

## **Conflict and Neglect: Between Ruin and Preservation at the Church of the Nativity<sup>1</sup>**

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### Introduction

The Church of the Nativity, Bethlehem, revered by untold generations of pilgrims as the birthplace of Jesus Christ, has had a tumultuous history.<sup>1</sup> The original basilica, in the form of a columned Roman temple, was built by the Emperor Constantine in 330-33, following his adoption of Christianity as the religion of the empire and the visit of his mother Queen Helena to Jerusalem and nearby Bethlehem in 325. Those two places became the jewels in the crown of the Byzantine Empire, the settings of the key events in the life of Christ.

Excavations carried out in the 1930s showed that Constantine's structure had burnt down, possibly in 529 when the Samaritans rebelled against Byzantine rule. Extensive mosaic floors and the foundations of walls under a thick layer of ash mixed with charred wood and broken tiles, gave witness to a devastating conflagration. A splendid new cruciform church, erected by the Emperor Justinian (527-569), followed the original design of atrium and nave with four colonnades. At the west end of the basilica a porch or narthex was added, while the east end, over the underground Grotto of the Nativity, consisted of a spacious cruciform transept and chancel with attached apses. The walls were lined with marble or mosaics, surmounted by a timber roof. Maintenance of the roof and mosaics, so susceptible to decay, has been a recurrent problem from that day to this.

In later years, Justinian's church repeatedly skirted destruction. In 614 Persian armies swept through the Holy Land. They sacked its cities but somehow spared the Nativity Church. Then in 638 the Byzantine Empire lost Palestine to the Caliph 'Umar ibn al-Khattab at the head of a conquering Muslim army. The Caliph promised the Patriarch Sophronius to protect the church and, with occasional lapses, subsequent Muslim rulers mostly kept that promise. Even the fanatical Egyptian Caliph al-Hakim, who destroyed the Church of the Holy Sepulchre in 1004, did not touch the Church of the Nativity. In 1099 the Crusaders conquered the Holy Land, indiscriminately massacring the population of Jerusalem, whether Greeks, Jews or Muslims. They established a Latin Kingdom, remaining in Jerusalem and Bethlehem until their defeat in 1187 by Saladin and the restoration of Muslim rule over Palestine.

(‘Catholics’ as we now tend to call them, members of the Western Church under the authority of the Pope, the Bishop of Rome, are still known as ‘Latins’ in the Jerusalem area, following the original language of their liturgy. ‘Orthodox’ as we now tend to call them, originally the Church of the Roman Empire in the East based on Byzantium or Constantinople, now Istanbul, are still known as ‘Greeks’ in the Jerusalem area, following the original language of *their* liturgy. Most of the parishioners of both communities have long been Arabic-speakers.)

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The Crusader period was crucial for the Nativity Church. Before the arrival of the Crusaders the Royal Church of Byzantium possessed *praedominium* or primacy at the Holy Places, as it had had since the pilgrimage of Queen Helena. The Patriarchate of Jerusalem was in its hands; other communities, including the Latins, Armenians, Syrian Orthodox and Copts, had their own altars but never questioned their own subordinate status. Under the Crusader Kings of Jerusalem the Greek Patriarch was sent packing. Latins now had primacy at the Holy Places and control of the Patriarchate. Under the Muslim Sharia Law that governed Palestine after 638 construction and repair of a structure constituted proofs of ownership. Moreover, the one who roofed a building *ipso facto* owned that building. It was therefore as proprietors that the Latins rebuilt the Church of the Holy Sepulchre and opulently restored and refurbished the Church of the Nativity. They installed a new roof of cedar beams, sheeted with lead, and redecorated the walls of the nave and apses with portraits of Christ's ancestors, scenes from his life, and representations of Church councils.<sup>2</sup>

When the Crusaders departed, the Byzantine Church regained its primacy but never forgot or forgave its painful expulsion from the Jerusalem Patriarchate, the depredations of the Crusaders, or the theological schism between the Churches that rendered their conflict so bitter and unrelenting.<sup>3</sup> In contrast, the Roman Catholic Church looked back on the Crusader period as a golden age, considering the Orthodox Church to be heretics and interlopers. Ever since then Latins and Greeks have been locked in a struggle for primacy at the Holy Places, a surrogate battle for the Christian birthright. For a time one might gain the upper hand, only for that supremacy to be overturned at a later date by imperial preference in some new international constellation. This fierce competition continued for the 400 years of Ottoman Turkish rule from 1516 until 1917 when the British arrived. It has been contained but never abandoned, and still occasionally flares up.

Our story here is of the record of preservation at the Church of the Nativity from the mid-19<sup>th</sup> to mid-20<sup>th</sup> centuries, under the Ottoman and British Empires. It is largely a study in frustration and dilapidation. This is more to do with law and politics than architecture. According to the Turks, the Holy Places, including the Church of the Nativity, were *waqf*, religious property held in perpetuity by a religious foundation as a sacred trust. Unlike *mulk* or private property, ownership was inalienable and could not be transferred, whether by sale or bequest. However, rights of possession and usage could be graciously bestowed by the sovereign, acting as trustee, upon whichever Christian community was favoured at the time.

The Turks frequently exercised their sovereign prerogative, occasionally transferring various rights by imperial decree or *firman* from one Church to another as they saw fit. On the whole, they preferred the Greek Orthodox community because they were Turkish citizens. Sometimes, though, French diplomatic influence (because of France's 1536 treaty with Turkey and status as protector of Catholics in the Ottoman Empire) was effective in obtaining advantage for the Latins. As a Muslim power the Ottoman Empire assiduously maintained the Holy Places of Islam but was frankly indifferent to the fate of the Christian Holy Places, except as a source of income. As far as it was concerned their preservation was the problem of the major resident communities—Greek Orthodox, Roman Catholic and Armenian Orthodox—not theirs. The authorities would issue permits to conduct specified repairs in return for exorbitant presents and fees but would not take the initiative.

As long as a single community enjoyed undisputed primacy in the church, thanks to the fickle grace of the Sultan, that community's concern to maintain the property outweighed the

sovereign's passivity. Once the Ottoman Empire went into decline and the Sultan lost the effective power to determine possession at the Christian shrines, the system broke down. Given the logic of Muslim property law, Greeks and Latins were rarely able to agree on repairs, let alone settle disputes. Arguing over every hook and nail, they feared that cooperation in making a repair would constitute recognition of the other's right to the item being repaired. In particular, rivalry for possession of the roof over the church proved gravely detrimental. Thus the very religious ardour that hallowed the site also impeded the communities' collaboration. Each unswervingly viewed its claim to be the True Church to entitle it to the exclusive right to the birthplace of Christ. This unfortunate state of interchurch rivalry was frozen on the eve of the Crimean War (1854-55) and inherited by the British when they took over Palestine in 1917. It impeded British officials at the Holy Places for the entire Mandate.

### Turkish rule

Long before the arrival of the Turks in 1516, a pattern of official indifference and venality had set in at the Church of the Nativity. During the Mamluk period (1260-1516), repairs could only be carried out by the special authorization of the Sultan based in Cairo and this was only grudgingly granted. Permission to repair the damage to mosaics and paintings caused by rain leaking in was not forthcoming and nothing was done to stop vandalism and looting. Still, in 1480 permission was obtained to carry out repairs to the roof and, in a combined operation, Philip Duke of Burgundy supplied the craftsmen, wood, iron and tools; King Edward IV of England the lead; and the Doge of Venice the ships.

Under the new Turkish dispensation marble was openly removed from the church for the decoration of Muslim buildings, including the Haram es-Sharif in Jerusalem. By the mid-17<sup>th</sup> century little of the marble facing of the walls remained and the roof was again rotting away as the protective lead sheathing had been stripped off for the manufacture of bullets. Eventually, the Greek Orthodox Patriarchate, in the ascendant at that point, acquired the necessary firmans for an extensive programme of repairs. By 1671 a new roof and icon-screen or iconostasis had been installed at a cost of 100,000 silver écus, donated by a Greek of Constantinople named Manolakes Kastorianos, 20,000 écus going on presents and fees. A special road had to be built for forty oxen to drag timber for the roof on wagons up through the Jerusalem Hills to Bethlehem. Thanks to the repairs, the fabric of the edifice was preserved for another 160 years.<sup>4</sup>

In 1842, following an earthquake some years before which had caused serious damage to the Nativity Church, the Greek Orthodox Patriarchate obtained an imperial firman authorizing much-needed repairs. They were able to restore the carpentry throughout the basilica and entirely replace the lead of the roof. The walls, from which the marble had been removed in previous centuries, were plastered over, framing the surviving mosaics in white and covering up Latin inscriptions. The Greeks also repaved the nave and chancel or choir, separating them with a new 20-foot high wall. The purpose of this controversial partition (demolished in 1918) was to shut off the east end of the church for worship at a time when the nave was used as a market. Much the worse for subsequent decay, this is more or less the church we see today.<sup>5</sup>

While the restoration enabled the Greeks to decisively stamp their primacy on the main body of the church in Bethlehem, the Latins were left with the underground Grotto of the Nativity.<sup>6</sup> At the Church of the Holy Sepulchre in Jerusalem the situation was similar. In 1847 Pope Pius IX resolved to regain the Catholic Church's lost position in the Holy Land, appointing

a Latin Patriarch for the first time since 1187. Rivalry between Greeks and Latins, supported by their respective great power patrons, Russia and France, greatly intensified. In October 1847 the silver star attached to the altar in the grotto, bearing the Latin inscription HIC DE VIRGINE MARIA JESVS CHRISTVS NATVS EST was stolen by Greek monks in order to remove a prominent symbol of Catholic presence. Before Christmas there was a violent altercation between Greek and Latin monks.

This set the scene for the drawn-out international crisis that ended with the Crimean War of 1854-56 between Britain, France, and Turkey on the one side, and Russia on the other. Louis-Napoléon Bonaparte's France, exercising its traditional role, first intervened on the side of the Latins to press for the restoration of rights lost in the 18<sup>th</sup> century. Ahead of Christmas 1852 the Sultan of Turkey, Abdul Mejid I, granted concessions at the Holy Places to the Latins and replaced the silver star with its Latin inscription at his own expense. In reaction, Tsar Nicholas I of Russia intervened on behalf of the Greeks, threateningly deploying two armies along the Danube. In an attempt to stave off a Russian invasion the Sultan issued firmans in 1852 and 1853 confirming the status quo at the Holy Places. The rights of possession and usage as they existed at that time were removed from the purview of the courts and were never to be altered. In effect, this preserved Greek primacy at the key shrines of the Holy Sepulchre and the Nativity in perpetuity.<sup>7</sup>

Note that, contrary to received truth, this arrangement was imposed on the Churches, and was not an 'agreement' that they voluntarily accepted. Indeed, all the communities were convinced that they were victims of an injustice, deprived of altars rightfully theirs. This is why they never ceased to question its validity.

With hindsight, historians tend to date the emergence of the Status Quo (capitalized) as the inviolable legal regime at the Holy Places to the 1852 and 1853 firmans. The Crimean War, it is argued, which broke out soon after, demonstrated the danger of local disputes at the Holy Places escalating into general war. To avoid this, the status quo (not yet capitalized) was elevated into a kind of 'ceasefire in place,' enforced by the great powers, freezing and hence stabilizing the situation on the ground. In this way local ecclesiastical rivalries would be insulated from international politics. As we shall see, the status quo was in fact only permanently solidified and legitimized a quarter of a century later.

Meanwhile, neglect and dereliction had already begun to take hold in the Church of the Nativity, contested rights of possession precluding measures of preservation. Writing in 1864, an American visitor gloomily described the disrepair of the 'old edifice':

In the interior the framework [of the roof] is visible, the flags of the pavement are broken, and the roof is sadly out of repair. Of the beautiful pictures and inscriptions which once adorned the walls nothing remains. The reason of this neglect is that this church is the common property of Latins, Greeks, and Armenians. One will not allow the other to undertake any improvement; and thus the oldest and most interesting church in the world, after the Church of the Holy Sepulchre, is allowed to fall into decay. The nave is used as a bazaar for the sale of Bethlehem trinkets.<sup>8</sup>

Nor did the 1853 status quo eliminate competition from the basilica. In the affair of the grotto tapestry, 1869-74, the Greeks threw down a major challenge to the 1853 status quo. For many years, Latin rights in the Grotto of the Nativity had been bitterly contested by the Greeks.

In order to reaffirm those rights, the Latins had sought to replace a tattered tapestry that covered the vault and walls of the crypt with new wall-hangings. They feared that the disintegration of the worn tapestry, bearing Latin inscriptions and emblems, would efface the visible proof of their possession of the shrine. For their part, the Greeks inflexibly opposed this request. In 1869 a fire in the crypt destroyed Latin furnishings, including the tapestry.

The fire produced a tremendous outcry. Greeks and Latins traded accusations of arson and brought tough young monks into Bethlehem to defend their rights. While Muslim gendarmes guarded the grotto, France and Turkey entered into negotiations to replace the tapestry.<sup>9</sup> The outbreak of the Franco-Prussian War in 1870, however, brought about a suspension of the talks. Taking advantage of France's defeat, the Greeks went ahead and installed their own tapestry in the crypt in February 1872. This breach of the 1853 status quo was intended to enforce the Greek claim to the shrine but was repudiated by the French and Turkish Governments. They resumed their talks and agreed that wall-hangings, identical to those destroyed in the fire, would be installed at French expense. On March 15, 1873 the new tapestry was hung.

The Greeks now resorted to violence. On the night of April 25-26, 1873, Greek monks, backed by a detachment of Greek marines on pilgrimage to the Holy Places, entered the grotto. While the local gendarmes turned a blind eye, the Greeks wrecked the tapestry and all other Latin furnishings, injuring five Franciscan friars in the assault.<sup>10</sup>

The outcome of the episode ultimately validated rather than undermined the 1853 arrangements. Following the brawl, and the considerable damage done to Catholic property, a mixed Franco-Turkish commission was set up at French insistence with full powers to assess the damage and reestablish the status quo. The commission arrived at two decisions. First, the Greeks were obliged to pay damages of 500 Turkish pounds to the Latins. Second, a new fireproof asbestos tapestry would be installed, the personal donation of Marshall Patrice MacMahon, the President of France. To remove all ambiguity about possession, the tapestry was decorated with four of the principal scenes relating to the infancy of Jesus with explanatory Latin texts, French fleurs-de-lis, the crossed arms of the Franciscan Order, and red Terra Sancta or Jerusalem crosses. At the installation ceremony in 1874 the tapestry was hung by Latin workers in the presence of the acting Turkish governor, the acting French consul, the chastened Greek Orthodox Bishop of Bethlehem, and the dragoman of the Greek Orthodox Patriarchate.<sup>11</sup>

Even so, Turkish justice did not come cheaply. The archive of the Apostolic Delegate to Jerusalem and Palestine contains a list of the payments made to Turkish officials. This included the sum of 2,000 gold francs paid to the *mahasibigiy*, the accounts manager of the Pasha (the honorary title carried by the governor); 800 gold francs to the *cadi* or Muslim judge's Sharia court; 300 gold francs to the *mufti* or Muslim legal authority; 150 gold francs to the *mudir* or local governor of Bethlehem; 190 gold francs to the members of the Waqf religious trust; 100 gold francs to officers and *zabtie* gendarmes; 60 gold francs to the janissaries guarding the French consulate; 50 gold francs to the governor's servants, and so on. Altogether 4,560 gold francs, about £55,000 in modern values, were spent oiling the wheels of Ottoman administration in Jerusalem and Bethlehem.<sup>12</sup>

Payment of *douceurs* or bribes was normal practice in the Ottoman Empire, inherent in a society where officials were chronically underpaid. The list of beneficiaries maps out the network of Ottoman civil, military and legal authorities in the Jerusalem area with which the Churches had to deal on issues of preservation. The reference to Muslim jurists and institutions should come as no surprise because these were the people responsible for making legal decisions

about Holy Places, whether Muslim, Christian, or Jewish. This included all matters touching on the repair of religious property. Significantly, the list does not include anybody who actually knew anything about preservation. Until the departure of the Ottoman Empire in 1917 no civil body dealt with the subject in the Jerusalem area.<sup>13</sup> Progressive antiquities laws were enacted in Istanbul in 1874 and 1884, but these dealt with excavations and artifacts, not with the preservation of ancient buildings. Nor did the Ottoman Government have the people to ensure their enforcement.<sup>14</sup>

The lesson of the affair of the grotto tapestry was obvious: that the status quo could no longer be discretionary, but had to become binding under international law. The opportunity for this decisive step, the ‘apotheosis’ of the Status Quo at the Holy Places, occurred at the Congress of Berlin following the Turkish defeat in the Russo-Turkish War of 1877-78. At the insistence of France, Article 62 of the 1878 Treaty of Berlin formally incorporated the Status Quo into public international law.<sup>15</sup> As intended, this ensured that the ‘ceasefire in place’ at the Holy Places would be maintained indefinitely. Apart from the odd murder and riot, peace was largely preserved at the Church of the Nativity for the remainder of Ottoman rule.<sup>16</sup> But the Status Quo also condemned the Church of the Nativity to generations of disrepair.

In the grotto, unresolved disputes meant that the vault and walls behind the tapestry remained blackened with soot from the 1869 fire until they were thoroughly cleaned and disinfected at the initiative of the British district commissioner ahead of Christmas 1944.<sup>17</sup> Under the terms of the Status Quo the sovereign was permitted to carry out essential minor repairs at the Holy Places, were the communities unable to agree. On several occasions the Turkish authorities replaced nails missing from the silver star. Yet as the Ottoman Empire grew feebler, it became ever more reluctant to decide or to fix anything, however trivial, for fear of upsetting the great powers.

One anecdote will serve to illustrate the point: Early in 1908, during the changing of the guard, a Turkish soldier accidentally knocked down an Armenian picture in the grotto, breaking the glass. The Turkish officer authorized the Armenian dragoman to sweep up the broken glass but the Greeks and Latins protested that this was a violation of the Status Quo. At this, monks from the three major communities descended *en masse* on the grotto. To defuse the situation, the Turkish mudir of Bethlehem rushed to the scene with a strong contingent of troops. He was soon followed by the French, Greek, Italian and Russian consuls. The next day the governor proposed that the Armenians replace the glass of the picture themselves but the Greeks and Latins protested this proposal, too. Over the next nine months of deliberations a mutually agreed outcome proved unattainable. Before Christmas, with the Armenian Patriarch threatening to boycott the traditional seasonal ceremonies unless the question was settled, the mudir replaced the glass himself.<sup>18</sup>

### The British Mandate

General Edmund Allenby’s capture of Jerusalem from Turkey in December 1917 at the head of British Empire forces replaced Muslim by Christian rule after 700 years. His humble entry on foot through the Jaffa Gate—breached by the Ottoman Government in 1898 so that Kaiser Wilhelm II could ride into the city in triumph on his white horse—heralded a transformation in the government approach to preservation. First and foremost, British officials, the products of Victorian culture, possessed a *sensibility of preservation*, that is, a consciousness of the value

and importance of safeguarding ancient buildings in their unspoiled setting. In addition, steeped in the Bible, they had an enthusiasm for the Christian Holy Places that had simply never before existed in governing circles in Palestine. Finally, they felt themselves to be under a moral obligation to the Christian world to safeguard its historical heritage for future generations.

It is worth recalling that the Palestine Exploration Fund was set up in London as early as 1865 in order to survey and investigate the Holy Land, a part of the world that fascinated the Victorians. Its maps and reports laid the foundations for all subsequent archeological research on the area. In a similar spirit, the first comprehensive, scientific survey of the art and architecture of the Church of the Nativity was published on behalf of the Byzantine Research Fund and the British School at Athens in 1910.<sup>19</sup> It was based on a careful investigation carried out between December 1908 and March 1909 by William Harvey, then a Gold Medallist of the Royal Academy of Arts. The drawings and photographs that Harvey made in Bethlehem are an invaluable record of the condition of the church, particularly the mosaics, towards the end of the Turkish period.<sup>20</sup>

Harvey found the mosaics in a fragmentary form. He observed that

The fragments are uninjured in themselves, and remain to all appearance in their original state. Restoration does not seem to have been attempted and could only be attempted even now if the work were authorized by the Turkish Government and the artist surrounded by Turkish soldiers to protect him from the fanatical rivalry of the sacristans.<sup>21</sup>

During the British Mandate of Palestine the ‘fanatical rivalry’ of the communities did not change but the commitment of the government to preservation most certainly did. On their arrival in Jerusalem the British military authorities were confronted by a daunting challenge, the result of centuries of neglect. The city’s historic buildings and medieval *sucs* were in a ruinous state, roofs caving in, walls collapsing, filth and dilapidation everywhere. The citadel’s surroundings were disfigured by refuse tips and cesspits, once magnificent gates appropriated for such enterprises as baking dung cakes, houses and shops built up against the walls, corrugated iron and tin can used as building materials, ancient stonework pillaged for private use.<sup>22</sup>

As early as the spring of 1918 the military (from 1920, civil) governor of Jerusalem, Colonel Ronald Storrs, a classicist and aesthete, threw himself into the task of rehabilitating the city and its surroundings. How was this to be done in the absence of funds, organization and manpower? On April 8, 1918 he issued the following public notice and declaration of intent:

No person shall demolish, erect, alter, or repair the structure of any building in the City of Jerusalem or its environs within a radius of 2,500 metres from the Damascus Gate (Bab el-Amud) until he has obtained a written permit from the Military Governor. Any person contravening the orders contained in this proclamation, or any term or terms contained in a licence issued to him under this proclamation, will be liable upon conviction to a fine not exceeding £E.200.<sup>23</sup>

In order to actively advance the cause of preservation Storrs took as his inspiration the work of the National Trust, founded in Britain in 1895 as an independent charity to protect open spaces and historical buildings under threat. He conceived the idea of a Pro-Jerusalem Society

along the same lines, supported by the great and good of the city irrespective of race or creed, able to raise funds from private well-wishers. Among its goals would be to provide and maintain parks and open spaces, establish cultural institutions such as museums and art galleries, protect and preserve local antiquities, and encourage arts, handicrafts and appropriate industry. The society began its activities in the spring of 1918 and was inaugurated in September of that year.

For the post of civic advisor and secretary Storrs turned to the architect and designer Charles Ashbee, who was then in Cairo. A disciple of William Morris and a central figure in the Arts and Crafts movement, Ashbee proved an enterprising and indefatigable organizer. He wrote the report that launched the society and was dedicated to reviving traditional local crafts, such as hand blown Hebron glass and weaving. Storrs also enlisted Ernest Richmond, another experienced architect, who had worked before the First World War on the preservation of ancient buildings in the Egyptian Ministry of Public Works. He was employed as consulting architect to the Waqf on the magnificent 7<sup>th</sup> century Dome of the Rock. To re-cover the octagon, which had been losing its royal blue and turquoise arabesque ceramic tiles for many years, Storrs brought in an Armenian expert, David Ohanessian, who set up a potteries industry in the Old City with Armenian craftsmen from Kutáhia in Turkey.<sup>24</sup>

Two other important figures in the cause of preservation should be mentioned: One was Harry Luke, the assistant governor of Jerusalem, a classical scholar who became an expert on the Holy Places and the local Christian communities. He was of great assistance within the civil administration, which took over from the military in 1920. The other was the Dominican archeologist and Biblical scholar Père Louis-Hugues Vincent of the École Biblique. Together with Père Félix-Marie Abel he had written definitive works on Jerusalem and Bethlehem and was to provide learned advice to the government for many years.

The society's first big project in Jerusalem was cleaning and repairing the citadel with its famous Mamluk tower, a massive job. Later the Ottoman city walls were cleared of accretions and dangerous spots repaired, and an uninterrupted walk around the ramparts completed. The road in front of the Jaffa Gate was opened up and the walls surrounded with a belt of open land. The vaults, roofing and walls of the Mamluk masterpiece Suq al-Qattanin were restored, looms installed, and seventy weavers put to work. By the end of his term as civil governor in 1925 Storrs and the Pro-Jerusalem Society, whose role was taken over by the government, had indeed placed the task of preserving Old Jerusalem on a sound footing (and, though this is another story, building a modern planned city outside the walls).

From the start, Bethlehem, which he cherished as of 'surpassing merit,' proved an irresistible attraction to Colonel Storrs. On Christmas Eve 1917 he celebrated Mass in the Latin Church of St. Catherine's with about forty British officers, then walked in procession through the Church of the Nativity and down into the crypt for an evocative service.<sup>25</sup> He commented in his diary on 'the beautiful Greek basilica,' but was appalled by the 'hideous rubble wall' built in 1842 by the Greeks, cutting the nave off from the chancel or choir and blocking the view of the iconostasis and eastern apse. He determined to remove it, giving the job to Ashbee and Richmond.

The Greek Patriarchate agreed at first to the government carrying out the demolition, then asked to do it themselves, which immediately provoked Latin and Armenian protests. Impatient of the complications of the Status Quo (with its implicit link between repair and possession), Storrs disregarded the opposition and pressed ahead, using his own contractor. The Greeks were deeply unhappy, because they considered the wall to be theirs and feared a loss of

rights. However, in the circumstances of 1918 they had no choice but to comply, saving face by wielding the first pickaxe. Storrs was content, arguing that if the wall ‘fell not under the edict of a military despot, it would stand for ever.’<sup>26</sup> However, the Greeks never forgot this breach of their rights and became incorrigibly suspicious of government intentions.

In July 1920 civil government was established in Palestine and within a short time an Antiquities Ordinance was promulgated with the aim of protecting antiquities in the country. The ordinance set up a Department of Antiquities under a director responsible for administering the law, to be assisted by an international advisory board consisting of representatives of the major archeological schools in Jerusalem (including the Palestine Exploration Fund).<sup>27</sup> ‘Antiquity’ meant any construction or artifact produced earlier than the year 1700. Like the 1884 Ottoman Antiquities Law, the 1920 ordinance dealt extensively with archeological excavations and finds. A significant innovation was the special attention paid to preserving historical monuments. Since the department had no independent means to carry out repairs, it was authorized to hand over the care and conservation of historical sites to approved societies. Explicit mention was made of the role of the Pro-Jerusalem Society in caring for certain medieval buildings in Jerusalem.<sup>28</sup>

For our purposes, the key provision of the law was the exclusionary clause giving ecclesiastical or other religious bodies sole responsibility for sites in their possession or use. This included the Christian Holy Places. Here the Department of Antiquities had the duty of approving and inspecting repairs and additions. It could warn and encourage the communities about the state of their shrines but was given very limited powers of initiative or implementation.

There was a very good reason for this. Immediately after the British occupation of Palestine a number of disputes had arisen between the communities at the Holy Places. For example, Storrs had not been military governor a month before a brawl broke out between Greeks and Armenians in the Church of the Nativity over liturgical rights.<sup>29</sup> After long and careful consideration the British Government concluded that it had no interest in entangling itself in such religious disputes and that a commission should be appointed with the approval of the League of Nations to determine the rights and claims of the parties.<sup>30</sup>

As a result, the Mandate for Palestine, formally confirmed on July 24, 1922, contained two articles on the Holy Places that in the event were to prove incompatible. Article 13 conferred on Britain the responsibility for ‘preserving existing rights’ at the Holy Places, while Article 14 made provision for a special commission ‘to study, define and determine’ those rights and claims. Once it proved impossible to appoint such a commission, because the Catholic nations could not agree which of them should sit on it, the Palestine Government found itself saddled with enforcing rights that remained contested. In a historic 1924 order in council, moreover, the high commissioner, Herbert Samuel, decided that the local courts should not settle disputes relating to the Status Quo (since these had international ramifications). Rather, these should be referred to the government which would make an administrative ruling about current practice, noting that ‘no change in the Status Quo was held to have occurred.’

To further complicate matters, every year British officials had to report on developments at the Holy Places to the Permanent Mandates Commission of the League of Nations. Here they were questioned by representatives of governments—Greece or Italy, say—supporting one side or the other in some ongoing dispute. In the circumstances, for all their commitment to preservation the authorities found themselves in a position not totally unlike that of the Turkish Government before the First World War. As the chief secretary of the Palestine Government, Colonel Stewart Symes, told the commission in 1926:

The duty of the Administration, by the terms of the Mandate, was solely to preserve the status quo with regard to the Holy Places, and no provision had been made for changing that status quo. Difficulties as they arose were settled by negotiation with the parties concerned.<sup>31</sup>

Ironically, in one respect the British Government had even less room for maneuver than its Ottoman predecessor. Deeming the Holy Places to be waqf, the inalienable property of a religious trust, the Turks held themselves as sovereign to be the trustee of last resort (with what in Common Law would be considered rights of ownership) fully entitled in principle to take whatever action was necessary to preserve the fabric of the shrine. In opposition, the British Colonial Office ruled that the Mandate of the League of Nations did not legally confer on the Palestine Government ‘any responsibility for, or rights to carry out repairs of non-Moslem religious buildings.’ Nor was it in a position, it also ruled, to charge the three major communities with responsibility for repairs’ in the Church of the Nativity.<sup>32</sup> The authorities then followed the post-1853 Ottoman practice of making only urgent minor repairs at their own expense.

During the Mandate, Britain did its best to do its duty at the Church of the Nativity. It could chalk up a number of successes: the edifice was thoroughly surveyed and remains of the original Roman basilica, including floor mosaics, discovered; Marshall MacMahon’s tapestry was repaired, the grotto was cleaned and restored; column paintings were revealed. Unfortunately, because of the legal constraints on the sovereign, referred to above, the most serious structural defect in the entire church, the dilapidated roof, which was far from watertight, could only ever be temporarily patched up and not replaced. Neither George V nor George VI were ever able to emulate Edward IV.

With the onset of the rainy season in 1926 the roof was found to be leaking. As in the 1918 case of the demolished wall, the Armenians and Latins claimed the right to share the cost of the repair with the Greeks, on the grounds that they were co-proprietors of the basilica. Rebutting this claim, the Greeks insisted that they were sole owners and should bear the entire expense. Since the matter was of the utmost urgency, given that in the Jerusalem area 550 mm of rain falls on average in the rainy season of November to March—a heavier average monthly rainfall than Manchester—the authorities felt that they had no choice but to carry out temporary repairs themselves right away, suspending in the meantime the matter of payment.<sup>33</sup>

Time and again, for the rest of the Mandate, the leaky roof returned to haunt the Palestine Government. It was the curse of the Church of the Nativity. The rains of winter 1930-31 proved that the decay of the roof, and especially the lead sheathing, was spreading. In consequence, the narthex was flooded ‘as if there was no roof at all,’ while rainwater streamed down the walls of the building, doing irreparable damage to their priceless mosaics.<sup>34</sup> On inspection, the director of public works concluded that the condition of the roof was so bad that it ‘may have to be entirely replaced.’<sup>35</sup> This diagnosis was confirmed by the architect and preservation expert William Harvey in a comprehensive survey of the entire church carried out in 1934. All the timbers of the main roof and aisle roofs were worm-eaten and some affected by dry-rot. The lead sheeting was in a very bad condition and in some places entirely rotted away. His recommendation was that the roof be entirely replaced.<sup>36</sup>

For this to happen, though, there would either have to be agreement between the communities on sharing the cost or else the government would have to pay. Unfortunately, all

attempts during the Mandate to solve the dispute over ownership proved fruitless. For its part, the government, mainly on legal grounds, but also because of grave financial and political objections, declined to foot the bill for a new roof. In the absence of an answer to the problem of payment, the best that could be done was to plug holes in the roof with tarred felt. So in 1931, 1936, 1944 and 1947 this was the temporary and utterly inadequate expedient chosen. In 1944 the mosaics were again flooded after heavy rain. On the eve of the British departure from Palestine the district engineer yet again lamented the ‘very poor condition’ of the roof.<sup>37</sup>

### Conclusion

Sadly, this story has no happy end. For all its good intentions, the Palestine Government under the Mandate failed to solve the critical problem of the Nativity roof. It never even attempted to preserve, let alone restore, the medieval mosaics in the basilica. And where the British Empire failed, the governments of Jordan and Israel in later years were unlikely to succeed. An examination of the church in 1997 for UNESCO found that as a result of the chronic dilapidation of the roof ‘the majority’ of the wall mosaics and paintings had been ‘damaged beyond repair.’ Extensive damage had also been done to the walls at some points.<sup>38</sup>

There is no question that the British authorities made an historic contribution to the preservation of antiquities in Palestine. Ancient buildings were saved that would otherwise have been lost. There was an enlightened and progressive trusteeship that laid the foundations of scientific archeology and architectural preservation throughout the country. Where buildings in religious use were concerned, it was another matter. Restoration of the two single most important Christian edifices in the Holy Land, the Churches of the Holy Sepulchre and the Nativity, was fatally compromised by the legal constraints imposed by the Mandate of the League of Nations and the dead hand of the Status Quo.

Britain’s moment in Jerusalem and Bethlehem began with bright optimism when Colonel Storrs, inspired by the ideals of the National Trust, demolished the ‘loathsome wall’ of the Nativity Church, as Charles Ashbee called it. Ironically, this romantic act proved to be the first and last glorious fling of the British authorities in the church. It aroused the everlasting suspicion of the powerful Greek Orthodox Patriarchate and so did nothing to advance cooperation in the long run. Ever after the Palestine Government found itself impeded by Greek obstructionism.

As a result, decay not preservation became the rule. The last thing that the Palestine Government could be accused of was indifference to the fate of the basilica. Unlike the Ottoman authorities British officials were emotionally deeply committed to saving the Holy Places. Unfortunately, they found themselves hamstrung by factors beyond their control. We are left with an object lesson in the helplessness of governments and professional preservationists when confronted by the determined hindrance of contentious religious forces.

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## Notes

<sup>1</sup> The following section is based on R.W. Hamilton, *The Church of the Nativity Bethlehem* (Jerusalem: NP, 1947), 15-29.

<sup>2</sup> E.T. Richmond, 'Introduction' to William Harvey, *Structural Survey of the Church of the Nativity, Bethlehem* (London: Oxford University Press, 1935), viii-x.

<sup>3</sup> The schism is conventionally dated to 1054, when leaders of the two Churches excommunicated each other. In 1204 a Crusader army sacked Constantinople. A last attempt at reconciliation at the Council of Florence (1439) was repudiated by Byzantine opinion. In 1453 Constantinople fell to the Ottoman Turks, little help forthcoming from the Catholic West.

<sup>4</sup> Hamilton, *Church of the Nativity*, 34-36.

<sup>5</sup> H. Vincent et F.-M. Abel, *Bethléem: Le Sanctuaire de la Nativité* (Paris: J. Gabalda, 1914), 203.

<sup>6</sup> They also had limited rights of passage in the main basilica. Through the influence of the Emperor Napoleon III they later acquired the Altar of the Manger. Details of the Status Quo in the Church of the Nativity are found in a 1929 British document known as the 'Cust Report': L.G.A. Cust, *The Status Quo in the Holy Places*, facs. ed. (Jerusalem: Ariel, 1980). A revised and updated guide to the Status Quo in 'The Basilica Of The Nativity At Bethlehem', undated but clearly dating to 1941 or later can be found among miscellaneous papers in Israel State Archives (henceforth ISA) 3058/17-ג.

<sup>7</sup> On the events at the Church of the Nativity preceding the Crimean War see 'Correspondence respecting the Rights and Privileges of the Latin and Greek Churches in Turkey,' House of Commons, *Parliamentary Papers*, vol. LXXI, (London, 1854). For a contemporary autobiographical account see James Finn, *Stirring Times Or Records From Jerusalem Consular Chronicles Of 1853 To 1856* (London: C. Kegan Paul & Co., 1878).

<sup>8</sup> Albert Rhodes, *Jerusalem as it is* (London: J. Maxwell, 1865), p. 129.

<sup>9</sup> 'L'Affaire de L'Église de Bethléem,' *Le Temps*, May 6, 1873.

<sup>10</sup> Vincent et Abel, *Bethléem*, 204. A more detailed account of the incident is given in a memorandum submitted by Fr. L. Hugues Vincent to the British authorities dated July 28, 1932, ISA 24/4-ג.

<sup>11</sup> Apostolic Delegate to High Commissioner, May 21, 1932, ISA 24/4-ג. See also attached letter, Patriarch Bracco to Cardinal Franchi, Sept. 16, 1874.

<sup>12</sup> Ibid.

<sup>13</sup> Shimon Gibson, 'British Archaeological Institutions in Mandatory Palestine, 1917-1948,' *Palestine Exploration Quarterly*, vol. 131, 1999, 128.

<sup>14</sup> George Young, *Corps de droit ottoman* (Oxford: Clarendon Press, 1905), vol. 2, 389-394.

<sup>15</sup> 'The rights possessed by France are expressly reserved, and it is well understood that no alterations can be made in the *status quo* in the Holy Places.'

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<sup>16</sup> In October 1893 an Italian monk was shot dead and two others wounded when they barred entry to a Croat who insisted on bringing two Russian pilgrims into the church during celebration of the Latin Mass ('A Monk Killed in Bethlehem,' *New York Times*, Oct. 29, 1893; 'Turquie d'Asie,' *Le Journal des Débats*, Nov. 3, 1893). In 1905 the Greek Orthodox celebration of their Christmas Mass was interrupted by a brawl between Greek and Latin monks ('Clergy Fight At Bethlehem,' *New York Times*, Jan. 10, 1905).

<sup>17</sup> The episode is documented in ISA 30/44-2.

<sup>18</sup> 'The Profanation Of The Holy Sepulchre,' *New York Times*, Oct. 24, 1909. 'Do it yourself' became the authorities' traditional solution to minor repairs upon which the communities could not agree.

<sup>19</sup> R. Weir Schultz, ed., *The Church Of The Nativity At Bethlehem* (London: B.T. Batsford, 1910).

<sup>20</sup> During the First World War Harvey worked in the Ancient Monuments Branch of HM Office of Works and in 1925 published a textbook on conservation. In the 1930s he conducted a second survey of the structural condition of the Nativity Church. See William Harvey, *The Preservation Of St. Paul's Cathedral & Other Famous Buildings* (London: The Architectural Press, 1925); William Harvey, *Structural Survey Of The Church Of The Nativity Bethlehem* (London: Oxford University Press, 1935).

<sup>21</sup> Schultz, *Church of the Nativity*, 33.

<sup>22</sup> A very full visual and textual record of the condition of Jerusalem at the time can be found in C.R. Ashbee, ed., *Jerusalem 1918-1920* (London: John Murray, 1921).

<sup>23</sup> *Ibid*, 77.

<sup>24</sup> Ronald Storrs, *Orientalisms* (London, Ivor Nicholson & Watson, 1937), 364-368.

<sup>25</sup> *Ibid*, 330-331. Catholics are not permitted to conduct Mass in the main body of the Church of the Nativity and do so in their adjacent Church of St. Catherine's.

<sup>26</sup> *Ibid*, 352-353; Waggott telegram, Sept. 17, 1918, in Jane Priestland, ed., *Records of Jerusalem, 1917-1971* (Cambridge: Archive Editions, 2002), vol. 1, 234-236. For a politically incorrect account see C.R. Ashbee, *A Palestine Notebook* (New York: Doubleday, 1923), 14-15.

<sup>27</sup> The first director was Professor John Garstang of the University of Liverpool, who helped draft the ordinance. See John Garstang, 'Eighteen Months' Work Of The Department of Antiquities For Palestine July, 1920-December, 1921,' *Palestine Exploration Fund Quarterly Statement*, 1922, 57-62.

<sup>28</sup> Norman Bentwich, 'The Antiquities Law of Palestine,' *Journal of Comparative Legislation and International Law*, 3<sup>rd</sup> series, vol. 6, 1924, 251-254. A 1929 revised antiquities ordinance tightened up the law by adding substantial detail but this did not affect the limited power of the government to preserve church property.

<sup>29</sup> Storrs, *Orientalisms*, 473.

<sup>30</sup> 'Holy Places etcetera in Palestine: origins of Article 13 of the Palestine Mandate,' Jan. 27, 1940, PRO FO 371/23249.

<sup>31</sup> League of Nations Permanent Mandates Commission, Minutes of the Ninth Session, 22<sup>nd</sup> meeting, June 22, 1926, C.405.M.144.

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<sup>32</sup> ‘Memorandum: Repair Of The Holy Places In Palestine,’ June 17, 1933; Minute, June 16, 1933, PRO CO 733/247/14.

<sup>33</sup> Cust, *Status Quo*, 39-40.

<sup>34</sup> Archbishop Evdoros to deputy district commissioner, March 10, 1931, ISA 4308/19-2 .

<sup>35</sup> Campbell to Moody, Dec. 14, 1931, *ibid*.

<sup>36</sup> Harvey, *Structural Survey*, 11-12, 14-15.

<sup>37</sup> Newton to Director of Public Works, Jan. 31, 1944, Concannon to District commissioner, Mar. 31, 1947, ISA 28/1-2.

<sup>38</sup> F. Wenzel, S. Szaktila, H. Pliett, ‘The Roof Of The Church Of Nativity In Bethlehem,’ (Paris: UNESCO, 2000), 7.