

Negotiating Jerusalem

Of all the final-status issues to be dealt with by Israeli and Palestinian negotiators, there is none as difficult as Jerusalem. The Palestinians claim East Jerusalem as the future capital of a Palestinian state; the Israelis maintain that they alone will remain sovereign over the city. Moreover, these do not appear to be mere negotiating positions. The claims asserted by the PLO and the government of Israel are expressions of attachments that are rooted in the aspirations, identifications, and self-understandings of the two peoples.

For Jews, having Jerusalem is symbolic of the entire project of "return." When ancient Israel was conquered by the Babylonians, it was from Jerusalem that Israelites were taken into captivity. When they came back from exile in 538 BCE, their paramount task was to rebuild the Temple that Solomon had built. When the Israelites revolted against the Romans in the first century CE, it was Jerusalem that was the fortress of resistance. And when the Romans finally defeated them, the symbol of that defeat was again the destruction of the Temple. Following a second revolt, the city itself was rebuilt and renamed as a Roman city, Aelia Capitolina, from which Jews were barred. And when the Roman Empire adopted Christianity, Christian hostility toward Judaism was expressed through strict adherence to the ban forbidding Jews to live in Jerusalem. The return to Jerusalem has been throughout the centuries the central symbol of the attainment of Jewish self-determination. It is toward Jerusalem that religious Jews pray. It is Jerusalem that is mentioned three times a day in those prayers, and it is with the words "Next year in Jerusalem" that Jews the world over have concluded the Passover seder.

To Muslims, however, Jerusalem is an Islamic city. For most of the history of Islam, Jerusalem has had a predominantly Muslim population, and it has been under Islamic rule for most of the thirteen centuries since the Christian Patriarch surrendered the city to the Caliph Umar in 638 CE. The primary exceptions were the twelfth century, during the ninety years of Crusader rule, and the twentieth century, especially the post-1967 period. It is to Jerusalem that Mohammed is said to have been transported, and from the rock beneath the Dome of the Rock on the Temple Mount that he is said to have ascended to Heaven to receive his final revelation. While less significant to Muslims as a whole than Mecca and Medina, Jerusalem surely is the most important city for Palestinians, be they Muslim or Christian.

Within it live 1 in 8 Palestinians in the West Bank. Geographically central, Jerusalem is the heart of their educational, religious, and cultural life.

Whose Jerusalem is it rightfully? This is an area of moral indeterminacy. Even if there were agreement on all the facts (itself highly unlikely), there are no widely shared moral principles which would be sufficient to assess the relative merit of the two claims.

Religious Jews believe in a covenant by which the land was given to Abraham's descendants through Isaac. What weight are we to grant to these beliefs? Even if one dismisses as religious mythology any

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notion of god-giveness with respect to the land, the fact remains that for thousands of years people have understood their relation to the land in these terms. Muslims, on the other hand, dispute the centrality of the Abraham-Isaac relationship and instead emphasize Abraham's relationship to his first son, Ishmael, from whom they see themselves as descended. Moreover, Palestinians also claim to be descended from the Jebusites, the pre-Israelite inhabitants of Jerusalem. How are we to judge between them?

Religion aside, what importance do we assign to the sheer fact of possession of the land and to issues of dispossession? Does it matter who possessed the land first? How does the passage of time strengthen or erode a people's claims to ownership? How much significance do we give to the dominant Muslim presence in Jerusalem for most of the last 1,200 years, or to the existence of a Jewish majority within the Old City for a significant part of the last century, or to that of a Muslim majority within the Old City for the last fifty years? The unanswerable questions go on and on.

Moral Recognitions as Motivation

Given that the achievement of moral agreement is a hopeless quest, there is a general tendency among those working for peace to put aside moral issues and to focus instead on arguments of national interest for

both Israelis and Palestinians, hoping to convince both sides that it is in their interest to compromise. Thus, the Israeli peace movement almost always couches its arguments in terms of Israel's interest in achieving peace and security. Only rarely does it raise the issue of Palestinian rights. And if anything, this same pattern is more dominant among Palestinian moderates.

However, those seeking to promote a willingness to compromise may have reached exactly the wrong conclusion from the futility of efforts to assess who has the stronger claim to Jerusalem. The complexity of the issue, and the absence of settled principles for resolving it, actually point to one conclusion that could emerge as a widely held proposition for both Israelis and Palestinians: namely, that the other side has *some* legitimate rights with regard to the city.

Once said, of course, this proposition appears obviously true to most outside observers, but of little import. First, it is believed that among those actually

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engaged in the conflict, only the peaceniks would agree that the other side has any rights to Jerusalem. Second, it is widely doubted that such recognition carries with it any substantial motivation to compromise. An individual's intellectual recognition of the rights of another people tends to be viewed as an epiphenomenon when it conflicts with the rights and interests of his own people.

Yet recent studies of Israelis and Palestinians suggest that this "realist" vision is wrong on both counts. For instance, 39 percent of Israeli Jews answered affirmatively when asked, "In your opinion, do the Palestinians have any sort of legitimate rights with regard to Jerusalem?" Among those who identify with the Labor Party, the figure rises to 55 percent. Some recognition of Palestinian rights with regard to Jerusalem was also affirmed by 27 percent of those who belong to the Likud Party, and by more than 20 percent of those who identify with the far-right parties. Among those Israeli Jews who believe that Palestinians have some rights to Jerusalem, 41 percent belong to the right or far-right parties. So it is not the case that only peaceniks can see some validity in the claims of the other side.

A stranger to Israeli politics might draw a discouraging lesson from these findings. Since many Israeli Jews who acknowledge some legitimate Palestinian rights with regard to Jerusalem nonetheless vote for Likud, one might conclude that moral recognition does not

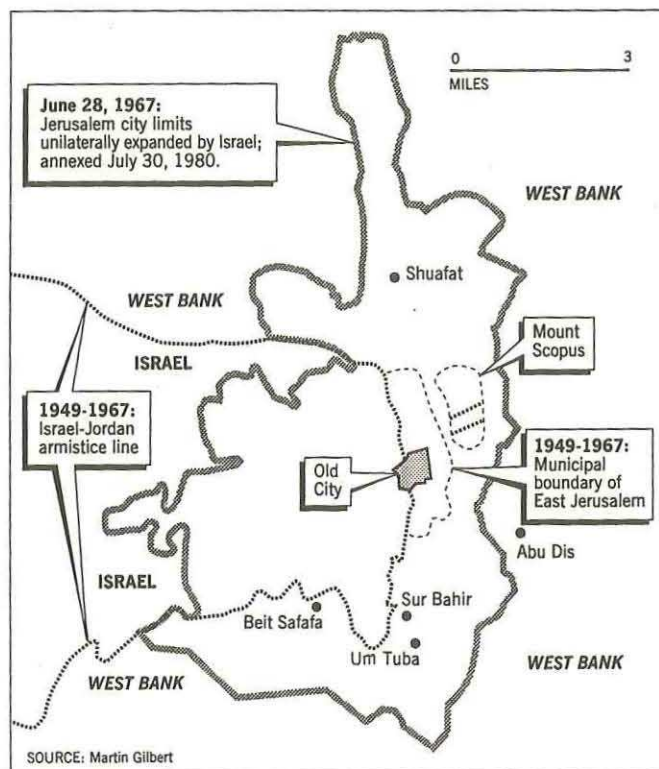
affect willingness to compromise. But this would be a mistake. People identify with Israeli political parties for many reasons, some having little to do with the Israeli-Palestinian conflict. Moreover, supporters of Likud are not necessarily averse to compromise. For instance, 35 percent are willing to seriously consider Palestinian sovereignty over peripheral areas of Jerusalem such as Um Tuba and Sur Bahir (see map), and 26 percent would seriously consider joint administration of the Old City, provided that Israel did not yield its claim to sovereignty.

To ascertain the motivational force of believing that Palestinians have some legitimate rights with regard to Jerusalem, one recent study divided Israeli Jews into four groups, depending on their views as to a) whether Palestinians have any legitimate rights with regard to Jerusalem and b) whether a peace agreement with the Palestinians will lead to long-term peace. (See the table on page 25.) The first group takes a positive view of both questions; the fourth group, a negative view of both questions. As one might expect, the first group is very open to various compromise proposals, while the fourth group is strongly opposed to compromise. Our interest lies mainly in the two other groups: those who believe that Palestinians have rights but don't believe real peace is possible even if a peace treaty is signed, and those who believe real peace is possible but don't believe Palestinians have any legitimate rights with regard to Jerusalem.

If it were true, as realists assert, that recognition of another people's rights is little more than a motivational epiphenomenon, then one would expect to find

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far greater willingness to compromise on Jerusalem among those in the second group than among those in the third group. Belief in the prospects for long-term peace would be a much more powerful motive for compromise than an acknowledgment of some legitimacy in the other side's claims. But in fact, it turns out that for these two groups, the willingness to compromise is virtually identical, across a wide variety of compromise proposals. Just as important, holding one or the other belief appears to make Israeli Jews in these groups significantly more open to compromise than those who hold neither belief. These data suggest that recognition of the other side's legitimate rights is a powerful motivational factor, quite possibly equal in strength to believing that achieving a peace treaty with the Palestinians will really lead to long-term peace.



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Does the realist view fare any better when Palestinian opinions are surveyed? According to one recent study, 70 percent of Palestinians support genuine peace with Israel, provided that there is a Palestinian state with East Jerusalem as its capital. The motivations here are

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no doubt quite diverse—the realization that Israel is here to stay, the desire to see a Palestinian state come into existence, the desire to live normal lives. Recognition of Jewish rights is clearly not the dominant factor. Indeed, only a minority of this group (21 percent) recognizes some Jewish rights with respect to Jerusalem.

Yet it turns out that recognition of these rights does make some people more inclined to compromise on Jerusalem. For example, among Palestinians who favor peace with Israel, proposals for divided sovereignty over the Old City, or joint sovereignty over the entire city, receive twice as much support from those who recognize some Jewish rights than from those who do not. However, less forthcoming proposals,

such as giving Palestinians autonomy but not sovereignty over their neighborhoods, were thoroughly rejected by both groups.

One must be wary about reading too much into the data, but they do point to very interesting possibilities. First, regardless of whether or not people are opposed to compromise, it may be possible to get them to see that the other side does have some rights. Though not every Israeli or Palestinian will be brought to this point of view, an expanded moral discourse might well increase the number who grant the other side some legitimacy.

Second, the data suggest that if people arrive at such a recognition, it may indeed affect their willingness to compromise. Thus, in the effort to promote compromise on Jerusalem, it may make sense to engage right-wing Israelis in serious discourse with respect to Palestinian rights, and it may make sense to seriously engage the Palestinian mainstream in a parallel discourse with respect to Jewish rights.

What is Jerusalem?

Just as it may be worthwhile to draw people into the moral complexity of the question “Whose Jerusalem is it rightfully?” so too it may be worthwhile to wrestle with a second question: “What is Jerusalem?” To see why, one must understand a bit about the geography of the city.

For the moment, I mean by "Jerusalem" that territory lying within the municipal boundaries set by the Israeli government. Jerusalem consists of two parts, East and West. This distinction dates from the end of the 1948–49 Israeli war of independence, when the armistice line—known as the green line—divided the city into two sectors. In the eastern half was included

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the Old City—the one square kilometer of walled city that includes the Western Wall and the Temple Mount. During the 1948–67 period, Israel was cut off from East Jerusalem; the city was physically divided by barricades and barbed wire. Then, during the Six-Day War of 1967, Israeli forces "reunified" the city. Not only did they conquer East Jerusalem; they also routed the Jordanians and captured all of the West Bank. Within weeks of the reunification, Israel went on to expand Jerusalem. In particular, it redrew the municipal

boundaries to include within the city a large tract of land from the West Bank that had surrounded East Jerusalem. This "expanded East Jerusalem" was roughly ten times the size of what might be termed "Jordanian-controlled East Jerusalem." In drawing the new boundaries, the Israeli government sought to include as much land as possible, but as few Palestinians as possible. Thus the boundary lines were highly gerrymandered, weaving in, around, and sometimes through numerous Palestinian villages which lay near Jerusalem. These territories of expanded East Jerusalem are the only parts of the West Bank that the government has actually incorporated into Israel. And it is within this area that Israel launched a massive series of housing projects, creating large Jewish hilltop neighborhoods, referred to as "settlements" by the Palestinians.

Within East Jerusalem as a whole there are roughly equal numbers of Israelis and Palestinians. But almost all of the Israelis in East Jerusalem live within the areas added to the city in 1967; about half of the total 172,000 Palestinian residents of East Jerusalem also live within these areas. Within the Old City the population is approximately 90 percent Palestinian, and the urbanized areas of what had been Jordanian-controlled East

Working Papers on Civil Society

The National Commission on Civic Renewal has convened a scholars' working group on civil society. Its members are writing a series of original essays on the role of civil associations and social movements in American democracy. These essays are being made available in preliminary form to Commission members as well as the general public.

To see summaries of the working papers, please consult the Commission's Web site. To order copies, please contact the Commission's offices at the Institute for Philosophy and Public Policy.

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Report from the Institute for Philosophy & Public Policy

In relation to beliefs about whether a peace agreement with the Palestinians will lead to true long-term peace, and whether the Palestinians have any legitimate rights in regard to Jerusalem, the percentage of Israeli Jews who seriously consider and who flatly reject each proposal

		Groups				National Average
		I	II	III	IV	
Will a peace agreement lead to peace?		Yes	Yes	No	No	
Do Palestinians have any sort of legitimate rights with regard to Jerusalem?		Yes	No	Yes	No	
A. Substantial Support						
Palestinian sovereignty over Arab villages in East Jerusalem	Seriously Consider	79	47	52	27	45
	Flatly Reject	10	27	30	52	36
B. Moderate Support						
Autonomy for Arab areas in East Jerusalem	Seriously Consider	55	41	41	23	35
	Flatly Reject	22	38	36	56	44
Arab areas in East Jerusalem outside Old City to Palestinian sovereignty	Seriously Consider	53	37	39	19	34
	Flatly Reject	16	38	38	59	44
Joint administration of Old City without yielding on sovereignty	Seriously Consider	54	41	40	20	34
	Flatly Reject	22	33	36	55	41
Temple Mount under Wakf (Islamic Trust) as now	Seriously Consider	56	34	34	18	31
	Flatly Reject	23	44	40	62	48
C. Minimal Support						
Palestinian sovereignty over Arab neighborhoods in Old City	Seriously Consider	51	24	22	10	23
	Flatly Reject	24	52	45	70	55
Palestinian sovereignty over Temple Mount, Israeli over Western Wall	Seriously Consider	46	21	25	7	20
	Flatly Reject	33	56	55	71	58
Palestinian sovereignty over East Jerusalem, but Jewish neighborhoods given special status under Israeli control	Seriously Consider	38	23	20	9	19
	Flatly Reject	35	59	65	73	62
Old City internationalized under UN	Seriously Consider	34	26	18	10	18
	Flatly Reject	41	58	68	74	64
Percentage of the Total Population		21	12	18	49	100

Source: Jerome M. Segal, "Is Jerusalem Negotiable?" Center for International and Security Studies, University of Maryland, 1997.

Jerusalem (but not including the Old City) are almost entirely Palestinian.

In 1993 Israel again changed the boundaries, this time expanding West Jerusalem, and there are bills pending in the Knesset to expand East Jerusalem again as well, to include the large West Bank settlements of Maale Adumin and Givat Zeev, which lie a few kilometers outside the present boundaries.

In all this, what is Jerusalem? Meron Benvenisti, an Israeli expert on the city who was once deputy mayor of Jerusalem, described the halachic perspective (that is, the perspective of Jewish religious law) as follows:

Modern-day halacha follows in the wake of administrative decisions and extends the city's sanctity accordingly. All of the territory within its municipal boundaries is regarded as "the Holy City" by the religious establishment.

If this is the halachic point of view, it seems to have its secular analogue in the government's ability to extend the symbolic power of "Jerusalem" to any area that by administrative fiat gets called "Jerusalem." Thus, for

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instance, the recent Israeli decision to build a new Jewish neighborhood at Har Homa is presented by the government as a matter of principle: Israel's right to build anywhere within its capital, Jerusalem. Yet Har Homa had never been "inside" Jerusalem until it was scooped up in the 1967 expansion. (In fact, it is an isolated, rural hill on the outskirts of Bethlehem.) Even Palestinians, it often appears, construe as "Jerusalem" any area that Israeli authorities so identify. Thus the planned construction at Har Homa is characterized by the Palestinian leadership as "the Judaization of Jerusalem."

Does any of this make sense? How might a rational Israeli or Palestinian reflecting on his or her own attachment to Jerusalem determine the geographic content of that commitment?

Until the latter part of the nineteenth century, Jerusalem did not extend beyond the Old City. During almost all those centuries of Jewish diaspora in which there was prayer to and about Jerusalem, the city constituted an area comprising only 1 percent of what is presently Jerusalem. By what process can the object of attachment be so thoroughly transformed and yet retain its power to inspire loyalty and territorial claims?

Indeed, ancient Jerusalem cannot even be identified with the walled city. The current walls were built by the Ottoman rulers in the sixteenth century. The ancient city of David—the Jerusalem that the Bible

tells us was conquered by King David from the Jebusites—was not the Old City; it was a small area less than a quarter of the size of the Old City. Today, this area, mostly ignored, lies just south of the walled city. Even the Western Wall, for Jews the most revered site in Jerusalem, is often misunderstood. It was not a wall of the ancient Jewish Temple, but rather a retaining wall for the plateau on which the Temple stood. But archaeologists tell us that even this is not quite correct, because at the time of the ancient Temple, the plateau was much smaller than it is now. The Western Wall is a retaining wall for the plateau as it was expanded by King Herod in the first century BCE.

Even if one cares about Jerusalem, cares passionately, about exactly what should one care? In what should one reasonably invest one's concern? Assuming that Benvenisti is correct about halacha, can a rational person's emotional energies flow along that prescribed path—if the Knesset says that a settlement of 25,000 people a mile from Jerusalem is suddenly in the city, is it rational that one's feelings about that settlement suddenly change?

The more one wonders "What is Jerusalem?" the more perplexing it all becomes. Why, for instance, should Palestinians who deny that Israel has any rightful authority vis-à-vis Jerusalem or the West Bank experience "as Jerusalem" some village area in the

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West Bank, simply because the day before, an Israeli administrative authority defined it as part of Jerusalem? We can understand why the political leadership on both sides might want to manipulate people's feelings about what is and is not Jerusalem. But, free from manipulation, what is Jerusalem, really?

Here again we find indeterminacy. One can know the facts, but the facts don't themselves imply that something is or is not Jerusalem. To view something as Jerusalem is to have made a *decision*, or to have adopted a stance or a point of view. And such a decision can be reversed, when there are good reasons to do so.

Redefining Jerusalem

The empirical research suggests that official boundaries, halachic positions, and political rhetoric aside, we should go slowly in making any assumptions with respect to how ordinary Israelis or Palestinians define Jerusalem. It turns out that there is actually great diversity within each national community in the extent

to which different parts of what is administratively defined as Jerusalem by Israel are invested with the symbolic power of Jerusalem. And there is considerable willingness, if there are good reasons, to redefine Jerusalem. For example, when Israeli Jews were asked,

"In order to insure a Jewish majority [in Jerusalem] would you support or object to redefining the city limits so that Arab settlements and villages which are now within the borders of Jerusalem (such as Shuafat, Um Tuba, Sur Bahir) will be outside the city?"

59 percent supported and 41 percent opposed this redefinition of the boundaries. Moreover, of the 41 percent opposed, only 7 percent were strongly opposed. Presumably, anyone who views the boundaries of the

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city as a sacred line would have been very opposed. Thus, we can conclude that almost no Israeli Jews view the boundaries in this way. For purposes deemed legitimate, what is Jerusalem, especially what is East Jerusalem, can be expanded or diminished. Within limits, boundaries are a policy instrument.

When Palestinians were asked if they considered as part of Jerusalem those areas that were defined as Jerusalem for the first time when Israel expanded the boundaries in 1967, roughly 40 percent said they did not and 60 percent said that they did. The result varies, however, depending on whether the question emphasizes that Israel made this specification. When simply asked about the areas by name, more people view them as part of Jerusalem. What this suggests is that calling attention to the fact that common definitions of Jerusalem implicitly accept Israel as the party who defines "Jerusalem" prompts Palestinians to assert their own definitions.

On both sides, moreover, there are major differences in the extent to which people consider various parts of the city "important as part of Jerusalem." Within each national community, one finds consensus around certain areas—for instance, around the Western Wall for Israeli Jews, and around the Haram al-Sharif (the Temple Mount) for Palestinians. But then, within each national community, this consensus breaks down. Only about a third of Israeli Jews view Palestinian residential areas anywhere in the city, including those within the Old City, as "very important as Jerusalem." And only about a quarter of Palestinians view Jewish residential areas within any part of the city as "very important as Jerusalem." It turns out that once one disaggregates the Old City, only two areas in all of Jerusalem stand out as

of great importance to most Palestinians *and* to most Israelis "as part of Jerusalem": the Temple Mount and the Mount of Olives.

All of this suggests that exploring what actual people experience as Jerusalem holds much promise as a key to resolving the conflict. Broadly speaking, it is possible for Israeli Jews to experience "Yerushalayim" as consisting of the Old City plus Jewish residential and commercial areas in East and West Jerusalem, and it is possible for Palestinians to experience "Al Quds" as consisting of the Old City plus Palestinian residential and commercial areas in East Jerusalem.

When we bring together the "What is Jerusalem?" question with the "Whose is It?" question, what emerges is a path towards conflict resolution. This path leads, as it were, to two overlapping Jerusalems that have only the Old City and the Mount of Olives in common and over which there would be some form of joint administration. Were national referenda held on this approach today, it would attract greater support than most people believe. Even so, the extent and intensity of popular opposition would preclude an agreement. It is reasonable to believe, however, that if there emerged on both sides a political leadership that sought to achieve an agreement on Jerusalem, and if there were a much fuller discourse about the moral complexity of the Jerusalem question, what is not at the moment politically viable could over time emerge as the basis for lasting peace.

—Jerome M. Segal

Sources of data on Israeli and Palestinian attitudes: Elihu Katz, Shlomit Levy, and Jerome M. Segal, "The Status of Jerusalem in the Eyes of Israeli Jews," Center for International and Security Studies, University of Maryland, 1997; Nader Said and Jerome M. Segal, "The Status of Jerusalem in the Eyes of Palestinians," Center for International and Security Studies, University of Maryland, 1997; Jerome M. Segal, "Is Jerusalem Negotiable?" Center for International and Security Studies, University of Maryland, 1997. The study of Israeli attitudes was funded primarily by the Ford Foundation and the United States Institute of Peace. The study of Palestinian attitudes was funded by the MacArthur Foundation.