (as in the 18 blessings). Jewish religious law states, "He should neither raise his voice in prayer nor pray silently; he should pronounce the words with his lips so that he can hear what he is saying." For example, see Maimonides, Book of the Love of God, Laws of Prayer, Chapter 5, Laws 1, 3-4, 9, 10, 12; Laws for Reciting the Shema Prayer, Chapter 1, Law 4, Chapter 2, Laws 3, 8. I thank Yehuda Etzion for collecting these sources for me.
- 8 A petition to the High Court of Justice against this sign and these prohibitions was dismissed. See High Court of Justice judgment 6013/18, Moked: Israeli Center for Advancing Democracy and Protecting Human Rights vs. Israel Police.
- 9 I ascended the Temple Mount with one of the groups praying there on July 26, 2023 and witnessed prayer there under police auspices.
- 10 See also Paragraph 7 in High Court of Justice judgement 8026/16, Morris vs. Home Front Commander; Paragraph 11 in High Court of Justice judgement 8988/06, Meshi-Zahav vs. Jerusalem District Police Commissioner – published on the Supreme Court website.
- 11 According to information that I obtained from the "Yeraeh – Volunteers Encouraging Ascent to the Temple Mount" organization on March 26, 2024.
- 12 I thank the legal advisor of the Israeli UN delegation, Adv. Noam Cappon, for sending me the protocol of this discussion.

- 13 According to the Mishnah (the first written collection of the Jewish oral law) (Tractate Middot 2:1), the area of the Temple Mount in the Second Temple period was “500 cubits by 500 cubits.” The prevailing opinion is that one cubit equals 0.5 meters. The area of the Temple Mount during the Second Temple period was therefore 250 meters by 250 meters = 62.5 dunam = 15.6 acres. This is the area to which the laws of holiness apply to this day. According to the Jewish legal judgements, these laws do not apply to the areas added to the Temple Mount by King Herod on the southern, eastern, and northern sides.
- 14 Mishnah, Tractate Shavuot 2:2; [Rabbi Nachum Eliezer Rabinovitch](#).
- 15 The Torah (Jewish Bible) expressly forbids the kohanim (Leviticus 21:1-4) from becoming impure through contact with the dead, other than their immediate family, and most of the kohanim are therefore free of such impurity. I thank Rabbi Elboim for drawing my attention to this prohibition.
- 16 Mishnah, Tractate Kelim (Vessels) 1:8; Gemara, Tractate Pesachim (Passover), Page 67a; Rambam (Maimonides), Laws for the Temple, Chapter 7 - Laws 15-23, Laws on the Coming of the Temple, Chapter 3 - Law 5 (Red Heifer laws).
- 17 For example, Rabbi Ovadia Yosef, Responsa, Yabia Omer Chapter 5, Yoreh De’ah, Section 26; Rabbi Yitzchok Yaakov Weiss, Responsa, Minchas Yitzchak, Chapter 5, Section 1.
- 18 I learned all of this about the elevated area and the holy compound from Rabbi Yosef Elboim, chairman of the Movement to Rebuild the Temple, in our conversations on August 22, 2024, for which I thank him from the bottom of my heart. See also [Rabbi Nachum Eliezer Rabinovitch](#).
- 19 According to information that I obtained from one of the policemen who was there during the minister’s visit.
- 20 According to various opinions of archeologists and rabbis, all of the previous temples were on the site that currently houses the Dome of the Rock Mosque, or very close to it (Berkovits, 2006, p. 100).
- 21 Paragraphs 12-13 in High Court of Justice judgement 8871/17, Foah vs. Jerusalem District Police Commissioner; Paragraph 4 in High Court of Justice judgement 10450/07, Temple Mount Faithful vs. Major General Franco; Paragraph 3 in High Court of Justice judgement 4776/06, Salomon vs. Jerusalem District Police Commissioner; Paragraph 2 in High Court of Justice judgement 9074/03, Yehuda Etzion vs. Major General Mickey Levy. All of these judgements have been published on the Supreme Court website.
- 22 According to information and video clips sent to me on September 22, 2024 by Arnon Segal, a journalist and one of the main activists on the Temple Mount.