

## The Ottoman Status Quo Regime and the Christian Sects in Jerusalem in the Late Nineteenth Century

Dr. Fatima Salim Tarawneh

University of Petra

Faculty of Arts and Sciences

### ABSTRACT

What is known as the Status Quo Law is actually a law promulgated by the Ottoman State which ruled Jerusalem and the Arab lands in the middle of the nineteenth century and beyond after prolonged years of disputes between the Christian sects and communities subject to the suzerainty of the Ottoman State in Jerusalem, not to mention the interventions of European states, each one of which attempted to secure privileges inside Jerusalem. Actually, France was the first European state to secure capitulations (privileges) from the Ottoman state, followed by a number of other Europeans states at a subsequent time, the first of which was Britain which obtained commercial capitulations in the year 1580 A.D., followed by the Netherlands in 1612 A.D., and then Austria in 1616 A.D., followed by other states a century later or more, such as Sweden, Sicily, Denmark, Prussia and Spain. The abovementioned states utilized those concessions to be protectors of one or another of the Orthodox or Catholic sects in Jerusalem, where France was the protector of the Latin Catholics, and Russia of the Orthodox. Thus disputes between the Christian sects intensified as a consequence, which led to the Turkish Sultans issuing a firman since the year 1740 A.D. known as the Status Quo to each Christian sect safeguarding their rights in the holy places which established the rights of every sect and religious community which was present in Jerusalem, without permitting undertaking any change to the status quo since that date until the status was firmly established in 1852, and thus the rights of the various religious sects and communities were protected, at the forefront of which were the rights of the Christian sects in the Church of the Holy Sepulcher. In reality the law is still to a great extent in effect till today.

### INTRODUCTION

The association of Christians with Jerusalem originates in the period in which Jesus Christ preached the Christian Religion, while the churches of the Holy Land share a single historical religious tradition whose roots extend to the early Christian era. Actually, the Jerusalem Patriarchate was founded in the fifth century A.D. and became the fifth patriarchate after Rome, Alexandria, Antioch, and Constantinople, and the authority of the Jerusalem patriarch encompassed the regions of Palestine, the Arabian Peninsula, Mesopotamia, and a part of the Sinai Peninsula.

Christian life flourished during the period of Byzantine rule (330-638 A.D.), and the region came under Muslim rule and thus ended the only period in which the Christians were an overwhelming majority in Palestine. In fact the Arabic language was a unifying force between the Christian communities despite theological differences.

In the Ottoman period the identity of the churches was defined in light of the emergence of the Ottoman Millet system<sup>1</sup> and the evolution of the capitulations system granted by the Ottoman

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<sup>1</sup> What is meant by the Millet system is that system which is grounded in classifying the non-

State to the foreign consulates in the judicial and commercial realms, whereby they evolved towards protecting the Christian minorities and sects. Actually, France became the protector of the Catholics, Russia the protector of the Orthodox, England the protector of the Protestants, and despite the hegemony of Greek Orthodox elements on the Jerusalem Patriarchate the Latins maintained their rights since the year 1333 A.D. , and then conflict emerged between the two parties over the holy places and their entitlements. In 1630 A.D. the Ottoman state organized the affairs of the Christian sects and was keen to reduce the spirit of prejudice between them, notwithstanding the doctrinal differences between the Orthodox and Catholic sects. The policy of the Ottoman State towards the Christian sects in Jerusalem was manifested in the promulgation of firmans regulating the relations between the Christian sects<sup>2</sup> especially after the Catholic Christians obtained French support since the year 1622 A.D. This was manifested in their availing of entitlement to the holy places in Bethlehem at the expense of the Greek Orthodox who since a long period of time enjoyed entitlement to the holy place, which was manifested in enabling them to reconstruct some of the religious places. Moreover, the Catholics renovated the Church of the Holy Sepulcher whereby they acquired a high religious standing next to the Greek Orthodox and the Armenians.<sup>3</sup>

France stood by the Catholics while Russia supported the Orthodox until the official Ottoman firman was issued known as the Status Quo firman in 1852 A.D. concerning the Church of the Holy Sepulcher, the Church of the Virgin Mary at Gethsemane, the Church of the Nativity in Bethlehem, the Chapel of Ascension on the mount of Olives in Jerusalem and Deir El-Sultan monastery located on the roof of the Church of Holy Sepulchre. Among all the Christian sects in Jerusalem the Catholics were in the better position given the support of the rich European states and societies.<sup>4</sup>

In fact the Greek Orthodox monks considered 1856 A.D. to be the year in which there was a new affirmation of the ratification of the Status Quo in the holy places, particularly since the Ottoman sultan issued a firman in which he recognized the rights of his non-Muslim subjects without differentiation between the sects and the communities, and as a consequence the Christians enlisted in military service like the Muslims.

### **The Ottoman Status Quo and the Christian Sects in Jerusalem in the Late Nineteenth Century**

The policy of the Ottoman State and its relations to the Jerusalemite Christians crystallized through the following:

First: The millet system which it applied to the followers of the other two revealed religious. This system was established in the Ottoman State since Sultan Mehmet Al-Fateh gave safety to

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Muslim subjects of the Ottoman State on the basis of the religious sect which those subjects belong to rather than on the basis of race or nationality or language. Each religious sect was named the millet. After the conquest of Constantinople there were three millets: Greek Orthodox, Armenians, and Jews. For further reading see: Ursinus, M.O.H,1993,"Millet",The Encyclopedia Of Islam, New York, Vol.7 , pp.61-62. Subsequently Cited As: " Millet", The E I2

<sup>2</sup> Jerusalem Islamic Court Register 302, Dhu Al-Qi`da 1223H./1808 A.D., p.140.

<sup>3</sup> Armstrong, Karen, 1998, Jerusalem: One City, Three Faiths, translated by Fatemah Muhammad and Muhammad Anan, Cairo, pp.554-555.

<sup>4</sup> Jerusalem Islamic Court Register 302, Dhu Al-Qi`da 1223H./1808 A.D., p.140. Paschal Baldi , The Question Of The Holy Land , Pp . 62.

the Greek Orthodox Patriarch of Constantinople. Thereafter the system of sectarian autonomy expanded within the Ottoman State.<sup>5</sup>

Second: Foreign capitalizations, and in particular the European capitulation based on the capitulation given by Sultan Suleiman Al-Qununi to France<sup>6</sup> in 1535; and among all the Christian sects in Jerusalem the Catholics were in the better position due to availing of the support of the rich European states and societies<sup>7</sup> which paved the way for the interference of France and other European states in the affairs of the Ottoman state and its subjects.<sup>8</sup> The capitulations system evolved into something more substantial whereby the Ottoman state found itself to be under pressure to undertake administrative and political reforms to prevent European interference in its internal affairs, and also, the allegiance of some Christians became to Europe or the European state which is a custodian of the affairs of the sect.<sup>9</sup> The multiplicity of Christian sects in Jerusalem intensified the disputes of European states, each of which claimed protecting a particular sect, while justifying intervention on grounds of protecting or preserving the status quo whose alteration is prohibited to any one.<sup>10</sup>

The sources have alluded to the fact that there were disputes at the Sublime Porte concerning the issuance of firmans to the Greek Orthodox to maintain the holy sepulcher whereby they entered a prolonged and bloody dispute with the Catholics consequent upon which the Ottoman State enshrined the so called status quo in the year 1740 A.D.. Actually, the Greek Orthodox obtained the right to perform maintenance works,<sup>11</sup> whereupon France intervened to strip from the Greek Orthodox what the Ottoman state gave them, and the Catholics started to strongly claim rights to the holy places. Thus France was given the concession of 1740 to care for the Franks and the right to claim the entitlement of the Franks to maintain the holy sepulcher,<sup>12</sup> and as a consequence the Franks in 1747 impeded the efforts of the Greek Orthodox to perform repairs on the Church of the Holy Sepulcher. Thereupon, Russia intervened in favor of the Greek Orthodox in 1757 after the Greek Orthodox patriarchs appealed to it as the protector of the Greek Orthodox sect in Jerusalem, and in fact its ambassador to the Sublime Porte secured endorsement of the right of the Russians to care for the Greek Orthodox and to prevent the Catholics from harassing them.<sup>13</sup>

<sup>5</sup> Gibb and Bowen, *Islamic Society and the West*, part 2, p.396. H. Davison, Roderic, 1982, "The Millets As Agents Of Change In The Nineteenth Century Ottoman Empire", In, Benjamin Braude & Bernard Lewis, *Christians and Jews In The Ottoman Empire*, Holms Meir Publishers, New York , Vol. 1 ,PP.320 -321.

<sup>6</sup> France obtained capitulations from the Ottoman State prior to other European states as a consequence of the military and political alliance between France and the Ottoman State when France sought the assistance of the Ottomans to fight Austria, and this alliance was crowned with France obtaining a capitulations treaty from the Ottoman State. And as Qays Al-Izzawi put it, instead of Sultan Suleiman Al-Qanuni receiving capitulations in return for services rendered to France the opposite took place. See: *The Ottoman State ar.*, p.19.

<sup>7</sup> Paschal Baldi, *The Question Of The Holy Land*, pp. 62 .

<sup>8</sup> Nuwar, *Documents*, p.142; Ben Arie, Yehoshua, 1979 , *The Rediscovery of The Holy Land In The Nineteenth Century*, The Magnes Press, Jerusalem, P.161. Subsequently cited as: Ben Arie, *The Rediscovery Of The Holy Land*.

<sup>9</sup> Al-Muhami, *Ad-dawla Al-Aliyah*, p. 200.

<sup>10</sup> Polidori, Fr . Alfredus, 1961 , *Le Status Quo Et Les Rites Orientaux* , imprimatur , Traduit De L Italien , PP.7. Paschal, 1918 , *The Question Of The Holy Places* , Roma , PP. 155 –159.

<sup>11</sup> Asali, Kamel, *Al-Quds F'il Tarikh*, pp. 260...; Rustum, *Church of the City of God ar.*, pp.167-170.

<sup>12</sup> *Jerusalem Islamic Court Register* 332, 18 Jumada Al-Thani 1156 H./1743 A.D., p.241.

<sup>13</sup> Gibb and Bowen, *Islamic Society and the West*, part 2, pp.463-465; Qazaqia, *History of the Church*, p.137.

When the assaults of the Catholics targeting the Orthodox clergy increased at the Chapel of the Shepherds<sup>14</sup> the State issued a firman in which it enshrined the entitlement of the Greek Orthodox to the Chapel of the Shepherds, whereby the status quo would be maintained.<sup>15</sup> Moreover, the Ottoman state also returned to the Orthodox what was taken from them in churches, and accordingly it issued a new firman in the wake of renewed disputes with the Franks concerning the times for visiting the Church of the Holy sepulcher and placing their two candlesticks in them and possession of the keys to the tomb of Holy Mary, whereupon the Ottoman state issued a firman which designated the time of the visit of the two sides and not to sidestep the Orthodox placing the candlesticks in the Church, and the religious places for each of them were specified for each side in the Church of Golgotha and inside the cavern provided the keys are kept by the Greek Orthodox, and the status quo is maintained.<sup>16</sup>

The dispute between the Greeks and the Franks was rekindled over the keys of the cavern where the Catholics demanded to have keys like the Greek Orthodox and to alter the schedule of the mass and placing the candlesticks and cleaning the staircase, but the Ottoman state decided for the key to remain with the Greek Orthodox.<sup>17</sup> However, the Catholics again demanded the key of the cavern in the following year 1172H./1758A.D. like the Greek Orthodox.<sup>18</sup>

It becomes in evidence that French policy started to have an impact. Actually, France demanded anew the entitlement of the Franks to the holy sites in Jerusalem despite its knowledge that the Orthodox are more entitled to many of the religious places since olden times. In fact it demanded clarifying the places of each of the two sects and the lanterns of each one. Thus the Ottoman State issued a firman indicating the religious places allocated to each sect and the lanterns of each one.<sup>19</sup> However, a dispute subsequently erupted between the two sects concerning holding the mass, and the Catholics conveyed their grievance to the Ottoman state but the Greek Orthodox stated through a complaint that the Catholics trespassed by holding their mass every week, whereupon the sultan issued a new firman in which he stated the schedules of the mass for each side. "It has been customary since olden times that each of the Orthodox and Frankish sects hold its mass in the church and notifies the other thereof, and the Franks shall hold a mass twice a year whereby the gate of the Holy Sepulcher is closed and if it is closed then they shall be aggrieved, and we are aware that the Franks hold a mass every Friday and this bothers the other sects, and hence we command that it returns to what is old and customary.."<sup>20</sup>

The dispute between the Catholics and the Greek Orthodox over the Church of the Holy Sepulcher returned anew, but Sultan Mahmoud the Second maintained the status quo, even though he permitted the Catholics to build new rooms in their monastery<sup>21</sup> and the Franks also seized the opportunity stemming from the preoccupation of the Orthodox with the fire of the Church of the Holy Sepulcher in 1223 H./1808 A.D. to obtain new holy places, or to grant them

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<sup>14</sup> Chapel of the Shepherds is the remnants of old churches which were built in Palestine in the era of Emperor Constantine with the participation of his mother Helena, and it is at the spot where the angel gave tidings to the shepherds of the birth of Jesus Christ. See Qazaqia, History of the Church, p.151.

<sup>15</sup> Jerusalem Islamic Court Register 242, Safar 1172H./1758A.D., pp. 169-170; Qazaqia, History of the Church, p.152.

<sup>16</sup> Ibid 243, 16 Rabi` Thani 1172 H./1758 A.D., p.113.

<sup>17</sup> Ibid, pp.169-170.

<sup>18</sup> Ibid, pp.169-170.

<sup>19</sup> Ibid, 240, 1169 H./1775 A.D., p.133.

<sup>20</sup> Ibid 292, 12 Safar 1808 H./1226 A.D., p.36.

<sup>21</sup> Al-'Aref, Al-Mufassal Fi Tarikh Al-Quds, p.425.

the right to rebuild the Church.<sup>22</sup> Mikhail Mashaqa mentioned that the Catholics demanded holy places, but the Ottoman state maintained the status quo.<sup>23</sup>

The relations of the Orthodox with the Catholics assumed a new dimension in the wake of the fire of the Church of the Holy Sepulcher 1223 H./1808 A.D. where the Catholics exerted fresh efforts to secure a firman granting them new places, exploiting as they did the situation of the Ottoman state and its wars with European states.<sup>24</sup> Thus the Catholics resorted to France which intervened through its ambassador with the Ottomans in Istanbul and indicated the situation of the Franks in Jerusalem which was the second largest sect after the Greek Orthodox, which made it entitled to religious rights like those of the Orthodox in the Church of the Holy Sepulcher. Actually, the Ottoman state reacted positively and issued a firman obligating the two sects to their respective religious rights in the Church:

**"Issued by the Ottoman state concerning the Catholic sect in Jerusalem and after establishing relations with France through the embassy of the French state residing in Istanbul demanding their places outside and inside the Sepulcher and their mass where the Orthodox do not dispute with them.. The State referred to all that is old in this respect and the Orthodox are guardians since old times.. and the Catholic Franks likewise.. And the Greek Orthodox alleged that they had placed a crucifix on the sepulcher, and the Catholics removed it and installed a crucifix in its place, and we found that the Orthodox had no permission to install a crucifix and this contravenes old covenants.. and thus we invalidated them for the two parties.."**

Based on this firman the Ottoman state issued another firman confirming what was stated in the previous firman designating places for the Catholics inside and outside the Sepulcher and the place of the organum (icon) whilst emphasizing prohibiting the Catholics to build any place without obtaining a permit. And there were other firmans for the Catholics and the Orthodox in the same year designating the places of each side and also the visitation place. Thus a firman was issued stating: **"the places in the Sepulcher and inside and outside Jerusalem for the Frankish Monks concerning the visitation and lodging places are in their hand and the Orthodox shall not hinder them at their places"**. And Sultan Mahmoud the Second issued a firman to the notables of Jerusalem in which he confirmed all the previous firmans concerning the Ottoman status quo as relates to the religious places.<sup>25</sup>

The Orthodox adhered to the firmans issued by the Ottoman state concerning the status quo of the years 1816, 1817 and 1819, and Sultan Mahmoud the Second designated the times of visitation of both sides based on the status quo.<sup>26</sup>

The Ottoman state wished to stop the sectarian disputes in Jerusalem concerning the times of visitation, and the properties of each of the sects of the places allocated to them in the Church of the Holy Sepulcher. And this is what the state did by issuing a firman designating for the Armenians their places in the Church, their times of visitation and their mass, while preventing them from obtaining the keys of the Church of the Holy Sepulcher which were with the Greek Orthodox, and it stated that:

**"... both the Armenians and the Greeks have their places in the Church of the Holy Sepulcher and Bethlehem according to the Sacred Law and this edict is a deed for them,**

<sup>22</sup> Al-Awrah, History of the Rule of Suleiman Pasha ar., pp.80-83; Jaber, The Christian Presence ar., p.14.

<sup>23</sup> Mashaqa, Muntakhabat Min Al-Jawab 'Ala Iqtirah Al-Ahbab, p.72.

<sup>24</sup> Rustum, Arab Origins ar., Vol. 1, p.43; Asali, Al-Quds F'il Tarikh, p.258.

<sup>25</sup> Jerusalem Islamic Court register 295, 29 Jumada Al-Akhira 1811H./1226 A.D., p.26.

<sup>26</sup> Ibid 29, 1233 H./1820 A.D., p.315.

**and the Armenians have places in the Church of the Holy Sepulcher and Bethlehem and the Tomb of the Virgin Mary"** Actually, the Ottoman state did not respond to the demands of the Armenians to possess the keys of the Church of the Holy Sepulcher and to alter the times of their mass, and placing their candlesticks, which is clear from its firmans since the year (1820-1830 A.D.).

The Catholics and the Greek Orthodox protested to this to no avail given that the Armenians became partners of the Catholics and the Greek Orthodox and they came to have "seven lanterns in the Church like the Catholics and the Greek Orthodox, and they have inside and the outside what the Catholics and the Greek Orthodox have and since that time they began to clean and wash as their turn arrived."<sup>27</sup> The status quo was clear especially for each of the Greek Orthodox and the Catholics which are the two sects that most vied for entitlement to the holy places and to the largest share, which had the greatest impact on the issuance of those successive firmans to safeguard their rights and those of other sects.

The struggle between European states over having primacy in protecting the Christians in Jerusalem acquired an international dimension. Thus Austria demanded the protection of the Christians in Jerusalem and signed with the Ottoman State on 22 Dhu Al-Hijjah 1205H./14 August 1792 A.D. an agreement granting greater freedom to the Christians within the Ottoman state in the shadow of the spread of Catholicism after some Christian sects began to convert from Orthodox Christianity to Catholicism. Thus one of the clauses of the agreement or treaty signed between Austria and the Ottoman state granted greater freedom to the Catholics within the lands of Jerusalem. Actually Article Twelve thereof stipulated: "Practice Christian Catholicism in the Ottoman State and the freedom to practice monastic life, and the preservation and repair of churches and freedom of worship and worshippers and the visiting of holy places in Jerusalem and otherwise and the protection of those places and performing pilgrimage to them."<sup>28</sup> The response of the Ottoman State was that the "Sultan determines and endorses based on the rule of restoring everything to the status quo ante the privileges granted to the Catholic religion pursuant to Clause Ninth of the previous treaty, and pursuant to all the firmans and edicts issued."<sup>29</sup>

Moreover, the travelogues of foreigners reflected the extent to which relations between the Christian sects reached concerning the keys of the Church of the Holy Sepulcher.<sup>30</sup> Thus they mentioned the dispute of the sects over the keys of the Church of the Holy Sepulcher which caused the Ottoman State to issue a firman in which it entrusted the keys of the Church to a Muslim family, namely the Nusseibeh family.<sup>31</sup> The traveler Pierre Jorda, who described the disputes of the Christian sects over the keys of the Church of the Holy Sepulcher said, "**The Pasha has the keys, and but for the fact that the keys are in his possession the sects would have killed each other..**" which spurred the State to intervene to resolve the disputes.<sup>32</sup>

The dispute between the European states intensified to obtain additional concessions in Jerusalem, and concurrently their interference in the internal affairs of the Ottoman State intensified, and matter was made more complex by the establishment of European consulates

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<sup>27</sup> Ibid 296, 17 Sha`aban 1228H./1813 A.D., pp.67-68.

<sup>28</sup> Al-Muhami, op.cit., p.178.

<sup>29</sup> Ibid, p.178.

<sup>30</sup> Volney , *Travels Through Syria and Egypt*, V. 2 , pp. 305 -312.

<sup>31</sup> Asfar Fi Filastin, p.22.

<sup>32</sup> Jorda, *A Voyage to the Orient*, p.32.

there (1842).<sup>33</sup> With increasing disputation the Turks issued a firman in February 1852 denying the old rights of the Catholics and they did not respond to the just demands of the Catholic nations. And the firman affirming the status quo was renewed<sup>34</sup>, which is applicable till this time to safeguard the rights of each sect to the religious places in Jerusalem.<sup>35</sup>

The splendor of the “status quo” is evident after the passage of hundreds of years insofar as the harmonious regulation of relations between all the Christian sects, and the safeguarding of their rights and religious places in the Church of the Holy Sepulcher, and to date this law is in effect with wonderful harmony within the walls of the Church. And despite the importance of this law the Israeli occupation government has violated it tens of times.

Moreover, it is evident that the largest share in all the holy places is for the Greek Orthodox, followed by the Catholics, and then the Armenians, followed by the other sects even insofar as prayer inside the Church.

There were political and historical dimensions to the Ottoman status quo which were observed by all the states in dealing with all the Christian sects in Jerusalem, and in case of differences it was referred to. And even the keys of the Church of the Holy Sepulcher remain with a Muslim family which is entrusted to open and close the Church for all the sects so as to avoid disputes between the sects. And notwithstanding numerous attempts, particularly by Israel, to alter the status quo, those attempts have failed and the status quo is in effect till the present time.

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<sup>33</sup> Alfredus , *Le Status Quo*, pp. 7-15, p.18

<sup>34</sup> Jerusalem Islamic Court Register 242, Safar 1172 H./1758 A.D., pp.169-170; Qazaqia, *op.cit.*, p.152.

<sup>35</sup> Baldi , *The Question Of The Holy Land*, pp. 74 -75