

# Holy sites need legal protection, say speakers at Rome conference

ROME - Every Friday afternoon in Jerusalem's Old City, thousands of Muslims walk to Al Aqsa Mosque to pray, thousands of Jews walk to the Western Wall to pray and thousands of Christians carry a cross in procession along the Via Dolorosa, recalling the Way of the Cross.

Daniel Seidemann, an Israeli lawyer, said the Friday afternoon scene "is not touchy-feely, it's not fuzzy warm and when the people glance at each other, more often than not it is a glance of disdain or contempt, but the damn thing works."

Mr. Seidemann, who describes himself as a Zionist committed to ensuring Jerusalem remains a city where Jews, Christians and Muslims coexist, spoke in Rome Dec. 10 at an international conference on different legal and religious approaches to the status of holy places and religious institutions.

The conference was co-sponsored by the interdisciplinary program in law and religion at Catholic University's Columbus School of Law in Washington.

Marshall J. Breger, a professor at the law school, told Catholic News Service, "We believe the political issues - as difficult as they are in places like Palestine and Israel - cannot be resolved without recognizing the religious issues involved."

"Conferences like this let us uncover the facts concerning the law, theology and culture of the different stakeholders in a conflict," he said.

Tariq Ramadan, a professor of Islamic studies at Oxford University and president of the European Muslim Network, said that while religious leaders should educate their followers in the obligation to respect the holy sites of all religions, if those sites are not protected by law, "in situations of conflict, there will be a mess."

"Idealism offers no protection from the dark side" of human behavior, he said, so laws are needed to protect and govern access to places people consider sacred.

Mr. Seidemann said that while Jerusalem may not be a model of interfaith friendship and cooperation, its identity is essentially tied to being a city where different religious groups exist side by side.

But, he said, the city's history has shown violence is almost guaranteed when there is a "real or perceived threat or violation of sacred space."

The government must guarantee the security of and access to holy sites and not allow fundamentalist Jewish, Muslim or Christian activists the opportunity to ignite more violence, he said.

While the majority of Israelis and Palestinians now agree that they want peace and have converged around a solution based on Israel withdrawing from the West Bank and Gaza Strip, "the volcanic core of the conflict" - the Old City of Jerusalem and its holy sites - remains volatile, Mr. Seidemann said.

So far, he said, peace proposals have shown themselves "inadequate for dealing with the religious ecosystem of Jerusalem."

In addition, Mr. Seidemann said, the flight of Christian residents from Jerusalem threatens the already fragile coexistence of believers from the three faiths and "is the cultural, the religious impoverishment of Jerusalem."

"This is dangerous," he said. "The Christian community of Jerusalem is the canary in the coal mine; when that community is ill, everybody is ill."

Franciscan Father David Jaeger, who has been involved in Vatican-Israeli negotiations, said that except for the Church of the Holy Sepulcher and the tomb of Mary in Jerusalem and the Basilica of the Nativity in Bethlehem, all of the Catholic churches and shrines in the Holy Land are the private property of the Catholic Church.

The three major sites are governed by an internationally recognized agreement, which is guaranteed by both Israel and the Palestinian Authority, Father Jaeger said. "In the future, when Jerusalem has an internationally guaranteed special statute (something for which the Vatican hopes) that responsibility may pass to an international organization designated for the purpose."

As for the other churches and shrines the Catholic Church considers holy, Father Jaeger said the Catholic Church asks only that the normal laws governing private property be respected.

In the Catholic codes of canon law, he said, sacred places are not sacred because of the traditions associated with the site, but because the church has performed a rite consecrating the place.

For Catholics, Father Jaeger said, "law, not mysticism, defines a sacred place" in contrast with other believers who "have decided that certain places are holy places for which they are prepared to shed blood - their own and other people's."