

Enclosure.

THE WESTERN OR WAILING WALL IN JERUSALEM.

(Memorandum by the Secretary of State for the Colonies.)

The incidents which have given rise to the Jewish complaints and to questions in Parliament are described in the following *communiqué*, which was issued by the Palestine Government on the 26th of September last :—

“ On the evening of the 23rd September, the eve of the Day of Atonement, a complaint was made to the Deputy District Commissioner, Jerusalem, by the Mutawali of the Abu Madian Waqf, in which the pavement and the whole area around the Western or Wailing Wall is vested, to the effect that a dividing screen had been affixed to the pavement adjoining the Wall, and that other innovations had been made in the established practice, such as the introduction of additional petrol lamps, a number of mats, and a tabernacle or ark much larger than was customary. The Deputy District Commissioner visited the Wall during the evening service, and, acting in accordance with the practice established by Government, decided that the screen would have to be removed before the service on the following day. He gave instructions accordingly to the beadle in charge of the arrangements for the conduct of the services at the Wall, reserving his decision in the matter of the lamps, the mats, and the ark. The beadle undertook to remove the screen and the Deputy District Commissioner gave him until early the following morning to do so. The Deputy District Commissioner accepted the beadle's assurance that his instructions would be carried out, at the same time informing the British Police Officer on duty that in the event of the beadle not complying with his undertaking the screen was to be removed.

“ On the following morning the Police Officer visited the Wall and, finding that the screen had not been removed, asked members of the congregation present to take it away: they replied that they were unable to move it because of the holiness of the day. The Police therefore removed the screen themselves. The worshippers in general, unaware of the circumstances that had gone before and seeing only the Police in the act of removing the screen which had been used to separate the men and the women, became excited and some of them endeavoured by force to prevent the screen being taken away. Ultimately the screen was removed.

“ The importation of the screen and its attachment to the pavement constituted an infraction of the *status quo*, which the Government were unable to permit. At the same time the Government deeply deplore the shock that was caused to large numbers of religious people on a day so holy to Jews. Government understand that the beadle responsible for the innovation which caused the incident has been dealt with by the Jewish authorities, and on their side have impressed on the Jewish authorities the need, manifested in connection with the incidents at the Wall in 1922 and 1925 and again on this occasion, for prior consultation with the proper officers of Government as to the arrangements for the services at the Wall on the principal Jewish holidays.

“ No Jewish Police Officer was present at the Wall on the occasion in question owing to all Jewish officers in Jerusalem having been excused duty for the Day of Atonement. Government will, however, consider the desirability of a responsible Jewish Officer being included in future among the officers detailed for duty at the Wall on solemn Jewish holy days.

“ In conclusion, Government consider that the removal of the screen was necessary, but regret all the circumstances attending that removal.”

It will be seen that the intervention of the police was caused by an act of the Jewish authorities, which was regarded by the Palestine Government as constituting an infraction of the *status quo*. Before proceeding to an explanation of the *status quo* as it appears to the Palestine Government and His Majesty's Government, it is necessary to state briefly the position as it existed before the British Administration was set up in Palestine.

The Western or Wailing Wall formed part of the western exterior of the ancient Jewish Temple; as such, it is holy to the Jewish community, and their custom of praying there extends back to the Middle Ages and possibly further. The Wall is also part of the Haram-al-Sharif; as such, it is holy to Moslems. Moreover, it is legally the absolute property of the Moslem community, and the strip of pavement facing it is Waqf property, as is shown by documents preserved by the Guardian of the Waqf. The Jewish community have established an undoubted right of access to the pavement for the purposes of their devotions but, whenever protests were made by the Moslem authorities, the Turkish authorities repeatedly ruled that they would not permit such departures from the existing practice as the bringing of chairs and benches to the pavement. It is understood that a ruling prohibiting the bringing of screens to the pavement was given in 1912.

The Palestine Government and His Majesty's Government, having in mind the terms of Article 13 of the Mandate for Palestine, have taken the view that the matter is one in which they are bound to maintain the *status quo*, which they have regarded as being, in general terms, that the Jewish community have a right of access to the pavement for the purposes of their devotions, but may bring to the Wall only those appurtenances of worship which were permitted under the Turkish régime. Whenever the Moslem authorities have preferred complaints that innovations have been made in the established practice, and the Palestine Government on inquiry have satisfied themselves that the complaints were well-founded, they have felt it their duty to insist that the departures from practice which gave rise to the complaints should be discontinued.

An incident which occurred in September, 1925, when the authorities in Palestine had to remove seats and benches brought to the Wall, formed one of the subjects of a memorandum addressed by the President of the Zionist Organization through His Majesty's Government to the League of Nations in May, 1926. The conclusion of both the Permanent Mandates Commission and the Council of the League was that a solution of the difficulties could only be found by agreement, thus endorsing the