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Cover photo: Palestinian protestors waving Palestinian flags confront Israelis carrying Israeli flags at Damascus Gate. Credit: REUTERS.
We write this editorial as Israel celebrates, and the rest of the world condemns, Donald Trump’s declaration of U.S. recognition of Jerusalem as the capital of Israel. It is pertinent to recall on this issue Arthur Koestler’s famous quip, made a century ago in reference to the Balfour Declaration, that “one nation solemnly promised to a second nation the country of a third.”

Two unintended consequences emerge from the new U.S. position: first, it brings the status of Jerusalem back to the limelight, after it was pushed to the back burner by the Syrian and Yemeni wars; and second, it has clearly placed the United States outside of the international consensus with regard to any future peace process over the status of the city, or indeed within the Arab-Israeli conflict. This has opened the door to other global and regional actors, particularly Europe, Russia, and Turkey, as future mediators. In fact, some of the earliest responses to Trump’s declaration came from these quarters. Turkish prime minister Recep Tayyip Erdogan voiced the possibility of severing diplomatic relations with Israel, and French president Emmanuel Macron announced his total rejection of the “unilateral” U.S. move, which he described as “regrettable” and “against international law and all the resolutions of the UN Security Council.”1 German foreign minister Sigmar Gabriel described Trump’s decision as “counterproductive” to the peace process.2

The debate over Jerusalem status happened when Palestinians were commemorating the thirtieth anniversary of the first intifada – which some observers will recall exploded over control over Jerusalem’s public space:

The battle for control over the streets of Jerusalem was the most protracted and perhaps due to the centrality of the city in the Israeli
strategy of control over the territories, the most crucial. It was sparked by General Sharon’s transfer of his residence to the Old City of Jerusalem on December 14th, 1987, with the onset of the major demonstrations in Gaza. A commercial strike commenced in Jerusalem and continued unabated for forty-one days, igniting a series of solidarity strikes in other West Bank townships, most notably in Nablus and Ramallah.3

Jerusalem was then, as it is today, the beginning and end of the intifada. The pacification of Jerusalem as an arena of rebellion during the 1990s did not last, despite Israel’s continuing efforts – including rezoning the city’s Arab periphery, residency regulations, and demographic policies of exclusion – to suppress its Palestinian Arab population and sever it from its Palestinian Arab milieu, for whom it lies at the heart of the question of independence.

Logistically, the U.S. decision brings back the thorny issue of the location for the prospective Jerusalem embassy. One of the likeliest places, it appears, remains the contested territory of the so-called Allenby Barracks, which was sequestered from the Jerusalemite Arab Khalidi, ‘Alami, and Ansari families over the last half century (for the details on the ownership of the proposed embassy site, and further discussion of the proposal, see Jerusalem Quarterly 71). However, this is a minor detail in a larger issue that concerns the future of the occupied territories and the status of Jerusalem as the capital of two sovereign states. Underlying the objections of the majority of countries, including the United States until recently (that is, until Trump’s election), to Israeli control of Jerusalem has been UN General Assembly resolution 181, which affirmed the partition plan for Palestine and the creation of an international zone in Jerusalem known as the corpus separatum. That notion established in the city a special international regime in which both Palestinians and Israelis would have a dual national identity in the city. Given the slow death of the peace process and the de facto withdrawal of the United States from a mediating role, is it time – seventy years later – to revive this plan for Jerusalem?

* * * * *

“Jerusalem: Fifty Years of Occupation,” Nazmi al-Jubeh’s overview of the last five decades of Israeli rule, provides a succinct framing of this issue’s contents. It deals with changes in Israeli legislation over the city; the creation of new expanded municipal boundaries; the plundering of property and zoning ordinances; demographic policies; and the creation of settlement blocs to encircle the city and remove it from its West Bank hinterland.

This issue of JQ also contains three submissions to the inaugural Ibrahim Dakkak Award for Outstanding Essay on Jerusalem: Kenny Schmitt’s “Ribat in Palestine” deals with the growth of the militant movement in defense of al-Aqsa led by those known as murabitin and its connection to Northern Branch of the Islamic Movement. Schmitt finds that the murabitin have “fused innovative religious practices and discourse with the symbolic power of sacred space to redefine how Palestinian Muslims understand and articulate their resistance” to Israel’s practices in Jerusalem. In “Revocation of
Palestinian Residency in Jerusalem,” Tamara Tawfiq Tamimi refers to the advantages and disadvantages of utilizing international human rights law and international criminal law in dealing with the issue of residency revocations in Jerusalem: “The abundance of legal instruments and bodies monitoring compliance with international human rights law standards is one of its strongest assets,” Tamimi claims. “Notwithstanding its lack of enforceability – possibly its strongest disadvantage – legal advocacy within this avenue could serve strategically to transform international public opinion. In contrast, international criminal law is enforceable and presents a clear vision on promoting access to justice and remedy for victims. However, politicized processes of referral, investigation, and prosecution, and highly limited temporal jurisdiction pose serious considerations as to the nature of justice served by this avenue.” Finally, the architect and urbanist Mahdi Sabbagh has contributed an essay on Shaykh Jarrah: “The Husayni Neighborhood in Jerusalem: Space of Self-Invention.” The essay deals with the evolution of a number of Husayni residences and semi-public spaces. Referring to Shaykh Jarrah as the “Husayni Neighborhood” would most likely raise the ire of the Nashashibi and Jarallah families, not to mention the Budayris, but we offer it here as a testimony and a provocation.

As recent debates during the commemorations of the one hundredth anniversary of the Balfour Declaration have shown, Arab reactions to the fateful British commitment to Zionism have not been uniform or clear from the beginning. In “Filastin’s Changing Attitude to Zionism before World War I,” Emanuel Beška shows that in the four years of its pre–World War I existence, the Jaffa-based newspaper Filastin’s “perspective vis-à-vis Zionism went through a radical transformation. Initially, its editors adopted a neutral attitude while considering Zionism potentially beneficial for the rural areas of Palestine. In the following years, their attitudes changed in two phases and by the end of 1913 Filastin became, alongside al-Karmil, the most outspoken anti-Zionist periodical in Palestine.”

Bernard Sabella’s “Jerusalem and Bethlehem Immigrant Families to Chile in the Early Twentieth Century” utilizes the Guía social de la colonia árabe en Chile, a compendium of Palestinian and Syrio-Lebanese social life in the new world, to examine patterns of early migration to Chile. The recent plethora of Palestinian migration studies usually focuses on early migrations from the Bethlehem and Ramallah regions. This is one of the very few studies looking at migration from Jerusalem itself.

Edward Said called Jerusalem “the city of death.” Cemeteries provide a great archival source for examining scandals and lineages of the living. Yfaat Weiss’s “Resting in Peace in No Man’s Land” examines the contested status of the British War Cemetery on Mount Scopus. This is where British and Commonwealth soldiers – including a number of Australians and New Zealanders, as well as twenty-four non-Commonwealth combatants, both allies and belligerents – from World War I were interred and where, periodically, ritual battles are fought over who can pray for whom, especially since Israel insists that the souls of Jewish soldiers who died fighting for Britain have been re-designated as Israeli. Britain, meanwhile, insisted on its sovereignty over the cemetery, which it deemed as belonging to the Commonwealth War Graves Commission.

Şerife Eroğlu Memiş, a Turkish historian and foundation expert at the Archive of the General Directorate of Foundations (awqaf) in Ankara, has written a fascinating study of
women and charities in Jerusalem. “Benefactresses of Waqf and Good Deeds: Charitable Women in Ottoman Jerusalem, 1703–1831” shows that our obsession with the work of Queen Roxalana and her Jerusalem Haseki Sultan endowments is not unique. Memiş examines 85 properties endowed by women in Jerusalem in one century alone. She notes that in several cases, the endowments stipulated that the administration of the management of the waqf, known as tawliya, should be held in the hands of female family members. Among those mutawaliyat were Safiyya bint Shahin and Latifa bint ‘Abdallah, wives of Qasim Bey al-Turjman – whose family fortunes have been chronicled previously in this journal.

Endnotes

Jerusalem represents an appropriate example for the study of modern settler colonialism and the mechanisms utilized to achieve its aims. Even before the June 1967 battles had subsided, the occupying force began imposing facts on the ground, as if the future vision for the city had been carefully prepared years before its occupation. Its actions attempted to decide the future of the city by laying the foundations for the current status quo. Israeli strategy toward Jerusalem has been one of its clearest policies, without needing further analysis, especially since Israel no longer disguises its motives on this issue. Nevertheless, Israel has not carried out its activities in an empty city; it has continually faced Palestinian challenges posed mainly by the city’s inhabitants and institutions, which have occasionally succeeded in hampering Israeli plans or their implementation.

International law – including resolutions of the UN Security Council, General Assembly, and UN agencies, and the International Court of Justice advisory opinion concerning the separation wall – considers the eastern part of Jerusalem occupied territory that is an inseparable part of the West Bank occupied since June 1967.¹ This view is reflected in the policies of countries that have refused to move their embassies from Tel Aviv to Jerusalem, since the future of the city has not yet been decided and will be determined through negotiations between the Palestinians and Israelis.² European Union country representatives in Jerusalem regularly issue reports that document Israeli practices and express apprehension concerning Jerusalem’s future and Israel’s unilateral actions that completely ignore Palestinian and international interests in the city.³

The religious and symbolic importance of Jerusalem for many of the world’s peoples has sometimes led Israel to be more cautious and
gradual in its implementation of policies. However, Israel has not hesitated to challenge the legitimacy of international organizations when it finds conditions to be conducive, as in its hostility to UNESCO.4

This article focuses on the land and population as it introduces the legal situation, reviews the impact of the occupation on the ground over the past five decades, and evaluates the performance of the Palestinian national response to the situation.

**Israeli Legislation and Its Uses**

Immediately after occupying the eastern part of Jerusalem, Israel declared it subject to Israeli civil law,5 while declaring the rest of the occupied Arab territories, including the Sinai and the Syrian Golan, subject to military rule.6 Israeli law in East Jerusalem was extended over the land (annexation) and not over the Palestinian population, who were granted residency status and not citizenship, unchanged until today. The extension of Israeli law over Jerusalem in 1967 was made by executive decision based on orders issued by the Israeli government. Perhaps with the intention of subduing international reaction, the Israeli Knesset passed legislation for these decisions in 1980, issued as “Basic Law: Jerusalem, Capital of Israel.”7 Initially this law included five basic points: unified Jerusalem constitutes the capital of Israel;8 Jerusalem is the seat of Israeli political institutions – the presidency, government, the Knesset, and the Supreme Court; the holy places shall be protected from desecration and religious members shall be protected from any violation of free access to holy places or of their feelings to those places; Jerusalem shall enjoy special funds including an annual grant from the government for its development and welfare of inhabitants, and special priority from state authorities for economic and other benefits. In 2000, the Knesset added amendments for delineating the municipal borders as they had been redrawn by Israel on 28 June 1967, and preventing the transfer of Israeli authority in Jerusalem to any foreign party.9

Israel issued other legislation over the last five decades to consolidate its occupation of the city, to confiscate land, and to restrict the presence of a Palestinian population. Some of these laws are: the Land Acquisition Law, Public Lands Law, Land (Acquisition for Public Purposes) Ordinance, Absentees’ Property Law, Land Administration Law, National Planning and Building Law, Antiquities Law, National Parks and Nature Reserves Law, Housing Law, Asylum Law, Noise Law (to stop the Muslim call to prayer), Revocation of Citizenship Law, Law of Entry into Israel, and “Ban on Family Reunification” – Citizenship and Entry into Israeli Law.10 The Israeli occupation artfully implements, modifies, and reformulates laws whenever the necessity arises. These tools are completely unrelated to the ruling party’s political orientations. What is common among them is their goals: to expel Palestinians from the city, to expropriate the land or reserve it for settlement use, and to attract Israeli settlers to the eastern part of the city.

In 2014, the Israeli Knesset ratified a multi-faceted plan for East Jerusalem that aims to consolidate Israeli sovereignty over Jerusalem and intensify its detachment from the West Bank. The plan includes projects to improve infrastructure, teach Hebrew, and increase
the number of Palestinians who sit for the bagrut, the Israeli secondary school exams. It also includes stricter arrest policies, a steep increase in penalties for stone throwing, an increased police presence within Palestinian neighborhoods, surveillance cameras at main East Jerusalem crossroads, and stronger fortification of settlements in Jerusalem.

The plan was a result of the Israeli security forces’ failure to maintain control over Palestinians in East Jerusalem after an upsurge in various forms of resistance. The new policies were not restricted to government plans; Israeli settler organizations in cooperation with the Israeli Jerusalem municipality worked to strengthen Jewish presence in East Jerusalem by organizing daily tours for schoolchildren and army recruits and raising Israeli flags in every possible place. During their annual celebration of the occupation of Jerusalem in June, tens of thousands of youths from settlements and national-religious movements are mobilized and march within the Old City and its surroundings while holding up Israeli flags in what has been called the “Flag Dance,” chanting against Arabs, Islam, and the Palestinians. The Israeli police prevent Palestinians from crossing the route of the marchers and force shops to shut down in most of the Old City. Inevitably there are clashes as Palestinians attempt to raise their voices and protest against this colonial march. Israeli national religious societies (settlers’ organizations) also contribute by building museums to narrate the history of Jerusalem from the Israeli point of view. They have also funded archeological digs, especially of the network of tunnels underneath the city, while continuing to take over buildings in the Old City and its surroundings, and other activities that attempt to emphasize Jerusalem’s Jewish identity.

**Land and Settlement**

The Israeli occupation forces, through their various branches and under different titles, have made use of all laws at their disposal to take control of 87 percent of East Jerusalem’s total area of 72 square kilometers – building settlements on 35 percent of East Jerusalem, and classifying the remaining 52 percent as “green” areas and kept in strategic reserve for Israeli settlements – meanwhile squeezing the Palestinian neighborhoods into the remaining 13 percent.

The British Mandate Land (Acquisition for Public Purposes) Ordinance issued in 1943 has been used to expropriate 35 percent of East Jerusalem land on which fifteen settlements have been built for more than sixty thousand housing units. Construction and building regulations have been used to confiscate the 52 percent of land classified as green, which prevents Palestinians from building on them, as they are considered suitable only for building Israeli settlements. An insignificant percentage of this land was used for public parks, but the areas are small and restricted, like the strip girdling the Old City, the slopes of Jabal Zaytun (Mount of Olives), and Wadi al-Rababa (Valley of Hinnom) below Jabal Sahyun (Mount Zion). The rest has been kept as reserve for further settlement expansion.

The Planning and Construction Laws are not only used to confiscate lands, but also to hamper development on lands that are not confiscated; by arbitrarily limiting the percentage of land on which construction is allowed, the number of inhabitants is limited.
and the cost of construction is raised to exorbitant levels. Even as construction within settlements in East Jerusalem is allowed to expand at a rate of 300 percent, construction within Palestinian neighborhoods does not exceed 75 percent. This enormous difference has exacerbated the severe housing crisis in Palestinian neighborhoods and has contributed to the expulsion of Palestinians from the city.

In the remaining lands, apart from some construction, the Absentees’ Property Law facilitates Israel’s takeover of the property of Palestinians living outside Palestine and may also be applied to those present in the West Bank. For example, a Palestinian who owns land in “new” Bayt Hanina (which Israel included within the Jerusalem municipal boundaries after 1967) could find that his property has become “absentee property,” despite the fact that he resides only meters away from it in Bayt Hanina village (which remained part of the West Bank).

A great deal has been written about settlement in Jerusalem and its various phases. What interests us here is the final stage of this long and complicated process of implementation, outlined below.

**Settlement Blocs that Skirt Jerusalem Municipal Boundaries**

Jerusalem is surrounded by four large settlement blocs located outside the Israeli-delineated municipal boundaries: 1) The Beitar bloc lies to the southwest of Bethlehem and meets the municipal boundaries in the south. It is a large bloc that is connected in the south to the Gush Etzion bloc. Its population now exceeds 65,000 settlers, and it is planned to absorb up to 100,000 settlers by the year 2020. 2) The Givon settlement bloc northwest of the municipal boundaries incorporates the beginning of the northern highway that connects Jerusalem with Tel Aviv. 3) The Binyamin bloc is northeast of municipal boundaries in the area of Hizma-Jaba’ and Mikhmas villages. 4) The Ma’ale Adumim bloc is directly east of the municipal boundaries.

The settlement blocs to the northwest and southwest of the city achieve more than one objective. In addition to expropriating lands to prevent Palestinians from building close to the Green Line (the pre–June 1967 borders), and populating Jerusalem’s periphery with settlers, the settlements consolidate the corridor linking the coastal plains of Tel Aviv with Jerusalem. The narrow corridor that had connected the two areas during the 1948–1967 period – in many areas, no more than three kilometers – has been expanded to an area that is thirty kilometers wide.

The number of inhabitants in these four settlement blocs is estimated at 140,000. This enormous settler reserve can be used to quickly change the demographic balance of the city by simply adjusting municipal boundaries. If the settlement of Ma’ale Adumim were to be incorporated into the Jerusalem municipal boundaries, for example, that would increase the number of Jews in the city by 40,000. Adding the settlement of Beitar Ilit would mean an increase of 60,000 settlers. Just as municipal boundaries can be extended in any direction by the Israeli authorities, they can also be moved to exclude large numbers of Palestinians. Kafr ‘Aqab and Shu’fat camp and its environs, home to one-third of Jerusalem’s Palestinian residents, are within the Israeli municipal boundaries but outside the separation wall and vulnerable to such a tactic.
Map 1: Settlement blocs surrounding Jerusalem as of November 2015. Source: Palestinian Negotiation Affairs Department.
Settlements that Isolate East Jerusalem from the West Bank

Another series of settlements have been built within the municipal boundaries on the outskirts of the city. These settlements constituted a barrier between Jerusalem and the West Bank even before the construction of the separation wall; they have played a security role by preventing Arab neighborhoods from expanding towards the West Bank. Gilo separates Bayt Safafa from Bayt Jala and Bethlehem in the southwest, Har Homa (Jabal Abu Ghunaym) separates Sur Bahir and Umm Tuba from Bethlehem and Bayt Sahur, while Pisgat Ze’ev and Neve Ya’akov settlements in the northeast separate Bayt Hanina from Hizma and Jaba’. (See Map 1 on page 11.)

Settlements that Separate Palestinian Neighborhoods

Settlements placed between Palestinian neighborhoods tear them apart and disrupt the existence of a continuous Palestinian urban fabric as a unified bloc: settlements such as French Hill and Ramat Eshkol separate the Old City and the Shaykh Jarrah neighborhood from Shu’fat, the Atarot settlement separates Bayt Hanina from Qalandiya and Kafr ‘Aqab, and Eastern Talpiot settlement separates al-Sawahira from Sur Bahir. (see Map 2).

Settlements that Obliterate the Green Line

The areas next to no man’s land were exploited for building roads that join both parts of the city or connect settlements to the western part. The occupation authorities also sought to erase the pre-June 1967 borders so that the settlements would seem as if they were an expansion of the western part of the city despite the fact that they were built completely on lands occupied since 1967. One of the main roads that carried out this purpose was Road Number 1, which was built along the northern wall of the Old City, continuing north toward the settlements of Pisgat Ze’ev and Neve Ya’akov, and then toward the settlements built northeast of the city (Benyamin bloc). The settlements that have obliterated the Green Line are Ramat Shlomo, Ramat Eshkol, Ma’alot Dafna, Eastern Talpiot, Gilo, Ramot, and Givat HaMatos.

Settlements within Palestinian Neighborhoods

No Palestinian neighborhood in East Jerusalem is free of the existence of a settlement cluster composed of a group of buildings, one building, or even part of a building that makes life hellish for the surrounding Palestinian residents. These settlements create continuous tension due to tight security measures, checkpoints, high-powered night lighting, monitoring cameras that disregard privacy, and annoying disturbances from the settlers who are, in most cases, students of religious schools. The aim is to tear apart the neighborhood and prevent its inhabitants from living as a group. Such epicenters of discord, no matter their size, can be found in several locations in Shaykh Jarrah, Ras al-‘Amud, Silwan, Jabal Mukabir, Jabal Zaytun, al-Thawri, and Bayt Hanina.

Settlements within Palestinian Homes

This type of settlement, found primarily in the Old City, Silwan and a few other localities, is the most violent and extreme, as it fundamentally aims at expelling Palestinian inhabitants from homes in certain neighborhoods within the Old City and its surroundings in order to claim the Zionist narrative of the history of Jerusalem.

Settlements in the Old City

Settlements have taken over large areas of the Old City: from al-Buraq Wall (the Western Wall of al-Haram al-Sharif) in the east through the ruins of the Mughrabi quarter, which was razed to the ground in 1967, al-Sharaf neighborhood, and the Jewish quarter until the Armenian quarter in the west. These neighborhoods constitute 15 percent of the area of the Old City. Ninety settlement epicenters have also sprung up in the other neighborhoods of the Old City, and especially in the area west of al-Aqsa Mosque, in addition to al-Qirami neighborhood and al-Khalidi and al-Saraya ascents.

The legal (from the Israeli point of view) acquisition of both the Imperial and Petra hotels located in ‘Umar bin al-Khattab square near Jaffa Gate has not resulted yet in their handover to settlers due to unsolved legal complexities; it is not clear how long this situation will last. Despite the huge obstacles involved in handing over property in the Old City due to the obvious awareness of Palestinians and their strong resistance to relinquishing property, the settlement societies have not given up and still strive to take over any property.
The focus of settlement activity has moved from the Old City of Jerusalem to underground where tunneling has increased and branched out in numerous directions. This operation is not restricted anymore to discovering a tunnel here or there, but also to link large spaces and halls that are used for religious purposes, to create a network between the various settlements within the Old City, and to connect al-Buraq plaza with various points in the Old City and surroundings. These tunnels, which have become a complete network not all of whose branches have been disclosed, are utilized to narrate a history of the city from a Zionist point of view. The Judaization of the cultural scene has become increasingly intense, as Israeli flags are raised atop all the settlement epicenters. Moreover, the Hurva Synagogue, with a stone dome towering over the middle of the Jewish quarter, was rebuilt in 2014. A larger synagogue called Tiferet Yisrael with a huge dome rising above the skyline of the Old City will be built nearby.

Al-Buraq plaza is currently undergoing major construction activities, including a three-story building constructed in the northern area, another building planned in the western area of the plaza, and a huge elevator that will connect al-Sharaf neighborhood to al-Buraq plaza. Also under discussion is whether to construct one or two stories under the plaza. Tracks for the light rail will be constructed from the northwest corner of the Old City through a tunnel under the Old City to al-Buraq Wall. This will enable visitors to access al-Buraq Wall from most parts of East Jerusalem without going through Palestinian neighborhoods. A project has also been approved to install a cable car beginning next to the late Ottoman-era train station in West Jerusalem, with a station at Mount Zion (Nabi Dawud) Gate, and ending near al-Buraq Wall. Additionally, detailed construction plans have been approved for establishing Kedem, a towering seven-story tourist center, just outside Bab al-Maghariba (Dung Gate), which will incorporate archaeological components and historical gardens with advocacy and settler centers. Israel’s completion of these projects will further promote the centrality of al-Buraq Wall as an Israeli religious and political symbol in the heart of the Old City, while marginalizing all other central sites. The aim of these projects is to create a new status quo that carries the message: Jerusalem cannot be divided again; it is the “Jewish Capital.”

**The Biblical Parks**

Within its Judaization activities in East Jerusalem the Israeli authorities have approved the various steps for establishing a group of public parks based on an Old Testament narrative, and for developing what is called the “holy basin” to be free of Palestinian inhabitants. The parks project includes the area surrounding the Old City to the east and south and extends to parts of Silwan up to al-Bustan neighborhood where the Israeli government has decided to demolish Palestinian buildings to achieve their objective. The parks include Wadi al-Rababa (Valley of Hinnom) and the western slopes of the Mount of Olives, in addition to its northeastern slope between al-‘Isawiyya and al-Tur villages and the slopes of Jabal al-Masharif (Mount Scopus). These parks will use land within East Jerusalem and include only a few areas in the western part of the city, for example, the “parks” of the Ma’man Allah (Mamilla) cemetery, which is classified as a green zone but includes new buildings, among them the so-called Museum of Tolerance. (see Map 3).
Map 3: The “Torah Gardens” that are planned and will be established in the Old City, whereby part of the plan has actually been accomplished, from the Jerusalem plan 2000. Source: Israeli Municipality of Occupied Jerusalem.
The Palestinian Population in Jerusalem

Before discussing the population one should point out, even if only theoretically, that of the 350,000 or more Palestinian Jerusalemites who carry an Israeli civilian identity card, the “blue ID,” some live within the separation wall and others live outside the separation wall, either in neighborhoods that are included within the Israeli occupation’s municipal boundaries, or in Jerusalem suburbs outside of the municipal boundaries – in Ramallah, Bethlehem, or Jericho, or even outside Palestine. Approximate population data can be found in the Israeli Ministry of Interior, which the Jerusalem Institute for Israel Studies uses in part to produce a statistical yearbook. Exact data is not available, only estimates, and all data in circulation is politicized. For example, the Applied Research Institute – Jerusalem calculates that the real number of settlers in East Jerusalem is 25 percent above that officially circulated.22

This data problem is a product of Israeli policies that force Palestinian Jerusalemites to present proof of living within the municipal boundaries. This provides statistical misinformation, as many Jerusalemites resort to buying or renting any available room within the municipal boundaries in order to have proof of an address, whereas they really live outside Jerusalem’s municipal boundaries due to factors mentioned below. Some estimate that the number of Palestinian Jerusalemites who live within the separation wall does not exceed 200,000, while 150,000 Jerusalemites live in neighborhoods located outside the separation wall, either within or outside the municipal boundaries. Although Israeli statistics indicate that the percentage of Palestinians in Jerusalem has reached 39 percent of the total population, the percentage living within the separation wall is only 25 percent.

In comparison, the numbers of Jewish settlers in East Jerusalem has reached almost 220,000, that is, roughly equal to the Palestinian population there. The rate of Palestinian population increase in Jerusalem is 2.7 percent, but has been gradually declining from 3.65 percent between 1990 and 2000 due to the difficult socio-economic conditions of the separation system. Still, this percentage is much higher than the 1.5 percent rate of population increase among Jews in Jerusalem.23

The future will not carry good tidings unless there are radical changes. Two developments concerning Jerusalem residents are likely in the coming years based on continued population increase on the one hand, and the necessity of land for construction on the other: the first expectation is pessimistic and the second is less so, but both will have a negative effect on Palestinian presence within the city.

The First Scenario

Israel adheres to the municipal boundaries decided by the Knesset that push out the neighborhoods of Kafir ‘Aqab, Shu‘fat refugee camp, al-Salam neighborhood, Ras Khamis, and other small neighborhoods in the southeast of the city, and cancels the right of the residents of these neighborhoods to live in Jerusalem. In the process, these residents are transformed into bidun (undocumented), since the Palestinian Authority will not agree to replace their Jerusalem residency with West Bank residency, and Israel will prevent them, as with all other West Bank residents, from entering Jerusalem without a permit.
At the same time, the Israeli authorities begin implementing projects for building settlements within East Jerusalem that will increase the number of new settlers by 100,000; some will live in new settlements like Giv’at HaMatos and Atarot, while the rest will be housed in new units in established settlements (a continuous process known as thickening settlements).24

In order to increase Jewish demography and marginalize the number of Palestinians, in this scenario the settlement of Ma’ale Adumim will be included within Jerusalem municipal boundaries. Beyond the demographic factors, this is also a strategic decision, as this settlement lies on the road between Jerusalem and Jericho and the Dead Sea. It is also the eastern gateway to East Jerusalem, so its annexation will achieve more than one Israeli objective.

This scenario, even if it occurs in stages, will result in Palestinian inhabitants totaling less than 30 percent of the Jerusalem population, which has been a goal of Israel, evident in the 2020 master plan for Jerusalem.25

The optimists could ask, noting the widespread response to the construction of the separation wall was that many Jerusalem Palestinians moved back within the wall to guarantee their residency: “Will there not be a Palestinian Jerusalem reaction to these procedures, at the very least?” Should this scenario unfold, most of those who live behind the separation wall will attempt to move to neighborhoods in Jerusalem inside the wall. But where will they go? The number of apartments added in Palestinian neighborhoods in East Jerusalem can be counted in dozens or at most a few hundred, and they are available only at exorbitant prices unaffordable to most of those who resorted to building or renting in cheaper neighborhoods outside the separation wall but within the municipal borders, such as Kafr ‘Aqab and Shu’fat refugee camp. Even if, for argument’s sake, one-third (an exaggerated proportion) of those who live outside the wall can return inside Jerusalem, despite the poor living conditions,26 in the end Israel will expel 100,000 Palestinian Jerusalemites, on the one hand, and increase the number of settlers by 100,000, on the other.

The optimists could also ask: What will happen to the natural increase in population of Palestinian inhabitants? It has been mentioned above that this growth is in continuous regression and it could reach, within the coming years, only 2 percent. Still, even 2 percent is considered a significant rate of growth, and it cannot be absorbed in Jerusalem under the present conditions. If these individuals are determined to remain in the city, which is expected, then they will increase the corrugated iron roofs in Palestinian neighborhoods, leading to greater impoverishment within already poor living conditions.

The Second Scenario

In this less pessimistic scenario the Israeli authorities will not succeed in altering the municipal boundaries and thus will not deny the residency rights of Palestinians who live behind the separation wall, or in the West Bank or outside Palestine. The Israeli actions to change Jerusalem’s demography will be limited to settlement.

The question still remains: Where will the Palestinians go? With Israeli authorities in total control of the construction process, the era of building without a license is over; it has become virtually impossible for Jerusalemites to add any construction without an
official license. The most they can do is add one or two rooms here or there to try to exploit the occasional lack of attention by the Israeli monitoring apparatus.

At the same time, the process of breaking down existing apartments into small units has been going on for years. What is left of lands where construction is allowed is very limited and can only absorb a small percentage of the annual need for new apartments. Taking this into consideration, as well as cases of small buildings being pulled down to build larger ones on the same area of land, there is a lack of housing that already exceeds 20,000 units, with the knowledge that 20,000 other housing units have been built without an Israeli license and are threatened with destruction.

The Palestinian housing shortage leaves Jerusalem residents with only two choices: one, to live within Israeli settlements in the eastern part of the city, which is a process that has been taking place slowly and silently for years. There is no statistical data about this phenomenon but it has become tangible in the settlements of Neve Ya’acov, Pisgat Ze’ev, and French Hill. A few hundred Palestinian families already live in these settlements and this could increase within the coming years, just as similarly Palestinians within the 1948 borders have moved into Nazareth Ilit settlement (Upper Nazareth) built on Nazareth’s lands and now represent one-quarter of its residents.27

The second choice is to continue building within the municipal boundaries, but outside the separation wall. This process is near saturation in the areas mentioned, which are, by all standards, terrifyingly overcrowded. A few more towers could be built, which may accommodate at most a few hundred apartments.

With these limited options for Jerusalemites, the housing problem will continue to intensify in the coming years. This will cause more Jerusalemites to leave the city for the West Bank. The locations that they would likely seek out in a first wave, namely the surrounding villages such as Hizma, ‘Anata, al-Ram, Bir Nabala, al-‘Ayzariya, and Abu Dis, are nearing capacity. The next wave will likely be to the places still able to absorb population growth: Ramallah, al-Bireh, Jericho, and Bethlehem. If they can maintain their right to live in Jerusalem and continue to carry a Jerusalem identity card, the Palestinian population of Jerusalem in three years will exceed 40 percent of the total population of “united Jerusalem,” even as the number of Jewish settlers in both parts of the city increases.

**Social and Economic Conditions**

Economic and social conditions in East Jerusalem are declining. According to the Israeli National Insurance Institute, more than 79 percent of Palestinian families in Jerusalem live below the poverty line.28 Poverty will increase in the coming years due to the lack of development projects in the city. East Jerusalem is considered a depressor of Palestinian investments: production costs are high, there are no industrial zones, the price of real estate is very high, and the problem of guarantees prevents borrowing from Israeli banks. Palestinian banks do not lend to Jerusalemites because of the inapplicability of Palestinian law in Jerusalem. Furthermore, the Israeli tax system in Jerusalem is complex and particularly high for the Palestinian investor (who does not enjoy tax exemptions...
unlike the Israeli investor), and language and cultural barriers also discourage investment. In contrast, nearby Ramallah is more attractive for investment of Jerusalem capital: it provides infrastructure, an attractive tax system, and a common language and culture.

The tourism sector no longer occupies a strong position in the Palestinian economy in Jerusalem, as the Israeli tourism industry has succeeded in almost entirely dominating this sector. The number of hotel rooms in East Jerusalem, all built pre-1967, has actually decreased, as has the number of tourists who avoid the dominance of Israeli guides and shop in East Jerusalem markets. Thus, the income that tourism once provided for the middle class and a wide range of workers is disappearing. In a city whose economy depends primarily on tourism, the three million tourists who visit Jerusalem annually do not leave a big impact on the Palestinian economy. The number of Muslim tourists who make up strategic reserves is growing, but their number so far is small, and political obstacles limit the possibility of increasing it.29

The Jerusalem trade sector suffers greatly because of Jerusalem’s isolation from the West Bank by the separation wall, which limits its market customers to residents of the city and from the 1948 areas. It is also unable to compete with the large Israeli marketing networks that have opened branches in and around East Jerusalem, and that offer attractive prices that the small Jerusalemite merchant cannot compete with, and are more affordable to Jerusalemites with poorer purchasing power.

Social problems such as drugs, dropping out of school, and domestic violence are widespread, exacerbated by poverty. The dropout rate in Palestinian Authority schools is one percent, while in Jerusalem it exceeds 13 percent.30 Many experts consider the unsuitability of educational facilities to be one reason for the high dropout rate; East Jerusalem urgently requires 2,200 classrooms to accommodate students in schools that meet educational standards. The Israeli authorities have also attempted to Israeliize education by restricting the teaching of the Palestinian national curriculum and banning parts of or whole books. Schools that insist on teaching the Palestinian curriculum are not financially supported, whereas the Israeli authorities encourage schools to teach Hebrew through financial support, and pressure some schools to teach the full Israeli curriculum for the Israeli high school matriculation certificate, bagrut. The core issue is national identity targeting. The Israeli curriculum highlights the Israeli narrative and disregards Palestinian history.31

Israel applies pressure to Jerusalem Palestinians in many ways: house demolitions; revocation of residency rights (withdrawal of identity cards); high taxes that are disproportionate to income; lack of housing and high rents; security harassment and arrests, especially of children; constant surveillance by cameras and presence of police and border guards; flash checkpoints on Palestinian streets; discrimination and maltreatment by Israeli institutions; cultural and linguistic barriers in dealing with Israeli bureaucracy; and low wages and low level of employment in the Israeli market.32 Moreover, resentment and indignation are increasing daily due to the tremendous pressure on the holy places generally and on al-Aqsa mosque in particular, which may ignite tensions in the city as has happened in the past. The process of alienation and expatriation of Jerusalemites proceeds as their familiar cultural surroundings are altered and lost day after day.
Palestinian Performance in Jerusalem

The Palestinian Authority has developed several medium-term sectoral studies to define its strategy in Jerusalem, which are updated regularly. This in itself is an achievement that must be noted, but recommendations have not been implemented. The limited power of the Palestinian Authority and its inability to perform can be understood in the context of considerable Israeli obstacles. What is impossible to understand is its lack of influence or the necessary mechanisms to implement its policies. The Palestinian Authority’s approval of funds to support Jerusalem is below the minimum, and contrasts with the repeated slogan that Jerusalem is the capital of Palestine.

This article will not examine the Palestinian performance in Jerusalem in detail, which requires a separate article, but suggests topics for such a discussion, and highlights several here.

Leadership
Jerusalem enjoyed a central position in Palestinian life until the establishment of the Palestinian Authority in 1995. From 1967 to 1995, Jerusalem was the home for Palestinian newspaper publishers, the main printing presses and publishing houses, the best hospitals, the most important schools, the largest and most important commercial market, the center for trade union associations, and so on. It was the undisputed economic center and the center of the national movement and its official and unofficial leadership and institutions. During the first intifada, the Orient House under the leadership of the late Faisal Husayni became the political center of Jerusalem as the de facto capital of Palestine. It was important both symbolically and diplomatically, as it welcomed Western Europe diplomats and official visitors for meetings with Palestinian leaders. From 1990 to 1993, the Orient House played a central role during the preparations for the Madrid Conference and the subsequent negotiations in Washington. However, after Yasir Arafat set up headquarters in Ramallah in 1995 as a result of the Oslo accords, the political prominence of Jerusalem began to diminish. The Israeli occupation installed checkpoints around the city and prevented residents of the rest of the occupied territories from entering Jerusalem without a permit, isolating it from the West Bank. Following the completion of the separation wall in 2006, Jerusalem’s isolation was nearly complete.

Jerusalem’s status was weakened further by the sudden death of Faisal Husayni in 2001, which Israel followed by dealing additional blows of closing down central institutions in Jerusalem, most notably the Orient House and the Chamber of Commerce. The siege of Jerusalem’s institutions was tightened through discriminatory Israeli laws, the loss of funding, and the Palestinian Authority’s lack of interest and ability to maintain institutions in the city; more institutions were closed and others left to Ramallah. The Palestinian Authority and the Palestine Liberation Organization (PLO) failed to replace the leadership of Faisal Husayni. There was great confusion among the Jerusalem leadership, and the multiplicity of references contributed to weakening the status of Jerusalem, which became an empty political slogan. It is true that the Palestinian Authority maintains a Minister for Jerusalem Affairs in the government and established the Jerusalem
governorate (headed by the Minister for Jerusalem Affairs), but it was unable to invest enough in these two institutions to maintain the city’s centrality.

**Land and Housing**

Over the past ten years after Israel tightened its clampdown on unlicensed construction, the Palestinian private sector constructed hundreds of licensed housing units, either by small construction companies or by the owners of the land for family housing. Some initiatives came from Palestinian investors outside of Jerusalem and some limited support was available from Arab and Islamic funds. Together these actions enabled hundreds of families to remain in Jerusalem. Most of the construction work was carried out on plots of land inside Palestinian neighborhoods, some of which require complex legal procedures: inventory of inheritance over generations; proof of ownership (sometimes requiring travel to Istanbul and Amman); many bureaucratic forms; high legal costs; preparation of zoning plans for a complete area where no plan exists; and so on. These measures inflated the cost of an apartment, which can exceed half a million dollars (to be made in a single payment, in cash) for a 100–120-square-meter apartment in Jerusalem. Such expenditure is feasible for less than 5 percent of Jerusalemites. The average rent of an apartment has long exceeded one thousand dollars per month, more than half the monthly income for 80 percent of Palestinian Jerusalemites. Despite the need in Jerusalem for 20,000 housing units, with some estimates double that figure, the Palestinian Authority and the PLO have been unable to contribute seriously to this matter, whether due to their inability or because of the unavailability of the necessary funds. However, the Palestinian Authority could contribute to alleviating the problem in many other ways such as offering financial support for the owners of demolished houses, legal support, and building loans.

**Schools and Education**

The Israeli municipal and education authorities absorb more than half the city’s Palestinian students, while the rest are absorbed by the Palestinian Authority and private schools, including church and Islamic *waqf* schools. With the exception of some private schools, there has been a clear decline in the level of education and a rising dropout rate, endangering the system and presenting a real problem for future generations of Palestinian Jerusalemites. After five decades Israel is still unable to manage all of Jerusalem’s students; only half receive education from Israeli-operated schools while almost half of the city’s students are educated in Palestinian institutions that preserve their identity.

The challenge now is to maintain Palestinian educational institutions and to resist Israeli educational curricula being imposed on educational institutions, including those controlled by the Israeli authorities. If the Palestinian Authority wants to absorb new students and contribute to maintaining their identity, Jerusalem needs 2,200 classrooms immediately. This is a wide open door for work. It is undeniable that the Palestinian Authority, Islamic *waqf*, and Christian churches have made great efforts to protect education in the city, but every day the challenge is to preserve what has been achieved, which is in itself a difficult task, to say nothing of expanding this work to fulfill the real need. Resisting attempts to impose the Israeli curriculum on schools requires efforts from a
wide range of actors within the Palestinian Jerusalemite community and the support of the Palestinian Authority, and may also require resorting to international organizations.

Health

The Jerusalem community lost the battle to preserve the independence of the health sector in the face of Israeli annexation. The occupation forced the Palestinian health system to be dependent on the Israeli health system. In East Jerusalem, medical clinics can no longer work outside the framework of the Israeli health system. The six main hospitals that have been preserved – al-Maqasid, Augusta Victoria, St. Joseph’s, the Red Crescent Society, St. John Eye Hospital, and the Princess Basma Center – are independent institutions with regard to management and financing, but they must operate under licenses approved by the Israeli health authorities. Half of their patients are Jerusalemites insured by Israeli health insurance for services purchased by the Israeli sick funds. The remaining patients are referrals from the West Bank and Gaza Strip sent to Jerusalem hospitals for specialized care and financed by the Palestinian Authority.\(^35\) The continued existence of the hospitals and their ability to maintain high quality services is an achievement in itself, thanks to the support of many parties. However, the failure of the Palestinian Authority to pay the entirety of their debts to these hospitals has caused severe financial crisis which threatens their sustainability.

Conclusion

East Jerusalem is facing serious challenges after a half century of occupation. The machine of occupation used various mechanisms that were quick to devour the city and keep its residents under pressure through all means and in all sectors. Jerusalem’s Palestinian residents were able to endure this onslaught and maintain their existence reasonably well and within their available means. Their existence suffers from complex structural problems, but the sheer presence of more than 350,000 Palestinian Jerusalemites in the city makes the task of Judaization very difficult, especially since many are well practiced in how to resist the occupation. One of every two Palestinian Jerusalemites has been in one of the occupation’s prison cells, and all have been subjected to the occupation’s attempts to uproot them from the city in one way or another. Every Jerusalemite feels targeted on a daily basis, yet the people of Jerusalem are still holding on to their city.

To remain in Jerusalem and to preserve its national interests does not depend solely on the decision of its people to stay and their steadfastness at whatever price. While this is indeed central, it is also necessary to take specific measures, especially to create institutions that can lead the day-to-day struggle for existence in the city and support the steadfastness of existing institutions threatened by closure.

\footnote{Nazmi al-Jubeh is Professor of History at Birzeit University.}
Endnotes


2 From the mid-1970s to 1980, thirteen countries transferred their embassies to Jerusalem: Holland, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Ecuador, Guatemala, Haiti, Panama, Uruguay, and Venezuela. They gradually returned their embassies to Tel Aviv, following UN Security Council Resolution 486 issued in 1980 in response to the Israeli Knesset law. The resolution considered the decision to annex Jerusalem and the decision to transfer embassies to Jerusalem to be in violation of international law. Only the Christian Embassy, which was established by Christian Evangelicals in response to the decisions of the thirteen countries to transfer their embassies out of Jerusalem, remains. In 1995, the U.S. Congress adopted a resolution recognizing Jerusalem as the capital of the State of Israel. Since then, every successive U.S. president has renewed executive orders every six months to postpone transfer of the U.S. embassy from Tel Aviv to Jerusalem. Discussion of implementing the transfer has gained currency in the Trump administration, but no steps have been taken in that direction as of November 2017.


5 The decision to apply Israeli law to East Jerusalem was taken on 11 June 1967. The decision to establish the final map of expanded municipal boundaries, which was prepared by Israeli army generals under the supervision of Rehavam Ze’evi, was made during an Israeli government meeting on 28 June 1967. See the article by Uzi Benziman in Haaretz (25 May 2017), online at www.haaretz.com/israel-news/:premium-1.791568 (accessed 4 November 2017). The new borders considered Israeli security and strategic needs, including ensuring sufficient areas for settlement. The municipal boundaries did not include Rachel’s Tomb, on the outskirts of Bethlehem, which is considered in Jewish heritage as the third most sacred Jewish shrine. However, it annexed Kafr ‘Aqab on the outskirts of Ramallah to control Jerusalem Airport at Qalandyia.

6 Israel withdrew from the Sinai Peninsula in 1982 as a result of the peace agreement with Egypt (the first Camp David Agreement). This withdrawal was completed by another from the Taba enclave in 1989. Israeli civil law was imposed on the Golan Heights in December 1981, replacing military administration, and unofficially annexing the territory.

7 See Israeli Basic Laws online at www.knesset.gov.il/laws/special/eng/basic10_eng.htm

8 The boundaries of the Jerusalem Municipality were expanded from 6.5 km² (as it was during the Jordanian period) to 70.5 km², in addition to approximately 36 km² that already existed in the western part. Thus, the area of “united Jerusalem” reached about 107 km². In 1990 the city border expanded in the western part of the city to increase the Jewish population, reaching an area of approximately 126 km², which is the current size of the “United Jerusalem.” For the development of the boundaries of Jerusalem, see Anna Hazan, Jerusalem Municipal Boundaries 1948–1993, Background Papers no. 17, Jerusalem Institute for Israel Studies, 1995.


10 For various laws, see www.knesset.gov.il/laws/special/eng/basic10_eng.htm and www.adalah.org/en/law/index


12 Real estate values in East Jerusalem have increased due to the shortage of land available for construction, the high cost of obtaining building permits (about $50,000 per apartment), and real estate finance issues.
The question of annexing Ma’ale Adumim settlement to Jerusalem has been mentioned often as a way to annex more land, including the area to the east of the Mount of Olives called E1, and to increase the proportion of Jews in Jerusalem. Serious suggestions have been made in study centers and in the corridors of the Knesset to move all Palestinian neighborhoods of Jerusalem that are located behind the separation wall to outside the boundaries of the municipality. Such as change requires the approval of two-thirds of Knesset members, 80 out of 120 votes, which may be difficult but possible. Disposing of one-third of the population of Jerusalem and placing their responsibility on the Palestinian Authority, would reduce the Palestinian population in Jerusalem from 39 percent to 20 percent.

In an unprecedented move, the Israeli government approved a plan to build double that number in the following years. The construction of 15,000 settlement units in Atarot was planned in an initial phase, but the final project will include 58,000 settlement units, all located within the municipal boundaries and built on the land of Qalandiya airport and the surrounding area. See Muna al-Qawasmi, “al-Musadiqa ‘ala mashru’ mustawtana Jiv’at al-Dirasat al-Filastiniyya hawla al-wad’ al-jiyusiyasi” [ARIJ Institute Hosts Consults and Representatives of Diplomatic Missions o the Palestinian Authority in Ramallah and Briefs Them on the Latest Developments in the Palestinian Arena on the Geopolitical Situation], ARIJ (no date), online at www.arij.org/latest-news/611-eu2014oct.html (accessed 6 October 2017).


In 2014, construction of 2,561 settlement units in Givat HaMatos was approved as a first phase, with a plan to build double that number in the following years. The construction of 15,000 settlement units in Atarot was planned in an initial phase, but the final project will include 58,000 settlement units, all located within the municipal boundaries and built on the land of Qalandiya airport and the surrounding area. See Muna al-Qawasmi, “al-Musadiqa ‘ala mashru’ mustawtana Jiv’at HaMatus janub al-Quds” [Plan Approved for Givat HaMatos Settlement South of Jerusalem], PLS48.Net, 29 September 2014, online at www.pls48.net/?mod=articles&ID=1188080#.


The concern that Palestinians would move to live inside the separation wall may be one of the reasons behind the reluctance of the occupation authorities to change or delay the municipal boundaries. Some believe that the delay was meant to encourage Palestinians to build, without supervision and without high taxes on construction, in the neighborhoods outside the separation wall, so that a good percentage of Jerusalemites would move as they did, and could be later stripped of the right to live in Jerusalem.

The mayor of Upper Nazareth insisted that the Arab population would not be allowed to build mosques or churches and even set up a Christmas tree or a Ramadan lantern in the settlement, in an interview in the Washington Post: William Booth and Ruth Eglash, “High Above Nazareth, an Israeli Mayor Wants to Keep His City Jewish ‘Now and Forever’,” Washington Post, 19 September 2013, online at tinyurl.com/yajrl2bg (accessed 6 October 2017).


For example, Augusta Victoria is the only hospital in the occupied Palestinian territories that can provide radiation treatment for cancer, and St. John Eye Hospital is the only specialized ophthalmic center.
An online music video, popular in Palestine, opens with a passionate voice proclaiming: “With our mountains and our valleys, with our men and our horses, [we are] murabitin [defenders of the faith]. With our hearts, our eyes, and arms, [we are] murabitin.” Animated images of al-Aqsa Mosque, the Dome of the Rock, Israeli soldiers, and settlers scroll across the screen. Muslims are present, too, protesting and being arrested. The introductory monologue ends and the refrain begins, “God, God, God, God is with us, God. [We are] murabitin to the day of reckoning.”

The animated images turn to video clips of similar scenes: Muslims and Jews in confrontations in al-Haram al-Sharif. The video had over 147,000 views as of October 2017, but the number is hardly representative. Throughout the fall of 2015, the song played in Palestinian cafes and public spaces, and regularly accompanied local news broadcasts and programs. One Palestinian from Jerusalem put it this way: “Murabitat [female murabitin] are pioneers and heroes, the new virgins of the Palestinian resistance.”

Who are the murabitin? How did they become pioneers and heroes? How might they be reshaping the way Palestinians articulate their resistance toward Israel’s settler-colonial practices in Jerusalem and beyond?

This article contends that the murabitin have fused innovative religious practices and discourse with the symbolic power of sacred space to redefine how Palestinian Muslims understand and articulate their resistance to Israeli settler-colonial practices, both at the Holy Esplanade and in Israel-Palestine more broadly. The foundation for the argument posits the notion of ribat (defending the faith) within the discursive tradition of Islam across time and space. Ribat’s emergence in contemporary Palestine is examined with relation to sacred space, the status quo, and...
gender. Finally, the practices and discourse of the murabitin, and the changing socio-political landscape which created space for this new phenomenon to emerge are described. The article concludes by arguing that Israel’s response to the murabitin helped crystalize the notion of ribat in the Palestinian conscience and contributed to its proliferation. The study is based on ethnographic data collected in Jerusalem between 2013 and 2016.

Ribat through Time and Space

Murabitin is the masculine plural active participle derived from the third form (fā’ala) of the trilateral root ra-ba-ta, meaning: “to be lined up, posted, stationed (troops); to line up, take up positions; to be moored (ship); to move into fighting positions.” The noun ribat describes the activity: ribat is what murabitin do. Murabitin protect what is being aggressed upon; hence, they defend the faith. The notion is firmly rooted in the Islamic theological tradition occurring in the Qur’an and Hadith literature. Morphological definitions, however, fail to capture the broad and diverse ways ribat has been used and understood historically. Jacqueline Chabbi affirms: “The word [ribat] needs to be constantly related to a context and a chronology since the sense has been very evolutive.”

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Eventually, the term became associated with various Sufi groups who called their guesthouses and institutions of hospitality ribatat. Several ribat institutions of this type were established in Jerusalem in the Middle Ages. Yusuf Natsheh, director of tourism and architecture at al-Aqsa Mosque, affirmed that in Jerusalem ribat had been associated with these Sufi orders. The idea of protecting the city and al-Aqsa Mosque was also present, but historical occurrences were much different than the movement happening today.

Ribat emerged in contemporary Palestine at the confluence of several interconnected historical, political, and religious streams. The earliest documented use of the term occurred during the first intifada, when the newly formed group Hamas (the Islamic Resistance Movement) referred to Palestine as the “land of ribat” (ard al-ribat) and Muslims as murabitun in several of its leaflets. Yitzhak Reiter also noted several instances in the 1990s where non-Palestinian Muslims referred to Palestine as the “land of ribat.” The late Yasser Arafat, chairman of the Palestine Liberation Organization and later president of the Palestinian Authority, was known for quoting the Hadith which linked the people of Jerusalem to the notion of ribat. In each of these examples, ribat conveys the idea that since Palestine belongs to Muslims, some form of resistance toward Israel and its occupation are appropriate and necessary.

According to several key informants, the term gained widespread traction among Palestinians after the Ibrahimi Mosque massacre of 1994, when Israel began imposing limitations on Muslim worship and mandating security screenings at the site. Muslims saw these interventions as a transgression of their religious rights and began using the term ribat to express their disapproval and resolve to guard the mosque against further encroachment.
Palestinian religious and sentimental connections to the Ibrahimi Mosque were strong, but Palestinian attachment to al-Aqsa Mosque was exceptionally intense. The term easily moved from Hebron to Jerusalem, given the aggressive intrusions of the Israeli settler-colonial project in both cities. Palestinians have been choked institutionally, politically, economically, geographically, and physically in Jerusalem, while Israel has more forcefully asserted its control over the city. Palestinians in Jerusalem have also grown deeply cynical about the real-world viability of achieving an independent Palestinian state with East Jerusalem as its capital and they are painfully aware of the unwillingness of international stakeholders to play a decisive role in resolving the conflict. All of these factors have created fertile ground for re-imagined articulations of their presence in the city and resistance toward Israeli settler-colonial practices. Ribat thus emerged in Palestine as an innovative and broadly appealing Islamic discursive mechanism to articulate and embody Palestinian resistance to Israel at this specific juncture in time.

Sacred Space, Status Quo, and the Murabitin

Ribat at al-Aqsa Mosque has been inseparably linked to the notion of sacred space. After Mecca and Medina, al-Aqsa Mosque is the third holiest site in Islam. Jerusalem was the first direction of prayer (qibla) and the site of ascent during Muhammad’s Night Journey. The heavens above are considered the portal to the divine, and the location is holy. The space must, therefore, be guarded with utmost devotion.

The Status Quo has been “the product of tacit pragmatism, not formal understandings, since Jordan and Israel officially remained at war.” The Jordanian Waqf (Islamic endowment) continued to administer the site while Israel took charge of access and security. Since the arrangement is de facto, informal, and pragmatic, there has been little agreement about the specific form, content, or scope of these understandings. Each side accuses the other of transgressing its commitments when conflicts arise. The result is a tenuous and unstable situation, fueled by a potent mix of religious fervor and misunderstanding. One stark example was Israel’s transgression in the year 2000 when the Israeli politician, Ariel Sharon, entered the site accompanied by over a thousand security guards. The egregious transgression ultimately led to the outbreak of the al-Aqsa intifada.

Both sides, however, agree that the status quo permits non-Muslims to visit the site. People of any (or no) faith are allowed to enter between 7:30 AM and 12:30 PM, Saturday through Thursday via Bab al-Maghariba, after first passing through Israeli security screening. Visitors are then free to walk through the compound, although they are forbidden from entering the physical structures.

Among these visitors are far-right Israeli groups who actively advocate for a change in the status quo. These groups often have substantial ties to far-right political factions which had been on the political fringes historically and largely ignored. Today, however, they have representation in the coalition government. These groups lobby for increasing the number of Jews allowed to visit the site, and advocate for the restoration of Jewish
religious practices. Some have even attempted to perform prayers on the site. The more extreme groups call for the destruction of the mosque altogether in order to build the Third Temple. Despite the political ascendancy of these groups, some debate continues to surround the political and religious advisability of focusing on the Temple Mount. While the government might not officially support a change in the status quo, the importance of the Temple Mount has clearly been upgraded within Israeli society as a national-Jewish site.

Palestinians are acutely aware of these dynamics and have countered the threat by affirming their presence in the compound. One strategy has been simply to increase their physical presence. The late Faisal Husayni, a member of the Supreme Muslim Council in Jerusalem and the Palestinian Authority’s Minister for Jerusalem Affairs, advocated learning circles at al-Aqsa Mosque for this purpose. In the past five years, these circles have become associated with murabitin practices.

The Islamic Movement of Israel has also redoubled their efforts at al-Aqsa Mosque in response to the changing dynamics within Israeli society, engaging in restoration projects, awareness raising, and resistance activities in Jerusalem with the slogan “al-Aqsa is in danger.” They too have adopted the idea of murabitin to mobilize support for their activism.

The murabitin of al-Aqsa Mosque emerged at the nexus of Muslim religious sentiments, a tenuous and eroding status quo, and changing socio-political dynamics in Israeli society. They see themselves as the guardians of al-Aqsa Mosque, protecting it from Jews who seek to change the status quo on the site. Murabitin are typically older people or youth. Key informants accounted for these demographics in two ways: first, they noted the increased availability of older people and youth who tend to have more free time; more significantly, they discussed how Israeli forces typically treat older people and women in general less severely than men. Unfortunately, gender and age have not prevented Israeli forces from using force against these people.

**Practice and Discourse**

The following quote exemplifies multiple themes within murabitin discourse and practice:

"Ribat is work, work for Almighty God, pure work for Almighty God. . . We are present at Bab al-Maghariba, this gate that the occupation forces have seized control over and through which the [Israeli] extremists enter. We are there at that gate. We are on the front line. We are on the front of the line of jihad. We are on the front of the line of ribat. This is our mosque. We will not give it up. We are murabitun, every day at al-Aqsa Mosque. Ribat is for Almighty God."

At its core, murabitin view their activity as a work for God – a form of worship. It is not for family, community, or nation: ribat is for God alone. It has strong and direct ties to
personal perceptions of piety and faith, which, the murabitin argue, relate to the political context but are not governed by it explicitly. Some deny the political context outright; their dismissal highlights an authenticated and sincere self-perception, which validates their pious perceptions. Regardless how one interprets the overlapping and interrelated notions of religion and politics, ribat, as practiced and understood by these individuals, is fundamentally about worship.

Ribat as an act of worship manifests itself in a variety of forms. Key informants discussed the correlation between ribat and i’tikaf (the practice of spending extended periods of time in a mosque for prayer, meditation, scripture reading, and devotion). Palestinians practice i’tikaf most widely over the last ten days of Ramadan. It is a non-compulsory practice Muslims view favorably. The defining element of i’tikaf is the intention to dedicate oneself to God. In this sense, i’tikaf and ribat are similar: both acts include the explicit purpose of dedicating time to God. They differ in that ribat also includes the intention of guarding the mosque against an external threat.

Once inside the mosque and the intention of dedicating one’s time to God is established, murabitin engage in a variety of religious practices, the most prominent being learning circles (masatib al-‘ilm). As the name implies, Muslims gather to study sacred texts, attend religious lessons, and discuss religious topics. They range from informal encounters among friends to groups with formalized educational tracks. In some cases, participants are even awarded certificates of participation and accomplishment.

The murabitin affirm that non-Muslim visitors to al-Aqsa are acceptable; the exception is Jewish groups affiliated with the far-right organizations with explicit intentions to change the status quo. The murabitin easily identify these groups because they enter accompanied by Israeli security forces, as several murabitin explained:

We sit and study outside of the Qibli Mosque near Bab al-Maghariba. . . . The Jews enter from this gate, and they provoke us, saying and doing inappropriate things. Maybe they do it with their face or their hands, making movements that are despicable. . . . They always have seven or eight [security guards] around them. When the women [murabitat] hear this, they say, “Allahu Akbar.” The settlers keep walking, and we stay sitting. We don’t move.

This sequence of events has repeated itself on multiple occasions, as some degree of ritualized engagement between the various actors.

Declaring God’s greatness in the presence of these Jewish visitors is a prominent feature of murabitin activity and discourse. Informants explained that it could be said spontaneously by individuals or by groups in unison who chant according to the prompting of a leader. The leader calls out takbir (“Say ‘Allahu Akbar’”) and the group responds, “Allahu Akbar.” The expression is deeply rooted in Islamic tradition, ubiquitous and inextricably linked to religious sentiments and practices. The Encyclopedia of Islam defines the formula as “the briefest expression of the absolute superiority of the One God, [it] is used in Muslim life in different circumstances, in which the idea of God,
His greatness and goodness is suggested.” In this context, the purpose is to express their disapproval toward the presence and actions of Israeli extremists. One participant explained, “It is a call, a declaration that this place is a mosque, not a synagogue.” Others described it as an inevitable response: “What can we do? We can’t do anything except say ‘Allahu Akbar’ because of the oppression we experience.”

Murabitin also view “Allahu Akbar” as a weapon, as this woman explains:

The takbir is the only weapon we possess in al-Aqsa Mosque. They are afraid of the words “Allahu Akbar” in al-Aqsa Mosque because they are entering a place that is not theirs. “Who is more wicked than the men who seek to destroy the mosques of God and forbid his name to be mentioned in them, when it behoves these men to enter them with fear in their hearts?” They enter this place, but [they are] afraid. Because of that, they are unjust to us. It’s not just injustice. It’s more unjust than injustice. They are preventing us from entering our beloved mosque. We’re prevented from entering our Aqsa.

“Allahu Akbar” is a weapon because it evokes fear. The murabita’s voice is a weapon of protest. She supports her claim with a Qur’anic verse: the fear of the Jewish invaders is more than a human response to the proclamations of God’s greatness, it stems from the transgression of divine principle.

The use of “Allahu Akbar” is also related to jihad and the ethical sensibilities of the murabitin. Palestinians have debated extensively the use of violent and non-violent means of achieving their national aspirations. What forms of resistance are religiously defensible, ethically justifiable, and politically efficacious? One shaykh employed by the Palestinian Waqf explained the ethical sensibilities of the murabitin in contrast to suicide bombers:

If someone wears an explosive belt on their chest and goes down to blow themselves up, this is refused in religion. In principle, if you’re supposed to protect your life, you can’t die like this. Religion compels you to defend al-Aqsa, but you can’t blow yourself up . . . but other means are permitted. Religion will tell you to go sit in al-Aqsa and die. It’s no problem because they [soldiers] are the ones assaulting you. It’s no problem . . . Religion tells you that it’s forbidden to turn your back. Don’t blow yourself up – just stay standing. If he kills you [while in this position], it’s no problem . . . If you understand [your religion correctly], you will know that you are supposed to remain standing. If you don’t know, maybe you will get an explosive belt and explode yourself.

The shaykh is arguing that ribat is an ethically and morally defensible means of resistance, which correlates with its validity as an authentic expression of Islam.

While the trope “Allahu Akbar” can be emotionally or psychologically provocative to Jewish groups, the murabitin emphasized that the groups were in no physical danger. They
view Islam as a religion of peace and “Allahu Akbar” as a nonviolent means of resistance. The murabitin’s peaceful resistance is one of the main reasons their guardianship became such a potent force in Palestinian society so quickly.42

Some murabitin, however, have taken their response a step farther and confronted these Jewish groups. The Jewish groups have felt physically threatened and Israeli security has intervened, with the situation deteriorating into violent clashes.

**Actions and Reactions**

When clashes erupt, Israel has used various crowd dispersal methods, including tear gas, physical force, and arrests. Palestinian responses have been particularly spirited for two reasons: they have been angered by Israeli interventions at their sacred site and they are infuriated by Israel’s forceful treatment of vulnerable people, particularly women. Many murabitat reported being hit and insulted by soldiers while being arrested. In some cases, soldiers removed women’s veils. These transgressions were a stark violation of women’s bodies and their dignity. Some altercations were recorded with mobile phones and spread on social media.43 News and images of such incidents sparked widespread protest. Palestinians saw Israel’s actions as flagrant abuses of women’s sacred honor and were enraged. The murabitat were also admired for their courage, defending the mosque at any cost.

On a second level, Israel began implementing a system of physical displacement and prohibitions of the murabitin, starting as early as 2014.44 When the murabitin were forbidden (or delayed) entry to the mosque they would protest, shouting “Allahu Akbar.” Thus, al-Aqsa’s gates also became locations for ribat. From the gates, the murabitin would also see exiting the compound Jewish groups who occasionally prayed and danced just beyond the threshold of the gate. The murabitin would be infuriated, and confrontations would result, an interaction that occurred on multiple occasions. Israeli security assaulted, arrested, and physically removed the murabitin from the area. Some were banned from the mosque altogether with no formal charge or expiration date for their suspension.45

Eventually, the murabitin began gathering just beyond Bab Hutta on the Via Dolorosa north of al-Aqsa, a publicly conspicuous location conducive to assembly. They continued their practice of learning circles – praying, taking lessons, and reciting sacred texts. When threatening individuals and groups passed by, they would shout “Allahu Akbar.” After several months, Israel forbade them from assembly there, too, accusing them of harassing tourists and disturbing the peace.

Israel’s third level of response was to outlaw the Northern Branch of the Islamic Movement in Israel and its affiliated murabitin and murabitat organizations.46 The prohibition coincided with confrontations at the Holy Esplanade when Eid al-Adha, the Muslim holiday of the sacrifice, occurred one day after Yom Kippur, the Jewish day of atonement. Israel argued that the murabitin and murabitat were intimidating Jewish visitors at the Holy Esplanade by shouting “Allahu Akbar.” Ribat was vilified as a form of incitement initiated by the Northern Branch of the Islamic Movement, which, Israel
argued, had financial and ideological ties to terrorist organizations such as Hamas and al-Qa’ida.\textsuperscript{47} Israel’s response dramatically raised public awareness for the murabitin, and Palestinians were infuriated by the prohibition. Palestinians saw Israel’s portrayal of the murabitin as fundamentally flawed, exaggerating the institutional role of the Islamic Movement in Israel. As one Jerusalemite explained:

Jerusalemites don’t see it [murabitin] as an organization. Everyone is one. It’s not just a religious category; it became a tool to defend – a religious and political defense mechanism. Palestinians also see it within the context of peaceful resistance of occupation. This is why it fell into place so quickly. This is indicative of a larger trend; women were seen as less threatening. But when these women were attacked, it was so repulsive.\textsuperscript{38}

In similar statements from Palestinians, the groups were described as informal networks, if organizations at all. Some argued that if the murabitin were, indeed, receiving money for their work, their worship was mercenary and therefore invalid. They emphasized the group’s nonviolent approach as the basis for its legitimacy and Israel’s forceful treatment of women as justification for the strong reaction.

In this way, the murabitin have fused innovative religious practices and discourse with the symbolic power of sacred space to redefine how Palestinian Muslims understand and articulate their resistance to Israeli settler-colonial practices in Jerusalem and beyond. Israel may be able to prohibit specific individuals and organizations, but they will remain incapable of controlling how Palestinians understand and articulate their faith. It is common to hear in mosques during Friday prayers the phrase, “O Muslims, o murabitun,” multiple times over the loud speakers. This is why one informant claimed that every Muslim upon crossing the threshold of al-Aqsa Mosque prays: “O God, I have intended ribat.”\textsuperscript{49} And finally, why one Jerusalemite summed it up this way: “Those who go and stay in al-Aqsa, they are the true murabitin. But now, we are all murabitin.”\textsuperscript{50}

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\textbf{Endnotes}


2 \textit{Allah, Allah, Allah, Allah wa ma‘na Allah, wa murabitin la yawm al-din.}


4 While addressing gender in several places, the author has left an in-depth discussion of this important dynamic for a separate, forthcoming article.
This study is based on ethnographic data collected in Jerusalem between 2013 and 2016 within the framework of doctoral research at Exeter University: more than sixty ethnographic interviews were conducted with murabitin and Jerusalemites around the issue of ribat; in addition, extensive participant observation at al-Aqsa Mosque; a review of several promotional websites for murabitin activities; and monitoring of Palestinian social and news media throughout the study. Results were triangulated from these primary and additional sources. All interviews were conducted in Arabic and translated by the author.


7 The Israeli website Palestinian Media Watch translates the term ribat as “religious war,” which is profoundly different from “standing guard.” See the political connotation of the site’s definition in “Mahmoud al-Habbash,” Palestinian Media Watch, online at palwatch.org/main.aspx?fi=859 (accessed 7 September 2017).


11 Author interview in Old City, Jerusalem, 11 July 2016.


14 Author interview in Kafr ‘Aqab, 13 September 2015; Author interview in al-Ram, May 2015; Interview in Old City, Jerusalem, 10 February 2016.


20 For a detailed discussion, see ICG, “The Status of the Status Quo.”


22 Historically, non-Muslim visitors were allowed to enter the physical structures. Additional restrictions have been put in place due to deteriorating political circumstances.

23 The Temple Institute and Ateret Cohanim are two such groups.
24 Two Israeli Knesset members, Moshe Feiglin and Yehuda Glick, are known Temple Mount activists.

25 The YouTube channel of the Temple Institute has posted multiple videos of Jewish prayers on the site, online at www.youtube.com/channel/UCzAJMmlolVXnzXZVU7ribfQ (accessed 7 September 2017). For a specific example, see the Temple Institute, “Prayer on the Temple Mount: A Moving Glimpse,” YouTube, posted 17 October 2013, online at www.youtube.com/watch?v=StoE7jPqh1c (accessed 7 September 2017).

26 Dan Cohen and David Sheen, “‘When I Have the Opportunity to Do It, I Will’: Likud Lawmaker Vows to Demolish al-Aqsa Mosque,” Mondoweiss, 29 February 2016, online at mondoweiss.net/2016/02/when-i-have-the-opportunity-to-do-it-i-will-likud-lawmaker-vows-to-demolish-al-aqsa-mosque/ (accessed 7 September 2017).


29 See Dumper, Jerusalem Unbound, 121.


32 Literally, stone platforms of knowledge.


34 Author interview, Old City, Jerusalem, January 2016.

35 Multiple videos capturing these offensive behaviors have been posted online. See, for example: The Temple Institute, “Singing & Dancing on the Temple Mount,” YouTube, posted 28 May 2014, online at www.youtube.com/watch?v=4xWhjCq6FY (accessed 7 September 2017).


37 Author interview, Old City, Jerusalem, 12 February 2016.

38 Author interview, Old City, Jerusalem, 10 February 2016.


40 Kelam Mubaşir, “Kelam Mubasir AydeSidavi.”

41 Author interview, al-Ram, June 2014.

42 “Options for Jerusalem and the Holy Sites”; author interview, Old City, Jerusalem, 10 February 2016; author interview in Old City, Jerusalem, 12 February 2016.


44 Israel has also suspended some Jewish groups and activists temporarily, though inconsistently. Jeremy Sharon, “Jerusalem Court Upholds Jewish Prayer on Temple Mount,” Jerusalem
According to informal communication with members of the Israeli security establishment, approximately 120 murabitat have been forbidden from entering. This group includes some fifty women from the north of Israel and seventy women from East Jerusalem.


Author interview, al-Ram, January 2015.

Author interview, Kafir ‘Aqab, January 2014.
One of the major outcomes of the 1948 Arab-Israeli war was the division of Jerusalem into two parts. The western part of the city came under Israeli control, while the eastern part was controlled by Jordan. Borders were demarcated by the Rhodes Armistice Line of 1949, forming the legal basis for the admission of Israel into the United Nations, via UN General Assembly Resolution 273 on 11 May 1949. On 22 June 1967, almost immediately after the occupation of the remainder of the land of historical Palestine, the Knesset adopted amendments to the Laws and Administration Ordinance providing that the “law, jurisdiction and administration of Israel should apply to any area of Eretz Yisrael designated by the government by order,” including Jerusalem, constituting the initial step in “legalizing” the annexation of the eastern part of the city. The de facto annexation of East Jerusalem was completed on 28 June when the Knesset amended the 1950 Basic Law on Jerusalem to reflect the newly defined municipal boundaries and extend Israeli law officially to the eastern part of the city. Immediately thereafter, the Israeli government issued orders that united both parts of the city under the jurisdiction of the existing Jerusalem municipality. This annexation was thereafter judicially authorized by the Supreme Court, which held that both parts of Jerusalem had become an integral part of Israel.

The annexation of East Jerusalem is illegal under international law in light of the inadmissibility of the acquisition of territory through the use or threat of use of force, as codified into article 2(4) of the UN Charter. Accordingly, the international community has never recognized the annexation and has declared it null and void, including through UN General Assembly Resolution 2253 and UN Security Council Resolution 242. These
and many other resolutions called upon Israel to withdraw from the recent occupied territories and rescind all measures and refrain from taking any further measures to change the status of East Jerusalem in light of their invalidity. Despite these many resolutions, in 1980 the Knesset passed Basic Law: Jerusalem, Capital of Israel, stating in article 1, “Jerusalem, completed and united, is the capital of Israel.” This completed the de jure annexation of East Jerusalem. In response, UN Security Council Resolution 478 affirmed that its enactment constitutes a violation of international law, declared the law’s enactment null and void, and decided not to recognize it.

The annexation of East Jerusalem enabled the Israeli government to institutionalize a system that collectively serves to “Judaize” the city. This strategy is based on two main premises: maximizing the number of Jews and reducing the number of Palestinians through a gradual process of colonization, displacement, and dispossession. The maximization of the number of Jews is planned to take place by attracting local and international migration to and settlement in East Jerusalem and reducing negative migration, and by developing the tourism sector, as well as higher education and high-tech industries, thus envisaging a reduction in poverty through the creation of at least 375,000 additional fulltime jobs, exclusively for Jews. Simultaneously, the reduction of the number of Arabs in the city is undertaken through a myriad of measures, including house demolitions, house evictions, revocations of residency, and imposition of limitations on registration of newborns.

This article will take a closer look at the revocation of residency measure in East Jerusalem from 1967, exploring possible avenues to remedy the human rights violations that this measure entails. Ultimately, this examination seeks to assess the effectiveness of utilizing international human rights law and international criminal law to promote access to justice for Palestinians whose residency was revoked. The article will commence by describing the legal system that enables revocation of residency. The second part will outline the human rights violations that emanate from the revocation of residency of Palestinians in East Jerusalem, assessing the applicability of international human rights law and its available uses and shortcomings to promote Palestinians’ access to justice. The final section will take a closer look at and assess international criminal law and particularly the International Criminal Court as an alternative accountability avenue. The choice to focus on revocation of residency stems from the egregious discriminatory human rights violations that it entails, including infringing not only on residency rights but also on legal status, as well as inflicting inhuman and degrading treatment.

Legal Framework of Revocation of Residency

The legal framework governing revocation of residency is multifaceted and intricate. After the 1967 war and annexation of East Jerusalem, Israel conferred the status of “permanent residents” on Palestinians, instead of granting them citizenship status. A census was conducted, and 65,857 persons were registered in the population registry. Those who were not present in the city at the time of the census lost their right to reside in East Jerusalem. In order to regain this right, their families had to apply for family unification, a protracted
and highly complicated process. Despite the connotation of the term permanent, this residency may be revoked. Revocation of residency is currently taking place through two methods: by the “center of life” standard and as a punitive measure.

The legislation relevant to revocation of residency includes the Entry into Israel Law of 1952 and its accompanying regulations of 1974. Regulation 11(c) states, “a permanent residency permit expires if the holder leaves Israel and settles in another country.” Regulation 11(a) clarifies the term “settles in another country” as having lived for more than seven years in another country, having received the status of a permanent resident in a foreign country, or having become a citizen of a foreign country. Residency in the West Bank or Gaza Strip was not considered settlement outside Israel at that time.

In 1995, Israel changed the revocation rules without warning and without the introduction of any official legal amendment. A new criterion known as the “center of life” was introduced and used to interpret a person’s residency. In 1995, the interpretation of the term “leaves Israel” in regulation 11(c) was expanded to include residency in the West Bank and Gaza Strip, effectuated through a directive issued by the legal advisor of the Ministry of Interior to the East Jerusalem office. Accordingly, Palestinian residents of East Jerusalem must continuously prove that Jerusalem is their “center of life” to avoid revocation of their residency. This is demonstrated through submitting a high standard of proof, such as house ownership papers or rent contracts, electricity, water and telephone bills, payment of municipal taxes, salary slips, proof of receipt of medical care, and certificate of children’s school registration.

The “center of life” policy, which effectively treats Palestinian residency rights in East Jerusalem as a revocable privilege rather than a human right, received judicial affirmation even before its official introduction. In the case of Mubarak Awad in 1988, the Israeli Supreme Court made reference to the “center of life” criteria when it held that since Awad received permanent residency and later citizenship in the United States following the completion of his studies and marriage, his residency permit expired: “This new reality reveals that the petitioner uprooted himself from the country and rooted himself in the U.S.A. His center of life is no longer the country, but the U.S.A.”

Rigorous legal advocacy and challenges to the “center of life” policy by Israeli civil society organizations prompted the Ministry of Interior to slightly rectify this situation through the issuance of the Sharansky Declaration in 2000. Named after then Minister of Interior Natan Sharansky, who issued the declaration, it provided for the reinstatement of residency status on a case-by-case basis under a rigorous set of criteria, including the period of absence of the residents, retention of connection with East Jerusalem during absence, reasons for obtaining citizenship or residency of another country, and years of residency in East Jerusalem after return. It is worth noting that this measure led to the reinstatement of the residency of only a few hundred people in East Jerusalem.

The impact of the “center of life” policy is further compounded in mixed families, where one of the spouses holds Jerusalem residency and the other holds West Bank or Gaza Strip residency. Until 1991, residents of the West Bank and Gaza Strip could live with their East Jerusalemite spouses and children without needing any special permits. This changed during the Gulf War, when spouses with West Bank or Gaza Strip
residencies were required to obtain Israeli entry permits to reside with their families. A family unification procedure that came to be known as the “gradual process,” whereby applicants were given an annually renewable temporary permit, was introduced in 1995. The permit would be upgraded to temporary residency after 27 months; this residency would be renewed annually for a period of three years, after which the applicant would receive permanent residency. The gradual upgrading process was contingent on the proof of Jerusalem as the individual’s “center of life” throughout the process.\textsuperscript{25}

To the detriment of Palestinian family life, the Israeli government issued order number 1813 on 12 May 2002, which effectively froze the gradual reunification process. In 2013, the order was incorporated into what was meant to be a temporary piece of legislation called the Citizenship and Entry into Israel Law.\textsuperscript{26} However, the validity of the law has been extended periodically, most recently in June 2016. The law effectively prohibits the Minister of Interior from granting citizenship or residency status to Palestinians in the West Bank and Gaza Strip. The law imposes very high standards for the acquisition of temporary residency, including restrictions based on the age and criminal or security records of the applicant, as well as those of his or her family members, including his or her spouse, parents, children, siblings, and in-laws. The law also sets the ceiling at acquisition of temporary permits, preventing the applicant from ever receiving permanent residency status.

Furthermore, in 2012 the High Court of Justice upheld the constitutionality of the legislation, in a vote of 6 to 5.\textsuperscript{27} Justices Cheshin, Grunis, and Naor held that the law does not violate the constitutional right to equality, while Justices Adiel, Rivlin, and Levy contended that it does. However, Justices Adiel and Rivlin found that this violation was justified so long as it was proportional, while Justice Levy justified it by security considerations.\textsuperscript{28}

This legal framework leaves mixed families with the following options: live separately in the unrealistic hope that their application would be accepted without delay; live “illegally” in East Jerusalem and risk being caught; or leave Jerusalem to live together and risk revocation of their residency in light of relocating their “center of life.”\textsuperscript{29} An additional option would be to maintain two households, one within the municipal boundaries of Jerusalem to continue to comply with the standard, and another in the West Bank. This is an option open to only a very limited percentage of Palestinians in East Jerusalem, in light of the staggering levels of poverty, which stand at 80 percent.\textsuperscript{30} The number of Jerusalem residencies revoked between 1967 and 2015 reached at least 14,565, more than 11,000 of which took place after the introduction of the “center of life” policy.\textsuperscript{31} This number excludes dependent children, which would bring the total number to over 86,000.\textsuperscript{32}

A fairly recent method used to revoke residency status emerged in 2006, when the Israeli Ministry of Interior decided to revoke the residency of three newly elected members of the Palestinian Legislative Council and the Palestinian Minister of Jerusalem Affairs. The Ministry of Interior rationalized its decision in light of the residents’ political affiliation with Hamas, arguing therefore that they had “severely violated their minimal obligation of loyalty to the State of Israel.”\textsuperscript{33} In the wake of this alarming precedent,
several human rights organizations filed a petition to the Israeli Supreme Court requesting the cancellation of the revocations, which have been pending ever since.

In mid-October 2015 against the backdrop of an outbreak of violence in the West Bank, Israel’s security cabinet decided to revoke “the permanent residency rights of terrorists” without providing a definition or criteria of who constitutes a terrorist, despite the serious human rights violations this decision entailed. This decision enabled Israeli authorities to revoke residencies without awaiting the verdict of the Supreme Court. One week later, four Palestinians, three of whom were accused of throwing stones, were notified that the Minister of Interior was considering using this discretionary power. Their residencies were effectively revoked three months later, ushering in the introduction of an “allegiance” requirement for maintaining residency rights.

Revocation of Residency: A Multitude of Human Rights Violations

The process and measure of revocation of residency violate multiple internationally recognized human rights. Two levels of violations are observed in this sense. The first is the denial of the enjoyment of several rights codified into the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both of which Israel ratified on 3 October 1991. On the level of civil and political rights, these include freedom from inhuman and degrading treatment (ICCPR article 7), freedom of movement and residency rights (ICCPR article 12), equality before the law (ICCPR article 14), protection from retroactive adjudication (ICCPR article 15), recognition as a person before the law (ICCPR article 16), and protection of families (ICCPR article 23). The denial of the right of recognition as a person before the law subsequently leads to denial of a number of economic and social rights, including employment (ICESCR article 6), social security (ICESCR article 9), assistance and protection of families (ICESCR article 10), adequate standard of life (ICESCR article 11), highest attainable standard of mental and physical health (ICESCR article 12), and education (ICESCR article 13).

The second level is the crosscutting of discrimination into the process of revocation of residency and the implementation of the “center of life” policy. Discrimination in civil status can be traced back to 1967, when Palestinians were granted residency status instead of citizenship status following the census. This discrimination has continued up until the present day. Furthermore, Israeli citizens, including settlers in East Jerusalem, can live anywhere in the world for an unlimited period of time without losing their citizenship or any of the social, political, and legal rights that it entails. The most striking facet of discrimination remaining is that around 500,000 Israelis hold U.S. citizenship and still retain their Israeli civil status.

One debatable issue in this context is the applicability of international human rights law – including the ICCPR and ICESCR – to occupied Palestinian territory, including East Jerusalem. One legal premise that supports the inapplicability of international human rights law is the lex specialis principle, used to resolve conflict resulting from the application
of two conflicting rules in a singular situation. The rule states that priority is given to the rule, or in this case body of law, that is more specific. The definition of occupation, as provided in article 42 of the Hague Regulations, applies to the West Bank, including East Jerusalem. As such, the more relevant body of law would be international humanitarian law instead of international human rights law. Conversely, other scholars argue that international human rights law applies simultaneously with international humanitarian law, filling in any gaps and thereby increasing protection of civilians, which is the main purpose of international humanitarian law. Thus, arguably, the application of international human rights law complements that of international humanitarian law.

Furthermore, article 2(1) of the ICCPR defines the scope of application of the covenant as “to ensure to all individuals within its territory and subject to its jurisdiction.” The primary interpretation of this article specifies that the scope of application extends to persons both within the state’s territory and subject to its jurisdiction. However, the interpretation of this article has evolved, such that the UN Human Rights Committee (CCPR) asserted in its General Comment 31 that states parties are required “to respect and to ensure the Convention rights . . . and to all persons subject to their jurisdiction.” Also, the International Court of Justice, in its ruling on Israel’s separation wall, emphasized the applicability of international human rights law, including both the ICCPR and ICESCR, to the occupied territories, citing the first concluding observations of the Committee on Economic, Social, and Cultural Rights (CESCR) to the State of Israel in 1998, which emphasized the applicability of the covenant to occupied Palestinian territory, including East Jerusalem. Alternatively, even in the case of the non-applicability of international human rights law, non-discrimination has evolved to earn the status of customary international law, giving rise to legal obligations for states. The Israeli courts endorse this view, such that the Military Justice Law of 1955 states that customary international law is automatically incorporated into Israeli law.

Despite the myriad violations that the revocation of residency entails, legal accountability is limited within the framework of international human rights law. Despite the accession of Israel to the ICCPR and ICESCR, it is not a party to either of the two optional protocols of the ICCPR, nor that of the ICESCR. This eliminates the possibility of individual communications and inquiry missions serving as accountability mechanisms. Accordingly, Israel’s legal obligations are limited to submission of periodic reports to the monitoring committees of both covenants, whereby the committees review the state report and alternative non-governmental or shadow report(s), and issue concluding observations highlighting issues of concern and those that need improvement. Naturally, over the years, and as recent as the latest concluding observations issued, the CCPR of the ICCPR has deplored and expressed concern over the revocable status of residency of Palestinians in East Jerusalem, as well as the adverse impact this has on protection of families, highlighting specifically the role of the Citizenship and Entry into Israel Law and the upholding of its constitutionality.

Notwithstanding these efforts, these legal mechanisms are essentially recommendatory instead of enforceable, and thereby do not contain any implementation mechanisms to ensure respect for human rights and non-discrimination. However, both Palestinian and
Israeli civil society organizations have diligently made use of the limited options available at their disposal and have submitted shadow reports for consideration by the committees at every reporting cycle. A similar case applies to the Universal Periodic Review, a platform organized by the Human Rights Council that gives states the chance to review practices of other states and recommend measures and steps to ensure upholding of human rights. In Israel’s latest Universal Periodic Review in 2013, states such as Brazil, Mexico, and Norway have explicitly warned against the severe impact of discrimination and the revocable residency status of Palestinians in East Jerusalem.\textsuperscript{51} Despite the bleak prospects of enforcement, this legal advocacy work could strategically contribute to altering international public opinion on issues of legal accountability. This gives rise to another set of questions on whether international criminal justice serves as an alternative avenue for accountability.

**International Criminal Justice: Added Value?**

The State of Palestine lodged a declaration accepting the jurisdiction of the International Criminal Court on 1 January 2015, granting the court retroactive jurisdiction to 13 June 2014.\textsuperscript{52} This was made possible through the upgrading of the status of Palestine to non-member observer state at the UN through General Assembly Resolution 67/19.\textsuperscript{53} Consequently, and as a matter of policy, the Office of the Prosecutor (OTP) opened a preliminary examination into the situation in Palestine.\textsuperscript{54} The preliminary examination establishes whether the criteria set forth in article 53(1) of the Rome Statute for opening an investigation – jurisdiction, admissibility, and interests of justice – are met.\textsuperscript{55} Currently, the examination is focusing on subject matter jurisdiction.\textsuperscript{56} The subject matter jurisdiction of the court, as per article 5 of the Rome Statute, includes the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.\textsuperscript{57}

The elaborate system by which Palestinians’ residency in East Jerusalem is revoked illegalizes their presence and leads to their forced transfer, irrespective of whether Israeli authorities physically transfer them. Further, the acts themselves fulfill both the forcible transfer portion of the crime against humanity outlined in Rome Statute article 7(1)(d) (“deportation or forcible transfer of population”) and the unlawful transfer portion of the war crime set out in Rome Statute article 8(2)(a)(vii) (“unlawful deportation or transfer or unlawful confinement”). The relevant elements include: the act of transfer itself; the lawful presence of the transferred persons in the area; the protected status of the transferred persons under one of the Geneva conventions; the widespread, systematic character of the conduct directed against a civilian population; and the occurrence and association of the conduct with an international armed conflict.\textsuperscript{58}

The application of these elements of crime to the revocation of residency in East Jerusalem fulfills the jurisdictional requirement for shifting the preliminary examination into a full investigation. However, several obstacles still confront access to justice in this respect, such as fulfillment of the admissibility and interests of justice requirements, as well as the extradition of the defendants. Additionally, one should thoroughly consider the
nature of justice served within this avenue and assess whether it is sufficient and effective within the wider context of the Palestine question. Whereas the purpose of the court is to end impunity and prevent international crimes, the referral, investigation, and prosecution of international crimes is a highly politicized process. This can be clearly observed in terms of admissibility and interests of justice requirements, as well as the extradition of defendants. Article 17 of the Rome Statute specifies the admissibility requirements as complementarity and gravity.\(^59\) Consequently, if a state has the willingness and the ability to investigate and (possibly) prosecute those who have committed the most serious crimes of international concern, in conformity with articles 17(2) and 17(3) on willingness and ability criteria, then the complementarity requirement of admissibility would pose an obstacle toward opening an investigation.

Gravity, the second admissibility requirement, is contentious, as the statute gives large discretionary power to the OTP in its estimation and qualification. This was the main premise against which the OTP found the case of the Mavi Marmara flotilla inadmissible. This conclusion was reached by employing a comparative disadvantage test to the case. Despite strong evidence of war crimes committed by Israel, the OTP was grappling with cases from Africa that included hundreds of thousands of victims, as compared to nine victims on the vessel.\(^60\) Within the temporal jurisdiction of the court, extending to Palestine from 13 June 2014 onward, only 195 residencies were revoked, excluding dependent children, of which 191 were administrative “center of life” measures and four were punitive measures.\(^61\) A quantitative comparison with cases witnessed in Côte d’Ivoire, for example, could prove to be the main challenge to opening an investigation.\(^62\) However, quantitative assessment is not the only method to determine gravity; instead, a qualitative assessment could and should be employed. In this sense, the fact that the aforementioned measures are in line with a state policy, coupled with the discriminatory facets of the measures, and the number of persons at risk in light of the current legal and political frameworks, are factors that could qualify the gravity of the situation.

An even more contentious issue is that of interests of justice. The Rome Statute and Elements of Crime do not provide a definition or at least the constituents of interests of justice, leaving the OTP vast discretionary power.\(^63\) As the OTP has never employed this criterion previously, its potential to preclude an investigation is difficult to determine. Moreover, an unheeded international arrest warrant for the extradition of Omar al-Bashir, president of Sudan, to the International Criminal Court in June 2015 demonstrates that the court essentially lacks the necessary political power to see through the effectuation of justice.\(^64\)

On a different level, certain legal constraints need to be taken into account to assess feasibility of effectuating justice. This is a particularly contentious issue in light of the subjectivity of the personal dimension of identification with issues pertaining to justice, thereby compromising objectivity and consensus on the nature and characteristics of justice. The temporal jurisdiction of the International Criminal Court to Palestine extends only from 13 June 2014 onward. Accordingly, this restricts accountability to those who committed or ordered, solicited, induced, aided, abetted, or assisted the commission of the crime(s) in question within this timeframe.\(^65\) Furthermore, in light of the limited
resources of the International Criminal Court and vast scale of terrible crimes taking place around the world, it is not feasible for the court to prosecute every single person who was involved in committing or commissioning crimes within its jurisdiction. This is in line with the practice of ad hoc tribunals, including those of the former Yugoslavia and Rwanda that prosecuted those who bore greatest responsibility for committing and commissioning war crimes and crimes against humanity. This translates in the Palestine context to the prosecution of the most senior officials who were responsible for the execution of such crimes, and would very possibly exclude all minor perpetrators and participants, including within the wider context settlers, low ranking soldiers, and the like. This gives rise to questions of whether justice effectuated through these avenues would be sufficient in and of itself within a wider framework of transitional justice. As such, an inclusive, participatory, bottom-up process that crystallizes the vision of the Palestinian people regarding the features and characteristics of justice is imperative.

Conclusion

Both international human rights law and international criminal law are being utilized as legal avenues to promote accountability and access to justice for the benefit of Palestinians in East Jerusalem whose residencies have been revoked. Each, naturally, has advantages and disadvantages. The abundance of legal instruments and bodies monitoring compliance with international human rights law standards is one of its strongest assets. Notwithstanding its lack of enforceability – possibly its strongest disadvantage – legal advocacy within this avenue could serve strategically to transform international public opinion. In contrast, international criminal law is enforceable and presents a clear vision on promoting access to justice and remedy for victims. However, politicized processes of referral, investigation, and prosecution, and highly limited temporal jurisdiction pose serious considerations as to the nature of justice served by this avenue.

Access to justice for Palestinians in East Jerusalem is an integral part of the wider Palestinian struggle for the realization of inalienable rights. In this context, the effective expansion of the struggle to all available legal avenues and instruments is crucial. Notwithstanding the importance of employment of all available means – legal and otherwise – the Palestinian polity should ensure the preservation of the political, as opposed to humanitarian and legal, character of the struggle toward this end.

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Benefactresses of Waqf and Good Deeds

Charitable Women in Ottoman Jerusalem, 1703–1831

Şerife Eroğlu Memiş

Benevolent women from different cultures and different periods of the Ottoman Empire established waqfs (charitable endowments) in order to help the needy, sick, and unfortunate. In addition to the respect the women earned from society, waqfs gave women legal support and protection for their property, and allowed them to manage and benefit from their property while they were alive and to pass it on to designated heirs. On the other hand, shari’a law and local traditions defined the areas of action for women concerning property rights and personal status, which brought a gender dimension to philanthropy. Women in philanthropy were not singled out for pressure; rather culture and law itself were gendered.¹

This article focuses on women’s practices of charitable endowment in Ottoman Jerusalem during the eighteenth century to examine waqf practices in a context of discrimination against women in male-dominated society and society’s control mechanisms. To do so, it draws on endowment deeds (waqfiyyas) recorded in the registry (sijill) of the shari’a court of Jerusalem and the decisions (ahkam) recorded among the Damascus ahkam registers. The first part of the article will discuss women’s ability to establish waqfs in terms of Islamic law and traditions, and to serve as these waqfs’ managers, foundation officers, and beneficiaries. The second part deals with women establishing waqfs in Jerusalem during this period. Lastly, women as administrators (mutawallis) of waqfs in Jerusalem will be examined in relation to their endowment deeds, concluding with an assessment of the role of shari’a law and local tradition in shaping Jerusalem women’s practices of endowment.
Women and Waqf Practices according to Islamic Law and Tradition

Islamic law secures certain rights for women regarding property: the right to control her own *mahr* (dowry), the right to inherit, the right to own property and to administer properties that she herself owns or that belong to others (for example, waqf), and the right to endow property as waqf. Women could hold jobs, lend money, and do business in Islamic societies in different regions and periods. Generally, Islamic law prohibits distinctions of status, rights, or obligations according to gender. However, one exception is the differentiation between men and women related to inheritance: according to shari'a, daughters receive only half of the inheritance given to sons in the same family. This limited, but did not prevent the opportunity of women establishing waqfs.

If a woman had the necessary source of funds, then she could establish a waqf. There was no legal restriction preventing women from establishing waqfs; the examples of women who established waqfs show that they followed the same legal procedure as men. Only financial factors could limit a woman’s ability to establish a waqf, since financial power determined the waqf’s largess; however, social and cultural standards do affect women’s ability to earn money and accumulate wealth. Women gained properties through dowries, inheritance, gifts, and payments from men. In this regard, they resembled wealthy women from diverse places and periods in history who could choose to distribute as philanthropy the incomes that they had gained from men.

Charity work was the most important activity for respectable, wealthy women in the Ottoman Empire; by helping the destitute and needy, the sick and unfortunate of different cultures, the women could be considered generous and compassionate, and philanthropy was well appreciated. These women were given titles such as sâhibetü’l-vakf ve’l-hayrât (Benefactress of Waqf and Charity) and sâhibetü’l-hayrât ve’l-hasanât tâlibetü’s-sadakât ve’l-meberrât (Benefactress of Charity and Good Deeds, Seeker of Alms and Philanthropy), although it is not known to what extent these titles were accompanied by material benefit. Women living in villages seem not to have benefited from inheriting the right of usufruct of agricultural property. Town-dwelling women of the middle and upper artisan class, however, do appear in Middle East court registers as heirs, the administrators of property, endowers, and buyers and sellers of real estate.

Philanthropy at the highest level of Ottoman society was probably determined by the sultan’s family and waqf founders who were members of this limited environment, with imperial waqfs reflecting the palace order of gender and status. In the Ottoman palace inner circle, women were provided with financial resources; they had land, were endowed with income, and given a salary and generous gifts. However, the sultan’s inheritance did not pass to the women upon his death. Their income source, apart from the new valide sultan (sultan’s mother), was restricted to the salary allocated to the members of the former palace. The female relatives (sisters and daughters) of the new sultan were provided with a generous salary, as were the sultan’s câriyes (concubines or female slaves). Plunder gained from wars in the first 250 years of
the Ottoman Empire brought great wealth to the sultans and their armies, but women did not benefit directly. Women could share in this fortune only as a salary, gift, inheritance, or dowry bestowed by the sultan or as heirs of the warriors.

Research on imperial waqfs between the fourteenth and seventeenth centuries indicates no major discrimination by gender in the selection of the types of waqf. Women in the Ottoman palace were not systematically prohibited from founding institutions with certain features. Courtly women endowed all forms of construction, whether used for religious purposes or not, including mosques, caravanserais, libraries, fountains, and forts. The first extensive waqf of Hürrem Sultan, the wife of Sultan Sulayman, in Istanbul was located in a district close to the Avrat Pazarı (women’s bazaar). This may have been a conscious choice in order to legitimize the first sultanate complex built by a woman in Istanbul. Kösem Sultan, the mother of sultans Murad IV (r. 1622–1640) and Ibrahim (r. 1640–1648), established a waqf to supply the dowry for poor girls. In Jerusalem, Hürrem Sultan also founded a soup kitchen that was part of a complex of buildings that included a madrasa, a mosque, and a hospice.

Charitable Women in Ottoman Jerusalem

During the 1703–1831 period under study, women in Jerusalem used their rights within a family as a strategy providing them with influence and power. Muhammad ‘Ali al-‘Alami’s study of waqfs established by prominent families of Jerusalem during the entire Ottoman period found 142 waqfs created by the Husayni, Khalidi, ‘Alami, Jarallah, Nammar, and Imam families. Thirty of the waqfs were charitable while the rest were family waqfs. Men of the families established 124 waqfs, while women founded eighteen waqfs. In the eighteenth and early nineteenth century, women waqf founders, too, were from prominent families of Jerusalem, though not necessarily those who were the focus of ‘Alami’s study. For example, Safiyya Khatun daughter of ‘Abd al-Jawwad al-‘Asali, specified that her income from two endowed houses would be distributed to family members. Sharifa Khatun daughter of Salih al-‘Asali did the same for the houses that she endowed in Khatt Dawud (King David Street) in Jerusalem. In another example, ‘Afifa Khatun daughter of Hibatallah Čelebi al-Namri, chief architect of Jerusalem, devoted the income of an endowed house to herself and, after her death, to her son Salih and his children and grandchildren, then to her brother’s children. Five qurush (piasters) were allocated from the rental income to ‘Afifa Khatun’s four daughters with her husband ‘Abd al-Hayy al-Dajani – Saliha, Fatima, Nafisa, and Hasiba.

These examples and others show that women generally held higher status and gained autonomy and power historically when rule was centralized and households rather than states dominated official mechanisms and structures of bureaucracy. Mary Ann Fay saw this situation as conspicuous across cultures, demonstrated not only by historians of Islamic society such as Leslie Pierce, but also historians studying European society, such as Sara Maza and Suzanne Wemple.
Waqfs brought women legal support and protection in both proprietorship and management of property, and the opportunity to benefit from their property while they were alive. Most of the women establishing waqf in the eighteenth century set up family waqfs rather than charitable ones that provided direct benefits to religious institutions or distributed food to the poor. For the founder of family waqf, the advantage of such an arrangement was that for as long as she lived, she would receive waqf income, which she could also bequeath to her heirs after her death. Most waqf founders, including women, added stipulations to the endowment deed that ensured that as long as heirs survived, they could benefit from waqf income. Only after no further heirs remained would waqf income be left for religious purposes.19 Amnon Cohen observed this phenomenon in his study of waqfs built by Jews in sixteenth-century Jerusalem, noting that this provision aimed to increase the power and protective position of the waqf, while remaining in accordance with Islamic law by maintaining that family waqfs would one day be turned into a public beneficent.20

According to Jerusalem court records, 300 waqfs were established in Jerusalem between the years of 1703–1831, 243 (81 percent) founded by men and 56 by women. (There was one waqf whose founder was unknown.) Fifty-one of the waqfs were established by one woman on her own, one by two sisters,21 one by a mother and a daughter,22 one by a mother and two daughters,23 one by two sisters and a brother,24 and one by a man and a woman not of the same family.25 Most properties endowed by women were located in the city center. In general, waqfs founded by women in Jerusalem during this period were jointly owned properties. Houses generally composed of ground and upper floors, and often including shops and agricultural properties, were defined as urban dur (house, sing. dar). Among the properties were various shops and tabaqat (living units in apartment houses), bayts (rooms given for rent), mills, yards, gardens, coffeehouses, and fertile agricultural lands.26 Thirty-nine of the fifty-six women who established waqfs in Jerusalem endowed dur of various sizes, as detailed in endowment deeds. Most women endowed one property, while some endowed several: one woman endowed two houses, three women endowed three or four houses, and one woman endowed seven houses.

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Table 1. Properties endowed by women in Jerusalem
Women in Jerusalem established more modest waqfs than those endowed by women in Egypt in the eighteenth century. Compared to the Egyptian women who invested their funds in wakalas and khans (storefront buildings with upper living quarters), rab’s (flats above wakalas that were rented to merchants), hawasil (warehouses) and shops, women of Jerusalem mostly endowed vegetable gardens, water wells, kitchens, and mutrafq (restrooms outside the house), as well as rooms and houses, including multi-storied houses and open courtyard houses with vegetable gardens and sometimes olive groves.27

To understand women’s proprietorship in a wider economic context, it is necessary to examine women’s economic activities in general and then compare women’s wealth and investment decisions to those of men. Eighteenth-century Egypt was an intersection of trade routes stretching to Asia, Africa, and Europe. Wealth in Egypt was based first on long-distance trade of coffee and spices, followed by local fabric production – the most important artisan work – for export.28 Economic activities in Jerusalem during the same period did not have many income sources from trade. Apart from taxes, the city’s most important income stemmed from its religious status; visits from pilgrims of the three holy religions and tourists to the region revived the handicraft, souvenir, and commercial sector. Money that Jews outside Jerusalem sent their coreligionists in Jerusalem as a kind of alms (zakat) and financial support from European kingdoms to Christians were also key income sources for Jerusalem.29 Despite the limited trade and economic life in Jerusalem compared to Egypt, it is meaningful that women invested their funds in places suitable for that period’s economy geared to pilgrims and tourists, and also in terms of how men and women used their investment.

The first of seven charitable waqfs founded by women in this period was established by al-Hajja Saliha daughter of al-Hajj Muhammad al-Rakad; her half-share of a house located in the Bab Hutta quarter was endowed to the workers of the sabil (public water fountain) made by ‘Abd al-Hayy al-Dajani.30 It was also stipulated that the income of the waqf should be spent for charitable activities. The second waqf was founded by Shams al-Din Khatun daughter of ‘Abdallah al-Rumiyya, for one large and one small oil lamp to be burned in the mihrab of the Dome of the Rock.31 Amina Khatun daughter of al-Sayyid Yahya, son of the qadi of Salt, established the third waqf, which stipulated in the endowment deed that a Qur’an was endowed to the Dome of the Rock. 32 Amina daughter of Muhammad Effendi, known as Ibn al-Hajja, established the fourth waqf, consisting of ten qurush for an oil lamp to be burned in the minaret of the Dome of the Rock.33 Another endower, Fatima daughter of Muhammad, stipulated that each year, 360 misri (the kese-i Misri, or “Egyptian purse,” being equivalent to 25,000 paras) from the income from a house in Abu Shamat Street containing three rooms, a vaulted hall, kitchen, and cistern, would be given to whomever read one section of the Qur’an in the Haram of Jerusalem. In addition, in return for repeating seven thousand times kalimat al-tawhid (“There is no god except Allah, and Muhammad is His Messenger”), ten zolota (Ottoman coins worth thirty paras) would be given by hand by the waqf trustee.34 The deed of the waqf of the son of the spouse of Hasan Pasha endowed a mat to be used in front of the mihrab in al-Aqsa Mosque.35 The final waqf was a Qur’an endowed for Shaykha al-Hamuriyya al-Ja’ba at the Dome of the Rock.36
In eighteenth-century Jerusalem, among the forty-nine family waqfs established by women, two were the largest in size and income. The first belonged to Mahbuba daughter of ‘Ali Bey al-Alaybey Zade, who endowed shares of: a house on Khatt Wadi al-Tawahin; a house in Bab al-‘Amud quarter; a mill (known as the mill of Murad Pasha) on Khatt Bab al-Qattanin; a large room (bayt) and a house in the Nasara quarter; two rooms (baytayn) in a shop front, two houses, and right of tenancy (khuluw) in a house from the waqf of Rahma daughter of Khalil ‘Askar in Bab al-Khidr; a shop in the direction of the qibla in Suq al-Tawahin; and a house in Ahmad Bey al-Turjman Square in the Sharaf quarter.37 ‘A’isha bint Hasan Badawi, spouse of ‘Ali Tantash, established the second-largest waqf, consisting of: a house in Bab al-‘Amud quarter close to the Mevlevi zawiya; a house in Bab Hutta quarter; a joint venture vegetable garden close to Bab al-Khidr; sixteen shares of land near Bab al-Khidr; and a vacant vegetable garden adjacent to the waqf of Turgut Agha.38 In addition to the houses and shops, other properties included an endowed vegetable garden, olive grove, mill, and coffeehouse.

It is clear that philanthropy during the Ottoman period had some gendered aspects. Palace women could establish waqfs according to their status; however, their ability to act depended on resources provided by the sultan himself. There were also restrictions on the choice of where and what to endow, which were decided upon according to dynastic investments and regulations. Changes occurred over time that increased women’s choices and reflected the dynamic nature of waqf.

Women as Waqf Administrators in Ottoman Jerusalem

Gabriel Baer states that, in the long run, waqfs served to reactivate property, since property that passed into the hands of women through inheritance or other ways was transferred gradually to a beneficiary or male administrators. Thus, waqfs weakened women’s financial situation as a group.39

No law prevented women from administering waqf. For example, power of appointment was given to Sultan Sulayman’s wife Hürrem, haseki sultan, to appoint administrators for her waqf.40 Although she had a deputy in Jerusalem, she never relinquished administrative audit power or authority to make changes in the endowment deed.41 Baer observed that male rather than female waqf founders were more likely to be the administrators of waqf in sixteenth-century Istanbul.42 However, his sample did not include imperial waqfs. Margaret Meriwether, whose studies cover a later period, asserts that most waqf administrators were men; nevertheless, compared to Baer, she indicates the number of women to be higher.43 When it comes to Jerusalem and its waqf endowment deeds, no woman was appointed as an administrator in any of the waqfs established by men. On the other hand, in nineteen waqfs set up by women, the right to inherit administration (tawliya) of the estate was stipulated for the endower’s children through al-irshad (directions for disposition) after her death.44 However, only seven women endowers stipulated that, after them, their daughters would be the administrators; four endowers stipulated that their sons would serve in this role,45 two handed this role.
Benefactresses of Waqf and Good Deeds

to a brother, one to her husband, and three endowers stipulated tawliya to men other than their children.

In eighteenth-century Jerusalem, some waqfs had provisions that, after the endower died, his wife or daughters should remain in the endower’s house. Qasim Bey al-Turjman stipulated that his wives Safiyya daughter of Shahin, and Latifa daughter of ‘Abdallah would remain in the house of the endower, and that Latifa would be allocated one hundred qurush from the income of the waqf. Another waqf allocated some money from the waqf income to the wife of the founder, ‘Abdallah bin al-Dawudi. Muhammad bin Budayri and Khalidiyya daughter of Mahmud al-Khalidi also stipulated that from the waqf income, two shares would be given to her son and one share to her daughter in alignment with Islamic law (li-l-dhakar mithl hazz al-unthayayn). On the other hand, it was stipulated that from the income of Isma’il son of Hibatallah al-Namri, no income would be given to the daughters.

Conclusion

The situation for women reflected to some extent the male-dominant character of the social structure in Ottoman Jerusalem. The comments of prominent imams and the rule of law were clear on the issue. Any conditions by the endower that violated Islam, including inheritance law, would be considered invalid. Some of the imams went even further and considered waqf non-authentic and invalid in these cases. Qadis decided if Islamic laws were being taken into consideration or not. According to Imam Abu Hanifa, it was permissible for an individual to establish a waqf (that is, a waqf produced in the form of a wasiyya, or will) with up to, but not more than, one-third of his or her property.

There may be several reasons why men were chosen to administer waqf. First, imperial waqfs of the Ottoman Empire were usually huge institutions and their endowed properties were extensive. Potential administrators were selected from among high-ranking military or religious officers; all were men. Both administrators and officers were given on-the-job training to understand külliye (mosque building complexes), and were shuttled from one place to another to obtain experience in personnel administration and tax collection, as their job required. Women were not able to conduct these activities easily. Still, examples from Cairo in the Mamluk period show that when a ruler took over not through the dynastic order but through a struggle for the throne, women were considered to have performed their duty well and brought wealth and status to the ruler for other reasons.

Since Mamluk women had longer lifespans, being rarely engaged in the violence that befell Mamluk men, women worked on an equal footing in large institutions as administrators; as a result, they protected these institutions and others that they supported. In the soup kitchen of Jerusalem, the position of administrator was occupied by members of leading local families; however, no woman from these families was selected for this task. When women were among the beneficiaries of imperial waqfs,
they occupied a less advantageous position compared to men. Women benefitted from fountains and bridges, and had a right to enter grand mosques, hospitals, soup kitchens, and Sufi lodges. However, they could not be salaried religious scholars in madrasas and only rarely did they benefit from the generosity of caravansaries. It is rare that women worked in these institutions in any capacity, whether in the Mamluk or in the Ottoman periods.

In conclusion, women did establish waqfs in Jerusalem and, although few in number, they assigned themselves or their daughters as administrators, or appointed their daughters as beneficiaries after their death according to the right of usufruct. Generally speaking, women were not able to take advantage of these institutions, as they were not socially visible or granted the same freedom of movement in the same way as men. Gender differences in culture and in law thus appeared in these charitable activities, introducing a gendered dimension to philanthropy.

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Endnotes
5 Other titles addressed to Haseki Sultan in the endowment deed include: “endower of glorious monuments, patroness of charitable and pious deeds; wielder of all kinds of good deeds, and favorer of eternal good works; forsaker of material goods in the mortal world; the pearl on the crown of the highest administrative and moral ranks; the most luminous countenance among the felicitous and prosperous; the most chaste among all Muslims, male and female; the fountainhead of womanly nobility and felicity; the nacre of the pearls in the imperial abode; the one with the purest of attributes and the most exalted personality; the cream of the elite and the pillar of the venerable; the giver of abundant offerings and favors, the dispenser of all kinds of kindnesses.” See Archive of General Directorate of Foundations (VGMA), 608-2: 235/178.
8 Singer, Constructing Ottoman Beneficence, 109–110.
9 This information is not based on the detailed research of endowment deeds or other sources.
but relied on the work of Uluçay’s Padisahların Kadınları ve Kızları and other notes about the waqfs in the Ottoman Empire. See M. Çağatay Uluçay, Padisahların Kadınları ve Kızları [Women and Daughters of the Sultan] (Ankara: Turkish Historical Society Publications, 1980). Additionally, Singer and Van Leeuwen stated that there is no compiled list of waqfs which covers all the waqfs in Ottoman Empire set up by dynasty members. Singer, Constructing Ottoman Beneficence, 83–117; Richard van Leeuwen, Waqfs and Urban Structures: The Case of Ottoman Damascus (Leiden: Brill, 1999), 114.

10 VGMA, 608-2: 222/177.
12 For example, for the waqf that Haseki Hürem Sultan’s property and donations found in Istanbul, see VGMA, 608-2: 222/177.
15 Jerusalem Sijil (JS) 207, s. 144; JS 243, s. 183–83.
16 JS 223, s. 107.
18 Fay, “Women and Waqf,” 33. On the other hand, Beshara Doumani has written about the exclusion of women from household affairs in Nablus, where local families exercised relative power compared to the Ottoman authorities. See Beshara Doumani, Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700–1900 (Berkeley: University of California Press, 1995), 154–55.
19 For example, the endowment deed of Fatima daughter of Muhammad, which dates to 1124 H. (1712 CE), stipulates that her endowed house’s income in Wadi al-Tawahin would be given to her husband, then to her brother’s son, Muhammad son of Hamdan Khayrallah al-Hilwani, and Muhammad son of ‘Abd al-Rahman al-Duwayk, then to their sons and descendants (a‘qab), and then, if their line should come to an end, to the Dome of the Rock, and finally, if none of these possibilities remained, to the poor. See JS 207, s. 340. In another endowment deed dated to 1136 H. (1724 CE), Amina Khatun daughter of al-Sayyid Yahya, known as the son of the qadi of al-Salt, left the income of a new shop in Batrik bath on Barakat Road in the Nasara Quarter and twelve of twenty-four shares of a shop in Nasara Quarter in front of the Kamîm bath to herself when she was alive, then, after her death, to her sons. After the end of this male line, the income was left to the descendents of Abu al-Fadl, then to the descendents of his son ‘Abd al-Ghani and when his line ended, to the Salihiyya khanqaq. JS 218, s. 346–47.
21 The endowment deed of Nasiha Khatun and Raji’a Khatun, daughters of Muhammad Agha Samum, is dated 1135 H. (1725 CE). JS 218, s. 147.
22 For the endowment deed of ‘A’isha bint Yusuf Zalatayma and her daughter Khadija daughter of al-Hajj Hasan, see JS 249, s. 31.
23 For the endowment deed of Mu’ayyida daughter of Husayn al-Tawwabini, her daughters Sa’da, ‘Abd Rabbih and ‘Ali bin Yusuf, see JS 227, s. 192.
24 Al-Hajj ‘Isa and ‘A’isha and Zarifa, children of Muhammad al-Tanbagha, see JS 242, s. 146.
25 Al-Hajj Muhammad San’allah son of al-Shaykh Muhammad San’allah al-Diri al-’Abisi al-Khalidi and Turfana Khatun daughter of al-Shaykh Najm al-Din al-Khayri, mufti of Jerusalem, see JS 267, s. 151–53.
26 The term maskan is defined as a kind of settlement or residence by Raymond. See André Raymond, Artsisans et commerçants au Caire au XVIIe siècle (Damasus: Institut Français de Damas, 1974), vol. 1, 251–54. In Jerusalem waqf records, dar (pl. dur) were composed of upstairs and downstairs bayts (rooms) and included an iwan or qa’a (where guests were received), courtyard, kitchen, dehliz (corridors), sahrij al-abar (draw well cistern for collecting rainwater, hamam (bath), taqa (window), istabl (barn), bayka (storeroom for cereals and olive oil), and adabkhane (referred to as murtafaq in some records). A cistern to collect rainwater is found in almost every house. There are some endowed houses having a pool and a hall. Additionally, houses had walled gardens with...
fruit and other trees. In some endowment deeds, there were houses with backyards. The status of the houses at the time of their endowment – for example, whether they were arched or ruined, or any right of *khuluw* (continuous tenancy) – is also presented.

27 *Wakala* and khans are buildings composed of warehouses (*hawasil*), shops at the entrance and *tabaqat* on the top floor, where the tradesmen live. Raymond traced the term *wakala* from the medieval period and found it used more often than khan; it replaced the older terms of *funduq* and *qaysariyya* in eighteenth-century Cairo and seems to have the same meaning. See Raymond, *Artisans et commerçants*, 251–54.


30 JS 209, s. 253.

31 JS 232, s. 532.

32 JS 254, s. 1.

33 JS 254, s. 161.

34 JS 255, s. 53–54.

35 JS 290, s. 4.

36 JS 290, s. 1.

37 JS 276, s. 141.

38 JS 299, s. 21.


40 VGMA, 608-2: 222/177.


45 JS 227, s. 391; JS 232, s. 87; JS 253, s. 253; JS 252, s. 141–42; JS 276, s. 88.

46 JS 247, s. 80–81; JS 242, s. 186.

47 JS 241, s. 123.

48 JS 243, s. 183–84; JS 209, s. 253; JS 255, s. 53–54.

49 JS 202, s. 12–13; JS 202, s. 186.

50 JS 213, s. 93–96.

51 JS 244, s. 182.

52 JS 272, s. 147 and JS 313, s. 199.

53 JS 221, s. 410.


57 Although Kamil Jamil al-‘Asali states that there is an appointment deed (*berat*) indicating a woman administrator, no such record is found in the collection of *‘atiq* (old) records of the waqf of Haseki Sultan, which include appointment records and their explanations between 1118–1255 h. (1706–1839 ce). For further information see Kamil Jamil al-‘Asali, *Watha’iq maqdisiyya tarikhiyya* [Historical Documents of Jerusalem] (Amman: al-Jami’a al-Urduniyya, 1983), 311–12; VGMA, 523–24.
The decision to leave Jerusalem or Bethlehem early in the twentieth century was not an easy one. It was particularly difficult if the destination was a town, village, or rural hinterland far away in Chile, from which a return trip back to Palestine would be impractical, if not impossible, for most immigrants. In Chile fortunes were made and, as important, families were nurtured and with time adapted to the environment that became their own. The early immigrants invited kin to join them, family networks were expanded, and church communities were reinforced; this communal translocation ensured family continuity and closeness, and bolstered faith in the new environment.

Early Twentieth-Century Immigration to Chile: Palestine, Syria, and Lebanon

In 1941, Ahmad Hassan Mattar, an Arabic-language radio broadcaster for the “Farouq Hour” in Santiago, Chile, compiled and edited the *Guía social de la colonia árabe en Chile (Siria – Palestina – Libanesa).* The guide was sponsored by the Club Palestino, one of the oldest Palestinian clubs and today one of the most prestigious social clubs in Santiago, and published there by the Hermanos Hueos (Uways Brothers) printing press.¹

According to Mattar’s survey, there were a total of 2,994 Arab immigrant families in Chile in 1941, comprising 14,890 members. The largest group was 1,232 Palestinian families totaling 6,590 members: 430 families from Bayt Jala; 417 families from Bethlehem; 60 families from Jerusalem and ‘Ayn Karim; 68 families from Bayt Sahur; 5 families from Taybeh village in the Ramallah area; 8 families from Jifna; 4 families from Ramallah; and 240 families from other parts of Palestine. The
number of Syrian immigrant families totaled 706, with a total of 3,520 members; almost half were from Homs, mostly Christians, followed by 67 families from Safita, and 317 families from elsewhere in Syria. The Lebanese immigrants were the smallest of the three main groups, with 448 families and an estimated 2,129 members; 26 of these families hailed from al-Kura and the rest were from all over Lebanon. The Lebanese immigrated more to Argentina and Brazil while the Palestinians ended up in Chile and Honduras, and a significant minority in Brazil. The guide also mentions 395 Arab families without a specified date of arrival to Chile comprising 1,743 members, and 150 Arab families with 512 members who were born or migrated from other countries, which Mattar reports as East Africa, Bolivia, Cuba, Honduras, Panama, Argentina, Mexico, Brazil, Columbia, Ecuador, Spain, Austria, the United States, and Burma. This indicates that Chile was a “pull” country to Arabs who originally migrated elsewhere before deciding to move to Chile, most likely influenced by the success of Palestinian and other Arab migrants. They included some who originated from Transjordan and Egypt, but Mattar gives no details on the number of these immigrants by birth country. There were also 89 second-generation immigrant Arab families, with 392 members, whose heads of households were born in Latin America.

The first wave of immigrant families arrived between the years 1895 to 1940, during the final years of the Ottoman Empire, and through World War I, the Mandate period, and the period prior to World War II. Cecilia Baeza mentions that 81 percent of all Arabs arrived in Chile between 1900 and 1930; in the earlier years between 8,000 and 10,000 left to escape the Ottoman Conscription Law of 1909, of which half were Palestinian, 30 percent Syrian, and 20 percent Lebanese. According to Lorenzo Agar Corbinos, a Chilean sociologist of Syrian descent, the early immigrants were mainly small merchants, shopkeepers, and small farmers. Their contacts with foreign-operated schools had allowed them to gain languages, although Spanish was not one of them, and their education and overall experiences provided push factors toward emigration. Not only politics or religion, but also a willingness to take a risk to improve and advance one’s own life and prospects, explain the decision to migrate.

Early Migrants: Origin and Journey

Early emigration from Palestine was generally thought to be by residents of the Bethlehem and Bayt Jala area. The Mattar guide confirmed this but also indicated that sixty families had migrated out of both Jerusalem and Bayt Sahur. The journey to Chile took most immigrants first to Beirut, Haifa, or Alexandria where they would board ship either to Genoa, Italy, or to Marseille, France. According to Nicole Saffie, a Chilean social scientist of Palestinian origin, the immigrants waited for days and sometimes weeks before they could board a ship, usually a cargo vessel, heading to America. Most immigrants did not distinguish between the United States or Central and Latin America. They endured the long voyage, which took them to Dakar in West Africa and onward to Santos, Brazil, before proceeding to the final port in New York or Buenos Aires. The choice of Chile as the final American destination was determined
upon docking in Buenos Aires. The Palestinians found that the Lebanese and Syrians had preceded them and so, rather than compete, the Palestinian immigrants decided to move on over the Andes Mountains to Chile. After 1910, the taxing journey over the Andes was replaced for most new immigrants by train passage, following completion of the trans-Andes railway.

The Chileans initially received the newly arrived immigrants with a combination of amazement and questioning, what were these people doing who did not know Spanish and were almost paupers? The Palestinian immigrants, nevertheless, were determined to work and to persevere. Many of them began their way to business and commerce by becoming peddlers, shouldering bags of household commodities from village to village. They were received cordially by the local residents. In fact their peddling trade may have partly contributed to the opening of the Chilean villages to social transformation.

Thus, Chile became an important country where family and community “translocation” developed for many Palestine migrant families.

The Tanda of the Falte

The immigrants first went to the outskirts, suburbs, and faraway places. They wore heavy clothing usually bought in used clothing stores. In the neighborhoods where they were selling their wares they would call out tanda (forty things) referring to their wares such as soap, buttons, combs, scarves, socks, mirrors, pins, spools of thread, and the like. Another account speaks of the Palestinian door-to-door peddlers as falte from their repetitive call: hay algo que le falte? (“Is there something you need?”).

In the early twentieth century, the Chilean government sought to encourage immigration to the country and accordingly offered incentives such as land grants to immigrants, especially those from Europe. Palestinians and the others coming from Ottoman-ruled areas did not enjoy these privileges because presumably they lacked the skills or professions ascribed to European immigrants. Chileans often referred to newly arrived Palestinians and other Ottoman subjects by the pejorative term Turcos. The term denoted both a condescending view of the newcomers and also begrudging respect, as more of these Turcos succeeded in their businesses. Myriam Olguién Tenorio and Patricia Peña González describe the way the early Palestinian immigrants adopted a style of life reminiscent of that described in Max Weber’s classic work, The Protestant Ethic and the Spirit of Capitalism:

Their life was simple and limited to spending only what was necessary ... Their expenses were low: rent and food. The thought of buying clothes and other extras was unthinkable. They didn’t spend on anything that they could make themselves.

Another Chilean author in 1937 gave the Palestinian immigrants a similar portrait, describing them as “austere, with high morals, respectful of the law, and hardworking.”
Newly arrived immigrants usually lived above or at the back of the store and in crowded houses shared by many families known as *cites*, usually with six or seven persons to a room.

**Bayt Jala and Bethlehem Immigrant Families, 1894–1938**

The names of the Bayt Jala and Bethlehem family members that first migrated to Chile up to 1941, mentioned in Mattar’s social guide, show that emigration was not just an individual enterprise, but involved whole families and family networks. The process of consolidating a family in a particular town in Chile and pursuing similar occupational preferences may have been quite a protracted process. It involved communication with family members back home, prospective brides and their parents, siblings and cousins in the translocation of families, to the extent that in some cases whole families ceased to exist in their town of origin, whether Bethlehem or Bayt Jala.

The social guide records eight Bethlehem families arriving in Chile before 1900, and none from Bayt Jala. The first immigrant from Bethlehem was Khalil Qumandari, who arrived in 1894, followed by a member of the Lama family in 1895. The early arrivals from Bethlehem were likely attracted by the prospects they had heard of in America, not distinguishing among countries, perhaps from the touristic arts and crafts tradesmen who exhibited in the Chicago and Philadelphia expositions of the late nineteenth century.

In 1900, nine Bayt Jala residents arrived, including two each from the Shahwan and al-Husayn families. Of the fourteen Bethlehemites who immigrated that year, two were from the Uways family, whose members later founded the Hueos Printing Press in Santiago.

Between 1901 and 1909, just prior to the enactment of the Ottoman Conscription Law, 118 members of Bayt Jala families and 86 Bethlehem family members arrived in Chile. Among the largest families from Bayt Jala were: nine members of the Rabi‘ family; seven members of the Mansur family; six members of the Makhluf family; and five members each from the Abu Muhr, Nazzal, and al-Husayn families. From Bethlehem, there were seven members from the Lama family; and four each from the Za‘rur and Riyadi families. It is likely that the overall social, economic, and political conditions of life in Ottoman Palestine, together with the attraction of opportunities and economic prospects in distant Chile, combined to encourage Palestinian families to risk migration. Perhaps the stories told by the three Georges who returned to Bayt Jala early in the twentieth century wearing *effendi* clothes and showing off their newly acquired wealth was also persuasive.

In 1910, following the Ottoman Conscription Law of 1909 that required military service even from previously exempt religious and ethnic minorities, and after the establishment of the trans-Andean train line from Argentina to Chile, thirty-eight Bayt Jala family members arrived: three members each from the Zurayna and Nazzal families; and two members each from the Bishara, Mufdi, Hanna, ‘Arja, Khuri, Hadwa, ‘Umar, Lula, and Shahwan families. Out of the forty-six Bethlehemites who arrived in 1910, six were members of the Lama family followed by three each from the Qattan and Salman families, and two each from the Za‘rur, Nassar, Jidi, ‘Abd al-Nur, and Musallam families.
The anticipated surge in newly arrived Palestinian families in Chile following the Conscription Law and the trans-Andean railway materialized by 1911 and continued during World War I, when more Bayt Jala and Bethlehem families, in almost equal numbers, opted for immigration to Chile. Between 1911 and 1918, ninety-three families arrived from Bayt Jala and ninety-five families from Bethlehem. The Bethlehem families included: Hazbun (seven members), Giacaman (six members); Mikil and Hananiyya (five members each); Salman and Musallam (four members each). Five families had three immigrants each: Lama, Riyadi, Abu Fuhayla, Za’rur, and Faqusa. Four families had two immigrants each: Jada’, Qattan, Ya’rur, and Abu Sabha.

From Bayt Jala, the families included: Massu (six members), Salman (five members), Daghash (four members), al-Tit (three members), and Hadwa (three members). Twenty-one other families had two members each arriving in Chile during this period. The town of origin claimed by the 1941 surveyed families vacillated between Bethlehem and Bayt Jala; for example, the Salman family claimed origin in both towns.

Between 1919 and 1938, 145 family members from Bayt Jala and 129 members from Bethlehem immigrated. Among the leading Bayt Jala families arriving during this period were the families of: Nazzal, Mansur, and Hadwa (nine members each); al-Husayn (seven members); Lula (five members); ‘Awwad, Barham, and Marwani (four members each); and ‘Alam, Saba, Abu Muhr, Juriiyya, Zurayna, and Abu Subl families (three members each). Of the Bethlehem families there were: Nassar (seven members); Qattan (six members); Giacaman, Hananiyya, Za’rur, and Musallam (five members each); Samsam and Hazbun (four members each); and Salman, Ja’ar, Battu, Mikil, and ‘Awwad (three members each).

Altogether there were over 376 entries for Bethlehem in the social guide from an estimated 127 families. By total number of immigrants, the Bethlehem families were: Za’rur (twenty-five members); Lama (eighteen members); Musallam (seventeen members); Qattan (sixteen members); Giacaman (fifteen members); Hazbun and Salman (twelve members each); Riyadi (ten members); Nassar, Ya’rur, and Hananiyya families (nine members each); Faqusa (eight members); Mikil (seven members); Hurma (seven members); Samsam (six members); ‘Alam (five members each); ‘Atallah, Qumandari, and Sahuriyya families (four members each); and Andoniyya, Abu Fuhayla, Ja’ar, and Battu families (three members each).

Among Bethlehem immigrants were Muhammad Hasan Abu ‘Uthman and Mahmud Khalil Jaydi in 1914. Muhammad Abu ‘Uthman adopted the name Salvador and similarly gave his children names that would aid their integration in the new environment: Salvador, twenty-one; Adila, twenty; Emilia, thirteen; Irma, twelve; Donasiango, eight; Santiago, seven; Victor, five; Dago, four; and Olga, three. There were also Muhammad Sahba al-Ta’amari, ‘Ali Barakat, and Hayd Humaydan from al-Ta’amira, and ‘Abid Yusuf from al-Samu who immigrated in 1923.

For Bayt Jala there were around 405 immigrants listed in the social guide, representing 140 families, among them: Nazzal (twenty-two members); al-Husayn (nineteen members); Mansur and ‘Alam (eighteen members each); Hadwa (seventeen members); Rabi’ (fifteen members); Abu Muhr (eleven members); Sabaj (ten members); Zurayna, Dawud, and
Shahwan families (eight members each); al-Tit (seven members); and Makhluf (six members).

The highest number of immigrants from Bayt Jala and Bethlehem arrived in Chile between 1919 and 1938 and then immigration tapered off. Some argue that the British Mandate authorities in Palestine had introduced economic and infrastructure improvements in the country between 1920 and 1948, which increased employment, but the Bethlehem area did not benefit immediately from these improvements, unlike Jerusalem, the administrative capital.

The Jerusalem Families

The characteristics of the early arrivals from Jerusalem are not well known; there is no information in the Mattar guide on their professional, educational, or business backgrounds. It is likely that the more than fifty families from Jerusalem would have had more urban characteristics than the fewer families from ‘Ayn Karim village, to the southwest of the city. However there is no credible information to compare the background of the immigrants from the Jerusalem area, and elsewhere in Palestine, with those from the Bethlehem and Bayt Jala area. The Mattar guide reported only the professional and business profiles of the early arrivals once they had settled in Chile and not prior to their arrival in Chile.

The Jerusalem families began immigrating in 1900, when 30-year-old Ibrahim Ja’inni arrived. In 1909, he was joined by Nicola Ja’inni, who opened a retail and grocery shop. Farah Ja’inni joined them in 1912 and also engaged in a grocery and retail business. According to Adnan Musallam of Bethlehem University, who tracked the Bethlehem families’ emigration, the Ja’inni family was initially from Bayt Jala.10 The Franciscans brought the family to Jerusalem to start a souvenir handicraft and arts workshop in ‘Ayn Karim, where the Franciscan Order had built two sanctuaries to honor the birthplace of John the Baptist and the visitation of Mary to her cousin Elizabeth.

The Karmi family from ‘Ayn Karim was the largest Jerusalem family to immigrate to Chile. Francis Karmi began the process in 1910, when he settled in Quilpopo and worked in commerce. Eight other Karmi family members followed him between 1914 and 1930; most engaged in commerce while one specialized in jewelry and gold and another member of the family began a retail business.

Six members of the Salah family from Jerusalem immigrated between 1910 and 1923 and all worked in trade and commerce, including import and export and building contracting. Hanna Qamar migrated in 1909 and worked successfully in industry in Santiago, followed by four family members over the next eleven years who worked in commerce. Three Katan family members immigrated early in the twentieth century and all became engaged in agriculture and farming, although their origins were from the Old City of Jerusalem. It is likely that they established their commercial farming enterprise with capital that they had brought to Chile. Eid Khuri left Jerusalem in 1909 and became a proprietor, which encouraged two of his family members to follow him in 1912 and
1914 and work in commerce. Of the smaller Jerusalem families, two members each of the Di’das, Khashram, and Kort families immigrated between 1909 and 1927. Other families with only a single family member immigrating during this period included: ‘Atallah, Barakat, Barna, Bishara, Dahdal, Dardarian, Farraj, Fatala, al-Halabi, Hananiyya, Mazid, Rumiyya, Sabat, Sabbagh, Sahurriyya, Salim, Samara, Tumayan, Viasian, Zaytun, and Ziyada. Salih Shatat from al-Ram, a village outside Jerusalem, also immigrated in 1913 and like other immigrants worked in commerce.

Andrés Sabella, the Poet of Antofagasta

Brothers Andraos and Amin Sabella emigrated from Jerusalem to Chile in 1904 and 1905. Both became successful proprietors and made the harbor town of Antofagasta their home. Most likely Andraos accumulated property from his jewelry business which was popular among the townspeople. In 1928, their brother Salim joined them and started his own commercial enterprise. Amin, or Fidel in Spanish, worked as a manager in the Syrian-Palestinian Club in Antofagasta, which had been founded in 1908. When Andraos traveled to Chile he had brought along a panoramic photo of Jerusalem taken from the Mount of Olives, perhaps sensing he would not see his beloved city again. Eventually he passed the image on to Andrés, his son from his marriage with Carmela Galvez Tello, of Italian origin, who died in the sixth year of their marriage. The fame of the Sabellas grew in Antofagasta due to the literary and poetic skills of Andrés, who published his first book of poetry at the age of fourteen. In 1944, he published his most famous work, the novel Norte Grande, from which the territory comprising the regions of Tarapaca and Antofagasta in Chile was named.

Andrés Sabella became a friend of Pablo Neruda and together they joined leftist circles to oppose fascism. Andrés accompanied Neruda during his visits to Antofagasta, especially to schools where the two poets would read their poetry. While Neruda was the undisputed national poet of Chile, Andrés Sabella earned the title of Poet of Antofagasta. With more than thirty published works of poetry and literature, some place him second to Neruda in his influence on Chilean literature. As a poet, storyteller, and university lecturer, Andrés always spoke fondly of the city of his father. Andrés devoted the second part of his 1980 collection of poems La paloma de cemento (The Cement Dove) to the Holy Land, the land of his father. When Andrés Sabella met the late Yasir Arafat in the mid-1980s, he mentioned that he had the panoramic view of Jerusalem hanging above his bed. He told Arafat that every night he looked up to the view of Jerusalem and remembered the city and his father’s roots in it. The home of Andrés Sabella, who died in 1989 at the age of seventy-seven, was made into a museum by the town of Antofagasta, with his father’s Jerusalem panorama kept above his bed. While Andrés’s father had been a well-respected jeweler in Antofagasta, according to one Chilean author, Andrés made his verses a virtual mine of jewels. A national literary competition, as well as a high school and an international airport in the region were named in his honor.
Many of the Bethlehem and Bayt Jala families achieved success in business, textile manufacturing and banking, but only a few became writers. The Jerusalem and Bayt Sahur emigration was not as extensive as the translocation of family and community experienced by Bethlehem and Bayt Jala families. Nine members of the Karmi family from Jerusalem and nine from the Qumsiyyya family from Bayt Sahur were early immigrants to Chile, but they were not followed by a continued stream of migrating families. Jerusalem was an important center of tourism, government, and educational institutions, which provided employment opportunities for the resident population. Churches also played an important role in stabilizing the Christian indigenous population in the city. One could speculate that the relative success of the early immigrants in both Jerusalem and Bayt Sahur may have not impressed the more urban Jerusalemites. There may have been differences in the entrepreneurial spirit shaped by Bayt Sahur and Jerusalem that differed from Bethlehem and Bayt Jala. It is possible that the enterprising spirit of the Bayt Sahuris was more localized and less discontent with the overall conditions of life, and that Jerusalemites were absorbed by the public and private institutions operating in the city. The strong tribal solidarity of the Bayt Sahur families also may have prevented or raised questions about the futility of the risk of migration. The geographic factor – Bayt Sahur being downhill and separated from Bethlehem – could also partly explain why Bethlehem merchants were more open to participate in international events, such as the expositions of Chicago and Philadelphia, and not merchants from Bayt Sahur. Other explanations could also be put forward: Bayt Sahur excels in mother-of-pearl and olive wood souvenir production which are mostly family home industries supplying merchants in Bethlehem and in Jerusalem; Jerusalem families may have been less inclined to risk being uprooted for an uncertain future or they may have lacked the transferable skills and crafts well developed among Bethlehem and Bayt Jala families.

What motivated the early immigrants aside from bad overall conditions? The risks they took paid off in achievements that would never have happened at home. As for the descendants of the Jerusalem immigrants in Chile, little is known about their fate or the course of their professional, literary, and business development. Why were the links between the Jerusalem immigrant families and those of Bethlehem and Bayt Jala lost not only with their original hometowns but also with their families who stayed in Palestine? Certainly the second and later generations of Palestinian immigrant families identify with and live in harmony in Chile, a country that accepted them with graciousness and afforded them the opportunities to advance socially, economically, and culturally. Although few, the Jerusalem immigrant families contributed to Chile and its culture as exemplified by the literary imprint of the work of Andrés Sabella. Nevertheless, the question remains about early Palestinian immigrants: Why did they feel that they had to leave home and why did they carry Jerusalem in their suitcase?

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Endnotes
1 Ahmad Hassan Mattar, ed., Guía Social de la Colonia Arabe en Chile (Siria – Palestina – Libanese) (Santiago, Chile: Ahues Brothers for Club Palestino, 1941).
7 Myriam Olguín Tenorio and Patricia Peña González, La inmigración árabe en Chile (Santiago, Chile: Instituto Chileno-Árabe de Cultura, 1990), 93. For Weber’s account of the Protestant communities, see Max Weber, The Protestant Ethic and the Spirit of Capitalism, tr. Stephen Kalberg (Los Angeles: Roxbury, 2002).
8 Olguín Tenorio and Peña González, La inmigración árabe, 93.
11 Teitelbom, Neruda, 14.
13 See the Sabella museum website, online at www.museosabella.blogspot.ru (accessed 7 September 2017).
The rights of individuals who have fallen in war have been protected by international humanitarian law for over a century. The 1907 Hague Convention laid down general principles for reporting enemy troops killed in battle once hostilities have ceased, obliging states on whose territory slain soldiers remain to bury them. Bilateral agreements were concluded following World War I, for example between Germany and Ukraine in February 1918, and a month later between Germany, Austria-Hungary, Bulgaria, and the Ottoman Empire on the one hand and with the Entente force Russia on the other. Under these agreements, the parties committed themselves to caring for the graves of enemy soldiers located in their territory. The intention of these agreements was repeated in the Treaty of Versailles peace agreement concluded on 28 June 1919, which stipulated that:

The Allied and Associated Governments and the German Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognize any Commission appointed by an Allied or Associated Government for the purpose of identifying, registering, caring for or erecting suitable memorials over the said graves and to facilitate the discharge of its duties.

This commitment included the burial of prisoners of war who died during captivity, and stipulated that all parties to the conflict must register the identity of slain soldiers and their place of burial.
The experience of World War I showed that it was insufficient to take steps post factum, a problem that the Geneva Convention of 1929 sought to remedy with strict regulations and guidelines for locating the burial places of fallen soldiers and identifying them upon cessation of hostilities. The law was further developed following the experience of World War II in the Geneva Conventions ratified in August 1949, which elaborated on issues associated with the rights of the fallen. The First Geneva Convention instructed the parties involved in conflict to bury the dead of the other party as soon as feasible, in individual graves if possible, and while establishing the full identity of the fallen soldier:

[Parties to the conflict] shall further ensure that the dead are honorably interred, if possible according to the rites of the religion to which they belonged, that their graves are respected, grouped if possible according to the nationality of the deceased, properly maintained and marked so that they may always be found.

Together with Protocol I of 1977, this constitutes the foundation of binding international law today pertaining to the war dead and their burial as part of the laws of warfare, or international humanitarian law. These rights are directly and clearly linked to human rights, as formulated in international conventions, which include human dignity, freedom of religion, and the prevention of cruelty and inhuman and degrading treatment. The consideration given by international humanitarian law to the relatives of the war dead and their right to know about and to access the graves of their dear ones is closely linked to respect for the value of family, which is fundamental in the human rights conventions.

This legacy of international humanitarian law reflects a turning point in Western perceptions of death in battle. It began to emerge in the latter half of the nineteenth century after the American Civil War and with the budding democratic concept that recognizes and commemorates the ordinary soldier by according him an individual burial, and was further developed against the backdrop of World War I and the widespread incorporation of the war dead in nations’ ceremonies. The history of the British Commonwealth’s Jerusalem War Cemetery for soldiers who died in the battles around Jerusalem from 1917 to 1921 reflects the heritage of World War I memory and commemoration and its difficulties and contradictions. It is manifested in the British Commonwealth’s partial success in burying its fallen soldiers according to universal and egalitarian principles of a dignified individual burial, irrespective of their nationality or ethnic and religious affiliation. This case also shows how the war dead were caught in further international political struggle after 1948. Their burial location in a sensitive area in Jerusalem became an international bargaining chip in contested territorial and sovereignty claims made by Israel and Jordan, as well as in the negotiations between nation states and international and humanitarian organizations. This article traces the dynamics of the clash over control: between the rights of the fallen to their final dignity – represented by their families, the Imperial War Graves Commission, and diplomatic efforts of Great Britain and the Commonwealth states – and Israel’s claim to sovereignty over the area of the cemetery and over Jerusalem in general.
Final Respect and Equality

Six cemeteries mark the path of the fighting from Gaza toward Damascus in which 12,797 soldiers of the Egyptian Expeditionary Force lost their lives in the battle for Palestine.\(^8\) Overlooking the Old City, the cemetery on Mount Scopus was the last military cemetery established by the British in Palestine. It was created in February 1918, shortly after the British takeover of Jerusalem from Ottoman rule in December 1917.\(^9\) Two hundred and seventy fallen British Commonwealth soldiers were buried there before the cessation of hostilities in late 1918, joined later by those killed in the fighting around Jerusalem, and several score graves were moved from other smaller cemeteries in the area to the consolidated location.\(^10\) There are a total of 2,516 Commonwealth burials (101 of whom are unidentified) at this site, and graves of 16 German, 5 Italian, and 3 Turkish combatants, along with a memorial commemorating Commonwealth casualties whose graves are unknown.\(^11\)

The Imperial War Graves Commission was an independent body founded in 1917 to oversee the burial of fallen Commonwealth combatants and to maintain their gravesites. The burial of these fallen soldiers in Jerusalem, just like the burial of more than one million Commonwealth war dead on other fronts, occurred according to an order to bury the fallen soldiers alongside their comrades in arms close to the location where they fell rather than to repatriate them to the Commonwealth for burial. This policy overrode the wishes of the bereaved families, regardless of the resources available to them to return the bodies of their loved ones.\(^12\) The prohibition on repatriation and the mandatory uniform appearance of the tombstones were designed to blur the differences and disparities between the fallen, between low-ranking soldiers and officers and between the rich and the poor. Provisional wooden crosses were replaced after World War I by uniformly designed tombstones during the course of the Mount Scopus cemetery’s development, undertaken according to the guidelines laid down by the commission. The uniform general design of cemeteries and commemorative sites, and in particular the uniform slab of the tombstone that did not bear the insignia of a cross – decisions that aroused fierce public opposition in Britain – were intended to minimize ethnic, racial, and religious differences, in a concerted effort not to discriminate against non-Christians.

The guiding principles that applied to all the Commonwealth military cemeteries were only partly observed at the Jerusalem War Cemetery. While it was not the largest cemetery established in Palestine, the Mount Scopus cemetery was chosen because of its unique location as the site for a memorial commemorating the 3,366 soldiers who fell in Palestine and in Egypt during World War I and whose gravesites were unknown. The British attached great importance to commemorating the part played by troops from the dominions in the region and in Jerusalem in particular, where many died. Most of the Australian and New Zealand war dead had served in the light cavalry and were seconded to the troops in Egypt following a bitter military defeat in the Gallipoli battles in the Dardanelles. In Palestine, they were formed into infantry troops to fight in the harsh mountainous terrain surrounding Jerusalem.\(^13\) More than 500 Australians and some 200 New Zealanders are buried and commemorated on Mount Scopus alongside the British.
war dead. A cross is engraved on their uniform tombstones, while at the western end of the cemetery 24 fallen Jewish troops are buried, with a six-pointed star engraved on their tombstones. “Of Jew and Gentile they are set side by side, the one bearing the double triangle of the Shield of David, the other the Cross of Christ,” notes a British report on the annual remembrance ceremony held on 11 November 1933.14

The predominantly Muslim local Palestinian population in Jerusalem obliged the British to take particular care in protecting the holy places during the fighting, and to downplay Christian symbols when burying and commemorating the soldiers once it was over.15 Thus, the British army posted Muslim Indian troops to guard the mosques in the Haram al-Sharif upon entering Jerusalem,16 and shelved several grandiose commemorative schemes that would have planted Christian symbols in the heart of the city.17

As an “architectural courtesy” shown by the Scottish architect John James Burnet, who designed the cemeteries and commemorative plaques at Gallipoli and the Suez Canal, Christian characteristics were downplayed and the architecture adapted to the local features of the Palestinian landscape and Muslim structures. This form of “paternalistic consideration shown to local culture” meant that the planners who worked for the British civil service in Palestine invariably preferred “consideration for what they perceived to be the local spirit rather than a brash expression of Britishness.”18

**British Mandate Control of the Jerusalem Cemetery**

At the end of World War I, the graves of most of the Commonwealth troops were located in the territory of foreign nations – be they allies or former enemies. However, since Palestine became a territory under British Mandate, the cemeteries remained under British control and, as elsewhere, were administered by the Imperial War Graves Commission. The memorial to those with unknown gravesites was officially dedicated on 7 May 1927 in a ceremony attended by wartime field marshals Edmund Allenby and Herbert Plumer, who was the British high commissioner for Palestine at the time. “It lies there below, an aggregation of mosques and synagogues and churches and white edifices, their towers, domes and minarets rising in varied altitudes above the broken horizon,” the British report in 1933 described the environs.19

During the first two decades following its inauguration, during the Mandate period, the Jerusalem War Cemetery maintained its dignity. It is doubtful whether its presence induced the residents of the land “to acknowledge that a nation which has made such sacrifices for another country has the prescriptive right to control the destinies of that country,” as British high commissioner Lord Plumer believed at the time of its construction.20 Certainly its singular location attracted many visitors, in contrast to the few visitors to military commemorative sites and cemeteries elsewhere in the East, except for Gallipoli. Apart from the families of the fallen, soldiers of the various forces serving in the region came to the cemetery, as did pilgrims who traveled to the Holy Land.21 Among Christian believers, its location in Jerusalem heightened the significance of death in battle, creating an immediate link to the theme of sacrifice
through crucifixion.\textsuperscript{22} Any controversies that arose were mundane and revolved around the issue of urban planning, such as the fears that the proposed expansion of the Hebrew University, built nearby two years earlier, would spoil the view from the cemetery.\textsuperscript{23} This relatively quiet era came to an abrupt end with the end of the Mandate, the failure of the United Nations partition plan, and the de facto partition of Palestine as a result of the 1948 war and the UN-brokered armistice agreement.

On 29 November 1947, the UN General Assembly adopted Resolution 181, the partition plan, which called for Jerusalem to become a \textit{corpus separatum} under UN control, a status intended to protect the holy sites of the three religions. As soon as the UN vote became known, hostilities erupted all over Palestine and, with the withdrawal of the British on 15 May 1948, escalated into total war between the newly declared state of Israel and the neighboring Arab states. The Arab Legion under British command took control of territory designated by the partition plan as part of the Palestinian state. Jewish forces suffered defeat in the Old City but held on to an enclave on Mount Scopus where the Hebrew University, National Library, Hadassah Hospital, and the British cemetery were situated. Its demilitarized presence within Jordanian-controlled territory was ensured by an agreement signed by Israel, Jordan, and the UN on 7 July 1948,\textsuperscript{24} and which was later included in the armistice agreement signed by Israel and Jordan at Rhodes on 3
April 1949. According to clause 8 of the armistice agreement, a special Jordanian-Israeli committee was to discuss contentious issues, including the “resumption of the ongoing functioning of the cultural and humanitarian institutions on Mount Scopus and free access to them.” However, the special committee ceased its work altogether after two years, without having discussed the issue.

**The British Cemetery in the Post-War Situation**

Aware of its precarious international status in Jerusalem, Israel moved rapidly to establish sovereignty in the city, but stopped short of annexation. On 25 July 1948, Israel appointed a military governor and a council to run its affairs in the western section of the city, implying the de facto implementation of Israeli sovereignty. On 24 November 1948, the new Israeli state situated its provisional assembly in the city and began to transfer government institutions to Jerusalem. On 2 February 1949, Israel’s government decreed that Jerusalem was to be Israel’s capital and ended the period of military rule over the city. Twelve days later, the first session of Israel’s Knesset was held in Jerusalem. Just as Israel had rejected the city’s internationalization under the partition plan and had exercised de facto sovereignty in the city, Israel also imposed its sovereignty in the Mount Scopus enclave, at first through clandestine and hesitant actions, which later became overt and forceful.

Israel did not initially appreciate the diplomatic potential of having de facto control over territory that contained the Commonwealth cemetery in the demilitarized enclave. Its value became apparent soon after conclusion of the armistice agreement, through a gradual process of trial and error. This sore point, a military cemetery inaccessible to the Imperial War Graves Commission and to the bereaved families, constituted a source of constant frustration and anger directed at Israel and its stubborn policy, but at the same time provided Israel with an opportunity. Israel was able to use the cemetery to upgrade its presence in the two-square-kilometer enclave and raise international awareness of the enclave’s status, and, accordingly, the status of Jerusalem.

Alongside the presence of institutions such as the Hebrew University and Hadassah Hospital, the Commonwealth cemetery helped to differentiate the Mount Scopus enclave from forgotten enclaves, such as those lodged between India and Pakistan following the 1947 partition, whose hundreds of thousands of residents were left to cope on their own with acute distress in “no man’s land” areas locked in chronic national dispute. Given their commitment to the Commonwealth cemetery, Britain and its allies were obliged to cooperate with Israel, and by doing so in effect lent weight to Israel’s claim to sovereignty over the enclave, which ran counter to resolution 181 and the interests of Britain’s ally, the Hashemite Kingdom of Jordan.

In May 1949, the British consul in Jerusalem requested information on the condition of the cemetery from the representative of Israel’s Foreign Ministry. “The British consul has no knowledge of desecration of the cemetery or disruption to it,” wrote the representative of Israel’s Foreign Ministry to the commander of Jerusalem, Colonel Moshe Dayan, “but
he requests that this be confirmed.” Information, at that point, was either unavailable or unknown, and what was known was not known to everyone. “We knew nothing of mines in that area,” the Israeli representative on the joint Israeli-Jordanian committee was quoted as saying in a report on the meeting held in August 1949, “but if there were, it was odd pilfering should have taken place.” He hastened, however, to express good will by announcing, “If the UN wished to ask for one of our policemen to guard the cemetery in the future, we should have no objection to arranging this,” and promised to look into the matter.

Mines were laid by Israel around the Commonwealth cemetery as part of its line of defense during the fighting that took place a year earlier. Now, after the hostilities had ended and the armistice agreements had been signed, they posed a problem. The director of the Commonwealth Division at the Israeli Foreign Ministry, Michael Comay, apparently realized that it was in Israel’s interest to take the initiative on this delicate issue. When the initial contact with the Imperial War Graves Commission, which had asked permission to place its own guard at the cemetery, stalled, in November 1949 Comay approached the British legation in Tel Aviv. While he turned down the commission’s request, he suggested that either the legation or the Imperial War Graves Commission take the matter up directly with representatives of the Jerusalem district in order to reach agreement on arrangements to guard the cemetery in a manner compatible with Israel’s security needs.
Israel’s Sovereignty Claims over the Enclave and in Jerusalem

As the body that administered the cemetery, the Imperial War Graves Commission sought to learn firsthand about its condition, and its representative, Colonel Edward Arnold Griffin, addressed the issue on his visit to Israel in March 1950. Major General William Riley, commander of the UN Truce Supervision Organization (UNTSO) enclave, was not eager to acquiesce to the commission’s request to facilitate such a visit, but Griffin chose to ignore him and enlisted the help of Britain’s consul-general in Jerusalem, Hugh Dow.31 Dow, according to an internal report of the commission, “ordered the largest Rolls Royce in his stable and put on the biggest Union Jack they could find and they [Dow and Griffin] drove together to the entrance to the cemetery held by the Israeli guards.”32 British officials apparently felt frustration at having to approach the UN to seek help in visiting their own cemetery, which lay in territory that Britain had until recently controlled, and acted accordingly. The joint survey revealed that “so far as could be seen from an outside view, very little damage had been done. There was certainly no obvious sign of any deliberate or wanton damage, and according to him no very serious cutting down of trees had been done.”33 The common stand taken by the Imperial War Graves Commission and the British Foreign Office did not last long. As far as the commission was concerned, it was an intolerable state of affairs that “this cemetery, sited in such a place and with such associations, should be the one cemetery in the civilized world that the Commission are unable to look after.”34 It was deemed natural that those who had caused the damage should repair it; that is, those who laid the mines should defuse them.35

By virtue of its role, the British Foreign Office was for its part aware of the complexity of the situation, although its different officials held contrasting views, depending on their Israeli or Jordanian sources and individual temperament.

The meetings held to restore the cemetery to its former condition soon reached an impasse. Israel insisted on linking the fate of the Commonwealth cemetery to that of the Hebrew University and Hadassah Hospital, and said that the cemetery could resume its function as a site of remembrance for the fallen and that families could once again visit after the Jordanians agreed to respect clause 8 of the armistice agreement. Despite its problematic implications, this position was accepted by British diplomats in Tel Aviv, and in part also by the UN.36 The Jordanians thought otherwise: Apart from refusing in principle to implement clause 8, they believed that the armistice agreement in effect rendered the demilitarization agreement redundant, and since both parties had signed the armistice, this in effect annulled the right of the UN, which was not party to the agreement, to intervene.37

With direct contact between Israel and Jordan unlikely to lead to progress, several other proposals were offered. One was to declare the territory of the cemetery a “British sub-zone,” in which Israelis and Jordanians would be employed alongside British nationals from Cyprus and Malta.38 None of these proposals, however, proved fruitful. While the cemetery itself was in reasonable condition, as Griffin and subsequent visitors affirmed, Britain could not allow it to remain in limbo, mined and inaccessible. In the
eyes of the Imperial War Graves Commission, this was an “insult to the memory of the many Commonwealth soldiers who died for the liberation of Jerusalem in 1917 and . . . an affront on their families.” Moreover, diplomats for Australia and New Zealand, countries which considered World War I a foundational national moment and whose nationals constituted a large number of the war dead buried in the cemetery, began to lose patience and to initiate moves of their own to return it to its proper state. Their language was not always pleasant, as evinced by an angry letter complaining about the lack of action by Britain regarding the impasse on the condition of the cemetery:

You were good enough some time ago to explain the delicacy of the situation in Jerusalem to me, but making all allowances for that, is there really no roar left in the British Lion, and has the poor mangy beast got to allow every potty little eastern state to twist his tail with impunity?

Whether or not the protests lodged by the dominions spurred Britain to make greater efforts, as time passed, Israel became less inclined to accommodate Britain’s concerns and its motives became harder to discern. Israel’s willingness to clear the mines on its own was short-lived, and the British in any case rejected the idea lest it bestow in any way legal recognition of Israel’s status, which Britain had no intention of doing. Britain sought to separate the difficulties that existed concerning the Mount Scopus cemetery from its generally positive agreements with Israel regarding the remaining cemeteries on Israeli territory, in case Israel made their care conditional on the Mount Scopus developments. Aware of the importance of maintaining good relations with Britain, Israel continued to signal good will on the issue of the cemetery, but was not prepared to remove the mines because of their tactical defense value to the enclave. Israel argued that if any were cleared, others would have to be laid according to a revised Israeli military deployment. However, the transfer of new mines was impossible under the terms of the disarmament agreement and Jordan’s strict supervision of Israel’s supply convoys, which travelled through Jordanian territory with precise coordination according to the armistice agreements.

Israel would place greater emphasis on security-related concerns in the years to follow as its border disputes with Jordan escalated; it strengthened its military grip on the enclave by means that were clearly in breach of the restrictions imposed on it by the armistice agreement. Israel argued that as long as the cemetery was mined, it would be protected against theft and acts of vandalism from residents of the adjacent Palestinian village of al-‘Isawiyya. The Imperial War Graves Commission rejected the argument that cited the risk of theft as justification for maintaining the status quo, not because of any favor to al-‘Isawiyya’s villagers, but because it hoped that once the mines had been cleared it would regain control of the cemetery, and possible theft would be a moot point. The UN also demanded that the mines be cleared, since they were in breach of the commitment undertaken by both parties to the armistice agreements to demilitarize the areas under their control.
Israel’s interests, however, transcended the security issue and were directly linked to the more fundamental question of sovereignty. Once Israel had claimed sovereignty in Jerusalem by February 1949, in defiance of the principle of *corpus separatum*, it extended its basic policy as equally valid in the part it controlled of the Mount Scopus enclave. John Bagot Glubb, the British commander of the Arab Legion, was quick to discern this development in the Israeli position, commenting:

Practically no move of the Jews has so far led to anything but further misfortunes for the Arabs and it can hardly fail to be clear to the most obtuse Arab that if the Israel claim to control the cemetery is admitted by accepting their present proposals, this is a first step in building up the Israel case for sovereignty over Scopus as a whole.49

Dow, the British consul-general, realized in 1951 that Israel had lost interest in the narrow issue of the mines, and that now “Israel has come out into the open with their claim of sovereignty over Mount Scopus area” and was directing its officials to refrain from discussing the specific local issue of the cemetery.50 Israel drew a line between clearing the mines and sovereignty by demanding that the policemen who were to ascend Mount Scopus to defuse the mines should be Israelis and should set out from Israeli territory, as they would enter the enclave according to the terms of the armistice agreements. Israel sought to apply a similar regulation to visitors, demanding that they be permitted to enter:

. . . only if they arrive at the area of Hadassah from any location in the territory of Israel. Since the cemetery area is part of the area of the state of Israel, only a person who is legally present in the area of the country is able to enter it. It thus follows that a person present in the area of the Hashemite state cannot come to the Hadassah area in order to visit the cemetery. Only citizens who are legally present in the state of Israel are able to ascend to Hadassah on our convoys, and from there to visit the cemetery.51

Israel thus sought to exploit the cemetery – a demilitarized area, part of which it controlled de facto – along with the need to defuse its mines and the British Commonwealth nations’ wish to enable its nationals to visit the graves of their loved ones, to establish its sovereignty in principle by setting up a regular and accepted border crossing into its territory in the enclave.

**Religious Commemorations and a Battle over Control**

The issue of remembrance ceremonies threatened to be more explosive than the question of the mines and their defusing. On 12 November 1951, the British consulate in Jerusalem was astounded to read in the *Jerusalem Post* that Israel had, on its own initiative, held a remembrance ceremony for Jewish war dead at the cemetery without informing or
involving any of the relevant bodies. The consulate was quick to report: “The Anglican Bishop . . . was most indignant, and the Moderator of the Scottish Church considered it at least ‘rather odd’.”52 Their anger was compounded by the fact that the consulate itself had that year decided not to hold a ceremony at the site out of consideration for the Israelis and the Jordanians, and had conducted only a modest ceremony attended by the consulate staff at the Scots Memorial Church in the western section of the city.53 The consulate-general in Jerusalem intended to lodge a complaint with the city’s governor and to point to the negative effect this step would have on public opinion in the Commonwealth countries.54

At the British legation in Tel Aviv, whose experience had shown that Israel was prepared to cooperate on the issue of Commonwealth cemeteries located on its territory,55 the decision made by Israel to hold a ceremony of its own to commemorate the Jewish war dead – at which Psalm 33 and excerpts from Samuel II were read and a wreath was laid at the section for Jewish graves – was received more forgivingly.56 While the head of the British legation in Tel Aviv was willing to agree that the Israelis may, by means of this step, have sought to underline their presence on Mount Scopus and their control over the cemetery, he nevertheless thought “that a genuine wish to hold some sort of ceremony of respect and remembrance was the leading motive.”57 The British Foreign Office in London was inclined to side with the conciliatory approach taken by the Tel
Aviv legation, and attempted to soothe the furious consul in Jerusalem, noting that the
Israelis exhibited “a strange blend of sensibility and tactlessness.”

The British consul-general’s suspicion of Israel’s ulterior motives was borne out by
events that occurred soon after. In the following years, every Armistice Day and every
Anzac Day, when Australians and New Zealanders commemorate their fallen soldiers,
became a contest over control, occupation, ownership, and sovereignty. Israel held no
ceremony in 1952 and only a modest ceremony in 1953; in 1954 Israel demanded that
the British delegation make a formal application via the UN if it wished to enter the
cemetery to conduct the annual remembrance ceremony. Israel eventually relented and
accepted an enquiry from the UN representative, who in his letter expressed the hope
that Israel would have no objection to the holding of the ceremony. In 1955, the new
British consul-general in Jerusalem Thomas Wikeley sought to hold a full ceremony
or, as one of his colleagues described the vision, “the ceremony should be considerably
more ambitious.” Declaring that he wished to lend the ceremony “sanity and dignity,”
the consul intended to invite a long list of guests including the British, Australian, and
Pakistani diplomatic corps, as well as representatives of the Jordanian Arab Legion and
its British officers, and furthermore to introduce a change in the ceremony itself. He
wrote to his superior in London’s Foreign Office Levant Department:

Last year the Jewish chaplain of the Jewish garrison on Mount Scopus read
some prayers, as British servicemen of the Jewish Faith are thought to be
buried there. I have asked the Imperial War Graves Commission in Cyprus
to confirm urgently whether this is so, and to tell me also whether any
Moslem troops from India, Pakistan or elsewhere are buried there because,
if they are, it would seem to necessitate the presence of a Moslem religious
dignitary to balance the Rabbi, and that might make things a bit chaotic.

Apart from the twenty-four Jews, only Christians were known to be buried at the
Commonwealth cemetery on Mount Scopus. Unlike in Europe, where the military
authorities had during the course of World War I managed to give Indian and Chinese
war dead a full military funeral, in Jerusalem they had failed to do so. The bodies of the
fallen soldiers from the Indian units – who had initially fought on the French front, were
transferred to Iraq, and had ended up fighting in Palestine – were separated in Jerusalem
from the bodies of the other Commonwealth war dead and were buried in two communal
graves in Talpiot, a southeast neighborhood of the city. Thirty-one of these soldiers were
buried in a Muslim communal grave, and 47 in a grave designated for Hindu, Sikh, and
Gurkha troops. Neither did some 2,000 Muslim soldiers of the Egyptian Labor Corps
who served as auxiliaries in the campaign, some forcefully conscripted, receive a dignified
burial. In general, including in Jerusalem, they were not buried in military cemeteries
but rather in communal graves, without being identified, and they were not listed among
the war dead. It is unclear whether, in taking this initiative, the British consul-general
sought to create or to disturb a balance. It appears he understood well that “ambitious”
plans that undermined the status quo tended to make waves. In any event, neither the
Commonwealth cemetery nor the annual remembrance ceremony held in it seemed an appropriate place or time to establish a Muslim presence, the absence of which was a direct consequence of British policy in World War I.

Tensions reached a peak in 1956 when, in response to a communication from the UN representative regarding the ceremony planned for the coming November, Israel announced that it refused to conduct its foreign affairs through UNTSO, “and if the British want anything, they must approach us in the proper way.” The British had no intention of acceding to this demand, which they regarded as contrary to the principle of UN control over the enclave that all the parties had accepted as part of the armistice agreement signed on 7 July 1948. With the support of the UN commander, they chose to ignore the Israeli position, to proceed with their preparations, and to exploit this
golden opportunity to free themselves of Israel’s presence and hold the ceremony in its absence.\textsuperscript{69} The UN commander and the British consul-general took a firmer stand as they addressed the issue of military trumpeters. Should Israel bar the entrance of the trumpeters on the grounds that they were a military contingent, the UN commander suggested that they play their trumpets from the adjacent Jordanian territory, a proposal that the British Foreign Office found “ingenious.”\textsuperscript{70} Then, however, the Sinai war erupted and the UN commander together with the British consul-general decided to cancel the ceremony in favor of a modest activity whereby a Canadian officer would lay a wreath.\textsuperscript{71} When Israel learned that the ceremony was to be canceled, it sent out an open invitation to the ceremony that it intended to hold, which elicited a swift and angry response from the British consul-general, who wrote:

\begin{quote}
The cemetery was neither Israel Government property nor Israel private property, but British property belonging to the Imperial War Graves Commission, and it was on this property which is, moreover, of a sacred nature, that the Israel authorities without obtaining permission from, or even consulting, the owner’s representative, were intending to hold a military ceremony.\textsuperscript{72}
\end{quote}

On another occasion he added that Britain had no intention of accepting the holding of a ceremony by “an alien force” on the grounds of the cemetery, and that Israel should thus change its mind, which it eventually agreed to do.\textsuperscript{73}

\section*{Creeping Sovereignty and the Isolation of al-‘Isawiyya}

Israel continued to promote its sovereignty over the grounds of the Commonwealth cemetery throughout the enclave’s life span, from 1948 to 1967. Once the issue of the mines was resolved, with Israel clearing the mines,\textsuperscript{74} and an agreement was reached on the annual remembrance ceremonies, new disagreements arose with regard to visitors and delegations, gardening, and the like. Far more serious confrontations erupted in the wake of Israel’s policy toward the approximately one thousand residents of the Palestinian village of al-‘Isawiyya, which was also situated in the Israeli section of the enclave. Outside of the question of sovereignty, various international bodies were prepared to recognize Israel’s ownership of the Hebrew University and Hadassah Hospital, and some became inclined to agree that while the Commonwealth cemetery did not belong to Israel and lay beyond the fence, it was within the area under its de facto control. However, not a single international body would countenance Israel’s claim that under the various agreements al-‘Isawiyya, which lay beyond the fence, should come under its control.

This did not deter – and perhaps even encouraged – Israel to exert its control on the ground through steps that impacted all aspects of the villagers’ lives and compromised their fundamental human rights. Israel’s motives for effectively extending its control
were strategic in nature, and derived from the Mount Scopus enclave’s location, for example, overlooking the main route between Ramallah and Jericho. Unrecognized by its neighbors, Israel had no sustainable borders. It constantly took steps to expand its territory beyond the partition borders, as well as those derived from the outcome of the 1948 war and the armistice agreements. It took a calculated risk by provoking incidents that forced international actors to take note of it and its demands in light of refusals to recognize it. The Mount Scopus enclave and the Commonwealth cemetery were subordinated to this pattern of behavior.

The international community had not recognized Israel’s sovereignty in Jerusalem, nor in the territory of the demilitarized enclave under UN auspices. Lacking international legal sovereignty, Israel sought to establish its sovereignty by other means, such as applying domestic sovereignty by imposing its authority on the villagers of al-'Isawiyya. The Commonwealth cemetery opened up further opportunities for Israeli action. Its activity there anticipated international law, which only in 1977 dealt with the issue. Protocol I to the Geneva Convention called upon nations to take care of cemeteries that contained graves of soldiers who fell in wars in which they had not been involved, something that Israel had done since 1948. In rejecting the diplomatic attempts on the part of Britain and the Commonwealth nations as well as those of the Imperial War Graves Commission to tend the cemetery and to hold ceremonies in it, Israel applied its Vattelian sovereignty. At the same time, the supervision it was able to impose on those entering and exiting its territory in the enclave to visit and tend the cemetery accorded it a golden opportunity to display its interdependence sovereignty. Its actions aroused anger and animosity, but appeared to serve their purpose. By initially obstructing the British from paying final respects to the fallen soldiers of World War I and then showing its great concern for them, Israel expanded its border and applied its sovereignty in the demilitarized enclave, in a no man’s land within the city accorded the status of corpus separatum.

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Endnotes
Resting in Peace in No Man’s Land

4 Pictet, *Geneva Conventions*, 175 (article 17).


9 “Jerusalem before Christmas,” was the instruction given by British prime minister Lloyd George to General Edmund Allenby from the war cabinet at their meeting in June 1917. Allenby entered Jaffa Gate on 11 December 1917 after dismounting from his horse and marched on foot, according to the directions he received from London. This gesture, intended to mark the difference between his entrance and that of Kaiser Wilhelm II, who famously entered the gates of the city riding a horse in 1898, was interpreted at the time as an act of Christian reverence for the dignity of this holy site.

10 See Meron Benvenisti, *‘Ir ha-menuhot: bate ha-’almin shel Yerushalayim* [City of Eternal Rest: Cemeteries of Jerusalem] (Jerusalem: Keter, 1990), 40. See also information on the Jerusalem War Cemetery on the official website of the Commonwealth War Graves Commission, online at www.cwgc.org/find-a-cemetery/cemetery/71401/jerusalem-war-cemetery/ (accessed 13 September 2017).


15 Gullot, *Australian Imperial*, 487.

16 Fuchs, “Sites of Memory,” 649.


18 Fuchs, “Sites of Memory,” 658.

19 Katjn writes: “The cool, balm-laden wind is scented with a fragrance of rosemary. It rises from the low hedges which surround the white graves. Rosemary borders the sleeping soldiers, and in its luscious greenness, so rare among these arid brown hills, it turns the memory to dear old England, and perhaps to the rustic churchyard at the close of the meadow-path.” Katjn, “Flowering Graves,” 210.


23 The commission rejected out of hand initiatives to preempt such expansion by purchasing the land adjoining the cemetery, clearly distinguishing between its mandate to protect the rights of the war dead and the issue of urban planning. See Arthur Wauchope to Field-Marshall Philip Chetwode, 10 November 1936, Commonwealth War Graves Commission Archive, WG 1561 Pt. 2: “[T]he Appeal for the land round the War Cemetery is not one on behalf of the dead. The object of the scheme is to preserve, so far as possible, the immediate surroundings of a beautiful memorial (incidentally to the Army as well as to the dead) in the interests of town-planning and if this object could be achieved it would be a lasting benefit to present and future inhabitants in Jerusalem. Had it concerned the dead we of course would have been in a position to deal with the matter out of our funds, and, as you know, we never appeal to the public.”

24 The Mount Scopus enclave was demilitarized as a single entity, thus including the British cemetery.
While no specific mention of the cemetery is made in the 7 July 1948 agreement, it is included in the area drawn in the map of the demilitarized zone. See the UN Document “Mount Scopus”, 21 December 1957, UN Archives, S-0326-0003-12, File VII, British War Cemetery.


29 Rav Seren Ramati to Sgan Alouf, Moshe Dayan, and Dr. Biran, “MAC Meeting Held at Mandelbaum Gate at 11:00 hours, August 11, 1949,” IDFA 1338/1979, 302, items 72–4.

30 M. S. Comay, Director of the Commonwealth Division, to C. T. Crow, First Secretary of the British Legation, 24 November 1949, IDFA 1338/1979, 302, item 65.

31 Hugh Dow to G. W. Furlonge, 20 March 1950, the National Archives (UK) [TNA], Foreign Office [FO] 371/82181, EE1017/24.


33 They reported that they had attempted to speak to the Israeli guards at the cemetery, but “we did not get much out of them as they spoke no language known to us but a very little French.” The document expresses a similar attitude toward the UN itself, which enabled children from al-“Isawiyya to block the road leading to the cemetery with a pile of stones. Hugh Dow to G. W. Furlonge, 20 March 1950, TNA, FO 371/82181, EE1017/24.

34 Sillar to Kemball, 21 April 1950.

35 Knox Helm to G. W. Furlonge, 18 May 1951, TNA, FO 371/91431, EE1851/21; Eastern Department to Chancery, 27 July 1951, TNA, FO 371/91431, EE1851/33.

36 J. E. Chadwick to the Eastern Department, 19 December 1950, TNA, FO 371/82182, EE1017/54; Hugh Dow to the Foreign Office, 1 February 1951, TNA, FO 371/9143, EE1851/9; Knox Helm to G. W. Furlonge, 18 May 1951, TNA, FO 371/91431, EE1851/21; Vagn Bennike, UN Truce Supervision Organization, to Vice-Chairman of the Imperial War Graves Commission, 20 November 1953, TNA, FO 371/110872, VE1851/1.


38 Chadwick to the Eastern Department, 19 December 1950; P. R. Oliver, “Imperial War Graves Cemetery, Mount Scopus,” 2 January 1951, TNA, FO 371/82182, EE1017/56.


40 Wardrop to Chancery, 6 December 1950, (article 7.iii), TNA, FO 371/82182, EE1017/47; Foreign Office to Tel Aviv, 7 December 1950, TNA, FO 371/82182, EE1017/47; E. A. Griffin to F. C. Sillar, 30 November 1950, TNA, FO 371/82182, EE1017/52; Dow to Riley, 17 January 1951.

41 P. R. Oliver to Wardrop, 10 April 1951, TNA, FO 371/91431, EE1851/16.
42 Commonwealth Relations Office, Correspondence and minutes of the Imperial War Graves Commission, 22 May 1951, TNA, FO 371/91431, EE1851/20; T. Wikeley, British Consulate General, to R. M. Hadow, Foreign Office, 26 September 1956, TNA, FO 371/91431, EE1851/27; A. S. Brown to Furlonge, 20 August 1951, TNA, FO 371/91431, EE 1851/37.

43 “Parliamentary Question,” 7 February 1951, TNA, FO 371/91431, EE1851/12.


46 “Addressed to Foreign Office, telegram no. 210, 26 July 1950,” TNA, FO 371/91431, EE1851/5.

47 Judd to Foreign Office, 26 July 1950, TNA, FO 371/82182, EE1017/37.

48 Hugh Dow to Foreign Office, 1 February 1951, TNA, FO 371/91431, EE1851/9.

49 J. B. Glubb to G. W. Furlonge, 11 August 1951, TNA, FO 371/91431, EE1851/38.

50 Hugh Dow to G. W. Furlonge, 21 April 1951, TNA, FO 371/91431, EE1851/18; Hugh Dow to G. W. Furlonge, 23 May 1951, TNA, FO 371/91431, EE1851/25.

51 A. Biran to M. Comay, Director of the Anglo-Saxon Department at the Foreign Office, 8 March 1951, IDFA 1338/1979, 302, item 57.

52 R. G. Monypenny to G. W. Furlonge, 17 November 1951, TNA, FO 371/91431, EE1851/42.

53 Monypenny to Furlonge, 17 November 1951.

54 Annex B: “Draft to serve as basis for letter or note of protest to Israeli Governor,” Monypenny to Furlonge, 17 November 1951.

55 J. E. Chandwick, British Legation, to G. W. Furlonge, Eastern Department Foreign Office, 1 December 1951, TNA, FO 371/91431, EE1851/44.

56 A. Biran, District Commissioner, to R. G. Monypenny, British Consulate General, 9 December 1951, TNAFO 371/91431, EE1851/45.

57 J. E. Chandwick, British Legation to G. W. Furlonge, Eastern Department Foreign Office, 1 December 1951, TNA, FO 371/91431, EE1851/44.

58 J. C. Wardrop to H. R. D. Gybson-Monypenny, 8 December 1951, TNA, FO 371/91431, EE1851/44.


62 T. Wikeley, British Consulate General, to E. M. Rose, Levant Department, 8 September 1955, TNA, FO 371/115632, VE1851/42.

63 Benvenisti, ‘Ir ha-menuhot, 44.

64 Fuchs, “Sites of Memory,” 650.

65 Benvenisti, ‘Ir ha-menuhot, 44.

66 Wikeley wrote, for example, that “it would be nice if the local British commander of the Arab Legion and other British officers in the Legion could also attend (though it might be asking too much of both the Jordanians and the Israelis).” T. Wikeley, British Consulate General, to E. M. Rose, Levant Department, 8 September 1955, TNA, FO 371/115632, VE1851/42.


73 G. J. Austin, Chief of Staff’s Representative for Mount Scopus, “Remembrance Day Ceremony, 11 November,” 11 November 1956, TNA, FO 371/121458, VE1851/32; Jerusalem to Foreign Office, 12 November 1959, TNA, FO 371/141895, VE1851/16.
74 Mine-Clearing in Scopus Cemetery, 17 November 1955, TNA, FO 371/115633, VE 1851/68.
77 See clause 34 in Protocol I. Petrig, “War Dead,” 362.
This article explores the evolution of attitudes toward Zionism expressed by the editors of the Jaffa-based newspaper Filastin in the first years of its publication, 1911–1914. During this short time span, the opinions published by the editors showed a profound metamorphosis. At the beginning, their stance could be described as cautious neutrality with a guardedly favorable perception of Zionist colonization. However, in the months leading to World War I, Filastin had become an unequivocally anti-Zionist newspaper that warned its readers about the political ambitions of the Zionists and the looming threat of losing Palestine to them.

The Young Turk Revolution of July 1908 ushered in the second constitutional period and led to profound changes in the Ottoman Empire in general and in Palestine in particular. Among the most important of these were the end of Sultan ‘Abd al-Hamid II’s autocracy, reinstatement of the constitution, election of a new parliament, and lifting of censorship. Palestine witnessed a boom in newspaper publication. Whereas previously there were no private Arabic newspapers in Palestine, in the short period before World War I more than thirty Arabic periodicals were founded.1 Among the most important and influential was the biweekly Filastin, published from the beginning of 1911 by the cousins ‘Isa al-‘Isa (owner and managing director) and Yusuf al-‘Isa (editor-in-chief) in Jaffa.2 These Arab Orthodox Christians established the newspaper as an organ of the “Orthodox Renaissance,” among whose goals was the empowerment of the native Arab Christians in their struggle against the Brotherhood of the Holy Sepulchre, which monopolized the patriarchate of Jerusalem.3

Modern Jewish immigration to Palestine began at the turn of the 1880s and in 1897 the Zionist Organization was established at the
First Zionist Congress in Basel. By 1914, various Jewish individuals and organizations had purchased about 450 square kilometers of land for the foundation of almost fifty settlements. Arab responses to Zionist colonization became more vocal only after 1908, when periodical publications were established. It took several more years for anti-Zionism to become a widely held sentiment in Palestine and Greater Syria. By the beginning of 1911, the editorial line of several newspapers from Haifa, Beirut, and Damascus had become highly critical of Zionist colonization especially following the al-Fula Affair and al-Asfar Project.

The Period of Positive Neutrality

Initially Filastin’s attitude toward Zionist colonization was cautiously favorable, grounded in the Ottomanist belief that the progress of inhabitants of the country regardless of their faith and country of origin meant progress for all. Yet over time the exclusivist nature of the Zionist project and specifically of the Second Aliyah became clear to the ‘Isa cousins, first in the urban settings where they were familiar with it and subsequently in the rural areas as well. This led them increasingly to associate Zionism with danger, and to suppress all memory of what had previously been a more ambivalent than antagonistic relationship. Several scholars have pointed out Filastin’s changing position on Zionism, among them Neville Mandel, Khayriyya Qasimiyya, and Evelin Dierauff, but this is the first known attempt to analyze the changes that took place in Filastin’s discourse on Zionism during the second constitutional period of Ottoman rule.

Unfortunately, the earliest issues of Filastin printed in the first half of 1911 are missing; the first issue extant is number 51, published on 15 July 1911. Soon thereafter an anti-Zionist article by Mustafa Tamr was published in the newspaper. However, the editors changed the original title submitted by the author “The Danger of the Zionist Colonization” (Khatar al-isti’mar al-sahyuni), removing the word “danger” (khatar). In the article, Tamr writes openly about the economic damage the Zionists would cause and their political ambitions: “they seek to establish their independent government.”

The article “An Example for Our Municipality and an Inquiry” (Umthula li-baladiyyatina wa istifham), published in the same issue, tells a story of two Arab vegetable vendors who were each fined a quarter of a mecidiye (a silver coin worth about twenty piasters) by the commission of the Jewish settlement of Rishon le-Zion for cheating on weights. It is written in a neutral manner. However, at the end the author wonders about the legal aspect of this procedure, asking, “To which box will go this fine, which is coming out of the pocket of the Ottomans in a country over which an Ottoman flag still flutters?” The following issue of the newspaper contained a critical response by a Zionist author to the article. This is the first available example of a pattern that recurred in the periodical in the following period: whenever Filastin published information regarding Jewish settlements or Jews in Palestine which was somewhat critical, Jewish authors would respond to it, usually rather quickly, in the same newspaper. The editors
were very forthcoming to reactions from readers and published even those that were disapproving of the newspaper’s content.

In August 1911, the newspaper reprinted the last two paragraphs of a long article, “Tourism in Palestine,” written by Shukri al-‘Asali, which had originally been featured in al-Muqtabas in Damascus. In the original piece Shukri al-‘Asali refers to a treatise on Zionism in the Jewish Encyclopedia and talks unequivocally about political ambitions of the Zionists, mentioning “their efforts to establish a Jewish government in Palestine.” This part was not included in Filastin. In their comment, the editors paraphrase his words much more mildly and leave out Zionist political aspirations. They note only that Shukri al-‘Asali sees in the Zionists “harm to his homeland.”

In mid-September 1911, the first of a series of disputes between supporters and opponents of Zionism commenced. Several such altercations occurred on the pages of Filastin in the years 1911–1912. The participants in this first acrimonious exchange were the Sephardi Zionist activist Shimon Moyal (Sham’un Muyal) and the Arab pharmacist Muhammad Amin Sahyun. It began when Moyal accused the Economic Commercial Company in Jaffa of having as its goal “to fight the Jews [al-yahud] and to plant hatred of them in the hearts of the inhabitants of the city and the villages and to incite them [the Jaffans and villagers] against them [Jews] in order to force them to leave this country.” The editors, after being asked for details by someone with the penname “a free Ottoman,” contended that “Doctor Moyal confused it [the company] with the Patriotic Party which has recently been formed in our city and this party has no relation to the company.” Concerning the Ottoman Patriotic Party, “it is convinced that the Zionist colonization harms the country and wants to resist it.” The next issue contains Moyal’s response both to this article and to Yusuf al-‘Isa’s comment. The same issue also includes Sahyun’s reply to Moyal’s first article. With regard to the above-mentioned party, Sahyun explained that “a strong factor in its foundation was its members’ perception and its founders’ sense of an imminent danger to the country and a violent torrent that has come over it and has almost definitively destroyed its political and economic life: the Zionist Organization. This is the strongest motive for its establishment.” However, he insisted that “the party opposes the Zionists specifically, not Israelites in general.” He concluded his long piece with the following words: “we will oppose the Zionist Organization; it is our archenemy against which we desperately fight by just and lawful means.” After another round of discussion, in which Moyal accused his opponent of anti-Semitism (‘ada’uka li-l-yahud), the newspaper ended the exchange.

Clearly during this period, even though the newspaper facilitated a discussion of Zionism by contributors, the editors were unwilling to take sides in the debate and avoided their own examination of this issue as much as possible. Even when Yusuf al-‘Isa treated the subject in passing in some of his editorials, he did so while discussing other topics and emphasized that it was not his objective to explore Zionism itself. In Yusuf al-‘Isa’s discussion of the practices pertaining to the Red Paper policy, he wrote: “We do not intend to go into the subject of Israelite immigration and colonization and to talk about its harm or benefit.” The purpose of this editorial was to inform
the authorities about foreign meddling in internal Ottoman affairs, since the Russian consul was disregarding proper procedure by bypassing the qa‘immaqam (governor of the subdistrict) and dealing directly with a lower official in the port of Jaffa.24

A piece published at the beginning of November 1911 sheds more light on the newspaper’s policy vis-à-vis Zionism. Filastin received a letter from an author with the pen-name “a friend of justice” who wrote: “You say that you are neutral in the Israelite issue.”25 The response of the editors contains important information regarding the discussion of Zionism: “The reader has made a mistake when he mentioned that we opened the rubric ‘From and To’ concerning the Israelites, for we have opened it because of the Zionist issue so that the pens of the writers have sufficient space to criticize or commend the Zionist colonization.”26 The fact that the editors actively solicited the opinions of readers on these questions suggests that they were far from decided on the issue.

Based on textual analysis of the content of the newspaper, it seems that until the summer of 1912, the editors of Filastin did not consider Zionism either an economic or a political threat to Palestine. Moreover, in some cases, when they published writings of external authors, they evidently downplayed or omitted their remarks on the danger of Zionism or its political character.

From Neutrality to Criticism

Almost a year and a half after its inception, Filastin began to change its attitude toward Zionism. At the outset of this shift was the article “The Immigrants and the High Costs of Living,” in which Yusuf al-‘Isa discussed the reasons for increased living costs in his hometown. First he dealt with general causes and then proceeded to the particular situation in Jaffa: “We believe that the greatest reason for our hard contemporary life here is the continuous increase in the number of Israelite immigrants among us.”27 The author immediately emphasized that the goal of this report was not to attack the “Israelites” and said that “they have the right to live how they want and in any country they want.”28 He thought that the general increase in population was a positive development, but only if the immigrants integrated with the native population, which was not true of Jewish newcomers. “They are receiving two natural consequences of the population growth: I mean high living costs and increased earnings, while we are only facing one consequence and it is: high living costs.”29

The subsequent editorial “We Are Silent and They Make Us Speak” is crucial to understanding the thinking of Yusuf al-‘Isa at this time regarding Jews in general and Zionist colonization in particular.30 It responds to a harsh rejoinder by Abraham Ludvipol, head of the Press Bureau of the Palestine Office (the Jaffa branch of the Zionist Organization), to the earlier article on rising living costs.31 Yusuf al-‘Isa included the translation of Ludvipol’s letter, which refuted the allegations of Jews’ economic exclusiveness and their boycott of non-Jewish shops and extolled the benefits brought to the natives by three settlements – Petah Tikva, Rehovot, and Rishon le-Zion – where
thousands of non-Jews were employed. In addition, he accused the editor-in-chief of being “filled with hatred of Jews and [that] this view of anti-Semitism follows him wherever he turns.” Yusuf al-‘Isa thought that the harshness of the response resulted from a mistranslation of his editorial:

We are not permeated with hatred of the Jewish race, as the author assumes, because we do not recognize and do not want to recognize the existence of a Jewish race [al-‘unsur al-yahudi]. We only acknowledge that there is an Israelite religion [al-diyana al-isra’iliyya], which we honor and esteem . . . and that among the sons of this religion are those [who belong to] Turkish, Indian, Russian, and Arab races [al-‘anasir].

This quotation is key to understanding the perspective of the newspaper’s editors toward Jews and Zionism at that time. Clearly, in Yusuf al-‘Isa’s perception, Jews were adherents of Judaism from various racial and national origins. This offers a possible explanation as to why the editors did not attribute political and national ambitions to the Zionists. Then Yusuf al-‘Isa proceeded to the issue of economic exclusiveness. According to him, the two communities behaved differently: whereas the “Israelites” search for a shop of their coreligionist, the natives searched for the cheapest shop and did not care who its owner was. The editor-in-chief further revealed his ambivalence and even positive associations with Jewish immigration and colonization while also rejecting the notion of exclusivist Zionism in a passage that deserves quoting at length (with emphasis added):

We have laughed because the writer, like our other Jewish authors [katabat al-yahud], has used the usual spell and directed our attention to the “blue pearl” which they are accustomed to bringing as soon as you [start] talking about them, namely Dayran, Mulabbis, and ‘Uyun Qara [the Arabic names for Rehovot, Petah Tikva, and Rishon le-Zion] and the non-Israelite workers [employed] in them. We did not turn our attention to colonization in our writing, and if we wanted to go into it . . . we would have reminded them of the Yemeni Jews [al-yahud al-yaman (sic)] whom the organization collects in the markets of Jerusalem and sends every day by train to the settlement of ‘Artuf and others in spite of the abundance of native peasants there. But we have said and continue to say that we do not believe Israelite colonization of our vast open country to be dangerous; no, we even see some benefits from it, because the mutual embrace of the Israelites in the villages does not represent an obstacle to civilization. This is because the interest of every village is independent in itself and does not depend on the interest of the village next to it, unlike a city in which one group of inhabitants rises and forms a city within the city and the mutual benefit is lost and not [much] time will pass until the strong will destroy the existence of the weak . . ., the original inhabitants will be scattered and will leave for other countries. . .
In conclusion, our Israelite brothers will allow us to say that the vehemence of this sensitivity that overcomes them every time their name is mentioned in a civilizational matter makes a man doubt and think that there is something fishy. You should be content with our respect toward you as the adherents of a divine religion and not try to force us to consider you a secular race [‘unsuran madaniyyan] in spite of the diversity of languages, races, and citizenships of their members [lughat, ajnas wa tabi’yyat afradihim].

There is no doubt that the editors of Filastin were aware that many fellow journalists, writers, officials, and politicians were convinced of the political ambitions of the Zionists and the economic harmfulness of Zionism, and considered the movement a danger to Palestine and the Ottoman Empire. The question is why they did not share their view from the very beginning. There are likely several reasons. As mentioned above, among the most important was their conviction that being a Jew meant being a member of a religious group. Because of that and the fact that Jews originated in various states and spoke different languages, the editors did not think at that time that Jews constituted a separate race or nation. Furthermore, as declared in Yusuf al-‘Isa’s editorial, initially they considered Zionist colonization beneficial for the rural areas. It seems that the editors were convinced that the positive example of the Jewish settlements and exposure to modern agricultural practices could help peasants in neighboring villages to learn from them and improve their lot. Here we can also find their motivation for cooperation with the Zionist agronomist Menashe Meirovitch in the series of seventeen “Letters from a Peasant” (rasa’il fallah) published in Filastin in 1911–1912. Unlike Najib Nassar, editor of the Haifa-based newspaper al-Karmil, or Shukri al-‘Asali, qa’immaqam (subdistrict governor) of Nazareth and later a member of the Ottoman parliament, who were aware of the situation in the countryside due to their first-hand experience with Zionist land purchases and evictions of the peasants inhabiting them by the new owners, it seems that the ‘Isa cousins lacked this understanding as they were much more familiar with the urban environment. This contention is supported by the editorial “We Are Silent and They Make Us Speak,” which indicates that the editors of Filastin first started to consider Zionist immigration damaging to the native urban population, and only later to the peasants.

Their delayed awakening to the dangers of Zionism, in contrast to Nassar and al-‘Asali, could also have been due to the differences in the progress of Jewish settlement expansion in previous years between the northern districts of Palestine and the Jerusalem mutasarrifate. From the beginning of the twentieth century, land purchases and new settlements were concentrated in the north, especially in the Galilee where, according to Rashid Khalidi, “twelve of the fifteen Jewish settlements established in Palestine between 1901 and 1912 were located.” Ruppin gives slightly different numbers, but the overall picture is similar: According to him, no Jewish settlements were established in the Jerusalem mutasarrifate from 1897–1905. In the years 1899–1913, twelve Jewish colonies were set up on more than 95,000 dunums in the lower Galilee, where there were previously none. Another four were founded at that time around Haifa and in the Marj
ibn ‘Amir plain on almost 38,000 dunums. On the other hand, from 1906–1913, seven Jewish settlements were established in the Jerusalem mutasarrifate on 22,000 dunums, which was less than 17 percent of the size of the settlements in the sanjaq of Acre. Overall, the area purchased by Jews in the years 1881–1914 in the northern regions was almost three times larger than the area they acquired in the Jerusalem mutasarrifate.40

These land purchases were often accompanied by the forced expulsion of Arab peasants. Two such prominent affairs took place in the first decade of the twentieth century in the Tiberias subdistrict and in al-Fula in the Nazareth subdistrict, which were both situated in the district of Acre where al-Karmil was published.41 In light of the fact that the Jerusalem mutasarrifate had not witnessed such high-profile cases in previous years and, moreover, the long-established Jewish settlements located there relied heavily on the Arab workforce, the different perspective of Filastin’s editors is understandable. One also has to bear in mind that the newspapers published in Palestine during the Ottoman period were, as Ya’qub Yehoshua called them, “newspapers of the mutasarrifates” and primarily focused on the events that took place within their district.42 In addition, Jaffa was the seat of the Zionist Organization’s Palestine Office and in the city was a group of Ashkenazi and Sephardi activists dedicated to the propagation of the benefits of Zionist colonization for both Palestine and the Ottoman Empire.43 Thus, contradictory information in this regard was widely disseminated, which people unfamiliar with the rural conditions and the Zionist movement might have had difficulty in discerning.

The seeds of doubt planted in the minds of the editors were substantiated in the second half of 1912 when several contentious issues arose and were discussed in the newspaper. Crucial among them were the admission of non-Jewish students to the Miqve Yisra’el (Netter) school, Shimon Moyal’s publication of articles under false identities in Arabic newspapers, and the Jarisha mills sale.

Miqve Yisra’el, an agricultural school founded in 1870 by Charles Netter, was part of the system of educational institutions run by the Alliance Israélite Universelle.44 A heated discussion took place in the newspaper from August to October 1912 with regard to the school’s treatment of non-Jewish students. As stated in its founding imperial firman (decree), it was an Ottoman school and was therefore obliged to accept all Ottomans regardless of their faith, a requirement that, according to Filastin, was not observed.45 Nissim Malul (a Sephardi Jew employed in the Press Bureau of the Palestine Office) entered this debate by publishing an article in the Beirut newspaper al-Nasir in which he denied that the school would not be accepting “non-Israelites”; on the contrary, it would welcome everyone. To prove his point, he brought up the names of eleven such students who had supposedly completed their studies at the school in recent years.46 Filastin objected, claiming that the reality was completely different and only a very few non-Jewish students, mostly with fathers who were high-ranking officials or worked in the settlement, were admitted to study there.47 One former student, Fayiz Effendi Haddad, sent a letter to the newspaper in which he shared with readers his experiences as well as those of his two Arab classmates. He claimed that they were only allowed to attend general subjects and were not permitted to study agriculture. Furthermore, he bitterly
complained about the contemptuous way they were treated by their Jewish schoolmates and teachers. His classmate Hilmi Ahmad, the son of Hafiz Bey al-Sa‘id, the former deputy in the Ottoman parliament for the Jerusalem mutasarrifate, was dismissed from the school after two months of attendance. Another Arab Palestinian, Muhammad ‘Ali al-Tahir, a youth whom the director of the Netter school had refused to admit, also recounted his humiliating experience in the pages of Filastin. This affair was different from the previous ones discussed in the newspaper. Not only did it last longer, for about two months, but even more importantly, the editors took active part in the discussions and did not hesitate to openly declare their critical position, unlike in the past, when they had restricted themselves to defensively justifying their handling of the subject.

This affair must have profoundly affected the editors of Filastin for two reasons. First, they considered modernization of agriculture crucial to improving the situation of the peasants and the predominantly rural society as a whole. The discriminatory admission policy of the Netter school could be interpreted as aimed at preventing the non-Jewish native population from gaining the necessary skills to advance their farming and enhance their situation. Another important lesson the editors and the readers of Filastin took from this and similar controversies was the realization that Zionist authors were engaged in a systematic campaign to concoct and distort the truth with regard to Zionism. Participants were not only Ashkenazim (like Ludvipol), but also Sephardim, some of them, like Malul and Moyal, at its forefront. In this particular case, the testimonies of both the former student and the unsuccessful applicant were unequivocal and confirmed the version provided by the newspaper’s editors. In this light, it is not surprising that the “Letters from a Peasant” were discontinued at precisely the same time that this controversy arose. The editors might have arrived at the conclusion that Meirovitch was also engaged in whitewashing Zionist colonization. The timing of the termination of this long-established series with the Netter school affair is a further indication of the severe impact of the controversy.

The dispute with Ludvipol on rising living costs had aroused the suspicions of the editors, but the policy of the Netter school and the concomitant dispute opened their eyes and, after further episodes discussed below confirmed their suspicions, led to the abandonment of the newspaper’s neutrality toward Zionism.

The deteriorating relationship was further underscored in December 1912 when Filastin printed a number of articles about a mysterious walad mash‘um (sinister son), which very likely referred to Shimon Moyal. Even though Moyal’s name is not mentioned in any of Filastin’s articles dealing with this matter, several indications point to him. In an article published in Filastin that month, Wahba Tamari wrote about a letter sent by “the sinister son” under the pseudonym Sab‘ Effendi al-Tayyib to the newspaper al-Haqiqa. He reproduced the text of this letter, at the end of which its author asked the editor-in-chief of al-Haqiqa to send him a few copies of the issue in which his article would be printed to the following address: “Sab‘ Effendi al-Tayyib in the Moyal agency, opposite the fish market.” Further, both Tamari (in his December 1912 article) and ‘Isa al-‘Isa (in his later memoirs) reference the latter’s satirical poem on Moyal.
In an editorial entitled “The Sinister Son,” Yusuf al-‘Isa described this individual’s activities in the following words: “This sinister son insisted on arousing the aversion of the native population toward his Israelite people. He made it his habit to sow seeds of hatred and stoke the fire of discord between Christians and Muslims.” The editor-in-chief also accused him of planting articles under false identities in various Arabic newspapers. Yusuf al-‘Isa wrote that during the previous year every time the word “Israelite” was mentioned in the newspaper, the “sinister son” responded with provocations “claiming that he is the sole defender of this energetic religious community [umma] which is only marred by the existence of people like him among them.” Yusuf al-‘Isa wrote this editorial because Moyal, under the pseudonym Muhammad Amin Midhat, published a letter in the Jerusalem newspaper al-Nafir calling for people to attack the premises of Filastin, destroy the printing equipment, and throw its editors in jail for their support of the Committee of Union and Progress (CUP). Yusuf al-‘Isa pointed out the hypocrisy of the inciter, saying: “Nevertheless, we remember that the [person] indignant at us used to be in the center of the front row in every picture that was taken of the members of the [CUP] club. And he relished in marching under the Unionist emblem and sitting at the head of the people on every official holiday.” At the end of this article, Yusuf al-‘Isa asked the Jewish community to dissociate themselves from this person to show that they did not agree with him.

In early December, Filastin reported about the planned purchase at auction of the Jarisha mills on al-‘Awja River by Yusuf Effendi Wafa, who was considered a Zionist middleman. The administrative council had discussed the sale behind closed doors. However, as the editors came to believe that this was a matter of public interest, they decided to publicize it so that the people would prevent the “transfer of the most significant vital resource in their country to the hands of others [ghayrihim] after a large part of its water had been taken away by the settlement of Mulabbis [Petah Tikva].” One week later it reported joyfully that a petition had resulted in the administrative council changing its decision about the “necessity to buy the Jarisha and al-Farukhiyya river mills for the public interest.” This was the first time that Filastin took a stand against a real estate transaction that would have resulted in an addition to Zionist properties. This was a significant shift, and from this point on Filastin began to see such property sales in a different light and started opposing them actively and even inducing the public and the authorities to take steps to prevent them.

Previously, the newspaper had discussed land sales to Zionists in a neutral manner as regular real estate transactions. In August 1911, for example, the newspaper treated the sale of Khur al-Wadi to the Zionists as an ordinary transaction, with no critical comment attached. It was described as a “profitable trade for the broker,” an unnamed prominent inhabitant of Jaffa, who was to buy the land from the Bedouin Shaykh Muhammad al-Faris and then sell it on with a profit of 66 percent. Filastin’s editors expressed no alarm at this imminent land sale in either of the two articles dealing with this matter at that time. Even in September 1912, when the settlers from Petah Tikva installed a powerful (120 horsepower) pump on al-‘Awja River in order to water their plantations, Filastin had reported on it in a matter-of-fact way. Three months later, its position changed
and the editors clearly considered the sale of the Jarisha mills an economic threat to the native inhabitants of Jaffa.

**From Criticism to Perceived Danger**

From mid-1912, *Filastin*’s editors began to consider Zionism an economic threat first to the urban and subsequently to the rural population of Palestine. Despite this considerable shift in their position, it seems that at this time they still did not consider Zionism an acute existential threat to the country and its native inhabitants. The second profound change in the newspaper’s discourse on Zionism took place in the summer and autumn of 1913. This transformation was a likely result of several events which occurred at that time, the most consequential of which were the Zarnuqa incident, the controversy pertaining to the former private estates (*al-aradi al-mudawwara*) of Sultan ‘Abd al-Hamid II, and the Eleventh Zionist Congress. The end of the Red Paper policy, whose aim had been to prevent Jewish immigration to Palestine, also has to be taken into account. Furthermore, the Balkan Wars that had recently ended, leading to the loss of almost all Ottoman possessions in Europe, fuelled the fears of some Palestinians that their country could meet a similar fate. These developments moved *Filastin* further into the anti-Zionist camp. Gradually, the editors started to consider Zionist immigration and colonization a grave political, demographic, and existential threat to the Arab Palestinians. The word danger or menace (*khatar*) in this context had previously been used sporadically and only by authors other than the editors in contributors’ letters or articles republished from other newspapers. But beginning in summer 1913, this word began to appear regularly, starting with the articles dealing with the former private lands of the sultan.

The Zarnuqa incident was a massive clash on 23 July 1913 between armed guards of the Rehovot settlement and villagers of Zarnuqa, which ended with two people dead and several injured. *Filastin* discussed it at length in about twenty articles. A few months earlier, at the end of April 1913, *Filastin* had sent a “special reporter” to Rehovot’s annual parade. During his visit a military exhibition took place which made a strong impression on him: “Thereafter the sports began and it appeared to me that there was a very well organized and well trained regular army, because the military prowess [exhibited] in their physical exercises could not be executed any better.” Now this trained force was aiming its guns at the native rural population. A petition sent six days after the clash by a number of *mukhtar* and *imam* from the Gaza subdistrict to Istanbul accused the settlement guards of aggressive and contemptuous behavior toward the native peasants.

*Filastin*’s editors had previously regarded Rehovot, along with Petah Tikva and Rishon le-Zion, as models of coexistence with Arab peasants. Zionist authors invoked the example of these three settlements as an illustration of the positive effects of Zionist colonization for the local population. Instead of such benefits, now the result was injury and death. This bloody incident apparently shattered the last illusions the editors might
have entertained about the long-term benefits of Zionist settlement for the surrounding native rural environment. One year previously, Yusuf al-‘Isa had considered every village to be a separate entity on its own, unconnected to its neighbors, but this incident proved him wrong. Again a Zionist author, this time David Moyal, appeared to present a contradictory narrative. In addition, fabricated stories accusing the peasants of acts of violence and brutality made their way into the foreign-language Ottoman press.66

From June 1913 Filastin began to deal with another affair in which the Zionists were involved. Sultan ‘Abd al-Hamid II had acquired large estates throughout the Ottoman Empire including in Palestine during his long reign (1876–1909). These estates comprised a not insignificant portion (about 3 percent) of Palestine.67 After the Young Turk Revolution, these lands were confiscated by the state. The attempt to purchase the former private estates of the sultan in Palestine unveiled to the editors the real scope of Zionist ambitions in Palestine and their determination to take their enterprise to a new level. Whereas previous purchases had involved individual plots whose size rarely exceeded 10,000 Ottoman dunums,68 in this case a staggering 750,000–800,000 Ottoman dunums were at stake.69 If the Zionists took hold of them, they would consolidate their autonomous presence in Palestine and would be able to exercise their activities on a much larger scale. The state within a state that they had already established in their settlements would encompass large contiguous areas and make further expansion much easier.70 In the context of this affair, the word “danger” (khatar) began to be regularly used in connection with Zionism on the pages of Filastin.

Just as these controversies were cooling down in September 1913, the Eleventh Zionist Congress took place in Vienna. An article published in June 1914 indicates the congress’s impact on Filastin’s perspective vis-à-vis Zionism:

When the order to lift the suspension of the newspaper Filastin was given, the Eleventh Zionist Congress that convened in Vienna had already completed its sessions and we saw there the Zionists revealing what they had been holding their tongues about. This has frightened us as natives [wataniyyin] because of the congress’s connection to our country and its conspiracies against us. We began to translate what our eyes had seen and publicize to the general public what the Zionist designs toward us encompass and what subterfuge they entertain for our country because we believed that not to publish that would be a crime on our part [for] which our conscience would not forgive us.71

The editors and other authors perceived that two opposite trends were taking place: many natives were leaving Palestine, while the Jewish population was growing rapidly.72 Several articles dealt with the number of Jews living in Palestine and estimates were reprinted from Egyptian and European newspapers. Ibrahim Salim Najjar, correspondent and agent of al-Ahram, gave the highest estimate, in 1914 calculating the number of Jews in Palestine to be 300,000 (between one-quarter and one-third of the population).73 These estimates substantiated concerns about the potential demographic threat of
Zionism. Articles reporting the continual arrival of ships with Jewish immigrants might have been seen as a confirmation of the ongoing trends.

It is remarkable that, even though Filastin began its sustained anti-Zionist campaign only in the second half of 1913, from that time on it treated it as a long-standing policy, as if projecting this approach across the whole existence of the newspaper. Already in October 1913 Yusuf al-‘Isa said: “Everyone who follows what this newspaper writes knows that we have spared no effort in the criticism of the Israelites as a religious community [umma] isolated from the rest of the communities, and in the fight against those among them we identify as Zionists, a group setting its sights on our physical destruction and our moral subjugation in this Palestinian land [buq’a].” Another example, from the introduction of an article discussing the May 1914 trial against the newspaper, begins as follows: “The newspaper Filastin has since its establishment continued to emphasize the Zionist danger for the country and to warn the people [al-ahlin] about it and to alert the natives [al-watanîyin] to what threatens their existence.”

Similarly, in his memoirs ‘Isa al-‘Isa does not mention Filastin’s somewhat positive attitude toward Zionism during the first year and a half of its existence.

All the events discussed above caused considerable alarm and represent a watershed in Filastin’s coverage of Zionism. The use of the word “danger” (khatar) in the context of Zionist colonization is another indication of the editors’ changed attitude. Until summer 1913 it occurred only a few times, and almost exclusively in articles written by contributors. When Yusuf al-‘Isa mentioned it in his editorial in mid-1912, he did so to counter the assertion that Zionism posed a danger. This term began to appear regularly from the summer of 1913, initially in articles dealing with the proposed sale of Sultan ‘Abd al-Hamid II’s former private estates. From the end of 1913 and throughout 1914 more than three dozen articles published in Filastin mentioned or discussed the danger that Zionism posed for the native inhabitants of Palestine.

The Transformation of Terminology

The second transformation in the editors’ perceptions of Zionism that took place in the second half of 1913 is confirmed by a change in the terminology they used regarding Jews; this shift in vocabulary supports the previous findings and provides a corroborative argument. During the first two years of Filastin’s existence, the editors considered Jews in religious terms and employed almost exclusively the term “Israelites” (isra’iliyyun) to identify the Jewish population. During this initial period, they only rarely used the term “Jews” (yahud), which they understood as denoting the non-religious categories of race and nation. Many of the contributors and correspondents of Filastin, however, were using a terminology that was different from the vocabulary of the editors. Several authors, among them Mustafa Tamr, Rashid Abu Khadra, and an anonymous “isra’ilî ‘uthmani” (Israelite Ottoman), used the term “Jews” (yahud) in their writings in Filastin in the years 1911–1912.
As the editors, under the impact of events in the summer and autumn of 1913, arrived at the conclusion that Zionism was indeed a political movement striving to carve out an autonomous entity for Jews in Palestine, they began to use the term “Jews” (yahud) alongside the previously employed “Israelites” (isra’iliyyun). The former did not supersede the latter, but by 1914 it had become used slightly more often. The editors’ employment of the term yahud can be seen as a manifestation of their changed perception of Jews, since it took place simultaneously with the transformation of their view of the Zionist movement. No longer perceived in purely religious terms as “Israelites,” a layer of Jewish national identity was added. Thus, in the eyes of the editors they also became “Jews” in national terms. This change, occurring over a relatively short period, is thus observable not only in the content of the newspaper, but also in its language.

As this article has shown, in the four years of its pre–World War I existence, Filastin’s perspective vis-à-vis Zionism went through a radical transformation. Initially, its editors adopted a neutral attitude while considering Zionism potentially beneficial for the rural areas of Palestine. In the following years, their attitudes changed in two phases and by the end of 1913 Filastin became, alongside al-Karmil, the most outspoken anti-Zionist periodical in Palestine.

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Endnotes

6 Both these events took place in 1910. The al-Fula affair concerned a sale of the village of al-Fula to the Jewish National Fund and involved displacement of its Arab Palestinian inhabitants. The person behind al-Asfar Project was Najib Ibrahim al-Asfar, a Lebanese landlord, who sought to buy the former private estates of Sultan ‘Abd al-Hamid II in Greater Syria. It
was (incorrectly) assumed that he was a Zionist front man. For more information about these affairs, see Emanuel Beška, “Political Opposition to Zionism in Palestine and Greater Syria: A Turning Point,” Jerusalem Quarterly 59 (2014): 55–58.


8 The original title is mentioned in the introductory comment to the article written by the editors.

9 Filastin, 22 July 1911, 2.

10 Filastin, 22 July 1911, 3.

11 Filastin, 26 July 1911, 1.


13 Filastin, 19 August 1911, 1–2.

14 This dispute is examined by Mandel, Arabs and Zionism, 122–23.

15 Filastin, 16 September 1911, 2.

16 Filastin, 16 September 1911, 2. The “free Ottoman” translated the article which had been published in the Hebrew newspaper Ha-Herut and sent it to Filastin together with his inquiring commentary. The first known sign of the Ottoman Patriotic Party’s existence is an open letter it published in Filastin in May 1911 concerning the debate on Zionism that took place the same month in the Ottoman parliament. It included warnings of the Zionist danger. See Mandel, The Arabs and Zionism, 121–22.

17 Filastin, 16 September 1911, 2.

18 Moyal mentioned him as the author of Filastin’s comment, Filastin, 20 September 1911, 2.

19 Filastin, 20 September 1911, 2.

20 Filastin, 20 September 1911, 3.

21 Filastin, 23 September 1911, 2–3.

22 The Red Paper (Slip) Policy, introduced in 1901, obliged all Jewish visitors to exchange their passports on their arrival to Palestine for a document called the Red Paper [al-waraqa al-hamra] which allowed them to stay in the country for a period of three months.

23 Filastin, 16 September 1911, 1.

24 Filastin, 16 September 1911, 1.

25 Filastin, 4 November 1911, 2. It is noteworthy that the editors did not contradict his words.

26 The unsettled terminology and often synonymous use of the terms “Zionist” and “Israelite” by the editors led to this confusion. Filastin, 4 November 1911, 2.

27 Filastin, 29 May 1912, 1.

28 Filastin, 29 May 1912, 1.

29 Filastin, 29 May 1912, 1.

30 Filastin, 5 June 1912, 1–2.

31 Gribetz, Defining Neighbors, 196.

32 Filastin, 5 June 1912, 1.

33 Filastin, 5 June 1912, 1.

34 Filastin, 5 June 1912, 1–2. In this passage the editor-in-chief twice employs the term yahud rather than israʾiliyyin, apparently by mistake.

35 Jacob Norris discusses the perception and utilization of European Jews as agents of development by colonial powers at the turn of the twentieth century. This presumption was not limited to European governments, as the Ottoman government also “frequently encouraged Jews to resettle in areas where rapid economic development was desired.” Jacob Norris, Land of Progress: Palestine in the Age of Colonial Development, 1905–1948 (Oxford: Oxford University Press, 2013), 63–98, quote at 76. The attitude of Filastin’s editors to Zionist colonisation might have been influenced by this consideration.

36 For an analysis of the “Letters from a Peasant,” see Samuel Dolbee and Shay Hazkani, “‘Impossible is Not Ottoman’: Menashe Meirovitch, ‘Isa


38 *Filastin*, 5 June 1912, 1.


42 Yehoshua, *Tarikh al-sahafa*, 16.


45 *Filastin*, 10 August 1912, 3. For the Arabic translation of the firman, see *Filastin*, 2 October 1912, 1–2.

46 The editors included some passages from this article in the editorial, *Filastin*, 4 September 1912, 1.

47 *Filastin*, 4 September 1912, 1.

48 *Filastin*, 4 September 1912, 1; *Filastin*, 11 September 1912, 2.

49 *Filastin*, 25 September 1912, 2–3.

50 *Filastin*, 18 December 1912, 4.

51 The author of the poem, which was published anonymously, is not identified in Wahba Tamari’s article. In ‘Isa al-’Isa’s memoirs, Moyal’s name is explicitly mentioned. Salim Tamari included the English translation of the poem in his article. In Khalaf’s translation, the text of the poem is missing. *Filastin*, 18 December 1912, 4; Tamari, “Isa al-Issa’s Unorthodox Orthodoxy,” 29–30; Khalaf, *Les Mémoires de ‘Issa al-‘Issa*, 140–41.

52 *Filastin*, 7 December 1912, 1.

53 *Filastin*, 7 December 1912, 1.

54 *Filastin*, 7 December 1912, 1.

55 *Filastin*, 7 December 1912, 1.

56 *Filastin*, 7 December 1912, 1.

57 *Filastin*, 4 December 1912, 3.

58 *Filastin*, 11 December 1912, 3.

59 Two months later, the newspaper took pride in the role it played in calling the attention of the government to this issue. *Filastin*, 22 February 1913, 3; *Filastin*, 26 February 1913, 3.

60 *Filastin*, 23 August 1911, 3; *Filastin*, 26 August 1911, 3.

61 *Filastin*, 14 September 1912, 3.


64 *Filastin*, 3 May 1913, 3.


66 *Filastin*, 13 August 1913, 3; *Filastin*, 27 August 1913, 2.


68 See, for example: *Filastin*, 26 August 1911, 3; *Filastin*, 28 August 1912, 3; *Filastin*, 27 November 1912, 3. One Ottoman dunum equals 919.3 square meters.

69 *Filastin*, 19 July 1913, 4; *Filastin*, 30 July 1913, 1.

70 *Filastin*, 19 July 1913, 4.

71 *Filastin*, 6 June 1914, 7. The quote refers to the first suspension of *Filastin* by the Ottoman authorities that occurred in November–December 1913 and was caused by *Filastin*’s criticism of the Greek Orthodox patriarchate. It seems that it took some time until details of the Zionist Congress’s deliberations reached the newspaper’s editors, since the articles published during and immediately after the congress did
not specifically discuss political ambitions of the Zionists.

72 Filastin, 15 October 1913, 1; Filastin, 6 June 1914, 3; Filastin, 6 June 1914, 6.

73 According to his long report republished from al-Ahram, there were 180,000 Jews in the Jerusalem mutasarrifate and 120,000 in the districts of Nablus and Acre. Filastin, 6 June 1914, 3.

74 Louis Fishman has pointed out the importance of this perception. Fishman, “Palestine Revisited,” 24–25.

75 According to the following article, two hundred Jewish immigrants arrived in the port of Jaffa weekly on board Russian and Austrian steamers. Filastin, 1 July 1914, 5. Another column reported on the arrival of 250 immigrants on a Russian ship and 50 more brought by an Austrian steamer. Filastin, 11 July 1914, 5.

76 Filastin, 25 October 1913, 1.


78 Filastin, 6 June 1914, 7. Emphasis added. The trial took place during Filastin’s second suspension, which lasted for seven weeks from mid-April until the beginning of June 1914, and was prompted by a column written by ‘Isa al-‘Isa that dealt with the Zionist newspaper Sawt al-Uthmaniyya.

79 Khalaf, Les Mémoires, 135.

80 Filastin, 5 June 1912, 1.

81 Filastin, 12 July 1913, 1; Filastin, 19 July 1913, 4; Filastin, 30 July 1913, 1–2; Filastin, 9 August 1913, 1–2; Filastin, 9 August 1913, 3.

82 See Filastin, 22 July 1911, 2; Filastin, 28 October 1911, 3; Filastin, 7 February 1912, 4.
The Husayni Neighborhood in Jerusalem
Space of Self-Invention
Mahdi Sabbagh

Shaykh Jarrah and its architecture symbolize a space of aspiration. Walking its streets and observing its buildings and gardens, one experiences a distinctly modern Palestinian story of Jerusalem. As an architect, I am especially interested in the relationship between material-spatial culture and oral history. This article attempts to articulate the relationship between human experience and architecture using the Sa‘id al-Husayni house as a case study. The house, and importantly its garden, constitutes an understudied piece of Palestinian urban cultural heritage. The study of such moments is urgent given the deliberate erosion of Jerusalem’s Palestinian character. Here, architecture and storytelling serve as two languages that can testify to a cultural identity that has been systematically and gradually removed from the dominant narrative of the city of Jerusalem.

The Neighborhood

Shaykh Jarrah, a Palestinian neighborhood of Jerusalem north of the Old City walls, was named after the tomb of Husam al-Din al-Jarrahi, a thirteenth-century emir and Salah al-Din’s surgeon (figure 1). It is in keeping with the trend in Jerusalem, as elsewhere, to name places and areas after deceased people of significance. And yet, unlike other parts of Jerusalem that are marked by traditions and death, Shaykh Jarrah is experienced as a neighborhood of beginnings and invention, known today for its historically affluent residents, cafés, and international consulates.

The story of Shaykh Jarrah begins in the nineteenth century following the Ottoman land law of 1858, which facilitated a shift in land registration from largely communal tenure to personal property (figure 2). Consequently, notable families from...
Jerusalem purchased uncultivated land beyond the city walls. This law predominantly benefited “new prosperous merchants” from the growing cities of Jerusalem, Haifa, Jaffa, and Gaza; because of increased safety, land ownership became a profitable investment for such families. Land acquisition and subsequent development by urban capitalists intensified during drought periods, when cultivation decreased. This phase of urbanization in Palestine remains understudied, and yet it provides an important context for understanding the beginnings of the Shaykh Jarrah suburb and its current condition. Unlike other extramural neighborhoods built at the time, such as Mea Shearim and the German Colony, which began as planned immigrant communities, this neighborhood grew incrementally and organically, not following a particular urban plan model.

Like the rest of Jerusalem, Shaykh Jarrah’s recent habitation has been episodically disrupted: by the 1948 and 1967 wars, by the first and second intifada, and most recently

Figure 1. Aerial view of the Husayni cluster in the Shaykh Jarrah neighborhood. Public Domain, Jerusalem Municipality GIS map, online at gisviewer.jerusalem.muni.il/gisviewer/ (accessed 15 August 2017).
by state violence, including home takeovers by ultra-nationalist Israeli settlers and house demolitions by the municipal authorities. Despite this, the neighborhood has remained central in the collective Palestinian memory as a space for the urban affluent imagination and self-representation, a place where wealth was displayed through residential architecture.

During the 1948 war, the receding British troops prevented the Haganah, a Zionist paramilitary organization, from invading Shaykh Jarrah because the area was located on the main evacuation road taken by the remaining British forces. The unintended result of this was that its inhabitants were able to remain in their homes, a fate not shared by other Palestinian neighborhoods such as nearby Musrara, Talbiya, and al-Baq’a in the western part of Jerusalem, whose inhabitants were forced to flee during the violence; their houses were subsequently confiscated by the state. Although the architecture of such neighborhoods remains, the displacement of their residents resulted in an immediate and permanent separation of the architecture from its cultural and political meaning. A socio-architectural study of Shaykh Jarrah is exceptionally timely precisely because its inhabitants remain and offers an excellent case study for architects and historians to examine questions of architecture and memory preservation. Furthermore, recent activities by Israeli settler organizations, backed by the Israeli state, such as the eviction of the Shamasna family from their home, reveal a neighborhood very much still under threat of ethnic cleansing.
Figure 3. Aerial view of Shaykh Jarrah. Public Domain, American Colony photographic department, 1933, online at www.loc.gov/pictures/item/mpc2010007762/PP/ (accessed 15 August 2017).

The Husayni Cluster

The push toward building in Shaykh Jarrah came predominantly through the initiative of the Husayni family (figure 3). The Husayni family rose to power in Jerusalem in the early 1700s with the appointment of 'Abd al-Latif al-Ghudayda as the naqib al-ashraf, followed by the 1780 appointment of Hasan al-Husayni as the mufti of Jerusalem. Prior to the Ottoman land law, the Husayni family had invested in construction, through awqaf or Islamic foundations. In the early eighteenth century, the Husayni family built a fountain, sabil al-Husayni, as part of its contribution to the Islamic foundations.

The 1858 land law marked the beginning of the construction of private suburban residences outside of Jerusalem’s walled city. Starting in the 1860s, Rabah al-Husayni, a prominent member of the family, built his villa near the Jarrahi tomb and mosque, with additions in 1876 (figure 4). This was a foundational moment that began the transformation of the area into an urban residential space. The construction of the house propelled other members of the Husayni family to build houses in the vicinity of Rabah’s mansion, resulting in the term “Husayni neighborhood” often used to refer to the southern part of the Shaykh Jarrah area.

Buildings such as the villas of Rabah al-Husayni, Isma‘il Bey al-Husayni, and Is‘af al-Nashashibi, and Qasr al-Mufti are exemplary monuments to an early twentieth century political class of Palestinians in Jerusalem. The tomb of al-Jarrahi and mosque, formally the architectural anchor of the nearby hills, became secondary to the large houses constructed in its vicinity. Each house remains in some form today. The Rabah al-Husayni villa is the American Colony Hotel and the Isma’il Bey al-Husayni villa is the now defunct Orient House. The 1930s-era Qasr al-Mufti, the villa of Hajj Amin al-Husayni who was Jerusalem’s mufti at the time, later became the Shepherds’ Hotel. However, in 1967 Israel deemed it “absentee property” and confiscated it. It was later sold to private settlement financiers. In 2011, the building was partially demolished for a housing project for the ultra-religious-nationalist Israeli settler organization Ateret Cohanim.

In addition to their residential purpose, an equally significant part of the villas’ histories is their role as meeting and political spaces for the affluent Palestinian community in Jerusalem. The anchor of this communal function was the 1897 Isma‘il Bey al-Husayni house. It was often vacated to host important diplomatic events. It was also the site of a “tea party” thrown in honor of Kaiser Wilhelm when the German emperor visited Jerusalem in 1889. After 1948, the house became a hotel, “the New Orient House.” Following the 1967 war, the three-level building briefly reopened as a hotel, continued to be used as a Husayni family residence, and housed the Arab Studies Society. During the first intifada the building became known as “the Palestinian national gathering place . . . in Occupied East Jerusalem,” and eventually the PLO headquarters in Jerusalem. The house, although designed as a private residence, represented communal and national interests. The Husayni family was after all part of a political ruling class, producing several mayors and muftis.
Figure 5. Sa‘id al-Husayni house, front façade from the garden. Photo by author, 2014.

Figure 6. Aerial view of the Sa‘id al-Husayni house with the elongated garden. Public Domain, Jerusalem Municipality GIS map, online at gisviewer.jerusalem.muni.il/gisviewer/ (accessed 15 August 2017)
The Sa’id al-Husayni House

The Sa’id al-Husayni residence, like Orient House, also blurs the distinction between private and public communal uses and architecture. The Sa’id al-Husayni residence, like other Husayni residences, reaffirms the idea of a new beginning in its uniquely complex architectural language: both reference the local (in the use of materials, for instance) and traditional (in aspects of the plan), as well as developing a proto-modern form. An investigation of a single home allows for a closer look at the architectural language of early twentieth-century extramural Palestinian houses in Jerusalem, as well as their significance to the larger political context discussed earlier.

Garden, Building, and Residence

Construction on the Sa’id al-Husayni house began in 1902. Its architecture remains close to its original state, and the structure still functions as a home for the family. As opposed to the study of a house that has been dispossessed or demolished, a study of a “living” house provides us with both a more complete material body of evidence and a continuous lived memory. The Sa’id al-Husayni house stands at the end of an elongated garden lawn. A garden lawn was a configuration new to Jerusalem at the turn of the twentieth century, having been made possible by the newly established safety of that period. Upon entering the property through a modest front gate, one is greeted with a procession of tall pine trees at the end of which the house’s white and pink stone façade appears (figures 5).

To visualize the original context, one needs to imagine the property set atop a rise, the structure in conversation with only a few nearby houses: the Isma’il Bey al-Husayni house butting against its western side, and another Husayni house (today a primary and secondary girls’ school and a heritage museum) is situated to the northeast. As Sa’id’s immediate family grew, a new smaller building was added south of the house. The added building housed Sa’id’s grandchildren and eventually their children. The garden linked the two structures and functioned as a shared space for Sa’id’s family; the garden was also accessible to members of the extended family. For Sa’id’s grandchildren, the garden was their playground. When Sa’id and his next-door neighbor, Isma’il Bey al-Husayni, a distant relative, resided in the neighborhood, they used a small gate in the wall between their properties to visit each other. Once the two men passed away, the gate was no longer used and was eventually closed off. The garden remained a space of familial interaction and shared activity. It also held a certain symbolic meaning for the family. Sa’id’s grandson, also named Sa’id, planted two olive trees in the garden, one for each of his sons.  

The Building

The building’s exquisite architecture reveals the house’s stylistic aspiration as well as its conversation with the other Husayni buildings in Shaykh Jarrah. The two-storied stone façade is composed of three bays. It is an outward looking house with a clear front and back, a modern configuration. The symmetry of the house is broken by an inserted
Figure 7. Sa’id al-Husayni house, front garden. Photo by author, 2014.

Figure 8. Sa’id al-Husayni house, ground-floor plan. Drawing by author based on plan from Diala Khasawneh, Memoirs Engraved in Stone: Palestinian Urban Mansions (Ramallah: Riwaq, 2001).
The Husayni Neighborhood in Jerusalem: Space of Self-Invention

The low-pitched roof of the building is similar to that of the Orient House. The roof eaves extend beyond the façades, casting a sharp shadow line, which frames the walls of the house. The use of octagonal shapes in plan in the terrace, staircase, and eastern bedroom is peculiar, and suggests the integration of non-domestic form into a domestic project (figure 8). Octagonal shapes, distinctly Islamic, connote the Dome of the Rock, but also mausoleums, fountains, and kiosks found in cities across the Ottoman domain. On the ground floor, a half-octagonal protrusion from the central bay greets the visitor. This bay was originally an open terrace serving as the main entrance to the residence.14 Today, the building is accessed from the two side-verandas inset from the main façade (figure 9). Standing in front of the front façade, one turns around the corner, either to the left or right, in order to enter the structure, breaking the experienced axiality imposed by the elongated garden and symmetrical façade. The house’s exterior walls are constructed of local pink limestone, similar to the stone used in the Jacir Palace in Bethlehem. The pilasters at the corners of the house are constructed in white limestone – more typical of structures in Jerusalem. On the ground floor, deep window surrounds and segmental arches are also constructed in white limestone. The second floor windows are rectangular, adorned with simple, elegant floral motifs. These floral motifs are the only ornaments on the otherwise minimal geometry of the front façade. Flanking arched verandas emphasize the symmetry of the front façade, each veranda now serving as an entry to the house. Although today the side verandas hold second-story rooms, originally they were open verandas, subordinate to the façade.

The Sa’id al-Husayni house is said to have been designed by a Turkish architect named Kamal Bek.15 Construction on its first floor began in 1902; its second floor was added later, displaying distinctly different detailing from the first-floor façades. The house as it is experienced today has undergone several alterations over an extended period of time. Following the completion of the second floor, the house effectively functioned as two units: the upper floor accessed through the western veranda and the ground floor accessed through the eastern veranda. Another small gate was even opened in the property’s eastern stone wall to function as an access point for the lower unit. Each resident could use a separate gate if needed. Sa’id moved to the upper floor and his brother moved to the ground floor until he eventually resettled in Lebanon, leaving the unit vacant.
Figure 10. Sa’id al-Husayni house, Turkish consulate classroom. Photo by author, 2014.

Figure 11. Sa’id al-Husayni and ‘Adala Barakat’s living room. Photo by author, 2014.

Figure 12. South-facing hall, second floor. Photo by author, 2014.
Similar to houses discussed previously, the layout of the Husayni house offered an ideal space not only for familial gathering, but also political meetings. In 1936, the house witnessed a meeting between the Arab Higher Committee (a Palestinian political organization formed that year) and the mufti of Jerusalem. Following the meeting, the Arab Higher Committee rented the ground floor of the house from the family, but was soon after banned by the British authorities during the 1936 Arab revolt. The ground floor remained a space rented to tenants, both residents and organizations. After Shaykh Jarrah fell under the rule of the Kingdom of Jordan in 1948, the ground floor was rented to a number of tenants, due to the family’s economic hardship following significant land and business loss. The ground unit was first rented to a Jordanian ministry. It then became the home of famed British archeologist Kathleen Kenyon. The space continued to be rented to foreign individuals and institutions up to this day, where it is used as a cultural space and language school by the Turkish Consulate (figure 10). Other secondary alterations were made to the house to accommodate the needs of the different tenants. As mentioned above, a room was added on each of the two verandas on the second floor. Furthermore, the semi-enclosed courtyard was transformed into a large room on the ground floor, providing the upper floor with access to a sun-drenched terrace.

The Residence
The building’s upper floor remained the family’s living quarter, testifying to the way the space was intended to be used domestically. After Sa‘id’s time, his son Ibrahim Sa‘id al-Husayni and his wife Maliha Tawfiq al-Husayni inherited the upper floor (figure 11). Today it is the residence of Ibrahim Sa‘id’s son, also named Sa‘id, and his wife ‘Adala Barakat. The plan is “U” shaped. The rooms are organized around two spaces: the three-meter-wide main east-west liwan or hall and the semi-enclosed courtyard, now a large ground-floor room and upper-floor terrace. The liwan connects the north-facing bedrooms, the central sitting room featuring a radio, and two other bedrooms. A liwan is analogous to the central space in the traditional courtyard plan, wherein family members lived in rooms that connected only through the courtyard. Like a courtyard, the liwan is used as a gathering point. It is south-facing, brightly lit, and is used today as a living and dining area (figure 12). The backyard breaks the symmetry in the plan and ties the guest salon, kitchen, and bathroom in the west wing to the rest of the house. A wide staircase, also on the west wing, leads to the second floor. All bedrooms face either the backyard or the front garden. One can imagine the rooms as always sunny and well ventilated. When Ibrahim Sa‘id and Maliha Tawfiq resided in the house, the liwan was used as a sitting room. Maliha would eat dinner and watch television in the liwan. Once their son Sa‘id and his wife ‘Adala Barakat inherited the house, the liwan was rearranged to accommodate more furniture, a sitting room with an added fireplace, and a working space with a large desk, which Sa‘id uses today. ‘Adala Barakat diligently attended to the residence. Although the liwan functioned as a private space, it was designed with
communal intentions in mind. Ibrahim Husayni, Sa‘id’s son, recalls stories of when the house was used to gather the entire extended family for discussions of family affairs and national politics. Husayn Bey al-Husayni and Musa al-Husayni each served as Jerusalem’s mayor, in 1909 and 1918 respectively. The familial matters of the Husayni family were naturally also public (figure 13).

Conclusion

The house can be understood as a piece in a wider mosaic that illustrates affluent urban Palestinian self-representation through architecture. Each residence in Shaykh Jarrah is a variation of a new architecture type that mimics and mixes known styles and regional tastes, presenting an architectural hybridity that was new to Jerusalem. This hybridity is seen both in the stylistic and functional aspects of the building.

The house is a hybrid between a local vernacular type (courtyard and central communal space) and an early modern type: a front and a back, symmetrical layout, pitched roof, and octagonal shapes. Socially, the house is a hybrid between an expression of communal living (semi-open courtyard, shared garden that is enclosed only symbolically, and liwan), combined with an assertion of private familial components (splitting into two units, rooms with distinct uses, different gates and entrances). The plan’s layout proved to be versatile. It was adapted for private use as well as institutional purposes. The same room in the different units could act as a bedroom, a meeting room, or a classroom. The spacious liwan could function as a living room, a gathering space, or an institutional space.

Preserving Shaykh Jarrah’s heritage and its memory plays an important role in imagining a future Jerusalem that does not erase but takes pride in its Palestinian heritage, in other words a Jerusalem that is equitable and pluralistic. Although the narrative of early twentieth-century Shaykh Jarrah exists today merely as an urban ghost, its stories must be preserved as grounding from which to imagine a future for the city where stories, such as the formation of the Husayni cluster, are celebrated.

Given the political climate in today’s Jerusalem, preserving the building without its social context is futile if not dangerous. Examples of vacated and reused Palestinian buildings in Jaffa or West Jerusalem come to mind. Additionally, relying solely on memory and oral history, devoid of material evidence (as is often done for the dispossessed Palestinian houses in West Jerusalem) provides an incomplete and reductive story that lacks a material and spatial understanding of Palestinian urban life. The Husayni cluster in Jerusalem, and specifically the Sa‘id al-Husayni house, exists as a lived structure and as such its cultural history perseveres alongside its architecture.

Mahdi Sabbagh is an architect and urbanist. He is the editor of Perspecta 50: Urban Divides (MIT Press, 2017). He holds a master’s degree in Architecture from Yale University.
Endnotes
12 Ibrahim Husayni (journalist, son of Sa‘id Ibrahim al-Husayni) in discussion with author, August 2015.
13 Ibrahim Husayni in discussion with author, August 2015.
15 Khasawneh, *Memoirs Engraved in Stone*, 98. Reliable information on the architect has been difficult to obtain, testifying to a gap in available knowledge on early twentieth century urban architecture in Palestine.
17 Ibrahim Husayni in discussion with author, August 2015.
18 Ibrahim Husayni in discussion with author, August 2015.
19 My hypothesis on spatial hybridity and integration, noted elsewhere, could be demonstrated by the home’s comparison with other notable family houses in Palestine and its contextualization within contemporary Ottoman architecture elsewhere in the empire, for example, Beirut, Damascus, and Istanbul.
Israel’s policy to repress, discipline, and displace Palestinians in occupied Jerusalem rests as heavily upon bureaucracy and legally sanctioned demographic engineering as it does on direct force.

The right of Palestinian Jerusalemites to the city is violated by Israel’s discriminatory construction and planning policies, home demolitions, and the systematic denial of building permits. The very existence of Palestinians in their own city is made extremely precarious by Israel’s draconian implementation of residency revocation. The routine of registering their children is turned into a draining process. And they can be deprived of their universally recognized human right to live with their families under the same roof solely for having a spouse from the West Bank or the Gaza Strip.

To get a better understanding of Israel’s complex apparatus of permits, and to quantify the extent of its influence on the life of Palestinians, the Jerusalem Legal Aid and Human Rights Center (JLAC) submitted a formal request to the Israeli Ministry of Interior (MOI) for official figures regarding residency revocation, child registration and family unification in Jerusalem. Figures provided by the Ministry of Interior pertain to the years 2013, 2014, 2015, 2016, and through the first eight months of 2017.

Residency Revocation: Illegal in Their Own City

According to MOI figures provided to JLAC, 287 Palestinians in Jerusalem were stripped of their residency status in the city between 1 January 2013 and 31 August 2017. Among the 287 Palestinians whose residency was revoked during this period are seven children. In the first eight months of 2017 alone, seventeen...
Palestinians, including two children, had their residency revoked. Even though this represents a drop compared to the previous four years – *when the annual average was 67.5 residency revocations* – we treat the residency revocation of one person as a significant human rights violation.

It is hard, though, to pinpoint one specific reason for the decline in residency revocations in 2017. One explanation could be purely bureaucratic and logistical. The Israeli Ministry of Interior in occupied Jerusalem has been swamped with applications for the newly required biometric identification documents, which prompted it to temporarily slow down residency revocation procedures. A more plausible explanation has to do with the increase of awareness among Palestinian Jerusalemites to the factors that could lead to residency revocation. To protect their vulnerable residency status in the city, Palestinians know that they have to comply with Israel’s strict and arbitrary requirements because they have no other option.

Among the common legal justifications used by the Ministry of Interior to strip Jerusalem residents of their residency is the “center of life” policy. If a Jerusalem resident is deemed by the Ministry of Interior to have moved her/his center of life outside Jerusalem for a period of seven years, s/he risks losing her/his residency in Jerusalem even if s/he does not acquire another residency and even if that new “center of life” is a nearby city in the West Bank. Since the “center of life” requirement is broadly defined and amorphous, its scope of application is vague, discrentional and mired in inconsistency.

In addition to the “center of life” policy, Israel uses residency revocation as a measure to punish Palestinian Jerusalemites accused of carrying out attacks against Israeli targets. Punitive residency revocations could also target the families of alleged attackers.

The latter constitutes collective punishment, which is prohibited under customary International Humanitarian Law including Article 40 of the 1899 and 1907 Hague Regulations and Article 33 of the Fourth Geneva Convention, among others.

JLAC asserts that all residency revocations, whether on punitive grounds or based on the arbitrary “center of life” policy, amount to legalized forcible transfer, a war crime under Article 49 of the Fourth Geneva Convention.

**Family Unification: Fragmented and Torn Apart**

Under the Citizenship and Entry into Israel Law (*temporary provision*), Palestinian citizens of Israel and residents of occupied Jerusalem who are married to spouses from the West Bank or the Gaza Strip face severe restrictions to their right to family unification. Palestinians who live in the Gaza Strip or are registered as Gaza residents are absolutely barred from living with their spouses in areas under Israeli jurisdiction.

Another blanket prohibition on family unification is imposed on West bank male spouses below the age of 35 and female spouses below the age of 25. The “temporary” order, passed in 2003 and extended on a nearly annual basis ever since, constitutes a form of ethnic and national profiling as it ascribes an assumption of a priori dangerousness to entire groups of individuals based on their nationality, place of residence and even place of registration. It encroaches upon the fundamental right to family life as protected...
by Article 16(3) of the Universal Declaration of Human Rights and Article 23(1) of the International Covenant on Civil and Political Right, ratified by Israel.

It also amounts to collective punishment by authorizing the rejection of applications for family unification if a member of the applicant’s extended family is deemed by Israel to pose a “security threat,” a caveat often abused and broadly applied. The Israeli Supreme Court, known as the High Court of Justice, rejected two separate petitions demanding the law be struck down, justifying its decision on security grounds.

West Bank Palestinians who are married to Palestinians from Jerusalem and meet the age condition stipulated by the law are permitted to apply for status pursuant to family unification. If their application is accepted, what they usually get is a temporary permit that only protects them against deportation without granting them any civil status, social and economic rights or even a driving license.

According to official MOI data provided to JLAC, between 1 January 2013 and 31 August 2017, 2,666 family unification applications were submitted in occupied East Jerusalem: 1,264 of these applications were accepted, 600 applications were rejected, 688 are still pending and 114 applications were suspended. Six of these pending applications were submitted in 2013, 28 in 2014, and 89 have been pending since 2015.

This means that applying for temporary permit for family unification is a daunting bureaucratic and legal procedure that can take three to four years on average. The number of family unification applications submitted each year appears to be consistent with an annual average of nearly 540. The majority of the applicants are women. The rejection of family unification applications tears entire Palestinian families apart while the current legal framework makes it extremely difficult to obtain anything more than a temporary permit that constantly requires a renewal.

Child Registration: Years of Uncertainty

Palestinian residents of Jerusalem who are married to Palestinians from the West Bank have to register their children in Jerusalem in order to guarantee their rights to social security, healthcare, and education in Jerusalem.

According to MOI data provided to JLAC, between 1 January 2013 and 31 July 2017, 8,304 child registration applications were submitted in East Jerusalem: 5,735 of them were accepted, 850 were rejected, 17 were suspended, and 1,702 are still pending. One hundred of these applications are pending since 2013 while 224 are still pending since 2014, indicating that child registration applications take the longest time to be resolved – four to five years on average. The systematic delay in processing and accepting child registration applications violates Article 7(1) of the Convention on the Rights of the Child, which Israel has ratified.

Children who are not registered or whose application for registration is pending are stuck in a perpetual cycle of uncertainty. The lack of registration means that they are ineligible for social security stipends and free healthcare. Registration is also required to be able to enroll in schools and to have a legal status. If children turn 14 before being
registered, they will have to apply for status in Jerusalem through the family unification procedure. It is not uncommon for a family where one spouse is from the West Bank and the other is from occupied Jerusalem to have some children who are registered as Jerusalem residents and others who are registered as West Bank residents or have no legal status at all.

Child registration is yet another emotionally taxing bureaucratic procedure that imposes huge stress and legal fees on Palestinian families. Jerusalem residents usually bear the brunt, as they are the ones who have to follow up the cases.

Disposable Bodies, Controllable Lives

In October 2015, a wave of individual attacks by Palestinians rocked Jerusalem, triggering a widespread repression campaign by Israeli forces against the city’s Palestinian population. The repressive measures included closures and strict movement restrictions, punitive house demolitions, the lengthy withholding of Palestinian attackers’ corpses, and punitive residency revocation. The October 2015 unrest briefly drew outside attention to the fragile “normalcy” of life in Jerusalem and to the dire conditions Palestinians face. For Palestinians, however, tensions and repression have punctuated everyday life for the past fifty years. Simmering below the surface, this everyday violence to which Palestinians are exposed is often underreported and perpetuated by law and order.

Under Israeli law, Palestinian residents of occupied Jerusalem are classified as “permanent” residents, transmuting them into disposable bodies and shackling them to Israeli bureaucracy and permit system. Israel has, by its own admission, revoked the residency status of more than 14,500 Palestinian Jerusalemites since 1967. In reality, the number of Palestinians affected by this policy is significantly higher: it includes the children and possibly grandchildren who have quietly lost their residency rights in Jerusalem as a result of the original revocations. The Israeli permit system, including residency revocation, family unification, and child registration, constitutes a major pillar of Israel’s policy to control every aspect of Palestinian life in Jerusalem. Israeli official data show that ostensibly mundane practices such as child registration and family unification can take more than five years to be resolved, placing Palestinian families under the constant monitoring and surveillance of the Ministry of Interior and Social Security Services. It creates an absurd reality where Palestinian children and adults are deemed illegal and disposable in the city where they were born, raised, and have lived their entire lives.

The silent and invisible plight that this permit system inflicts upon hundreds of thousands of Palestinians, and the function it fulfills in the Israeli “master plan” of demographic engineering, warrant as much attention and exposure as army raids, police brutality, and physical force.
Annex: Changes in Residency Status

<table>
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<tr>
<th>Year</th>
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<tr>
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<td>62</td>
<td>3</td>
</tr>
<tr>
<td>2014</td>
<td>71</td>
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</tr>
<tr>
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</tr>
<tr>
<td><strong>Total</strong></td>
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<td><strong>7</strong></td>
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<th>Suspended</th>
<th>Rejected</th>
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</thead>
<tbody>
<tr>
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<td>1,898</td>
<td>100</td>
<td>1</td>
<td>353</td>
<td>1,444</td>
</tr>
<tr>
<td>2014</td>
<td>1,877</td>
<td>224</td>
<td>1</td>
<td>200</td>
<td>1,452</td>
</tr>
<tr>
<td>2015</td>
<td>1,796</td>
<td>315</td>
<td>2</td>
<td>148</td>
<td>1,331</td>
</tr>
<tr>
<td>2016</td>
<td>1,808</td>
<td>315</td>
<td>12</td>
<td>124</td>
<td>1,148</td>
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<tr>
<td>2017 (ongoing)</td>
<td>925</td>
<td>539</td>
<td>1</td>
<td>25</td>
<td>360</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>8,304</strong></td>
<td><strong>1,702</strong></td>
<td><strong>17</strong></td>
<td><strong>850</strong></td>
<td><strong>5,735</strong></td>
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<th>Rejected</th>
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<tr>
<td>2016</td>
<td>528</td>
<td>227</td>
<td>30</td>
<td>105</td>
<td>166</td>
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<tr>
<td>2017 (ongoing)</td>
<td>445</td>
<td>338</td>
<td>12</td>
<td>49</td>
<td>46</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,666</strong></td>
<td><strong>688</strong></td>
<td><strong>114</strong></td>
<td><strong>600</strong></td>
<td><strong>1,264</strong></td>
</tr>
</tbody>
</table>

Since its inception over 40 years ago, the Jerusalem Legal Aid and Human Rights Center (JLAC) has formed a specific and specialized niche for itself, that of rendering legal aid to vulnerable communities in combating human rights violations. JLAC has since become a key and major player in certain interventions, undertaking pro-bono legal cases related to house demolition, forced displacement, land confiscation, and more recently settler violence.
TRUMP VS. A GLOBAL CONSENSUS

In 1980, the UN Security Council passed a resolution calling upon all states to withdraw diplomatic missions from Jerusalem. There is a global consensus that hosting an embassy in Jerusalem legitimizes Israel’s illegal annexation of territory in the city.

Today, no country in the world maintains an embassy in Jerusalem. In flagrant contravention of international law, Donald Trump announced that the US would recognize Jerusalem as the capital of Israel and pledged to move the US embassy there.

191 COUNTRIES DO NOT HAVE EMBASSIES IN JERUSALEM

1 COUNTRY DECLARES THAT IT WILL MOVE ITS EMBASSY THERE

VISUALIZING PALESTINE

WWW. VISUALIZINGPALESTINE.ORG

DEC 2017
TRUMP VS. INTERNATIONAL LAW

Donald Trump’s unilateral move to recognize Jerusalem as Israel’s capital and move the US embassy there directly violates international law and breaks with decades of consensus among US administrations, both Republican and Democrat.

“We continue to support [...] the internationalization of Jerusalem.”

“The United States considers [East Jerusalem] as occupied territory.”

“We do not accept the new [Israeli] basic law as determining the status of Jerusalem.”

“It is unwise for the United States to take actions that could be interpreted as prejudicing sensitive matters, such as Jerusalem.”

“Moving the embassy [...] would deepen the Israeli-Palestinian crisis.”

“I have determined that it is time to officially recognize Jerusalem as the capital of Israel.”

NAKBA
Mass expulsion of Palestinians, including from West Jerusalem and surrounding villages.

UNGA RES. 181
States that Jerusalem should be “established as a corpus separatum” & “administered by the United Nations” - US is a signatory.

4TH GENEVA CONVENTION
Prohibits countries from moving populations into territories occupied in war - US is a signatory.

ANNEXATION
Israel’s illegal annexation of East Jerusalem.

UNGA RES. 2253
States that all Israeli activities in East Jerusalem are illegal and should cease.

BASIC LAW
Israel passes new “basic law” claiming the whole of Jerusalem as its capital.

UNSC RES. 478
States that Israel’s “basic law” on Jerusalem violates international law. Calls upon all states to withdraw diplomatic missions from Jerusalem.

JERUSALEM EMBASSY ACT
Mandates for US Embassy in Israel to be moved to Jerusalem. Presides forced to sign a waiver every 6 months to prevent move.

UNSC RES. 2334
Reaffirms that Israel’s settlement activity in East Jerusalem is illegal under international law.

Sources: bit.ly/vo-jerusalem-embassy
VISUALIZING PALESTINE
WWW.VISUALIZINGPALESTINE.ORG
9/16/2017
DEC 2017
As of 2011, over 200,000 Israeli settlers live in occupied East Jerusalem.
الفكرة... والدولة
صراع المحاربين الفلسطينيين في زمن
الانقسامات

Istitute for Palestine Studies
PLANTING HOPE
Social Responsibility
CALL FOR PAPERS –  *Jerusalem Quarterly*

**Policing & Imprisonment**

**Crime & Criminal Justice in Palestine**

In recent decades, an increasing number of works have been dedicated to the British legal system in Palestine during the Mandate and its legacy upon the emerging Israeli state. With the occupation of the West Bank and Gaza following the war of 1967, works have addressed the controversial role played by Israeli police in occupied Palestinian territories. A number of works have addressed the legal systems imposed on Palestinians, while others have used legal sources – including court records – to write social histories of Palestine and the Palestinians. Meanwhile, scholars of colonial policing have recognized Palestine’s significance in this arena. Still, much remains to be unpacked and discussed in relation to policing, prisons, crime, investigation, and the field of criminal justice in Palestine from the Ottoman era until today. Historians, anthropologists, sociologists, political scientists, economists, and human rights scholars, as well as those who employ comparative and multidisciplinary approaches, are encouraged to submit articles for an upcoming issue of *Jerusalem Quarterly* dedicated to police and policing, crime and lawbreaking, prisons and imprisonment, and criminal justice in Palestine from the 16th to the 21st century. This issue of *JQ* aims to offer a wide-ranging but cohesive approach to the study and understanding of the activities of police, judges, investigators, and criminals – or alleged criminals – in relation to local, regional, and international networks.

Contributions may include (but are not limited to) examinations of:

- Histories of crime and lawbreaking in Jerusalem and Palestine
- Histories of criminal justice institutions and officers
- Relationships and interactions between civilian communities and police
- Policing, prisons, and/or crime and communal difference
- Policing, prisons, and/or crime and gender
- Organization and structure of criminal justice systems (security forces, courts, jails and prisons, and so on)
- Prison culture and daily life of inmates and detainees
- Criminal procedure, forensic technologies, and investigation
- Smuggling and underground/illicit economies
- Interactions and interplay between formal and informal mechanisms of justice
- Popular perceptions of policing and/or law-breaking
- Policing, imprisonment, crime, and criminal justice in cultural production (literature, theater, film, visual arts, and so on)
- Law and policing in producing and enforcing spatial and communal boundaries
- Works that focus on or give precedence to Jerusalem are especially appreciated.

Contributors are invited to submit essays of approximately 3,000–5,000 words. Please refer to past issues of *JQ* for reference style. Submission deadline is **31 March 2018**. Send your submission to Roberto.mazza@ul.ie or alex_winder@brown.edu (subject title: Submission to JQ). We welcome submission that include diagrams, tables, pictures, and maps. Please provide any accompanying images at 600 dpi resolution at least. Authors are responsible for copyright clearance.
The Jerusalem Quarterly (JQ) is published by the Institute of Jerusalem Studies (IJS), an affiliate of the Institute for Palestine Studies. The journal is dedicated to providing scholarly articles on Jerusalem’s history and on the dynamics and trends currently shaping the city. The Quarterly is known both for its pioneering social history and for its contemporary analyses of Jerusalem from writers on the ground, covering Palestinian lived experiences in the city, analyses of land appropriation and settlements and formal and informal negotiating strategies on, and visions for, the future of Jerusalem. Ranging from Ottoman and Mandate times to the complexities and dangers of the present, we offer incisive articles that analyze the role of culture, media, religion and politics in the struggles to claim the city.

This journal is produced with the financial assistance of the Heinrich Böll Stiftung Palestine/Jordan. The views expressed herein are those of the author(s) and do therefore not necessarily reflect the opinion of the Heinrich Böll Stiftung, nor those of the editors or the Institute of Jerusalem Studies.

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