

# FLAME



# Jerusalem:

## Why It Must Remain the Undivided Capital of Israel

Learn the Truth about the Jewish “City of Peace”  
—Its History and Its Significance

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Facts And Logic About the Middle East

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P.O. Box 3460, Berkeley, CA 94703

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# Jerusalem: Whose Holy City Is It?

**King David founded Jerusalem as capital of the Jewish Kingdom in 1003 BCE. Today Muslims claim it as a major religious site and capital of a Palestinian state.**

*Jerusalem, which had been divided for 19 years, has been reunited under Israeli rule for over 50 years—since Israel's victory in the Six-Day War in 1967. But some media and Western Europeans claim that the "Middle East problem" cannot be solved unless the city, or at least its eastern part, is "returned to its rightful owners," the Muslim Arabs. In fact, this claim for Jerusalem, together with the "return" of the 1948 refugees and their descendants—who have swollen to five million—are posited as "non-negotiable demands" by the Arabs.*

## What are the facts?

**A city of many nationalities.** Before the end of the 1967 Six-Day War, during which the Israeli Defense Forces re-conquered Jerusalem from the Jordanians, claims to Jerusalem being a Muslim holy city were rarely, if ever, asserted. Jerusalem had always been a city in which many religions and nationalities lived side by side. It was only after the old city was back in Jewish hands that the Muslim Arabs declared their desire to wage "jihad" (holy war) to bring the city back into Arab possession.

The notion to call Jerusalem an Islamic holy city has only come about in modern times, especially after the Arabs lost the city to Israel in the Six-Day War. It now has gained currency by dint of constant repetition. The basis for the claim is that Jerusalem does indeed contain an Islamic holy site, namely the Temple Mount (sacred to both Muslims and Jews) with its two mosques, El Aksa and the Dome of the Rock. It is the place from which Mohammed, who had never set foot in the city, is believed to have ascended to heaven. But aware that it was the holy city of Christians and Jews, and wishing to convert them to his new religion, he commanded his followers to build a mosque in Jerusalem. But never in Muslim history did this mosque or this city compare in significance to the holy cities of Mecca and Medina – cities that no "infidel" may visit.

**A tenuous Muslim claim.** It is on the basis of this religious tradition that the Muslims designated the entire Jewish Temple Mount to be their holy site. The Israeli government, in its constant spirit of accommodation to Muslim sensibilities, has largely acceded to this tradition and has put the area in and around the two mosques entirely under Muslim control.

But Muslim Arab assertiveness goes further. On the tenuous claim of their right to the Temple Mount, they have construed rights to the entire city of Jerusalem (or at the very least to its eastern part), which they have declared to be their "third holiest city." Thus, they claim, it would be an insult to all Muslims and Arabs to leave the city in the hands of the "infidel Jews."

**Jerusalem: Never an Arab capital.** But the city of Jerusalem—in contrast to Baghdad, Cairo, and Damascus—

has never played any major role in the political or religious lives of the Muslim Arabs. It was never a political center, never a national or even a provincial or sub-provincial capital of any country, since Biblical times. While Jerusalem is the site of one Muslim holy site, it is otherwise a backwater to the Arabs. Indeed, the passion for Jerusalem was not discovered by the Muslim Arabs until very recent history.

**At the center of Jewish life.** But Jerusalem has stood at the center of the Jewish people's national life since King David made it his capital. After the return from Babylonian exile, Jerusalem again served as the capital

of the Jewish people for the next five-and-a-half centuries.

## Jerusalem has been the center of Jewish life and yearning for over 3,000 years.

During most of the last three thousand years, Jews have yearned to return to Zion—Jerusalem, the city of peace. When Jews welcome the Sabbath

in prayer, they turn to face Jerusalem. During the Seder Passover service, all Jews make the vow "Next year in Jerusalem!" The Temple Mount in Jerusalem is the site of First and Second Temples—and as such its Western Wall (Kotel) is one of the holiest sites in Judaism. No wonder Jerusalem is mentioned 669 times in the Hebrew Bible (but it is never mentioned in the Koran).

*Jews are not the usurpers in Jerusalem. They have been living there since the Biblical era and have been the majority population since the 19th century. Jews have synagogues and other holy sites in most cities of the world. But do they claim sovereignty over those cities because of it? Of course not! It would be preposterous and people wouldn't accept it. And the Muslim Arab claim to Jerusalem, based on the mosques on the Temple Mount, is just as untenable. Jerusalem has been the center of Jewish life, of Jewish yearning and of Jewish thinking for over 3,000 years. That is the reason that the State of Israel has rededicated the Jewish holy city to be its indivisible capital.*

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# Jerusalem: Who Should Pray There?

**Palestinians mounted a “stabbing intifada,” killing Israelis in Jerusalem, claiming al Aqsa mosque is threatened by Jews wanting to pray on the Temple Mount.**

*As the home of two Jewish temples dating back 3,000 years, the Temple Mount is the holiest site in Judaism, and Jews the world over still come to pray at its Western Wall. Situated atop the Temple Mount are al Aqsa mosque and the Dome of the Rock, from which Muslims say Mohammed ascended to heaven. Claiming that al Aqsa is in danger because Jews want to pray on the site, Palestinian terrorists have murdered Jewish civilians. Should only one group be allowed to pray there?*

## **What are the facts?**

**According to the Bible** and substantiated by archeological research and even Muslim historians, the First Jewish Temple was built by King Solomon on the Temple Mount in 957 BCE. After it was destroyed by the Babylonians, the Second Temple was built in 516 BCE, and this Temple, like its predecessor, was the focal point of Jewish life. The Second Temple, destroyed by the Romans in 70 CE, also figured prominently in Christianity, since it was here that Jesus studied Torah as a youth and later overturned the moneychangers’ tables.

However, in order to impugn Jewish historical rights to a state in Israel, many Palestinian academics and politicians today deny the existence of these Jewish Temples, just as they deny the Jews’ well-documented, millennia-old history in the Holy Land. Palestinians also want to prevent Jews and other “infidels” from visiting or praying on the Temple Mount. Indeed, Palestinian President Mahmoud Abbas has warned Jews against “contaminating” al Aqsa.

After Israel’s war of independence in 1948, Jordan seized the eastern part of Jerusalem, including the Old City and the Temple Mount. For the next 19 years, no Jew was allowed to visit the Western Wall or the Temple Mount. Since the 1967 war, when Israel liberated Jerusalem, members of all religions have been able to visit the Wall and the Temple Mount.

**Why do Palestinians deny Jewish rights to the Temple Mount?** In 2000, against all evidence, then Palestinian President Yasser Arafat claimed that “Solomon’s Temple was not in Jerusalem, but in Nablus.” Since that statement, “Temple Denial” has become a central tenet of Palestinian political ideology. Recently Palestinian Authority advisor on Religious and Islamic Affairs Mahmoud Al-Habbash claimed that “all of al-Aqsa Mosque . . . including the Al-Buraq Wall (i.e. the Western Wall)” are inalienable and non-negotiable Islamic properties. These crude fabrications are nothing more than efforts to delegitimize the Jewish state and foment terrorist acts. To a Palestinian population indoctrinated with such falsehoods, they have been effective.

**Who should be allowed to pray on the Temple Mount?** Though non-Muslims are still not allowed by Israeli law to pray or bring religious artifacts to the Temple Mount,

some Jews have advocated that they be allowed to pray on ancient Temple sites around the Muslim sanctuaries. One such temple activist, Yehuda Glick, was shot and nearly killed by a Palestinian terrorist, including car attacks that killed a three-month old baby and others, and the murder of four rabbis at prayer by axe-wielding killers. According to President Abbas and other Palestinian leaders, even the mere suggestion that non-Muslims be granted equal access to the Temple Mount is a “declaration of war” by Israel. This denial of Jewish (and Christian) rights on the Temple Mount underlies recent cries by Abbas and the terrorist group Hamas to defend al-Aqsa using “any means” necessary.

Despite the fact that Israel’s policies on the Temple Mount have not changed in decades and despite Israeli Prime Minister

**Democratic states protect freedom of religion—Israel is entitled to enforce those same rights.**

Netanyahu’s repeated insistence that Israel is committed to the status quo—meaning no prayer—on the Temple Mount, Palestinian incitement and violence against Jews continue.

## **What is to be**

**done?** Imagine a law in any democratic country that forbids religious groups to practice their religion freely—wherever and whenever they choose. It shouldn’t happen, because democratic states protect freedom of religion—which means equal rights for, and tolerance of, all religious groups. As a fiercely democratic country, Israel is entitled to enforce those same rights and values.

*No group in Israel, including Muslim Palestinians, should be allowed to restrict the rights of other religious groups to visit and pray where they wish, provided these groups don’t disrupt others. Jews should be allowed to advocate for these rights without fear of violent attacks by those who disagree with them. What’s more, if Israel’s democratically elected officials see fit to grant equal rights to all religious groups on the Temple Mount, this, too, should be allowed.*

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# Jerusalem: Israel's Legal Capital

**In 2016, the U.N. Security Council, contrary to a preponderance of legal opinion, ruled that Israel's "occupation" of eastern Jerusalem violates international law**

*In 1995, the U.S. Congress voted to recognize Jerusalem as the undivided capital of Israel and stipulated that the U.S. embassy be located there—though at the time no country had its embassy there. President Obama himself stated often that Jerusalem shall remain the undivided capital of Israel. More importantly, numerous legal experts have definitively established that Israel's annexation of eastern Jerusalem after its victory in the 1967 Six-Day War was completely valid under international law.*

## What are the facts?

**Despite U.S. policy for decades,** President Obama, in December 2016, just days before leaving office—and seemingly in a fit of pique—refused to veto a United Nations Security Council resolution defining Israel's "occupation" of eastern Jerusalem, including the Kotel (Western Wall) and the Jewish quarter, as illegal. Nonetheless, in May 2018, the Trump administration moved the U.S. embassy to Jerusalem, as Presidents Clinton, (G.W.) Bush and Obama promised, but failed to do. As of today, both Guatemala and Paraguay have also moved their embassies to Jerusalem.

**Clear legal case for an undivided Jerusalem.** Before 1948, Jerusalem was part of the British Mandate in Palestine—which means that no country had sovereignty of the city. The "sovereignty vacuum" was supposed to be resolved by a U.N. "Partition Plan" in 1947, which would have turned Jerusalem into an "international city." However, the illegal aggression and forcible occupation of east Jerusalem by Jordan during Israel's War of Independence in 1948 nullified this plan. Other than Pakistan, no other country recognized Jordan's annexation of eastern Jerusalem in 1950.

According to international law, an area can only be considered "occupied territory" if it belonged to a legal sovereign of that territory. Since Jordan did not have legal sovereignty over eastern Jerusalem, Israel's takeover in 1967 did not constitute an illegal occupation of the territory.

**Powerful additional legal support.** Israel took control of eastern Jerusalem in 1967 as part of a legal, self-defensive action when Jordan attacked Israel. The right to self-defense in international law makes Israel's acquired sovereignty over east Jerusalem a lawful action. In addition, it's also possible to acquire sovereignty over an area by means of a peace treaty signed between the occupying state and the state whose territory has been occupied. In 1994, Jordan signed a peace agreement with Israel that did not return eastern Jerusalem to it—though the agreement does give Jordan some rights to administer Jerusalem's Muslim holy shrines.

Finally, the 2016 U.N. resolution cites Israel's violation of the Fourth Geneva Convention—also a flawed legal argument.

The Geneva Convention bars forced transfers of a population into an occupied territory that endanger a conquered nation's existence. However, Israel has never forcibly transferred populations into eastern Jerusalem: All settlement of eastern Jerusalem by Jews has been voluntary, overwhelmingly in open areas or on purchased land. Secondly, Israel has not endangered another nation's existence, since no nation legally held sovereignty over this territory—and the Palestinians have never been a sovereign nation.

Thus the U.N.'s claim of Israel's "occupation" of Jerusalem are invalid under international law.

**Israel has every legal and moral right to call Jerusalem its undivided capital.**

**The Muslim claim to Jerusalem.** Palestinian Arabs also claim Jerusalem, or at least its eastern part, as their capital. The principal basis for the Muslim claim is that Jerusalem contains

the Temple Mount (sacred to both Muslims and Jews) with its two mosques, al Aqsa and the Dome of the Rock. It is the place from which Mohammed—who never had set foot in the city—is believed to have ascended to heaven.

However, the Muslim Arabs also claim the entire city of Jerusalem, which they declare their "third holiest city." But Jerusalem—in contrast to Baghdad, Cairo or Damascus—has never played a major role in the political or religious lives of Muslim Arabs. It was never a political center, never a national, or even a provincial capital of any country, since Biblical times. Other than its single Muslim holy site, it has been an Arab backwater. In fact, the passion for Jerusalem was not discovered by the Muslim Arabs until 1967.

*Jews are the indigenous inhabitants of Jerusalem. They have been living there since King David made it his capital in 1003 BCE and have been the majority population since the 19th century. Israel—and the Jewish people—have every moral and legal right to call Jerusalem the undivided capital of Israel. So it will remain.*

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