



Governing the Sacred: A New Toolbox for Resolving Conflicts over Contested Sacred Sites

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EXECUTIVE SUMMARY: The Temple Mount, the Western Wall, the Church of the Holy Sepulcher - these are places of utmost importance to multiple religious groups, and they often give rise to bitter disputes and even acts of violence. The question of how to effectively govern and manage such sites is of paramount practical significance. Until recently, no systematic models of governance for contested sacred sites have been proposed. This article describes a typology of five governance models in terms of their attributes, advantages, and disadvantages so that decision-makers, scholars, religious figures, and other stakeholders can apply them as needed to different sacred sites.

Sacred sites are defined as “thick sites”, which means a site, typically but not necessarily religious, that is imbued with different and incompatible meanings by different agents. From these agents’ point of view, these meanings are highly significant and the sites are therefore irreplaceable.

Thick sites are not mere locations. They exist in specific public spaces and cannot be moved or replaced. This means that members of different religious groups all insist on conducting their activities in the same location, often simultaneously. Unlike the Lockean-Madisonian solution, according to which religious practice is kept a private affair, thick sites contain different religious communities that each maintain their own place of worship within the site. These sites are thus focal

points for intense inter-religious competition over ownership, governance, access, religious rights, and other aspects of control.

This raises the question of how to govern such sites effectively. What models of governance can promote social order and a measure of religious liberty at these sites?

The following is a brief, induction-based description of five main models for the effective governance and management of contested holy, or “thick”, sites:

1. **The "Non-Intervention" Model:** In this model, the state withdraws from religious or substantive management of the holy site and does not finance the salaries of clerics, clergy, or religious personnel. The state focuses on providing services like security and cleaning. An example of this model is the management of "Devil's Tower" in Wyoming, US, which is sacred to about 20 Native American tribes.
2. **The "Divide and Separate" Model:** Here, the government divides the thick site and separates competing groups, either spatially or temporally. This bureaucratic separation minimizes contact between rival groups, potentially cooling tensions, as contact between the groups is either minimized or banned completely. An example was the proposal (not ultimately accepted) to manage the Babri Masjid/Ram Janmabhoomi site in Ayodhya, India, which is embroiled in a dispute between Hindus and Muslims. This model also applies to the Cave of the Patriarchs.
3. **The "Preference" Model:** In this model, one group is given priority or advantages in certain aspects of site management over other groups. These advantages can include ownership rights, religious usage rights, and entry. The Western Wall illustrates this model, with Orthodox Judaism enjoying privileged status. Thus (to mention a few examples), the Rabbi of the Wall (a governmental position) is always Orthodox, space is allocated unequally between men and women with the advantage given to the men, and access to Torah scrolls is denied to women in their section of the Wall.
4. **The "Status Quo" Model:** This model “freezes” an existing situation – an allocation of ownership, usage and entry rights to competing religious groups at a given thick site – at a specific point in time. That is, it locks in the status quo. While this ensures stability, it may not guarantee fairness, as the fairness of the allocation framework being maintained in perpetuity is not discussed at all. The Church of the Holy Sepulcher in Jerusalem, which

is crucially important to multiple Christian groups, is an example of this model. At this church, the status quo from the days of Ottoman rule has been meticulously preserved throughout British, Jordanian and Israeli rule.

5. **The "Closure" Model:** This model involves a ban on entering or practicing religion at the site, either selectively or absolutely. The ban can apply to entrance, religious practice, or a combination and can be selective by group or by period. It is a strict tool that infringes on the religious freedom of observers of the restricted religion but can be justified in cases where there is a significant risk to public order, as is the case on the Temple Mount. At that site, Jews may enter but are not allowed to pray.

The suggested novel typology is rooted in field cases and is a tool that can benefit both policymakers and academics. Researchers can use it to understand and analyze conflicts surrounding thick sites worldwide. Politicians can employ it to resolve these conflicts by considering various governance models, their pros and cons, and their suitability for specific cases.

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