JERUSALEM 1948

The Arab Neighbourhoods and their Fate in the War

Salim Tamari Editor

The Institute of Jerusalem Studies & Badil Resource Center

Cover Photo: Jerusalem families in Nablus, 1925

This gathering brought together members of prominent Christian and Muslim families from Jerusalem and Jaffa, as well as Nablus. At the center of the gathering, standing, bare-headed and in a white suit, is Ya'qub Farraj, the doyen of the Palestinian Greek Orthodox community, who succeeded Musa Kazem Pasha al-Huseini as the head of the Palestine Executive Committee at the latter's death in 1934. In the first standing row, the second gentleman from the left is a leader of the Jewish Samaritan community of Nablus. Dr. Hassan Khalidi, a physician, and Suleiman Tuqan, later mayor of Nablus and defense minister in 1958 in the ill-fated Iraqi-Jordanian Confederation, are the third and fourth in the row, respectively. Standing behind Tuqan is Linda Khouri, mother of Hanna Nasir, current president of Birzeit University. To her left is Mitri Farraj who worked for the British Mandate administration as a District Commissioner in Nablus. Standing below Mitri Farraj and to the left of Ya'qub Farraj is Andoni Khouri, the mukhtar of the Greek Orthodox community in Jaffa and a timber merchant. The lady behind the priest is Evelyn Khouri Baramki, mother of Gabi Baramki, former vice-president of Birzeit University. The seated lady, second from the right, is Nada Khouri Farraj, Mitri's wife. The child she is holding is Fuad, formerly representative for Jerusalem in the Jordanian parliament. Reprinted from *Before their Diaspora*, edited by Walid Khalidi. Washington DC: Institute for Palestine Studies, 1991.

Photo by Khalil Raad

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for Palestinian Residency and Refugee Rights

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Acknowledgements

Please note: We have tried to maintain a uniform system of spelling and transliteration of proper names in this work. However, because of the large number of citations and great variety of individual contributions, the reader will notice some variation in names of people and places.

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JERUSALEM 1948

Preface to the Second Edition

The first edition of this book, published in 1999, was sold out only eighteen months after it appeared. The positive public reaction was considerably beyond our expectations. The reason, in my view is that, the pivotal impact of the war of 48 on Palestinian Arab society, was hardly addressed in the existing literature. Although there are a number of essays, monographs and memoirs on the war itself, almost none of them dealt with the social transformations the war had on the city; the social fabric of ante bellum Jerusalem, the fate of the refugees, and the consequences of the war on the newly divided city.

Moreover the book appeared on the eve of final status negotiations between Israel and the Palestinians. The collapse of the Camp David talks in the summer of 2000 followed significant progress over the future of the city. For the first time the Palestinians and Israelis were able to reach partial agreement over the question of shared sovereignty over the city, control over the holy places, and the assumption of Palestinian sovereignty over most of the territory occupied in 1967. Significant progress occurred also on the question of dealing with the administration of Haram al-Sharif area. However there were two outstanding issues that remained unresolved: the fate of settlements and settlers in the vicinity of the city, and the fate of the refugees and their property. The latter issue is the main focus of this book.

Since the first edition was published important work has been accomplished in the documentation of these properties, the most important of which is the digitization of the records collected by the United Nations Reconciliation Commission for Palestine, including the extensive collection of Ottoman land maps and British land records that is attached to refugee property records, and the commencement of computerization of UNRWA family files in Jordan. The latter arguably contains the most extensive demographic data on Palestinian refugees that exist anywhere. Both sets of these records, analyzed here, cover data on villages and suburbs in the Western part of Jerusalem. A third source of documentation, dealing with the fate of refugee property in West Jerusalem was being upgraded and computerized by the Map Department in Orient House in East Jerusalem, when those offices were raided by Israeli police in October 2001, and its archives seized and confiscated.

When negotiations over the status of Jerusalem will be resumed, there is no doubt that these three archival sources about the patrimony of Palestinian Jerusalemite refugees and their descendents, will occupy a central place in issues of repatriation and restitution of refugees.

In addition to upgrading most of the chapters and correcting mistakes, which appeared in the first edition, the second edition has a new and expanded photographic chapter prepared by photographic historian Issam Nassar. The historical property map in the annex has been annotated and neighbourhoods identified clearly.

Simultaneously with the appearance of this edition in Jerusalem, an Arabic edition of Jerusalem 1948 is appearing in Beirut, to be published by the Institute for Palestine Studies.

Jerusalem, Sheikh Jarrah
Summer 2002

The Phantom City

Salim Tamari

*T*albiya, Baq'a, Qatamon, 'Ayn Karim, Lifta—these and several other destroyed communities and deserted villages within Jerusalem's Western neighbourhoods seem to have been overlooked by history. Most of them were occupied, resettled and eventually—in the case of 'Ayn Karim, Lifta and Talbiya—gentrified by Jewish immigrants who came to Israel after the war of 1948. For fifty years now their memories have been kept alive by thousands of Palestinians uprooted from their ancestral communities who had become refugees on the other side of the armistice lines, as well as in Amman, Beirut, Damascus, and other distant Arab and foreign diasporas. One striking feature of this displacement is that (with the exception of the villages of Beit Safafa and Abu Ghosh) the Israeli military forces managed to accomplish a total transfer of the Arab Palestinian population from the western suburbs and villages to the other side of the borders. John Rose, an Anglo-Armenian Jerusalemite who managed to stay on in Baq'a, provides one of the rare descriptions of what happened to these neighbourhoods and of the fate of the few non-Jewish families who had managed to stay in them (mostly Christians affiliated with denominational churches and convents). "By the end of 1948," he wrote, "all unoccupied houses in the Arab suburbs had been totally vandalized and nothing was left in the way of worthwhile loot. Nerves were frayed and, as one observer said, 'we were living as if it were in a concentration camp on the edge of a battlefield.'"[1] Rose continued to live in Baq'a for four years following the war, when—in 1952—he crossed over to what became known as East Jerusalem. His story is unique testimony coming from one of the few non-Jewish inhabitants who remained in the Western suburbs. In a parallel but much more limited process the Jewish community that inhabited the Old City was also relocated to the Western city after the war, thus ensuring that the armistice lines separating the two parts of the city were also the lines of an ethnic/national divide.

This book is an attempt to provide a reconstruction of this process of displacement and expulsion and to account for the fate of Arab Palestinians who lost not only their property and homes, but also a whole world that exemplified

Jerusalem and Palestine before 1948. Current debates on Jerusalem have been so mystified by the nature of ideological claims put forth by Israelis, Palestinians and the world community, that we forget that before the war there was an 'ordinary' city called Jerusalem, and that it was divided by communities, neighbourhoods, ethnicities (of various nationalities), as well as by class. The religious identity of the city, and its sacred geography has since permeated all our conception of the city to the detriment of understanding its worldly character. We have also come to think of it as an Eastern and Western city, divided by nationality and united by the military might of Israel. These divisions are now drawn retroactively to define the contours of the city before the ruptures of war, and even when we try to transcend them in an act of historical re-creation we are compelled to use them as analytical categories.

The pre-war Jerusalem that emerges from these portraits is one that is fundamentally unrecognizable today, a city of considerable social mobility, of ethnic diversity, and of communal conflict that is tempered by a fair amount of mutual dependence and local solidarities. This particular combination of ethnic hybridity was exemplified in the coexistence of traditional, messianic, and secular trends, lending a cosmopolitan character to the city under British colonial aegis. Nowhere is this cosmopolitan culture more evident than in the social and intellectual milieu of West Jerusalem life narrated in the diaries of the Qatamon essayist, Khalil Sakakini—*Kadha Ana Ya Dunya* (Jerusalem, 1958).

One gleans from such accounts of contemporary life in the 1930s and 40s (Hodgkins, Said, Rose, H. Sakakini, Oz) and from the ethnographic contributions to this volume a picture of an evolving and vibrant city whose life was cut short. In the first two chapters of this book, Davis uses archival material and oral histories to reconstruct the fabric of the city's everyday life during the Ottoman and Mandate periods.

The dynamism of these communities contrasted visibly with earlier growths of the new city towards the north and southwest. While the Palestinian Arab notables and *ashraf* [2] had established manorial residencies in Sheikh Jarrah and Wadi al-Joz before the turn of the century, the Mandate economy gave rise to a new class of professionals, merchants, and government civil servants. The Arab middle classes whose households benefited from the creation of a new bureaucratic apparatus in the capital began to move in the late 1920s from the congestion of the Old City to the bourgeois suburbs of Qatamon, Talbiya, and Baq'a.

These new Arab communities displayed several patterns of growth depending on a combination of family networks and their links with the Ottoman state and neighbouring village communities. The three elements which combined to create these moves were government allocation of state land (*iqta'*), family *waqf*, and

religious endowments (mostly Orthodox Christian property) to members of the denomination. These family-based housing schemes grew at the same time as Christian monastic, Jewish, and Templer (German) communities began to establish themselves in the Western hills.

One of the earliest documented cases of Arab family neighbourhoods was the emergence of the Nammari and Wa'ri quarters (*ahya'*) in upper and lower Baq'a (see Appendix II). While more established families such as the Husseinis, Nashashibis and Khatib clans established their residencies in the northern neighbourhoods, the Nammari clan had acquired land in the 1870s from villagers in Malha and Beit Jala.[3] The Wa'ris, by contrast, had prevailed on the Ottoman Governor of Jerusalem to transfer state land in lower Baq'a, both lands being registered as family *waqf*.[4] By the late 1920s the area had its own market (Suq al-Nammari) which served as a wholesale market for neighbouring villages, and a retail market for the local area.

Religious endowments and church properties brought in a second wave of suburbanization from the Old City, much of it involving Greek and Russian Orthodox properties in Musrara, the Russian Compound, Talbiya and Qatamon. Here we have a combination of families registering their own property as church endowment, to have it protected from encroachment by the state, and of religious endowments bestowing long term leases and grants on their constituency.

By the early forties most of these suburbs were encroaching on the village properties of the Jerusalem hinterland. This residential expansion brought them into daily contact with two previously separate communities: the suburbanized and expanding villages—discussed in Tamari's chapter—of Lifta, Malha, Deir Yasin, and 'Ayn Karim, and modern Jewish settlements like Mekor Hayim, Yemin Moshe, Mea She'arim and Rehavia. The village economy was brought into the urban fabric of Jerusalem through the demand for skilled builders (stone masons and cutters), as well as for the quarries which produced the famous Jerusalem stone. Village produce was now pouring into the city as a result of improved transportation: the Jaffa Jerusalem railroad (which went through the village of Battir), new bus lines, and improved asphalt roads.

The 'seam' of these communities (areas bordering and within Musrara, Romeima, and Talbiya) constituted the beginnings of Arab-Jewish shared communities in which economic inter-dependence re-enforced social coexistence. Hadawi's unique 1946 property map (which appears in this volume) indicating the ethnic mix of real estate holdings in the seam areas reflects these emerging realities. From this map one can see that ownership patterns still indicated a city largely divided by confessional and ethnic lines (it is still early to use the word 'national' in this context), but that new mixed living areas were emerging.[5]

While Arab secular historians tend to create a portrait of exaggerated harmony between Arabs and Jews for the pre-1948 period (see for example 'Aref al-'Aref, *al-Mufassal fi Tarikh al-Quds;* Muhammad Adib Al Amiry, *Jerusalem*)—Zionist historiography tends to suggest that the conflict is perennial and that Jews, at best, were accorded the status of a protected (*'dhimmi'*) community under Ottoman and other Islamic rules. Quotidien relations at the turn of the century between the two communities, collected from contemporary testimonials and narrated here conform to neither version. Broadly speaking we can say that patterns of employment, investment and public spending by the Mandate authorities created new arenas of social integration. With the rise of cultural modernities and the globalization of European life-style this period also witnessed the beginning of 'mixed' communities in middle class neighbourhoods in Jaffa, Haifa and areas of Jerusalem such as Romeima, Shamma', Sheikh Bader, and Musrara. Militating against these trends however were the increasing diffusion of Zionist ideology among Jewish immigrants to Palestine and the rising tide of Arab Nationalist sentiment, undermining the confessional boundaries between Palestinian Christians and Muslims, while reinforcing them between Arabs and Jews. Many Jerusalem Jews, unlike the majority of their co-religionists in Hebron and Tiberius, were not Arabic speaking— an additional factor which was crucial in setting the two communities apart.

At the heart of the contestation of territory in Jerusalem was the issue of zoning laws and the delineation of the municipal boundaries during the Mandate period. While Palestinian Arabs constituted a majority of the population in the Jerusalem District, Jews predominated within the municipal boundaries (for instance in 1947 there were 99.4 thousand Jews to 65.1 thousand Arabs).[6] Reviewing the literature on the selective demographics of Mandate Jerusalem British historian Michael Dumper suggests two main reasons for these population discrepancies: first, estimates counted Jewish migrants who arrived in Jerusalem before 1946 and later moved to Tel Aviv and other localities; and second, they excluded Palestinians who were living in the rural periphery of the city but working in the city, (the daytime population such as the commuting workers from Lifta and Deir Yasin), while including Jewish residents living on the city's periphery (e.g. Beit Vegan, Ramat Rahel, Mekor Hayim) who were incorporated into the municipal population through a process he refers to as 'demographic gerrymandering'.[7]

Administrative incorporation within the metropolitan area was not, however, the determining factor differentiating Arab and Jewish communities. Organizations of the Jewish Yishuv chose to establish some of their new Jerusalem suburbs within the western and north-western hinterlands inside the expanded boundaries of the city. This was the case with the 'garden suburbs' such as Talpiot and Rehavia, designed by Richard Kaufman.[8] Rochelle Davis, in her analysis of the evolution

of these communities, discusses the organized character of the Jewish communities, in contrast to the unplanned and family-based nature of Arab suburbs.[9]

Several works have narrated the course of the war that led to the tragedy of displacement from a Zionist and—to a far lesser extent—from a Palestinian Arab perspective. The publication of Bahjat Abu Gharbiyyeh's war memoirs in 1993 has contributed in a modest way to rectify this imbalance.[10] Nathan Krystall describes the military conquest of West Jerusalem, the consequences of war in terms of the de-Arabization of these communities, and the subsequent dispersal of their inhabitants. An appendix to the book consists of the war diaries of Constantine Mavrides, a Greek resident of the city who witnessed the massive relocation of Arab refugees from the Qatamon and Baq'a, and the counter relocation of Jewish refugees from the Old City. The diaries which include entries in Greek by the author from May 14, to December 30, 1948, (translated by John. Tleel and introduced by Musa Budeiri), provide a unique 'third party' perspective.[11]

One major conceptual problem that has confronted the writers is how to avoid anachronistic and therefore potentially misleading terminology in designating the Arab communities being examined in these essays. The term 'West Jerusalem' itself is very problematic since it uses a designation that was the result of border delineation based on 1948 war conditions. The suburban communities that were built west of the city in the 1920s and 30s, in addition to villages like 'Ayn Karim, Lifta, or Malha, had no particular corporate existence outside their relationship to the Jerusalem urban administrative nexus at large, and the network of economic webs that linked Jerusalem to Jaffa, Haifa and the rest of the country. Since we are dealing here primarily with the *fate* of these communities and their inhabitants, we decided to use the now common term, West Jerusalem, in its current, i.e. post 1948 boundaries of the city, to reconstruct these lost communities, and assess the fate of their refugees and their properties.

A similar problem arises with terms of ethnic identification: 'Palestinians' in the Mandate period included both Jewish and Arab natives of the city. 'Arab' was a designation that increasingly came to mean Christians and Muslims together, as opposed to Jewish Palestinians, who—especially after the 1936 rebellion and the massive migration from Europe—became identified, consciously or unconsciously with the Zionist movement. To complicate matters more there were a substantial number of Arabic speaking native Palestinian Jews—particularly in Tiberius, Safad, Hebron, but also in smaller numbers in Jaffa, Haifa and Jerusalem. There was also a sizable number of native Jerusalemites who were neither Jews nor Arabs, but definitely Palestinian. Those included the Armenians, Greeks, Syriacs and Ethiopians of the Old City, and the German Templers of the New City. All of these were Jerusalemites and Palestinians, in identity if not in citizenship, and therefore

it would not do to use the term in its exclusive contemporary connotation of 'Palestinian Arab'. The solution to this dilemma in this book has been to use the term 'Arab' to mean Christians and Muslim Jerusalemites who were Arabic speaking, and to use denominational terms (Orthodox, Catholic, Muslim, Jewish etc.) when applicable. Since confessional associations played a critical role in the expansion of the Western suburbs of the city it made sense to use these functional designations, although they might seem politically incorrect in today's jargon. The main victims of these approximations are the non-Arab Palestinian minorities (such as Greeks and Armenians) who were sometimes subsumed in these ethnic categories.

The fiftieth anniversary commemorating the establishment of the state of Israel and the dispersal of Palestinians from their homeland (*al-Nakba*), has raised anew the debate about the causes and conditions of their exile. This monograph addresses in detail the atmosphere that preceded the war, and the military operations that accompanied the dislocation of the Palestinian Arab communities from the Western suburbs and villages, as well as the relocation of the inhabitants of the Jewish quarter to Israeli-held territory. It also addresses the question of land loss and property claims in light of the findings of the Palestine Conciliation Commission (discussed here in essays by Rempel, Habash, Tufakji and Jadallah). Many problems haunt any attempt at a systematic assessment of these property claims. West Jerusalem's land titles were only partly recorded in the land registry since they were not all part of the land settlement survey that was initiated by the Ottomans in 1858, and continued (but not completed) by the British Mandate authorities. However, virtually all of these land claims can be documented from the land tax records, and those records can be the basis for establishing the authenticity of these claims, where *Tapu* records are unobtainable. Salman Abu-Sitta, in his meticulous research on these records, provides a preliminary tabulation of these properties.[12]

More difficult, however, is the process of tracing the fate of Jerusalem refugees and their location. The UNRWA registry has records for all Palestine refugees who were eligible for relief services and who sought shelter in one of the five UNRWA field areas (West Bank, Gaza, Jordan, Lebanon, and Syria). Since a substantial number of West Jerusalem exiles were middle class refugees, many of them do not appear in these records. For this reason the figures below are probably an underestimate.

The Unified Registration System (URS) of UNRWA, the vast database of refugee registration, utilizes four categories of urban Jerusalem refugees, and a fifth category of Jerusalem district refugees, by village.[13] The urban categories are: 'New City refugees', 'Jerusalem general' (i.e. unspecified), 'Jerusalem Poor', and 'Jerusalem Old City'. The last two categories are Jerusalem residents whose livelihoods were affected by the war, but who were not displaced from Israeli territories. For purposes

of tracing the fate of Jerusalem refugees the first two categories are the most crucial, as can be seen in the table below which shows the places of residence of refugees alive as of 1997 according to their place of origin:

The URS data, with all its limitations, shows that the bulk of UNRWA-registered

Table 1   Jerusalem City (West) Urban Refugees from 1948 War in
                 UNRWA Records, By Host Region, 1997

Place of Refuge	Born <Jan. 1948	Born >Dec. 1947	Total
Currently in W. Bank	12,427	41,226	53,653
Currently in Gaza	296	515	811
Currently in Lebanon	707	703	1,410
Currently in Jordan	8,420	18,077	26,497
Currently in Syria	978	919	1,897
GRAND TOTAL			84,268

Source: *Data derived from UNRWA, Relief and Social Services Dept. URS (Amman HQ) May22, 1997 (includes New City and Unspecified Jerusalem categories; 'Old City', 'Jerusalem Poor', and villages excluded). The figures include refugees living today and their descendents.*

urban refugees from Jerusalem ended up living in the West Bank—most of whom have taken residencies in East Jerusalem (and its suburbs), in Ramallah, and in Bethlehem.[14] Jordan contains the second largest number of urban refugees—almost half the figure for the West Bank, with Gaza, Syria and Lebanon containing very few concentrations. These patterns, while expected, are drastically reversed for **rural refugees**. URS data shows that while the global figure for UNRWA-registered Jerusalem rural refugees (and their offspring) is 110,439 (URS; May 1997), of those more than two-thirds (73,908 refugees) live today in Jordan, and only 36,130 live in the West Bank.[15] What does this mean?

First, it means that the majority of Jerusalem UNRWA-registered refugees stayed within the vicinity of their old homes. Particularly most urban refugees, who tend to be better off and with substantial documentation for their lost property, stayed within eyesight of their West Jerusalem properties.[16] Secondly, it indicates that the poorer refugees from villages in the Western hinterlands of Jerusalem—most of whom live in camps—followed UNRWA services to Jordan before 1967, when employment possibilities were more available in Amman, Irbid and Zarqa, and after the war of 1967 when many Jerusalem refugees were apprehensive that UNRWA services would not be available in areas that came under Israeli rule.

These figures have great relevance and implication for future claims by Jerusalem refugees over their properties seized by Israel in the Western suburbs

and villages. Since many exiles continue to live either in the annexed Eastern part of the city, or in its immediate vicinity—their claims for the return of their property (and residence) are particularly poignant since Israel has already established (and expanded several folds) Jewish private residencies in the Old City (Jewish Quarter), in Silwan, Ras al-Amud, Neve Ya'coub, Atarot, Abu Tor, etc.—all areas in which Jews had *some property and residence claims before 1948*—and in more than a dozen newly established colonies in areas where no Jewish claims existed before. Palestinian claims for their properties in the Western city (and its rural hinterland) are fully substantiated, both in records derived from the land registry (whether in *Tapu* or land tax records), as well as in the records of the Palestine Conciliation Commission discussed here. The fact that Israel continues to claim the city to be united and indivisible, subject to the same administrative laws of the state, makes these claims all too obvious, and their denial equally ludicrous.

Final status negotiations over the future of the city have created the atmosphere and the conditions for pressing these historical rights of Arab Jerusalemites to the forefront. The fact that most of these internal exiles are still alive, or have immediate offspring who are alive, renders their patrimony more present than historical. We hope that this small volume will throw some new light on their predicament half a century after their exile.

Endnotes

[1] John Rose, *Armenians of Jerusalem: Memories of Life in Palestine,* London: Radcliffe Press, 1993.

[2] *Ashraf*, singular *sharif*. The term given to people who claim their families are related to the family of the prophet Muhammed.

[3] Taher Al-Nammari, *"The Nammari Quarter in Baq'a"*, unpublished manuscript, Jerusalem, November 1995.

[4] Nammari, ibid.

[5] The reader should be careful however from making too many assumptions about the correspondence between property ownership and ethnic use of that property, since much of the living space in Jerusalem was rented, quite frequently from owners of other ethnic groups.

[6] Walid Mustafa, *AlQuds, Imran wa Sukkan*, Jerusalem: JMCC, 1997.

[7] Michael Dumper, *The Politics of Jerusalem*, New York: Columbia University Press, 1997, pp. 61-62. On the so-called birth registration see Justin McCarthy, *The Population of Palestine*, New York: Columbia University Press, 1990, p. 165 (note to table A8-14) Dumper claims that these Jewish neighbourhoods were excluded from municipal boundaries. Sami Hadawi however includes them as

part of the municipal boundaries during the mid-1940s in this survey of property distribution in the city.

[8] Dan Bahat, *The Illustrated Atlas of Jerusalem,* New York: Simon and Schuster, 1990, pp. 131-132.

[9] Rochelle Davis, "Ottoman Jerusalem: The Growth of the City outside the Walls", in the present volume.

[10] Bahjat Abu Gharbiyyeh, *Fi Khidamm anNidal alArabi alFilastini* (Memoirs of Bahjat Abu Gharbiyyeh 1916-1949), Beirut: Institute for Palestine Studies, 1993.

[11] Constantine Mavrides, "Jerusalem Diaries: Old City May 14-December 30, 1948", *Nea Sion* (1948) Mimeographed bulletin published by the Greek Orthodox Patriarchal in Jerusalem (in Greek).

[12] Abu-Sitta, Salman, *Palestinian Property in West Jerusalem,* Forthcoming, 1999.

[13] *UNRWA Registration Manual (Codes);* 95.10 Place of Origin in Palestine/Jerusalem Subdistrict. The manual contains listing for Towns, Villages, and Tribes. Amman HQ, no date.

[14] *URS-Amman;* May 1997. I have excluded from these figures the two categories of "Jerusalem Poor" and "Old Jerusalem", so that the data corresponds to urban refugees who actually were evicted from Israeli-held territory.

[15] *URS-Amman;* May 1997. For a discussion of these figures see Chapter 3 in this book. I have excluded all data for Jerusalem villages that were not held by Israel after the war of 1948, but included refugees from Abu Ghosh and Beit Naquba.

[16] For data on East Jerusalem residents who are refugees from West Jerusalem, and other areas occupied by Israel in 1948 see Israel Central Bureau of Statistics, Census of Population and Housing 1967, East Jerusalem; Jerusalem, 1968, Tables 17 and 18 ("Population Aged 15+, by Place of Personal Residence before the 1948 War").

Ottoman Jerusalem:
The Growth of the City
outside the Walls [1]

Rochelle Davis

*I*ntroduction

The traditional view of Jerusalem at the time of the British occupation of the city in 1917 describes a stagnant and underdeveloped city, both as an economic center and in terms of standards of living.[2] Essential in the construction of this narrative are the manuscripts written by British administrators and European Christian travelers to the Holy Land who not only brought their own values and standards of upper middle class life in Europe to their perceptions of Palestine, but also their religious-political programs, in an era of colonialism, charitable endeavors, and eugenics.[3] Equally part of this narrative are the works of many Zionist scholars, both past and present, who have often chosen to focus on the 'backwardness' of Jerusalem, with a specific agenda to emphasize not the unique nature of the city and its development, but what Zionist enterprise brought to the city.[4] This is not to deny that Jerusalem was a city valued primarily for its religious significance rather than for its commercial or agricultural productivity; however, to portray it as only gaining significance and stature under Zionist efforts and the British Mandate Administration is to unnecessarily limit a potentially rich discussion on Ottoman Palestine in general and Jerusalem in particular, and to ignore the background for the changes that did occur in the first half of the twentieth century.

A clarification of the terms to be used in this chapter is required. The 'New City' refers to the parts of Jerusalem that were built outside the walled city (the Old City). The terms 'Jewish', 'Christian', and 'Muslim' will be used throughout, not because these religious terms necessarily designate appropriate divisions and alliances, but because both Ottoman and British statistics were kept in such a manner. As terms such as 'Arab' and 'Jew' follow the popular paradigms of this subject,

they exclude a significant section of the Jerusalemite population—Armenian, Greek, and Ethiopian, among others—who may have lived in the city for generations and who certainly saw themselves as Jerusalemites. A large portion of these people would have called themselves Palestinians, and although this term could be used to describe the Arab and non-Jewish population according to their political sentiments and national affiliations, it does also describe the Jewish citizens of Palestine until 1948. As Jerusalem was part of the larger arena in which the struggle over the land was between Arabs and Jews, these terms will be used throughout, and 'Arab' will designate the Arab Palestinian Muslim and Christians and other ethnic groups who were evicted from the Jewish state when it was founded in 1948.

This chapter will address the growth of Jerusalem outside the walls of the Old City, which began in the mid-nineteenth century. As the century drew to a close, the crowded living conditions of the Old City, the economic and demographic growth in Palestine, and the security ensured by a greater Ottoman administrative and military presence made the idea of living outside the walls a conceivable and possible option for more and more people. Another factor in the growth of the city involved Christian public endowment (*waqf*) land and the active role of foreign and local churches, which allowed many Christian Palestinians to build homes or rent church property in the western suburbs. By critically examining the paradigms for growth set up in Zionist and Israeli discussions of the rise of the New City, I hope to provoke a more attentive look at a variety of sources and to question some of the trends followed by scholarship that deals with the growth of Jerusalem.

Late Nineteenth Century Ottoman Jerusalem: A Changing City

Jerusalem in the 1870s was a city of between 14,000-22,000 people[5], and was a center of Muslim, Christian, and Jewish religious life, as is well documented elsewhere. During the nineteenth century, European-based religious activity in the Holy Land increased. The Ottoman land reforms of 1839 and 1856 which allowed non-Ottoman citizens to own land, combined with the political drives of European powers for "religious-cultural penetration", made Jerusalem and all of the Holy Land, as Scholch maintains, "an arena of European rivalries."[6] This activity, combined with Ottoman reforms taking place throughout the Empire, fashioned Jerusalem into a much different city at the end of the Ottoman reign—in terms of population, physical layout, buildings, and infrastructure—than it had been a century earlier.

By the end of Ottoman rule in Jerusalem in 1917, major technological advancements had changed life in the city in numerous ways. The railroad

connecting Jerusalem to the nearest port city of Jaffa had been established in 1892. Largely used in the first few years to transport pilgrims and travelers, it soon was exploited for more freight transport.[7] Road highways suitable for carriages connected Jerusalem to Jaffa, Ramallah, Nablus, and Hebron (via Bethlehem), Jericho, in addition to the nearby village of 'Ayn Karim and the shrine of Nabi Samu'el.[8] By the turn of the century, gravel-pavements had been lain on the internal city roads in Jerusalem's New City: Nablus road, Mamillah Road, Mahaneh Yisrael neighborhood, Jaffa Road, and the Street of the Prophets.[9] Telegraph lines connecting Jerusalem with Egypt, Beirut, and Europe were in place by the 1870s.[10] Numerous postal services were available to the residents—Ottoman, Russian, German, Austrian, French, and Italian—but there was no unified service.[11] Bertha Spafford, an American resident of Jerusalem, reported that under the Turkish regime they had been allowed to install a telephone in the American Colony. She quotes a writer, the "Religious Rambler", as saying, "The new courthouse in Jerusalem has been connected with the old serai, and the system is to be extended until first all official points and then business houses and residences will be supplied with telephones."[12]

In 1863 a special *firman* created a municipal council (*majlis baladi*).[13] One of its activities included installing a sewage system in the 1870s. In the 1890s, regular garbage collection was introduced, kerosene lamps were put up to light the city, and during certain times of the year the streets were sprinkled with water to keep down the dust. A city park was opened to the public in the New City on Jaffa Street in 1892 in front of the Russian compound where a military band performed on Fridays and Sundays.[14] Just before World War I, trees were planted along some streets, and plans were being discussed to bring tram lines and a telephone system to the city.[15] In 1914, a concession was granted by the Jerusalem municipality to provide electricity to the city.[16] Other changes brought about by the municipality included the introduction of a city police force in 1886, a fire department by the mid-1890s, and a municipal hospital in 1891 which had 32 beds and was open to all, treating nearby villagers three times a week free of charge.[17] According to Scholch, the municipality began to issue building permits, and a register of these was kept from the late 19th century onwards.[18] And in 1907, a law was passed requiring a permit to build or enlarge homes or to add additional stories.[19]

Printing presses first came into use in the city in the 1840s. In this period there were presses in the Latin (Franciscan) Monastery, the Armenian Monastery, the Greek Orthodox community, and the Jewish community. Religious texts and commentaries were their first publications, however, the owners eventually expanded their printing work.[20] Between 1876 and 1916, a number of Arabic newspapers and periodicals were published, including the government newspaper

al-Quds al-Sharif, and *Bakourat Jabal Sahyoun*, a publication of the teachers and students of Bishop Gobat's school.[21] In 1908, twelve new publications appeared in Jerusalem. The famous Palestinian newspapers, *Filistin* and *al-Karmel* published in Jaffa and Haifa respectively, also appeared during this period.[22]

Important to the intellectual life of the city were the numerous educators who dedicated themselves to their work and ideals. One of the most respected men, famous in Palestinian history as having had great impact on teaching methodology and the teaching of Arabic, was Nakhleh Zurayq. Born in Beirut in 1861, he came to Jerusalem in 1889 to teach at the request of English missionaries. In addition to being part of the revival of the Arabic language, he was part of a literary circle where the men of letters from Jerusalem would meet, such as Salim al-Huseini, a former mayor of Jerusalem, Musa 'Aql, and Faidi al-'Alami.[23] In 1898, a number of Jerusalem intellectuals, Zurayq among them, founded the more formal *Jama'iyyat al-Adab al-Zahira ['The Zahira Literary Society']*. The president was Dawoud al-Saidawi, and the members included 'Isa al-'Isa, Faraj Farajallah, Afteem Mushabbek, Shibli al-Jamal, Jamil al-Khalidi, and Khalil al-Sakakini.[24]

Education in Ottoman Jerusalem

The nineteenth century witnessed enormous expansion in educational opportunities for the elite, including girls. While some Ottoman reform of education was in the works, "the object of which was to create military and civilian cadres for state service"[25], foreign missionary projects founded many different types of schools. These schools played a major role throughout the Levant in the education of Christians, in particular, as it wasn't until the latter part of the century that the Ottoman authorities allowed Muslim students to join. The exposure to European educational systems, languages, and points of view had an impact on the lives of Jerusalemites both socially and politically. While this influence manifested itself in different ways, including styles of dress, taste in music, literature, and field of study, among other things, it also succeeded in "instilling in them [both Christian and Muslim students] an increased consciousness of an Arab cultural identity."[26] In addition, the missionary schools had varying educational goals and "socio-political orientations" which resulted in increased educational opportunities for the poor and for girls (beyond *kuttab* education).[27]

A publication on education in greater Syria from 1882 showed that there were a total of 3,854 students in school in Jerusalem (2,768 boys and 1,086 girls) and 235 teachers.[28] The number of girls in Christian schools (Evangelical, Greek Orthodox, Latin, Greek Catholic, and Armenian) were slightly more than the number of boys (926 girls to 861 boys). While the majority of these students were Christians,

four of the Evangelical schools (two for boys and two for girls) totaling 138 students exclusively taught Jews. In addition, there were 1,707 students in Jewish schools, 160 of which were girls. In the eight Muslim schools, all of which were for boys, there were 360 students. In 1891, "the Government opened a general [secondary] school (Rushdiya) [sic] in our city, where all the children of the city, regardless of their religion, could attend classes in Arabic, Turkish, French, and the basic sciences."[29] It was also recorded that a Muslim school for girls had been established.[30]

Table 1   Number of students in Jerusalem schools in 1882 by type of school and by gender of students

	Girls	Boys	Total
Christian schools	926	861	1,787
Christian schools for Jewish students	N/A	N/A	138
Jewish schools	160	1,547	1,707
Muslim schools	0	360	360
Total Number of Students	1,086	2,768	3,992

Students who wanted to continue their studies had a number of options, including teacher-training colleges in Jerusalem and the surrounding area.[31] Others, both young men and women, went abroad to finish their studies, most often to colleges in Lebanon, Egypt, or Istanbul. Al-Azhar University, located in Cairo, provided Muslim religious training to numerous men who returned to become *imams* and religious scholars in Jerusalem and the rest of Palestine. Malakeh and Margaret Gazmararian attended nursing school in Beirut and later worked for the Ottoman government in Syria[32] as did 'Izzat Tannous who went to medical school in Beirut.[33] These colleges provided an exciting intellectual environment and allowed for much discussion on current affairs—Arab nationalism, secularism, Darwinism, Islamic reform, Arab Christians and their relations to foreign churches—and the students returned home well-versed in these ideas and debates.[34]

The educational and intellectual opportunities offered by the growth in the number of schools were numerous and far-reaching. First, they created a significant increase in the number of educated persons in Jerusalem (and also parts of the Levant). Second, many of the students were educated in other languages in addition to Arabic or Turkish (Greek, Russian, French, English, and German). This knowledge not only provided students with new perspectives, but also enabled them to find work, among other places, within the foreign diplomatic and religious

missions and organizations as teachers, administrators, guides, secretaries, and translators. Third, this educated cadre had increased opportunities in Ottoman government service, a group that was later mobilized by the British Mandate administration. Fourth, these new educational systems allowed this particular group access to resources outside their local and family support structures—specifically the sponsoring churches or charitable societies—and with opportunities to continue their studies.

Organized athletics entered the social and educational lives of Jerusalemites and the elite at this time, most likely at the instigation of the European missionary schools. 'Izzat Tannous, a student at the Anglican-run St. George's School from 1905-1911, recalls not only playing football, but mentions summertime cricket matches, basketball and field hockey. Saturday matches were a popular pastime as were the annual field days. "So enthusiastic became the general public for sports that in 1910 the spectators of a football match on St. George's playground numbered about five thousand, a few hundred of whom were veiled women."[35] By 1912, the Church Missionary Society School, St. George's, and the YMCA all had football teams that faced the visiting Syrian Protestant College (SPC) varsity team from Beirut. The following year, a combined Jerusalem team traveled to Beirut to play against the SPC.

Economic Activity in the City

Despite the numerous changes and the increasing population from the nineteenth century onward, the economic and industrial growth in Palestine was not focused in Jerusalem; rather, other cities in Palestine were growing in equal if not greater proportion. In his *Urban Profile of the Middle East,* Roberts remarks that, "[I]n many cases the initial development of industry established the growth of settlements which had previously been dominated by political capitals elsewhere. … [For example] Jaffa in place of Jerusalem…"[36] In 1880, the population of Jerusalem was around 35,000 and in 1915 it had more than doubled to 80,000. Jaffa, on the other hand, during the same period had quadrupled its population from 10,000 to 40,000 as had Haifa, from 5,000 to 20,000.[37]

Scholarship on Jerusalem during the Ottoman period details an active if limited scope of economic activity. The necessary foodstuffs for the population of Jerusalem were grown in the surrounding countryside as well as the more distant areas. Palestine in general, as well as Jerusalem, imported rice from Egypt and Italy, sugar from France, and coffee from South America and Arabia. Bedouin would come to the city to trade grain and animals, and farmers from the nearby villages marketed fruit and vegetables.[38] Merchants traveled throughout the Levant obtaining

local or regional products for trade. An American archaeologist in Palestine, Edward Robinson, reported in 1838 that in Jerusalem there were nine soap-making establishments, nine presses for sesame oil, a large tannery, and numerous souvenir-making projects.[39] Early in the nineteenth century, around ten dye-houses for cloth marketed blue and white cloth to the Bedouin and rural farmers.[40] By the 1850s there were twenty flourmills in the city, but as they were converted to steam power and their output increased, many of the smaller mills closed.[41] Prior to World War I, there were macaroni factories in both Jaffa and Jerusalem. Stone, brick and ceramic industries were also part of pre-World War I activities in Jerusalem.[42]

By the second half of the nineteenth century, Ben-Arieh asserts that commercial prospects were steadily improving.[43] According to Scholch, "[t]he economy of the city remained a consumer's economy, supported by supplies from outside and, in the case of the Christian and Jewish communities, by foreign funds."[44] Bertha Spafford, one of the original residents of the American Colony established in 1881, wrote of some fifteen to twenty thousand Russian pilgrims who visited Jerusalem:

> They created a demand for all kinds of trinkets, and many kinds of industries in the manufacture of souvenirs gave occupation to the inhabitants of Jerusalem and Bethlehem. Candle-dippers worked the year round to have a supply equal to the demands of the thousands of Russian, Greek, Armenian, Coptic, and Macedonian pilgrims who attended the annual celebration of the Holy Fire. Then there were the makers of ikons[sic] and mother-of-pearl and olivewood trinkets. Shroud makers made a good living stenciling black skulls and crossbones on white muslin to be worn by the Russian pilgrims ...[45]

In addition, trading markets were associated with the many religious festivities that occurred in Palestine. During the weeklong feast of *Sitna Miriam*, the Greek Orthodox community would camp on the western hillside of the Mount of Olives. Hala Sakakini who visited the festival as a child in the 1930s recalls that "[a]ll kinds of vendors would cluster on the spot and a lively trade would flourish."[46] The weeklong *Nabi Musa* festival brought many Muslim pilgrims from around Palestine into Jerusalem during the Easter period for the procession into the Jordan Valley to the tomb of Moses. Not only were the vendors and traders present for the pilgrims throughout the festivities, but there also was the opportunity for the rural pilgrims to come to the urban Jerusalem markets.[47] Many of these celebrations continued until 1948 when the displacement of the population and the division of the country made it impossible for people to travel to the pilgrimage sites.

Population Growth

Jerusalem had become the largest city in Palestine and the political and cultural center of the country at the end of the Ottoman era, on the eve of World War I.[48] Much scholarship on the subject reveals the difficulties in trying to establish definitive population estimates for this period. The Ottoman census figures of 1905 reveal a total of 32,400 Ottoman nationals in Jerusalem: 13,400 Jews, 11,000 Muslims, and 8,000 Christians.[49] However, these numbers do not reflect those with foreign nationality living in the city which more than likely would raise the numbers of Jews and Christians.[50] Jewish sources for this year contend a much higher number, including one estimating 50,000 Jews in a total population of 75,000.[51] The Ottoman sources for 1914 for the entire *Qada'* of Jerusalem, give the number of Jewish citizens to be 18,190.[52] The historian Yehoshua Ben-Arieh has examined innumerable sources on the demography of the city at this time and concludes that:

> In 1917, Colonel Zaki Bey, head of the Jerusalem Wheat Syndicate, reported to Jamal Pasha that Jerusalem had 31,147 Jews in an overall population of 53,410. These figures were based on birth certificates and police records; their accuracy is proven by the first comprehensive census in Jerusalem, made by the British in 1922. This census showed a general population of 62,000, including 34,300 Jews. [53]

Statistics that record the residential area of the population in the different parts of the city were not taken at this period. However, it is known that at the beginning of the British Mandate, the area of the New City was four times greater than that of the Old City.[54] Residents of the New City at the end of Ottoman rule, according to Ben-Arieh's estimates, were as follows: 2,000-2,400 Muslims, around 15% of the estimated 12,000 Muslim Jerusalemites[55], and 29,000 of the total 45,000 Jews.[56] Christians constituted 15% of the population in the New City (or approximately 5-6,000 people).[57] However, the city continued to grow as a residential area for Muslims, Christians and Jews witnessed by the 1922 Census where 30.3% of the Muslims were living outside of the walls.[58]

Building Inside and Outside the City Walls

In the early to mid-nineteenth century, Jerusalem consisted of the walled city, with limited construction outside the walls. Inside the walls it was a medieval Islamic city divided at least partially along ethno-religious lines, although the current modern appellations and division into quarters (Muslim, Christian, Jewish, and

Armenian) did not exist.[59] Rather, neighbourhoods (*harat*) had formed based on shared features, be they common religion, place of origin, tribe, ethnicity, or group. For example, members of the Bani Zayad tribe formed *Haret Bani Zayad* located in what is now *'Aqbet al-Mawlawiyya*, east of Damascus Gate. Likewise, areas were named according to the profession practiced by the shopkeepers—*Haret al-Jawalda* (Tanners' Quarter)—or a landmark—*Deir al-Rum* (The Greek Orthodox Monastery) or *Khan al-Zeit* (Olive Oil Merchants' Inn).[60]

Located outside the walls were cemeteries, a variety of religious buildings, and walled summer homes, all of which were considered part of Jerusalem rather than the nearby villages. Muslim, Christian, and Jewish cemeteries were located to the east and northwest of the walls. A number of mosques, hospices, *zawaya* [61], schools, khans, and *maqamat* (tombs or shrines) were located outside the walls, but by the mid-nineteenth century many had lost much of their earlier prosperity.[62] For example, in the thirteenth-century, a khan and *zawiya* were located at the site of the tomb of Sheikh Jarrah; the current mosque on the site was built in 1895/6.[63]

In the mid-nineteenth century, the heightened European interest in the Holy Land took shape in the form of increased building activity by Christian groups. English and German Protestants, according to Scholch, "were the first foreigners to erect new buildings inside and outside the town, notably Christ Church, the Protestant 'cathedral', which was consecrated in 1849."[64] The Russians, the German Templers, German Catholics, and Roman Catholics all began erecting churches, hospices, and other buildings both inside and outside the walls. These new European projects had their desired effect and by 1910, the annual number of European pilgrims to Jerusalem had more than doubled from the number forty years prior.[65] This building activity however also benefited the local population, and by the end of the nineteenth century, the European traveler Vital Cuinet listed 17 hospitals and 54 schools (excluding the Muslim mosque schools) in Jerusalem.[66] Numerous European educational institutions for local inhabitants were founded in Jerusalem during this period and included both Christian and Jewish schools run by British, German, Austrian, French, and Greek religious groups.

Both before and during this period, local residents had also embarked on significant building projects. These efforts are less well documented; however, they do exist in sources such as travelers' accounts, historical writings, maps, and autobiographies. Most of the writings by Israeli and Zionist scholars have ignored the writings of Arab travelers to Palestine and Arab historians, while relying heavily on the descriptive travel literature of European pilgrims.[67] One type of building outside the walls, often neglected or underestimated in the scholarly literature, is the numerous summer residences located to the northeast and southwest of the walled city. Some of these buildings were estate-like homes (*qusur*) built by the

wealthy and powerful and surrounded by cultivated land and orchards, often containing mills or presses. The accounts of Arab travelers tell of these large homes in the Baq'a and Mount of Olives area both in Mamluke and Ottoman times.[68]

By the mid and later half of the nineteenth century, spending a summer outside the walls became a common practice of those who could afford to escape the oppressive conditions of a hot Jerusalem summer in the crowded Old City. Villagers and farming families had always gone to live in small houses that they set up near their fields during the planting and harvest seasons. And the elite families continued the practice established in the preceding centuries of living in qusur by building second or summer houses outside the walls. The *Bayt al-Mufti* was the summer home of the al-Huseini family, established in the 1860s, later lavishly rebuilt in 1890-5.[69] But during this period, the practice of establishing summer residences spread beyond the elite and the peasants to more middle class households. This seems to be particularly true of Christian families who had access to Christian *waqf* land and buildings. A number of family histories exemplify this trend. In the 1880s, the Sakakini family who lived in the Christian Quarter in the Old City had built a summer house in Musrara, while their neighbors, the Abdo's, stayed outside the walls during the summer in a house owned by the Greek Orthodox Patriarchate in a building called *al-Haririyyeh*.[70] Nicholas Spiridon, a Greek physician, moved with his family from a house in the Old City that was property of the Greek Orthodox Patriarchate to one outside the walls in Mamillah in the 1890s, also the property of the Greek Orthodox Patriarchate. In 1897 he bought 21 parcels of land from the villagers of al-Malha where he built a 'country' or 'summer' home and planted olives and eucalyptus and dug a well.[71]

Neighbourhoods, Suburbs or Communities: The Growth of the New City

The primary reason cited for the relatively slow initial expansion outside the walls of the city was concern for security. Until the 1870s, the city gates were closed at night and during Muslim Friday prayers.[72] However, it must also be acknowledged that the city walls of Jerusalem could easily encompass the small population and thus there was little incentive to leave. The issue of security underlies a complicated interaction between the Ottoman military presence, the 'bandits' who attacked or robbed unprotected people, and the local leaders.[73] When Jerusalem became a *mutasarrif* in 1858[74], the increased Ottoman administrative presence, including military, would have at least made the city seem safer and better protected. Prior to this, however, the families living in Nabi Dawoud, adjoining the walls of the Old City, and the nearby villages—al-Tur, Silwan, 'Izariya, Abu Tor, among

others—were not walled.[75] Thus, it was possible to live outside the walls, and be protected from attacks and raids. However, such arrangements may not have been possible for Jewish immigrants who spoke little Arabic and had no relations with local shaykhs and leaders. Zionist and Israeli accounts, which emphasize the increased security of the second half of the nineteenth century as the key reason for the growth outside the walls, reveal their singular perspective on relations and events of the time.

With increased population growth and Jewish immigration, the factors pushing people to build outside the walled Old City increased. Among the primary motives to leave the city were the overcrowding and sanitation problems. The availability of water in the Old City was a problem, particularly during the hot summer months. Outside the walls, people could dig large cisterns under their homes to store the winter rainwater that drained off of their roofs, thereby alleviating some of the need to go long distances for water supplies and to ration water in the summer.

The vast majority of studies on the growth of the New City focus on the appearance of planned neighbourhoods.[76] These neighbourhoods were set up by Jewish building societies or philanthropical endeavors and kept rules, regulations and detailed records which make understanding this particular aspect of building growth in the New City a reasonably ordered endeavor.[77] However, the paradigm set up by the emphasis on neighbourhoods is problematic, for it focuses exclusively on the one community that built organized neighbourhoods and treats the other methods of building homes and communities as aberrant. Thus, only organized neighbourhoods have made it into the history books. Strict documentation of Arab building projects of the sort available for Jewish building projects is largely absent in this initial period. Arab building practices were signaled by different kinds of building: either individual or family initiatives or Christian *waqf*. Arab expansion outside the walls was essentially a private enterprise based on land availability and family capital without the formal, regulatory processes undertaken in the establishment of the Jewish neighbourhoods. Some Muslim families who bought land and lived outside the walls created family *waqfs* to retain the land within the family. Little research has been published on this subject, and thus family archives, the Islamic court records, and Christian *waqf* documents promise to reveal more on the building and land allocation practices of the Arab, Armenian, and Greek Jerusalemites. Memoirs, diaries, and oral accounts also provide us with insight into the process of building and land acquisition outside the walls.

Other evidence for the history of building in Jerusalem is equally problematic. Many of the maps from this period were made by foreigners, and thus Christian religious and missionary activities figure prominently into the maps of Jerusalem. The Jewish and Christian land purchases and buildings were well-documented in

the property records of the church, Jewish institutions, and the Ottoman government records, and also were marked as important steps in their expansion in the Holy Land in the memory and records of each particular community. Thus, these sources tend to overlook local building activity. The following section will attempt to address the difficulties inherent in the historical material used by scholars in interpreting the expansion of the New City and in documenting the locally sponsored building starts.

Histories of Jerusalem acknowledge that the first neighborhood to be built as such outside the Old City walls was *Mishkenot Sha'ananim*, the Jewish housing project of Moses Montefiori, which began in 1855, with twenty homes finished around 1860.[78] A number of private homes and missionary projects had also been erected, including the Russian Compound (completed in 1860), Bishop Gobat's school on Mt. Zion, the Schneller Orphanage, and British Consul Finn's summerhouse in Talbiya. Wilson's map of 1864 also marks a 'Greek Settlement' in Talbiya, shops outside Jaffa Gate, an Armenian cafe, and a Turkish guardhouse.[79]

From the descriptions and the compiled historical record repeatedly cited in both academic writings and more popular accounts of the history of the city, it would appear that the Arab, Greek, and Armenian inhabitants of the city did not consider living outside the walls during this early period. While there is truth to the assertion that there were no organized Arab, Greek, or Armenian building projects during the initial expansion, the focus on well-documented cases leaves out an important aspect in the growth of the city. Private Arab and other efforts to build year-round residences on private land outside the city are largely undocumented, or at least no serious study of them has been done.[80] Nor does the discourse on expansion outside the walls consider the Arab summer homes part of the residential landscape. In addition, the relationship of the Greek Orthodox Church and its practice of leasing (not necessarily for payment) land to its laity for building outside the city must be examined. Thus, buildings were attributed on maps and in records as Greek Orthodox church property, although they may have been residential buildings of Greek or Arab members of the church.

We do know, however, that there were Jewish and Arab residents outside the walls because the Palestine Exploration Fund Quarterly reported in 1881, that of 2,500 residents living outside the walls, 1,510 of them were Jews. A letter written by a member of the American Colony in 1883 is also revealing regarding the building activity of this period:

> The activity of rebuilding is by no means confined to the Jews. Catholics, Greeks, Mohammedans, and Protestants are all taking part in it. There are at the present time more than one hundred

buildings going up, all of stone, and most of them carefully cut
stone. The new method is to use iron girders to support the ceiling.
This is then covered with French tiles instead of the older and more
picturesque dome roof.[81]

Furthermore, the building patterns of the Arab Christian and Muslim inhabitants
of the city do not lend themselves to the easy categorization of 'neighbourhoods',
unlike the early Jewish housing projects. In some cases, a single or extended family
bought land and began building together in an area with space for later generations
to continue to add homes in the area. Al-Nammriyya and al-Wa'riya are two areas
in the Baq'a area of the New City which take their name from members of the
Nammari and Wa'ri families who moved out of the Old City and set up family
waqfs during Ottoman times. In other cases, an Arab family was more likely to
build an independently designed house on a plot of land which they owned, a practice
given witness to in family histories and easily observed from the building styles of
the later Arab neighbourhoods of Talbiya and Qatamon. Alternatively, church
property that stayed in the name of the church but was rented or leased in exchange
for payment or services provided a number of Christians with homes outside the
Old City. In addition to the varying patterns of building, the character of the building
and the money invested in it differed greatly. David Yellin describes building in
1900:

> The total number of new homeowners amounts to 111. Of these,
> 56 are Jews, 27 Christians and 27 Muslims; and [one must also
> count] the municipality, which has put up a building with the revenue
> collected from all the city's residents.
>
> This precise number is not very large at all, and indeed it is a faithful
> reflection of this stagnant period in the building of Jerusalem ... if
> we see that in this year 54 gentiles have built houses in Jerusalem,
> we know that 54 large buildings have been added; whereas, of the
> 56 Jews, few have built new houses, most of them being simply
> former home-owners, each of whom has made some small addition
> to his old home...
>
> The 27 Christian houses are worth (at least) 756,500 piasters. The
> 56 Jewish houses are worth 263,000 piasters. The 27 Muslim houses
> are worth 242,000 piasters. The municipality building is worth
> 9,000. ...
>
> The value of each of the Muslim houses comes, on the average, ...

> to 1.5 times the value of each Jewish house, and the value of each Christian house—to twice the latter. ...
>
> Among the Christians, the proportion of wealthy builders is 54 percent; among the Muslim-33 percent; and among the Jews, only 12 percent. Besides, the costliest of the Jewish houses reaches a value of 20,000, while the costliest of the Muslim and Christian houses come to much more.[82]

This trend in building investment and styles characterizes Arab building practices throughout the Ottoman and British Mandate periods. In the eyes of the Arab Jerusalemites, the New City changed from a place signifying distance from familial ties and isolation, to a place with a healthy environment and relative safety. It also became a site on which to express upper and middle class values and wealth in elaborate architectural designs and gardens, in ways they were unable to do in the crowded Old City. The New City was not only for the exceptionally wealthy, however, and family histories also reveal that wealthier Arabs began building homes and commercial buildings and renting them out. Thus, it became possible for many people, Jews and Arabs, to leave the Old City, and rent in these areas, even though they lacked the capital required for purchasing land and building a house. The extensive properties of the Greek Orthodox and Armenian churches provided similar opportunities for their members.

The following instances provide examples of the unevenness of information regarding building expansion. In the 1870s *Kneset Yisrael Association* established the *Even Yisrael Society* and bought a plot of land planning to build 53 homes. The Society's Book of Regulations reports on the details of the lottery to distribute the homes, the founders of the neighbourhoods, the cost of the land, and the method of purchase.[83] In contrast, searching for information about Arab, Armenian, and Greek residential expansion outside the Old City is less rewarding. It is recorded in a family history that a newly married Armenian couple in 1858 began living outside the city in the Mamillah quarter in a house the groom had inherited from his father. After the wife died in 1884, the husband petitioned the Armenian patriarch to be given rooms in the Armenian Quarter, as he wrote, "It is impossible for me to live outside the Old City and leave my children in the hands of Turks and troops and other strange people."[84] It is doubtful that the young couple would have ventured outside the walls to live alone and there would most likely have been at least some other homes in the area. But there are no residences marked in this area on a map from this period. Similarly, Bertha Spafford Vester tells of an incident from the late 1870s or early 1880s, when a young man from an Arab Roman Catholic family

from *Haret al-Sa'adiyah* (inside of *Bab al-Zahira* ['Herod's Gate']) was building a home for himself at the end of Jaffa Road, opposite the British Consulate.[85] Before the wedding, he died and the house was left unfinished. Vester mentions this incident because the house stood empty for years, and she recalls her mother telling her the story. Because of the tragic incident surrounding the house, its history is recorded in her memoirs. But relying on such sources for information reveals the precarious position of reading the historical record. How many other houses were built by Jerusalemites but were never documented or described? Family papers, municipality records and Muslim and Christian *waqf* documents will be key in unearthing the history of Arab building in the New City.

The End of Ottoman Rule over Jerusalem

World War I imposed extreme hardships on the population of Jerusalem, as well as all over the Levant. Conscription, famines, illnesses, and shortages of supplies plagued the country and brought normal functioning of the city to a standstill. With the uncertainty of the future as well as the growing sentiments of dissatisfaction with the Ottoman authority which had begun earlier in the century, the general mood of the population and economic condition of the empire discouraged the growth and investments in building and expansion which characterized the later half of the nineteenth century. Thus, the British occupation of the city in 1917 came to be seen in comparative light as providing stability and services for the residents. These moves gave people confidence in the future, resulting in a second period of growth in building homes and businesses outside the walls.

The basis of the communities in the New City—German Colony, Greek Colony, Qatamon, Talbiya, Baq'a and others—grew out of the late Ottoman period and the changes made to Ottoman land laws and administration. The increased Ottoman presence and the sense of security, as well as the economic growth of the city provided a variety of pull factors to encourage the Jerusalem population to begin building outside the walled city. The crowded existence within the walls as well as the desire to express wealth and status in architectural adornment pushed wealthy Muslim and Christian families into the New City. The Christian churches, in particular the Greek Orthodox and Armenian Churches, provided their clergy and lay members with opportunities to live in church property outside the walls, thereby contributing to a large Christian presence in parts of the city. At the same time that building projects and architectural styles were changing the face of the city, the social fabric of Jerusalem was also being transformed. The new schools that were founded by Christian missionaries, the Ottoman authorities, and local Arab educators

provided important opportunities for people to change their lives through becoming literate and acquiring skills that prepared them for different ways of life and economic opportunities, such as administrative jobs and increasing contact with tourists. While many of these transformations came to a standstill during the years of World War I, they resumed with vigor under the British Mandate period in Palestine.

Endnotes

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[2] Ben-Arieh, *New City*, p. 355; Schmelz, *Notes* p. 62 and *Modern Jerusalem*, pp. 9-22.

[3] See, for example, Fawcett, Andrews, Duff, and many others.

[4] See, for example, Kark's *Jerusalem Neighbourhoods*, Ben-Arieh, Schmelz, Albert Hyamson's *Palestine Old and New*, and *A Companion Volume to the Atlas of Jerusalem*, among others.

[5] Ben-Arieh maintains that there were 6,000 Muslims, 4,000 Christians, and 11,000 Jews. Ottoman statistics only register 3,780 Jews. There were, of course, Jews who were not Ottoman citizens (and so would not have been counted), but the non-citizen count for the entire *Qada'* of Jerusalem was 5,500. Even if it is assumed that all non-citizens were Jews, which they certainly weren't, then the Jewish population, according to Ottoman registers, would only figure to be 9,280. (Scholch, pp. 231-232).

[6] Scholch, p. 230.

[7] Ben-Arieh, *New City*, pp. 368-9.

[8] Ben-Arieh, *New City*, p. 374 citing the newspaper *Hashkafah*, 16 Heshvan 5665 (1904/5), Vol. VI, No. 11, p. 2; Scholch, p. 237. However, 'Izzat Tannous in his history of Palestine recalls traveling on donkeyback between Nablus and Jerusalem as late as 1908, saying that "there were no paved roads for vehicles." (Tannous, p. 10). Whether this means that they couldn't travel even by carriage is unclear.

[9] Ben-Arieh, *New City*, p. 372 citing David Yellin, *Writings*, I, pp. 9-10 (1896) [Hebrew].

[10] Ben-Arieh, *New City*, pp. 375-77. Scholch lists 1865 as the date Jerusalem was connected with Jaffa which had been connected in 1864. Scholch, pp. 236-7.

[11] Lieber, p. 36.

[12] Vester, p. 210.

[13] Halabi, p. 7; Scholch, p. 239.

[14] Scholch, p. 240; Ben-Arieh, p. 124.

[15] Scholch, p. 240.

[16] Department of Overseas Trade (1935), p. 63.

[17] Scholch, p. 240; Ben-Arieh, p. 124.

[18] Scholch, p. 240. See also Ben-Arieh, p. 124 citing Luncz, *Almanac*, VII, p. 171-2; Luncz, *Jerusalem Yearbook*, V, 1901, p. 283; X, 1905, p. 166.

[19] Ben-Arieh, p. 125.

[20] Ben-Arieh, p. 138.

[21] Khouri, pp. 3-5.

[22] Khouri, pp. 3-27.

[23] Khalil Sakakini, p. 48.

[24] Yaghi, p. 99.

[25] Tarif Khalidi, p. 61.

[26] Tarif Khalidi, p. 62.

[27] Tarif Khalidi, p. 62.

[28] Graham-Brown, p. 15, citing 'Education in Syria' by Shahin Makarius, 1883.

[29] Kark and Landman, p. 134 quoting Luncz from the *Jerusalem Yearbook*, IV, 1892, pp. 222-3.

[30] Ben-Arieh, p. 138.

[31] Ben-Arieh, p. 138; Hala Sakakini, p. 24.

[32] Rose, pp. 43-67.

[33] Tannous, pp. 27-48.

[34] Tarif Khalidi, p. 63.

[35] Tannous, pp. 12-15. Tannous credits St. George's with introducing "technique" to football in Palestine, and initiating "a revolution in sports which spread to all other towns in Palestine".

[36] Roberts, p. 44.

[37] Smith, p. 27 quoting Ruppin, *Syrien als Wirtschaftsgebiet*, p. 86.

[38] See Vester, p. 156 for an account of such things.

[39] Robinson, Edward. *Biblical Researchers in Palestine, Mount Sinai and Arabia Petraea*. London, 1841, II, pp. 83 ff as cited in Lieber, p. 34.

[40] Ben-Arieh, p. 40.

[41] Ben-Arieh, p. 41.

[42] Himadeh, pp. 216-220

[43] Ben-Arieh, p. 350.

[44] Scholch, p. 236.

[45] Vester, p. 92.

[46] Hala Sakakini, p. 48.

[47] Veicmanas, p. 377; see also Asali.

[48] Scholch, p. 233.

[49] See McCarthy for his comprehensive work on Ottoman population statistics in Palestine.

[50] Schmelz, Modern Jerusalem, p. 17, points this out as regards the Jews with foreign citizenship

living in Jerusalem, but neglects to mention foreign Christians as also falling under this category.

[51] Ben-Arieh, *Old City*, p. 354 citing Luncz (see note 32, p. 354).

[52] Scholch, p. 232.

[53] Ben-Arieh, *Old City*, p. 355. According to the Survey of Palestine, the 1922 urban population of Jerusalem totaled 62,578, with Jews numbering 33,971, Muslims 13,413 and Christians numbered 14,699. (*Survey of Palestine*, Vol. I, p. 148).

[54] Ben-Arieh, *New City*, p. 366, citing Press Travel Handbook, pp. 125-6.

[55] Ben-Arieh, *New City*, p. 354.

[56] Ben-Arieh, *New City*, p. 241. Note the discrepancy in the number of Jews with the Ottoman estimates given previously.

[57] Kark and Landman, p. 131.

[58] Kark and Landman, p. 131.

[59] For an in-depth discussion of this issue, see Adar Arnon, "The Quarters of Jerusalem in the Ottoman Period". *Middle Eastern Studies*, Vol. 28, No. 1. January 1992, pp. 1-65.

[60] Arnon, pp. 7-12.

[61] *Zawaya* plural, *zawiya* singular: It has had a variety of uses throughout the Islamic Near East and North Africa, but usually housed a *shaykh* and often consisted of the tomb of a saint and a guest house. Religious instruction was always a central part of their role and some zawaya were centers of Islamic mysticism (see the *Encyclopedia of Islam*, "zawaya").

[62] Kark and Landman, p. 114.

[63] Kark and Landman, p. 114.

[64] Scholch, p. 233.

[65] Scholch, p. 237.

[66] Scholch, p. 233 in reference to Vital Cuinet, *Syrie, Liban et Palestine. Geographie Adminstrative, Statistique, Descriptive et Raisonee*. Paris, 1896-1901, pp. 522, 535, 542, 553 and 563.

[67] Shimon Landman's work is an exception, and he uses many Arab sources in describing the rise of Muslim building outside the walls of the Old City in the 19th century.

[68] See, for example, Mujir al-Din's *al-Uns al-Jalil bi-tarikh al-Quds wal-Khalil* (part 2, p. 60 is one instance) from the fifteenth century or *Suwwanih al-Ins bi-rihlati li-wadi al-Quds* by Mustafa As'ad al-Laqimi al-Dumiyati who died in 1764 AD. Landman's work documents the various qusur of Sheikh Khalili, al-'Amawi, al-Nathir, al-Khatib, and al-Shihabi families, among others.

[69] Kark and Landman, p. 118.

[70] Hala Sakakini, p. 1. The Patriarchate's building is now east of the railway station and has been converted by Israelis into a theatre, called 'the Khan'.

[71] Interview with M. Spiridon, 13 June 1995.

[72] Scholch, p. 234.

[73] See 'Adel Manna' for more on this subject.

[74] Abu Bakr, p. 47. As a *mutasarrif*, Jerusalem was directly under the control of Istanbul, and no longer was governed via the *wali* of Syria. The *mutasarrif* was rezoned in 1864.

[75] I am grateful to Su'ad al-'Amiri and Nazmi al-Ju'bi for raising this issue.

[76] See, for example, Ben Arieh, Kark *Jerusalem Neighbourhoods*, Shapiro, among others.

[77] See Kark, etc..

[78] Ben Arieh, *New City*, p. 74.

[79] Ben Arieh, *New City*, pp. 79-80 referring to Wilson's map of 1864.

[80] Kark and Landman are an exception but their work addresses only Muslim buildings in the northeastern part of the New City.

[81] Vester, pp. 86-87. Letter from Aunt Maggie, 17 January 1883.

[82] Ben Arieh, *New City*, p. 455 citing Yellin, *Writings*, I, pp. 386-8, Iyyar 5660 (1899-90).

[83] Ben Arieh, p. 115.

[84] Rose, pp. 30-31. The husband worked near Jaffa Gate, a fifteen minute walk from his house. He was given two rooms and a kitchen by the Patriarchate and had to pay three pounds yearly, as he was receiving rent on the house he had left in Mamillah. He remarried two years later.

[85] The British Consulate was the building with the two stucco lions, later a police station during the British Mandate, and now a bank. Vester, p. 83.

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The Growth of the Western Communities, 1917-1948[1]

Rochelle Davis

*I*ntroduction

When the British occupied Jerusalem at the end of 1917, they found a city wasted by the hardships and deprivations of World War I. When they left the city in the spring of 1948, they relinquished what had become a vibrant and cosmopolitan city to be ravaged and divided in the 1948 war over Palestine. This chapter will address the social, physical, economic, and demographic transformations taking place in the intervening thirty years. A realistic and complex assessment of the British role in the growth of the city would consider how the British administration and regulations shaped the development of a city in which there were vastly different interests, desires, goals, wealth, languages, and living styles. However, the majority of scholarly work focuses on British achievements in providing a stable and substantial water supply to the city, the sanitation network, road work, etc., or alternatively, the changes brought to the city by the European Jewish immigrants. But to focus entirely on how these improvements molded the city is unfortunate. The indigenous members of the Jerusalem community were active and creative participants in the changes and developments going on around them, contributing greatly to their own lives and futures. It is how Arab, Greek, and Armenian Jerusalemites lived their lives and the environments they created in the New City that will be the focus of this chapter.[2]

With this view in mind, this chapter will attempt to elucidate some of the socio-economic features that characterized life in twentieth-century Arab Jerusalem—the different suburbs of the New City, education, and social life, among other things—to try and create a picture of living in this cosmopolitan and rapidly growing city. As the vast majority of literature written on this subject deals exclusively with

the Jewish sector of the city[3], this work will focus on the activities of the Arab, Greek, and Armenian Jerusalemites.[4] However, none of the many communities that made up Jerusalem can be looked at in isolation; rather the interdependence and interaction of these communities was what characterized the city's uniqueness. Although abundant sources are available for administrative and political events in Jerusalem during the British Mandate, as well as Zionist activities in the city, little has been written on everyday life.[5] Therefore, this chapter will rely on autobiographies and oral interviews of Jerusalemites, as well as statistical surveys, British records, and scholarly works. Much of the information that has been collected on this period documents the lives of the educated and middle and upper classes. A gap exists in the source material regarding the lives of the urban poor and lower and working classes, a subject that will have to be addressed in another work.

The British administration of Palestine encouraged the continued growth of Jerusalem, both spatially and in terms of systematized infrastructure. The New and Old Cities grew in mutual dependency, particularly in terms of kinship relations and economic and market relations that resulted in specializations of labor and in the production and delivery of services in each. As the majority of the land outside the city walls was owned by Arab villagers, churches, or urban landowners, those Arabs, Armenians, and Greeks who had the economic means were encouraged by the general growth to build or rent outside the walls. The spacious new Arab suburbs in the New City were an indicator of social/class mobility, as at least moderate amounts of capital were required to build or rent in the Arab neighbourhoods outside the walls. In these two ways the Arab growth of the New City contrasted with the Jewish expansion in the city. Jews, in the twentieth century, had a more difficult time buying land in the city; and, Jews living in the New City represented a variety of different classes, not just the middle and upper classes. These new Arab residential areas differed significantly from those in the Old City as people moved away from shared private spaces and into single family homes. As will be explored in this chapter, these suburban living areas were part of the expressions of a rising middle class and a new 'modern' value system, including an emphasis on education and public life.

The British Occupied Enemy Territory Administration (OETA) in Palestine, in place during the first two and a half years of the British occupation of Palestine, was headquartered in Jerusalem, as was the Civil Administration of the British Mandate Authority which replaced it. Hosting the headquarters of the political administration of the country, Jerusalem acquired a new position of political importance adding to its position of religious significance. New housing and other services were also required for the British personnel. Class and economic position played a role in where they would live, as most foreigners working in Jerusalem were financially well off and

could afford to live wherever they chose, mostly in the New City. One visitor to Jerusalem in 1921 wrote, "Now, of course, there are pleasant suburbs stretching out, especially to the south, north, and west, and hardly anyone of European origin who is not obliged to do so lives within the old walled city."[6]

The British saw as central to their role in Jerusalem the preservation of the city's historic heritage—according to Storrs, the Military Governor of Jerusalem, "... not only to plan [Jerusalem] as much as to draw up regulations to protect its special character."[7] To this end, in April 1918, Storrs issued Public Notice No. 34 in English, French, Arabic, and Hebrew declaring that "No person shall demolish, erect, alter, or repair the structure of any building in the City of Jerusalem or its environs within a radius of 2500 meters from the Damascus Gate (Bab-al-Amud) until he has obtained a written permit from the Military Governor. ..."[8] In this period, restrictions were placed on building materials—no plaster or corrugated iron sheeting could be used, as part of "respecting the tradition of stone vaulting, the heritage in Jerusalem of an immemorial and hallowed past."[9] Building was forbidden for a period of twenty-five years inside the city walls and in the area immediately around it, and regulations were enforced as to height of buildings in order to preserve the skyline.[10]

The New City Flourishes:
Buildings in Jerusalem Under the British Mandate

The period of the British Mandate witnessed an impressive building boom in Jerusalem. According to the 1931 Report on the Economic Conditions in Palestine, Jerusalem invested 1,836,740 Palestinian Pounds, Haifa about 193,000 Palestinian Pounds, Tel-Aviv 175,000 Palestinian Pounds and Jaffa 79,400 Palestinian Pounds in building operations.[11] Not only were new houses and other buildings going up all over the city, but new architectural styles were also being developed. As during the Ottoman period the investment put into building of homes was significant. People tell of saving money for years to buy the plot of land and to build the house, investing their life savings into this property. A grandmother in the Kalouti family, living in Bab Hutta in the Old City, saved money until in 1927 she and her sons were able to buy a plot of land in Qatamon. The house was built in the early 1930s, although the grandmother had died by that time; eventually a second story was added and her two sons and their families lived there until 1948.[12] George Fasheh's father said that in order to buy the land for their house in Qatamon, his wife had sold her gold jewelry.[13] These two examples reveal both the upwardly mobile intentions of a rising middle class that aspired to a new, and more 'modern' lifestyle outside of conventional living and housing patterns. They also expose the role of

the entire family, and not just the husband/father, in contributing to the capital accumulation necessary to express these aspirations.

A material expression of the family's investment in building a home was often the highly individualized architectural detail, creative stone cutting around doors and windows, stylized facades, and elaborate stonework. This was particularly true of the homes owned and lived in by the Arab, Armenian, and Greek families, in contrast to the houses and buildings that were built to be rented out. Autobiographies, oral histories, and personal and public photographs from the period illuminate some of these trends. The Spiridon home in Upper Baq'a was designed by Spiro Spiridon, an electrical engineer. It was built in 1940-1 and had two stories and a fireplace, with an aquarium set into the staircase that could be seen from both inside and outside the house.[14] The Freij family built adjoining houses in Baq'a in 1925, and had their family name written in white tiles on the red carmide tile roof.[15] Placed above the doors of many of these houses were carved lintels or stones inset in the wall with inscriptions and the date of building.

Much of the gray or beige stone for these homes came from limestone quarries in the Jerusalem area, although in some cases, pink limestone was used to artistic ends to trim window and door frames, balconies, and corners. The stone facing on buildings was cut to individual tastes, either smooth or rough-hewn. The buildings were decorated with arched windows, columns, and multiple balconies and verandas. Most of the roofs were of red tile or were flat, replacing the domed roofs popular in village and older urban architecture in Palestine. Iron latticework covered the windows and was again a showplace for individual designs, and metal shutters outside of the windows were painted a variety of colors.[16] Inside the houses, the tiles used to pave the floors were locally manufactured. One Jerusalem tile-making factory, owned by the Qassasiyeh family, had its workshop in the Old City just inside Jaffa Gate, although many of the family lived in Qatamon.[17] These brightly colored tiles formed an elaborate pattern on the floor, using repeating geometric and plant motifs.

The New City and the Old City

With time, the movement out of the Old City increased, and living in the New City became desirable in terms of providing a healthier environment than the crowded Old City as well as indicating social and class upward mobility. Those who were left behind in the Old City were often those who could not afford to buy land and build a home or pay the relatively high rents of the New City villas and apartments. The earthquake of 1927 caused damage to some of the buildings of Jerusalem, particularly in the crowded sections of the Old City where houses shared

walls and roofs. The old style of these buildings and their limited access to running water and sewage systems decreased the desirability of living in the Old City. Because of British Mandate regulations to preserve the historic character of the Old City, it was not usually possible to rebuild homes in the more modern styles. As the New City grew, the historical accounts of its residents reflect an increasing economic and class separation between those who could afford to live in the New City and those who were stuck in the crowded and dirty Old City.

The poverty of the Old City contrasted sharply with the palatial homes being built in parts of the New City. Talbiya, al-Namamreh, Qatamon, and Baq'a were seen as the fashionable Arab quarters. "Together they formed a garden city, as they consisted mainly of villas surrounded by gardens. All houses, almost without exception, were built of stone, and the largest were two-storey, four-apartment buildings."[18] Common sights in these neighbourhoods were beautiful gardens, full of flowers and fruit trees. Hala Sakakini remembers how neighbor George Khamis, living with his family in Qatamon,

> …would take us around proudly showing us the different flower-beds and pointing out to us his prize carnations, or his huge adalias with the pointed petals, or his velvety wine-coloured roses. ... From the main gate a wide walk paved with flagstones led between long lines of lavender bushes up to a large porch with smooth round columns. In one part of the garden stood a few fig trees from which we were invited to pick the fruit.[19]

An essential and yet often unmentioned aspect of the stories of these well-off and middle class families is the men and women who worked for them that made such comfortable and elegant living possible. Most families employed women to clean and cook for them and men to do the gardening and other odd jobs, including raising chickens, pigeons, and rabbits for private consumption of eggs and meat.[20] The labor pool was drawn from the urban lower middle-class and poor in Jerusalem as well as the residents of the surrounding villages. Again, through family histories and testimonies the nature of these relations can be better understood. The Spiridon family living in Baq'a had close relations with the nearby village of Malha. The expansive Spiridon property was bought at the turn of the century from the villagers who continued to farm it until 1948. The villagers also were hired to do household chores and gardening. One woman, Jamila, had worked for the Spiridon family since age twelve and eventually made enough money to build homes in the village for each of her husband's five children.[21] The Rose family gardener was from the Old City and grew herbs, vegetables, stocks and sweet peas for the family in their garden in the Greek Colony.[22]

The relationship between the Old City and the New City remained a complex one throughout the period of the British Mandate. Most of the Arab inhabitants who moved to more spacious homes outside the walls continued to have relatives living in the Old City. In the early part of the twentieth century, some of those who lived outside the walls often still had jobs or owned stores in the Old City. For example, following their return from studying in Beirut, Izzat and Sulayman Tannous lived with family and friends in the Musrara quarter, outside Damascus Gate, but in 1919 they opened their pharmacy and clinic inside the walls near the Church of the Holy Sepulchre.[23] Some who lived in the Old City went to school outside the walls, while others who lived in the New City attended schools in the Old City.

Trade and employment passed back and forth between the Old and New Cities. Even with the creation of numerous markets and a large commercial district in the New City, people continued to do their shopping in the Old City. Fresh fish arrived on the train from Jaffa on Friday mornings and was available in a shop just inside Jaffa Gate.[24] Certain services and products were only available in the Old City, such as the *mbayedeen*, or tinsmiths, who were located in a special suq inside the Old City where they tin-plated the copper pots and trays that were used for cooking and serving.[25] The Old City residents, as mentioned earlier, also worked in the homes and gardens of the New City residents. The New City also had a specific role in Jerusalem, and certain products were only available there, as were the newer social attractions such as cinemas, European cafes, and places to dance. Large multi-storied buildings were erected in the commercial areas and were rented out as offices and stores.

The ties to the Old City remained strong, and for those families who moved out into the New City usually one part of the family remained within the walls, often the older generation. Hala Sakakini tells of her paternal aunt who after the earthquake in 1927 "came to live with us [in the New City] as the room which she used to occupy in my grandfather's house in the Old City had been badly damaged ..."[26] People commonly visited each other according to social norms and went to the Old City for the Christian and Muslim religious occasions, keeping New and Old City people in close contact. These relations were to remain essential in people's lives, and in 1948 many families who fled the fighting in the New City, took refuge with relations living in the Old City under Jordanian control. The Kalouti family, for example, left their homes in Qatamon in April of 1948 and stayed briefly in the Sa'adiyyah Quarter in the Old City at the home of a maternal aunt, before moving to Jordan.[27] During the holidays, the Old City was the center of celebrations. Hala Sakakini vividly recalls being taken with her sister Dumia by their mother and aunt on Easter Sundays to the Old City to watch the Greek Orthodox procession, where, she says, "we were always sure to meet many of our relatives and friends."[28]

The Old City during Ramadan was an especially celebratory place:

"It was in the Old City more than anywhere else in Jerusalem that Ramadan made itself felt. During that month the Old City was worth seeing by night. Everywhere the festive air was manifest. Even the smallest shop was lit up and decorated… But the greatest attraction was the sweetshops. These were stacked with large, round trays of delicious Arabic sweets—*karabeej halab, burma, baklawa, knafeh, bughaja, zunoud-es-sit, asabe' zeinab, kol wushkor, mutabbaq*, and, of course, *atayef*."[29]

Neighbourhoods and Neighbours: the Rising Middle Class

Despite the de-sectarian trend of urban growth in general, the New City of Jerusalem—the area outside the walls—was roughly divided into two groups of neighbourhoods: 1) Jewish and 2) Palestinian Arab, Greek and Armenian. However, in these new Palestinian neighbourhoods, Christian and Muslim Arabs, Greeks, and Armenians lived together in the same neighbourhoods, sharing public resources, workspaces, and social occasions. These new neighbourhoods became indicators of social class, and the growing middle-and upper-classes of Palestinian Jerusalemite society invested and found prestige in these new neighbourhoods, leaving behind the Old City as a place for the poor and the elderly. Rashid Khalidi describes the general de-sectarian nature of Palestinian society in the first half of the twentieth century, as Arab and Palestinian nationalism became the new poles around which people focused their identity, rather than the older religious or ethnic allegiances.[30] Despite this broad trend, sectarian divisions appeared in certain neighbourhoods— Talbiya, for example, was almost entirely Christian.

As the New City expanded, the suburbs formed a bloc around the north and western walls of the Old City and continued south and west from there. The largely Arab, Greek, and Armenian neighbourhoods included Bab al-Zahira, Sheikh Jarrah, Wadi al-Joz, Musrara, Mamillah, Shamma', al-Nabi Dawoud, Deir Abu Tor, Wadi al-Nabah, Baq'a (Upper and Lower), Talbiya, al-Wa'riya, al-Nammriya (al-Namamreh), Qatamon, the Greek Colony, the German Colony, and Sheikh Badr.[31] Romeima and King George V - Ratisbone were mixed neighbourhoods.

Not all of the residents of the New City had moved there from homes within the Old City walls. During the first half of the twentieth century in Palestine, migration to the cities from the towns and villages of the countryside had increased. Jaffa, Haifa and Jerusalem all enjoyed a share of aspiring Palestinians looking for work and increased educational opportunities in the urban centers. Again, family cases provide us with a glimpse into the composition of the neighbourhoods and migration. Ghada al-Karmi writes, "I was born in Jerusalem to a comfortably off, middle-

class family. We were not natives of Jerusalem, for my father originated from the town of Tulkarm (hence our name of Karmi), and had come to live and work there as a young man. At the time of my birth, we lived in a house in Qatamon, in which we stayed until the time of our flight in 1948."[32] Sami Khouri was born in Nablus, but studied at St. George's school, graduating in 1940. After finishing his medical degree he returned to Jerusalem to work in the Moscobiya Government Hospital.[33] Jalal Hashim was from Nablus working as a civil servant for the British. He rented a house from the Karkashian family in Qatamon.[34] What can be deduced from these examples is that not only did Jerusalem attract persons from all over Palestine in search of employment opportunities, but it provided an atmosphere in which these people could successfully make a living and be part of the diverse social fabric that made up the city.

As the neighbourhoods grew and developed, so too did the small groceries, bakeries, fruit and vegetable markets, and butchers in the different areas. These small-scale merchants relied on connections to the villages and the Old City for their supplies, as well as receiving stocks from larger traders. The Kalouti butcher's shop in Qatamon purchased its meat from the *Suq al-Juma'* ['Friday Market'] held next to the Montefiori, where villagers would bring their animals to this market to sell. Occasionally, the shop would buy already slaughtered meat in Khan al-Zeit in the Old City. In addition to providing meat for the well-to-do neighborhood, the butcher would exchange meat for the agricultural produce brought into the city by the village men and women.[35] Freij's liquor store "bought arak from Bethlehem and Ramallah, but wine and spirits from Jews in Rishon (south of Tel Aviv) and sold them to Arabs."[36]

The New City suburbs were a market for numerous tradespeople and merchants who brought their products and skills to the streets. This practice allowed for those without enough capital to invest in setting up a shop, to participate as small-time merchants and tradespeople in the economy and still remain independent of contracting their works out to shops or selling their products at a lower profit to merchants. As in earlier periods, it was common for villagers to bring their fruits and vegetables to peddle in the city. "The Greek and German Colonies, the Baq'a and Qatamon were served by the Arab villages to the south—Beit Safafa, Malha, Walajeh, Battir and Sur Bahir. Tomatoes, cucumbers, aubergines, broad beans (*fool* in Arabic) as well as a large variety of fruit—apricots, sugar apples, quince, grapes and figs—were brought to the door."[37] Vendors also came around selling sweets, cold drinks of licorice, tamarind and carob, sesame bread (*ka'ek*), ice cream, roasted green chickpeas, green almonds, and other seasonal treats.[38] Wood was brought around on camel back for heating, and kerosene vendors came with a horse-drawn tank to fill stoves.[39] Roving craftsmen included knife-sharpeners and shoe

repairmen. Other people who passed through the streets were gypsy fortune-tellers, people with performing animals, and the *sanduq al-'ajab*, a storyteller with a box of highly colored moving pictures.[40]

The population of Jerusalem continued to increase rapidly during the British Mandate. The census of 1931 showed the population at 90,503, with 19,894 Muslims, 51,222 Jews, and 19,335 Christians. The 1944 population of Jerusalem, based on estimates of the 1931 census, was divided as follows: of a total population of 157,080, the Muslim community had 30,630, the Jews were 97,000, and the Christians counted for 29,350.[41]

Table 1   Population of Jerusalem (within the municipal boundaries) during the British Mandate

	Muslims	Christians	Jews	Total*
Survey of Palestine 1922	13,413	14,699	33,971	62,578
Census of 1931	19,894	19,335	51,222	90,503
Census estimate of 1944	30,630	29,350	97,000	157,080

Figures obtained from the *Survey of Palestine*, Volume I, pp. 148-151. * Total includes "others."

One source citing a British official in 1947 put the number of Muslim and Christians in the New City at 31,500 with around 33,600 living in the Old City. The Jewish population in the Old City was 2,400 with 97,000 residing in the New City.[42] Equally relevant to the lives and income of the residents was the distribution of land ownership in Jerusalem. Of a total area of 19,331 dunums, 11,191 were owned by Arabs, 4,830 owned by Jews, and the remaining 3,305 were public land (roads, squares, etc.).[43] While the majority of the population of the city was Jewish, Arabs owned almost three times as much land within the municipal boundaries of Jerusalem.[44]

Table 2   Population of Jerusalem According to Residence and Property Ownership, 1947

	Old City	New City	Total Population	Land Ownership
Jews	2,400	97,000	99,400	4,830 dunums
Muslims and Christians	33,600	31,500	65,100	11,191 dunums
Total	36,000	128,500	164,500	19,326 (3,305 dunums of state land)

Source: al-'Arif, *Al-Mufassal fi Tarikh al-Quds*, p. 430; map of Jerusalem properties published by the Palestine Arab Refugee Office.

A Cosmopolitan and Modern City:
Modernity and the Rising Arab Middle Class

With the end of Ottoman rule, major changes came about in terms of employment and work possibilities. In 1912 the Young Turk regime abolished the guild system, a feature of many of the urban centers of the Ottoman Empire, and one which had placed restrictions on people entering certain fields of work.[45] More importantly, the destitution and poverty which had characterized the war years found considerable relief in the end of the war and the immediate humanitarian assistance provided by the British Administration, the Red Cross, and other charitable organizations. As the city and the British administrative presence grew over the next thirty years, they became a source of white-collar office jobs for the literate and educated, contracted labor out from individuals and firms for services and work, and required blue-collar labor in the building and service sectors.[46]

This new period in Jerusalem's history caused a change in the class divisions of Jerusalem society—the increasing wealth of people who were artisans, housekeepers, or day laborers allowed them to help the next generation of their relatives receive an education that they themselves did not have. For example, a young Armenian, Hagop, was apprenticed to a Muslim shoe-shop in the Old City. "On completing his training he moved to Beirut to learn new techniques and become familiar with the fashionable shoe-styles for which the city was famous throughout the Middle East."[47] He and his family eventually bought land in Upper Baq'a where they built a house, and he sent his girls to Jerusalem Girls' College and the boys to St. George's School and the College des Freres.[48] This change within the class structure did not necessarily imply a weakening of the structures of power and leadership—Jerusalem's elite families retained their positions of authority both in the religious hierarchies and the political spectrum. Rather, the changes that occurred were indicative of rising educational levels and economic standards of living for the general population as a whole and the rise of a middle class in particular.

Economic statistics reveal the shape of Jewish-Arab relations in some sectors. Romann states that "[i]n 1935, a record year for Jewish construction in Jerusalem, the number of Arabs rose to 40 per cent of those employed in the Jewish sector. ... According to figures in the 1937 Jewish trade census, roughly one-third of Jewish shops had Arab customers, and about 10 per cent derived more than half their turnover from such clientele."[49] As no such statistics exist for the non-Jewish sector (whether Arab, Greek, Armenian, etc.), it is difficult to assess the Jewish patronage of non-Jewish businesses. However, it was most likely not of equal proportion as the Zionist policy of supporting Jewish labor and buying Jewish products (*'Avoda 'Ivrit* and *Tozat 'Ivrit*), certainly exerted an influence discouraging

Jewish patronage of non-Jewish businesses.[50]

As in the preceding period, the Jerusalem economy relied heavily on foreign contributions to the various communities and tourism to the Holy Land.[51] Most economic projects that were established in the city were small-scale, although it seems to have remained the primary economic market for the towns and villages of Trans-Jordan.[52] Economic growth in the cities of Jaffa/Tel Aviv and Haifa was much higher per capita. By 1939, for example, Jerusalem constituted 8.75 per cent of the population of Palestine, yet its industrial consumption of electricity accounted for only 1.9 per cent.[53] Furthermore, "[t]he first census of industry taken by the Government of Palestine revealed that in 1928, in the 658 'industrial' establishments in the city, only 3,316 persons were employed, including owners. Only eighty workshops possessed some kind of power-driven machinery."[54] In Tel Aviv/Jaffa, there were fewer craft and industrial establishments (543), but they employed more workers (4,323), at an average of eight per establishment versus five in Jerusalem, and had almost three times the capital invested in them.[55] And, in Jerusalem, "[t]he average monthly wage then amounted to 3.33 Palestinian pounds, as compared with 5.95 Palestinian pounds earned at that time in Tel Aviv..."[56] The Jerusalem Chamber of Commerce was for all merchants in the city, whereas Chambers of Commerce of the coastal cities (Jaffa-Tel Aviv and Haifa) were "divided according to the nationality of the traders—a feature which does not promote cooperation within the merchant class."[57] In 1936 an Arab Chamber of Commerce was also founded in Jerusalem.[58] By the 1930s, Jewish retailers and wholesalers in Jerusalem and the other cities were beginning to form associations to grant credit, cut competition and improve relations. No such institutions existed among the Arab merchants.[59]

Trading fairs were popular during this period, including ones exclusively related to the Arab world. One such exhibition was the Arab Fair in Jerusalem for "traditional oriental goods."[60] According to the British Department of Overseas Trade, "[t]he exhibits were mainly the products of Arab manufacturers in Palestine and neighbouring countries. About 150 firms participated and a large variety of products was shown. The promoters were the Arab Fair Co., Ltd., who seek to establish regular market organizations for Arab manufacturers and to foster trade between Arab countries."[61] Hala Sakakini recalls going to the second Arab Exhibition in the summer of 1934, which was "held in the white, palatial *Awqaf* building at the bottom of St. Julian's Way, across the street from the Mamillah cemetery."[62] Fireworks were set off every night, and the Exhibition had food and handicrafts from Palestine and other parts of the Arab world, a cafe serving Arabic ice cream, music, acrobats and a circus. On sale were leather goods from Egypt, woolen blankets and clothes from Iraq, a myriad of sweets and fruit preserves from Damascus, brocades and silks from Syria, perfumes and confectionery from Lebanon, brass and copper objects from the countries of the

Levant, soap from Nablus, mother-of-pearl from Bethlehem, wool rugs from Beersheba and Gaza, hand-woven towels from Majdal, furniture made in Jaffa, and the carved olive wood products from Jerusalem.[63]

Jerusalem schools enjoyed this same cosmopolitan and regional character. Numerous students came from around Palestine and the Near East to study in the city, an indicator of the quality of education and the reputation of these programs. Some autobiographical accounts illustrate the role Jerusalem education played in various people's lives. Shafeeq al-Khalili, whose father was from Khalil and mother from Damascus, was born in 1916 in Jerash (Jordan) and was sent to the Rashidiyya School for his secondary education.[64] Shawqi 'Ameera studied in Salt, Jordan where he was born and raised, but his older sister was sent to Jerusalem to study at Schmidt's Girls School for her secondary education.[65] A different type of studies was pursued by Aneesa Shqeir, who at age twenty in 1925 and already married with children, left her home in Nablus to study midwifery in Jerusalem for six months at the Moscobiya Hospital in Jerusalem. She continued practicing her profession throughout Palestine and Jordan until retiring in 1975.[66]

By 1945 there were 155 schools in Jerusalem. The eleven governmental Arab schools had 1,900 male students and 1,861 female students; seven others schools were private Muslim schools for boys (1,101 students) and girls (280 students); Christian organizations had opened another thirty-eight with 4,311 male students and 3,553 female students; thirty governmental schools for Jewish students had 4,043 males and 5,188 females; and sixty nine private Jewish schools contained 6,630 male students and 5,390 female students. These schools employed 946 male teachers and 850 female teachers.[67] This rise in the number of schools and pupils was concomitant with a high priority on education within families. As was taking place in other countries throughout the world, educated men and women were needed in this rapidly changing society to take on new types of administrative, technical, and industrial jobs and family responsibilities.

Table 3   Number of educational institutions (private and public) and students by gender in 1945

	Number of Schools	Girls	Boys	Total Students
Governmental Arab schools	11	1,861	1,900	3,761
Governmental Jewish schools	30	5,188	4,043	9,231
Private Christian schools	38	3,553	4,311	7,864
Private Jewish schools	69	5,390	6,630	12,020
Private Muslim schools	7	280	1,101	1,381

Source: Office of Education for December 1945 as quoted in al-'Arif, p. 446.

Jerusalem also offered some opportunities for higher education. Teachers' training colleges were available locally at both the Rashidiyya College and the Arab College, where students could take two-year training courses in both theoretical and practical education.[68] *Dar al-Mu'allimat* in Jerusalem offered teaching credentials to women who studied one year beyond the secondary school level.[69] There was also a law school for Arabs and Jews requiring five years of study. Lectures were in Arabic, Hebrew and English.[70] Edward Keith-Roach, a District Commissioner, remembers that "… although there was far more need for mechanics, skilled workmen of all kinds and practising engineers, a law school was opened in November 1921. By 1943 we had a certain number of Palestinian-trained Jewish engineers, but still no Arabs, yet there were nearly 1000 Jewish and Arab advocates."[71] The only university in the country was the Hebrew University, which catered exclusively to the Jewish population. Plans to establish an Arab university in Jerusalem were never realized, much to the frustration of the many involved in planning it. Thus, Arabs, Greeks, and Armenians who wished to receive university degrees or become doctors, dentists, or nurses had to go abroad, as during the Ottoman period. The majority of these students went to the numerous colleges and universities in Beirut, Cairo, Damascus, Alexandria, or Baghdad. According to statistics in 1948, from all of Palestine in that year there were 416 Palestinian students studying in Lebanon, and 631 in Egypt, three students in Syria, and fifteen in Iraq.[72]

Many of those who studied abroad returned to practice their trades in Palestine. Students who studied at al-Azhar University in Cairo returned to take up posts of importance within the Muslim religious establishment. Positions in teaching humanities or languages were offered in the numerous schools, while in the private and public sector there was work in translation and journalism. In his autobiography, *Al-Bi'r al-Ula ['The First Well']*, Jabra Ibrahim Jabra described his new teachers when his family moved from Bethlehem to Jerusalem, and he began attending the Rashidiyya School during the 1930s:

> I was happy that my teachers in the fifth grade were of a kind I had not seen before. Wasfi al-'Anabtawi taught us geography and during the lesson would tell us about his experiences in England, France, Egypt and other places. He didn't look at the book he was teaching us from, but would dictate to us pages of knowledge that seemed to spring spontaneously from his well-learned mind. He was a graduate of Oxford University, of tall stature, extremely elegant, and kept a handkerchief in his sleeve ... He spoke in a language that mixed Classical Arabic with the Nablus dialect, emphasizing the letter

"qaf" which was rarely pronounced by the Jerusalemites. He was
able to capture our minds and imaginations, and I don't think any
of us ever strayed for one instant from what he said.[73]

Wasfi al-'Anabtawi serves as an example of how Jerusalem attracted people to
it through a variety of job opportunities and relatively high standards of living. Al-
'Anabtawi was born and raised in Nablus, but completed his secondary education
in Jerusalem. After this he taught English at a secondary school in Nablus and
eventually went to study at the American University of Beirut. He returned to
teaching again, but was then chosen to study geography in England. Upon returning
to Palestine he was appointed to teach at the Arab College and the Rashidiyya
School in Jerusalem.[74]

Without a doubt, the educational experiences of students in Jerusalem expanded
their opportunities for employment. However, these educational efforts were not
only offered for the betterment of students but also to inculcate in them values and
ways of thinking and behavior that could benefit the colonial authority and/or the
missionary institutions. "In retrospect, it seems that the underlying purpose of the
educational system throughout Palestine was to create a cadre of well-educated
Palestinians to serve the colonial power and to protect Western heritage and its
interests in the region … Educated Arabs became the agents of change not only of
and within their respective institutions but of the colonial powers themselves."[75] A
critical look at the types of education being offered at this time reveals the
confounding situation that students were placed in-knowledgeable in Western history
and culture, while at the same time, adverse to both British and Zionist activity in
Palestine. Jamil Toubbeh, writing about the upbringing of his elder brother Michel,
comments on Michel's love of classical Western literature and European languages
that he acquired while a student at Terra Sancta. This Western education occurred
at the expense of learning about Arab history and heritage. People who graduated
from these schools were left to reconcile their admiration for their schooling and
their knowledge of Western history and literature, with their experiences of the
oppressive colonial forces in the Middle East that denied them their political
independence. At the same time, they were trained in foreign languages to be able
to communicate and work with Westerners and others, and yet their social norms
remained within the domain of their Arab families.[76]

Bourgeois Modernity Transforms Jerusalem

The cultural and social life of Jerusalem in the first half of the twentieth century
reflected the cosmopolitan nature of the inhabitants, and included numerous
educational opportunities, a varied social life, an active press and media, and

different kinds of activities and clubs. While to a certain extent life was divided along Jewish-Arab communal lines, there was some mixing particularly in the educational and social arenas. Within the Palestinian Arab communities, especially among the elite and the educated, there were fewer sectarian divisions. Christians and Muslims socialized and studied together, but because of the importance of familial relations, people often remained closely linked with their confessional communities. Sources on Jerusalem society as a topic of study vary—official and semi-official accounts and documents reflect an overly statistical preoccupation with progress. Oral accounts and autobiographical accounts on the other hand, discuss life from the perspective of those living and working in the city. They, however, also present numerous problems about the reliability of memory and the reconstruction of events, in particular here given the trauma of loss and relocation.[77] In an effort to enliven the official accounts and to make sure the oral accounts and recollections are historically consistent, I will utilize both types of sources as a way to understand the changes taking place in the city and how the inhabitants generated and responded to life in the modern New City.

One of the effects of increased literacy was a population that had a greater appetite for the written word and that was thus a market for printed material. Shortly after the British occupation of Jerusalem, two Palestinians, 'Arif al-'Arif and Hassan al-Budeiri, began publishing a newspaper entitled *Suriya al-Janoubiyya* ('Southern Syria'). This newspaper took an active position against the establishment of a British Mandate in Jerusalem and against the Balfour Declaration calling for Palestine to be a homeland for the Jews.[78] Also in 1919, Boulos Shehadeh started a newspaper called *Miraat al-Sharq* ('Mirror of the East') which was published in Arabic and English. "In 1921, the paper introduced a column called 'The Pens of Ladies' which ran articles by pioneers in the women's movement such as Asma Toubi and Kudsiyyeh Khursheed, and it also solicited contributions from readers."[79] It was closed indefinitely in 1939 by the Mandate Administration for publishing an inciting poem.[80] By the end of the Mandate, many different types of newspapers, periodicals, and magazines were being published in Jerusalem; in addition, daily newspapers and other publications were available not only from other cities and towns in Palestine, but also from other parts of the Arab world.[81] Jabra recalls reading " ... Egyptian magazines which used to come to us weekly, bringing knowledge, humor, and the stories of Cairo's political struggles and literary battles."[82]

Bookstores were a common site in Jerusalem. Not only did they sell local and imported books, magazines, and newspapers in Arabic and other languages, but also school and office supplies. 'Arif al-'Arif recalls the names of twelve Arab bookstores, saying, "I would not be exaggerating if I said that if a book were published in the Eastern or Western world and its reputation spread, you would be

able to find it in one of these bookstores...”[83]   Statistics from the late Mandate period show that there were eight bookshops owned by Muslims, sixteen by Christians, and fifty-five by Jews.[84]   Hala Sakakini remembers that her mother subscribed to an English woman's magazine, “Wife and Home”. Hala and her sister Dumiya were more likely to read novels: “At the age of seventeen I bought three novels myself: *Gone with the Wind*, *Rebecca*, and *The Citadel*.”[85]   The tastes and values of being modern also expressed themselves in the desire to read foreign publications, largely due to the educational opportunities available to students who could acquire the language skills necessary to read such works. At the same time, personal libraries and the acquisition of books was becoming common in educated households in the New City.

British Mandate statistics from the 1940s detail the different shops, stores and commercial enterprises in Jerusalem.[86] These statistics, which indicated the religion of the owner, can be used to give some idea of the trade specializations of the different communities as well as the rise and importance of particular professions. In 1947, of forty-six photographers and suppliers in the city, twenty-two were Christian, twenty were Jewish, and four were Muslim. These people catered to the middle and upper classes who went to professional photographers for wedding pictures, a relatively new, but popular, subject of film. One of the more famous was Khalil Raad who studied photography in Basel (Switzerland) and established a shop in 1895. He took many pictures of rural life surrounding Jerusalem[87], and from his store near Jaffa Gate he also sold photographic supplies.[88]

In the milieu of Jerusalem which combined an emphasis on education with a political awareness engendered by the British policies, the rise of Arab nationalism, and Zionist activities, life for the educated and elite in Jerusalem was active. Lectures and literary gatherings were popular cultural and social pastimes. Khalil Sakakini was a much sought after and provocative lecturer. He gave numerous lectures at clubs and associations in Jerusalem—the YMCA, Terra Sancta College, to name a few—and literary societies and clubs in Jaffa, Haifa, Nablus, Gaza and other towns also invited him to lecture. His daughter Hala recalls, “Walking home after one of Father's lectures at that club [The Arab Orthodox Club in the Jerusalem neighborhood of Upper Baq'a], I was thrilled to overhear a group of men, who were walking a few steps ahead of us, enthusiastically discussing the new ideas Father had expounded. The subject of that lecture, I remember, was the future evolution of Man. It was one of Father's favorite themes.”[89] Khalil Sakakini would meet with friends and colleagues, and

> [o]ccasionally Jewish professors of Arabic language and literature
> at the Hebrew University were present and participated in the

discussion. ... The subjects discussed at these daily informal meetings of friends were varied. They included philosophy and the philosophers, Arabic poetry and the Arab poets, intricacies of the Arabic language, problems in education, social systems, Eastern music and Western music, psychology and its application.[90]

Jerusalem women during this period were active in a number of different spheres, including educational projects, political activities, and social work. Ellen Fleishmann's research on women in Mandate Palestine exposes the wide range of women's involvement. The women's movement, which expressed its protests to Zionist activity in churches, mosques, and to the High Commissioner himself, was begun in Jerusalem. The Arab Women's Union and the YWCA provided forums for women to be active in sporting, cultural, and educational events. The Palestine Broadcast Service transmitted programs for women and girls, and on Fridays the women's hour featured prominent women known for their literary, political or charitable contributions.[91] Katie Antonius, the wife of George Antonius and daughter of Dr. Faris Nimr, "established a celebrated salon frequented by British officials, Arab notables and intellectuals, and occasional non-Zionist Jews."[92] Richard Crossman, a British MP visiting Palestine in the 1940s visited this salon: "Mrs. Antonius seems to have a political salon in true French style. It was a magnificent party, evening dress, Syrian food and drink, and dancing on the marble floor."[93]

Entertaining in the homes was also a popular way to spend leisure time. Mary Shehadeh, a journalist and wife of newspaper editor Boulos Shehadeh recalls, "Our social life was busy, and our house was like a literary school. Writers and journalists from all over the Arab world visited us, and just listening to their dinner conversations was in itself educational."[94] Mariana Spiridon recalls that her family's home in Baq'a, surrounded by olive groves and eucalyptus trees, was a favorite spot for picnics with friends and family on Sundays. Hala Sakakini remembers being allowed to stay up and attend evening social gatherings (*sahrat*) held by her parents in which a young singer, Kazem Sabassi, would sing and play his *'oud*. Similarly, paying social visits to friends and colleagues at their home was a common practice as was the tradition of offering condolences at people's homes and visiting on holidays. This served to bring people in contact from the different neighbourhoods, even in times of violence and curfew. John Rose writes, "I had many friends in Jerusalem whom in spite of all the troubles I continued to visit, among them the Markarian family living in a street off Princess Mary Avenue ... I would spend my evenings with them, leaving between nine and ten o'clock and often walking home to the Greek Colony through deserted streets."[95]

The spacious areas of the New City made walks and day trips to nearby sites of historical or natural interest a common outing for children and families. The countryside adjoining the suburbs was full of wildflowers in the spring and the many hills of Jerusalem offered views of Bethlehem and other surrounding villages. Scout troops planned camping trips in the area, and schools took walking field trips to sites around the city. Jerusalemites also journeyed outside of the city to Jericho and the Dead Sea in the winter, and the Jaffa seaside was a popular outing for many.

By the end of the Mandate, Jerusalem could boast of fourteen public gardens totaling 77 dunums. In addition to the park established by the Municipality during Ottoman rule, later called *al-Manshiyya*, there was the Municipality Garden located just west of the tomb of Sheikh Jarrah, the nearby zoological garden, and a General Park [*hadiqa 'ama*] established by Jews in the King George V - Ratisbone neighborhood in 1945.[96] In 1929, the Rockefeller Museum was endowed, to be built outside the northeastern corner of the Old City, and it was opened to the public in 1938. The Islamic Museum was established in 1923 by the Islamic Council in the *al-Haram al-Sharif*.[97]

Another part of modern life in the New City was a public, social role for people— in particular children, single men, and quite often women—in the form of clubs and charities. According to British statistics of 1945, in the twenty eight years of the British occupation over 2,023 clubs and organizations (charities, cooperatives, sport clubs, cultural and literary societies, etc.) had been registered in Jerusalem, eighty five per cent of which were Palestinian (of all denominations) and fifteen per cent were foreign. Of those Palestinian, thirty five percent of them were Jewish, thirty per cent were Muslim, and twenty five per cent were Christian.[98] Bertha Vester recalls that in the mid-1920s a favorite activity of her family's was the gardening club, which held spring and summer flower shows.[99]

One of the largest of these clubs was the YMCA, established in Jerusalem around 1876.[100] The current YMCA building, still standing in what is now West Jerusalem, was dedicated in 1933. In 1947 it had 1,950 members. The Anglo-Palestine Yearbook for 1947-8 proclaims that "because of the extensive educational facilities and the use of the auditorium and other spaces for general public programmes, concerts, drama, cinema, exhibits, etc., the Y.M.C.A. has become a cultural centre enjoyed by a large section of the Jerusalem population."[101] It was an active and busy arena of social life and athletic opportunities for many Jerusalemites. Hala Sakakini writes,

> The Y.M.C.A. in those years was a social and cultural centre which
> offered the residents of Jerusalem a variety of entertainment and

provided the young people with amusement of the best kind. The
many sport facilities, the different youth clubs, the rich library, the
auditorium, the cafeteria, were all of great service to the public.
Young men from all over Palestine—law students, teachers,
Government officials—who had to live away from their families
and homes, occupied rooms in the Y.M.C.A. hostel.[102]

By the 1930s, there was also an Arab Sports Club in Qatamon, which on Sunday
afternoons held football matches between Arab club teams in Palestine and tennis
matches in the summer. Gym classes and tennis and swimming lessons were held
at the YMCA for both children and adults, male and female. Equipment for these
sports and activities was available at Gabi Deeb's sports shop on Julian Way.[103]

Public social life also took place in a variety of other venues. A popular pastime
of Jerusalemites in the summer was going to the garden cafes of the many Arab
hotels located in villages around Jerusalem. The Everest, the Panorama, and the
Aida were near Beit Jala, and the Grand (or Odeh), the Hamra and the Harb Hotels
were popular sites in Ramallah. 'Ayn Karim, southwest of Jerusalem, was another
favorite spot, with Ash-Sharafeh and other local cafes offering beautiful views of
the countryside.[104] Well-to-do families from Jaffa also would stay the summers in
Ramallah hotels or rent private rooms to escape the coastal heat.[105] The atmosphere
at these places was open and carefree. "Children in their light colourful summer
clothes would be running around among the fruit trees, the waiters would be rushing
from one table to another, the men would be smoking their narghilehs or playing
tric-trac, the women would be chatting, laughing or calling out to their children,
and the atmosphere was always lively, noisy and gay."[106] Other entertainment
included dancing: "In the evenings a dance-band played foxtrots, tangos, rumbas
and English waltzes from a stand while couples glided around the floor below.
Periodically a waiter would sprinkle Lux flakes over the tiles to make them slippery
and facilitate the dancing."[107]

Evening entertainment was available in the commercial districts of the New
City and was patronized by the many communities in the city. Cafes such as the
Alaska, the Attara, Cafe Europe, Cafe Vienna, and the Viennese Tearoom, were
some of the popular places serving coffee, ice cream and deserts.[108] The New City
also had older style coffeshops where men would sit and drink coffee and smoke
the nargeileh.[109] Elegant dinner-dances were held at the King David Hotel ,[110] and
dancing indoors or in the open-air cafes was popular with some, particularly the
younger generation.[111] There were eight cinemas in Jerusalem: Edison, al-Sharq
('the East'), Zion, 'Aden ('Eden'), Rex, Regents, Studio, and Tel Or,[112] which
showed such films as *Ninotchka*, with Greta Garbo, *Alexander's Ragtime Band*,

and *Gone with the Wind*.[113] In addition, the YMCA would occasionally show films in the large hall.[114] The YMCA also had concerts; Hala Sakakini recalls attending one by the Arab organist Salvadore Arnita.[115] Egyptian acting companies touring the Arab world stopped and performed in Jerusalem. More popular and less expensive forms of entertainment, such as puppeteers and storytellers, appeared in the coffeeshops in the Old City, for the male audiences.

Dating and mixing between the sexes was made possible by these new forms of public social life. In addition, middle-class and educated women began entering the administrative workforce as employees, secretaries, and typists in mixed-gender work environment. As they gained some sense of economic independence, they also were able to mix more freely with men who were not their relatives, going to coffeeshops and out dancing after work. John Rose recalled that his generation, growing up in the 1930s and 1940s had different ideas about dating than the previous generation.

> During my youth we were already breaking away from traditional norms, and both sexes were beginning to mix in an atmosphere of moderated freedom. However close friendship or excessive passion had to be carefully expressed and kept as secret as possible—making it all the more exciting. It was the day for rendezvous in down-town cafes, private parties and moonlit picnics by the Dead Sea. … Life was sweet, full of short-lived love affairs and crushes which inevitably turned out to be one-sided but provided experience for the next time.[116]

Despite political differences and the difficulties of World War II, Jerusalem residents were in the process of building a vibrant and active city. Many new forces and changes—economic, political, and social—were slowly reshaping people's lives and their tastes and values. Although Arab, Greeks, and Armenians in the city maintained their traditional values and activities, the city provided opportunities for increased literacy, widespread education, and a variety of social interactions with people from other backgrounds, cultures, religious denominations, and classes. With higher standards of living, the rising middle class began to value and emphasize ways of life and opportunities that had not been available to the generations prior to them, including homes in the spacious garden suburbs, education, and a public social life, among other things.

The End of the Mandate

By the end of the British Mandate of Palestine in 1948, Jerusalem was the

second largest city in Palestine, with a population of over 164,400, comprised of 99,320 Jews and 65,010 Christians and Muslims. The majority of the Jewish population and half of the Christian and Muslim populations lived in the New City. During the fighting in 1948, most of the New City fell under the control of the Zionist forces that later became the Israeli army. The Arab forces took over the Old City and the eastern edges of the New City. In the fighting, approximately 30,000 Palestinians fled or were evicted from their New City homes, and 2,000 Jews were removed from the Old City Jewish Quarter. The armistice solidified the division of the city between what became known as West Jerusalem, within the new Israeli state, and East Jerusalem, part of Jordan along with the remainder of the West Bank. The approximately 30,000 Palestinian Jerusalem refugees from West Jerusalem took temporary refuge in the Old City, other parts of the West Bank, and the surrounding Arab countries. For many years following 1948, these Jerusalemites continued to move to new places of refuge in pursuit of work, family, and places to live.

This chapter has tried to provide some idea of Jerusalem city life during the first half of the twentieth century. At the same time, it serves to record what was lost in 1948 when the New City Arab residents fled or were driven out of their homes in the fighting. Not only did people lose their homes and possessions, but also their businesses, livelihoods, contact with neighbors, friends, nearby village neighbors, and relatives. The areas of Jerusalem which remained Arab—the Old City and eastern part of the city—were completely cut off from the access to resources of the New City which were essential parts of their lives. No longer was there a commercial district outside the Old City, access to the ports of Jaffa and Haifa was cut off, and the city's economic and social fabric had to be rebuilt. Ruhi al-Khatib, the mayor of Jerusalem, describes the city in 1949:

> Arab Jerusalem [after the war] was confined to the part inside the city walls and a few residential centers falling east, north, and south of the city; an area not exceeding two and a half square miles out of twelve and a half square miles that was the total area of Jerusalem … Our heritage from the Mandate Government in this part of Jerusalem was a distressed city of shaking buildings, a paralyzed commerce and industry, devoid of any financial resources and without a government, water, or electricity…[117]

In addition to the economic losses, the Arab residents also suffered the political and social consequences of the division of the city. The power base of the educated elite, centered in the New City, was destroyed and spread out across the Middle

East. The center of Jerusalem social life for the upper-middle class—the clubs, cafes, and restaurants of the New City—was now out of their reach, as were many of the educational institutions. Many of the schools were left without staff or students. Arab Jerusalem now consisted of the Old City and the northeastern neighbourhoods. But the Old City had maintained a more traditional nature and also housed many of the poor and elderly. The eastern neighbourhoods, Wadi Joz, Sheikh Jarrah, and Bab al-Zahira, were almost entirely residential quarters. The parts of Jerusalem that remained in Arab hands were in no way able to compensate for life in the New City, particularly given the poverty of the refugees from the suburban neighbourhoods of the city. These refugees were often without employment and no longer able to afford to send their children to private schools or to live in or rent large and spacious homes. Not only did people lose property, businesses, jobs, and material possession in the division of Jerusalem in 1948 and the eviction of Arabs from the New City, but they also lost a way of life.

Appendix to Chapter Two
Arab Suburbs Outside the Wall

A Short Summary of Arab Suburbs Outside the City Walls

What follows is a brief description of some of the neighbourhoods, their location, the buildings, businesses, and sites located in them, and some of the neighbors. It should be noted that the loose 'boundaries' of the different neighbourhoods changed with time and expanded and subdivided, and thus the following divisions are based on a compilation of sources that do not necessarily agree. Therefore, this list should be treated as a general guideline and not a rigid proscription to some non-existent reality.

Bab Al-Zahira (Herod's Gate)

Located just outside the wall of the Old City, this area had the Rashidiyya [Rushdiya] secondary school, Salah al-Din Street, a Muslim cemetery, the Rockefeller Museum, the Department of Antiquities, and five schools.[118] Aerial photographs from 1918 reveal a large residential area containing some fifty buildings at least. The Jerusalem Municipality defined Bab al-Zahira as a separate neighborhood in the register of building permits in 1902-4. Along Salah al-Din Street, the Huseini, Nuseibeh, Hala, and Shtaiyeh families built homes and in the northeast the al-'Alami family built a number of homes. In between were located the residences of the Nashashibi, Abu-Su'ud, al-'Afifi, Budeiri, Da'ah [sic: al-Daqaq], Kamal, Bamiya, Zabatiya, Sidi, Bazbaza, and Sanduqa families. The northern edge of the neighborhood had homes built by less wealthy families, characterized by their smaller size and flat roofs.[119]

Wadi al-Joz

This residential neighbourhood was north of the northeastern corner of the Old City (*Burj al-Laqlaq* ['Storks Tower']) in the valley on the easternmost edge of the city municipal boundary. The early history of the area is known from family archives. The Khatib family qasr, a fortified summer residence, was built here in the sixteenth century.[120] Around 1870, the Hidmi family moved out of the Old City and built houses in this area.[121] Early in this century there were homes belonging to the Badriya, Shahwan, al-Hidmi, al-Dweik, 'Akermawi, Abu-Ghazaleh, Sharafeh, Hamdun, Dajani, Kamal, 'Afifi, and Qutteineh families. In general, the houses were more simple here than the more prosperous areas of the New City. In 1918

there were only sixteen buildings in this area, according to aerial photographs.[122] The 1947 Survey of Palestine map of Jerusalem shows more than seventy independent buildings in the area. Also, according to the map, Wadi al-Joz was purely a residential quarter with no factories, schools, or places of worship, although there was a quarry and a religious tomb in the southeastern edge.

Sheikh Jarrah and the American Colony

This was an area of initial Muslim expansion outside the walls, and the site of numerous sumptuous homes of the al-Huseini, al-Nashashibi, Nuseibeh, Jarallah, 'Afifi, Dajani, Hindiyeh, al-Sheikh, Ghosheh, and al-Jabsheh families.[123] St. George's school was in the southern part of this neighbourhood and the tomb of Simon the Just was to the northeast. The American Colony residence and hostel was located in a house rented from the Huseini family, south of the mosque of Sheikh Jarrah. At the beginning of the Mandate, it was possible to distinguish between "... the eastern and the northern parts of the neighbourhood which constituted a more prestigious area, and the western part where the houses were smaller and were partly built on scattered plots of land..."[124] This characterization continued through the Mandate period as evidenced in the 1947 Survey map.

Sa'ad wa-Sa'id

Named after the Mosque of Sa'ad and Sa'id located on Nablus road, this quarter had many large homes with Muslim, Christian, Jewish, and foreign residents. During Ottoman times the area was called al-Mas'udiyya and contained a flourmill and bakery as well as the homes of the Duzdar, Nuseibeh, al-Nashashibi, and al-Khalidi families.[125] "The Ottoman census of 1905 numbered 119 families with Ottoman nationality in this quarter, but only fifty nine of these families were Muslim."[126] When the Baramki family lived in the neighbourhood in the 1940s, their neighbors were the Qirrish family, the al-Ja'ouni family, 'Azmi Taha, the Kamal family, Spir al-Khouri, the Larsen family, the Levy family, and the Simha family.[127] The relatively large houses were built on varying sized and shaped plots of land, and often had large gardens around them.

Musrara

Extending north of Damascus gate, this neighbourhood was the site of some of the early homes built outside the walls. A market here sold wholesale fruit and vegetables and also located here were a number of pharmacies, cafes, tailors shops, doctors' clinics, and warehouses for grain and building supplies. Taxi stands and bus stations were also part of this neighbourhood.[128]

Al-Nabi Dawoud

This neighborhood just outside the wall on Mount Zion was the area of the Dajani family. In addition to their homes and cemeteries, located here was the site of David's tomb (hence its name), Bishop Gobat's school (the English Zion School), the Church of the Dormition, three monasteries, the tomb of Sheikh el-Mansi, and Christian cemeteries.[129]

Shamma'

Shamma' was largely a commercial district to the southeast of Mamillah road and southwest of Mount Zion.[130] Both Jews and Arabs had shops there. It was divided into two parts: one with the garages and car repair places and the second with storehouses for the cloth merchants.[131] Between the railway station and Shamma' was St. John's Ophthalmic Hospital. Just east of the railway station was the Mandate Government Printing Stationary Department.

Abu Tor or Deir Abu Tor

Jabal Abu Tor (Thor) was named after a soldier in Salah al-Din's army, Sheikh Ahmed al-Thori, who was buried here. The hill lies east of the railway station on the Bethlehem road and also contained a Greek Orthodox Monastery and a government school. On the slopes of the hill was originally a small village. In the nineteenth century, a number of elite Jerusalem families who were imams, teachers, merchants and officials also began to settle here, building large, spacious homes on the upper part of the hill. These included members of the al-'Aouri, Dajani, and Barakat families. This neighbourhood subsequently evolved in two directions: the small houses of the village area whose residents continued to farm and herd, and the larger homes on the upper sections which had planned streets and large plots. A building boom in the 1930s brought more Jerusalem families to the area as well as British Mandate officials.[132]

Baq'a

The southwestern suburb of Baq'a was another area of early expansion outside the walls, and contained the neighbourhoods of Upper and Lower Baq'a. Some of the land was purchased from the villagers of al-Malha, and spacious and elegant homes were built here on large plots. At the end of Ottoman times, it was a mixed Muslim and Christian area; it continued to be so until 1948. The Greek Spiridon family's neighbors included the family of Abdelrahman Bushnaq (from Tulkarm) who taught at the Arab College and whose wife was German, the Salti family, the

Farah family, the 'Odeh family, and the Qara' family.[133] Also located here was the Arab Orthodox Club which had a hall that could hold around one hundred people and was used for lectures and performances, among other things.[134] In 1947, the western part of the neighbourhood had a tennis court and recreation grounds, while the southern part had a hospital.

Al-Wa'riya

A small residential suburb in al-Baqa' area, it was located south of the German Colony and east of the Greek Colony between the road to Bethlehem and the railroad track out of the city. Founded by Muhammad 'Ashour al-Wa'ri, his house and those of his children resembled a village in that their walled houses were surrounded by crops and orchards. By the end of the British Mandate, the rural character of the area had been transformed into a modern suburb with expansive plots of land for large houses.[135]

Al-Namamrah or al-Nammriya

A residential area near lower Baq'a, the land was bought in the late nineteenth century by a resident of the Sharaf neighbourhood of Old City, 'Abdallah Ibrahim Mohsin al-Nammari, from villagers in Bethlehem, al-Malha, and Beit Jala. He created a family *waqf* for the land, registered in the Islamic courts, and moved his large family there, building houses for some of his children. During the Mandate, a part of the land of this area was confiscated by the British to build their exclusive Sport Club. According to Landman, in compensation for the confiscation, a market was built that became part of the family *waqf*. This *Suq al-Namamreh* had wholesale and retail stores, and contained workshops and a pharmacy.[136] The many descendants of 'Abdallah al-Nammari, as well as others, continued to live in al-Nammriya until 1948.

Talbiya

Located to the south of the YMCA, Talbiya was an elegant neighbourhood surrounded by orchards. Also located here were the Convent of the Franciscan Sisters, the Capucin Monastery, and another convent. The 'Omariya School was on its eastern edge.[137] Almost entirely the residence of wealthy Christian families, the homes here were particularly palatial, in particular the Salameh and Jamal family houses.

Qatamon

A spacious residential area located west of the German Colony, by the 1940s Qatamon had well over one hundred buildings in it. It contained a number of groceries, a dressmaker, two tailors, a telegraph office, the St. Therese Church, and at least one bakery and one butcher shop.[138] In the 1940s some of those living here included the Sakakini, Sruji, Tleel, Silheet, Joharieh, Mansour, Murcos, Damiani, Budeiri, Sfeir, Taji, Mughar, and Haddad families. An ice factory was located in Qatamon where ice would be supplied to the different neighbourhoods in a horse-drawn cart. This factory was owned by a Greek family, the Shtakleffs.[139] The Iraqi Consulate was here as were a number of hotels, including the Semiramis which was blown up by Zionist forces in January of 1948, killing eleven members of the owners' families.

German Colony

In the 1860s a group of German Templers immigrated to Jerusalem with the aim "to establish the ideal Christian community in the Holy Land".[140] They slowly built a church, school, houses, and set aside a plot for a small cemetery. Their houses were well-made and had large gardens, and "[a]mong other trades they started a carpentry, blacksmithery, bakery, patisserie, and hairdressers. Their skills were shared with the local inhabitants who, after a period of apprenticeship, were able to set up their own."[141] It seems that although the German Colony was originally set up as a Templer's settlement, it did not remain exclusively so. The German owners of the buildings rented out homes, at least to the Sakakini family in the 1930s. The German Colony had two confectioneries (bakeries for cakes, sweets), one of which was Fauser's,[142] and Frank's bakery made daily home deliveries of bread.[143] Located in the German colony was Spinney's, one in a chain of English stores which had branches throughout Palestine, in Amman, Damascus, and Beirut, and which had sold English goods and had a meat department.[144] When World War II began, the German school was closed and the German communities were evacuated from Palestine and held as prisoners.

Greek Colony

Jerusalem, as the seat of the Patriarchate of the Greek Orthodox Church, always hosted a Greek clergy. However, a Greek lay population affiliated with the church as well as merchants and craftsmen, also made Jerusalem their home. The Church held large tracts of property outside the walls of Jerusalem and in the mid- to late-nineteenth century, it built two windmills and planted orchards, vineyards, and

olive groves.[145] In addition, they built stores, cafes, restaurants, and businesses along Jaffa Road and revived the St. Simeon area of Qatamon, building a church and houses.[146] On land south of the German Colony, a residential area for Greek families was created. The first building was a hall (with four outhouses) "to serve as a club and recreation ground for Greeks who wished to spend a day in the country. The rest of the land around the club was divided into small plots, and members of the Greek community were invited to draw lots for them on condition that they built houses at their own expense."[147]

This club for the community, known as the *Leschi*, became a center of the social life of the community. Its many activities included concerts, plays and movies, and a one-room kindergarten in the back. Families and children used the club in the afternoons, and meals and drinks were served in the evenings. During World War II, a party was held for the Greek officers stationed in Palestine, and a sheep was roasted on a spit and there were barrels of wine.[148] Greek families, as in the German Colony, rented out to non-Greeks. John Rose, whose Jerusalemite Armenian mother and British father rented a house in the Greek Colony from 1927 to 1948, recalls that his neighbors included Arab families living across the road whose children were his playmates, a German widow, her daughter and granddaughter, as well as a Greek widow and her daughter.[149]

Mamillah [*Ma'man Allah*]

This neighborhood was located outside Jaffa Gate and extended up to the Mamillah cemetery. It was largely a commercial district, described by the historian 'Arif Al-'Arif as lined with "offices, agencies, banks, storehouses, and the administrative centers of government departments and private businesses."[150] The Armenian convent owned much of the land along Princess Mary Avenue, and built "shops, flats, and office blocks ... Rents received were used for the running expenses of the Armenian cathedral and convent. ... As a gift to the British Mandate government a plot of land in the vicinity was donated by the Armenian Patriarchate, on which to build the general post office."[151] A large Spinney's Department Store was located here—with ready-made clothes, meat market, and imported English goods.[152] South of the Mamillah road was the *Suq al-Jum'a* where animals were sold, and to the west of the Birket as-Sultan was the Governmental Animal Hospital.[153]

The New City streets of Julian's Way, Jaffa Street and Princess Mary Avenue in Mamillah made a half-circle to the east of the Mamillah cemetery and constituted the central commercial area of the New City. The YMCA and the King David Hotel were built on Julian's Way, and many of the cinemas were located in this neighbourhood as was the General Post Office and the Municipality offices.[154]

Endnotes

[1] I am grateful to those Jerusalemites who I interviewed about life in the city before 1948, some of whose names appear in this chapter. Salim Tamari and others provided valuable comments. A United States Information Agency Grant and the American Center for Oriental Research in Jordan provided support while I was researching parts of this chapter.

[2] Please see the introduction to Chapter 1 in this volume, for a description of what constitutes the Old City and the New City and the choice to use 'Arab' and 'Jew'.

[3] Some examples include Schmelz, Kark's *Jerusalem Neighbourhoods*, and Ben-Arieh, among others. Exceptions to this are works by Scholch, Hudson, Tarif Khalidi, and Kark and Landman.

[4] In the Israeli and Zionist texts on Jerusalem, these communities are called the 'non-Jewish' inhabitants of Jerusalem.

[5] Regarding discussions of social history and everyday life, see Ludtke, Alf, ed. 1993. *The History of Everyday Life*. Princeton: Princeton University Press. For Jerusalem social history, published memoirs give accounts of life in the city based on family recollections and documents. See, for example, Rose's *Armenians of Jerusalem*, and Sakakini's *Jerusalem and I*.

[6] Fawcett, p. 25.

[7] Shapiro, p. 141. So much so that the British founded a 'Pro-Jerusalem Society' to revive native handicrafts and to preserve old buildings and building styles, among other things.

[8] Public Notice #34, as it is reproduced in Shapiro, p. 140.

[9] Storrs in his preface to C.R. Ashbee's *Jerusalem* I, 1918-20, The Records of the Pro-Jerusalem Council, London, 1921, p. 12, as quoted in Shapiro, p. 142.

[10] Shapiro, p. 142.

[11] Department of Overseas Trade, 1931, p. 25.

[12] Interview with Y. Kalouti, 30 May 1995.

[13] al-Damin, p. 58.

[14] Interview with M. Spiridon, 13 June 1995. In the 1980s the house was being used by the Israelis as the liaison office between the Israeli government and the United Nations.

[15] Freij, p. 15.

[16] Hala Sakakini, p. 105.

[17] Interview with Y. Kalouti, 30 May 1995.

[18] Hala Sakakini, p. 105.

[19] Hala Sakakini, p. 86.

[20] Hala Sakakini, pp. 8 and 86.

[21] Interview with M. Spiridon, 13 June 1995. Jamila herself was barren and the children were those of her husband's second wife.

[22] Rose, p. 103.

[23] Tannous, pp. 130-1.

[24] Rose, p. 106.

[25] Rose, p. 125.

[26] Hala Sakakini, p. 6.

[27] Interview with Y. Kalouti, 30 May 1995.

[28] Hala Sakakini, p. 23.

[29] Hala Sakakini, p. 84.

[30] Rashid Khalidi, pp. 35-60.

[31] al-'Arif, p. 431 and Survey of Palestine Map, 1947.

[32] Karmi, p. 32.

[33] Shina'a, pp. 81-83.

[34] Interview with Y. Kalouti, 30 May 1995.

[35] Interview with Y. Kalouti, 30 May 1995.

[36] Freij, p. 16.

[37] Rose, p. 106. See also the chapter by Salim Tamari, this volume.

[38] Rose, pp. 110-112

[39] Rose, p. 108.

[40] Rose, pp. 112-3.

[41] *Survey of Palestine*, Vol I., p. 151.

[42] al-'Arif, p. 430. He cites as the source Mr. John Martin, the advisor to the British representative to the United Nations, Mr. Blake Sykes.

[43] al-'Arif, p. 430. The terms Arab and Jew are his usage.

[44] Obviously the terms here of Arab and Jew which were not mutually exclusive before 1948. However, following the establishment of Israel, the political situation did not allow for the complexity of people's identities to be articulated. Thus, Jews who may have also considered themselves Arabs, would be only considered by public discourse as Jews, and many non-Arabs, such as Greeks and Armenians, were lumped into the Arab category as they too were evicted from the new Jewish state and became refugees.

[45] Smith, p. 30.

[46] Governmental information on the economics of Jerusalem under the Mandate is limited. More numerous are Zionist censi, although these almost exclusively chart the Jewish population. (See for example such reports as *Jewish Manufacture, Transportation and Trade* (The Jewish Agency for Palestine, 1937); Statistical Handbook of Jewish Palestine 1947 (The Jewish Agency for Palestine, 1947); *Census of Jewish Wholesale Trade; The Jewish Population of Jerusalem* (D. Gurevich, 1939). Even British government statistics, such as the Department of Overseas Trade Report on the Economic Conditions in Palestine, cite the Zionist statistics.

[47] Rose, p. 23.

[48] Rose, p. 26.

[49] Romann, p. 94.

[50] Gabbay, p. 29.

[51] Lieber, p. 38.

[52] Veicmanas, p. 377.

[53] Lieber, p. 41.

[54] Lieber, p. 40.

[55] Romann, p. 94 citing Government of Palestine, *First Census of Industries*, 1928, p. 17. Jerusalem establishments had some 356.5 (£P 000) invested versus 1,145.4 in Tel-Aviv/Jaffa.

[56] Lieber, p. 40.

[57] Veicmanas, p. 383.

[58] *Anglo-Palestine Year Book*, p. 353.

[59] Veicmanas, p. 383.

[60] Veicmanas, p. 383.

[61] Department of Overseas Trade, 1935, p. 46.

[62] Hala Sakakini, p. 49.

[63] Hala Sakakini, pp. 49-51; Rose, p. 151.

[64] Shina'a, p. 97.

[65] Shina'a, p. 105.

[66] Shina'a, pp. 55-62.

[67] al-'Arif, p. 446; statistics were taken from the records of the Office of Education for December 1945.

[68] Yaghi, p. 72.

[69] Yaghi, p. 73.

[70] Yaghi, p. 72. The school was called *ma'had al-huqouq al-filastini*. (al-'Awdat, p. 524).

[71] Keith-Roach, p. 85.

[72] Yaghi, p. 76.

[73] Jabra, p. 239.

[74] al-'Awdat, pp. 466-7.

[75] Toubbeh, p. 72. Thanks to Musa al-Budeiri for pointing this issue out.

[76] Toubbeh, pp. 70-76.

[77] For an in depth discussion of oral history and issue of memory, see Anderson and Jack, Fleishmann, Bertaux, Hart, Kotre, and Passerini, among others.

[78] al-'Arif, p. 570; al-'Awdat, p. 401.

[79] Najjar, p. 231, interview with Mary Shehadeh, a journalist who wrote for the newspaper.

[80] al-'Awdat, p. 303.

[81] See Khouri, pp. 245-262 for the list of Arabic periodicals forbidden to enter Palestine.

[82] Jabra, p. 268.

[83] al-'Arif, pp. 451-2.

[84] al-'Arif, p. 472.

[85] Hala Sakakini, *Jerusalem and I*, p. 69.

[86] al-'Arif, p. 473.

[87] See them in Khalidi's *Before their Diaspora*, pp. 117-124. His collection is held in the Institute for Palestine Studies library in Beirut.

[88] Walid Khalidi, p. 150.

[89] Hala Sakakini, p. 82.

[90] Hala Sakakini, pp. 88-89.

[91] Fleishmann, pp. 32-33.

[92] Wasserstein, p. 187.

[93] Crossman, p. 123.

[94] Najjar, p. 232.

[95] Rose, pp. 158-9.

[96] al-'Arif, p. 443.

[97] al-'Arif, p. 452; Vester, pp. 332-3.

[98] al-'Arif, p. 452.

[99] Vester, p. 321.

[100] al-'Arif, p. 453.

[101] *The Anglo-Palestine Year Book*, p. 361.

[102] Hala Sakakini, p. 82.

[103] Hala Sakakini, pp. 24 and 71.

[104] Hala Sakakini, pp. 91-92.

[105] Interview with E. Baramki, 1 July 1995; Rose, p. 122.

[106] Hala Sakakini, p. 91.

[107] Rose, p. 122.

[108] Rose, p. 162.

[109] Hala Sakakini, p. xii.

[110] Interviews with E. Baramki, 1 July 1995 and M. Spiridon, 13 June 1995.

[111] Rose, pp. 152-3.

[112] al-'Arif, p. 443.

[113] Rose, p. 162.

[114] al-'Arif, p. 443.

[115] Hala Sakakini, p. 81.

[116] Rose, p. 153.

[117] Jones, quoting al-Khatib, p. 223.

[118] Survey of Palestine Map, 1947.

[119] Kark and Landman, pp. 121-3.

[120] It was destroyed by the Israelis in 1979 (see Habash and Rieker article), p. 48.

[121] Habash and Rieker, pp. 43-5.

[122] Kark and Landman, p. 123.

[123] Kark and Landman, pp. 123-125.

[124] Kark and Landman, p. 125.

[125] Kark and Landman, p. 120. See also the map on p. 121 of Kark and Landman.

[126] Kark and Landman, p. 120.

[127] Interview with E. Baramki, 1 July 1995.

[128] al-'Arif, p. 470.

[129] al-'Arif, p. 442; Survey of Palestine Map, 1947.

[130] Map indicates southwest of Mt. Zion, people describe it just below Mammilla road.

[131] al-'Arif, p. 469.

[132] Landman, pp. 50-56; Survey of Palestine Map, 1947.

[133] Interview with M. Spiridon, 13 June 1995.

[134] Hala Sakakini, p. 82.

[135] Landman, pp. 63-65.

[136] Landman, pp. 58-62; al-'Arif, p. 469; al-Nammari, n.p..

[137] Survey of Palestine Map, 1947.

[138] Hala Sakakini, map in back of book.

[139] Rose, p. 112.

[140] Rose, p. 93.

[141] Rose, p. 93.

[142] Hala Sakakini, pp. 45 and 73.

[143] Rose, p. 107.

[144] Rose, p. 107.

[145] Ben Arieh, *New City*, p. 306.

[146] Ben Arieh, *New City*, pp. 306-7.

[147] Rose, p. 94

[148] Interview with M. Spiridon, 13 June 1995.

[149] Rose, p. 98.

[150] al-'Arif, p. 469

[151] Rose, p. 167.

[152] Rose, p. 107.

[153] al-'Arif, p. 469.

[154] al-'Arif, p. 469; Survey of Palestine Map, 1947.

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Map 1

Jerusalem and its Suburbs, 1948
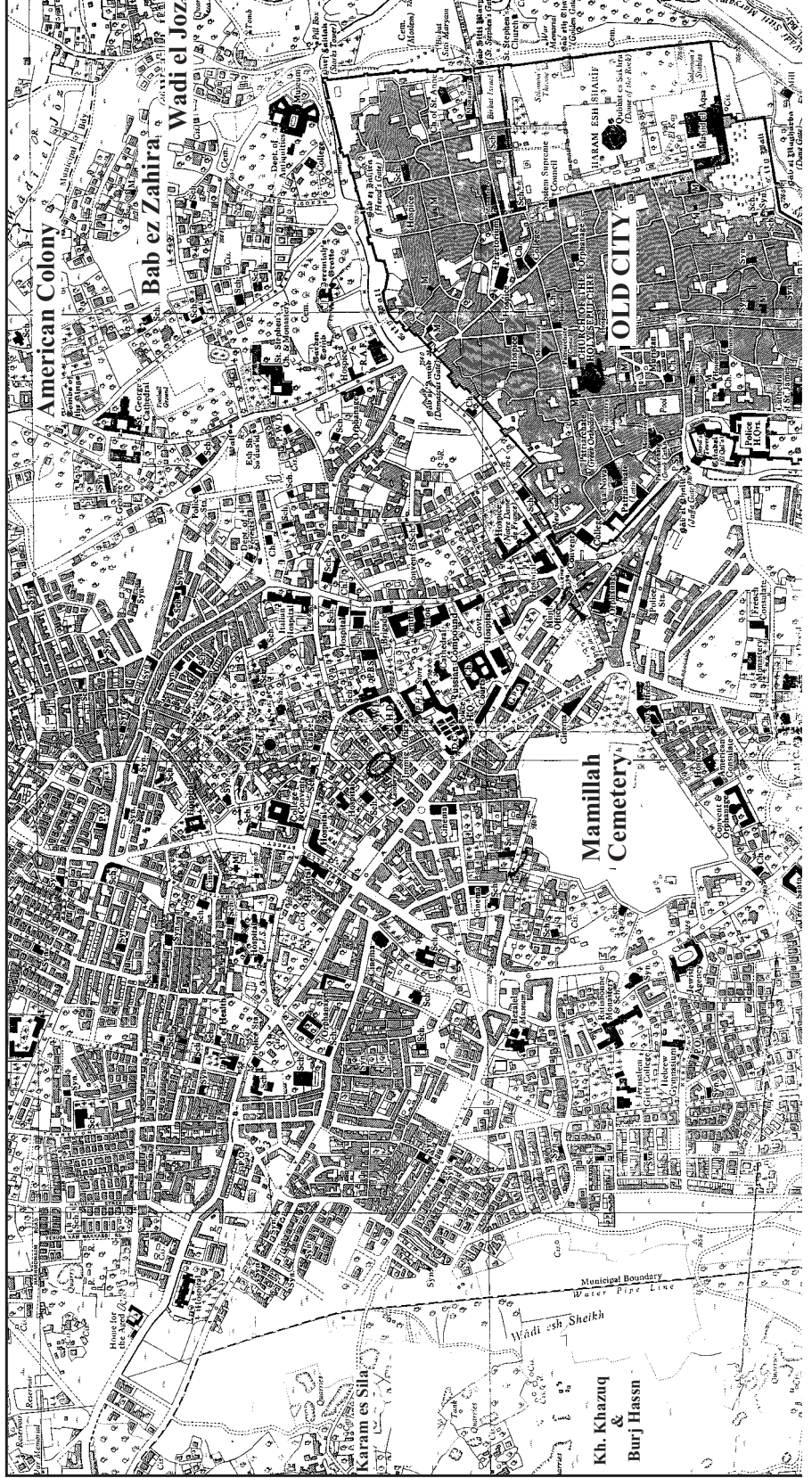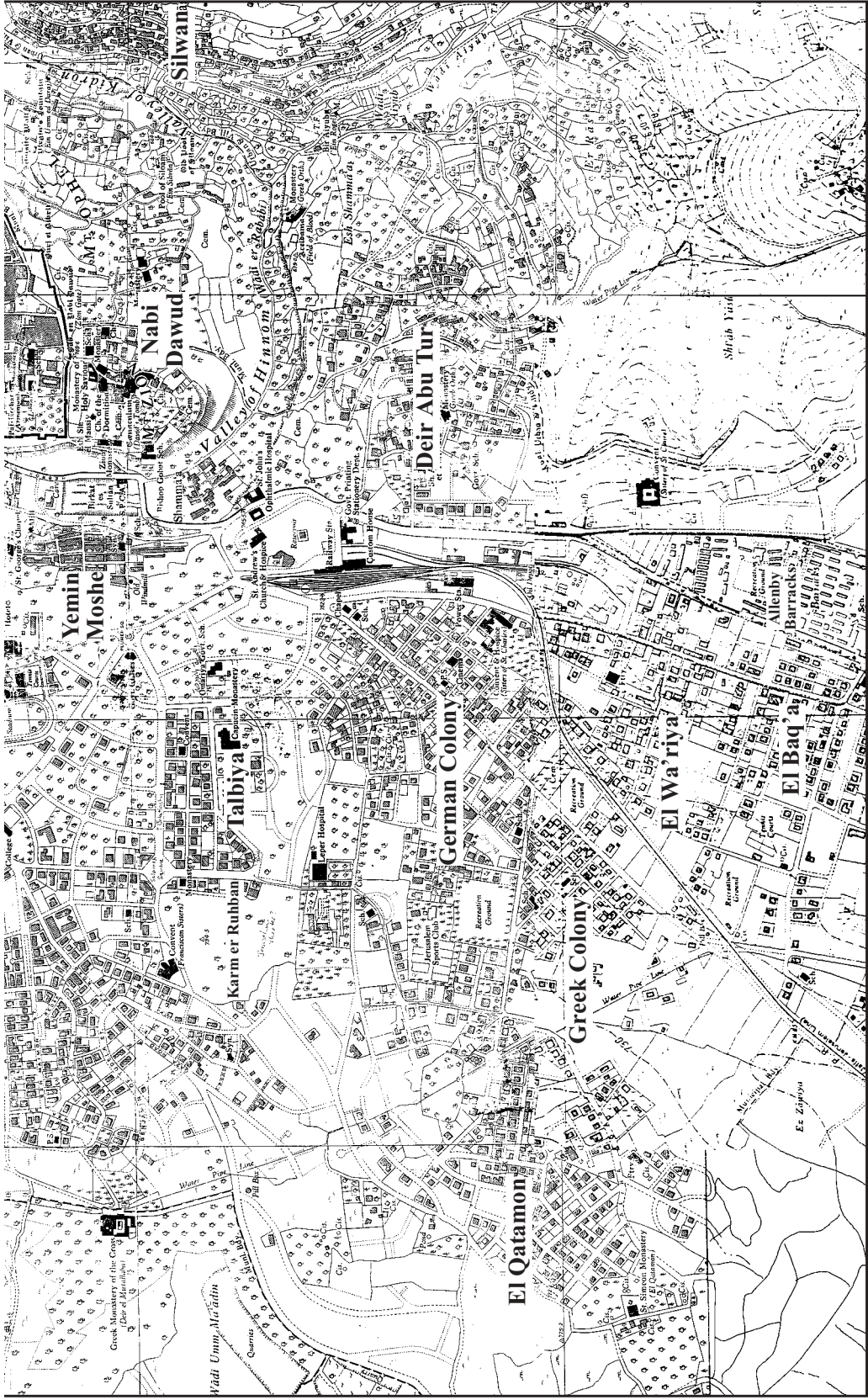
Compiled, Drawn & Printed by the Survey of Palestine 1947.

The City and its Rural Hinterland

Salim Tamari

*I*ntroduction: The City and the Country

Jerusalem was the least feudal of the major historical cities of Palestine in the nineteenth century. Its religious placement and functions determined to a large extent the preoccupations of its ruling families, as well as their relationship to the surrounding countryside. Pilgrims and the administration of the holy sites continued to play a decisive role in the fortunes of the Jerusalem *ashraf* [1] and their allies among the rural potentates for most of the eighteenth and nineteenth centuries.

The *Annals of Palestine*, a chronicle of contemporary life in Jerusalem at the first half of last century written by the Greek orthodox monk Neophytos, provides us with a rich and detailed (though often partisan) record of the relationship between the peasantry and the city. In this diary we observe three features that dominated this relationship:

- Jerusalem villages were the sites of frequent rebellions against the central authority, most notably against the Egyptian administration of Ibrahim Pasha. The main target of these rebellions was not taxation, as one might suspect, but conscription.

- In their grievances against the High Porte, and later Muhammad Ali and his stepson Ibrahim Pasha, Jerusalem notables frequently allied themselves with the peasants.

- Christian and Jewish merchants of Jerusalem were often the target of peasant rebellions. But the attempts of minority communities seeking protection in the administration of Ibrahim Pasha (which he fulfilled) did not extend itself to the Christian peasantry. Some of the severest retribution conducted by Ibrahim Pasha

was against the Christian peasantry of Beit Jala, Beit Lahem, and Kerak (the latter in Transjordan).

The most notable of peasant insurrections was that of April-May 1834, in which important sections of the Jerusalem gentry joined the fallahin rebels against the prospect of conscription in the Egyptian army against his Ottoman and European enemies. Jerusalem was besieged on May 8, and—in addition to local peasants—ten thousand *fallahin* (according to Neophytos' estimate) joined from Hebron, Nablus and other Jerusalem villages.[2] In the absence of Ibrahim Pasha (who escaped to Jaffa in light of rumors regarding a spreading plague), many Jerusalemites joined the rebellion inside the city. Despite calls by Ibrahim's deputy to defend the city, the Jerusalemites actually helped the rebels to storm the city.

> The people of Jerusalem hurried and broke the locks of the Damascus Gate and opened it. Thousands of fallahin rushed in and captured the city surrounding the citadel, on which they opened a rapid fire. Then young and old fell to looting, beginning with the houses of the Miralais, whence they removed the heavy articles which had been left behind, such as pillows, blankets and wooden tables. Then they looted the Jewish houses in the same way. The following night, the fallahin, with some low-class bandits of Jerusalem, began to loot the shops of the Jews, the Christians, the Franks and then the Muslims. The grocers, the shoemakers and every other dealer suffered alike. Within two or three days there was not one shop intact in the market, for they smashed the locks and the doors and seized everything of value.[3]

It was usual in those circumstances for the Jerusalem gentry to hire armed peasant militias to guard their property against looting. These guards were recruited customarily from Malha and 'Ayn Karim.[4] The monasteries were often protected by Ebaidi villagers, former Christian slaves who were attached to the Mar Saba Monastery,[5] in the same manner that the Ta'amerah bedouins protected the convents of Bethlehem.[6]

When the rebellion was eventually subdued, Jerusalem experienced a few decades of relative stability, peace, and economic expansion, extending to the First World War and the entry of Allenby's army to the holy city. Trade and mercantile interests in the city brought it into increasing collaboration with Jaffa (the main entry to Palestine of European and Greek and Russian pilgrimage) and to the city of Salt in Transjordan, which was its inland supplier of goods. But Jerusalem, unlike Nablus or Jaffa, never acquired prominence as a centre of production or distribution of goods.[7] The increased

security brought about by Ottoman reforms and capitulations led to an increasing number of Europeans, including European Jews, to settle in the city after the 1860s. The ensuing building boom created a huge demand for skilled craftsmen and builders. This development strengthened the relationship of the city with the townships of Beit Lahem and Beit Jala (the main suppliers of Jerusalem builders), as well as with Mount Hebron villages. But the actual expansion of the city outside the city walls was northwards towards the neighbourhoods of Wadi al-Joz, Sheik Jarrah and Tur. There the Muslim notables began to build their villas. In the western expanses, Christian and Jewish middle classes established the modern communities in the direction of the villages of Lifta, Deir Yasin and Malha.

The defining relationship between the city notables and the surrounding villages was one of patronage and mutual protection, rather than one of patrician rule over a subordinate peasantry. Occasionally the historic relationship typical of the feudal cities of Palestine (Nablus and Akka) was reversed in Jerusalem. This was the case with the Sheikhs of Abu Ghosh in the West, and the Lahham clans in Bethlehem. Scholch[8] described this relationship as one in which the members of the Jerusalem *Majlis* [city council] derived their power and wealth from the administration of religious endowments in the city, and from using their influence with the Sublime Port to extend favours and mediate conflicts among the village *shuyukh*.[9] With increased European migration and settlement these patronages extended themselves to the protection of religious and ethnic minorities in the area.[10]

For much of the second half of the nineteenth century the Western rural hinterland of Jerusalem was occupied by disputes between the dominant *multazimun[11]* in the areas (Samhan, Lahham, Abu Ghosh) over the control of tax farming commissions, often through alliances with Jerusalem *a'yan[12]*. *Qays-Yaman* peasant factionalism was the crucible used by these sheikhs to mobilize the peasants of Jerusalem and Bethlehem villages in their respective military bands. The Shaykh of Abu Ghosh (the leading *Yamanite*) was located in a strategic area because of his control over the Jerusalem-Jaffa highway used by European Christian pilgrims. In effect, he was in a position to charge *khawa* ['protection money'] from European pilgrims and Arab merchants using the route. It was not until the early 1860s when the Ottoman Governor of Jerusalem imposed the control of the central government over these factions.[13]

Towards the end of Ottoman rule the Pasha of Jerusalem with the help of the Jerusalem *Majlis* was able to re-organize the relationship between the Governor and the surrounding villages through the appointments of village mukhtars as local representatives of the state. This was the culmination of the modernist administrative reforms which the Ottomans initiated in response to European impositions including bureaucratic centralization, privatization of land (through the land code of 1858 and the attempt to eliminate communal [*musha*'] ownership, and finally the formal

elimination of shaykhdoms and tax farming. In the city of Jerusalem, the municipal council rose to prominence. Inherited by the British Mandate, they elevated its ruling families from city patricians to a hegemonic class in the entire country.

The Western Villages before the War

With Jerusalem becoming the capital of the country after the First World War the relationship of the Jerusalem sub-district villages to the city was transformed. In this we must distinguish between what became the suburban villages (Beit Hanina, Lifta, Malha, Deir Yasin, 'Izariya, Silwan and 'Ayn Karim) and those that remained in the hinterland.

'Western Jerusalem' itself is a post-1948 term, delineating the boundaries defined by the Armistice Agreement of 1949 which separated the Israeli-held part of Jerusalem, from the Eastern part that became part of the West Bank under Jordanian rule (1948-1967). Nevertheless even before 1948, villages to the west and south of the city had their own peculiarity, defined by topography and commercial significance. The western villages had two attributes: proximity to the Jaffa-Tel Aviv Highway, and their integration into the western expansion of the city's middle class neighbourhoods.

To gain a better perspective on the nature of alienation of the west Jerusalem villages from the rest of the district one should compare them with the status of those villages that remained in Arab hands. Rich soil and a higher rate of rainfall and foliage characterize the western slopes of the Judean mountains. The region has a number of perennial streams and the terrain gradually slopes in the direction of Lydda, Ramleh and the maritime plains. In contrast, the eastern slopes are arid and semi-arid and fall sharply towards the Jordan Valley, the soil is poor and terracing is difficult to maintain due to steepness of the slopes. The result is (or was) a higher population density and concentration of villages in the western region—the area that came under Israeli control.

A decisive factor affecting the manner in which these villages underwent changes in their agrarian structure was their proximity to the western slopes of the city, particularly to its Jewish suburban colonies. Geographer Aziz Dweik suggests four concentric parameters of distance which were 'cutting edges' in the morphology of those villages:[14]

- Those in the inner rim of the municipal boundaries (less than 5 kilometers of the city centre), including Issawiyyeh, Tur, Abu Dis, Silwan and Sur Baher. All of those remained in Arab hands after the war.

- Villages in close proximity to the city centre (5-10 kms). On the western side those included Lifta, al-Malha, Qalunya, Qastal, Deir Yasin, Beit Safafa, Walajeh,

Jura, and 'Ayn Karim. Those were invariably on their way to suburbanization, their agricultural land valorizing as real estate.

- Intermediate villages (10-20 kms). Those included Beit Naquba, Abu Ghosh, Suba, Khirbet al-'Umur, Sataf, Deir 'Amr, Beit Thul, Saris, 'Aqqur, Deir al-Shekh, Ras Abu Ammar. With the exception of Abu Ghosh—which collaborated with the Jewish forces before the War—all of these villages were demolished.

- Outer rim villages (over 20 kms from the centre). Including Nataf, Beit Mahsir, Deir al-Hawa, Ishu', Artuf, Islin, Sar'a, Ism Allah, Deir Aban, Deir Rafat, Beit Itab, Sifla, Jarash, Beit Jimal, al-Bureij. Again these villages were obliterated, and new Israeli settlements established over their ruins.

The sub-district covered an area of 1.57 million dunums, of which 88.4 percent was Arab owned, 2.1 Jewish owned, and 9.5 was public land. The area contained 274,950 inhabitants of which 59.6 percent were Arabs and 40.4 Jewish (1945 data).[15] The total area owned by villages in West Jerusalem which were destroyed was 251,945 dunums of which 231,446 dunums (91.8 percent) was Arab owned, 6,897 (2.7 percent) was Jewish owned, and 14,629 (5.8 percent) was public land. The total Arab population evicted from those villages was 23,649.[16] To those we must add a further 25,000 who were expelled from West Jerusalem urban neighbourhoods.[17] The area contained two of the largest three villages ('Ayn Karim and Lifta—1,024 and 323 dunums of built up area respectively), with Malha, Qalunya, and Beit Mahsir ranking among the biggest ten villages in the sub-district.[18] The displacement led to considerable population pressure on eastern villages who had to absorb many refugees on their land that was appropriated for refugee camps.

The villages most transformed by the combined impact of suburbanization and the elevated status of Jerusalem as the centralized capital of the country were those in the inner two circles. Lifta is a case in point. By the mid-thirties this village became a primary source of construction activity (quarries) and building skills in the city.[19] Upper Lifta was integrated into the new Arab Jewish suburb of Romeima. The vastness of village land made it a prime real estate attraction, and created substantial differentiation in internal village wealth. These boundaries were delineated by Sur Baher and Beit Safafa to the south, Tur in the East, Beit Hanina and Shu'fat in the northeast, 'Ayn Karim and Malha towards the south.[20]

Village architecture began to reflect the style and sophistication of suburban Jerusalem. Two-story villas with gardens with inner yards and garden areas began to dot the slopes of the lower village.[21] The introduction of a bus route and the expansion of a transport network increased the mobility of the village to the outside

world. A large number of the young men in the village received their education in Jerusalem colleges as well as in Beirut, Damascus and Cairo universities and beyond. In 1935 the Lifta-Deir Yasin Bus Company was established. It boasted a fleet of three buses and a number of private taxis.[22] Unlike the situation in outlying villages, Lifta had two coffeehouses, two carpentry shops, barbershops, and a butcher. It also had one modern clinic, two village doctors (trained in the American University in Beirut) and two staff nurses.

Because of their proximity to Jewish and mixed neighbourhoods (Romeima, Giv'at Shaul, Mahne Yehuda, Mea Sha'rim) the village had substantial and amicable economic relations with the Jerusalem Jewish community. Lifta was probably the only Jerusalem village that was physically intermeshed with the Jewish communities of Jerusalem. The new village coeducational high school—built by voluntary public contribution was built in Romeima adjacent to Jewish housing.[23] But these developments were not confined to Lifta. The trend was replicated in 'Ayn Karim, Deir Yasin and—to a lesser extent—in Malha.

Deir Yasin, which became the most famous of the four villages, witnessed similar transformation in the thirties. Its fate was linked to the fortune of the Jewish colony of Giv'at Shaul, whose growth eventually completely incorporated the lands of the village after the latter's partial destruction in 1948. Deir Yasin's agricultural base began to change in the early twenties when a large number of its youth began to work in the ranks of the British army and police and in building activity. Its first quarry was established in 1927, and the village boasted ten varieties of superior building stone.[24] A considerable number of its labour force was also involved in construction work, both in the Jewish suburbs, and in the Arab neighbourhoods of West Jerusalem. One of the most repeated grievances of the villagers were the differential wage rates—set officially by the Mandate authorities for Jewish and Arab workers. A Deir Yasin villager commented:

> I worked with the British Army for ten years, from 1938 to 1948. I would continue to receive [a daily] allowance of 20 piasters, as opposed to 40 piasters for Jewish workers. When we protested as to why the Jewish workers received more they would say: 'You can always go back to your homes and eat your squash and tomatoes. Those poor Jews have nothing'.[25]

This ideological explanation of differential wages for Jews and Arabs (even when the latter were urbanites and had no land), recalls Carmi and Rosenfeld's discussion of this phenomenon referring to the Arab workers having "a pipeline to the village fields"—an issue which persisted throughout the Mandate.[26] Until 1947,

official government publications issued a list of differential wage rates for Arabs and Jews in the various trades.[27]

With the onset of the forties, daily life in Lifta, 'Ayn Karim, Deir Yasin and Malha became increasingly intertwined with that of the growing Jewish neighbourhoods of Beit ha-Kerim, Giv'at Shaul, and Kiryat Moshe—mostly in the form of commercial dealings and construction activities. The peddling of vegetables and fruits, especially by village women, and the sale of building materials from the village dominated these transactions.[28] Palestinian villagers also availed themselves of medical services of Jewish doctors, with Dr. Ticho, the eye doctor, becoming a household name. Though there was limited social intercourse between the two communities, relations in general were mutually amicable.[29] The following interviews with Lifta women is indicative of these relationships:

> We used to buy supplies from their stores, and they would buy stones. We were neighbours who complemented each other. There was little competition. On Saturdays Jews and Arabs would mingle in the village market. … Friendships grew between the Jews of Romeima and the people of Lifta, which continue until today. [...] Before Romeima was established Lifta people used to shop in Mahne Yehuda, and then sell their vegetables there. Most of the Jews there were Eastern. Many were Kurds and Bukharan and they spoke Arabic fluently. In one case a Liftawi, Fahmi Ibrahim Abu Sa'd married a Jewess from their ranks.[30]

The strain generated by the 1936 rebellion, which involved a number of Lifta, Malha, and Deir Yasin peasants, were soon calmed, only to re-surface in the 1947-48 period after the Partition Plan was announced.

The War of 1948

Military operations following the Partition Plan of November 1947 involved confrontations between Arab and Jewish forces over a one-year period (December 1947 to November 1948). On the Arab side were Palestinian irregulars led by 'Abd al-Qadir al-Huseini, *al-Jihad al-Muqaddas* (JM), the Arab Liberation Army (ALA) [*'Jaysh al-Inqadh'*] led by Fawzi al-Qawuqji, and troops from the Egyptian Army and the Arab Legion. But the official Arab forces did not engage the Jewish forces until after the termination of the British Mandate on May 15, by which time the military struggle in Palestine was basically resolved in favour of the Zionists. Until then the brunt of the fighting was born by the JM. Several villages (such as Malha, Lifta, and Deir Yasin) had their own armed defenders.

On the Jewish side were the Haganah, the main forces under the general command of David Ben Gurion, in addition to the revisionist forces of the *Irgun Zvei Leumi* and the Stern Group, better known as *Lehi*.

The Zionist forces conducted thirteen operations for the capture of Jerusalem. The objective of these operations was twofold: (1) to clear the Tel-Aviv-Jaffa-Jerusalem highway for the free movement of Jewish forces; and (2) to clear Arab villages on the western flanks of Jerusalem from their Palestinian population to provide demographic depth and linkages between the proposed Jewish state and the city of Jerusalem, in the framework of *Plan Dalet*.[31] Between December 1947 and up to the period of British withdrawal (May 15) the Zionists conducted seven military operations in Jerusalem: Operations *Barak, Nachshon, Har'el, Makkabi, Yevussi, Shififon*, and *Pitchfork*.[32] All of those operations were conducted inside the boundaries of the UN proposed Arab State, and (in the case of the last three, partly inside the areas of the proposed international boundaries of Jerusalem). The second series of attacks (operations *Ben-Nun, Yoram, and Qilshon*) took place after the end of the Mandate (May 15, 1948) and up to the first truce (June 11, 1948). The third attack (operations *Dani* and *An-Far*) took place in between the two truces in a ten-day period (July 8-July 18), also in the territories of the proposed Arab State. The fourth and final attack (extending through a protracted period between July 18 to November 1948), known as Operation *ha-Har*, was the most crucial in the clearing and displacement of the Arab village population of western Jerusalem.[33]

The confrontation between the contending Arab and Jewish forces exposed the weakness and lack of preparation of the Arab side. Most of the indigenous Palestinian militias had been either crushed or debilitated by the British counter-insurgency campaign of 1936-39, a mere eight years earlier. In the Jerusalem area the Arab Liberation Army was virtually absent. Established by the Military Committee, itself established by the Arab League in October 1947 to defend Palestine, it consisted of Arab volunteers (mostly Syrians, Iraqis and Palestinians) who fought in the Galilee and the North. With the absence of an ALA presence in the center of Palestine, the Military Committee, in effect, regarded the two great commanders of *al-Jihad al-Muqaddas*, Hasan Salameh, in the Jaffa-Lydda front, and 'Abd al-Qadir al-Huseini, in Jerusalem, as the *de facto* commanders of the Arab forces.[34] In Jerusalem, before the withdrawal of British Forces, the *Jihad* forces were virtually alone. During May of 1948 they were augmented by the one contingent of the ALA, about 300-500 fighters (it seems that the numbers kept vacillating) led by Fadil Abed Rashid and another 70 Muslim Brother volunteers from Syria led by Shaykh Mustafa Siba'i.[35] By contrast the Jewish forces were well equipped, well trained (many of them having served in contingents of the British Army, as well as in the European fronts), and more numerous. The dissident forces of the *Irgun Zvei Leumi* alone, which operated

heavily in the Jerusalem-Jaffa area, were superior in numbers and armaments to the Arab forces. Their fighters were estimated in 1946 to be between 3,000-5,000.[36] The total figures for *Jaysh al-Inqadh* under Qawuqji, was 3,830 men,[37] and for *al-Jihad al-Muqaddas*, 1,563 men.[38]

Initially the JM forces of 'Abd al-Qadir al-Huseini, established in December 1947 by the Higher Arab Committee, consisted of only 25 fighters.[39] However they were soon joined by local urban volunteers and village militias. At the height of the fighting for Jerusalem, Abu Gharbiyyeh—himself third in command of the *Jihad* forces, enumerated 15 contingents in the 'army'. Five of those contingents were formed by volunteer militias recruited from the inner rim villages (Abu Dis, 'Izariya, Sur Baher, 'Ayn Karim and Beit Safafa)—what Khalidi calls 'the rural forces'.[40] The remaining ten were suburban militias under sub-commanders (situated in the Old City, Wadi al-Joz, Sheikh Jarrah, Qatamon, Mamillah, Musrara, etc.).[41] Altogether they numbered not more than 740 fighters, plus another 1,200 forces from the combined Arab forces (Salvation Army, Arab Legion, and Egyptian army).[42] The forces were poorly organized and poorly equipped. Al-Hut describes a very high degree of tension and weak coordination between the two main Arab forces: *Jihad al-Muqaddas* and *Jaysh al-Inqadh*; partly due to Qawuqji's personal animosity to the Huseinis, but mainly due to the different political agendas that guided the Arab League states and the Palestinians.[43]

Two main military confrontations resolved the fate of Jerusalem's western suburbs and its villages. One was the strategic battle for Qastal (April 3-9, 1948), and the encirclement and destruction of Deir Yasin village (April 9). Al-Qastal changed hands twice in the bloody struggle to control this secure village overlooking the Jerusalem-Jaffa highway, but the death of 'Abd al-Qadir al-Huseini, the supreme commander of JM, on the night of April 8 led to demoralization among the Palestinian forces and the evacuation of that crucial terrain towards the east.[44] The battle for Deir Yasin was more crucial for its psychological impact on displacement than for its military consequences. The fighting itself involved only a few armed villagers against the combined forces of the Irgun and the Stern Group. No Arab Liberation Army or *Jihad* forces were present.[45] The massacre of civilian members of the village following its surrender was widely publicized by both the Jewish forces (in order to intimidate the resistance in the region and beyond) and by Palestinian political leaders (in order to invite Western pressure against the Zionists). Palestinian publicists exaggerated the number of civilians massacred (from about 120 to over 400), initially as a result of miscount, and later to dramatize the character of the tragedy.[46] As a result, the village and the massacre became symbols for the Palestinian *Nakbeh*, and created a massive spirit of defeatism that contributed to the evacuation of neighbouring villages. The events of Deir Yasin were crucial in

the evacuation of Lifta, 'Ayn Karim, Malha, and beyond. Later in May they played a decisive role in the fall of Qatamon, Baq'a, Mamillah and Musrara.

A systematic examination of this process of displacement appears in *All That Remains*, a survey of destroyed Palestinian villages based on Arab eyewitness accounts, Israeli military records, and Palestinian and external contemporary reports. Of the thirteen Jewish operations listed above, two were decisive in the successful attempts to clear the Palestinian population. The first, Operation *Nachshon* (launched on the night of March 30-April 1, 1948), was planned by Ben-Gurion himself. It involved three battalions of the *Haganah* and *Palmach* forces and was conducted within the general framework of *Plan Dalet*. According to Benny Morris the operation was characterized by "an intention and effort to clear a whole area, permanently, of Arab villages and hostile or potentially hostile villagers".[47] The operation succeeded in the occupation and clearing of Deir Muhaysin and Khulda villages (both in Ramleh District, on the borders of the Jerusalem district) and Qalunya. Within the framework of Operation *Nachshon*, and in coordination with the *Haganah*, Deir Yasin was attacked by the *Irgun Zvei Leumi* and the *Lehi* forces. The massacre in the village resulted in widespread panic and the evacuation of several surrounding villages, including Lifta and 'Ayn Karim.[48]

The second operation, *ha-Har* (launched on October 18, 1948, after the second truce), was spearheaded by the *Har'el* and *Etzioni* Brigades and commanded by Yigal Allon. The aims of this operation were to "widen the Israeli held corridor to Jerusalem and link it with the territory occupied [by the Jewish forces] in the Hebron Hills."[49] Morris suggests that the population in the area of this operation (including the villages of Allar, Deir Abban, and Barbaara) were expelled by implicit (i.e. unrecorded) orders issued by Allon.[50] Refugees from these areas moved eventually to Bethlehem and the Hebron hills.

Consequences of Displacement

Of the approximately 40 villages and hamlets in the Jerusalem sub-district that remained on the Israeli side after the 1949 armistice agreement, 38 had their population evicted to the east of the new boundaries (see map and appendix on Jerusalem District villages). In very rare cases, such as Qariat al-Inab and Qalunia, a few inhabitants were allowed to relocate to neighbouring villages like Abu Ghosh. Despite some nominal offers for returning the refugees, and despite repeated UN resolutions to this effect, virtually none of the Jerusalem refugees were allowed back. The incorporation of East Jerusalem and the West Bank in Israeli-held territories after the war of 1967 made it possible for thousands of Jerusalem refugees to go back and visit the ruins of their original villages in the early days of occupation. But even these nostalgic returns became more and more difficult as Israel reinforced

the blockade against Palestinians entering Israeli-held territories.

What happened to those refugees? It is significant that the vast majority of Jerusalem refugees continue to live in the immediate vicinity of their original homes—that is within less than 100 kilometers of those villages. In the introduction to this book we discussed UNRWA registration data as a chief source of information on the number and location of Jerusalem refugees. The main weakness of the *Unified Registration System (URS)* is twofold: firstly, since UNRWA registration was originally intended as a framework for relief services, it tends to substantially undercount urban refugees from the western suburbs who did not require, or who declined to receive these services; secondly it does not cover the number and status of refugees who relocated outside areas of UNRWA field operations.[51] However this gap is less relevant to Jerusalem's *rural* refugees who, in their large majority, were in need of relief, and tended to relocate to camps and other refugees shelters within the five areas of UNRWA services. Table 1 indicates the various locations of these movements:

Table 1 Jerusalem Rural 1948 Refugees from Western Villages Alive as of 1997, By Host Region

Place of Refuge	No. of Refugees	% of the total	No. of Villages represented
The West Bank	36,130	32.7	38
Jordan	73,908	66.9	37
Gaza	99	0.1	6
Syria	221	0.2	7
Lebanon	81	0.1	6
Grand Total	*110,439*	*100*	*38*

Source: *Derived by author from UNRWA, Relief and Social Service Dept., URS (Amman HQ), May 22, 1997; or Jerusalem sub-district villages which came under Israeli control in 1948, including Abu Ghosh, but excluding Beit Safafa (see appendix). Figures include 1948 refugees alive today and their direct descendents.*

The pattern of rural refugee displacement from the war of 1948 shows opposite trends from the fate of urban refugees. Here the vast majority (67 percent) eventually ended up in Jordan, while only a third (approximately 33 percent) continue to live in West Bank refugee camps and other communities. The higher proportion of refugees who ended up in Jordan (mostly in Amman and its surrounding refugee camps) include a large number of refugees who were displaced in the war of 1967. The higher degree of dependence of camp refugees on UNRWA services may explain why more refugees of rural rather than urban origin ended up in Jordan. The numbers of Jerusalem rural refugees who ended up in Syria, Lebanon and Gaza is negligible, constituting less than half a percent of the total.[52] The bulk of Jerusalem refugees continue to live only hours away from their former residence, and often within sight of their former villages and towns.

Table 2   Towns and villages depopulated in 1948, Jerusalem District

Name	Name in Arabic	Arab Population 1948	Total Land Area (dunums)	PGR (coordinates)
Allar	علاّر	510	12,356	155125
Aqqur	عقّور	46	5,522	157129
Artuf	عرتوف	406	403	150130
Ayn Karim	عين كارم	3,689	15,029	165130
Bayt 'Itab	بيت عطاب	626	8,757	155126
Bayt Mahsir	بيت محسير	2,784	16,268	153133
Bayt Naqquba	بيت نقوبا	278	2,979	161134
Bayt Thul	بيت ثول	302	4,629	157136
Bayt Umm al Mays	بيت أم الميس	81	1,013	157131
Burayj al	البُريج	835	19,080	143127
Dayr 'Amr	دير عمرو	12	3,072	159131
Dayr Aban	دير آبان	2,436	22,734	151127
Dayr al Hawa	دير الهوا	70	5,907	153128
Dayr ash Sheikh	دير الشيخ	255	6,781	156128
Dayr Rafat	دير رافات	499	13,242	146131
Dayr Yassin	دير ياسين	708	2,857	167132
Ishwa	إشوع	719	5,522	151132
Islin	عسلين	302	2,159	150132
Ism Allah, Khirbat	خربة إسم اللّه	23	568	145132
Jarash	جَرَش	220	3,518	151126
Jerusalem (New City)	القدس	**45,000**	**20,790**	**172132**
Jura al	الجـورة	487	4,158	164129
Kasla	كسلا	325	8,004	154132
Lawz al, Khirbat	خربة اللوز	522	4,502	160130
Lifta	لفتا	2,958	8,743	168133
Maliha al	المـالحة	2,250	6,828	167129
Nitaf	نطاف	46	1,401	156138
Qabu al	القبو	302	3,806	161126
Qaluniya	قالونيا	1,056	4,844	165133
Qastal al	القسطل	104	1,446	163133
Ras Abu 'Ammar	راس ابو عمّار	719	8,342	158127
Sar'a	صرعة	394	4,967	148131
Saris	ساريس	650	10,699	157133
Sataf	صطاف	626	3,775	162130
Suba	صوبا	719	4,102	162132
Sufla	سُفلى	70	2,061	153126
Tannur al, Khirbat	خربة التنور	0		154124
Umur al Khirbat	خربة العمُور	313	4,163	159133
Walaja al	الوّلجَة	1,914	17,708	163127
SUBTOTAL	**38 villages**	**73,258**	**272,735**	

Table created by Salman Abu-Sitta. Data appears in *The Palestinian Nakba 1948* by Salman Abu-Sitta, London: Palestinian Return Centre, 1998.

Table 3   **Events of the 1948 War and Refugees, Jerusalem District**

Name	Depopula-tion Date 1948	Exodus & Causes	Israeli Opera-tion	Defen-ders	Destruc-tion	UNRWA Registered Refugees, 1997
Allar	22-Oct	M	hh	EG	4	2,723
Aqqur	13-Jul	M			3	109
Artuf	18-Jul	M			5	2,776
Ayn Karim	18-Jul	C, M			6	13,978
Bayt 'Itab	21-Oct	M	hh		3	4,089
Bayt Mahsir	10-May	M	mc	ALA	6	17,227
Bayt Naqquba	1-Apr	M	nn		6	698
Bayt Thul	1-Apr		nn		3	1,802
Bayt Umm al Mays	21-Oct	M	hh		3	262
Burayj al	19-Oct	M	hh			6,099
Dayr 'Amr	17-Jul	E	dn		6	247
Dayr Aban	19-Oct	M	hh	EG	3	14,997
Dayr al Hawa	19-Oct	M	hh	EG	2	265
Dayr ash Sheikh	21-Oct	M	hh		2	885
Dayr Rafat	18-Jul	M	dn		2	492
Dayr Yassin	9-Apr	M/E			6, M+	3,363
Ishwa	18-Jul	M			6	2,943
Islin	18-Jul	M	dn		3	1,695
Ism Allah, Khirbat	17-Jul		dn		5	4
Jarash	21-Oct	M	hh		2	1,343
Jerusalem (New City)	**28-Apr**		**ys,qn,sc,qd**			**102,166**
Jura al	11-Jul		dn		4	2,110
Kasla	17-Jul	M			2	1,231
Lawz al, Khirbat	13-Jul		dn		2	3,699
Lifta	1-Jan	M			6	13,392
Maliha al	15-Jul	C,M	dn		6	10,208
Nitaf	15-Apr				4	226
Qabu al	22-Oct	M	hh		2	2,105
Qaluniya	3-Apr	M	nn		5	5,339
Qastal al	3-Apr	M			2	731
Ras Abu 'Ammar	21-Oct	M	hh		2	4,031
Sar'a	18-Jul	M			2	2,694
Saris	16-Apr	M	nn	ALA	2	3,333
Sataf	13-Jul	M	dn		3	3,777
Suba	13-Jul	M	dn		3	3,770
Sufla	19-Oct	M	hh		2	383
Tannur al, Khirbat	21-Oct		hh		4	
Umur al, Khirbat	21-Oct	M		EG	2	1,646
Walaja al	21-Oct	M	hh		4	9,504
					Total	246,342

Table created by Salman Abu-Sitta. Data appears in *The Palestinian Nakba 1948* by Salman Abu-Sitta, London: The Palestinian Return Centre, 1998.

Key for Table 3:

Exodus/Causes:	E=Expulsion, M=Military Assault C=Influence of fall of other town
Israeli Operation:	nn=Nachshon (6-15 April); Tel-Aviv--Jerusalem road hh=Har'el (13-20 April); against villages on Jerusalem road dn=Dani (7-18 July); against Lydda and Ramle and nearby villages mc=Maccabi (8-16 May); against villages of Latrun area ys=Yevussi (26-30 April); against Jerusalem area villages qn=Qilshon (14 May);against Arab western Jerusalem and Old City sc=Schiffon (14 May); against Old City of Jerusalem qd=Qedem (17 July); against Old City of Jerusalem
Defenders:	EG=Egyptian Army ALA=Arab Liberation Army
Destruction	1=Complete obliteration 2=Destruction, rubble identifiable 3=Demolition, standing walls 4=Most houses demolished, one standing 5=Most demolished, up to 2 Jewish families living there 6=More than two Jewish families occupy houses 7=Inaccessible

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Endnotes

[1] *Ashraf*, singular *sharif*. The term given to people who claim their families are related to the family of the prophet Muhammed; these are often the elite families in a region.

[2] Monk Neophytos of Cyprus, *Annals of Palestine*,Translated and edited by S. N. Spyridon, Jerusalem: Palestine Oriental Society, 1938, p. 75.

[3] *Annals*, p. 75.

[4] *Annals*, p. 79.

[5] *Annals*, p. 80.

[6] *Annals*, p. 64, footnote.

[7] *Annals*, pp. 86-87.

[8] Alexander Scholch, *Palestine in Transformation*: 1856-1882, Washington: Institute for Palestine Studies, 1993, pp. 124-125.

[9] *Shuyukh*, singular *shaykh*. In rural areas title used for elders, principally chiefs, clan leaders, or heads of villages.

[10] Scholch, pp. 232-234.

[11] *Multazimun*, 'Tax collectors' — a position that was bid for or often given out to dominant families.

[12] *A'yan*, 'Notable families'.

[13] Scholch, p. 229.

[14] Aziz Dweik "A Topology of Jerusalem Villages and their Functions" in *Shu'un Tanmawiyyah*, Vol. 5, No. 2/3, (Winter 1996), pp. 134-136.

[15] Nijim, B.K., and Mu'ammar, B., *De-Arabization of Palestine/Israel,* 1945-1977, Kendall/Hunt, 1984.
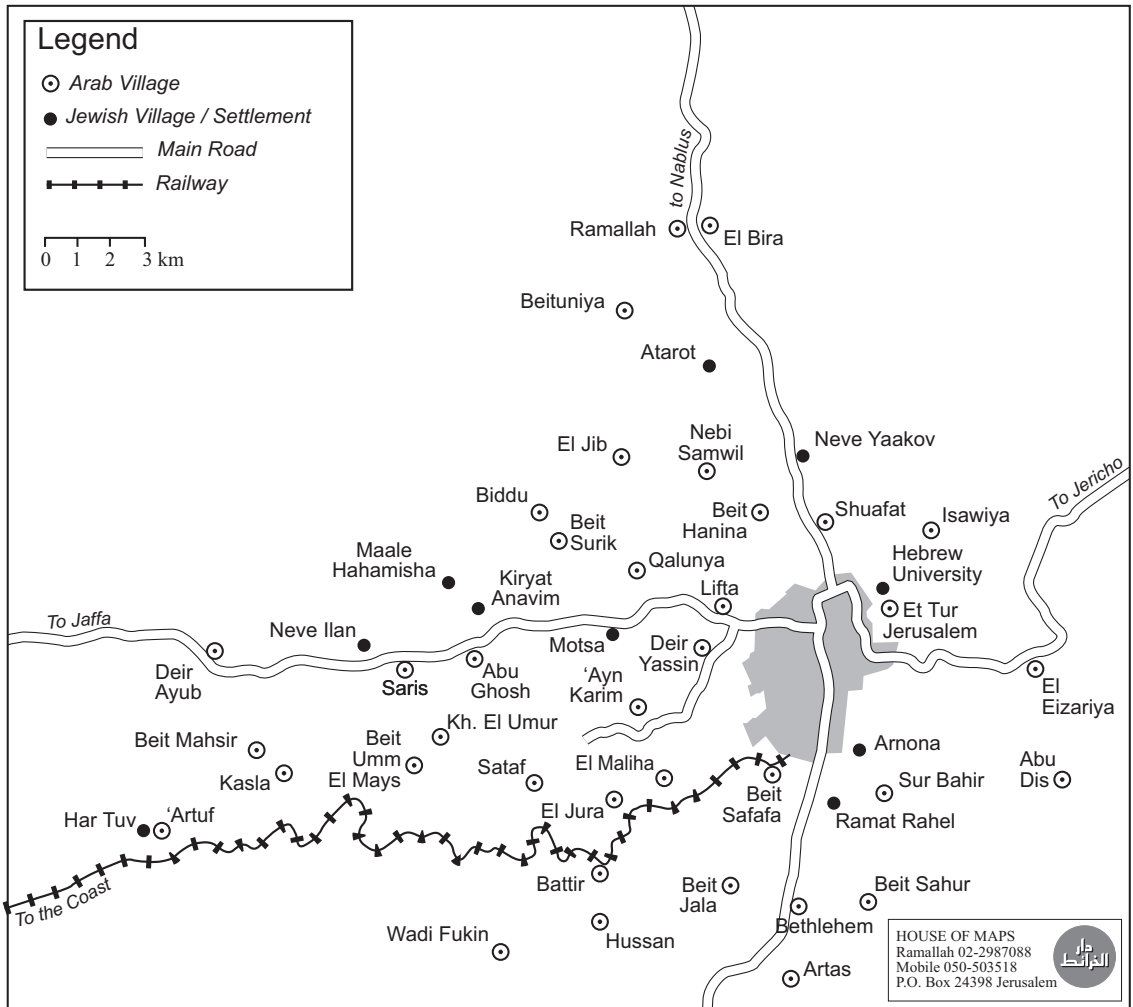
[16] Calculated by the author from Khalidi, *All that Remains*, pp. 266-323.

[17] Khalidi, *All that Remains*, p. 581.

[18] Dweik, pp. 145, 150. Only Beit Safafa was divided between Arab and Israeli control. The area refers to built-up area only, since village-owned land was much larger. *All That Remains* gives slightly different figures: 426 dunums (built-up) for Lifta, and 1,034 dunums for 'Ayn Karim. The lower figures probably indicate Arab-owned areas only.

[19] Sherif Kana'ana and Lubna Abdul Hadi, *Lifta, Destroyed Village Series*, Monograph no. 12, Birzeit University Publications, Birzeit, 1991.

[20] Kana'ana and Abdul Hadi.

[21] Kana'ana and Abdul Hadi.

[22] Sherif Kana'ana and Nihad Zeitawi, *Deir Yasin, Destroyed Village Series*, Monograph no. 4, Birzeit University Publications, Birzeit, 1991 (second edition), pp. 27-28.

[23] Kana'ana and Abdul Hadi, pp. 24-5.

[24] Kana'ana and Zeitawi, p. 28.

[25] Kana'ana and Zeitawi, p. 28.

[26] Carmi, S. and Henry Rosenfeld, "The origins of the process of proletarianization and urbanization of Arab peasants in Palestine", in Krausz, E. (ed.) *Studies of Isareli Society: Migration, Ethnicity and Community* (1974).

[27] See *A Survey of Palestine*, Vol. 2, (Her Majesty's Stationary Office, 1947—reprinted by the Institute for Palestine Studies, Washington, 1991), pp. 735-744.

[28] Kana'ana and Zeitawi, p. 46.

[29] Kana'ana and Abdul Hadi, p. 24; Kana'ana and Zeitawi, p. 46.

[30] Kana'ana and Abdul Hadi, p. 29.

[31] Walid Khalidi, "Plan Dalet" in *From Haven to Conquest*, edited by Walid Khalidi. Washington: Institute for Palestine Studies, 1987.

[32] Khalidi, ed., *All that Remains*, p. 325.

[33] Khalidi, ed., *All that Remains*, p. 325.

[34] Bahjat Abu Gharbiyyeh, *Fi Khiddam anNidal alArabi alFilastini*, 1916-1949, Beirut: Institute for Palestine Studies, 1993, p. 250.

[35] Abu Gharbiyyeh, p. 266.

[36] Khalidi, *From Haven to Conquest*, based on British sources. See Appendix IX-A "Zionist Forces on 15.5.1948, pp. 861-866.

[37] Khalidi, *From Haven to Conquest*, p. 860.

[38] Khalidi, *From Haven to Conquest*, p. 860.

[39] Bian Nweihed al-Hut, *Al-Qiyadat wal-Mu'assassat asSiyasiyyeh fi Filastin 1017-1948*, Beirut: Institute for Palestine Studies, 1981, p. 615.

[40] Khalidi, *From Haven to Conquest*, p. 859.

[41] Abu Gharbiyyeh, p. 247.

[42] Abu Gharbiyyeh, pp. 265-266 and 246-247.

[43] al-Hut, pp. 615-6.

[44] al-Hut, pp. 623-624; Abu Gharbiyyeh, pp. 204-209. Abu Gharbiyeh himself fought at Qastal and provides one of the most vivid descriptions of the battle.

[45] Abu Gharbiyyeh, pp. 221-2; al-Hut, p. 625.

[46] Abu Gharbiyyeh, p. 222; Kana'na and Zeitawi, pp. 57-61. The latter study, based on oral testimonies, claims to have the most exhaustive list of people killed at Deir Yasin on the basis of affidavits by survivors.

[47] Benny Morris, *Birth of the Palestine Refugee Problem*. Cambridge: University Press, 1987, xvii, xviii, pp. 111-115

[48] Khalidi, *All that Remians*, pp. 278-9.

[49] Khalidi, *All that Remains*, p. 266.

[50] Morris, pp. 217 and 219-221.

[51] For a discussion of problems in refugee registration data see Tamari and Zureik, *The UNRWA Archives on Palestinian Refugees*, Institute of Jerusalem Studies, Jerusalem: Institute for Jerusalem Studies, 1997, pp. 11-19.

[52] Compared to about 3 percent for urban refugees in the same regions.

Map 2

Jerusalem District Villages (Selected), 1948

Legend

⊙ *Arab Village*

● *Jewish Village / Settlement*

▭ *Main Road*

▬ *Railway*

0 1 2 3 km

to Nablus

Ramallah ⊙ ⊙ El Bira

Beituniya ⊙

Atarot ●

El Jib ⊙   Nebi Samwil ⊙   Neve Yaakov ●

To Jericho

Biddu ⊙   Beit Surik ⊙   Beit Hanina ⊙   Shuafat ⊙   Isawiya ⊙

Maale Hahamisha ●   Qalunya ⊙   Hebrew University ●

Kiryat Anavim ●   Lifta ⊙   Et Tur ⊙

To Jaffa   Neve Ilan ●   Motsa ●   Deir Yassin ⊙   Jerusalem

Deir Ayub ⊙   Abu Ghosh ⊙   'Ayn Karim ⊙   El Eizariya ⊙

Saris ●   Kh. El Umur ⊙

Beit Mahsir ⊙   Beit Umm El Mays ⊙   Arnona ●   Abu Dis ⊙

Kasla ⊙   Sataf ⊙   El Maliha ⊙   Sur Bahir ⊙

Har Tuv ●   'Artuf ⊙   El Jura ⊙   Beit Safafa ⊙   Ramat Rahel ●

Battir ⊙   Beit Jala ⊙   Beit Sahur ⊙

Wadi Fukin ⊙   Hussan ⊙   Bethlehem   Artas ⊙

To the Coast

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Villages of the Jerusalem District, Destroyed in 1948

(see comprehensive list with population and land ownership in Table 2 in Chapter 3)

'Allar	Bayt Umm al Mays	Ishwa'	al-Maliha	Saris
'Aqqur	al-Burayj	'Islin	Nitaf	Sataf
'Artuf	Dayr 'Amar	Ism Allah, Khirbat	al-Qabu	Suba
'Ayn Karim	Dayr Aban	Jarash	Qaluniya	Sufla
Bayt 'Itab	Dayr Al Hawa	al-Jura	al-Qastal	al-Tannur, Khirbat
Bayt Mahsir	Dayr Rafat	Kasla	Ras Abu 'Ammar	al-Umur, Khirbat
Bayt Naqquba	Dayr al-Sheikh	al-Lawz, Khirbat	Sar'a	al-Walaja
Bayt Thul	Dayr Yasin	Lifta		

The Fall of the New City 1947-1950

Nathan Krystall

Introduction

The United Nations resolved to partition Palestine and to internationalize Jerusalem. The Arabs of Jerusalem attacked the Jews, who were forced to defend themselves. Upon the first sound of gunfire, the wealthy Palestinian Arabs abandoned their villas in West Jerusalem. Orders by the Arab leadership led to the evacuation of the rest of the Palestinian Arab civilians. Despite British aid to the Arabs, the few besieged Jews managed to hold out in Jerusalem, even against a full-scale attack by the Arab countries, until a truce was declared. Left with thousands of homeless Jewish immigrants on the one hand, and thousands of empty Arab homes in West Jerusalem on the other, the Israeli government had no choice but to house the one in the other.

So goes the conventional Zionist version of the fall of Arab West Jerusalem. Another tendency, typified by Lynne Reid Banks in her book *Torn Country*, is to negate the fact that Palestinian Arabs lived in West Jerusalem prior to 1948.[1] While some Palestinian Arabs have documented their struggle against the Zionist forces in West Jerusalem, many of their stories have yet to be told.

I have attempted to construct a narrative of the events surrounding the fate of Arab West Jerusalem between December 1947 and 1950 based on published first-hand accounts and secondary sources, supplemented by interviews. I have relied heavily upon the published research and analyses of historians and other scholars such as Henry Cattan, Walid Khalidi, Nur Masalha, Benny Morris, and Avi Shlaim. The work of Arnon Golan, although he constructs history exclusively from the conquerors' perspective, proved extremely helpful in tracing the process of Israeli settlement in West Jerusalem during the years in question.

As an introduction, it is important to place 1948 Arab West Jerusalem in the context of local, regional and international politics. In this task, I no doubt succumb to simplicity for the sake of brevity.

Before 1948, the Palestinian Arab community of West Jerusalem, which numbered about 28,000,[2] was one of the most prosperous in the Middle East. West Jerusalem's Arabs lived mainly in that section of the city's southern part (in mansional residential quarters from Talbiya down to the German Colony,[3] the Greek Colony,[4] Qatamon, and Baq'a) and in its eastern part (in Musrara on the northern side of the Old City and Deir Abu Tor on its southern end). The approximately 95,000 Jews of West Jerusalem lived mainly in its northern and western neighbourhoods, which were ringed on the west, going from north to south, by the Arab villages of Lifta, Sheikh Badr, Deir Yasin, 'Ayn Karim, Malha, and Beit Safafa.

Jerusalem as a whole was a central city both for Arabs and Jews in Palestine, but in different ways. Situated between a nexus of Palestinian Arab towns, Jerusalem was a hub of Arab economic, political, cultural, and social life. For Jews and Arabs— both Muslim and Christian—Jerusalem had a deep religious significance. For many secular Jews in Palestine, Jerusalem was neither politically, economically, nor geographically focal. However, the leadership of the Zionist movement recognized the city's deep religious and historical significance to Jewry. They saw that it would provide an essential component in granting a future Jewish state legitimacy and transforming it, to quote a contemporary journalist, into more than just an "obscure little state on the Levantine coast."[5] The Zionist leadership also recognized that controlling Jerusalem would drive a wedge into Arab Palestine.

Still, Jewish Agency Chairman David Ben-Gurion, who was responsible for his organization's policy on Jerusalem, was cautious in mapping out designs on the city, knowing that any hint of Jewish control over what is widely regarded as the 'holy city' would elicit a backlash from the Christian West. The 1937 Peel Commission, a forerunner of the UN partition plan, made clear Western desire for proprietorship over Jerusalem and sought to permanently instate Britain as the guardian of Jerusalem because of the "overriding necessity of keeping the sanctity of Jerusalem and Bethlehem inviolate and of ensuring safe and free access to them for all the world."[6] It has been suggested that the significant presence of Christian Arabs in the city prevented Ben-Gurion and his colleagues from exchanging with each other the kind of secret but explicit proposals for population transfer from Jerusalem that they planned for other areas earmarked for a future Jewish state.[7]

Nonetheless, Zionist leaders viewed a Jewish demographic majority in Jerusalem as a matter of utmost concern, because they believed that it would justify their claims and safeguard their interests in the city. Their intensive immigration efforts

were such that, by 1947, the population of the area demarcated by the UN partition plan for a *corpus separatum*, or international zone, which included both Jerusalem and Bethlehem, comprised 100,000 Jews, 65,000 Muslims, and 40,000 Christians.[8] Land ownership in the city area that would become West Jerusalem following the 1948 war was as follows: 33.69 percent Arab individually-owned property; 30.04 percent Jewish-owned property; 15.21 percent by other residents; 2.47 percent state land; and 18.59 percent roads and railways.[9]

In agreeing to the UN partition plan, which stipulated that the city's residents would decide its fate after ten years by referendum ballot, the Jewish Agency expected further large-scale Jewish immigration—mainly of European holocaust survivors—to swing the future vote in favor of Jerusalem's inclusion in the Jewish state.[10] Some historians conclude that the Jewish Agency's concession to the plan for a *corpus separatum* was tactical in that they counted on the Arab leadership's rejection of the plan.[11] In the event that the UN failed to impose internationalization, the Jewish Agency leaders further reasoned, they would be justified in annexing West Jerusalem.[12] By December 1947, they were convinced that only Jerusalem could be the capital of Israel.[13]

Between September and November, 1947, according to Francis Ofner, a journalist in Jerusalem, Jewish Agency experts claimed that most Arabs in Palestine preferred co-existence to violence.[14] Still, a majority of the leaders of Palestinian Arab political parties totally opposed the partition plan and its accompanying proposal to internationalize Jerusalem. According to the partition plan, the Jewish state, in which Jews at the time owned 1.67 million dunums out of a total area of 15 million dunums, would comprise 54 percent of Palestine, 55 percent of whose population would be Jewish. 500,000 Arabs—40 percent of the total Palestinian Arab population—within this area would become minority subjects of the Jewish state. In the Arab state would reside 725,000 Arabs and 10,000 Jews.[15] Palestinian Arabs saw that partition was, in Walid Khalidi's words, "Zionist in conception and tailored to meet Zionist needs and demands."[16] More recent revelations by historians proffer additional reasons for Palestinian Arabs, with the benefit of hindsight, to have been apprehensive about the plan, namely the fact that the other major players in Palestine—the Jewish Agency, King Abdullah, and Britain—had no intention of allowing a Palestinian Arab state to come into being.

In his book *Collusion Across the Jordan*, Avi Shlaim details the secret meetings and agreements between the Jewish Agency and King Abdullah of Transjordan to peacefully coordinate the partition of Palestine. Only a few days before the partition vote, King Abdullah and Golda Meir agreed that the part of Palestine designated an Arab state would be annexed by Transjordan, and that Transjordan's Arab Legion would not cross the boundaries demarcated for the Jewish state.[17] Jerusalem, since

it was set apart as a *corpus separatum*, was not covered by this agreement.[18] Shlaim concludes that fighting broke out in and around Jerusalem between Israeli and Arab Legion forces during the 1948 war precisely because their leaders had not reached an understanding regarding the city, while elsewhere in Palestine the two sides exhibited mutual restraint.[19] Shlaim also indicates that King Abdullah, given nominal command over all Arab forces in the war, wrecked the Arab League's plan for a unified invasion of Palestine in order to further his ambition of expanding his kingdom.[20]

Other member nations of the Arab League were well aware that Palestinian Arabs who lived in areas of Jewish demographic preponderance, like West Jerusalem, faced grave danger. The organization established a committee to aid their defense following Britain's decision in October 1947 to eventually withdraw from Palestine.[21] Still, the committee was slow in mobilizing assistance. It was criticized for basing itself in Damascus, not Jerusalem, and for having only a small proportion of Palestinian Arabs among its leadership.[22]

Both Arab and Jewish military experts concluded that, in the event of a conflict, the Jewish forces would defeat those of the Arabs.[23] The Arab Legion was the only Arab force capable of presenting a serious threat to the *Haganah*, the Jewish army described by one of its high-ranking officers as "one of the largest and best-trained underground armies in modern history."[24] Much of the Legion's effectiveness, however, was neutralized by King Abdullah's understandings with the Zionists and by the army's reliance on British commanders and supplies.

The Arab Legion was commanded by John Bagot Glubb, who Shlaim describes as an 'imperial proconsul' receiving direct orders from both King Abdullah and London.[25] British policymakers actively encouraged the 'Transjordanian option': the partition of Palestine between the Zionists and the Hashemites.[26] Britain sought to continue to wield influence in Palestine and decided that this could best be achieved via a state controlled by King Abdullah instead of one governed by Palestinian Arabs.[27] Contrary to popular Zionist opinion, Britain did not try to sabotage the birth of a Jewish state in 1948 and was at the time primarily interested in expediting the safe withdrawal of its Mandate administration and troops.[28] The United States, eager to thwart Soviet influence in the region, generally backed Britain's policy in Palestine and increasingly took the lead in championing Zionist aspirations. The first major instance of American intervention on behalf of Zionism came with the partition vote on November 29, 1947, which would likely have failed were it not for the heavy pressure that the Truman administration exerted upon UN member nations.[29]

Outbreak of Fighting in Jerusalem

Immediately following the UN resolution to partition Palestine, fighting between Zionist and Palestinian Arab forces began in and around Jerusalem. To protest the resolution, the Arab Higher Committee (AHC) called Palestinian Arabs out on a three-day general strike. As part of this strike, on December 1, Jerusalem Arabs staged a militant demonstration that led to the burning and looting of Jewish-owned shops in the Mamillah mercantile district of West Jerusalem. According to some reports, the British police officers at the scene were indifferent; according to others, they actively participated by breaking store locks with crowbars and gunfire.[30] By most accounts, the rioting by Palestinian Arabs in Mamillah was the spontaneous act of individuals, and not prearranged. However, the *Irgun Zvai Leumi (Irgun)* and *Lehi* (Stern Gang) responded swiftly and with lethal force. Describing this sequence of events in a December 13, 1947 communiqué to London, Sir Alan Cunningham, the British High Commissioner to Palestine, wrote:

> The initial Arab outbreaks were spontaneous and unorganized and were more demonstrations of displeasure at the UN decision than determined attacks on Jews. The weapons initially employed were sticks and stones and had it not been for Jewish recourse to firearms, it is not impossible that the excitement would have subsided and little loss of life been caused. This is more probable since there is reliable evidence that the Arab Higher Committee as a whole and the Mufti in particular, although pleased at the strong response to the strike call, were not in favor of serious outbreaks.[31]

In their review of the fighting during December 1947, the heads of the Arab Division of the Jewish Agency's Political Department, in an early January 1948 meeting with Ben-Gurion and the *Haganah* commanders, severely criticized *Haganah* attacks on Romeima and Silwan in Jerusalem. They cited these attacks as examples of how, in December 1947, Haganah units carried out operations which, in Benny Morris' words, "tended to widen rather than curtail the area of hostilities" into hitherto peaceful zones.[32] Two Irgun bombings outside the Old City around the turn of the year—one at the Damascus Gate and the other at the Jaffa Gate—killed dozens of Palestinian Arabs.[33]

Palestinian Arab attacks in December consisted primarily of sniping at Jewish vehicles on the road leading from Tel Aviv into Jerusalem. Nevertheless, the spiral of retaliation and counter-retaliation rapidly sank into the mire of open warfare.

Both the Jewish and Arab leaders of Jerusalem strove to mobilize their constituents for war. For Jerusalem's Arabs this was a painfully slow process,

hampered by the paucity of trained soldiers, lack of funds, poor access to modern weaponry, and a fragmented leadership. As Abdullah Budeiri, one of the few Jerusalem Arabs with professional soldiering experience at the time, noted: "The partition resolution came as a big shock to most of us. We expected the partition vote to fail and had made no preparations for war."[34]

The main Arab force in and around Jerusalem before May 1948 was the *Jihad Muqqadas* (Holy Struggle), a semi-irregular fighting force led by the widely popular local leader 'Abd al-Qadir al-Huseini, which commanded about 380 men in the city itself and another 250 in its rural environs. There were also some 100 to 150 fighters of the Arab League-sponsored Liberation Army, commanded by Fawzi Qawuqji, as well as volunteers of the Manko Company, a contingent of irregulars financed by Haj Ibrahim Manko. Altogether, the Arab forces commanded less than 1,000 full-time fighters in the Jerusalem area.[35] There were also dozens of 'part-time' troops, who would rally to help ward off a Zionist offensive or participate in a nearby Arab attack and return home after a few hours.[36]

In most cases the weapons held by the Arab fighters were antiquated and in short supply. Abdullah Budeiri remembered perusing the Old City's condiment stores, which doubled as gun shops: "I even saw a weapon for sale from the last century that was marked *British East India Company*."[37] A Beit Safafa villager recalled an old Italian-made gun supplied by 'Abd al-Qadir al-Huseini: "You could press the trigger one hundred times, and the gun would only fire once, with a burst of flames so bright that I could not use it at night for fear that I would be spotted by the enemy."[38] The National Committee, an umbrella organization of the Arab Jerusalem neighbourhood committees, dispatched representatives to Syria to buy weapons, but only returned with fifty old guns.[39]

The quality and organization of the Arab forces was inconsistent. The Liberation Army troops, according to Benny Morris, were "militarily fairly useless [...] and at loggerheads with the local Palestinian militiamen and population."[40] Due to rivalries and jealousies among Arab leaders, communication between the forces was poor. Animosity between the Mufti of Jerusalem and the Arab League manifested itself in the field as suspicions between 'Abd al-Qadir al-Huseini and Fawzi Qawuqji.[41] In late January 1948, AHC Secretary and Jerusalem National Committee leader Husein al-Khalidi complained to the Mufti in Cairo that 'Abd al-Qadir al-Huseini's troops were not coordinating with the local committees, creating, in Khalidi's words, "indescribable confusion."[42] Motivationally, many Palestinian Arabs were willing to fight to the bitter end to defend their neighbourhoods and villages; however, they seldom organized collective defensive or offensive strategies.[43] Another bane for the Arab forces was the crude level of medical care: "We lost lives from treatable wounds; someone would be shot in the hand, and it would be amputated," recounted Budeiri.[44]

The Zionist forces, due to their high level of preparation, were able to mobilize a far more effective fighting force, far more quickly, than the Palestinian Arabs. Only eight days after the partition vote, the Jerusalem *Haganah* had mobilized 500 men and women on a full-time basis. Most had received some form of military training.[45] By May 1948, the *Haganah* fielded two brigades under a unified command in the Jerusalem area: the *Etzioni* or Sixth Brigade, with some 2,750 troops, in the city itself; and the *Palmach's Harel* or Tenth Brigade, of about the same strength, in the environs.[46] Many *Haganah* soldiers had served in British units in World War II, and others had received special training in guerilla tactics and night fighting. As already witnessed, *Irgun* and *Lehi* fighters, who were grouped disproportionately in Jerusalem, were trained and prepared for conflict from the earliest stages of the fighting.[47]

Hagit Shlonsky's experience illustrates how the Zionist forces in Jerusalem, as elsewhere in Palestine, had prepared themselves for the outbreak of war. She was approached and recruited by the *Haganah* while still in high school in Jerusalem, an occurrence that students considered an honor. Once a week throughout 1947, she and other *Haganah* youth met after school in a secret location and learned how to use weapons. "We were prepared for a war," Shlonsky remembered. "We were sure that the Arabs who surrounded us would attack and that we would have to defend ourselves."[48]

The highly motivated Zionist forces had been indoctrinated with the idea that nationhood transcends the individual, the family, and all other considerations. The Hebrew University was a fertile recruiting ground. Tikva Honig-Parnass, then a student of seventeen, recalled her enlistment:

> I enlisted in the *Haganah* already in November. It was well known on campus who was a member of the *Haganah*, and a friend and I went to the student office and joined up. Most students were members, and enlisting was the culmination of everything I had been brought up to believe in. We had fought to achieve what we had, it was now in danger, and it was up to me to protect it. In that discourse there was no notion of attacking or being the aggressors, only defending ourselves and what we had built.[49]

Although the Zionist forces were generally well centralized and unified, friction was always present between the *Haganah* and the more ideologically right-wing *Irgun* and *Lehi*. The latter forces enjoyed widespread support in Jerusalem, especially in the poorer, predominantly *Mizrahi* neighbourhoods where people had less contact with the mainstream, predominantly *Ashkenazi* Zionist leadership.[50] Still, the three

groups achieved notable operational coordination. In a dispatch to London on December 15, 1947, British High Commissioner Cunningham detailed the close cooperation between the *Haganah* and what he called the 'dissident' groups of the *Irgun* and the *Lehi*.[51] In analyzing the relationship between the actions of the three forces, Simha Flapan discerned that, following *Irgun* and *Lehi* raids and bombings, "a pattern became clear, for in each case the Arabs retaliated, then the *Haganah*—while always condemning the actions of the *Irgun* and *Lehi*—joined in with an inflaming 'counterretaliation.'"[52]

'Abd al-Qadir al-Huseini soon realized that his forces were insufficient to conquer Jewish settlements and neighbourhoods, so he concentrated his efforts on severing Jewish communication lines to Jerusalem. He and his troops, along with the sporadic assistance of people from nearby villages, consistently and successfully ambushed Jewish convoys. By March, very few convoys were able to pass through Bab al-Wad, the entrance through the hills to Jerusalem. Inside the city of Jerusalem, al-Huseini's fighters launched a string of bombings against Jewish, primarily civilian, targets. In February and March, dozens of Jews were killed by TNT-laden cars and trucks on Ben Yehuda Street, the Jewish Agency building and at the offices of the *Palestine Post* newspaper.

Concerning British behavior towards the Zionist and Palestinian Arab forces, historians have analyzed the phenomenon in Palestine as a whole but have not devoted adequate attention to the special case of Jerusalem. Consistent with elsewhere in Palestine, it seems that the British had no clear-cut policy in Jerusalem towards the end of their Mandate. Decisions to assist or refuse to help either side were apparently often at the discretion of the British officer on hand. Arms and information were provided through the back door to both *Haganah* and Palestinian Arab forces. Some have asserted the bias of British soldiers because they assisted in repulsing Arab attacks on Jewish neighbourhoods, as occurred in Mekor Hayim, in fixing the water pipelines flowing to Jewish neighbourhoods after they were exploded by Arab militia and in handing over key installations to Zionist forces.[53] Others have countered with examples of British non-intervention in the face of attacking Arab forces, as with the constant ambushes on Jewish convoys in the Jerusalem corridor. Still others believe that the British, while concentrating on the withdrawal of their administration and troops, were content to let Jew and Arab fight it out among themselves. All of the viewpoints appear valid in part. As will be seen, however, British non-intervention in West Jerusalem eventually enabled the Zionists to implement their strategy of driving out Palestinian Arabs and conquering their neighbourhoods.[54] Another key factor was that the British prevented the Arab armies from attacking *Haganah* positions in Jerusalem and elsewhere before the end of the Mandate.[55]

The Initial Evacuation of Arab Neighbourhoods

With the outbreak of fighting, Jews began to leave the mixed neighbourhoods where they, for the most part, were renting homes from Arab landlords. The *Haganah* saw this as a serious problem, for it regarded each neighbourhood as a military post, and its resident population as a reserve fighting force. Its strategy for dealing with Jewish abandonment was to forbid all Jews to leave their area of residence without permission. Furthermore, the Jewish neighbourhood committees compelled residents to continue to pay tax, even after they evacuated, and refused to take responsibility for the property left behind.[56] But when these measures proved ineffectual and Jews continued to depart, Israel Amir, the *Haganah* commander in Jerusalem, decided to drive Arabs completely out of these neighbourhoods and to push them from a few small enclaves in predominantly Jewish neighbourhoods.

The *Haganah* first tried to pressure Arab residents to vacate these areas through psychological warfare. *Haganah* members issued threats via posters, notes, and phone calls to the Arab neighbourhood leaders. Next, in order to create a general air of insecurity, *Haganah* raiding parties infiltrated the neighbourhoods to sever phone lines and electricity wires, throw hand grenades, and fire into the air.[57] In addition, they blew up buildings on the pretext that they served as bases for Arab military actions.

Clearing Lifta, Romeima and Sheikh Badr of their Arab residents was given top priority, as these villages were strategically located at the city's entrance on the main road to Tel Aviv. The *Haganah* and *Irgun* waged a series of attacks on Lifta, including a machine gun and grenade attack at a cafe on December 28, 1947 that left seven people dead. Most residents left the village very soon thereafter, and the rest departed after Zionist forces blew up several houses.[58] Arabs in Romeima and Sheikh Badr were forced out of their homes in early January 1948.[59] The course of events leading to Sheikh Badr's evacuation are described in a British intelligence report:

> After a day of Arab sniping, the *Haganah*, on 11 January, "took the matter into their own hands and blew up the house of Hajj Sulayman Hamini, the village mukhtar." A second raid followed on 13 January, with some 20 houses being damaged, and the suburb, after receiving a *Haganah* order, was evacuated. On 16 January, Sheikh Badr was looted by a Jewish crowd.[60]

The *Haganah's* bombing campaign included a devastating explosion in Qatamon's Semiramis Hotel on January 4, 1948, which killed twenty-six civilians. Most of the dead were members of two Christian Arab families of Jerusalem; one

was a Spanish diplomat.[61] The *Haganah*, hoping to justify the bombing, claimed that the hotel doubled as an Arab military installation. However, a British Mandate investigation into the bombing found the allegation "entirely without foundation," and described the operation as the "wholesale murder of innocent people."[62] Even a Jewish Agency report describing the bombing and its impact belied the *Haganah* claim:

> The Arabs living in the prosperous western district of Qatamon began evacuating their homes after the *Haganah* bombing of the Semiramis Hotel on the night of 4-5 January 1948. The *Haganah* suspected, mistakenly, that the hotel served as the headquarters of the local irregulars. Several Arab families, and the Spanish consul in the city, died in the explosion, and a sharp dispute broke out inside the *Haganah* and with the British authorities...The bombing caused major panic in Qatamon. Many flats were evacuated, but ... only by women, the old and children. The young men stayed.[63]

Hala Sakakini, then a young woman living in Qatamon, described the mayhem in her neighbourhood following the Hotel Semiramis bombing:

> All day long you could see people carrying their belongings and moving from their houses to safer ones in Qatamon or to another quarter altogether. They reminded us of pictures we used to see of European refugees during the war. People were simply panic-stricken. The rumor spread that leaflets had been dropped by the Jews saying that they would make out of Qatamon one heap of rubble. Whenever we saw people moving away we tried to encourage them to stay. We would tell them: "You ought to be ashamed to leave. This is just what the Jews want you to do; you leave and they occupy your houses and then one day you will find that Qatamon has become another Jewish quarter!"[64]

The *Haganah* proceeded to bomb many private Arab residences in Qatamon.[65] Sami Hadawi, who also lived in Qatamon, said that although fourteen buildings were blown up around his house, he remained in the neighbourhood.[66] Another resident recalled that, after the Semiramis bombing, his father prepared the family to leave for a safer place. Ibrahim Abu Dayyeh, the head of the Qatamon resistance, approached his father and entreated him to stay, saying that if his family—one of the few Muslim families in the neighbourhood—left, more would follow suit. So they held on in the neighbourhood for the time being.[67]

The situation of Jerusalem's Arabs was dire. On January 13, 1948, Husein al-Khalidi informed the Mufti of the crisis in Jerusalem: "The position here is very difficult. There are no people, no discipline, no arms, and no ammunition. Over and above this, there is no tinned food and no foodstuffs. The black market is flourishing. The economy is destroyed ... This is the real situation, there is no flour, no food ... Jerusalem is emptying out."[68] In January, practically all the wealthy Palestinian Arab residents of West Jerusalem fled from the neighbourhoods of Qatamon, Deir Abu Tor, and Baq'a.[69] They had the means to travel and reside outside Jerusalem or abroad and intended to return when the fighting subsided.

The *Haganah* and *Lehi* also carried out military operations against neighbourhoods and villages like Beit Safafa, Silwan, and Sheikh Jarah. *Sherut Yediot (SHY)* reports painted a picture of despair, fear, and abandonment among these Arab villages and also among front-line neighbourhoods like Musrara.[70]

Concomitant with the *Haganah*'s campaign to clear Arabs from their West Jerusalem neighbourhoods was the Jewish settling of their homes. The first area to be settled was Sheikh Badr by those Jews who had been displaced from their neighbourhoods in East Jerusalem, such as Shimon HaTzadik. Prior to this, as mentioned in the above British intelligence report, the village had been looted by Jewish residents of Nahlaot. By January 28, twenty-five Jewish families had moved into Sheikh Badr.[71] Golan describes how various committees established by the *Haganah* and the Jewish Agency pressured these families into settling the neighbourhood:

> It was not easy for the Housing Committee to convince [the Jewish refugees from Shimon HaTzadik] to leave the *Kol Yisrael Chaverim* institutions [where they were sheltered] and to be housed in Sheikh Badr [...] According to the testimony of Chaya Buton, a Housing Committee worker, sanctions were imposed on them like cutting off support given them by the Social Department of the Community Committee, and when that did not work they were forcibly loaded onto trucks and transferred to Sheikh Badr.[72]

Ben-Gurion keenly followed the dual process of evacuation and settlement. On February 5, 1948, he ordered the new *Haganah* commander of Jerusalem, David Shaltiel, to conquer and settle Jews in Arab districts.[73] Appearing before the Mapai Council two days later, Ben-Gurion reported:

> From your entry into Jerusalem, through Lifta, Romeima ... there are no Arabs. One hundred percent Jews. Since Jerusalem was destroyed by the Romans, it has not been so Jewish as it is now. In

many Arab neighbourhoods in the west one sees not a single Arab. I do not assume that this will change ... What has happened in Jerusalem ... is likely to happen in many parts of the country ... in the six, eight or ten months of the campaign there will certainly be great changes in the composition of the population of the country.[74]

An estimated 30,000 Palestinian Arabs evacuated Jerusalem, Haifa and some villages near the Mediterranean coast between January and March 1948.[75] By March, the neighbourhoods of Jerusalem—except for the Jewish Quarter in the otherwise Arab Old City—were exclusively Arab or Jewish, with virtually no communication between them.[76]

Plan Dalet and Operation Nachshon

As mentioned, during the first months of 1948 the local forces of Palestinian irregulars and militiamen, led by 'Abd al-Qadir al-Huseini, concentrated their efforts on cutting off Jewish Jerusalem from the coastal plain by attacking Jewish convoys travelling along the narrow Jerusalem corridor. In March they also began to sabotage the water supplies flowing to the Jewish neighbourhoods and to surround the city.[77] By late March, Jewish Jerusalem was effectively under siege, deprived of food, water, and basic services.[78]

The *Haganah*'s Operation *Nachshon*, designed to break the siege, began on April 6, 1948. This operation was in the framework of *Plan Dalet*, which had been in preparation since 1944.[79] The largest Jewish offensive to date, *Plan Dalet* aimed to enlarge the boundaries allotted to the Jewish state and simultaneously conquer dozens of villages from which the Palestinian Arab inhabitants would be expelled.[80] According to Benny Morris, Operation *Nachshon* was "a watershed, characterized by an intention and effort to clear a whole area, permanently, of Arab villages and hostile or potentially hostile Arab villagers."[81] During Operation *Nachshon*, Yitzhak Rabin was an officer in the *Palmach*'s Harel Brigade whose mission was to raze the Palestinian villages—from Beit Mahsir in the west to Qalunya and Qastal in the east—which 'Abd al-Qadir al-Huseini relied upon for support.[82] Rabin later said, "By not leaving stone on stone and driving all the people away, and without those villages, the Arab bands were not going to be able to operate effectively anymore."[83] Tikva Honig-Parnass, a *Palmach* soldier who participated in Operation *Nachshon*, recalled her commander saying that the Zionist positions in and around Jerusalem could only hold out for another three weeks. To her, Operation *Nachshon* was totally justified on defensive grounds. "They are attacking us. They are disconnecting us. So we have to wipe them out," she remembers thinking.[84] Most Zionist soldiers, it would appear, saw Operation *Nachshon* as a purely defensive

measure and were oblivious to the existence of prior plans to go on the offensive with the goal of territorial expansion.

The Jewish Agency leadership, however, had long prepared for, and even counted on, such a window of opportunity to widen the Jerusalem corridor. On February 6, 1948, Ben-Gurion had told the *Mapai* Party Council that "without populating the Jerusalem mountains and the hills [surrounding] the coastal plains ... I am doubtful whether we would be able to maintain the link with Jerusalem," and therefore that "it is necessary to be in [to settle] the mountains." When one audience member objected that "we have no land there" [in the hills and mountains], Ben-Gurion replied: "The war will give us the land. The concept of 'ours' and 'not ours' are peace concepts, only, and in war they lose their whole meaning."[85]

Prior to Operation *Nachshon*, according to accounts written by Nathan Weinstock and jointly by Larry Collins and Dominique Lapierre, *Haganah* intelligence approached Fawzi al-Qawuqji, the Liberation Army commander, and received his assurance that he would not come to the aid of 'Abd al-Qadir al-Huseini's forces.[86] During an attempt on April 7 to retake the village of Qastal, al-Huseini was killed, resulting in a huge blow to Arab morale. On the impact of al-Huseini's death, al-Qawuqji wrote: "The death of 'Abd al-Qadir al-Huseini has caused confusion in the whole area."[87]

The Deir Yasin Massacre

As their contribution to Operation *Nachshon*, the *Irgun* and *Lehi* planned an attack on the village of Deir Yasin, strategically located a mile west of the Jerusalem suburbs, close to the highway leading into the Jerusalem corridor. Deir Yasin was one of several Arab villages in the area that had already concluded non-belligerency agreements with Jewish Jerusalem.[88] Deir Yasin's particular agreement was made in February 1948, and the villagers had been assured that, in return for their readiness to collaborate with the *Haganah*, they and their village would be spared.[89] In keeping with their part of the bargain, Deir Yasin residents had driven out an Arab military group that had wanted to use their village as a base.[90]

In his book *The Palestinian Catastrophe*, Michael Palumbo provides evidence that the *Irgun* and *Lehi* not only intended to vanquish the village but to commit a massacre. Benzion Cohen, the *Irgun* commander of the raid, noted that at the pre-attack meeting "the majority was for liquidation of all the men in the village and any others found that opposed us, whether it be old people, women and children."[91] Also, according to the *Irgun* officer Yehuda Lapidot, the *Lehi* "forwarded a proposal to liquidate the residents of the village after the conquest to show the Arabs what happens when the *Irgun* and Stern Gang [*Lehi*] set out together on an operation."[92]

There is record of prior *Haganah* knowledge of the attack. The following memo was sent from the Jerusalem *Haganah* Commander David Shaltiel to Mordechai Ranaan and Yehoshua Zetler, Jerusalem commanders of the *Irgun* and *Lehi* respectively:

> I learn that you plan an attack on Deir Yasin. I wish to point out that the capture of Deir Yasin and its holding are one stage in our general plan. I have no objection in you carrying out the operation provided you are able to hold the village.[93]

Shaltiel implored them to totally conquer and occupy the village at the first attempt because a second attack on a fortified Deir Yasin would cost many more Jewish lives.[94] The *Haganah* provided rifles and hand grenades for the action, which was code-named 'Operation Unity' as a symbol of cooperation between the three Zionist forces.[95] Altogether, 120 men took part in the initial attack on April 9, 1948, which Jacques de Reynier, the International Red Cross' Chief Delegate in Jerusalem, reported was "without any military reason or provocation of any kind."[96] According to Meir Pa'il, a *Haganah* officer who said he joined the attack as an "observer," the Zionists encountered resistance from a dozen villagers using old rifles. The attackers had only captured the eastern half of the village, and Pa'il summoned help from the *Haganah*. A *Palmach* platoon soon arrived and easily occupied the rest of the village, after which the *Palmach* troops withdrew.[97] The *Palestine Post* of April 13, 1948 simply stated that the *Palmach* "provided covering fire" during Operation Unity while, according to *Irgun* and *Lehi* sources, a *Palmach* unit shelled Deir Yasin with a mortar.[98] After the *Palmach* unit's withdrawal, apparently, the massacre began.[99]

Benny Morris tersely summarizes the massacre as follows:

> After a prolonged firefight, in which Arab family after family were slaughtered, the dissidents rounded up many of the remaining villagers, who included militiamen and unarmed civilians of both sexes, and children, and murdered dozens of them.[100]

However, many of the scores of Deir Yasin villagers massacred were reportedly killed following the firefight.[101] A survivor, Fahmi Zeidan, described the slaughter of his family:

> The Jews ordered all our family to line up against the wall and they started shooting us. I was hit in the side, but most of us children

were saved because we hid behind our parents. The bullets hit my sister Kadri [four] in the head, my sister Sameh [eight] in the cheek, my brother Mohammed [seven] in the chest. But all the others with us against the wall were killed: my father, my mother, my grandfather and grandmother, my uncles and aunts and some of their children.[102]

Haleem Eid, then thirty years old, said she saw "a man shoot a bullet into the neck of my sister Salhiyeh who was nine months pregnant. Then he cut her stomach open with a butcher's knife." She said that another woman witnessing the same scene, Aiesch Radwas, was killed when she tried to remove the unborn infant from the dead mother's womb.[103] Many survivors described the savagery of killing, rape, and looting. In addition, *Irgun* and *Lehi* fighters dynamited many houses.

According to Benny Morris, the horrors of the massacre were "amplified and exaggerated in the Arab retelling."[104] However, another Israeli historian, Uri Milstein, states that fabrications stemmed mainly from "various elements on the Jewish side."[105] Still, it is hard to conjure up more savage tales than those of the survivors themselves. Assistant Inspector General Richard C. Catling of the Criminal Investigation Division included one such shocking account in a report he filed on April 15, 1948 to the British Palestine Government:

> On 14 April at 10 am, I visited Silwan village accompanied by a doctor and a nurse from the Government Hospital in Jerusalem and a member of the Arab Women's Union. We visited many houses in this village in which approximately some two to three hundred people from Deir Yasin village are housed. I interviewed many of the women folk in order to glean some information on any atrocities committed in Deir Yasin but the majority of these women are very shy and reluctant to relate their experiences especially in matters concerning sexual assault and they need great coaxing before they will divulge any information. The recording of statements is hampered also by the hysterical state of the women who often break down many times whilst the statement is being recorded. There is, however, no doubt that many sexual atrocities were committed by attacking Jews. Many young schoolgirls were raped and later slaughtered. Old women were also molested. One story is current concerning a case in which a young girl was literally torn in two. Many infants were also butchered and killed. I also saw one old woman who gave her age as one hundred and four, who had been

severely beaten about the head by rifle butts. Women had bracelets
torn from their arms and rings from their fingers and parts of some
of the women's ears were severed in order to remove earrings.[106]

According to a former *Lehi* intelligence officer, one attacker "took two Arabs, tied them back to back, and placed a dynamite "finger" between their heads, then shot at the dynamite and their heads exploded."[107]

Jacques de Reynier arrived at Deir Yasin the day after the massacre. The victims' corpses were strewn about, and the village was still occupied by the *Irgun* and *Lehi* fighters, who were engaged in what de Reynier called "cleaning up" operations or, plainly speaking, executions. De Reynier's assessment of the incident at Deir Yasin was that the villagers "had been deliberately massacred in cold blood for, as I observed for myself, this gang was admirably disciplined and only acted under orders."[108]

Survivors of the massacre were paraded, hands forced above their heads, through the streets of Jewish-held Jerusalem, said Eliyahu Arieli, the commander of the *Haganah* force which moved into Deir Yasin following the massacre.[109] Meir Pail, the *Haganah* "observer," recounted that, after parading a group of twenty-five men, *Irgun* and *Lehi* members "put them in a line in some kind of quarry, and shot them."[110] According to Arieli, "All of the killed, with very few exceptions, were old men, women and children [...] the dead we found were all unjust victims and none of them had died with a weapon in their hands."[111] After the massacre, Zionist forces took the bodies of the victims to Deir Yasin's rock quarry, poured gasoline on them and set them alight.[112]

The *Haganah* command distanced itself from the massacre to maintain the image of a force committed to 'purity of arms' and avoid the risk of moral dissonance within its ranks. As former *Palmach* soldier Tikva Honig-Parnass recalls, "We in the *Haganah* saw this as an inhumane, terrible act by the right wing. It wasn't us, we told ourselves. It wasn't part of any plan. It was those right-wing devils. Not by us, the pure. I never had any doubt about our purity."[113] On April 10, 1948, Jerusalem *Haganah* commander Shaltiel issued a communiqué in effect disclaiming *Haganah* participation in—and implying that he had no prior knowledge of—the attack:

> This morning, the last *Lehi* and *Etzel* [*Irgun*] soldiers ran from Deir Yasin and our soldiers entered the village. We were forced to take command of the village after the splinter forces [*Irgun* and *Lehi* members] opened a new enemy front and then fled, leaving the western neighbourhoods of the city open to enemy attack.[114]

Enraged by Shaltiel's hypocrisy, Ranaan and Zetler made public his earlier memo to them in which he approved the attack.[115]

In what they claimed was retaliation for Deir Yasin, Palestinian Arab fighters attacked a Jewish medical convoy on its way to Hadassah hospital on Mount Scopus on April 14.[116] The convoy, which was ambushed in Sheikh Jarrah, included doctors, nurses, Irgun fighters wounded at Deir Yasin, and *Haganah* escorts.[117] The British Army, though fully aware of the ensuing battle, waited six hours before intervening.[118] By then seventy-six Jews, including forty medical staff, had been killed, some as they tried to escape their burning vehicles.[119] Fourteen Arabs were also shot dead.[120]

The Zionist Conquest and Looting of Qatamon

The Deir Yasin massacre terrorized the entire Palestinian Arab population, particularly those living in and around Jerusalem. As Hala Sakakini of Qatamon wrote:

> Lately, ever since the massacre at Deir Yasin, we have been thinking seriously of leaving Jerusalem. The most terrible stories have been received from eyewitnesses who have escaped from this unbelievable massacre. I never thought the Jews could be so cruel, so barbarous, so brutal. Pregnant women and children were tortured to death, young women were stripped naked, humiliated and driven through the Jewish Quarters to be spit upon by the crowds. The "civilized" Jews are not ashamed of their crime at all and we know that they are capable of repeating it whenever and wherever possible. One day, perhaps very soon, we may be forced to leave our house. I don't like to think of it.[121]

De Reynier observed that "a general terror was built up among the Arabs, a terror astutely fostered by the Jews."[122] *Haganah* radio repeated incessantly "Remember Deir Yasin" as an ominous warning to Arab listeners. In addition, loudspeaker vans broadcast messages in Arabic such as: "Unless you leave your homes the fate of Deir Yasin will be your fate."[123]

Despite the AHC National Committee of Jerusalem's order to the Arab population to stay put on pain of punishment, the massacre immediately provoked a mass flight of Palestinian Arabs from Jerusalem and the surrounding villages.[124] According to Morris, Deir Yasin "probably had the most lasting effect of any single event of the war in precipitating the flight of Arab villagers from Palestine."[125] And Palumbo writes that "the fear generated by the news of the massacre made

many peasants vulnerable to intimidation when their village was invaded by Zionist forces."[126] While it is important to keep in mind the psychological impact of Deir Yasin, it is also significant that many Palestinian Arabs did not budge or, when possible, returned to their homes after a few days, as in the case of Beit Safafa.[127]

David Kroyanker remembers, as a child, witnessing the abandonment of Talbiya:

> I lived not far from here [Talbiya]. Deir Yasin had a huge influence on the evacuation of Talbiya. The Arabs were scared to death. They left their meals on their tables and the *Haganah* requested people in our neighbourhood to clean the houses so that Jews could move into them. There really were meals still on the tables. The Arabs thought it was a matter of two or three days before they would return to their homes, as had happened in 1936 and 1939.[128]

However, return to the southwestern neighbourhoods of Jerusalem was perilous due to fierce fighting.

In the wake of Operation *Nachshon* and the Deir Yasin massacre, the *Haganah* General Command was poised to take control of West Jerusalem and much of East Jerusalem, excluding the areas under British control. This was among the goals of Operation *Yevussi*, carried out by the *Haganah*'s *Etzioni* Brigade and *Palmach* units as of April 27.

The neighbourhood of Qatamon lay at the center of Zionist plans to conquer West Jerusalem. Qatamon was strategically located on a hill, and the Arab forces knew that its fall would signify their defeat in West Jerusalem. As a precursor to its attack on Qatamon, the Zionist forces subjected the neighbourhood to weeks of heavy artillery shelling.[129] In preparation for a big battle, on April 22 the Palestinian National Committee of Jerusalem ordered its local branches to relocate all women, children and elderly people from the neighbourhoods.[130] The Battle of Qatamon, which began on April 30, lasted for three days and resulted in the deaths of 150 Arabs.[131] Following the neighbourhood's occupation, a Red Cross physician discovered in a cave the bodies of a number of Arabs who had been killed. According to the physician, "a group of bodies was piled in a heap, including soldiers, women and even a mule." A *Haganah* officer on the scene refused to help the doctor carry away the bodies.[132]

The Zionist conquest of Qatamon was accompanied by widespread looting of the neighbourhood's Arab homes. Many Palestinians who fled West Jerusalem lost all their belongings. As UN Mediator Count Folke Bernadotte noted:

> [...] while those who had fled in the early days of the conflict had

been able to take with them some personal effects and assets, many of the latecomers were deprived of everything except the clothes in which they stood, and apart from their homes (many of which were destroyed) lost all furniture and assets and even their tools of trade.[133]

Some Qatamon residents stood and watched from a nearby vantage point as their property was loaded onto trucks and driven off to an unknown destination.[134] Hagit Shlonsky provided an eyewitness account of the Qatamon looting:

> I remember the looting in Qatamon very well. I was a first aid nurse stationed in the *Beit Havra'a Etzion* [military convalescence center] in Qatamon. The convalescence center was located in two large Arab buildings. One night a soldier took me out and showed me around the neighbourhood. I was stunned by the beauty of the houses. I went into one house—it was beautiful, with a piano, and carpets, and wonderful chandeliers.

> At the time my family lived in Rehavia on a street that was on the way to other Jewish neighbourhoods from Qatamon. For days you could see people walking by carrying looted goods. I would stare through the window of our apartment and see dozens of people walking past with the loot. This was connected to the visit I had made with the soldier to the house in Qatamon because I knew what treasures lay in those houses. I saw them walking by for days. Not only soldiers, civilians as well. They were looting like mad. They were even carrying dining tables. And it was in broad daylight, so everyone could see.

> One soldier wanted to please me, and brought me a handkerchief and earrings. I was flattered, but he didn't tell me he had looted them. He just brought them to me as a gift. When I showed them to my father, he looked at me and said, "Throw it away! How dare you take anything!" Only then I made the connection between those people on the street and what the soldier had given me.

> In our family, because my father was so outraged by the looting, we all talked about it a lot. But otherwise I didn't hear about it from anybody. It took many years till people started talking and writing about it.[135]

On May 16, the Zionist forces took over Baq'a, an event described in his memoirs

by John Rose, an Armenian Jerusalemite who remained in the neighbourhood:

> There was no resistance of any sort; they just walked in, gradually taking over buildings in strategic places. Nearly every house was empty: set tables with plates of unfinished food indicated that the occupants had fled in disarray, haste and fear. In some kitchens cooking stoves had been left alight, reducing the ingredients of a waiting meal to blackened remains.[136]

After the fall of the Arab neighbourhoods of West Jerusalem, only about 750 non-Jews remained in the area.[137] Of these, many were Greeks who were allowed to continue living in their houses in the German Colony and the Greek Colony. Almost all the Arabs—most of whom were Christian—were concentrated by the Jewish forces into Upper Baq'a.[138]

Later on, in June, Jewish residents of Jerusalem took advantage of a formal cease-fire (described below) to loot the empty Arab homes in Baq'a. According to John Rose, who was one of those confined to Baq'a:

> Our movements were restricted but Jewish residents from the western suburbs and elsewhere were allowed to circulate freely. During this time looting of Arab houses started on a fantastic scale, accompanied by wholesale vindictive destruction of property. First it was the army who broke into the houses, searching for people and for equipment that they could use. Next came those in search of food, after which valuables and personal effects were taken. From our verandah we saw horse-drawn carts as well as pick-up trucks laden with pianos, refrigerators, radios, paintings, ornaments and furniture, some wrapped in valuable Persian carpets [...] Safes with money and jewelry were pried open and emptied. The loot was transported for private use or for sale in West Jerusalem. To us this was most upsetting. Our friends' houses were being ransacked and we were powerless to intervene.
>
> [...] This state of affairs continued for months. Latecomers made do with what remained to be pillaged. They pried off ceramic tiles from bathroom walls and removed all electric switches and wiring, kitchen gadgets, waterpipes and fittings. Nothing escaped: lofts and cellars were broken into, doors and windows hacked down, floor tiles removed in search of hidden treasures. Rooms were littered with piles of rubbish and as winter set in rain poured into these

derelict houses. At night the wind howled and the banging of
windows and doors echoed through the lifeless buildings, a haunting
sound in an already ghostly scene. It was unbearable to pass these
houses, so familiar, but now within six months become so strange,
with overgrown gardens, front doors and windows smashed or wide
open and above all void of their inhabitants. We lived in the middle
of a sea of destruction.[139]

The British Withdrawal and the Israeli Declaration of Independence

On the third and fourth of May, the Arab Liberation Army pounded West Jerusalem
with heavy artillery, hitting *Haganah* positions, ammunition stores, and electricity
and water centers. Then the British intervened. Fawzi al-Qawuqji recorded: "The
British warned that they would attack our guns with planes if we bombarded Jerusalem
a third time." He also mentioned that at the same time there were "British armored
cars guarding Nabi Yaqub and Qalandia settlements [next to Jerusalem] all day."[140]

As the British prepared the final details for their departure from Palestine
scheduled for May 14, the UN attempted, albeit weakly, to step in to implement the
partition resolution. In late April, the UN Trusteeship Council proposed either
placing Jerusalem under international trusteeship or managing the city with a UN-
controlled force of 1,000 police. The AHC, wanting to avoid tacit recognition of
the partition plan, rejected both proposals.[141]   The AHC also shunned the UN
Commission for Palestine, established to administer Palestine in the transition period
after the Mandate.[142]   Still, unlike the Jewish Agency, the Arabs, including the
AHC, were interested in discussing the arrangement of a truce in Jerusalem. On
May 7, Arab League Secretary-General Azzam Pasha agreed with British High
Commissioner Sir Alan Cunningham to a limited truce in Jerusalem. When the
Jewish Agency refused to send high-ranking officials to discuss the truce with the
UN Consular Truce Commission, the commission imposed a cease-fire the next
day. The Jewish Agency then refused to negotiate to extend the truce, which only
lasted a few days.[143]   On May 14, UN representatives, including the Assistant
Principal Secretary of the Palestine Commission, Pablo de Azcarate, made repeated
efforts to telephone Jewish Agency officials in Jerusalem in the hope of mediating
a truce. The circumstances are related in his book *Mission in Palestine*:

> The Jews, already perfectly organized, were carrying out
> methodically their plan to seize the whole of modern Jerusalem
> and were naturally very far from thinking of suspending, far less

abandoning, the execution of this plan in deference to our telephone
calls; and I do not think it would have been very wide off the mark
to say that with their passive resistance to a cease-fire in the zone
which the Arab delegates would have to cross in order to reach the
French Consulate [in which the UN representatives were waiting],
they rendered all negotiation impossible without incurring the
responsibility of a blank refusal. The so-called Arab forces were
then "irregulars," indifferently controlled by improvised leaders
under the nominal authority of the Arab Higher Committee.
Possibly, at that moment they would have been glad of a suspension
of hostilities and their explanation that the Jewish forces, by their
fire, were preventing their delegate from reaching the French
Consulate was sincere. Should this be so, one can but pay a tribute
of admiration to the ingenuity of the Jewish leaders who appeared
to be giving the greatest facilities for a settlement in which they
were not interested and which they themselves rendered
impossible.[144]

The *Haganah*'s plan to capture all Jerusalem outside the Old City, referred to
by de Azcarate was named Operation *Kilshon* [Pitchfork]. Begun May 13, its
objective was a three-pronged advance through Arab or mixed zones to the south,
north or center of Jerusalem, to create a solid Jewish area embracing all of western
Jerusalem up to the Old City wall, and the capture of Sheikh Jarrah to link up with
the isolated Jewish stronghold on Mount Scopus.[145] An essential aspect of the plan
was the occupation of 'Bevingrad,' the central British security zone to the Old
City's west, including the Russian Compound, General Post Office and other
strategic buildings. With great ease the *Haganah* took Bevingrad, due partly to the
collusion of the British forces. The night before the evacuation of their remaining
troops, British officers permitted *Haganah* patrols to enter the area. Therefore,
when the British troops departed from Bevingrad at noon on May 14, the occupation
by the *Haganah* took only ten minutes.[146] Former Palestinian Arab fighter in
Jerusalem Abdullah Budeiri claims that he and his comrades had precise
information, via a British informer, regarding the British withdrawal from
Bevingrad, but lacked sufficient troops to cover the area. *Haganah* soldiers
succeeded in extending their control over 'Bevingrad' into western Musrara, giving
them a strategic vantage point over Arab East Jerusalem's commercial district.

On May 14 the British also secured the *Haganah*'s occupation of the strategically
positioned Villa Harun al-Rashid in Talbiya, which towered over the
neighbourhood.[147] The villa served as the command base for the Royal Air Force,

and was a site from which Arab forces could potentially launch an attack on Rehavia, home to most of the Zionist institutions, or conversely, from which the *Haganah* could prevent one. An Israeli journalist wrote that "on the eve of the British evacuation in 1948, [Mandate] officials agreed the *Haganah* could have the keys [to the villa]. But they still had to get in without letting the Iraqis know. So, as the British vacated the house from the front door, the Jews infiltrated through the back."[148]

   The occupation of the Arab neighbourhoods south of Talbiya by the Zionist forces was swift for, in de Azcarate's words, "hardly had the last English soldier disappeared than the Jews launched their offensive, consolidating their possession of Qatamon and seizing the German Colony and the other southern districts of Jerusalem."[149]

   On the afternoon of the same day, May 14, Ben-Gurion declared "the establishment of the Jewish State in Palestine, to be called Israel." Israel had no defined boundaries, a point of contention for the state's founders. Ben-Gurion later wrote: "There arose the question of whether the Declaration ought to restrict itself to the framework of the United Nations decision or whether it should merely be based on the decision [...] I was opposed to specifying the borders."[150] By a vote of five to four the Jewish Agency leadership decided not to delineate Israel's borders in the declaration.[151] Still, there was no doubt in Ben-Gurion's mind that Jerusalem was part and parcel of the State of Israel, as he told the provisional government on May 24:

> With regard to the question of whether Jerusalem is within the boundaries of the state or not, at present there are only factual areas controlled by the Jewish army. Until peace is attained and the areas are determined by international accord and with the agreement of the concerned parties, we are speaking of areas controlled by the Jewish government—at present, unfortunately, without the Old City—just like Tel Aviv, there is no distinction between Jerusalem and Tel Aviv, Haifa, Hanita, and Bir Asluj. They are all within the boundaries of the Jewish State.[152]

The Arab Legion

   Upon Ben-Gurion's declaration of independence, Transjordan—along with Egypt, Syria, Lebanon and Iraq—declared war on the new state. With the Israeli forces' increasingly entrenched hold upon West Jerusalem and their impending attack on the Old City, Palestinian Arabs saw in Transjordan's Arab Legion one last opportunity to tip the scales.

   The Arab Legion, Transjordan's well-trained troops commanded by John Bagot

Glubb, already had a presence in Jerusalem. Immediately prior to the end of the British Mandate on May 14, Major Abdullah al-Tal, who commanded the Arab Legion forces in the Jerusalem area, appealed to Glubb to leave at least one Arab Legion company in Jerusalem to hold the Arab lines and to aid the Palestinian Arab irregular soldiers. But Glubb, trying his best to avoid open conflict with the Israelis, pulled every Arab Legion soldier out of Jerusalem by May 13.[153]

After the declaration of war, Arab Legion troops returned to Jerusalem but due to Glubb's policy of non-involvement, remained on the city's outskirts. The Israelis, meanwhile, were on the offensive. In the words of an American journalist stationed in Jerusalem, "Israeli soldiers pushed as far and as fast as they could in the first hectic days of battle. They stopped when the resistance became too heavy."[154] In the wake of the Israeli onslaught, Palestinian Arabs dug their heels into East Jerusalem. On May 15, Jerusalem Arab Radio broadcast "Those who spread alarming rumors inciting the population to evacuate must be arrested," and *Haganah* Radio announced that "the [AHC] National Committee was refusing to give visas to anyone wishing to leave Jerusalem for Transjordan."[155]

On May 17, Israeli forces attacked the Jaffa and Zion Gates to relieve the besieged Jewish Quarter. The attack on Jaffa Gate was repelled by Palestinian Arab defenders using old rifles and slinging homemade grenades attached to cords.[156] However, *Palmach* soldiers did succeed in breaching the Arab defense at the Zion Gate leading to the Jewish Quarter, after which they withdrew.[157] The defenders knew that if Israeli forces succeeded in establishing a bridgehead in the Jewish Quarter, they would use it as a springboard to capture the entire Old City. They implored King Abdullah to send the Arab Legion into the Old City.[158] On the same day the Jewish Quarter's Rabbi Weingarten, speaking on behalf of the besieged Jews, issued a message that they would surrender only to the Arab Legion.[159] The next day Glubb, following King Abdullah's instructions, ordered 300 men to advance into Jerusalem to link up with the Arab forces in the Old City.[160] The Arab Legion's presence in the Old City pre-empted an Israeli attack for the next few weeks. The *Haganah* still managed to inflict a high number of casualties by shelling the Arab quarters densely populated with refugees from West Jerusalem.[161]

It soon dawned upon Major al-Tal that his British superiors had sent him and his troops into Jerusalem on a mission that was mainly defensive in nature. In his memoirs, al-Tal wrote: "I thought that Jerusalem would certainly fall under my control, until I realized that I had been left alone with only 600 soldiers, and the artillery would remain with Lash [Brigadier Norman Lash, Glubb's second-in-command] and the other British officers."[162]

According to al-Tal, the forces under his command were sufficient to protect the Arab sections of East Jerusalem and to bomb the besieged Jewish Quarter, but

inadequate to attack the Israeli-held neighbourhoods outside the Old City's walls. Lash was unwilling to help him bomb important targets in West Jerusalem such as the Shneller military base, 'Bevingrad', Israeli official buildings in Rehavia, and the main power generator.[163]

The tension between Arab soldiers wanting to conquer West Jerusalem and the restraint ordered by their British superiors produced instances of insubordination. On May 21, Arab Legion Lieutenant Ghazi al-Harbi, defying an explicit order by Colonel Bill Newman, led an assault on the monastery of Notre Dame, located across from the New Gate adjacent to 'Bevingrad'.[164] The Legion troops, under cover of heavy artillery fire ordered by Lieutenant Muhammed Ma'aydeh—but sustaining heavy losses—succeeded in gaining a foothold on the monastery's ground floor. Glubb, however, ordered the artillery to cease fire and the Arab troops were forced to withdraw.[165] Al-Harbi implored Glubb to allow him to launch a second attack on Notre Dame. When Glubb refused, al-Harbi resigned in protest.[166] According to Benny Morris, the attack on Notre Dame was "apparently designed to relieve pressure, or expected pressure, on the Old City and Arab East Jerusalem in general, and [was] never pressed with determination. Conquest of West Jerusalem was never, and was never seen to be, on the cards."[167]

A result of the Arab Legion's attack on Notre Dame was that the United States held Britain accountable for the Legion's actions. The US government threatened to partially lift its Middle East arms embargo and allow shipments to Israel unless Britain cut off supplies to the Arab armies and helped the UN impose a truce.[168] Britain quickly assured the US that the Arab Legion would remain on the defensive in Jerusalem.[169]

On May 24, al-Tal disobeyed the orders of his British superiors by bombing Hebrew University on Mount Scopus. The American Consulate in Amman immediately intervened and pressured King Abdullah into ordering al-Tal to cease the shelling. Similar events occurred in Jerusalem's south. Egyptian troops arrived in Beit Safafa and Beit Jala and, in coordination with the Arab Legion, attacked and occupied the strategically located kibbutz Ramat Rahel. The commanding officer of the Arab Legion unit promptly received an order from Brigadier Lash to withdraw from the kibbutz. An argument ensued among the Legion officers at Ramat Rahel. Eventually the Legion soldiers withdrew, with the Egyptian troops compelled to follow suit.[170]

On May 27, al-Tal's troops, who had consistently shelled the Jewish Quarter, surrounded the defending Israeli troops in the Hurva Synagogue. The following day the Israelis surrendered to the Arab Legion, whose soldiers vigorously prevented any looting of the Jewish Quarter.[171] The Israeli men were held as prisoners of war and the women and children were set free to cross back into West Jerusalem. There

is no record of harm befalling any of the 1,500 Israeli soldiers or civilians who surrendered in the Jewish Quarter.[172]

With the Old City entirely under Arab control, al-Tal wished to launch an attack on West Jerusalem through Jaffa Gate.[173] The Israelis in West Jerusalem were again cut off from their coastal supply route, this time by Arab Legion positions on the foothills of the Jerusalem corridor, and were running low on ammunition. Their troops were utterly exhausted, and food and water were in dangerously short supply. From the heights of Sheikh Jarrah, the Mount of Olives and Nebi Samuel, the Arab Legion was firing heavy shells into West Jerusalem, and Israeli casualties were rapidly mounting. Despite the Legion's excellent opportunity to conquer West Jerusalem, Glubb rejected al-Tal's proposal and refused to deploy the tanks and troops needed to launch a full-scale attack on Jerusalem.[174]

Two dispatches from London on May 29 sealed any hope al-Tal still harbored of taking West Jerusalem. The first advised that all British officers in the Arab Legion—two-thirds of that army's high ranking soldiers—were to be removed from the fighting in Palestine. The second announced that Britain, the Arab Legion's primary supplier of weapons, was imposing an embargo on arms deliveries to the Middle East.[175]

On June 11, the Israelis, desperate to relieve their troops and civilians in Jerusalem, and the Arab countries, divided on whether to continue fighting but under pressure from Britain and the US, agreed to a thirty-day truce mediated by the UN. In open violation of the cease-fire terms, the *Haganah* transported hundreds of soldiers and tons of arms, including heavy artillery and ammunition to Jerusalem via the 'Burma Road.'[176] Conversely, the Arab forces, cut off from their main sources of arms due to the British embargo, were unable to adequately prepare themselves for the renewed fighting at the end of the cease-fire. De Azcarate's observation was that:

> [...] taken as a whole, the first truce favored the Jews; not only in the particular case of Jerusalem, but also because [...] any truce, by its very nature, hinders the attacking forces in pursuing their objectives and makes it possible for the defenders to consolidate and improve their positions.[177]

On June 29, 1948, the *Haganah* became the Israeli Defence Forces (IDF), into which the *Irgun* and the *Lehi* were theoretically incorporated. However, the *Irgun* and *Lehi* forces in Jerusalem—where they were largely concentrated—retained a large degree of operational autonomy.[178]

In East Jerusalem, the Transjordanians had taken both military and political

control. They effectively abolished the AHC and subordinated the National
Committee to Abdullah al-Tal, who was appointed military governor. They also
moved to establish a new pro-Hashemite cadre of administration and to disband
the remaining Arab Liberation Army units.[179]

Palestinian Arabs in the Old City, including many who had been displaced from
West Jerusalem, used the lull in the fighting to escape to safer areas. Their flight
and the consequent desolation visited upon the Old City is described in the diaries
of Greek Vice-Consul in Jerusalem, CX Mavrides:

> What really characterized the Old City during the four weeks of
> the truce was the exodus of the non-combatant population who
> took refuge in the countryside, the surrounding villages and towns
> such as Ramallah, Jericho and Bethlehem, or Transjordan. From
> morning till evening the streets were full of porters and pack-
> animals, belonging to the Ta'amreh and A'bed tribes, who were
> carrying furniture, household utensils, mattresses, clothing, etc.,
> from different parts of the city and heading to the Damascus Gate.
> The exodus was like an ongoing chain of animals, porters, women,
> aged people, children—all of them carrying something under the
> burning sun of July. As the end of the "truce" neared, this chain of
> people and animals was getting denser and denser every day.
>
> On Friday, July 10, as the truce had expired (8:00 a.m.), the Old
> City was almost empty. Out of a population of 60,000 (plus the
> nearly 10,000 refugees who came from the new city suburbs), it is
> estimated that only about 5,000 to 7,000 only remain. Most of them
> are very poor, and thus did not have enough money to move away.
> Among those remaining in the city are the clerics of the different
> monasteries, patriarchates and the different religious establishments
> and the civilian government and consular and municipal employees
> obligated to remain at their posts. [...] And indeed, the old city's
> narrow streets, formerly teeming with people selling and buying,
> with visitors, villagers and passers-by, is now a city empty of people,
> a city with closed shops, and only once in a while one would meet
> a person or two in the street. Because of this situation, robberies
> are taking place in the streets and in full daylight and the robbed
> passers-by is unable to call anyone for help.[180]

During the truce, the Israeli forces not only consolidated their positions in and
around Jerusalem, but apparently encircled and attacked the village of 'Ayn Karim

as well. There are many conflicting accounts of when exactly the village fell to the IDF. The following account was related by a former 'Ayn Karim resident who defended the village:

> The villagers of 'Ayn Karim had between thirty and forty guns, none of which were in good condition. The National Council in Jerusalem sent us some faulty ammunition from World War II. I bought a rifle and ammunition with my own money for 25 dinars. We defended the village against the Zionist attack for nine days. I was on the front. We appealed to Egyptian Army soldiers stationed in Bethlehem to help us, but they told us that they could not unless they received explicit instructions from King Abdullah. The king eventually sent two [Arab Legion] tanks to help us. The Transjordanian soldiers told us to go and rest because we had been fighting for so long, and that they would defend the village. The next day the tanks disappeared and 'Ayn Karim was occupied by the Zionists. That was on the eleventh of July.[181]

According to this account, the IDF indeed captured 'Ayn Karim after the truce ended on July 9, but had waged several days of battle against the village during the truce.[182] The adjacent village of al-Malha fell on July 13-14 after prolonged battles with IDF and *Irgun* units.[183]

At the end of the cease-fire, IDF and Arab Legion cannons exchanged furious gunfire inside Jerusalem, and the Israeli troops launched a final abortive attack on the Old City. With the artillery brought in during the cease-fire, the IDF shelled the Old City intensely, inflicting extensive damage but this time causing a low casualty rate because so many had fled.[184] By then Palestinian Arabs viewed the Arab Legion with a large measure of skepticism, as related by the account of John Rose, one of the few remaining non-Jews in West Jerusalem:

> The stalemate was intriguing and the intensity of fruitless daily bombing aroused suspicion. Rumors soon spread that perhaps after all there was a secret agreement between the sides and that the noise we heard was only a sideshow for the benefit of the population. The Arab Legion was accused of using ammunition filled with bran and sawdust intended to cause minimum damage to the enemy.[185]

Israel's Expropriation and Settling of Arab Neighbourhoods in West Jerusalem

A new cease-fire, mediated by the UN, commenced in Jerusalem on July 17, 1948, and some days later Moshe Dayan replaced David Shaltiel as the IDF commander in Jerusalem. Jerusalem was now effectively divided into the Israeli-controlled West and the Transjordanian-controlled East. A belt of no-man's land ran south from Sheikh Jarrah, along the west side of the Old City's walls, and down Hebron Road to Ramat Rahel.

On June 27, UN Mediator Count Folke Bernadotte issued his suggestions for a settlement: a Palestinian union between two members, one Jewish and one Arab. The Arab members' territory would include Transjordan, the Western Galilee and Jerusalem. Palestinian refugees would be allowed to return to their homes without restriction and regain possession of their property. Israel rejected this plan as being even worse than internationalization, and the Arab states rejected it for consolidating too much control of territory in King Abdullah's hands and for recognizing Israel. The only person in favor was King Abdullah, but publicly he towed the Arab League line of resistance to the plan.[186]

In July, the campaign in Israel to annex West Jerusalem had already reached what an American journalist described as "an intense pitch."[187] He wrote that "extremists of the Irgun and the Stern Gang [...] collected thousands of signatures on annexation petitions. Their soldiers marched down Ben Yehuda Street, carrying banners that read "Jerusalem—No Foreign Rule." In Pied Piper fashion, hundreds of young men and women trailed behind them."[188] On August 2, the Israeli provisional government declared West Jerusalem "territory occupied by the State of Israel," whose laws were to be enforced throughout the city, and appointed Dov Joseph as military governor.[189] At this time Israeli leaders took no further official action towards the annexation of West Jerusalem due to their interest in Israel attaining UN membership.[190] Ben-Gurion, however, was still mulling over plans to conquer the whole of Jerusalem and the whole of Palestine. On September 26, he proposed to the provisional government a plan he recorded in his diary, according to which Israeli forces would invade

> Bethlehem and Hebron, where there are about a hundred thousand Arabs. I assume that most of the Arabs of Jerusalem, Bethlehem, and Hebron would flee, like the Arabs of Lydda, Jaffa, Tiberias, and Safad, and we will control the whole breadth of the country up to the Transjordan."[191]

 In another diary entry he wrote about the same plan:

> It is not impossible... that we will be able to conquer the way to the Negev, Eilat, and the Dead Sea and to secure the Negev for ourselves; also to broaden the corridor to Jerusalem from north and south; to liberate the rest of Jerusalem and to take the Old City; to seize all of central and western Galilee and to expand the borders of the state in all directions.[192]

While the state delayed officially annexing West Jerusalem, it employed its Absentee Property Regulations to confiscate all Arab homes, lands, and businesses, including any contents that had not already been looted.[193] These regulations, later codified as the Absentee Property Law of 1950, allowed all property belonging to an 'absentee' to be transferred to the Custodian of Absentee Property. An 'absentee' was defined as a person who, at any time between November 29, 1947 and the day on which the state of emergency declared in 1948 would cease to exist, became a national or citizen of an Arab country, visited an Arab country, or left his ordinary place of residence in Palestine "for a place outside Palestine before September 1, 1948."[194] The status of the custodian, according to the law, is the same "as was that of the owner of the property," enabling him to choose to maintain the property, sell it or lease it.[195]

Even before the first cease-fire in June, the Housing Committee began settling Jewish Israelis—mainly persons displaced due to the fighting—in Palestinian neighbourhoods such as Qatamon and the German Colony, but it was not until September that this policy was carried out systematically. New immigrants, the first category of Israelis to be settled, were housed in the German Colony, Qatamon, Baq'a, Musrara, Deir Abu Tor and Talbiya. Arnon Golan writes that the settling of new immigrants in Arab neighbourhoods in West Jerusalem was not so much a result of the lack of alternative housing, but rather a political strategy:

> Populating the neighbourhoods also had an important political component in aiding the struggle against taking the city, or parts of it away from the State of Israel's hands. Starting in September, the Israeli government undertook a policy of annexation in practice of the part of the city under its control, despite the fact that it had not yet officially annulled its recognition of the UN [partition] resolution. The population by Jews of former Arab neighbourhoods was supposed to create facts on the ground, after which it would be difficult to alter them in the framework of a political agreement. New immigrants, so very dependent, were the government's and the Jewish Agency's primary reserve for housing these neighbourhoods.[196]

There was also a rationale internal to Israeli politics according to which new immigrants were settled in West Jerusalem. The ruling party, *Mapai*, sought to strengthen its position, which was weak among Jerusalem's veteran population, through garnering support from new immigrants by accommodating them in the city. To encourage settlement in West Jerusalem where conditions were relatively difficult, the Israeli government provided incentives, like exemption from army service, for those who remained in the city.[197]

So zealously did the Jewish Agency settle new immigrants in Palestinians' houses that its officials clashed with those of the Custodian for Absentee Property. Not only did the Jewish Agency misreport to the Custodian of Absentee Property concerning the houses in which it was settling new immigrants, but it also took property, without authorization, from Palestinian Arabs' homes and handed it over to the Jewish Agency's New Immigrant Authority.[198] The new immigrants, for their part, were more than willing to move into the spacious Palestinian homes. So much so, that when some were told that they would be housed in the Jewish neighbourhood of Neve Sha'anan, they refused to move there, saying they preferred to live in the villas of Qatamon.[199]

As the new immigrants flooded into West Jerusalem, an acute housing crisis developed. On September 15, 1948, Military Governor Joseph reported that 5,000 Jews in West Jerusalem were in need of housing.[200] As Qatamon and the German Colony were already overcrowded, Jews began to be housed primarily in Baq'a and the Greek Colony. However, those lacking housing grew impatient, and many broke into and squatted in empty houses in Qatamon. Then again, some squatters had housing elsewhere but simply desired to improve their living conditions by moving into the more spacious Arab homes.[201] And some squatters, according to Golan, were Israeli soldiers:

> Among the squatters there were even (Israeli) officers who exploited their positions and arbitrarily took apartments for themselves. On November 18 the head of the [Israeli army] City Commander's Welfare Unit appealed to the military governor after the housing shortage worsened to the extent that there were no longer houses to invade and the available houses in Baq'a were in his opinion unsuitable for tenants because their windows, doors and facilities had been plundered or destroyed.[202]

Some soldiers had two apartments: one in the city center and one in Arab neighbourhoods which they rented out for a considerable price. By early 1950 the Israeli housing authorities authorized almost all the squatters, soldiers and civilians,

to remain in the Palestinian homes they had broken into.[203]

Looting was still a problem in Jerusalem, as related by Dov Joseph in a letter to Ben-Gurion:

> The looting is spreading once again ... I cannot verify all the reports which reach me, but I get the distinct impression that the commanders are not over-eager to catch and punish the thieves ... I receive complaints every day. By way of example, I enclose a copy of a letter I received from the manager of the Notre Dame de France. Behavior like this in a monastery can cause quite serious harm to us. I've done my best to put a stop to the thefts there, which are all done by soldiers, since civilians are not permitted to enter the place. But as you can see from this letter, these acts are continuing. I am powerless.[204]

As previously mentioned, the Palestinian Arabs remaining in the West Jerusalem suburbs were confined to Baq'a. In mid-September, the Israeli military further concentrated them into a half-square mile area surrounded by a barbed-wire fence. During daylight hours they were permitted to roam around the compound, and at night were under curfew. Israeli marauders broke through the fence to steal what they could from the non-Jews. In addition, gangs of Israeli soldiers burst into the houses on the pretext that they were looking for "hidden arms and Arabs," and proceeded to extort money, jewelry, and other valuables.[205] Some Jews, due to the housing shortage, defied the military authorities' separation policy and rented rooms from non-Jews in the concentration zone.

The formal cessation of hostilities between Israel and the Arab States at the end of November 1948 allowed the expansion of Jewish settlement in Jerusalem into the Arab neighbourhoods that until then had been military zones. Musrara was one such neighbourhood, and Hanah Levy, who had recently emigrated from Morocco, described the danger she faced after settling in a house next to the demarcation line:

> Outside my house was a sign: "Warning! Border Ahead." If I took a wrong step, I would be shot by an Arab sniper. Stones were thrown and bullets fired through my window from the other side [East Jerusalem]. Because it was such a dangerous place to live, the authorities never required me to pay rent or to buy the house.[206]

Levy said that Jewish immigrants, practically all of them from North Africa, were settled in the frontier neighbourhood of Musrara "so that the [Palestinian] Arabs would know that there are Jews living here and would be scared to infiltrate into the neighbourhood."[207]

By the end of May 1949, all of West Jerusalem's Arab districts had been settled, at least to some extent, by Jews, most of them new immigrants.[208] During the summer of 1949, several hundred new immigrants from Eastern Europe were settled in Deir Yasin, despite a protest to Ben-Gurion by some of the Yishuv's leading intellectuals, including Martin Buber and Akiva Ernst Simon. They wrote, "Resettling Deir Yasin within a year of the crime, and with the framework of ordinary settlement, would amount to an endorsement of, or at least an acquiescence with, the massacre."[209] Ben-Gurion never responded to their repeated protests and Givat Shaul Bet was established at the site of the village.[210] Henry Cattan estimates that, in all, Israel occupied some ten thousand Arab homes, mostly fully furnished, in West Jerusalem.[211]

UN Resolution 194

Count Bernadotte, the UN Mediator for Palestine, was assassinated by the *Lehi* on September 16, 1948. For months he had been shuttling between the Arab states and Israel trying to arrange, among other issues, the repatriation of Palestinian Arab refugees. Bernadotte was skeptical about the viability and justice of the UN Partition Plan as a solution to the Arab-Jewish conflict. He recommended to the UN General Assembly that "the right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations."[212] Regarding Jerusalem, he forwarded multiple suggestions before settling upon the idea of a *corpus separatum*.

The movements of refugees from West Jerusalem after what Palestinians call *al-Nakba* [the catastrophe] are difficult to trace. This is because a large number had the means to relocate elsewhere, often abroad, and did not move *en masse* to resettle in the West Bank, Gaza, or the nearby Arab countries, as happened in the case of refugees from many villages. Still, in late 1948, there were 7,500 Palestinian Arab refugees from Jerusalem, including the West Jerusalem neighbourhoods of Qatamon, Upper and Lower Baq'a, and Musrara living in East Jerusalem.[213] These refugees either lived in the open or were housed in mosques, convents, schools, and Old City houses in ruinous conditions. They were restricted to meager food rations and suffered from malnutrition. Nonetheless, their living conditions were better than those of refugees in Gaza and the West Bank, partly due to the presence of many Christian relief organizations in Jerusalem.[214] It is also recorded that a group of "Christian refugees went to Salt, Madaba and Amman, and were joined by a group of Armenian Jerusalemites."[215]

Ex-British Mandate employee Stuart Perowne, who carried out relief work with Palestinian refugees in the Jerusalem area, categorized them as: official refugees,

economic refugees, and dwellers in frontier villages.[216] Many 'official refugees' were to be later sheltered in the camps of the United Nations Relief Works Agency (UNRWA) upon its establishment in 1950. UNRWA's criteria for defining people as refugees were those who had lost their homes, their means of livelihood, or were in need. All Palestinians displaced from West Jerusalem and its surrounding villages were, and are, such refugees.

Economic refugees, according to Perowne, were those who suffered economic loss. They were of two types. The first included, in the case of West Jerusalem, those who owned property but resided elsewhere; those who worked for the Mandate in the city; and those who had set up small shops and trades, or were employed by the wealthy as servants, chauffeurs and gardeners. Many such economic refugees had to start again from scratch. The second type of economic refugees were people in the Jerusalem area dependent upon the economic activity of those who earned their income in West Jerusalem. The fall of West Jerusalem led to a sharp decline in their standard of living and particularly, writes Perowne, their standard of education.

Dwellers in frontier villages were impacted not just due to the danger of living on the demarcation line, but also because many of them were cut off from their lands and, as happened with Beit Safafa, their fellow villagers and relatives. Perowne concluded that "in Jerusalem itself, the problem is concentrated, for in Jerusalem you have both official refugees and economic refugees, and a truce line that goes right through the city."[217]

On December 11, 1948, the UN General Assembly accepted Count Bernadotte's recommendations regarding the refugees and Jerusalem and, in Paragraph 11 of Resolution 194 (III), stated that:

> [...] the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that
> should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible.

The same resolution reiterates UN Resolution 181 that Jerusalem be a *corpus separatum* and calls for the city's demilitarization:

> The General Assembly [...]
> 8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem

plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Kerem (including also the built-up area of Motsa); and the most northern Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the [UN Conciliation] Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area; [...] 9. *Resolves* that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine.

Four days after the UN resolution, Jerusalem Military Governor Dov Joseph reported to the Governor's Council that to counter the UN refusal to include Jerusalem in the State of Israel's borders, he had ordered the immediate expansion of Jewish housing areas into territories abandoned by Arabs which until then had not been populated by Jews. The first such area to be settled was the vicinity of the mercantile center in Mamillah.[218]

In February 1949, with the culmination of the military government's activities, Israel annexed the whole of West Jerusalem. Israel's defiance of UN Resolution 194 marked the first time that the state would challenge a UN resolution.

Armistice: Israel and Jordan's Division of Jerusalem

On February 2, 1949, the Israeli government declared that it no longer considered West Jerusalem occupied territory and abolished military rule there. Negotiations over Jerusalem—and the rest of the territory bordering the Israeli-Transjordanian front lines—began the same month. Abdullah al-Tal represented the Transjordanians and Moshe Dayan the Israelis. The division of Jerusalem between Transjordan and Israel, without Palestinian Arabs having a say in the matter, was a foregone conclusion.[219]

Given the pragmatism displayed by the two sides, it did not take long for them to arrange a *modus vivendi* over Jerusalem. Avi Shlaim, in *Collusion Across the Jordan*, offers an analysis of the motivations behind the Israeli-Transjordanian

understanding.[220] Militarily, Jerusalem provided strategic depth and height for both countries. In addition, both Zionist leaders and King Abdullah saw that the religious and historical weight attached to the city would help to provide legitimacy for their regimes. Then there were the Mufti, the Arab Higher Committee, and Palestinian nationalism in general, seen as the enemies of both Zionist and Hashemite aspirations in Palestine. For King Abdullah, suppression of the agents of Palestinian nationalism would be most efficient if he were to control their operational base, East Jerusalem. Israel, for its part, was willing to cede East Jerusalem if it meant gaining a partner to squash Palestinian Arab hopes for a state and to neutralize their activities across the line in Jerusalem. In any case, Israeli leaders knew to be patient regarding Jerusalem, for if they were to proceed with the conquest of the whole city, they risked an outcry by the international community calling for the city's internationalization. "Partition," Shlaim concludes, " was preferable to internationalization."[221] Dov Yosef, speaking in favor of the division of Jerusalem, said:

> I find it difficult to understand the political logic that holds that instead of the Arabs having something, it is preferable that both they and we have nothing. We will pluck out one of our eyes so that we can pluck out both of theirs.[222]

So opposed to internationalization was Israel and so confident of its strong position in relation to its neighbors, that in mid-1949 Foreign Minister Moshe Sharett announced that Israel would not accept internationalization even for the sake of a peace treaty with the Arab states.[223]

Transjordan and Israel signed an armistice agreement on April 3, 1949, which stipulated that their mutual borders were neither political nor territorial and that there was no commitment "as regards the ultimate settlement of the Palestine question."[224] The two sides continued talking towards an overall peace treaty, but were unable to bridge their disagreements, particularly concerning Jerusalem. The initial Jordanian demand for a return of all Palestinian Arabs to their homes in West Jerusalem's southern neighbourhoods was promptly rejected by Israel.[225]

Talks between Jordan and Israel broke down in May and resumed in January 1950. Israel's bottom line was control over the Old City's Jewish Quarter and secure access to Mount Scopus. For their part, the Jordanian negotiators were in general willing to accept monetary compensation for the Arab quarters of West Jerusalem. However, Khulusi Khayri, a Palestinian Arab minister in Jordan's government who participated in the talks, demanded, much to King Abdullah's chagrin, the return of all Arab quarters of Jerusalem.

Khayri was subsequently dropped from the negotiating team.[226] Israel then entered into direct negotiations with the king, and the two sides quickly drew up a draft peace agreement. The draft, without explicitly referring to refugees, agreed that compensation would be paid to property owners in Jerusalem whose property remained under the control of the other party: that is, Arabs from West Jerusalem and Jews from East Jerusalem.[227] However, the agreement was never signed because of Jordanian unwillingness to cede territory in the Old City and pressure from Arab states against a unilateral treaty with Israel.[228]

Meanwhile, Palestinian refugees from West Jerusalem waited expectantly, but in vain, on the eastern side of the demarcation line for a favorable outcome to the negotiations. At the time, Mavrides wrote:

> After the cessation of hostilities, the inhabitants of the suburbs of Baq'a, Qatamon, Talbiya and the Greek and German Colonies who took refuge in the Old City in anguish, are awaiting the opening of the New Gate and the Jaffa Gate—the unification of the two sectors of the divided city—to go and visit and recover their abandoned homes.[229]

Writing later from East Jerusalem, Stuart Perowne described the path of the demarcation line:

> Starting from the north, it comes in obliquely from the west, until it reaches the western spur of Mount Scopus, to the west of the main road. It then runs down in a southerly direction, skirting the American Colony and St. George's, which remain in Jordan by a matter of yards, and so down to the Damascus Gate, which is again just within Jordan. Here the line turns southwest, and runs up the hill, along the old wall of the city, and so down nearly to the Jaffa Gate. Thence it runs again along the Old City wall, to the southwest corner of it. Here it turns east, but only to just below the Zion Gate; then south again, down to the former Government House, and thence it gradually eases off to the west.[230]

On the eastern spur of Mount Scopus there was a demilitarized zone, which comprised the Hebrew University, the Hadassah Hospital, and the British War Cemetery.

Throughout the negotiations, the Israelization of West Jerusalem proceeded. To lessen the scope of potential Israeli compromises in the event of a peace agreement, Moshe Dayan ordered that the frontier neighbourhood of Deir Abu Tor be settled,

together with Talpiyot and Ramat Rachel. Dayan's directive was designed to preempt pressure on Israel from the UN-chaired armistice commission to relinquish control over the southern Jerusalem-Bethlehem road.[231] As happened in other Arab neighbourhoods that were opened up to settlement, buildings and homes in the Deir Abu Tor area were looted.[232]

In May 1949, Israel took over, in accordance with the armistice agreements, the northern half of Beit Safafa, a village in south Jerusalem which had been under Jordanian control. Beit Safafa villagers were not consulted about the arrangement to partition their village and were understandably enraged. For one year villagers could move between the two halves, but then a fence was erected and families were split and people cut off from their land. For example, Ahmad Salman lost one hundred dunams of land in West Jerusalem while he remained on the Jordanian side of the village.[233]

It was not until November 1949 that Israel lifted the movement restrictions imposed on those Palestinians confined to the Baq'a zone.[234] They were issued Israeli identity cards and, together with the Beit Safafa villagers inside Israeli-controlled territory, constituted the small Palestinian Arab minority of West Jerusalem. The Custodian of Absentee Property confiscated the homes of many Arabs in the Baq'a zone, and they were forced to pay rent to the Israeli state. John Rose recorded the confiscation of his aunt's property in Baq'a:

> This [Absentee Property] law finally caught up with Aunt Arousiag and she was informed by the Custodian of Enemy Property that she had no rights to the house. She was to be treated as a tenant, and a demand for rent was sent to her for the two rooms which she occupied; furthermore, rents collected by her were to be handed over to the Custodian. The owner had been her late brother, Hagop, and her two nephews and two nieces were recognized as joint heirs to the property. Two of them were considered absentees, the other two not. This news caused much worry to us, and we sympathized with Aunt Arousiag who in vain kept on explaining that the house was really hers. She had lived there since it was built by her brother at the turn of the century, and had ploughed most of her earnings into the building. Unfortunately her pleas fell on deaf ears.[235]

The Israeli Transfer of Government to West Jerusalem

By the end of 1948, Israel had not formally annexed West Jerusalem so as not to jeopardize its pending application for UN membership. After its first application for admission was rejected by the UN Security Council on December 17, 1948,

Israel's UN representative repeatedly reassured the General Assembly that his government intended to comply with the resolutions pertaining to Jerusalem.[236]

The UN was skeptical, however, of the Israeli government's good faith concerning Jerusalem when, in early 1949, it began transferring its offices to the city from Tel Aviv. The transfer of government offices enjoyed top priority on Prime Minister Ben Gurion's agenda as an important step towards the official declaration of Jerusalem as the capital of Israel and a preventive measure against the implementation of the UN resolutions to internationalize the city. Still, Israel's UN representative Abba Eban tried to make the UN think otherwise.

Following Israel's new application for membership on February 24, 1949, Eban testified before the UN's Ad Hoc Political Committee. His remarks before the committee—at best misleading and at worst duplicitous—are traced in Henry Cattan's book, *Jerusalem*. When queried about Israel's intentions in the transfer of government offices, Eban said that:

> ... the re-establishment of institutions of health and learning, and of at least a proportion of the official business which had once been the main support of Jerusalem, had been indispensable to prevent the city from becoming impoverished and depressed. That was the sole motive for transferring to Jerusalem the personnel of non-political departments whose presence might stem the flight from Jerusalem and preserve the city's traditional primacy in the religious, educational and medical life of the country. No juridical facts whatever were created by such steps, which were dictated not by a desire to create new political facts, but to assist Jerusalem and to add economic recovery to the other aspects of its splendid recuperation.[237]

Eban also reassured the committee that Israel would not invoke Article 2, paragraph 7, of the charter—which proscribes the UN from intervening in matters within the "domestic jurisdiction of states"—to avoid complying with the UN resolutions concerning refugees and Jerusalem:

> The government of Israel will co-operate with the Assembly in seeking a solution to those problems ... I do not think that Article 2, paragraph 7, of the Charter, which relates to domestic jurisdiction, could possibly affect the Jerusalem problem, since *the legal status of Jerusalem is different from that of the territory in which Israel is sovereign*. My own feeling is that it would be a mistake for any of

the Governments concerned to take refuge, with regard to the refugee problem, in their legal rights to exclude people from their territories.[238]

Eban added that, upon Israel's admission to the UN, "the General Assembly would then be able to make recommendations directly to the Government of Israel [about Jerusalem], which would, I think, attribute to those resolutions extremely wide validity."[239] Eban must have felt confident that the UN would not subject his statements to rigorous scrutiny, for he even claimed that the holding of the first Israeli *Knesset*, or parliament, in Jerusalem on February 14, 1949, was based solely on "an historical motive which had nothing whatever to do with the future status of Jerusalem."[240]

For his part, Ben-Gurion had never tried to veil his plans to hold onto Jerusalem. According to his four-year plan of state development, Jerusalem would be the center of Israeli life, and various governmental, national, and cultural institutions would be shifted to the city. Also, new industries would be created there, and settlements would be erected in a defensive belt.[241]

Despite Israel's moves in Jerusalem, the UN saw fit to admit it as a new member on May 11, 1949, with the General Assembly placing on the record Israel's "declarations and explanations" regarding the implementation of Resolutions 181 and 194.[242]

The Israeli government, meanwhile, steadily proceeded with its transfer of offices to Jerusalem. A major aspect of the transfer was the relocation of thousands of government clerks, who received preferential treatment in the allocation of housing. On April 12, 1949, a high-level government meeting was held in the Israeli Defense Ministry to discuss the housing of government clerks in Jerusalem. It was decided that four hundred apartment units be allocated to the clerks and that they be given priority in choosing apartments in the neighbourhoods of Baq'a, the German Colony and the Greek Colony. Shaul Avigur, one of Ben-Gurion's closest advisors, was to be the absolute arbitrator in any dispute. As part of settling and resettling new immigrants in alternative sites, the Absorption Department was granted authority over Musrara and Lower Lifta.[243] Following this decision, new immigrants were only allocated housing in neighbourhoods reserved for government clerks in those apartments that were in such bad shape that the cost of renovation was too high.[244] Houses in the elegant neighbourhood of Talbiya were reserved exclusively for senior officials and those with important connections, such as judges and professors at the Hebrew University.[245]

Out of political considerations, though, government clerks were sometimes placed in less desirable neighbourhoods. The Ministry of Provisioning and

Rationing's clerks were housed in Deir Abu Tor, adjacent to the demarcation line. These houses were in terrible condition due to the intense fighting that had been waged in the neighbourhood, and there remained a danger of sniper fire. Still, a decision was taken to house the clerks in Deir Abu Tor because of Israel's goal to settle Jews throughout the full area of Jerusalem under its control. Many of these clerks requested to be relocated in Qatamon where the expansive houses were in better condition. In the end, senior-ranking officials succeeded in being housed in Qatamon, while regular clerks were left in Deir Abu Tor.[246]

To provide for the ever-increasing number of Jewish residents in Jerusalem, the Israeli government opened many new schools and health service facilities; most were located in buildings belonging to Palestinians. The *Histadrut* opened dozens of schools in Musrara, Baq'a, the German Colony and 'Ayn Karim.[247] To stimulate Jewish Jerusalem's economy, new small industries and businesses were given special loans to lure them to the city.[248] The Custodian of Absentee Property handed over many buildings to be renovated for workshops, mostly in Mamillah, while additional ones were set up in the German Colony and the Greek Colony.[249]

Jerusalem as Israel's Capital

In the fall of 1949, an international lobby group of Catholic (particularly Latin American), Communist and Muslim countries pushed for a new vote on internationalization in the UN General Assembly.[250] The vote was scheduled for December 9. By that time, though, the Israeli government was well on its way to making West Jerusalem the state's political hub. As recorded by *New York Herald Tribune* correspondent Kenneth Bilby: "By October 30, 1949, as the UN [General] Assembly prepared to debate a new internationalization scheme, the movement of the government was in full swing [...] Every ministry established a nucleus in Jerusalem. About a thousand governmental employees had moved there. Israel was preparing to present the UN with a fait accompli."[251] The previous month, in response to a suggestion by the UN Palestine Conciliation Commission to proceed with the city's internationalization, Foreign Minister Sharett had proclaimed, that "Jerusalem is an inseparable part of Israel—politically, militarily, administratively, economically, socially, and culturally."[252] Four days before the UN vote Ben-Gurion reasserted that "Jewish Jerusalem is an organic and inseparable part of the State of Israel."[253]

The General Assembly, in issuing Resolution 303 (IV), reiterated the prior resolutions concerning Jerusalem, namely that an international regime establish a *corpus separatum* in the city. The resolution provoked serious concern among the Israeli government, and it even considered the possibility that the UN would create

an international army and take Jerusalem by force. To this, Ben-Gurion said, "Obviously, if it comes to a confrontation with a military force sent by the UN, we shall give in."[254] Still, the government reckoned an invasion by UN-deployed troops unlikely, and feared economic sanctions as a more realistic outcome of the resolution.[255]

Overcoming his government's trepidation, Ben-Gurion again forged ahead with his plans to make Jerusalem indisputable Israeli territory. The Israeli Prime Minister perceived the latest UN resolution as a litmus test for Israeli resolve in the city. He not only believed that internationalization would be a threat to Israel's independence, but feared that it would encourage calls emanating from the UN to repatriate Palestinian Arab refugees.[256] As he wrote in his diary: "If we cause the failure of the UN resolution here, the issue of the borders will be no more and we will not be required to accept refugees. Our success on the question of Jerusalem resolves all international problems surrounding Israel."[257]

Ben-Gurion announced that "Jerusalem is an integral part of the State of Israel and its eternal capital. No United Nations vote will ever change this fact."[258] Following the Prime Minister's lead, the *Knesset* voted on December 13, 1949 to officially declare Jerusalem Israel's capital and accelerated the transfer of government offices to the city.

Ben-Gurion's defiance of UN Resolution 303 was not merely a stubborn act of bravado, but a calculation based both on the understandings arrived at with King Abdullah and on recent actions by the United States and Britain. Both of those countries had voted with Israel against UN Resolution 303. Since the summer, the US State Department's policy regarding Jerusalem was that a *corpus separatum* was "unrealistic as it could not be implemented by the United Nations against the wishes of Israel and Jordan without the use of substantial forces."[259] Washington now backed a Conciliation Commission plan for limited internationalization that would accept Israel's control of West Jerusalem and Jordan's control of East Jerusalem.[260] Britain had recognized Israel, now considered it a friendly country, and was backing the Jordanian-Israeli understandings regarding Jerusalem and Palestine in general. The United States and Britain, along with the Soviet Union, abstained from the subsequent December 20 vote by the UN Trusteeship Council calling for the removal of Israeli government offices from Jerusalem.[261]

To the Israeli government it was clear that it could proceed with its plans to settle Jerusalem and establish the city as the capital of Israel for, without the backing of the major UN powers, the organization's resolutions would not be enforced.

Conclusion

This study has offered a perspective on the fall of Arab West Jerusalem different from the conventional Zionist version mentioned in the introduction. While tracing the Zionist conquest, it has endeavored to center events around the local Palestinian Arab population and their neighbourhoods.

To sum up, it can be said that initial acts of hostility by Palestinian Arabs in Jerusalem in late 1947 were intended more to disrupt implementation of the partition plan than to enter into a war with the Zionists. Palestinian Arabs, including the wealthy ones, only fled West Jerusalem after an intensive campaign by the Zionist forces to drive them out. There is no record of Arab leaders calling on Palestinian Arabs in West Jerusalem to flee; only entreaties and orders to stay put.

Jerusalem was the site of some of the most bitter fighting in 1948, which resulted in thousands of Jewish and Arab casualties. As elsewhere in Palestine, Zionist forces were better prepared than those of the Palestinian Arabs. The Zionist soldiers far outnumbered those of the Arabs, even after May when the neighboring Arab countries entered the war. Early on, unable to conquer the well-fortified Jewish settlements, the Palestinian Arab irregulars attempted to sever supply lines to Jewish Jerusalem. A sweeping Zionist offensive then cleared practically all the Palestinian Arabs out of the Jerusalem corridor, and subsequently out of West Jerusalem. It was during this offensive that *Irgun* and *Lehi* fighters perpetrated the Deir Yasin massacre, for which the *Haganah*'s role must also be called into question. The massacre precipitated the flight of many more Arab civilians and, with the fall of Qatamon, few remained in West Jerusalem.

Colluding with the departing British military, the Zionist forces were able to quickly occupy and consolidate the British positions in West Jerusalem on May 14, 1948, the date Ben-Gurion declared Israel's independence. While Jewish Agency leaders had previously muted their hopes of including all of Jerusalem in a Jewish state, with the war's outbreak they made an intensive effort to conquer the rest of the city. Fierce defense by Palestinian Arab irregulars and the Arab Legion's entrance into the Old City thwarted their plans, but the Legion did not challenge Israeli control over West Jerusalem. In fact, King Abdullah had concluded a secret agreement with the Zionist leadership to divide Palestine between them along the lines of the partition plan. Jerusalem was the only missing link in their understandings, which led to the king reluctantly committing his troops there. Despite the fact that the Arab Legion's chances of a successful invasion of West Jerusalem were good, King Abdullah—and the United States and Britain— had no intention of allowing such an eventuality. A truce, imposed after heavy American and British pressure, resulted in the Israeli forces transporting more troops and massive amounts of weapons into Jerusalem.

The Zionist authorities were quick to populate each of the evacuated Arab neighbourhoods in West Jerusalem with Jews, not with the intention of providing temporary shelter, but to permanently Israelize all occupied territory. The Israeli government, encouraged by the UN's ineffectuality in enforcing its resolutions, drove home its position on Jerusalem by declaring the city the eternal capital of the State of Israel.

Only a few hundred non-Jews remained in West Jerusalem: those in the divided village of Beit Safafa and those who had been concentrated in Baq'a. The rest were refugees. In the Jerusalem sub-district under Israeli control, Zionist forces had demolished 37 of 41 Arab villages.[262] They had driven over 60,000 Palestinian Arabs from West Jerusalem and its immediate environs.[263]

Scholars and activists have waged endless debates on whether the dimensions of the Palestinian refugee problem are attributable to a conscious Zionist plan. While scholars have proven the existence of such plans, perhaps the best evidence of Zionist intentions is Israel's refusal to allow the return of refugees. To this day, not one Palestinian Arab refugee has returned to his or her home in West Jerusalem.

Endnotes

[1] Banks, *Torn Country*, p. 24. Banks' description of pre-1948 Jerusalem is as follows: "Then as now, Jerusalem was divided into the Old City to the east and the new, western sector, which also extended to the south, known as Jewish Jerusalem."

[2] Dumper, *The Politics of Jerusalem since 1967*, p. 67.

[3] The German Colony, originally settled by the German Templers sect in the nineteenth century, retained the name even after it became a predominantly Arab neighbourhood.

[4] The Greek Colony is so called because the nucleus of the quarter was built by Greeks. The name remained even after it became a largely Arab neighbourhood.

[5] Bilby, *New Star in the Middle East*, p. 196.

[6] Great Britain, Parliamentary Papers, Cmd. 5479, Chapter XII, Paragraphs 10 and 12, cited in

Bovis, *The Jerusalem* Question, p. 23.

[7] Simons, *International Proposals*, p. 83.

[8] Bovis, *The Jerusalem Question*, p. 50.

[9] Hadawi, *Loss of a Heritage*, p. 141. According to Palestinian geographer Khalil Tufakji, quoted in the *Jerusalem Post* of June 2, 1995, the 15.21 percent of land owned by 'other residents' was Christian church land.

[10] Bovis, *The Jerusalem Question*, p. 60.

[11] Golani, *Zionism Without Zion*, p. 43.

[12] Ibid. p. 43.

[13] Bovis, *The Jerusalem Question*, p. 60.

[14] Francis Ofner, *December 1947: From the Notes of a Journalist*, Jerusalem Post, December 14th, 1990.

[15] Khalidi, *The Arab Perspective*, p. 121.

[16] Ibid. p. 121.

[17] Shlaim, *Collusion Across the Jordan*, p. 617.

[18] Ibid. p. 217.

[19] Ibid. p. 239.

[20] Shlaim, *The Debate about 1948*, p. 299.

[21] Khalidi, *The Arab Perspective*, p. 118.

[22] Al-'Arif, *Nakbat Filastin*, pp. 17 and 39, 48.

[23] Flapan, *Birth of Israel*, p. 190.

[24] Lorch, *The Edge of the Sword*, p. 43.

[25] Shlaim, *Collusion Across the Jordan*, p. 239.

[26] Flapan, *Birth of Israel*, p. 194.

[27] Shlaim, *The Debate about 1948*, p. 293.

[28] Pappe, *Britain and the Arab-Israeli Conflict*, p. 7; Shlaim, *The Debate* about 1948, p. 293.

[29] Neff, *Fallen Pillars*, p. 50, UN Resolution 181 [II] barely attained the requisite two-thirds majority with a vote of 33 members in favor and 13 against.

[30] Collins and Lapierre, *O Jerusalem*, p.56; Interview, Abdullah Budeiri.

[31] Cunningham Papers, box 2, file 3. Middle East Center, St. Anthony's College (Oxford), cited in Palumbo, *The Palestinian Catastrophe*, p. 35.

[32] Morris, *The Birth of the Palestinian Refugee Problem*, p. 33. Although Morris implies that these operations were unauthorized, he provides no evidence to support this claim.

[33] Flapan, *Birth of Israel*, p. 95; al-'Arif, *Nakbat Filastin*, p. 77.

[34] Interview, Abdullah Budeiri. He had served with the Arab Legion from 1939 to 1946.

[35] For figures on Arab and Zionist troop strength, see Appendices VIII, IX-A, and IX-B of Khalidi, Walid, *From Haven to Conquest*, pp. 858-71.

[36] Interview, Abdullah Budeiri.

[37] Ibid.

[38] Interview, Ali Hassan Elyan.

[39] Al 'Arif, *Nakbat Filastin*, pp. 29-30.

[40] Morris, *The Birth of the Palestinian Refugee Problem*, p. 16.

[41] Mattar, *Mufti of Jerusalem*, p. 127.

[42] Ben Gurion's War Diary, p 169, entry for 21 January, 1948, cited in Morris, *The Birth of the Palestinian Refugee Problem*, p. 23.

[43] Interview, AR.

[44] Interview, Abdullah Budeiri.

[45] Collins and Lapierre, *O Jerusalem*, p. 62.

[46] Khalidi, Walid, *From Haven to Conquest*, pp. 858-71.

[47] Flapan, *Birth of Israel*, p. 196; Shlaim, *Collusion Across the Jordan*, p. 217. The estimates are based on Walid Khalidi's calculations cited by Flapan, which include both fully mobilized and second-line troops in the settlements, *Gadna* youth battalions, home guard and *Irgun* and *Lehi* fighters. Shlaim writes that Ben-Gurion concentrated one-third of the Israeli forces in and around Jerusalem because he considered the city to be so vital in the war with the Arab armies.

[48] Interview, Hagit Shlonsky.

[49] Interview, Tikva Honig-Parnass.

[50] Golani, *Zionism Without Zion*, pp. 45-46.

[51] Cunningham Papers, box 2, file 3. Middle East Center, St. Anthony's College (Oxford), cited in Palumbo, *The Palestinian Catastrophe*, p. 36.

[52] Flapan, *The Birth of Israel*, p. 95.

[53] Al-Arif, *Nakbat Filistin*, pp. 72, 133.

[54] Of those interviewed for this study, two ex-fighters during the conflict in Jerusalem—one Jew and one Arab—are both convinced of British partiality towards the Zionist troops. The Arab, a former officer of the British Mandate's Palestine Police in Jerusalem, cited the Jewish Settlement Police (JSP) as an example of institutionalized favoritism. (Interview, AR) He noted that, as a matter of policy, the British trained Jewish police officers to form the JSP, whose role was to guard the settlements, and that these officers closely coordinated their actions with the British police. No such aid was provided to Palestinian Arabs to help them defend their villages and neighbourhoods. Former *Haganah* soldier Tikva Honig-Parnass narrated a couple of personal experiences that to her symbolize the British army's partiality to the *Haganah*:

> "Early on in the fighting in Jerusalem, I was part of a reserve unit that was sent on various assignments. During one assignment I went with a group of other girls to Hebrew University on Mount Scopus. Our assignment was to retrieve weapons from an arms cache in the natural science laboratory. We were given a few dissembled Sten [machine] guns, part of which we put in our shirts. We got on a bus. I was the last one to board and I paid the driver. When I went to sit down, three British soldiers on the bus were laughing at me. And then the whole bus was laughing. I didn't know why, until I realized that part of a Sten was protruding from the side of my shirt. The British soldiers did not do anything to me. If I had been an Arab, they would surely have arrested me.

> "Another time I went to Shimon HaTzadik (a Jewish neighbourhood in East Jerusalem) to pick up a part of a Sten gun and had to walk past a British checkpoint. I was scared to death. I told the soldiers that I was a nurse from Hadassah Hospital and wanted them to accompany me to a Jewish neighbourhood. They laughed at me and said 'we know who you are,' then sent me on my way."

[55] Khalidi, *The Arab Perspective*, p. 131.

[56] Golan, *Shinui hamapa hayishuvit*, p. 11.

[57] Collins and Lapierre, *O Jerusalem*, p. 112.

[58] Khalidi, *All That Remains*, pp. 301-302.

[59] Sheikh Badr was the village located closest to the city, adjacent to Romeima, of which not a house remains and where the *Knesset*, the Israeli parliament building, now stands.

[60] Galili Papers, "Protocol of the Meeting on Arab Affairs, 1-2 January 1948," pp. 12-23, cited in Morris, *The Birth of the Palestinian Refugee Problem*, p. 50.

[61] Palumbo, *The Palestinian Catastrophe*, p. 98.

[62] Central Zionist Archives, Jerusalem S25/4013, cited in Palumbo, *The Palestinian Catastrophe*, p. 98.

[63] Central Zionist Archives S25-4013, "Summary of Information about Hotel Semiramis...in Qatamon," the Arab division of the Jewish Agency Political Department, 8 January 1948, cited in Morris, *The Birth of the Palestinian Refugee Problem*, p. 50.

[64] Sakakini, *Jerusalem and I*, p. 111.

[65] Karmi, *The 1948 Exodus*, p. 35.

[66] Palumbo, *The Palestinian Catastrophe*, p. 98.

[67] Interview, Y. Kalouti.

[68] Ben-Gurion, War Diaries, 15/1/48, p. 156, cited in Flapan, *The Birth of Israel*, p. 92.

[69] Golan, *Shinui hamapa hayishuvit*, p. 23.

[70] Central Zionist Archives, January 1948 *SHY* reports, cited in Golan, *Shinui hamapa hayishuvit*, p. 15. *SHY* is an acronym for *Sherut Yediot*, the *Haganah*'s intelligence service.

[71] Golan, *Shinui hamapa hayishuvit*, p. 15.

[72] Golan, *Shinui hamapa hayishuvit*, p. 17.

[73] Morris, *The Birth of the Palestinian Refugee Problem*, p. 52.

[74] Ben-Gurion, War Diary, Vol. 1, entry dated 7 February, 1948, cited in Masalha, *Expulsion of the Palestinians*, p. 180.

[75] Gabbay, *A Political Study of the Arab-Israeli Conflict*, p. 66.

[76] De Azcarate, *Mission in Palestine*, p. 22.

[77] Al-'Arif *Nakbat Filastin*, p. 117.

[78] Flapan, *The Birth of Israel*, p. 43. According to Flapan, the siege of Jerusalem prompted Eliyahu Sasson, the Jewish Agency expert on Arab affairs, and Chaim Berman, secretary of the political department, to forward a plan of compromise with the Arabs in Palestine. Ben-Gurion rejected their plan, relying instead on his understandings with King Abdullah and opting for an aggressive policy towards the Palestinian Arabs.

[79] Palumbo, *The Palestinian Catastrophe*, p. 39.

[80] Walid Khalidi, in the early 1960s, was the first scholar to draw the link between Plan Dalet and the pre-meditated expulsion of thousands of Palestinians from the Jerusalem corridor and elsewhere in Palestine. See Khalidi, Walid, "Plan Dalet Revisited," *Journal of Palestine Studies*, Vol XVIII, No 1, Autumn 1988, pp. 3-70.

[81] Morris, *The Birth of the Palestinian Refugee Problem*, p. 112.

[82] The *Palmach* was the *Haganah*'s elite striking force.

[83] Collins and Lapierre, *O Jerusalem*, p. 247.

[84] Interview, Tikva Honig-Parnass.

[85] Ben Gurion, War Diary, Vol. 1, entry dated 6 February, 1948, p. 211, cited in Masalha, *Expulsion of the Palestinians*, p. 180.

[86] Weinstock, Zionism, p. 237; Collins and Lapierre, *O Jerusalem*, p. 246.

[87] Al-Qawuqji, *Memoirs*, entry dated 6 April, 1948, p. 41.

[88] Morris, *The Birth of the Palestinian Refugee Problem*, p. 38.

[89] Morris, *The Birth of the Palestinian Refugee Problem*, p. 38; Palumbo, *The Palestinian Catastrophe*, p. 47.

[90] Weinstock, *Zionism*, p. 235.

[91] Jabotinsky Archives, Tel Aviv, 1/10-4K. Cited in Palumbo, *The Palestinian Catastrophe*, p. 48.

[92] Ibid. p. 48.

[93] Kurzman, *Genesis*, p. 173.

[94] Ibid. p. 173.

[95] Palumbo, *The Palestinian Catastrophe*, p. 48.

[96] De Reynier, *A Jerusalem*, Editions de la Baconniere, Neuchatel, Switzerland, 1950, cited in Cattan, *The Palestine Question*, p. 252.

[97] Banks, *Torn Country*, pp. 56-57.

[98] Weinstock, *Zionism*, p. 235; Kurzman, *Genesis*, p. 178. According to an April 14, 1998 lecture at Columbia University by Professor Saleh Abdel Jawad of Bir Zeit University, several villagers, particularly women and children, were killed by the *Palmach* mortar shells as they fled from the village.

[99] Banks, *Torn Country*, p. 57.

[100] Morris, *The Birth of the Palestinian Refugee Problem*, p. 113.

[101] The number of villagers killed in Deir Yasin is subject to dispute. The long accepted death toll has been that reported in the *New York Times* of April 13, 1948: 254 persons. Professors from Bir Zeit University have recently revised these figures based upon research involving interviews with survivors of the massacre. After comparing the names of those who lived in the village with the names of those who survived, this research concludes that approximately 120 persons were killed.

[102] Collins and Lapierre, *O Jerusalem*, p. 274. The figures in brackets are in the original text and apparently indicate the age of the children.

[103] Ibid. p. 275.

[104] Morris, *The Birth of the Palestinian Refugee Problem*, p. 115.

[105] 'No Deportations, Evacuations,' *Hadashot*, January 1, 1988, cited in Finkelstein, *Image and Reality of the Israel-Palestine Conflict*, p. 65.

[106] Dossier 179/110/17/GS, submitted by Richard Catling to Sir Henry Gurney, cited in Collins and Lapierre, *O Jerusalem*, p. 276.

[107] *Ha'aretz*, 25 April 1993, cited in Finkelstein, *Image and Reality* p. 189.

[108] De Reynier, *A Jerusalem*, section on Deir Yasin translated by Institute for Palestine Studies and reprinted in Khalidi, *From Haven to Conquest*, p. 764.

[109] Collins and Lapierre, *O Jerusalem*, p. 279.

[110] Banks, *Torn Country*, p. 57.

[111] Collins and Lapierre, *O Jerusalem*, p. 279.

[112] Ibid. p. 280.

[113] Interview, Tikva Honig-Parnass.

[114] Kurzman, Dan,*Genesis, 1948: The First Arab-Israeli War*, p. 181.

[115] Kurzman, *Genesis*, p. 181.

[116] Interview, Abdullah Budeiri.

[117] Kurzman, *Genesis*, p. 198, (note: in version published by De Capo Press, New York, 1970).

[118] Collins and Lapierre, *O Jerusalem*, p. 290.

[119] Kurzman, *Genesis*, p. 235.

[120] Interview, Abdullah Budeiri.

[121] Sakakini, *Jerusalem and I*, p. 118.

[122] De Reynier, *A Jerusalem*, translated and reprinted in Khalidi, *From Haven to Conquest*, p. 765.

[123] Palumbo, *The Palestinian Catastrophe*, p. 97.

[124] Morris, *The Birth of the Palestinian Refugee Problem*, p. 68.

[125] Ibid, p. 113.

[126] Palumbo, *The Palestinian Catastrophe*, p. 57.

[127] Interview, Ali Hassan Elyan and Ahmad Salman.

[128] David Kroyanker, walking tour of Talbiyeh.

[129] Morris, *The Birth of the Palestinian Refugee Problem*, p. 51.

[130] Ibid. p. 66.

[131] Interview, Abdullah Budeiri.

[132] De Reynier, *A Jerusalem*, p. 129, cited in Palumbo, *The Palestinian Catastrohpe*, p. 100.

[133] Count Bernadotte-Progress Report UN Doc A/648 p. 47, cited in Cattan, *The Palestine Question*, p. 71.

[134] Palumbo, *The Palestinian Catastrophe*, p. 99.

[135] Interview, Hagit Shlonsky. Looting by victorious Zionist troops—and by Jewish residents—was a widespread phenomenon, not only in Qatamon and the other occupied Arab neighbourhoods, but throughout Palestine. Tom Segev quotes the Israeli writer Moshe Smilanski: 'The urge to grab has seized everyone. Individuals, groups and communities, men, women and children, all fell on the spoils. Doors, windows, lintels, bricks, roof-tiles, floor-tiles, junk and machine parts...' (*1949*, p. 70.) As an example of how much Arab property was looted by Israelis—and, by extension, how small an effort the Israeli authorities made to protect the property—Segev states that 'more than 50,000 Arab homes had been abandoned, but only 509 carpets reached the Custodian's warehouses.' (*1949*, p. 71.) Palestinian Arabs also thoroughly looted Jewish convoys and settlements when they succeeded in overcoming them, as in the case of Neve Ya'acov described by John Bagot Glubb (A Soldier, p. 110.)

[136] Rose, *Armenians of Jerusalem*, pp. 194-195.

[137] Sharif Kanaana, in his book *Still on Vacation!* (p. 108), places the fall of Arab West Jerusalem in the framework of what he terms the Zionists' "Maxi-Massacre Pattern" in their conquest of large Palestinian cities. According to this pattern, Zionist attacks produced flight and demoralization. A nearby massacre resulted in panic and further flight which greatly facilitated the occupation of the city and its surrounding towns and villages.

[138] Golan, *Shinui hamapa hayishuvit*, p. 27; Rose, *Armenians of Jerusalem*, p. 199.

[139] Rose, *Armenians of Jerusalem*, p. 200.

[140] Al-Qawuqji, Memoirs, entries of 3/5/48 and 4/5/48.

[141] Bovis, *The Jerusalem Question*, p. 53.

[142] Bovis, *The Jerusalem Question*, p. 52; De Azcarate, Mission in Palestine, p. 13.

[143] Flapan, *The Birth of Israel*, p. 179.

[144] De Azcarate, *Mission in Palestine*, p. 45.

[145] Kurzman, *Genesis*, p. 393.

[146] Kurzman, *Genesis*, p. 393; Collins and Lapierre, *O Jerusalem*, p. 372.

[147] Aviva Bar-Am, *Every House a History*, Jerusalem Post, Dec. 14, 1990. The Villa Harun al-Rashid was built in 1926 as two apartments in ornate "Thousand and One Nights" style by Hana Bisharat, one of two brothers who owned much property in Talbiyeh. Golda Meir, as the Israeli foreign minister, lived here in the 1960s. When she learned that UN Secretary-General Dag Hammarskjold was coming to visit, she directed her security men to remove a sign with the villa's name written in Arabic and English from above the side entrance door, supposedly to hide the fact that the house had belonged to an Arab.

[148] *Jerusalem Post*, Dec. 14, 1990, Aviva Bar-Am, 'Every House a History.' The 'Iraqis' in question were likely Iraqi soldiers serving with the Arab Liberation Army.

[149] De Azcarate, *Mission in Palestine*, p. 43.

[150] Ben-Gurion, David, *Israel: Years of Challenge*, Holt, Rinehart and Winston, 1963, p. 40.

[151] Ben-Gurion, *Israel: Years of Challenge*, p. 41.

[152] Ben-Gurion, *When Israel Fought* (Hebrew), Tel Aviv, 1975, p. 183, cited in Golani, Zionism without Zion, p. 47.

[153] Shlaim, *Collusion Across the Jordan*, p. 224.

[154] Bilby, *New Star in the Middle East*, p. 191.

[155] CIA Report of 17 May, II, p 5 and BBC Report #49, p. 71. Cited in Palumbo, *The Palestinian Catastrophe*, p. 96.

[156] Collins and Lapierre, *O Jerusalem*, p.432.

[157] Kurzman, *Genesis*, pp. 431-432.

[158] Shlaim, *Collusion Across the Jordan*, p. 239.

[159] Collins and Lapierre, *O Jerusalem*, p. 430.

[160] Shlaim, *Collusion Across the Jordan*, p. 242.

[161] Collins and Lapierre, *O Jerusalem*, p. 506.

[162] Al-Tal, *Catastrophe*, Part One, p. 106.

[163] Ibid. pp. 115-116.

[164] Ibid. p. 151.

[165] Ibid. p. 151; Interview, Abdullah Budeiri.

[166] Collins and Lapierre, *O Jerusalem*, p. 476; Interview, Abdullah Budeiri. In his book, *A Soldier with the Arabs*, Glubb explains that the primary reasons that he did not pursue the attack on Notre Dame, or West Jerusalem in general, were his troops' lack of familiarity with street fighting and his fear that the Israelis would launch a counteroffensive from Jerusalem towards Amman. These reasons may be part of the truth. However, since Glubb was not just guided by military considerations alone, but was answerable to both King Abdullah and London, his rendition is circumspect. It is noteworthy

that in his detailed account of the Jerusalem fighting in May and June 1948, Glubb does not once mention the important role played by Abdullah al-Tal.

[167] Morris, *'48 and After*, p. 11.

[168] Shlaim, *Collusion Across the Jordan*, p. 245.

[169] Ibid. p. 247.

[170] Al-Tal, *Catastrophe*, Part One, p.170.

[171] De Azcarate, *Mission in Palestine*, p. 72. De Azcarate provides a detailed eyewitness account of the surrender of the Jewish Quarter to the Arab Legion.

[172] Palumbo, *The Palestinian Catastrophe*, p. 104.

[173] Ibid.

[174] Al-Tal, *Catastrophe*, Part One, p. 123; Collins and Lapierre, *O Jerusalem*, p. 503.

[175] Collins and Lapierre, *O Jerusalem*, p. 507. Britain's change of mind was due to pressure from the US, which was threatening to cut off all economic aid to England's war-shattered economy.

[176] The Burma Road was hastily built by the *Haganah* to bypass the Arab Legion positions around Latrun. By this time rifles, machine guns, tanks, field guns, and planes purchased by Israeli agents were flowing into Israel from Europe. Tikva Honig-Parnass (Interview with author), at the time stationed with the *Palmach* in the Jerusalem corridor, remembered that "suddenly we felt like a rich army. Not only did it seem like we had an unlimited supply of weapons, we had enough food and medicine, too."

[177] De Azcarate, *Mission in Palestine*, p. 99. Whereas the truce clearly allowed the Israeli forces to improve their positions, it cannot wholly be said to have hindered the Arab Legion from pursuing its objective for, as has been shown, it had no plan to conquer West Jerusalem.

[178] Weinstock, *Zionism*, p. 251.

[179] Pappe, *Britain and the Arab-Israeli Conflict*, p. 79.

[180] Mavrides, *Jerusalem Diaries*, Memorandum 2.

[181] Interview, AR.

[182] 'Ayn Karim is one of the few villages whose houses largely remain intact. The village is today populated by Jewish Israelis and is generally considered a very desirable and exclusive place of residence.

[183] Khalidi, *All That Remains*, p. 305.

[184] Interview, Abdullah Budeiri.

[185] Rose, *Armenians of Jerusalem*, p. 205.

[186] Shlaim, *Collusion Across the Jordan*, p. 258; Morris, *Birth of the Palestinian Refugee Problem*, p. 142.

[187] Bilby, *New Star in the Middle East*, p. 202.

[188] Bilby, *New Star*, p. 202.

[189] Golani, *Zionism without Zion*, p. 48. Dov Joseph had been a member of the Jewish Agency's Popular Transfer Committee which, before 1948, had laid out detailed plans for the expulsion of Palestinian Arabs from the future Jewish state. (Masalha, *Expulsion of the Palestinians*, p. 93.)

[190] Golani, *Zionism without Zion*, p. 48.

[191] Bar-Zohar, *Ben-Gurion*, p 823, cited in Flapan, *The Birth of Israel*, p. 48.

[192] Ibid. p. 48.

[193] Cattan, *The Palestine Question*, p. 253.

[194] Israel has not, to this day, canceled the state of emergency, which provides legal justification for detention without trial and military censorship of the press.

[195] Proceeds from these transactions, minus legal and administrative expenses, are to be held in a special fund, presumably for the absentees, until the state of emergency is declared over.

[196] Golan, *Shinui hamapa hayishuvit*, p. 35.

[197] Ibid. p. 35.

[198] Ibid. p. 37.

[199] Ibid. p. 38.

[200] Ibid. p. 40.

[201] Ibid. p. 41.

[202] Ibid. p. 44.

[203] Ibid. pp. 44-45 and 64.

[204] Segev, *1949*, p.70.

[205] Rose, *Armenians of Jerusalem*, pp. 207-214.

[206] Interview, Hannah Levy.

[207] Ibid.

[208] Morris, *The Birth of the Palestinian Refugee Problem*, p. 193.

[209] Segev, *1949*, p. 88.

[210] Ibid. p. 88.

[211] Cattan, *Jerusalem*, p. 61.

[212] UN Document A/648, p. 14.

[213] Washington National Record Center, Suitland, Maryland, RG84, cited in Palumbo, *The Palestinian Catastrophe*, p. 101.

[214] Palumbo, *The Palestinian Catastrophe*, p. 101.

[215] Plascov, *The Palestinian Refugees*, p. 37.

[216] Perowne, *The One Remains*, p.16.

[217] Ibid. p. 22.

[218] Golan, *Shinui hamapa hayishuvit*, p. 49.

[219] Segev, *1949*, p. 14.

[220] Shlaim, *Collusion Across the Jordan*, p. 383.

[221] Ibid. p. 383.

[222] Golani, *Zionism without Zion*, p. 49.

[223] Bilby, *New Star in the Middle East*, p. 194.

[224] Jordan-Israel armistice agreement, Article II, Section 2, cited in Weinstock, *Zionism*, p. 240.

[225] Transjordan became Jordan, with its former kingdom on the River Jordan's East Bank supplemented by the Palestinian West Bank.

[226] Shlaim, *Collusion Across the Jordan*, p. 538.

[227] Pappe, *Britain and the Arab-Israeli Conflict*, p. 195.

[228] Shlaim, *Collusion Across the Jordan*, p. 538; Pappe, *Britain and the Arab-Israeli Conflict*, p. 197.

[229] Mavrides, *Jerusalem Diaries*, Memorandum 4.

[230] Perowne, *The One Remains*, p. 22. See Perowne for a detailed description of East Jerusalem life in the early 1950s.

[231] Morris, *The Birth of the Palestinian Refugee Problem*, p. 193.

[232] Rose, *Armenians of Jerusalem*, p. 219.

[233] Interview, Ahmad Salman.

[234] Rose, *Armenians of Jerusalem*, p. 217.

[235] Ibid. p. 222.

[236] Cattan, *Jerusalem*, p. 58.

[237] Official Records of the 3rd session of the General Assembly, Ad Hoc Political Committee, 1949, Part II, p. 223, cited in Cattan, *Jerusalem*, p. 59.

[238] Official Records of the 3rd session of the General Assembly, Ad Hoc Political Committee, 1949, Part II, pp. 286-7 (emphasis added), Cited Ibid, p. 60.

[239] Official Records of the 3rd session of the General Assembly, Ad Hoc Political Committee, 1949, Part II, p. 286, cited in Cattan, *Jerusalem*, p. 60.

[240] Neff, *Fallen Pillars*, p. 133.

[241] Bilby, *New Star in the Middle East*, p. 194. The four-year plan was presented to the Knesset on March 8, 1949.

[242] Cattan, *Jerusalem*, p. 61.

[243] Central Zionist Archives, letter from Yoseftal to Greenberg, 13/4/49. Cited in Golan, *Shinui hamapa hayishuvit*, p. 54; Segev, 1949, p. 78.

[244] Golan, *Shinui hamapa hayishuvit*, p. 55.

[245] Segev, *1949*, p. 78.

[246] Golan, *Shinui hamapa hayishuvit*, p. 62.

[247] Ibid. p. 58.

[248] Bilby, *New Star in the Middle East*, p. 203.

[249] Golan, *Shinui hamapa hayishuvit*, p. 58.

[250] Neff, *Fallen Pillars*, p. 135.

[251] Bilby, *New Star in the Middle East*, p. 194.

[252] *Ha'aretz*, September 18, 1949.

[253] Neff, *Fallen Pillars*, p. 135.

[254] Segev, *1949*, p. 41.

[255] Ibid. p. 41.

[256] Shlaim, *Collusion*, p. 536.

[257] Ben-Gurion, *Diary*, December 14, 1949, Ben-Gurion Archives, cited in Golani, *Zionism Without Zion*, p. 50.

[258] Golani, *Zionism Without Zion*, p. 51.

[259] Neff, *Fallen Pillars*, p. 133.

[260] Ibid. Neff attributes this shift in US policy as succumbing to both *realpolitik* and pressure from Israel's American supporters.

[261] UN Trusteeship Council Resolution 114 (S-2).

[262] Nijim and Bishara, *Toward the De-Arabization of Palestine/Israel 1945-1977*, p. 58.

[263] Hudson, *The Transformation of Jerusalem*, p. 259.

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Hannah Levy with the author, Musrara, Jerusalem, May 7, 1997.

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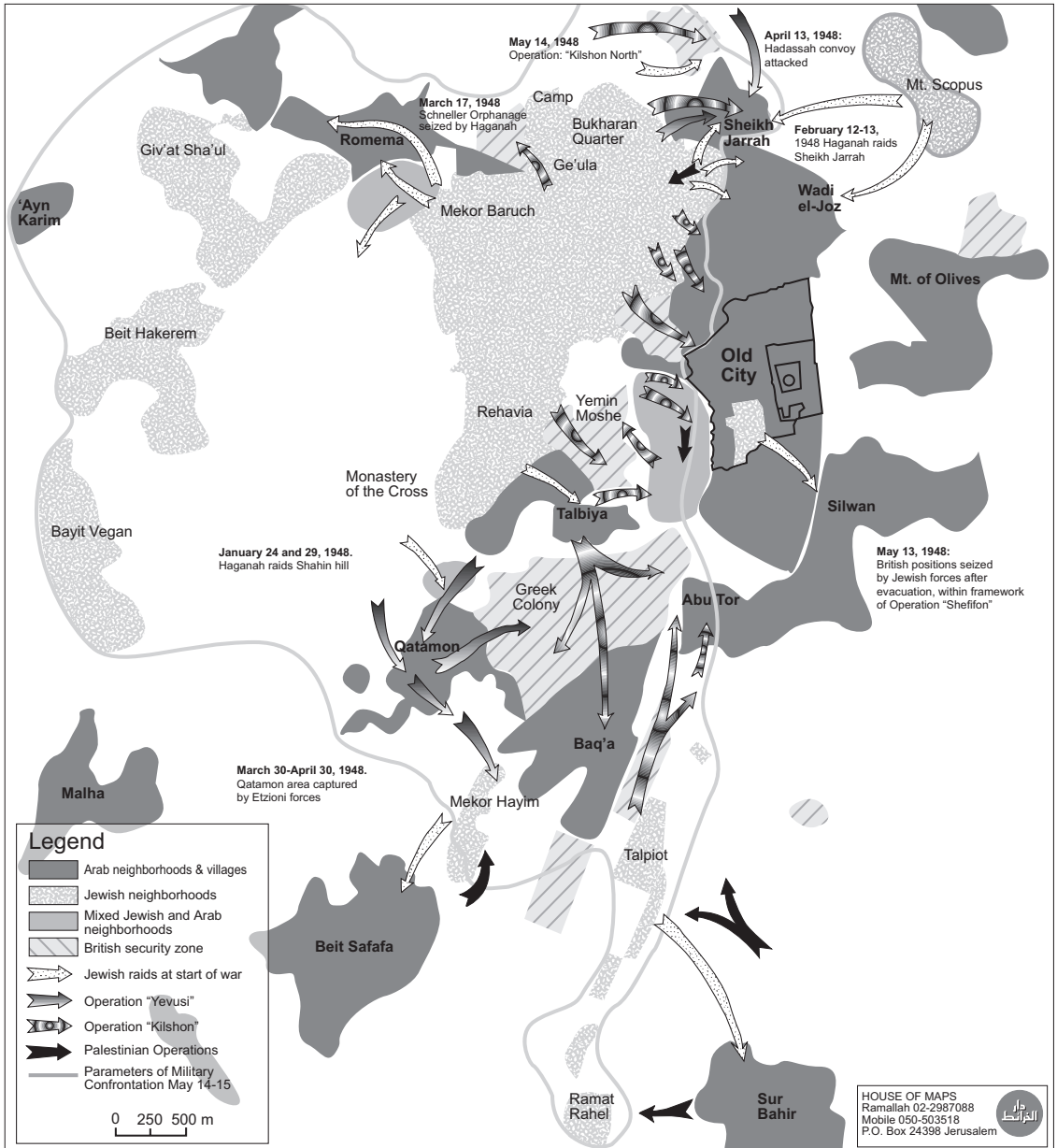Ahmad Salman with the author, Beit Safafa, May 28, 1997.

Hagit Shlonsky with the author, May 1, 1997.

Other

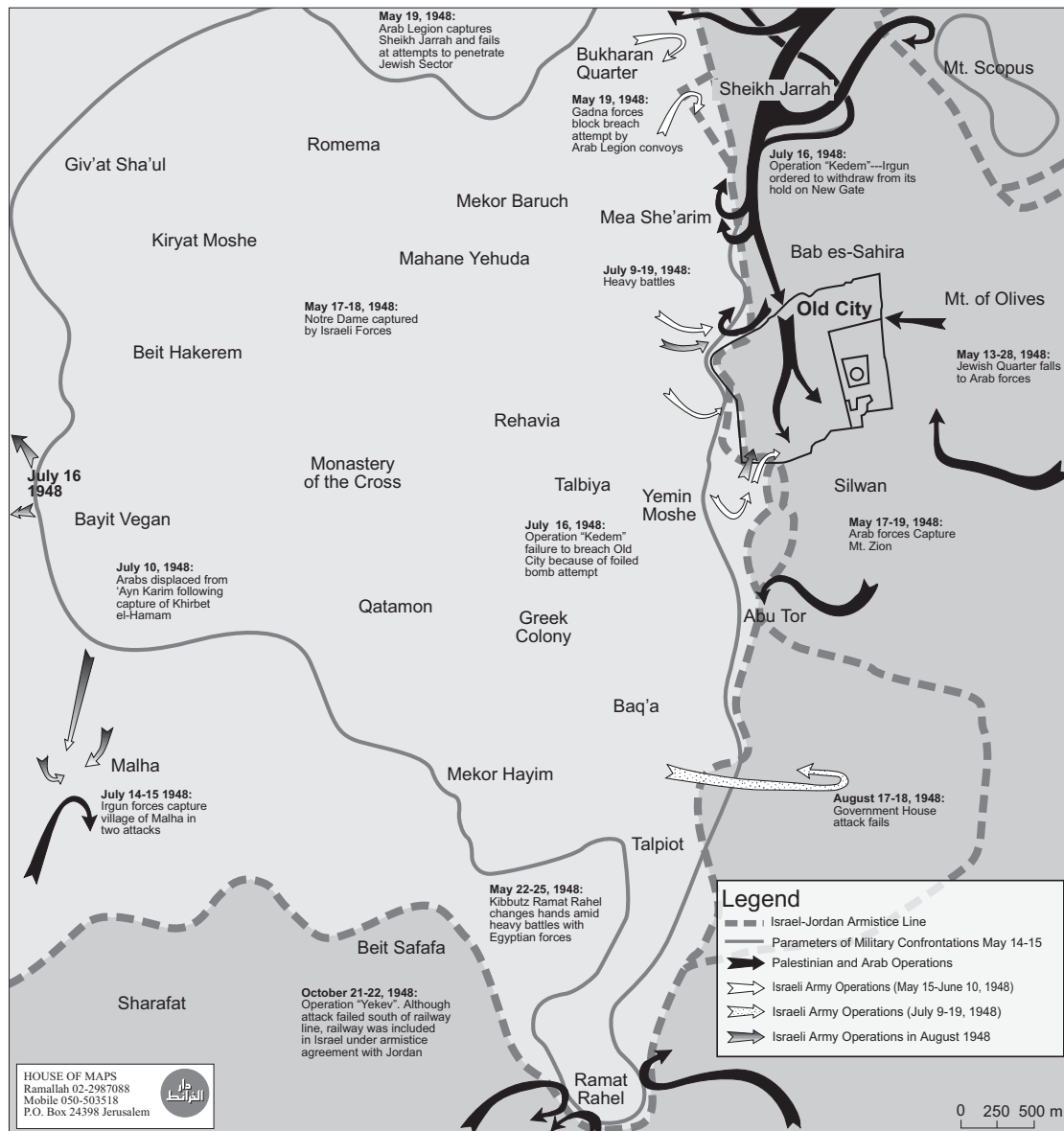Walking tour of Talbiyeh with David Kroyanker, May 24, 1997.

Map 3

Fighting and Operations in Jerusalem up until May 15, 1948

May 14, 1948 Operation: "Kilshon North"

April 13, 1948: Hadassah convoy attacked

Mt. Scopus

Camp

March 17, 1948 Schneller Orphanage seized by Haganah

Bukharan Quarter

Sheikh Jarrah

Giv'at Sha'ul

Romema

Ge'ula

February 12-13, 1948 Haganah raids Sheikh Jarrah

'Ayn Karim

Mekor Baruch

Wadi el-Joz

Mt. of Olives

Beit Hakerem

Old City

Rehavia

Yemin Moshe

Silwan

Monastery of the Cross

Talbiya

Bayit Vegan

January 24 and 29, 1948. Haganah raids Shahin hill

Greek Colony

Abu Tor

May 13, 1948: British positions seized by Jewish forces after evacuation, within framework of Operation "Shefifon"

Qatamon

March 30-April 30, 1948. Qatamon area captured by Etzioni forces

Baq'a

Malha

Mekor Hayim

Talpiot

Legend

▰	Arab neighborhoods & villages
▱	Jewish neighborhoods
▰	Mixed Jewish and Arab neighborhoods
▨	British security zone
⇨	Jewish raids at start of war
⇨	Operation "Yevusi"
⇨	Operation "Kilshon"
➡	Palestinian Operations
—	Parameters of Military Confrontation May 14-15

0   250 500 m

Beit Safafa

Ramat Rahel

Sur Bahir

Adapted from Dan Bahat, *The Illustrated Atlas of Jerusalem*. NY: Simon and Schuster, 1990, and Bahjat Abu Gharbiyyeh, *Fi khidam an-Nidal, 1916-1949*. Beirut: IPS, 1993.

Map 4

Fighting and Operations in Jerusalem after 15 May, 1948

May 19, 1948:
Arab Legion captures Sheikh Jarrah and fails at attempts to penetrate Jewish Sector

Bukharan Quarter

Sheikh Jarrah

Mt. Scopus

May 19, 1948:
Gadna forces block breach attempt by Arab Legion convoys

Giv'at Sha'ul

Romema

July 16, 1948:
Operation "Kedem"---Irgun ordered to withdraw from its hold on New Gate

Mekor Baruch

Mea She'arim

Bab es-Sahira

Kiryat Moshe

Mahane Yehuda

July 9-19, 1948:
Heavy battles

May 17-18, 1948:
Notre Dame captured by Israeli Forces

Old City

Mt. of Olives

Beit Hakerem

May 13-28, 1948:
Jewish Quarter falls to Arab forces

Rehavia

July 16 1948

Monastery of the Cross

Talbiya

Yemin Moshe

Silwan

Bayit Vegan

July 16, 1948:
Operation "Kedem" failure to breach Old City because of foiled bomb attempt

May 17-19, 1948:
Arab forces Capture Mt. Zion

July 10, 1948:
Arabs displaced from 'Ayn Karim following capture of Khirbet el-Hamam

Qatamon

Greek Colony

Abu Tor

Malha

Baq'a

July 14-15 1948:
Irgun forces capture village of Malha in two attacks

Mekor Hayim

August 17-18, 1948:
Government House attack fails

Talpiot

May 22-25, 1948:
Kibbutz Ramat Rahel changes hands amid heavy battles with Egyptian forces

Legend

- ┇ Israel-Jordan Armistice Line
- ─── Parameters of Military Confrontations May 14-15
- ➡ Palestinian and Arab Operations
- ⇨ Israeli Army Operations (May 15-June 10, 1948)
- ⇨ Israeli Army Operations (July 9-19, 1948)
- ➡ Israeli Army Operations in August 1948

Beit Safafa

Sharafat

October 21-22, 1948:
Operation "Yekev". Although attack failed south of railway line, railway was included in Israel under armistice agreement with Jordan

Ramat Rahel

0   250 500 m

Photographing Jerusalem at War:
Images from 1948

Issam Nassar

Before its division in 1948, Jerusalem was a modern city which played a central role in the life of Palestine. Not only was the process of modernization which had started in the nineteenth century already bearing fruits, but the shift from Ottoman to British rule had fostered considerable growth and development in the city. For under the British, Jerusalem ceased to be the small provincial town within a vast empire that it had been under the Ottomans. It emerged, instead, as the central city in a much smaller country. In between the railway station—built in 1882 to the south of Jerusalem—and the airport—built much later by the British to the north—there were modern roads, buildings and all the other signs of modernity.

The area stretching between the outside of the Jaffa Gate of the Old City and the French Hospital across from the New Gate was one of many busy new markets that were emerging all around. It was in this block, that the earliest local photographers of Jerusalem established Palestine's first photography studios. In a sense, the area became Jerusalem's photography market. For just as the city had its spice, meat or leather markets, the stretch outside the wall between the Jaffa and the new gates of the Old City became the destination for people wanting to buy photographs or have their picture taken.

It had all started with a young Armenian photographer named Garabed Krikorian; who after learning the new craft at the photographic workshop founded by Patriach Yassai Garbidian inside the Armenian Quarter, established Jerusalem's first studio just outside of Jaffa Gate in 1885. The court outside of Jaffa Gate was, at the time when Krikorian opened his shop, Jerusalem's "Central Station." Not

only was the location packed with horse carriages, cars and travelers arriving from the villages nearby as well as from Jaffa and Bethlehem, but it was next to Hotel Fast, Jerusalem's main hotel at the time and to Thomas Cook Travel Office. Although we cannot be certain about Krikrorian's reasons for choosing the site for his shop, it would seem safe to assume that it was connected to the area being the main tourist stop in town. After all, Holy Land pictures were in demand all around the world. Nonetheless, regardless of the original reasons, the fact remains that Krikorian's shop was the first of a number of photographic studios that opened in the block. His disciple and apprentice, Khalil Raad, soon followed him and in 1890 established his own studio just across the street from his master's shop.

By the 1940s there were several studios in Jerusalem and a considerable number of photographers who either worked in these studios or simply placed their cameras somewhere around the area or in one of the many city markets. Among the best known photographers of the time were Johhanes Krikorian, Khalil Raad, Hanna Safieh, Ali Zarour, Sam'aan Sah'har, Studio Elia and the photographers of the American Colony. Several Jewish photographer also worked in Jerusalem and offered their services to the Arab and Jewish communities in the city.

In light of all the flurry of photographic activity in the city, it seems surprising—to say the least—that Jerusalem's Arab and Armenian photographers would not devote their attention to capturing the events that were unfolding around them in 1948. The reasons behind such lack of documentation of the war lies, I believe, in a number of factors relating to the loss of the western suburbs after the fall and division of the city. For the photographic district of the city that I have been referring to was transformed into a border. The studios of Raad and Sah'har became inaccessible to their owners who had to retreat inside the Old City for their own safety. The shop of Hana Safieh on Jaffa Road fell to Israeli control and Safieh himself was unable to bring into the Arab section of the city much of his own collection. In contrast, the Jewish commercial centers of the city, where Jewish photographic establishments were most likely located, remained intact and fell under control of the newly created state of Israel.

Thus, Arab and Armenian photographers's having lost access to their centers of life and work, the visual recording of the events surrounding the fall of the city remained mostly within the power of Israeli and Zionist photographers. To reconstruct the events surrounding the loss of the Arab suburbs in 1948 based on Israeli photographic archives, however, is very problematic. Among other things, the bulk of the pictures taken by Israeli photographers were pictures of locations taken after their Arab population had fled; they captured a number of emptied city locations, from the viewfinder of the cameras of one side of the conflict.

The photographs published here attempt to illustrate the loss that the Palestinians sustained in Jerusalem. Because many of them were taken by Israeli photographers who captured the scenes "after the fact", as it were, the plight of the Palestinian refugees remained outside of the picture frame. And yet, the argument can be made that these pictures represent a dramatic testimony of it. For seeing the Palestinian environment, streets, century old buildings, furniture and ruins without the people is the most accurate reflection of the nature of the process of colonization of the western part of Jerusalem. The photographs of Ein Karem illustrate the point in a rather keen way. In one of them, we see the village fountain with a number of Jewish immigrants fetching water (lower picture on page 157). The immigrants have just arrived in the village and the buckets they are using, with the logo of the new state, reflects that clearly. But the fountain, far older itself than the buckets they are carrying and the state which imprinted its logo on them, is testimony of a life and a history that preceded the one in the picture. It is in such a history that the evicted population of Ein Karem is present and will continue to be so as long as the fountain itself is standing. For to anyone familiar with the history of the place, the contrast between the century-old homes, streets, fountains and olive groves and the newly arrived Jewish immigrants is, first and foremost, an acute allusion to the process of dispossession and depopulation that the city was subject to. It is as if the Palestinians, through their very absence, inhabit all images.

The owners of the homes in the photographs are like the little hunchback in the folksong that Walter Benjamin once commented on. "This little man," Benjamin wrote, " is at home [but] in distorted life." And when the current inhabitant of his home attempts to go to sleep, as the song says, he is confronted by the fact that this invisible little man is there.[1]

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[1] Walter Benjamin, *Illuminations*, edited with an introduction by Hannah Arendt, translated by Harry Zohn (New York: Schocken, 1968), p. 134.

Jaffa Road outside the walls of Jerusalem, 1890s. *Photograph by Zangaki. Private collection, Issam Nassar*

Khalil Raad's photoshop on Jaffa Road outside the Jaffa Gate. *Photograph by Khalil Raad, collection of the Institute for Palestine Studies (IPS)*

Public meeting at the Train Station southwest of the Old City. *Photograph by Khalil Raad, collection of IPS.*

Talbiya neighbourhood, early 1940s. *Photograph by Khalil Raad, reprinted from Before Their Diaspora, edited by Walid Khalidi. Washington D.C.: IPS 1991.*

The Barclay's Bank at the municipal building outside of the New Gate of the Old City in the 1930s. *Photograph by Khalil Raad, collection of IPS*

An Arab owned building at the intersection of Ben Yehuda and King George streets, 1940s. *Photographer unknown, IPS.*

Musrara neighbourhood viewed from the southeast, 1910. *Photographer unknown, private collection.*

The Jerusalem Girl's College, 1920. *Photographer unkown, reprinted from Before Their Diaspora.*

The children of the Merhej and Krikorian families, 1932. *Photograph by Johannes Krikorian, Fondation Arab Pour l'Image-Aida Krikorian Kawar collection.*

Jerusalem families in Nablus, 1925. This gathering brought together members of prominent Christian and Muslim families from Jerusalem and Jaffa, as well as Nablus. At the center of the gathering, standing, bare-headed and in a white suit, is Ya'qub Farraj, the doyen of the Palestinian Greek Orthodox community, who succeeded Musa Kazem Pasha al-Huseini as the head of the Palestine Executive Committee at the latter's death in 1934. In the first standing row, the second gentleman from the left is a leader of the Jewish Samaritan community of Nablus. Dr. Hassan Khalidi, a physician, and Suleiman Tuqan, later mayor of Nablus and defense minister in 1958 in the ill-fated Iraqi-Jordanian Confederation, are the third and fourth in the row, respectively. Standing behind Tuqan is Linda Khouri, mother of Hanna Nasir, current president of Birzeit University. To her left is Mitri Farraj who worked for the British Mandate administration as a District Commissioner in Nablus. Standing below Mitri Farraj and to the left of Ya'qub Farraj is Andoni Khouri, the mukhtar of the Greek Orthodox community in Jaffa and a timber merchant. The lady behind the priest is Evelyn Khouri Baramki, mother of Gabi Baramki, former vice-president of Birzeit University. The seated lady, second from the right, is Nada Khouri Farraj, Mitri's wife. The child she is holding is Fuad, formerly representative for Jerusalem in the Jordanian parliament. *Photograph by Khalil Raad, reprinted from Before their Diaspora.*

Advertisement for cars, distributed by Shukri Deeb. *Reprinted from Before Their Diaspora.*

Israeli armoured vehicles from the Palmach, Jerusalem hills, October 1948. *Photographer unknown, Israeli Government Press Office (GPO).*

Israeli soldier on an armoured tank in the hills of Jerusalem 1948. *Photographer unknown, GPO.*

Zionist forces attack Qatamon home, 1 May 1948. *Photographer unknown, GPO.*

Fighters from al-Jihad al-Muqaddas. 'Abd al-Qadir al-Huseini is standing in the middle in the light jacket, 1948. *Photographer unknown, Arab Studies Society Collection.*

King David Street late 1940s. *Photographer unknown, the collection of IPS.*

King David Street with the Y.M.C.A and the King David Hotel in distance. *Photographer unknown, the collection of IPS.*

Road block on King David street with the Y.M.C.A building in the center and Salameh's shop to the side, 1948, *Photographer unknown, GPO.*

Road block in Mamila, 22 November 1948. *Photographer unknown, GPO.*

The village of Ein Karem near Jerusalem, 9 October 1920. *Photographer Larsson, the collection of GPO.*

Israeli soldiers near a truck full of what appears to be furniture in Ein Karem on 1 October 1948, three months after the village was occupied and its people evicted and two months before the start of Jewish settlement in the village. *Photographer unknown, GPO.*

New Jewish immigrants fetching water from communal fountain (ein) in Ein Karem, 1 June 1949. *Photographer unknown, GPO.*

Jewish immigrants moving a couch in Ein Karem from an abandoned home, 1949. *Photographer unknown, GPO.*

New Jewish immigrants moving into Arab houses in the Musrara neighbourhood, 1948. *Photographer unknown, reprinted from Divided Jerusalem by Avi Brali, 1984. (Hebrew)*

The Jewish Quarter under attack during the war. *Photograph by Hanna Safieh, reprinted from A Man and His Camera: Photographs of Palestine 1927-1967, Raffi Safieh, 1999.*

Jewish prisoners of war from the Old City, with Arab Legion Officers Abdullah al-Tal and Kamil 'Eriqat, 1948. *Photographer unknown, Arab Studies Society Collection.*

Scene of devastation in the Palestinian residential quarter of Musrara, April 1948. *Photograph by Hanna Safieh, reprinted from Before Their Diaspora.*

General view of the eastern part of Jerusalem across the Mamila Cemetery. *Photographer unknown, GPO.*

Family from Lifta: Haj Salih Siyam, Hajja Halima Muhammed Isma'el, and their children, from left, Mahmoud, Ahmed, and Muhammed. *Photographer unknown, reprinted from Lifta by Sharif Kana'nah and Lubna Abdelhadi, Destroyed Villages Series, no. 12. Birzeit University, 1991.*

Border fence dividing the village of Beit Safafa on the outskirts of Jerusalem. The picture is taken from the Israeli side of the fence and the homes in the picture are in the part that was under Jordanian control. *Photograph by Cohen Fritz, GPO, 1 November 1964.*

The Mandelbaum Gate, the only point of entry between Jordanian East Jerusalem and the Western part. *Photographer unknown, GPO.*

United Nations Conciliation Commission cars crossing through Mandelbaum Gate, 24 January 1949. *Photograph by Eldan David, GPO.*

Tannous building, King George Street, early 1940s. *Photographer unknown, reprinted from Before their Diaspora.*

Tannous building, 1998. *Photograph by Rochelle Davis.*

Sansour building on Jaffa and Ben Yehuda roads, 1935. Notice the Tannous building in the center-left of the photo. *Photographer unknown, GPO.*

Sansour building, 1998. *Photograph by Terry Rempel.*
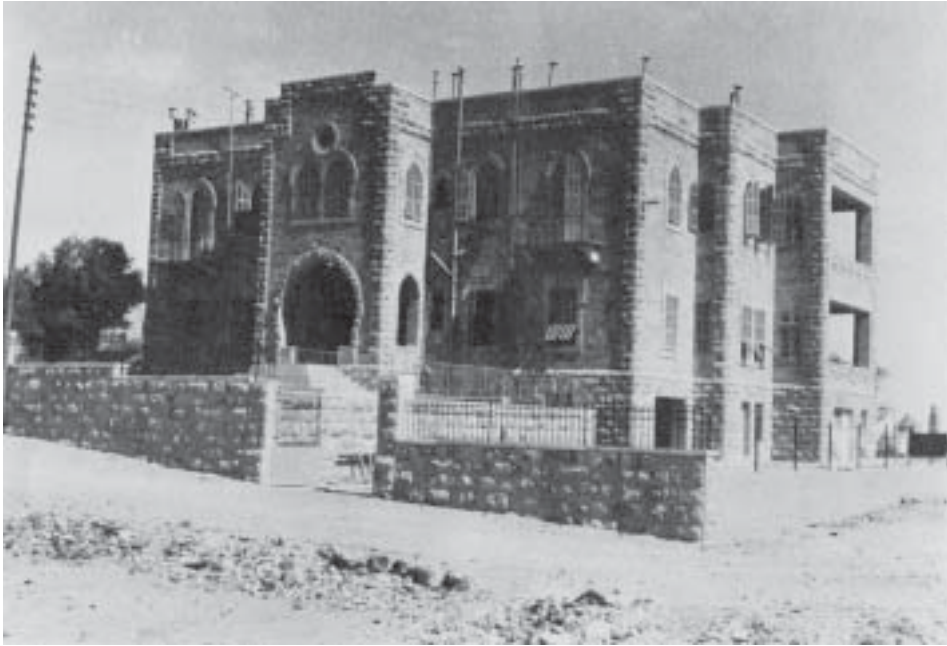
Jamal family home, Talbiya, early 1940s. *Photograph by Khalil Raad, reprinted from Before their Diaspora.*

Jamal family home, 1998. The bottom floor is now a 'club' for new immigrants, the back side and top floor are private residences. Note the ironwork at the bottom of the gate which has a stylzed 'Jamal' written in English. *Photograph by Rochelle Davis.*

Assessing Palestinian Property in West Jerusalem

Dalia Habash and Terry Rempel

*A*t the time of the UN Partition Plan in November of 1947, Palestinian Arabs individually owned as much as 40 percent of the property in the new city of Jerusalem as compared to the 26 percent owned by individual Jews. The remainder of the property in the new city was held by religious communities and the British Mandate government.[1] In the course of the 1948 war which followed the decision of the United Nations to partition Palestine into a Jewish and an Arab state, Palestinian Arab residents from the western neighbourhoods and villages of Jerusalem were expelled and evacuated, leaving behind most of their property and belongings to which they hoped to return after the end of the war.

When the war did come to an end, however, the newly established state of Israel, which controlled the western areas of Jerusalem, refused to allow the refugees to return to their homes and lands. Zionist leaders refused initially to compensate refugees for their properties, many of which were subject to vandalism, looting and demolition. All credits, including demand deposits, savings accounts, guarantee funds, financial instruments of all sorts, jewels and other valuables in safety deposit boxes belonging to the refugees were frozen. Henry Cattan, a Palestinian lawyer from western Jerusalem, described the events that took place during the 1948 war as of one the "greatest mass robberies in the history of Palestine." [2]

Soon after the eviction of the Palestinian Arabs from their homes in West Jerusalem, the property was placed under the authority of the Israeli Custodian of Abandoned and later Absentee Property, appointed by the newly formed government of Israel. The Custodian was not only in charge of administering the property, but also in distributing the property to any prospective Jewish buyer. Hirst characterized the role of the Custodian as one who was not in charge of preserving the property for its rightful owner, but of depriving the owner of his property.[3] In other words,

Palestinian Arab refugee property controlled by the state of Israel was expropriated in order to transfer its tenure from Arab to Jewish ownership, even though the 1947 Partition Plan expressly stated that no land owned by Arabs in the Jewish State was to be expropriated except for public purposes.

This chapter, based on documents of the Palestine Conciliation Commission and several secondary sources, examines the work of the United Nations immediately after the 1948 war concerning restitution of Palestinian refugees from Jerusalem. The chapter examines the shortcomings of the UN effort as well as subsequent evaluations of Palestinian property which attempt to provide a more accurate and inclusive evaluation of refugee losses. While some of these studies assign specific monetary values to types of property losses in Jerusalem, most studies concentrate on aggregate evaluations of property losses in all of Palestine. Wherever possible, the chapter attempts to extrapolate evaluations specific to Jerusalem in order to provide a general picture of the scope of Palestinian losses in the city in 1948.

Restitution and the Palestine Conciliation Commission

The return of Palestinian Arab refugees and compensation for damage or losses to their property was raised by the United Nations well before the conclusion of the 1948 war. In his report of 28 June 1948, the UN-appointed Mediator Count Folke Bernadotte stated that "recognition [should] be accorded to the right of residents of Palestine to return to their homes without restriction and to regain possession of their property."[4] Later that summer the Mediator attempted to apply this principle by calling for the return of some 1,600 refugees from Ajanjul and Buweiriya northwest of Jerusalem just inside the Ramleh sub-district.[5] In his first Progress Report to the UN General Assembly, the Mediator wrote:

> No settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the homes from which he has been dislodged […] It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.[6]

While the United Nations had failed to implement General Assembly Resolution 181 (the Partition Plan), which affirmed the protection of Arab and Jewish property rights and the principle of compensation, it adopted other measures to protect the property rights of Palestinian Arab refugees.[7] These measures were, in large part,

based on the recommendations of the UN Mediator, and became the basis of General Assembly Resolution 194, the primary legal document concerning Palestinian Arab refugees. In the conclusion of his September 1948 report, Bernadotte noted that,

> The right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations, and their repatriation, resettlement and economic and social rehabilitation and payment of adequate compensation for the property of those choosing not to return should be supervised and assisted by the UN Conciliation Commission.[8]

The right of refugees to return to their properties was mentioned no less than nine times in the Mediator's first report. It was, according to Bernadotte, an "unconditional right" of the refugees "to make a free choice [which] should be fully respected."[9] The report also noted that despite Israeli claims for indemnities from Arab states, the government of Israel was responsible for the provision of compensation to Palestinian Arab refugees whose properties were damaged during the war.[10] The Mediator based his recommendations on established principles of international law as well as reports which he had received describing unnecessary plunder, looting and the destruction of Palestinian Arab villages by Zionist forces.

> Most of the refugees left practically all their possessions behind [...] Moreover, while those who had fled in the early days of the conflict had been able to take with them some personal effects and assets, many of the late-comers were deprived of everything except the clothes in which they stood, and apart from their homes (many of which were destroyed) lost all furniture and assets, and even their tools of trade.[11]

Based on Bernadotte's recommendations, the United Nations moved to secure the property rights of the Palestinian Arab refugees who had hoped to return to their homes and lands when the war ended. With Bernadotte's report in hand, the UN General Assembly adopted UN Resolution 194 (III) on 11 December 1948, nearly a year after the first Palestinian Arabs were expelled from Jerusalem. Paragraph 11 of the Resolution outlined the guidelines for refugee restitution,

> refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date [while] compensation should be paid for the property of those choosing not to return and for loss or damage to property which,

under principles of international law or in equity, should be made
good by the Governments or authorities responsible.[12]

The Resolution, which terminated the position of the UN Mediator also called
for the establishment of a Palestine Conciliation Commission (PCC) whose purpose
was to assume the functions accorded to the Mediator and "[t]o carry out the specific
functions and directives given to it by the present resolution and such additional
functions and directives as may be given to it by the General Assembly or by the
Security Council."[13] This included Paragraph 11 which called for the return and
compensation of Palestinian Arab refugees and the implementation, as regards
Jerusalem, of the *corpus separatum*. By March 1949, the Commission had taken
steps to secure the services of an expert to carry out preparatory studies and work
concerning the refugees. The Commission also held the first of several meetings
with heads of refugee committees (including the Congress of Refugees of Ramallah
and the Jaffa and District Inhabitants Committee), non-governmental organizations,
and government officials from the region.

In the spring of 1949, the Commission presented several proposals for safeguarding
the rights and properties of the refugees to be presented at a conference in Lausanne,
Switzerland. These included measures to facilitate the return of orange groves along
with necessary laborers, the reuniting of refugee families and the unfreezing of refugee
bank accounts and other safe deposit assets blocked by Israel. The Commission
proposed several further measures to protect refugee properties and rights. It called
for the abrogation of the Israeli Absentees' Property Law, the suspension of all
measures of requisition and occupation of Arab houses, and the unfreezing of *waqf*
property.[14] By September 1949, the Commission reported progress on family
reunification and the unfreezing of refugee accounts, but noted that Israel had refused
the Commission's entreaties to allow owners of orange groves to return to look after
their crops.[15] The Israeli government also informed Commission officials that it was
unable to abrogate the Absentee Law or suspend measures it was taking concerning
refugee property.[16] At the end of 1949 the UN adopted Resolution 302 (IV) which
established the United Nations Relief and Works Agency to address the second part
of Paragraph 11 of Resolution 194 which called for assistance in the resettlement and
social and economic rehabilitation of the refugees.[17]

The Commission also recommended that a mixed group, supervised by the
United Nations or by a neutral expert, be established to study the issue of property
and compensation.[18] The group would be responsible for the supervision or
conservation of existing properties including orange groves, the determination of
ownership of properties, and the evaluation of property damages. The group was
instructed to begin gathering documents such as microfilms of the property registers

of the British Mandate government from the British Colonial Office in London. The Secretariat of the UN further provided the Conciliation Commission, composed of France, Turkey and the United States, with several Working Papers with respect to the meaning of Paragraph 11 of Resolution 194 and the concommitant responsibilities and obligations rendered thereof by the Commission.

The first Paper, dated October 1949, dealt with the legal interpretation of the operative Paragraph 11 of Resolution 194 concerning compensation.[19] The Secretariat noted that the Resolution affirmed two types of compensation: payment to refugees not choosing to return to their homes; and, payment for the loss of or damage to property which under principles of international law or in equity should be made good by the governments or authorities responsible. As regards the meaning of the latter, the Secretariat stated that while the Resolution did not affirm compensation for ordinary war damages, its legislative history implied that the Resolution affirmed compensation for "looting, pillaging, and plundering of private property and destruction of property and villages without military necessity." These acts, stated the Secretariat, were all violations of the laws and customs of war on land as defined by the Hague Convention of October 1907.[20] In a Paper, dated March 1950, the Secretariat furnished the Commission with a list of historical precedents for restitution of property or payment of compensation to refugees.[21]

Still attempting to gain Israeli compliance with Paragraph 11 of 194, the Commission proposed the establishment of a mixed committee in early 1950 to look into Egyptian proposals of the previous fall for the return of some refugees residing in Gaza to cultivate their lands.[22] While the Palestinian Arab inhabitants of Abasan and Akhzah were eventually allowed to cultivate land in Israel-held territory with the creation of a special zone, the return of the refugees at large was rejected by Israel.[23] The Commission was informed by Israel that apart from limited repatriation the real solution lay in resettlement of the refugees outside the territory held by Israel.[24] The Commission did make progress, however, concerning the estimated 4 to 5 million Palestinian pounds in blocked refugee accounts in Israel.[25] A decision was made to release an advance of 100 pounds on all accounts until the procedures for the release of the accounts were finalized.[26] With little apparent progress being made concerning Paragraph 11 of Resolution 194 two years after the establishment of the Commission, however, the UN General Assembly adopted a resolution at the end of December 1950 calling upon the PCC once again "to make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of Paragraph 11 of Resolution 194 [...] and to take measures for protection of the rights, property, and interests of the refugees."[27]

General Assembly Resolution 394 also called for the creation of Refugee Office to facilitate the implementation of Paragraph 11 of Resolution 194. The Office

would be furnished with a legal expert, economic expert and a land specialist. The Commission also asked Israel for assurances that no measures would be taken which would impair the tasks of the Refugee Office. No reply was received from Israeli officials in response to the Commission request. Ten days earlier, the General Assembly adopted Resolution 393 which established, without prejudice to Resolution 194, a so-called reintegration fund to which Israel later offered to contribute 1 million Israeli pounds on account of refugee compensation, provided that payment into the fund would release Israel from all individual Palestinian Arab refugee claims.[28] The Israeli government maintained, however, that compensation could not be imposed on the state and that any conclusions reached by the Refugee Office would not prejudice Israel's compensation policy.

In August 1951, the Commission brought forward another proposal for the consideration of the Israeli and Arab delegations who had agreed to attend a second conference in Paris in September 1951. The Commission was already beginning, however, to scale back its efforts with regard to Paragraph 11 due to Israel's consistent rejection of the Paragraph and Israeli measures to actively prevent the return of refugees by creating a *fait accomplis* on the ground. The Commission noted that,

> [w]hen, in 1948, the General Assembly first resolved that the refugees should be permitted to return to their homes, the land and houses which these people had abandoned in their flight were considered to be still, for the most part, intact and unoccupied. […] all that would have been necessary was for those refugees who wished to do so to undertake the journey of return […] The physical conditions […] have changed considerably since 1948. The areas from which the refugees came are no longer vacant, and any movement of return would have to be carefully worked out and executed with the active cooperation of the Government of Israel.[29]

Around 85 percent of the 531 Palestinian Arab villages depopulated in the course of the 1948 war were almost completely destroyed with, at most, one house standing. Apart from depopulated Palestinian Arab urban neighbourhoods which, by and large, remained intact, the vast majority of Jewish immigrants were settled in areas in which Jews lived prior to 1948.[30] The work of the Refugee Office was further complicated in March 1951 after the Iraqi government froze all assets of Iraqi Jews who were leaving to settle in the new Jewish state. The Israeli government informed the Commission that the value of Jewish assets in Iraq would be deducted by Israel from any claims made by the Palestinian Arab refugees. Nevertheless the Commission and the UN General Assembly continued to call for the full implementation of Resolution 194.

The Commission proposal for the September Paris conference called for a cancelation of war damages for both Israel and the Arab states; Israeli acceptance of specified number of refugees who would be integrated into the economy; Israeli acceptance of the obligation to pay, based on its ability; the unfreezing of all bank accounts in the region and an agreement in principle regarding armistice agreements.[31] Israel, however, had already made it clear to the Commission that it rejected the return of refugees while compensation would be contingent on considerable international financial aid and only be considered by the state as part of a global peace settlement. Both Israel and the Arab states rejected key components of the proposal, most notably the suggestion that consideration of war damages be disgarded. The Refugee Office, meanwhile, was able to obtain little more than the promise of assistance from the Israeli government with regard to the evaluation of abandoned property.

By the time of the Paris Conference, the PCC had established its Refugee Office, retained the services of J.M. Berncastle, who held the post of Chief Land Valuer in the Department of Land Settlement under the Mandate government, and had nearly completed the global evaluation of refugee losses. In November 1951, Berncastle completed the global assessment of Palestinian Arab refugee losses and submitted his report which was tabled in the UN General Assembly. The report included a description of methods and a summary of the final results. He concluded that a total of 16,324 sq. km out of a total area of 26,320 sq. km were abandoned Arab lands.[32] This included approximately 280 sq. km of rural land in the Jerusalem sub-district and over 7 sq. km in urban Jerusalem lands or combined about 18 percent of the Jerusalem sub-district.[33] Jewish-owned land in the area of the sub-district occupied by Israel amounted to 26 sq. km.[34] The remainder of the sub-district which totaled 1,570 sq. km fell under Jordanian control. The term "lands" included not only the land but "anything attached to land," such as buildings and trees according to relevant Ordinances of the British Mandate government.[35]

The Refugee Office considered four methods of identification of land ownership. These included a refugee questionnaire which would be checked against the Land Registers of the Mandate government; the Land Registers; records of the Custodian of Absentee Property appointed by the Israeli government; and, *Village Statistics 1945* issued by the British Mandate government. The Refugee Office decided to base its estimates on *Village Statistics* as it felt that both the Registers and a questionnaire would not provide a complete factual record. The use of the Custodian records, furthermore, would be inappropriate, it felt, as Israel was an interested party. *Village Statistics* on the other hand, provided a record of the extent of land by village and town, the nature and use of land and type of ownership (Arab, Jewish, State, etc.). It also provided figures for rural and urban property tax payable in

each town and village.

In its evaluation the Office considered the use of prices recorded in the Land Registers supplemented by inspection on the ground; the tax assessments for rural and urban property in *Village Statistics*; and, a combination of Arab and Israeli expert opinion along with the knowledge of the UN appointed land specialist. The use of the Registers was once again disgarded due to the absence of an accurate and complete correlation between the registration of land parcels and their value on the date of registration as well as the considerable fluctuation of land values. The evaluation used by the Refugee Office was therefore based on *Village Statistics* and the opinions of the Refugee Office land specialist along with the opinions of Arab and Israeli experts. Furthermore, the Office adopted several principles to guide its evaluation. The Office felt that the valuation should be based on the existing use value; speculative elements which exceed the normal should be ignored; the date of valuation should be 29 November 1947, the partition date under UN Resolution 181; and, uncultivable land would not be assigned a value.[36] Using this formula, Berncastle assessed the value of the abandoned Palestinian Arab land at 100,383,784 Palestinian pounds or 280 million dollars at the dollar-pound exchange rate in 1951.[37] This was divided into 70 million pounds in rural property with the remainder as urban property.[38]

As regards refugee property in Jerusalem, which the Office dealt with separately because of the division of the city into three zones, Berncastle based his assessment on the register compiled by the Israeli Custodian of Absentee Property which contained a list of 3,660 separate parcels.[39] The register gave a number and description to each parcel and an assessment of the capital value. In total, these lands were assessed at 9,250,000 Palestinian pounds.[40] The built-on areas of villages, tax category 4, was assigned a value of 150 pounds per dunum. Based on a total built-on area of 1,435 dunums in the four western villages that were later annexed to Jerusalem, namely Deir Yasin, Lifta, 'Ayn Karim and al-Malha, the valuation of these lands was afixed at just over 200,000 pounds.

Table 1   PCC Evaluation of Palestinian Arab Village Lands in Western
                     Jerusalem [41]

Village	Area (dunums)	Evaluation (Palestinian pounds, 1947)
'Ayn Karim	13,667	561,049
Deir Yasin	2,704	12,455
Lifta	5,396	86,010
al-Malha	5,904	153,316
TOTAL	27,671	812,830

Table 2   Palestinian Arab Village Land Distribution According to Tax
Category (dunums)[42]

Village	1-3	4	5-8	9-13	14-15	16A	16B
'Ayn Karim		1,024	7,953	1,175		3,332	183
Deir Yasin		12		601	155	1,933	3
Lifta		313		2325		2,626	132
al-Malha		86	2613	711	302	2,087	107

Assessment of the remaining land of these villages which fell under Israeli control, according to rates per tax category, amounted to around 600,000 pounds. As Berncastle only included individual owned property, this estimate excluded 37 percent of the land of these villages defined as uncultivable or used for roads etc., that fell, respectively, under tax categories 16 A and B.

Berncastle also assigned an estimate of 21,570,000 Palestinian pounds to movable lost property. The Office considered three approaches which were used without attaching greater significance to one or the other. These included a calculation based on a percentage of the immovable property[43]; a calculation based on a percentage of the national income[44]; and, a calculation based on the aggregate values in 1945 of various descriptions of property grouped under the heading of movable.[45] The use of a random sample survey of refugees who would fill out a questionaire listing the extent and value of their movable and immovable property in order to work out a relationship between movable and immovable property from which an estimate evaluation could be ascertained was rejected because of difficulties in verifying refugee questionnaires. Using these methods, losses in movable property from Jerusalem and the four western villages were estimated to be between one and a half and three and a half million Palestinian pounds.

Table 3   PCC Estimates of Movable Property (Palestinian pounds, 1947)[46]

Type	Total	of which Jerusalem
% of value of immovable property	21,570,000	3,482,010
% of national income	18,600,000	1,653,540
1945 estimate of movable property	19,100,000	1,697,990

The Office requested information from Israeli authorities as regards expropriated movable property in September 1951 but received no response. Berncastle acknowledged, however, that the figures derived for Palestinian Arab refugee losses

in movable property only represented an estimate. The Office felt that some property did not lend itself to global evaluation while it was difficult to determine how much movable property the refugees had taken with them, how much had been looted and how much had been expropriated by the Israeli government.

With little progress to show outside of the global assessment completed by Berncastle, the Commission finally obtained the compliance of the Israeli government in 1952 to a scheme for the gradual release of Palestinian refugee assets held in financial institutions. The release scheme had been held up by Israel due to the linkage it made with the release of Jewish accounts in Iraq and what Israel viewed as the "Arab's uncooperative attitude."[47] By 1953 Israel had turned over a first installment of nearly three-quarters of a million Palestinian pounds. By the end of May 1953 1,000 forms had been filed by refugees from Lebanon, Syria and Egypt seeking the release of their frozen accounts. By August the number of claims for frozen accounts had more than tripled.[48] Despite some complications in August of 1954 when the Israeli government suddenly requested negotiations with the depositors, the accounts were slowly released to the refugee account holders.

Table 4   **Release of Refugee Bank Account Assets Frozen by Israel, 1953-1966** [46]

Date of Release	Accumulative Amount (Palestinian pounds, 1947)
December 1955	2,538,642
August 1956	2,633,175
April 1958	2,658,691
June 1959	2,781,164
June 1960	2,783,433
June 1961	2,790,045
July 1962	2,771,680
July 1965	2,801,008
July 1966	2,802,110
First Installment 1953	740,408
TOTAL as of 1966	**3,595,160**

Under the scheme, however, Israel imposed a 10 percent compulsary national loan while significant fees for administration of the accounts were exacted by the Israeli Custodian of Absentees' Property. In response to inquires by the Commission, Israel claimed that refugees would receive a refund on all accounts and that the transfer of accounts greater than 500 pounds to the Custodian of Absentees' Property

would not impair the return of the assets.[50] The League of Arab States, however, provided some examples of the fees levied on Palestinian refugee assets. A statement on one refugee account from Barclay's Bank in Haifa, for example, showed deductions of 342 pounds for the national loan and 2,577 pounds for the Custodian on a balance of 3,420 pounds.[51] A scheme was also devised for the release of refugee assets, such as safety deposits held in Israeli banks.

Table 5   Release of Other Refugee Assets Frozen by Israel in Aggregate Total, 1956-65 [52]

Date	Boxes and Parcels	Dossiers of Palestinian Bearer Bonds	Dossiers of Other Bonds	Lockers (Safe Deposit Boxes)
August 1956	24	250	203	102
December 1957	29	291	246	119
June 1959	29	297	263	121
August 1965	48	274	332	178
Balance to be released December 1965	12	526	102	35

Following the completion of the global assessment and with still no success on facilitating the return of the refugees, the land specialist of the Refugee Office was instructed to seek out the possibility of embarking on an assessment of individual refugee losses using the Land Registers of the British Mandate, the Rural Tax Distribution Lists and the Urban Field Evaluation Sheets.[53] In May 1954, the Commission established a sub-office in Jerusalem to help move its work forward on identification and evaluation of individually owned Palestinian refugee property due to ommissions and illegible print in the microfilmed registers obtained from the British Colonial Office. The Refugee Office examined the following documents:

(a) Microphotographs of registers of title supplemented by the original registers when the microfilm was missing or defective;
(b) Registers of deeds;
(c) Tax distribution lists and, failing these, taxpayers' registers;
(d) Field valuation sheets and, failing these, valuation lists and taxpayers' registers;
(e) Schedule of rights (only in respect of blocks for which no registers of title had been prepared);
(f) Parcel classification schedules;
(g) Land registrars' returns of dispositions;
(h) Village maps and block plans.

Two years previously, the Commission recruited Sami Hadawi as Land Specialist. Hadawi had also worked for the British Mandate government in the Department of Land Settlement responsible for the assessment of urban property and classification of rural lands for taxation. Frank Jarvis, a British citizen, took over the work as Land Expert in 1956 and followed it through to completion in 1964.

In order to establish more detailed data, record forms were prepared for each parcel of land (RP/1) owned by Palestinian Arab individuals, including property owned in partnerships, companies and cooperatives. The following information was extracted from documents examined by the Refugee Office:

> (a) Location (sub-district, town or village, locality, registration or fiscal block number, parcel number);
> (b) Area (in metric dunums and sq. meters);
> (c) Description (nature of the land, e.g. arable, plantation, building, etc., description of buildings with number of rooms, etc.);
> (d) Names of owner or owners;
> (e) Shares (where there was more than one owner the share of each partner is given in the form of a fraction);
> (f) Rural property tax category (under the Rural Property Tax Ordinance, rural land was divided for taxation purposes into seventeen categories, ranging from the most valuable, i.e. citrus plantations, to the least valuable, i.e. uncultivable land);
> (g) Urban property tax assessment (under the Urban Property Tax Ordinance, urban property was assessed for taxation on the basis of its net annual value; where the land was not built upon its net annual value was a prescribed percentage of its capital value as building land);
> (h) Encumbrances (including charges such as mortgages, leases and attachments);
> (i) Particulars of any sale which took place between 1 January 1946 and 29 November 1947, whether of the property as a whole or of shares in it, including the financial consideration as declared by the parties and as assessed by the registrar of lands.

Separate forms were prepared to record land owned by religious bodies. The Land Expert also prepared lists (RP/3) to record land classified as state domain, Jewish and other parcels of land not owned by Arabs.[54]

The Refugee Office examined two types of land, settled and non-settled. Settled land referred to land which had been registered under the Land (Settlement of Tithe) Ordinance.[55] Information regarding refugee properties in this category could be retrieved from the microfilm copies of the Registers of Tithe and from other

records. The Office also examined unsettled land or land which had not been identified by cadastral survey. Information regarding refugee properties in this category was retrieved where possible from Tax Lists and taxation data. These documents however, did not always produce definitive ownership title to particular properties. Due to the absense of a registration system, lands in the Negev were examined separately. In the urban areas most property did not fall within the settled category. In general, the Jerusalem sub-district, unlike coastal sub-districts such as Jaffa and Haifa, was comprised primarily of unsettled land.

Table 6   Jerusalem Sub-District, Settled and Non-Settled Areas by Land Category (dunums) [56]

	1-2		3		4		5-8	
	RP/1	RP/3	RP/1	RP/3	RP/1	RP/3	RP/1	RP/3
Settled						148	1,391	1,673
Non-settled		31			1,512	2,233	29,633	1,165
Total		**31**			**1,512**	**2,381**	**31,024**	**2,838**
% settled	0	0	0	0	0	6.2	4.5	58.9

	9-13	14-15	16A	16B				
	RP/1	RP/3	RP/1	RP/3	RP/1	RP/3	RP/1	RP/3
Settled	3,048	13,916	143	569	1,458	3,383		533
Non-settled	45,711	14,094	22,008	1,447	116,578	34,340		1,929
Total	**48,759**	**28,010**	**22,151**	**2,016**	**118,036**	**37,723**		**2,462**
% settled	6.3	49.7	0.6	28.2	1.2	9.0	0	21.6

In the Jerusalem sub-district, approximately 9 percent of the land was determined to be settled of which 23 percent was Arab-owned (RP/1) with the remaining 73 percent classified as State, public authority, Jewish ownership or other non-Arab ownership (RP/3). On average less than three percent of RP/1 lands in the sub-district were settled while slightly more than 25 percent of RP/3 lands were settled. No man's land in the Jerusalem-Ramleh area and demilitarized zones in the northern region were also included in the identification process. In Jerusalem, this meant the inclusion of some 800 additional dunums of land along with 150 buildings. Where the Land Ordinance had been applied to a village, those parts which fell within Israel were included and in villages not surveyed under the Ordinance, all Arab-owned land in fiscal blocks cut by the Armistice line was included.

By the end of May 1958 some 353,000 forms had been completed in the

Jerusalem office with an additional 74,600 forms completed in New York.[57] By May of 1964, the Refugee Office had completed its work having collected 453,000 records amounting to some 1,500,000 holdings.[58] The total refugee lands surveyed by the Refugee Office included 10,480 registered fiscal blocks each composed of an average of 766 dunums with an average of 43 parcels and between 6 and 500 holdings per block, excluding the Negev. In 8,156 blocks the Office determined that ownership was judicially investigated and registered in the Land Ordinance of 1928.[59] Up to the end of May, the Office had completed 9,920 blocks of the 10,480 while in the Beersheba sub-district, 94 basic taxation documents remained unaccounted for out of a total of 560. Jarvis identified close to 5.2 million dunums of rural land as individual Arab-owned, not including Beersheba and Ramleh. This included nearly 300,000 dunums in the area of the Jerusalem sub-district that came under Israeli control.

Table 7   Refugee Rural Lands by Category, Jerusalem Sub-District (dunums)[60]

1-3	4	5-8	9-13	14-15	16A	16B	Total
31	2,433	32,458	71,520	23,677	150,286	2,073	281,878

Total vacant sites of urban land determined by Jarvis amounted to 26,490 dunums to which was assigned a value of 217,707 pounds. This included 4,976 dunums in Jerusalem. The net annual value of buildings in Jerusalem was determined to be 349,393 Palestinian pounds.[61]

No overall values were released by the Refugee Office. The Office also noted that there were several weaknesses in the identification and assessment of individual refugee properties. Tax records which were used for the identification of unsettled rural lands often gave the names of the 'reputed' rather than actual owners while other names were not recorded in full. The areas of the parcels were often approximate and there was no record of encumbrances on the lands. Uncultivable and some marginal land in rural areas was placed in Category 16 under the Rural Property Tax Ordinance and therefore not liable for taxation.[62] Because land in this category was used in common, records often did not record if the land was held privately or communally. Finally, the Office noted that it encountered serious problems regarding the identification and assessment of refugee lands in the Beersheba sub-district. The Office noted that tax records could not be used for evaluation as land in the sub-district was exempt from the Rural Property Tax Ordinance. Furthermore the Office was unable to recover the tithe records which it

had hope to use to identify and assess the land. In the Register of Deeds, only 200,000 records existed of some 300,000 parcels totaling 64,000 dunums for Arab-owned property. This accounted for less than 2 percent of the sub-district.[63]

In the immediate years following the completion of the individual refugee property identification and evaluation, the Office received inquiries from individual refugees who wanted to know if their properties had been registered. Several states in the region, Egypt and Jordan, along with the PLO eventually requested and were granted copies of the PCC records which included microfilm of British Mandate government land registers, the RP/1 forms, and the index of refugee owners' names. Despite the completion of the global assessment and Jarvis' more detailed identification and valuation of refugee property losses, the Commission was unable secure compensation for Palestinian Arab refugees who maintained that compensation could not be implemented in the absence of the right of return. The state of Israel, meanwhile, adopted several legal measures to exact compensation for refugees who remained within the territory of the state of Israel but no measures were adopted or implemented with regard to the compensation of the vast majority of refugees dispossessed in 1948. In 1961 Joseph E. Johnson, President of the Carnegie Foundation for International Peace, was requested by the Commission to visit the region and explore options relevant to restitution of refugees. Johnson failed to make advances, however, and resigned in 1963 for personal reasons.

Technical Problems with the PCC Assessment

Subsequent studies of Palestinian refugee losses criticized the PCC findings as too narrow in scope and the valuations as exceptionally low. According to Hadawi, the PCC studies had failed to adhere with directives of the General Assembly in Resolution 194 (III) and 394 (V), and ignored the guidelines of the Working Papers of the UN Secretariat.[64] Not a single Palestinian was invited to participate in the evaluation process despite requests for participation. Both Hadawi and Atif Kubursi who carried out a detailed economic analysis of refugee losses argue that many of the deficiencies of the PCC assessment are related to the inherent problems in land registration and tax assessment (both of which were used as key determinants in the valuation process) in Palestine which date back to the Ottoman administration prior to the British Mandate. As a body composed primarily of foreign, non-Palestinian staff, Hadawi contends that the PCC was unable to comprehend nor sufficiently account for these problems in its work; principles for assessment which were applicable in England, states Hadawi, could not work in Palestine.[65]

Deficiencies were discovered in the identification and valuation of all types of properties. As regards rural settled land, which would have included the western

villages of Jerusalem, the PCC's valuation did not include a complete stock of all immovable property. The Land Expert only evaluated individually-owned Arab property. Hadawi argues, however, that common or communal lands should have been included as they were were not considered to be government-owned but "nominally held by the government for the benefit of the inhabitants of the village as a whole."[66] This was the position held by the Mandate government which had always claimed that only a small portion of the entire lands of Palestine could be considered State Domain. At the end of 1943, Mandate figures list only 1,542,680 dunums as State Domain out of a total land area of some 26 million dunums.[67] The land excluded from the evaluation included some 10,400 dunums classified in land categories 16A and B in the villages of 'Ayn Karim, Deir Yasin, Lifta and al-Malha accounting for 38 percent of the total lands of these villages, along with 3,425 dunums in the western areas of Jerusalem that fell under Israeli control. Hadawi suggests that even if the Mandate government was considered to be the legal owner of the property, "logic decrees that on the termination of the Mandate, the property and assets of the departing foreign authority should be divided between the legal inhabitants in proportion to either their numbers or holdings."[68] Instead, the PCC classified all property that was not individually Arab-owned as non-Arab owned.

The PCC studies also failed to fully identify and evaluate all the buildings in rural areas. Kubursi notes that registration procedures under the Mandate Land Ordinance were discontinued at an early date with regard to the built up area of villages, including those villages west of Jerusalem. Therefore there was no hard data to identify if a particular parcel of land had a building on it. This problem affected over 500 Palestinian Arab villages.[69] Hadawi claims that it would not be unreasonable, therefore, to assume an increase in the total area affected both outside urban limits and within and outside built-up areas of the villages. This total area would include 54 percent of refugee village lands in the Jerusalem sub-district that came under Israeli control.[70] In non-settled rural areas neither buildings nor communal land was taxable and therefore their value was not recorded. The PCC study which relied extensively on tax records therefore excluded the value which should have been assigned to these buildings and lands. In the case of land which was planted with orange groves, for example, the fixtures or buildings added to the land parcel were often greater in value than the fallow land itself.[71] Furthermore, in non-settled rural land, taxes were not assigned according to the assessed value of the parcel of land. Rather, the tax distribution committee levied taxes among the landowners paying little attention to the area of each holding.

Both Hadawi and Kubursi detailed a list of further problems not taken into account by the PCC assessment. In the case of village lands divided by the 1949 Armistice Line, those that fell under Israeli control were roughly estimated but

in other cases the Armistice Line was ignored giving the impression that the entire lands of a particular Palestinian Arab village were under Israeli control. The PCC also failed to recognize inherent problems in using tax assessments to afix a value to property. Hadawi notes that Palestinian Arabs who never approved of the Mandate had an interest in keeping their tax assessments low.[72] Very often conflicts would develop between the two official and the two non-official members of the assessment committee regarding the net annual value of properties, with each trying to please their supervisors or taxpayers respectively. Hadawi also notes that even when the assessment committee had evidence of the actual rental value of properties, it was still often under-assessed.[73] If the assessed property was occupied by the owner, the assessment tended to be nominal as it was argued that the owner was receiving nominal financial benefits from the property. The same applied to vacant land. No value was assigned to uncultivable land adjacent to urban areas. Kubursi points out that the use of tax assessments did not allow for the potential development value of the property.[74]

The PCC assessment also contained discrepancies due to inaccuracies derived from rental and sales data. During WWII and until 1948, the law in Palestine stipulated that rents should not exceed their pre-war levels. In the meantime, however, the value of the currency depreciated while costs of construction tripled and quadrupled. The net annual value in the tax records, therefore, did not represent the true picture of rental values.[75] As regards the use of sales data, Hadawi suggests that it was not unusual for the buyer to arrive at a sale price he was willing to offer by calculating the market value of the land plus what he considered would be the cost of construction thereon. Prior to 1939, building costs per square meter were between two and four Palestinian pounds while after the war the costs had jumped to 20-25 Palestinian pounds. Assessments based on the net annual value before the war were, therefore, low.[76] Buyers and sellers of land also had an interest in reporting a sale price lower than the actual price at which the property was sold in order to obtain a lower registration fee.

There were other land registration problems inherent in the system in place in Palestine in 1948 which, unaccounted for in the PCC study, gave rise to an under-evaluation of refugee losses. Land registered under the Ottoman system identified land parcels according to boundaries fixed without reference to a cadastral survey. While the the British Mandate had instituted land surveys under the 1928 Land Settlement Ordinance, by 1948 less than a third of the country was surveyed, and the latter included areas that were taken over by Israel's Custodian of Absentee Property, including the Jerusalem area.[77] According to the identification process completed by the Refugee Office, only 6,040 dunums of Palestinian Arab lands in the Jerusalem sub-district had been surveyed by 1948.[78] The Refugee Office did

not record a single dunum of urban registered land in the Jerusalem sub-district.

Land was also sold without registration in the Register of Deeds, thus making the identification of ownership quite complex. Last, but not least, land inheritance divided the ownership into yet more fractions, which were also not recorded in the Register of Deeds.[79] The PCC study contained several additional general discrepancies. In terms of the value of property, according to tax category, Hadawi noted that the land surveyor who was responsible for assessing property, did not recognize the difference in categories, such as cultivated and cultivable and uncultivated and uncultivable.[80] While nearly half a million records for properties owned by Palestinian Arabs were prepared, no computer data was ever generated leading to probable errors with data management.[81] The PCC documents, moreover, apparently contain a significant amount of figures that are crossed out as well as amendments giving rise to uncertainty about the actual meaning of the data. Hadawi also points out that the PCC study did not distinguish between Palestinian Arab property owners who fled their villages and lands and those who remained.[82] In the Jerusalem sub-district area occupied by Israel, only two villages, Beit Jimal and Qaryet al-'Inab (Abu Ghosh), with a total land area of 11,650 dunums or roughly 4 percent of Palestinian Arab lands under Israeli control in the sub-district, remained partially intact.[83]

Based on his knowledge of the land issue in Palestine, Hadawi provided several suggestions to the PCC in his role as Land Specialist in order to come up with a more accurate and complete identification and evaluation of refugee losses. These included the publication of schedules of identification of immovable property in refugee camps and other conspicuous places for corrections by the property owners; requesting refugees to submit an itemized list of their losses on an additional form; and, establishing a panel of land valuers to provide an assessment based on the division of Palestine into zones of approximate equal capital value.[84] These suggestions, however, were not acted upon by the Commission.

Other Assessments of Palestinian Losses in Jerusalem

According to the League of Arab States which undertook an evaluation of lost properties published in 1956, the total value of Palestinian refugee property was 1,933 million Palestinian pounds in 1948 prices. The value of land and buildings was set at 1,726 million pounds while movable property was assigned a value of 200 million pounds.[85] As regards Jerusalem, the League estimated that some 50,000 persons were expelled from the city in 1948.[86] Based on the study's assumption of 5 persons per family, the total number families expelled from Jerusalem would be 10,000. At an average rent of not less than 230 pounds sterling per home, the total value according to rental prices, for Palestinian Arab refugee homes in Jerusalem

(assuming one family per home) would be 2,300,000 pounds sterling in 1948.[87] Using the same procedure an estimate of Palestinian refugee losses in the western villages that were later annexed to Israeli controlled West Jerusalem can be derived. The League set per annum rent of rural homes at 50 pounds sterling. According to revised figures used by Hadawi, the total population of the four villages later included within the West Jerusalem municipality, namely Lifta, Deir Yasin, 'Ayn Karim and al-Malha, in 1948 was 9,345.[88] This translates, based on 5 persons per family, into 1,869 homes at a total rental value of 93,450 pounds sterling. The total value of the loss in refugees homes, according to League figures, would be 2,393,450 pounds sterling at 1948 prices. The League also determined that refugee losses included some 10,000 shops and commercial premises valued at 175 pounds sterling per year. A simple calculation based on the percentage of refugees from Jerusalem would set the value of Jerusalem losses in shops and commercial premises at around 120,000 pounds sterling, however, this should be regarded as extremely inaccurate without an exact determination of the number and type of commercial establishments per capita as compared to other cities and towns in Palestine.

In general Kubursi regards the Arab League estimates as inaccurate due to the use of land figures which are at times sketchy and insufficiently detailed.[89] There is no account of how figures for the total amount of dunums in refugee properties was obtained and description of land use was not precisely related to tax categories of rural land or net annual values of property. Kubursi also suggests that there is a weak relationship between the net revenue figures on rental incomes from property and their asset (capital) value, not to mention the fact that the revenue and rental income figures used by the League were generally arbitrary and differed from real figures.[90]

Yusif Sayigh also made a cursory estimate of Palestinian refugee losses as part of his book on the Israeli economy.[91] Sayigh divided losses into several categories which expanded the scope used by previous studies. These categories included, personal property, Arab share of public property, income opportunities, transitional costs, and separation costs.[92] Sayigh calculated the value of Palestinian refugee homes based on a unit price which was substantially higher than the rental value assigned by the Arab League. For urban areas, Sayigh attached a value of 2,500 Palestinian pounds per unit. Based on the figure of 10,000 units of property in Jerusalem, the overall value of housing units in urban areas would have been 25,000,000 Palestinian pounds. The value of a unit in the villages was determined to be 250 Palestinian pounds per unit which would bring the total cost of refugee properties in the four villages later annexed to Jerusalem to 467,250 Palestinian pounds or about five times the value afixed by the Arab League. Sayigh determined per unit values for other types of lost properties included in the table below, however,

any estimate without data concerning the approximate number of each of these types of property in Jerusalem (not defined in the last British Mandate survey of Palestine) would be extremely inaccurate.

Table 8   Per Unit Evaluations of Immovable and Movable Property According to Sayigh [93]

Unit	Value per unit (Palestinian pounds)
Religious Buildings	3000
Factories	5000
Offices	3000
Shops rural/urban	400/2500
Restaurants	2000
Hotels	15000
Warehouses	2500
Personal effects rural	25 per refugee
Personal effects urban	400 per refugee

Using evaluations determined by Sayigh for the value per unit type of land, it is also possible to assign some aggregrate values for refugee lands in Jerusalem and the adjacent western villages. Overall, urban lands were valued at 400 Palestinian pounds per dunum. The total value of Palestinian lands in Jerusalem, based on land ownership of 7,293 dunums would be approximately three million Palestinian pounds.[94]   The land in built-up areas of villages was assessed at 60 Palestinian pounds per dunum which would bring the total assessed value of this area, using Hadawi's revised Schedule, to 230,000 Palestinian pounds. Other land values, according to tax category, in the villages of Lifta, Deir Yasin, al-Malha and 'Ayn Karim are difficult to calculate as they do not correlate easily with the assessment categories used by Sayigh. The remaining amount of village land according to tax category and the values assigned to land categories by Sayigh are contained in the tables below. In general, the values are higher than those used by Berncastle.

Table 9   Evaluation of Land per Unit Type According to Sayigh [95]

Unit	Value per unit (Palestinian pounds)
Fruit trees and olive groves	300
Irrigated land	100
Cultivable land (grains)	40
Marginal land	16

Like the Arab League estimate, Sayigh also provided assessed values for Palestinian Arab stocks, the capital stock of offices, hotels, restaurants and cafes. He also calculated the Arab share of income, which was set at 68 million Palestinian pounds in 1948 of which the refugee share would be around 55.2 million pounds with inclusion of rent on owner-occupied homes and value of farmer's consumption.[96] Based on a simple percentage of refugees from the western areas of Jerusalem, including the four villages, this would be about 5.9 million Palestinian pounds.

While Kubursi noted that Sayigh's study was greatly improved over previous assessments he noted that it was not without some deficences.[97] In general, Kubursi felt that the data was not based on thorough and detailed enumeration of Arab holdings and distinctions in terms of quality and type are therefore limited. He also noted that a more accurate assessment would be derived from a separation of income from labor and income from property.

Taking into account the discrepancies and errors noted by Hadawi, Atif Kubursi, an economist, prepared a new evaluation of Palestinian refugee losses. Kubursi's study is unique from previous studies in that it is based on economic theory of restitution taking into account compensation precedents established through restitution of Jewish victims of Nazi persecution. Kubursi's evaluation, therefore, includes not only indemnification for damage to property, but it also includes damage to persons. Together, the following categories of claims were taken into account in Kubursi's assessment:

> a. immovable property; appurtenances of immovables; movable property; enterprises (industrial, commercial, artisanal, professional); capital or fortune; income from whatever source; securities, share, accounts, claims, mortgages; contracts (insurance, leases, employment contracts, pensions); rights from patents, copyright, trademarks; and,
> b. loss of life; loss of health; forced labor; deportation, enforced residence, imprisonment, segregation; maltreatment; degradation.[98]

Using housing again as an example for comparison, Kubursi assessed the average rent on rural units at 30 pounds from which 10 percent was deducted for maintenance, bringing the net value to 27 pounds. The real rate of interest of 4 percent was then used as the basis for translating income into capital bringing the average value of each rural housing unit to 675 pounds. This figure is considerably higher than previous assessments. For the villages that were included within the Israeli-controlled municipality of West Jerusalem after 1948, this would bring the approximate aggregate value of Palestinian refugee homes to 1.3 million pounds. Kubursi sets the value of

Palestinian losses in buildings in Jerusalem at around 25 million pounds.[99]

Several additional valuations specific to Jerusalem can be derived or extrapolated from Kubursi's assessment. The refugee share of the total Palestinian wealth in 1944 was set at 1,039 million Palestinian pounds (although Kubursi thought this figure was low) of which the share of Jerusalem refugees, including those from the 4 western villages, would be 110 million Palestinian pounds. The total value of non-human wealth for refugees was set at 433 million Palestinian pounds in 1944 prices. Kubursi afixed an additional 300 million Palestinian pounds to this figure to cover lost opportunity and the deterioration of human capital experienced by the refugees. Out of a total figure of 733 million Palestinian pounds, the share accorded to Palestinian refugees from western Jerusalem would be around 77 million Palestinian pounds.

In terms of commercial capital and stocks, the refugee share was set at 30.2 million Palestinian pounds of which the share of Jerusalem refugees would be around 3.2 million. As for a per unit valuation comparison with the previous studies, Kubursi afixed the following values to properties listed in the table below.

Table 10   Value per Unit of Immovable Property according to Kubursi [100]

Unit	Value per unit (Palestinian pounds)
Commercial units	3,397
Hotels	15,000
Restaurants	2,000

While the PCC set its estimate of total Palestinian assets at 6 million Palestinian pounds, Kubursi afixes a figure of 12.5 million or roughly double that of the PCC. The share of refugees from Jerusalem would be approximately 1.3 million pounds. The total value of commercial fixed and circulating capital owned by refugees was set at 45.9 million Palestinian pounds in 1948 prices of which the share of Jerusalem refugees would be around 4.9 million pounds. Kubursi estimates that the total value of private and personal wealth, which includes items such as household furniture and fixtures, was around 108.2 million Palestinian pounds in 1948. He then subtracts half of this figure as property taken from the refugees (a figure which he suggests as low) to arrive at a total evaluation of 54 million Palestinian pounds or about 5.7 million for refugees from Jerusalem.

Kubursi also calculated the cost of land losses. In Jerusalem, Kubursi affixed a figure of 4,829,276 Palestinian pounds to the property of Palestinian Arab refugees. Overall rural land losses were assessed at 398 million pounds. If the percentage of Jerusalem village lands is included in this figure, excluding village lands which

did not fall within the boundaries of the territory that became the state of Israel, this would produce a valuation of around 600,000 Palestinian pounds. However, this estimate should not be regarded as highly accurate as it does not take into account the category of land type or the potential value of the land which was later incorporated into Jerusalem. Overall, Kubursi assigns a value of 743.05 million Palestinian pounds as total Palestinian Arab refugee property losses. If human capital losses are included, this figure rises to 1,176 million Palestinian pounds while the inclusion of compensation for psychological damage and pain would produce a total figure of 1,424 million Palestinian pounds or $253,000 million in 1998 US dollars. According to the percentage of refugees from Jerusalem and the four western villages, these figures would, respectively, be 78.7 million Palestinian pounds for material losses, 123.8 million Palestinian pounds with the addition of human capital losses and a total figure with the addition of psychological damage and pain set at 152 million Palestinian pounds or $27,000 million in 1994 US dollars.[101]

Conclusion

While there are several major problems with the identification and evaluation completed by the Palestine Conciliation Commission in 1964, the records remain an important base source of documentation for restitution of Palestinian Arab refugees. The following table provides a comparison of overall evaluations of Palestinian refugee losses in 1948 with special reference to Jerusalem and its western villages.

Table 11   Comparison of Palestinian Refugee Losses Evaluations
(million Palestinian pounds)[102]

	UNPCC	AHC	Sayigh	Kubursi
Rural Lands	70	220	390.5	398.6
Urban Lands	30	1,100	253.7	130.3
Movable Property	20	200	62.5	54
Total Losses	120	1,933	756.7	743.05
Jerusalem & Villages share	10.7	177.8	67.3	66
Jerusalem & Villages homes		2.4	25.5	26.3

In order to complete the identification and evaluation process to the greatest extent possible and facilitate refugee involvement, the PCC records still need to be distributed, as suggested by Hadawi, in refugee areas so that refugees and their heirs can check the property lists and, if necessary, complete separate forms for properties not included in the PCC lists. The records of the PCC would also be

enhanced through the collection of copies of land documents still retained by refugees. Updated copies of the records of the Israeli Custodian of Absentees' Property, furthermore, should be turned over to the PCC in order to trace and document the transfer of refugee lands and property. With the use of modern technology it will be relatively easy to locate these lands and properties.

While Paragraph 11 of UN General Assembly Resolution remains unimplemented, the passage of fifty years since the displacement and dispossession of Palestinian refugees, including those from Jerusalem, does not weaken or abrogate the right of Palestinian refugees to restitution as codified in international law and defined in Resolution 194 which has been reaffirmed by near unanimous vote since 1948. Recent resolutions by the General Assembly, moreover, reaffirm that "the Palestine Arab refugees [are] entitled to their property and to the income derived therefrom, in conformity with the principles of justice and equity," and call upon the PCC once again to "take appropriate stepts to protect Arab property, assets and property rights in Israel and preserve and modernize existing records."[103]

Endnotes

[1] Schedule of Area Ownership Map from Palestine Survey Maps and Taxation Records, reproduced by Sami Hadawi.

[2] Cattan (1988), p. 253.

[3] Hirst, p. 233.

[4] UN Document S/863, 3 July 1948. Text of Suggestions of the United Nations Mediator on Palestine to the two Parties on 28 June 1948.

[5] UN Document S/961, 12 August 1948. Cablegram Dated 12 August 1948 from the United Nations Meditor to the Secretary General concerning the Observance of the Truce in Jerusalem.

[6] UN Document A/648, 16 September 1948.

[7] UN Document A/RES/181, 29 November 1947. According to Part I, Section C, Chapter 2(8) of Resolution 181 on Religious and Minority Rights, "No expropriation of land owned by an Arab in the Jewish state (by a Jew in the Arab state) shall be allowed except for public purposes. In all cases of expropriation full compensation as fixed by the Supreme Court shall be paid previous to dispossession." Chapter 3 on Citizenship, International Conventions and Financial Obligations also lists compensation as one of the financial obligations of the states to be established under the Resolution.

[8] UN Document A/648, 16 September 1948.

[9] Ibid.

[10] Ibid.

[11] UN Document A/648, 16 September 1948.

[12] UN Document A/RES/194 (III).

[13] Ibid.

[14] UN Document A/922, 22 September 1949.

[15] As regards the orange groves the committee of experts which examined one-third of the groves in the summer of 1949 found that on average more than 50 percent of the groves had been destroyed and less than 25 percent could be salvaged for production but only if immediate steps were taken to put hydraulic and other machinery into operation. Israel agreed to permit readmission of wives and minor children of Arab breadwinners lawfully resident in Israel and to consider other compassionate cases for readmission. Report of the Technical Committee on Refugees, Submitted to the Conciliation Commission in Lausanne on 7 September 1949, in UN Document A/1367/Rev.1.

[16] UN Document A/922, 22 September 1949.

[17] While the Commission continued to work towards the implementation of refugee return and compensation it was cognizant that some refugees might not wish to return and that measures should be taken in consultation with host countries towards the resettlement of these refugees. Resettlement, however, also included assistance to Palestinian Arab refugees who would return to their homes and land.

[18] UN Document A/1367/Rev.1, 23 October 1951.

[19] Working Paper, UN Document A/AC.25W.81/Rev.2, October 1949.

[20] Convention (IV) Respecting the Laws and Customs of War on Land and its annex: Regulation concerning the laws and customs of war on land, 3 Martens Nouveau Recueil (Ser.3) 461, 187 Consol. T.S. 227, Chapter I, Article 23(g), 28, Chapter V, Section III, Article 46, 47.

[21] Working Paper, UN Document A/AC.25/W.81/Rev.2, March 1950.

[22] These included: (a) That inhabitants of areas falling within the no man's land in the north of the Gaza region be allowed to return as soon as possible to their lands to cultivate them; (b) That refugees at present in the Gaza area under Egyptian control and possessing land in the hinterland of this zone be allowed to undertake as soon as possible the cultivation of these lands; (c) That refugees at present in the Gaza zone originating from the Beersheba area be allowed, provisionally and pending a final settlement, to establish themselves in that area. UN Document 1/1255, 29 May 1950.

[23] Letter dated 28 February 1950 to the Chairman of the Conciliation Commission from Mr. Gideon Rafael cited Ibid. Also see UN Document A/1367/Rev.1, 23 October 1951.

[24] Ibid.

[25] UN Document 1/1255, 29 May 1950. Kubursi cites Commission estimates at 6 million Palestinian pounds including assets of the Arab Bank and Arab National Bank. Kubursi (1996), p. 12.

[26] Ibid.

[27] UN Document A/RES/394 (V).

[28] Peretz (1958), p. 197.

[29] UN Document A/1985, 20 November 1951.

[30] Abu-Sitta (1998), p. 7 and 13. Abu-Sitta furthers notes the breakdown of Jewish and Arab land pre-1948 in the area that became the state of Israel as follows: land owned by Palestinian Arab refugees, 17,178 sq. km; land owned by Palestinian Arabs who remained, 1,465 sq. km; land owned by Jews, 1,682 sq. km; and, total area of Israel, 20,325 sq. km. According to Abu-Sitta, 154,000 rural Jews currently control 17,325 sq. km of land inside Israel, all of which is Palestinian Arab refugee land.

[31] Ibid.

[32] 1 sq. km equals 1000 dunums. 4 dunums equals 1 acre. The figure was arrived at by subtracting all villages outside the territory controlled by Israel, included the demilitarized areas as well as Jerusalem's 'no man's land' and the subtraction of urban areas and villages in which land continued to be held by the original Palestinian Arab inhabitants. According to the Refugee Office a total of 4,186 sq. km were passed to Jewish control, excluding the Naqab (Negev), of which 1,432 sq. km were uncultivable, 15 sq. km village built-on areas, and 2,739 sq. km of cultivable land. In the Naqab, 12,138 sq. km fell under Israeli control of which 10,303 sq. km were deemed uncultivable and 1,835 sq. km cultivable.

Evaluation of Abandoned Arab Property in Israel, Annex A, UN Document A/1985, 20 November 1951. Abu-Sitta gives a slightly higher figure of 17,178 sq. km. See note 30 above.

[33] Identification figures are based on later work by the Commission's Refugee Office. This includes 281,878 dunums of rural Palestinian Arab lands that fell under Israeli control (including 11,650 dunums of the villages of Beit Jimal and Abu Ghosh in which some residents remained on their lands); 81 dunums of Palestinian Arab lands in the Jewish settlements of Har Tuv and Ramet Rahal, and the Jerusalem urban areas that fell under Israeli control. The figure for Jerusalem lands is calculated based on individual Arab ownership of 5,487 dunums of land in the western areas of Jerusalem that fell under Israeli control and a percentage of lands classified as government/municipal and rails/roads based on the Arab-Jewish proportion of land holdings in that part of the city. It excludes 2,473 dunums of land classified as Christian religious land and 850 dunums classified as 'no-man's land' and UN areas. Hadawi, Schedule of Area of Ownership, from Palestine Survey Maps & Taxation Records. The area of the sub-district of Jerusalem according to British Mandate figures was 1,571,000 dunums. *A Survey of Palestine*, I: p. 104.

[34] Hadawi (1988), p. 236.

[35] Ibid. For review of British Mandate land ordinances see *A Survey of Palestine*, I: pp. 225-308.

[36] The use value for agricultural land was based on the estimated productivity of crops and for buildings in urban areas on the actual or estimated productivity of rent, plus the normal development value or the value attached to vacant sites within the boundaries of towns. The Office attributed the speculative elements to conditions during and after WWII; the effect of the Land Transfer Regulations of 1939 which forced up prices due to the limited areas in which Jews were allowed to purchase land; the purchase of land by the Jewish National Fund for strategic reasons at excessive prices; and the Palestinian Arab campaign against the sale of land to Jews. Furthermore, as regards urban lands, a notional amount of tax payable on lands in each town was arrived by assuming that the tax payable was in proportion to the decrease in population. This figure was then multiplied by ten to arrive at the net annual value, and weighted by 25 percent to account for the fact that tax assessments rarely accounted for the full market value and by an additional 25% to take into account the rise of values between the last assessment before 1945 and the end of 1947. The weighted net annual value was multiplied by a coefficient of 16.667 to arrive at the global capital value. UN Document A/1985, Annex A, Evaluation of Abandoned Arab Property in Israel, 20 November 1951.

[37] Ibid.

[38] Ibid.

[39] UN Document A/1985, 20 November 1951.

[40] A total net annual value of 444,000 Palestinian pounds was assigned to the property to which was added 25 percent (see note 35 above). Application of the capitalization co-efficient of 16.667 to the resulting net annual value of 555,000 Palestinian pounds gave the total value. Ibid.

[41] This includes the Palestinian Arab share of public land, as per Hadawi (1988), pp. 278-79; but excludes 667 dunums from Malha and 2,653 dunums from Lifta which remained outside of Israeli territory but for which no classification is available according land category.

[42] See chapter appendix, Table A and B. Ibid.

[43] The Office noted that in population exchange between Turkey and Greece after WWI, the proportion of the value of abandoned movables to the value of abandoned immovables in the case of the Turks leaving Greece was 4.7 percent and in the case of the Greeks leaving Turkey 60.9 percent. The Turks were a predominantly rural community and the Greeks predominantly urban. According to the Office, there was thus a "distinct similarity between the social structure of the Turkish and Greek communities and the rural and urban Arab communities respectively. Thus movable property was determined as 4.7 percent of 70,000,000 Palestinian pounds in rural property (3,300,000 Palestinian pounds) and 60.9 percent of 30,000,000 Palestinian pounds (18,270,000 Palestinian pounds) for a total of

21,570,000 Palestinians pounds in movable property. The Office looked at France where movable property, defined as furniture and household effects, was determined to be 5 percent of immovable property. This would place the value of Palestinian refugee household effects at 5 million Palestinian pounds, however, the Office used a percentage of 2.5 given what it viewed as the "relatively low standard of living and the relatively high value of land." UN Document A/1985, Annex A, Evaluation of Abandoned Arab Property In Israel, 20 November 1951.

[44] Taking 40 percent as a mean average of movable property as a percentage of national income which was set at 62 million Palestinian pounds in 1945, would give a figure of 24,800,000 Palestinian pounds as the value of movable property. To this figure which represents the total value of movable property for the entire Palestinian Arab population a ratio of 75 percent is added to account roughly for the number of refugees of the total population producing a figure of 18,600,000 Palestinian pounds. Ibid.

[45] See Table C in chapter appendix for Palestinian Arab property in Palestine in 1945. This figure was reduced by 25 percent to allow for the total number of refugees out of the total population and then a value of 2.5 million Palestinian pounds (see note 43) was added for household effects for a total of 19.1 million Palestinian pounds. Ibid.

[46] 1945 estimate total includes the 2.5 percent estimate used for determining furniture and household effects not included in the 1945 estimate of movable property. Ibid.

[47] Ibid.

[48] UN Document A/2629, 4 January 1954.

[49] Figures compiled from, UN Documents A/3199, 4 October 1956; A/3835, 18 June 1958; A/4225, 22 September 1959; A/4573, 14 November 1960; A/49121 and Add.1, 13 October 1961; A/5337, 7 December 1962; 1/6225, 28 December 1965; A/6451, 30 September 1966. UN Document A/3199, 4 October 1956.

[50] Hadawi (1988), p. 131. UN Document A/2629, 4 January 1954.

[51] *Arab Property and Blocked Accounts in Occupied Palestine*. Cairo: League of Arab States, 1956, 31 cited in Hadawi (1988), p. 131.

[52] See Table D chapter appendix. Figures compiled from, UN Documents A/3199, 4 October 1956; A/3835, 18 June 1958; A/4225, 22 September 1959; A/6225, 28 December 1965. The figures for Dossiers of Other Bonds from 1965 excludes 275 Palestine Government Bearer bonds which were released under an extended release scheme.

[53] UN Document A/2216, 8 October 1952.

[54] Further classification of lands included: 1. parcels recorded as state domain but which were subject to transfer to Arabs upon their payment of the unimproved capital value of the land; 2. parcels recorded as state domain but which had been occupied by Arabs for many years and which Mandatory regarded as let to occupiers under implied leases; 3. parcels recorded as state domain and let to Arabs under longterm leases; 4. parcels owned by non-Arabs but let to Arabs on longterm leases.

[55] The 1928 Land Ordinance provided for the division of land by means of a cadastral survey into units of registration called parcels according to category and ownership; a judicial investigation of all registrable rights in the parcel; and, recording the title in a new land register along with the registerable rights affecting the land concerned. For details of the Land (Settlement of Tithe) Ordinance, 1928, see *A Survey of Palestine*, I: pp. 246-7.

[56] UN Document A/AC. 25/W.84 of 28 April 1964, Appendix A1, reprinted in Hadawi (1988), pp. 222-3.

[57] UN Document A/3835, 18 June 1958.

[58] UN Document A/5337, 7 December 1962.

[59] Hadawi (1988), p. 43.

[60] Ibid, p. 248.

[61] UN Document A/AC.25/W.84, 28 April 1964, Appendix A, reprinted ibid., p. 221.

[62] For details on the Rural Property Tax Ordinance see *A Survey of Palestine*, I: pp. 250-254.

[63] UN Document A/4225, 22 September 1959.

[64] Hadawi (1988), p. 96.

[65] Ibid.

[66] Ibid, note 14, p. 326, for background details.

[67] Ibid., p. 108. This figure coincides with figures in category 16 (defined as 'public' lands and 'roads, etc.') in the summary statement of *Village Statistics*, 1945, p. 3.

[68] Hadawi (1988), p. 107.

[69] Ibid., p. 127.

[70] Ibid., p. 110.

[71] Ibid., p. 111.

[72] Ibid., p. 99 and 281.

[73] Ibid.

[74] Ibid., p. 124.

[75] Ibid, p. 101.

[76] Ibid.

[77] Peretz (1994), p. 19.

[78] UN Document A/AC 25/W.84, 28 April 1964, Appendix A1, reprinted in Hadawi (1998), p. 222-3.

[79] Ibid.

[80] Hadawi (1988), p. 98.

[81] Ibid., p. 127.

[82] Ibid., p. 111.

[83] Ibid, p. 244.

[84] Ibid., p. 98.

[85] The remainder included 6 million pounds in securities and deposits in banks and insurance companies' funds. *Arab Property and Blocked Accounts in Occupied Palestine*, Ibid, p. 128.

[86] Ibid., p. 130.

[87] Ibid. The value of the pound sterling at the time was about the same as the Palestinian pound.

[88] Ibid., pp. 276-281. Abu-Sitta (1998) gives a slightly higher total population of the four villages of 9,605. Based on this estimate the value of homes would be 96,050 pounds with the total value, including Jerusalem set at 2,396,050 pounds.

[89] Hadawi (1988), p. 131.

[90] Ibid.

[91] Sayigh, Yusif A. (1966). *The Israeli Economy*. Beirut: PLO Research Centre, pp. 92-133 cited Ibid, p. 128.

[92] Ibid., p. 133. Transitional costs included the costs associated with the refugee exodus and repercussions on the economies of the West Bank and Gaza Strip. Separation costs included the economic burdens carried by neighboring Arab states due to hosting the refugees and the economic losses associated with the closure of the Palestinian market.

[93] Ibid, p. 133.

[94] This includes land identified by Hadawi as government and municipal, roads and railroads and other (religious communities).

[95] Hadawi (1988), p. 133.

[96] Ibid.

[97] Ibid., p. 136

[98] Ibid., p. 142.

[99] Ibid., p. 177.

[100] Ibid, p. 154. Values for hotels and restaurants are based on Sayigh.

[101] Ibid., p. 24.

[102] Jerusalem and village share is calculated based on percentage of refugees out of total refugee population in 1948.

[103] UN Documents A/51/129, 13 December 1996; A/52/61, 10 December 1997; and, A/52/644, 5 November 1998.

Appendix: Property Estimates

Table A - PCC Estimate of Rural Palestinian Property Losses by Land Category

Land Category	Type	Area (dunums)	Value (Palestinian pounds)
1,2 and 3	**Citrus and Banana**	121,184	9,694,720
4	**Village Built-on area**	14,602	2,190,300
5 to 8	**Irrigated land, plantations, etc**	303,750	14,807,812
9 to 13	**Cereal lands**	2,113,183	35,501,474
14 and 15	**Cereal land**	201,495	725,382
16A and 16B	**Forests and uncultivable land, roads and railways**		*Not evaluated*
	Negev	1,834,849	6,605,456
TOTAL		4,589,063	69,525,144

Table B - Land Type and PCC Assessed Value per dunum

Land Category	Type	Value (Palestinian pounds/ dunum)
1 and 2	**Citrus**	80
3	**Bananas**	80
4	**Village Built on Area**	150
5 to 8	**Irrigated lands, fruit plantations and first-grade ground crop land**	48.75
9-13	**Cereal lands**	16.8
14 and 15	**Marginal cereal lands**	3.6
16A and 16B	**Forests and uncultivable land, roads and railways**	*Not Evaluated*
	Negev	3.6

Table C - Movable Property Estimates According to Village Statistics, 1945

Type	Value (million Palestinian pounds)
Industrial equipment	3.4
Commercial Stocks	4.3
Motor Vehicles	1.3
Agricultural equipment and livestock	13.1
Total	22.1

Table D - Release of Accounts by Location of Refugees, 1955

Jordan	1,528,400
Lebanon	602,900
Syria	144,000
Egypt	74,900
Gaza	26,000
Other	162,442
TOTAL	**2,538,642**

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Map 5

Property Distribution in Jerusalem, by population group, 1946

Legend

- City Boundary
- Armistice Line
- No Mans Land
- Urban Tax Assessment Blocks
- Moslem and Christian owned property
- Jewish owned property
- Mixed ownership
- United Nations Controlled Areas :—
- Headquarters of Truce Supervision Organization — U N T S O
- Hadassa— Hebrew University Area*   H H U A

* Includes the Augusta Victoria Hospital now used by the Lutheran Society for refugees.

U N T S O

S O R B

City B___

SCHEDULE OF AREA OWNERSHIP

1. <u>Land Area Ownership</u> – Area – New City – 19,331 dunums*
   Old City –   800**

Total Area :– 20,131

i) During the Mandate (New City)

Arab-owned	– 40.00%
Jewish-owned	– 26.12%
Others (Christian Communities)	– 13.86%
Government & Municipal	– 2.90%
Roads and Railways	– 17.12% 100%

** Jewish ownership in Old City less than five dunums.
Rest is owned by Moslem and Christian communities.

ii) As result of Armistice Agreement (New City)

Arab Area in Jordan	– 2,220 dunums or 11.48%
Jewish–occupied Area	– 16,261 dunums or 84.13%
No–man's Land & U.N. Area	– 850 dunums or 4.39%
	19,331 dunums or 100.00%

iii) Ownership of land in Israeli-occupied area – 16,261 dunums

Arab–owned	– 33.69%
Jewish–owned	– 30.04%
Others (Christian Communities)	– 15.21%
Government & Municipal	– 2.47%
Roads and Railways	– 18.59% 100.00%

* One dunum equals 1000 square metres
4.05 dunums equals One Acre.
1000 dunums equals One square kilometre
2590 dunums equals One square Mile

See enlarged version in book jacket.
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Dispossession and Restitution in 1948 Jerusalem

Terry Rempel

*T*his chapter examines the implication of international law and Israeli practice concerning restitution for Palestinian refugees from the western neighbourhoods and villages of Jerusalem. For the purpose of this chapter, the term Palestinian refugee includes all Palestinian Arabs from the western areas of Jerusalem who left the city following the adoption of the 1947 Partition Plan and/or were not present in the western part of the city on 15 May 1948, the date of the state of Israel's establishment, and have been prevented from returning to their homes and property.[1] This definition, which incorporates the notion of alienation from one's land or property with alienation from a national entity in which one held rights of citizenship or maintained habitual residence, covers all those Palestinians from the city who, under Israeli law, became absentees and whose property was, under the 1950 Absentees' Property Law, transferred to the state of Israel.[2] The term restitution encompasses, in the broadest sense, the return of refugees, repatriation of property and compensation for material and non-material losses.

While international law, and in particular UN Resolution 194, has created a legal framework or set of guidelines for resolution of the Palestinian refugee issue, thereby precluding, in part, a de facto resolution along the lines of the post-1948 status quo, these guidelines have not been translated into an effective resolution process. Given the historical imbalance of power between Israel and the Palestinian refugees, the implementation of these guidelines has always been contingent upon Israeli acceptance of Resolution 194 and other relevant international legal instruments or the application of international pressure to ensure implementation. More than five decades after Palestinians were displaced from their land and homes, these conditions remain absent, although there are some points of intersection

between Israelis and Palestinians concerning restitution when their respective positions are disaggregated. There is a degree of concensus, for example, regarding the return of refugees to the West Bank and Gaza. There is less agreement on the modalities of such a return.

Concerning restitution, the state of Israel has consistently rejected the return of Palestinian Arab refugees to areas inside its 1948 borders. Apart from two conditional proposals for a partial return of refugees in the early 1950s, every Israeli government has held to the position adopted by David Ben-Gurion in June 1948, that the return of refugees had to be prevented at all costs.[3] Resettlement outside the 1948 borders of Israel, accompanied by a global compensation package to which Israel would be one of many contributing states, in lieu of the right of return, has remained the option of choice for successive Israeli governments. Palestinians, meanwhile, consider restitution, which includes a return to properties and compensation for material and non-material losses, as a basic human right. This position, expressed by refugees to the United Nations Palestine Conciliation Commission in the early days of their displacement has been confirmed in numerous surveys of Palestinian refugee opinion.[4] A 1997 survey of the 19 West Bank refugee camps and five unofficial refugee communities, for example, revealed that three quarters of the population surveyed viewed the right of return as a "just solution to the refugee problem."[5] Other surveys in Palestinian refugee camps in the region reveal similar findings, with support for the right of return often the highest among younger generations.[6]

The first section of this chapter examines the political context which informed Israel's decision to oppose the return of Palestinian Arab refugees to their homes and land inside the Jewish state, focusing on the western neighbourhoods and villages of Jerusalem. The next two sections illustrate how restitution for Palestinian refugees from Jerusalem has been precluded since 1948. On the one hand, the state of Israel has refused to comply with the guidelines set down by the United Nations and principles of international law. This position is based on a narrow or technical interpretation of relevant legal instruments. On the other hand, pre-state Zionist organizations, followed by government institutions of the state of Israel, systematically created facts on the ground which frustrated the implementation of restitution as defined by Resolution 194 and provided the so-called practical rationale for the rejection of Palestinian refugee demands. The chapter concludes by examining the potential for restitution of Palestinian refugees from the western neighbourhoods and villages of Jerusalem.[7]

Zionist Political Orientation Towards Jerusalem

The Zionist movement's resolve to prevent the return of Palestinian Arab refugees to Jerusalem had become particularly strong by the spring of 1948. Politically, Jerusalem had evolved into a powerful symbol of Zionist efforts to create a Jewish state in Palestine which was inimical to the return of non-Jewish persons to the city. According to Golani, Zionist policy towards Jerusalem evolved in the decade following the 1937 Peel Commission.[8] The Commission had called for the partition of Palestine with the Jerusalem region remaining under Mandate control and the implementation of restrictions on Jewish immigration, according to the accompanying British Government Statement of Policy.[9] Prior to that time, leading Zionist figures, many of whom were affiliated with the political left such as Mapai (later Labor) did not consider Jerusalem necessarily as the political center or capital of the nascent Jewish state.[10] "Prominent Zionist leaders [...] expressed an antagonistic view toward Jerusalem (e.g. Herzl, Ben-Gurion, Bialik, Ahad Ha'am, and Weitzman) because of its location, its ancient Jewish community, and its significance for Christianity and Islam."[11]

Kellerman's characterization of Zionist views towards Jerusalem illustrates the disaggregated orientation towards the city (i.e. the separation of the religious, social, cultural attachment from the political) held by many leading Zionist figures at the time.

> During the First Aliya [1882-1903], Jerusalem served more as a symbol than as a settlement target, though this attitude changed slightly in the early twentieth century. During the Second Aliya [1904-1914], the status of Jerusalem as the most important center for Jews was recognized, even though there was little activity in the city and its surroundings.[12]

As the conflict over Palestine and control of Jerusalem increased in the years leading up to and following 1948, however, Zionist leaders were less apt to draw the distinction between Jerusalem as a religious, social, and cultural center for Jews and Jerusalem as the political capital of the nascent Jewish state.

The early preference for Jewish settlement in the coastal plain among the new Yishuv explains, in part, the weak, if not indifferent, orientation towards Jerusalem as a potential political capital during the early years of Zionist colonization in Palestine. Between 1922 and 1946, the combined Jewish population of the three coastal-plain sub-districts of Jaffa, Ramleh and Haifa accounted for 44 percent and 73 percent respectively of the total Jewish population of Palestine (see Table 1).

While the Jewish population in Jerusalem accounted for half the total Jewish population in Palestine in 1910, by 1944 the proportion of Jews in Jerusalem compared to the total Jewish population had dropped to one-fifth. Even though the total Jewish population in the city had doubled during this period, the size of the Jewish population in cities like Haifa and Tel Aviv grew by 22 and 300 times respectively.[13]

Table 1   Jewish Population in Selected Sub-Districts (Jaffa, Ramleh, Haifa), 1922-46, Compared to the Total Jewish Population of Palestine [14]

Year	Selected Sub-Districts	Palestine
1922 Census	36,816	83,794
1931 Census	101,855	174,610
1944 Estimate	398,030	553,600
1946 Estimate	445,770	608,230

In these sub-districts Jews owned between 40 percent and 50 percent of the land, including Jewish public land as per Hadawi, by the end of the British Mandate while Jewish ownership in the Jerusalem sub-district accounted for less than 2 percent of the total land area.[15]

Jerusalem was at the geographical and political periphery in the decades prior to the creation of the Jewish state. Cohen describes Jerusalem during this period as a city that,

> was not only off-center; it was difficult to get to. It was four to six hours by train (over 87 kilometers of tracks), and ten to fourteen hours by horse and carriage over a rutted road that had been built only in 1869. Moreover, Jerusalem was politically alien to the new Jewish settlers for it contained a majority of the 50,000 Jews of the Old Yishuv of Palestine. A large proportion of them lived on Halukah (charity) funds from abroad, and were impoverished and hostile on religious and traditional grounds to the Zionist return. Jerusalem was not a favorable political center for the New Yishuv.[16]

Abba Eban, Israel's representative to the UN in 1948, recalled that many prominent Zionists regarded Jerusalem, "not necessarily, not even ideally, as the political capital."[17]   Ben-Gurion, for example, considered Kurnub (Negev) initially as a

suitable political capital while Golda Meir expressed an early preference for Mt. Carmel (Haifa).[18]

The presence of a large Palestinian Arab population around Jerusalem also made the city unattractive strategically as a political capital for the nascent Jewish state. While the rural Jewish population in Palestine was increasing at a greater rate than the urban Jewish population during the British Mandate period, it was doing so in the coastal sub-districts with average growth rates in rural areas of 288 percent as

Table 2   **Rural Population of the Jerusalem Sub-District, 1922-1944** [20]

Year	Palestinian Arabs	Jews
1922 Census	45,001	466
1931 Census	52,927	3,559
1944 Estimate	68,030	3,200

compared to 137 percent in urban areas.[19] Between 1922 and 1944, Jews comprised no more than 8 percent of the rural population of the Jerusalem sub-district (see Table 2), with the percentage falling to less than 5 percent by 1944.

More important, however, was the location of a large number of Palestinian villages

Table 3   **Total Population of Jerusalem Sub-District, 1922-1946** [21]

Year	Palestinian Arabs	Jews
1922 Census	82,870	34,439
1931 Census	98,803	54,823
1944 Estimate	140,530	100,200
1946 Estimate	150,590	102,520

to the west of Jerusalem, particularly along the main road to Jaffa, such as Lifta and Deir Yasin within the immediate vicinity of the city (approximately 5 km) all the way to Nitaf at the northwestern edge of the sub-district (approximately 17 km). These villages, which would become a key battle area during the 1948 war, effectively separated the Jewish neighbourhoods of Jerusalem from the New Yishuv in the coastal areas in Palestine.

Beginning in the 1930s, however, political developments in Europe and in Palestine began to effect a change in Zionist policy towards Jerusalem. Jewish immigration to Palestine skyrocketed, reaching a peak in 1935 of 61,854 according

to British Mandate figures. The Jewish population of Jerusalem also began to increase rapidly, nearly doubling between 1931 and 1946, accounting for the overall growth in the Jewish population of the Jerusalem sub-district in the same period.[22]

Table 4   Urban Population of Jerusalem, 1922-46 [23]

Year	Jewish	Palestinian Arab
1922 Census	33,971	28,112
1931 Census	51,222	39,229
1944 Estimate	97,000	59,980
1946 Estimate	99,320	65,010

The Jewish population in the rural areas of the Jerusalem sub-district on the other hand, declined by 350 persons. Apart from new migration, which accounted for approximately 65 percent of the growth of the Jewish population in Jerusalem between 1922 and 1944, the large increase in the Jewish population outside the city walls under the British Mandate was due to both natural increase and several "push and pull" factors within Jerusalem.[24] Overcrowding and concerns for public health (and safety in the context of increasing Jewish-Arab tensions) in the Old City, along with the development of services and infrastructure in the new Jewish neighbourhoods, often aided by financial assistance from foreign Jewry, facilitated the growth of the Jewish population in the western areas of the city.

The proportion of Palestinian Arabs to Jews in Jerusalem, on the other hand, had gradually decreased from 46 percent in 1922 to 40 percent in 1944 (see Table 4).[25] The actual size of the Palestinian population during this period, however, increased by around 40 percent. The size of the Palestinian Arab population in the sub-district relative to the Jewish population, meanwhile, decreased by roughly 11 percent with the decrease in the rural areas only one-quarter that of the entire sub-district. The actual demographic balance between Jews and Palestinian Arabs in Jerusalem, however, may have been somewhat closer as British Mandate surveys often overestimated the size of the Jewish population within the municipal boundaries of the city by including new Jewish neighbourhoods outside the municipality and illegal Jewish immigrants who subsequently left the city. Palestinian Arab villages outside the municipality were not included.[26]

Nonetheless, this change in the demography of Jerusalem, despite the weak Jewish presence outside the municipal boundaries of the city, seemingly had a strong impact on the thinking of Ben-Gurion and other leading Zionists. By April 1937, even before the Peel Commission published its report, Ben-Gurion had

dropped his support for internationalization of the city under supreme British control and flatly opposed any partition of the city that did not leave at least part of Jerusalem, with its growing Jewish population, under Zionist control.[27] The concept of partition remained part of Ben-Gurion's thinking in the decade leading up to the 1948 war. In his memoirs, Ben-Gurion notes that during this period Zionist policy advocated separation of the Old City from the New City (i.e. the area outside the Old City walls) along with the separation of the eastern and western parts of the New City. Jewish inhabitants of the New City, including those in the eastern neighbourhoods, would become citizens of the Jewish state, while Mt. Scopus and Hadassah Hospital would remain under Jewish sovereignty.[28] Consistent with this approach, the Jewish Agency put forward a proposal in early November 1947 for the partition of Jerusalem.[29]

At the same time, Ben-Gurion's pre-war policy towards Jerusalem remained dynamic, subordinate to the central Zionist objective of creating a Jewish state in Palestine. With the international community backing the 1947 UN Partition Plan (General Assembly Resolution 181) calling for the internationalization of Jerusalem, and the city geographically isolated from the strong Jewish presence on the coastal plain, Ben-Gurion opted, albeit reluctantly, to cede control over Jerusalem in exchange for admittance into the UN. The Jewish Agency meanwhile, was "impelled to relinquish [its] claim on New Jerusalem" and re-directed its territorial aspirations towards the inclusion of the Negev and upper part of the Western Galilee within the proposed Jewish state.[30] Ben-Gurion was clear, however, that his acceptance of the UN plan carried with it the proviso that the international borders of Jerusalem not threaten the Jewish majority in the city.[31] Ben-Gurion failed to secure this condition. According to the last British estimate for the end of 1946, the Jewish population comprised 60 percent of the total population within the Jerusalem municipal borders. Within the international zone proposed by the UN, there was a slight majority of around 105,000 Palestinian Arabs compared to 100,000 Jews.[32]

The political significance of Jerusalem for the success of the Zionist project in Palestine began to emerge in strength as the weak and conditional support for the UN Partition Plan began to collapse. Nevertheless, former Israeli UN representative Abba Eban recalled that there was no discussion about Jerusalem being the capital of the Jewish state until the 1948 war.

> [T]he Yishuv had developed in the Galil [Galilee] and the coastal
> plain, with Jerusalem a mixed population centre surrounded by
> Arab areas. I do not recall any discussion among the leadership
> in that period suggesting Jerusalem as part of a Jewish state. The

best that could be imagined was internationalization-to prevent it
from being incorporated into an Arab state.[33]

There is evidence that Ben-Gurion himself, remained pragmatic in his thinking
regarding the political status of Jerusalem up until early April 1948, one month
before the Arab states entered the war. In response to a request by several Zionist
leaders who wanted Herzliya declared as the political capital, for example, Ben-
Gurion refused to reject their claim outright. He informed them, rather, that they
would have to wait for clarification of the situation in the war.[34]

As the Zionist forces acquired control of territory in and around Jerusalem,
particularly after the massive flight of Palestinian Arabs from the city in the wake
of the Deir Yasin massacre, the initial (albeit reluctant) Zionist support for
internationalization of Jerusalem under the Partition Plan crumbled. From the date
of the Deir Yasin massacre in early April through to the middle of May 1948 when
the state of Israel was established, 23 percent of the total Palestinian Arab town
and village lands in the Jerusalem sub-district that eventually became part of the
state of Israel had been conquered, adding to the 7 percent already in the hands of
Zionist forces before April 1948.[35] These included crucial Palestinian towns along
the transportation route which linked Jerusalem with the coastal plain.

Table 5   Towns and Villages Depopulated in Jerusalem Sub-District,
             April - May 1948 [36]

Village/Town	Date of Depopulation	Area (dunums)
Deir Yasin	9 April	2,704
Nitaf	15 April	1,401
Saris	16 April	10,267
Jerusalem (west)	28 April	7,293
Bayt Mahsir	10 May	16,268
Total	By 15 May	37,848

According to Golani, the opening of the corridor between Jerusalem and the
coastal plain "caused a reversal in Zionist policy towards Jerusalem."[37] The policy,
and the public rhetoric particularly, of leading Zionists like Ben-Gurion towards
Jerusalem shifted sharply to the right, reflecting, more closely, views held by the
Herut movement. Herut viewed the establishment of a political capital in Jerusalem
as central to the creation of a Jewish state in Palestine and in concert with the
movement's religious-nationalist ideology-i.e. no Zionism without Zion. Jerusalem

thus became a political gauge of the success or failure of the Zionist project in Palestine. "The struggle for Jerusalem will determine the fate not only of the country," stated Ben-Gurion, "but of the Jewish people."[38] The high number of Jewish casualties in Jerusalem relative to other areas in Palestine, the division of the city, and the lack of Jewish access to holy sites in the Old City following the conclusion of the 1948 war, further intensified the political importance of the western areas of Jerusalem to the new Jewish state.[39] Prominent Israeli leaders no longer spoke of separate political, religious and cultural orientations towards the city.[40] According to Talmon, Jerusalem (although only the western neighbourhoods were under Israeli control) had thus become "the symbol and the most significant exponent of transfer from 'peoplehood' to 'nationhood' and 'statehood.'"[41]

Israel's Rejection of Refugee Return to Jerusalem

Throughout the spring of 1948, Zionist leaders debated, both in private and publicly, whether Palestinian Arab refugees should be allowed to return to their homes and property. Local Jewish authorities, kibbutz movements, the settlement and land departments of Zionist institutions as well as prominent Zionist officials all lobbied against the return of the refugees.[42] Masalha notes that some small left and liberal Zionist political groups like Mapam and Ihud supported the repatriation of a "limited number" of refugees but their position was never adopted by the government of Israel.[43] Ben-Gurion had decided seemingly against the return of refugees, without stating so explicitly, as early as February 1948 after the depopulation of some of the western Palestinian Arab neighbourhoods of Jerusalem. "In many Arab districts in the west-one sees not one Arab," stated Ben-Gurion at a meeting of the Mapai Council on 7 February, 1948. "I do not assume that this will change."[44]

Two conditional offers for the return of a limited number of refugees were considered briefly by Israel in the early 1950s but neither one was implemented.[45] It is uncertain if the temporary offer to accept the repatriation of some 100,000 refugees to the territories under Israeli control in the summer of 1949, devised by Israeli Foreign Minister Moshe Sharett in response to American pressure as well as international public opinion, would have included any returnees to Jerusalem as the offer was conditioned upon the right of the Jewish state to choose the location of return inside Israel and the right to reject Palestinian Arab refugees on the basis of Israeli-determined security considerations.[46] In any case, the number of returnees to Jerusalem would have likely been small. The offer included some 25,000 Palestinian refugees who had already returned, illegally according to Israeli officials, to their homes and property as well as other areas inside the new state of Israel in

the intervening period. It also included some 10,000 refugees to be permitted to return under humanitarian or family reunification considerations.[47]

In other words, the actual number of refugees who would have been allowed to return was less than one seventh the total number of refugees, estimated by the Conciliation Commission at 711,000 and roughly equal to the entire Palestinian Arab population of Jerusalem at the end of 1946.[48] More important, however, was the fact that Sharett made the proposal under the assumption that the talks on refugees at the Lausanne Conference sponsored by the UN Palestine Conciliation Commission would ultimately fail, meaning that the offer would never have to be implemented.[49] Sharett further acknowledged that the Foreign Ministry had begun to speak out publicly against the return of refugees as early as the spring of 1948 in order to galvanize Jewish public opinion.[50] Mindful of international pressure, however, Sharett ordered that secret plans for refugee repatriation be drawn up in case Israel was forced to take back a certain number of Palestinian Arab refugees.[51]

By June of 1948, the Israeli cabinet had come to the conclusion that, due to political and practical considerations (although the latter cannot be fully divorced from the former), Palestinian Arab refugees would not be allowed to return to their homes and lands inside the new Jewish state.[52] Accordingly, Ben-Gurion noted in his diary on the 1 June 1948 that the refugees "were not to be helped to return."[53] Jewish public opinion had already coalesced in support of the government's position. In the minds of many Jewish Israelis, the "post-exodus status quo" had to be "consolidated and safeguarded."[54] While the Israeli cabinet did not take a formal vote on the issue, the rejection of the right of return had nonetheless become de facto Israeli policy.[55] Israel Defense Force (IDF) commanders issued orders to bar the return of refugees.

As a sign of Israel's commitment to block the return of Palestinian Arab refugees, IDF troops were subsequently authorized to fire at refugees who attempted to return to their homes and lands following the start of the Second Truce on 18 July 1948.[56] By this time around 65 percent of the total number of depopulated Palestinian Arab villages in the Jerusalem sub-district (see Table 6) had fallen under the control of Israeli forces, accounting for around 50 percent of the total Palestinian Arab land that eventually became part of the state of Israel along with 50 percent of the Palestinian Arab population from this area.

The UN Mediator noted this situation in his report of late July, early August 1948, writing that Jewish attitudes had stiffened while the Provisional Government was less receptive to mediation.[58] The government's opposition to the return of refugees was reaffirmed at a meeting called by Ben-Gurion on 18 August 1948. "The view of the participants was unanimous," stated Ya'acov Shimoni, an official at the Foreign Affairs Ministry who attended the meeting, "and the will to do

Table 6   Palestinian Arab Villages Depopulated, May - July 1948 [57]

Village/Town	Date of Depopulation	Area (dunums)
al Jura	11 July	4,158
Aqqur	13 July	5,522
Khirbat al Lawz	13 July	4,502
Sataf	13 July	3,775
Suba	13 July	4,090
al-Malha	15 July	5,906
Deir 'Amr	17 July	3,072
Khirbat Ism Allah	17 July	568
Kasla	17 July	8,004
Artuf	18 July	403
'Ayn Karim	18 July	13,667
Deir Rafat	18 July	13,242
Ishwa	18 July	5,522
Islin	18 July	2,159
Sar'a	18 July	4,967
Total	As of 18 July	79,557

everything possible to prevent the return of the refugees was shared by all."[59] The rejection of the right of Palestinian residents of Jerusalem to return to the city was consistent with the concept of population transfer which had been discussed widely in Zionist circles for several decades and which Ben-Gurion had once voiced support for as morally and ethically justified.[60] According to Yosef Weitz, director of the Jewish National Fund's Land Department (Development Division), and chairman of the two transfer committees established after 1948, Israel's rejection of the right of return was akin to "retroactive transfer."[61]

Given the development of Zionist policy towards the western areas of Jerusalem that fell under Jewish control in 1948, it is not surprising that Palestinian Arab refugees were denied the right to return to their homes and property in the city. On the one hand, the return of Palestinian refugees to those parts of Jerusalem that had fallen under Israeli control would have posed a significant challenge to the so-called Jewish character and favorable Jewish demographic balance in the western areas of Jerusalem. Weitz expressed the view of most leading Zionists when he wrote in his transfer plan, "Retroactive Transfer, A Scheme for the Solution of the Arab Question in the State of Israel," presented to Ben-Gurion in June 1948, that Israel was to be a state "inhabited largely by Jews, so that there will be in it very

few non-Jews." "[I]t is not our job to worry about the return of the Arabs," stated Ben-Gurion. The displacement of Palestinian Arabs from their homes, on the other hand, was, according to Foreign Minister Sharett, the "lasting and radical solution" of this "most vexing problem of the Jewish State." These sentiments were expressed in more extreme terms by other members of the Israeli Knesset. "I'm not willing to accept a single Arab, and not only an Arab but any gentile," stated Eliahu Hacarmeli during the 1949 spring meeting of the Labour Secretariat. "I want the State of Israel to be entirely Jewish, the descendants of Abraham, Isaac and Jacob [...]"

Estimates of the total number of Palestinian Arabs displaced from the western neighbourhoods of Jerusalem range from 30,000-45,000. The range in estimates for the population of the city prior to the 1948 war is due, in large part, to what Dumper refers to as "demographic gerrymandering." If one includes the residents of the villages west of the municipal borders (which were later incorporated into the Israeli West Jerusalem municipality) the size of the displaced Palestinian Arab population outside the Old City, based on the last population estimate under the British Mandate in December 1946 is estimated to have been 50,000-60,000. Reasonably accurate estimates of the total number of Palestinian Arab refugees from the western areas of Jerusalem in 1948 can be derived by accounting for the population growth between 1947 and 1948, thus bringing the total Palestinian Arab population displaced from these areas, according to a study by Abu Lughod, to around 80,000 as compared to just over 100,000 Jews living in the western areas of Jerusalem on the eve of 1948. The Jewish demographic presence in the Israeli-controlled area of the city would have been reduced to less than 60 percent of the total population of the western areas of Jerusalem if all the refugees would have been allowed to return.

The return of refugees would have also constituted a threat to Israeli sovereignty, which was based historically on Jewish presence on and ownership of the land. According to Kimmerling, sovereignty was "a situation of fait accomplis" for the Yishuv, "achieved by the system's presence in a territorial space." Israel's sovereignty was considered to be endangered if there was an absence of territorial presence. Israeli officials like Weitz and Sharett thus viewed the absence of Palestinian Arabs to be critical to the "solidity of the state structure and the solution of crucial [...] political problems." Based on a natural growth rate of the Palestinian Muslim population at that time of 3.8 percent per annum, the size of the Palestinian Arab population from the western neighborhoods and villages of Jerusalem would have reached at least 112,000 within a decade after 1948.[74] The Jewish presence, and by inference Israeli sovereignty, in the western areas of the city, therefore, would have been reduced by nearly half from that immediately after the 1948 war.

If the western areas of the city would have expanded according to the natural

growth rate of the Jewish and Palestinian Arab populations it is conceivable that the demographic balance would have tipped in favor of Palestinian Arabs within several decades. Concerns about the impact of a narrow Jewish majority and the sovereignty of a Jewish state had been on Ben-Gurion's mind since late 1947. In response to the UN Partition Plan Ben-Gurion had stated, "There can be no stable and strong Jewish state so long as it has a Jewish majority of only 60 percent."[75] For Ben-Gurion and his cabinet colleagues, the situation was no different with regard to Jerusalem in the summer of 1948. The importance of Jewish presence in Jerusalem was augmented no less by the fact that the international community refused to recognize de jure the sovereignty of Israel in the western areas of the city.[76]

Palestinian refugees were also prevented from returning to the western areas of Jerusalem for strategic reasons, a concern shared by both military and political officials.[77] In the middle of June 1948, the Director of the IDF Intelligence Department warned the Foreign Ministry's Political Division that the return of Palestinian refugees to their villages would constitute a serious danger and a potential fifth column behind Israeli front lines.[78] Meir Grabovsky, the Mapai Knesset chairman, concurred. Allowing the refugees to return would be "one of the fatal mistakes destroying the security of the state [...] We will face a Fifth Column."[79] According to Sharett, "The primary and most decisive consideration is security. A flood of returning Arabs is liable to blow up our State from within."[80] Palestinian Arab refugees who became citizens of Israel were prevented from returning to their properties in the western areas of Jerusalem under suspicion that they also constituted a potential fifth column or irredentist force in the city.[81] "The Arab minority is a danger to the state, in time of peace just as much as in time of war," stated Yigal Yadin, Israeli Army Chief of Staff between 1949 and 1952.[82]

With the division of the city in 1948, West Jerusalem had become a "border town" abutted to the de facto entity of Palestinian Arab East Jerusalem and nearly surrounded by West Bank Palestinian villages, not to mention the northern and southern towns of Ramallah and Bethlehem, respectively, all of which fell under the control of the Hashemite Kingdom of Jordan and had a total population of some 145,000 Palestinian Arabs.[83] If all the refugees from Jerusalem living outside the state of Israel were permitted to return to the western areas of the city, particularly to the corridor which connected Jerusalem to the Jewish population on the coastal plain, the remaining Jewish neighbourhoods would become little more than enclaves, at best narrowly connected and potentially completely cut off from the rest of the Jewish state. The refugees from the 38 depopulated villages west of Jerusalem alone amounted to some 28,000 persons.[84] The general policy of the Israeli government after 1948 in all areas of Palestine under its control was to move

Palestinian Arabs away from, not towards, the border areas to make them, in Ben-Gurion's words clean (naki) and empty (reik).[85]

The right of return was also rejected by Israel due to what the government viewed as practical considerations. Like hundreds of other towns and villages in Palestine in 1948, the western neighbourhoods and villages of Jerusalem had been emptied of their Palestinian Arab residents and replaced by Jewish immigrants and citizens during and after the war, a situation noted by the UN Mediator in his September 1948 report.[86] According to Israeli officials,

> The question of housing the [Jewish] newcomers was partly solved by placing them in the habitable houses in abandoned Arab towns and villages […] the individual return of Arab refugees to their former places of residence is an impossible thing […] their houses have gone, their jobs have gone.[87]

By the middle of 1948, the western areas of Jerusalem had been transformed from a mixed urban setting into one where the Jewish presence (and Palestinian Arab absence) was virtually absolute. Foreign Minister Sharett felt that the new Jewish state could not take upon itself the burden of the refugees because the state's energies and resources were being directed towards Jewish immigration.[88]

Walter Eytan, the Director General of the Foreign Ministry, along with other Israeli officials acknowledged that the absorption and settlement of Jewish immigrants during the first years of the new state might have been impossible without the homes and property of Palestinian Arab refugees.[89] The cost of placing an immigrant family in a new settlement was between $7,500 and $9,000 while placing the same family in one of the homes vacated by Palestinian Arab refugees was only $1,500.[90] In the first three weeks after its establishment in April 1948, for example, the Jewish Jerusalem Committee had housed 2,400 Jews in former Palestinian Arab areas of the city.[91] The Housing Department of the District Commissioner's Office, another Jewish agency, placed nearly 4,000 Jewish families or some 16,000 persons in over 5,500 rooms in the western parts of the city between September 1948 and August 1949.[92] Based on the occupation of some 10,000 Palestinian Arab homes in the western areas of Jerusalem, the government would have saved 75 million dollars just in Jerusalem. The government of Israel thus argued that it was impractical to repatriate refugees to their homes in the city because others (i.e. Israeli Jews) had already taken up residence and assumed, under Israeli law, legal rights in the homes and properties of Palestinian refugees.[93]

While the state of Israel rejected the right of Palestinian Arab refugees to return to their homes and lands, the government eventually accepted, in principle, that the

refugees should receive some kind of compensation. The idea of compensation had been brewing in government circles since the summer of 1948 even though there was significant public opposition to refugee compensation inside Israel.[94] At the same August meeting in which Israeli leaders reaffirmed unanimously their decision to reject the return of the refugees, David Horowitz, one of the participants, raised the idea of compensating refugees with proceeds from the sale of refugee property to Jewish citizens of Israel and, in particular, American Jews.[95] Ben-Gurion also raised the issue of compensation during meetings of the Palestine Conciliation Commission in the spring of 1949.[96] It was not until 1950, however, that Israel agreed, in principle, to compensate refugees for their losses.[97]

Israeli officials believed that an offer of compensation would ease American and international pressure on the Jewish state for the return of refugees to areas inside its borders. The government also considered compensation as a means to placate internal Palestinian Arab refugees who were also denied the right to return to their homes and lands. Other officials hoped that compensation might provide the financial incentive to encourage Arab emigration from the state of Israel. Moreover, the government viewed compensation as an instrument to bring the refugee issue to a close, extinguishing refugee demands for repatriation of homes, lands and movable property, while at the same time according a degree of official, if not legal, legitimacy to the transfer of refugee property to the state of Israel. Israeli officials regarded compensation as the final settlement on all refugee claims which would release Israel from all other contributions to the solution of the refugee issue.

In practice, however, Israeli compensation of Palestinian Arab refugees was predicated on the acceptance by the refugees of several pre-conditions initially set down by Foreign Minister Sharett in November 1951.[98] While Israel would agree to pay compensation for so-called abandoned lands, including rural property, undamaged urban property and bank accounts (but excluding the Arab share of state lands), the Israeli government refused to accept a compensation scheme imposed by the international community. According to Israeli officials, compensation was a humanitarian gesture rather than a measure of Israeli responsibility for the refugees. Most officials argued that the problem of abandoned land was a legacy of the war and not born of Israeli policy.[99] Nearly the entire population of Jerusalem and the four villages later incorporated into the de facto municipality of West Jerusalem, however, had already been displaced by the time the Arab states entered the war in May 1948.[100] Moreover, Israeli officials argued that the size of the compensation package would be subject to Israel's ability to pay and dependent on the extent of contributions from the international community. The government also insisted that compensation from Israel would be directed

through the United Nations rather than to individual refugees. The Israeli Compensation Committee, established by the government in October 1949 to replace the second Transfer Committee, feared that if refugees were compensated individually it would require their return to assist in the evaluation of their assets thereby establishing a precedent and creating an expectation for the return of at least some of the refugees.[101]

Israeli officials also feared that the process of compensating refugees individually might drag on indefinitely and produce an aggregate sum that would be beyond the ability of the state to pay given the size of the refugee population and its property losses. The report of the UN-appointed Palestine Conciliation Commission had, by 1951, established a global assessment of refugee losses which afixed a value of 9,250,000 Palestinian pounds to Palestinian Arab lands in urban West Jerusalem.[102] If the lands of Deir Yasin, Lifta, 'Ayn Karim and al-Malha were included, the value would increase by nearly another million pounds.[103] The Conciliation Commission completed an individual assessment of refugee property losses in 1964, but only released partial figures.[104] Later estimates using 1947 market values placed the loss of Palestinian Arab refugee land holdings and buildings in urban Jerusalem alone at 30 million Palestinian pounds, excluding movable property.[105]

The task of documenting and determining the value of movable properties (i.e. consumer durables, tools, implements, etc.), some of which were destroyed and many of which were looted, however, proved to be a much more difficult task. The total value of movable property was set by the PCC at 20 million Palestinian pounds.[106] Using different methods for determining the value of movable property the Commission arrived at figures for Jerusalem between 1.5 and 3.5 million Palestinian pounds.[107] Based on the percentage of Jerusalemite refugees out of the total refugee population, the value of movable property for the western areas of Jerusalem, including property from the villages later incorporated into the city, according to the aggregate sum determined by the Commission would have been approximately 2.1 million Palestinian pounds.[108] During the early years of the Jewish state, maximum available resources were being directed towards the absorption and settlement of some 700,000 Jewish immigrants, approximately the same size as the number of original Palestinian Arab refugees. Any compensation would inevitably be viewed by the government as a zero-sum game, more resources spent on Palestinian Arab refugees would translate into less resources being spent on Jewish immigrants.

Israel also linked refugee compensation to a set of regional factors over which the refugees had little control. Foreign Minister Sharett noted that Israel reserved the right to deduct the value of lost Jewish assets frozen in Iraq in March 1951.[109] The linkage between compensation of Iraqi Jews and compensation of Palestinian

Arab refugees betrayed a fundamentally different understanding of the refugee issue. While the Arab world and much of the international community believed that compensation of Palestinian Arab refugees and Iraqi Jewish refugees should be addressed as two distinct issues based on their respective merits, Israeli officials tended to view the displacement of Palestinian Arabs and Jews in the region as a population exchange. As early as the 1920s, for example, Ben-Gurion had considered the Greek-Turkish population exchange in the 1920s as a parallel case and as a workable model for Arabs and Jews.[110] Israel also linked compensation of the refugees to a cessation of the Arab boycott of the state of Israel.[111]

Retroactive Transfer

While the United Nations and the international community attempted to formulate a coherent policy towards Palestine with the collapse of UN Resolution 181, the de facto division of Jerusalem and the massive displacement of the Palestinian Arab population, Israel began to adopt measures to block the return of Palestinian refugees to the western areas of Jerusalem. At most, 1,000 dunums of land in the western Palestinian Arab neighbourhoods of Jerusalem remained in Palestinian Arab hands after 1948.[112] According to Hadawi, prior to the 1948 war approximately 40 percent of the property in all of Jerusalem was privately owned by Palestinian Arabs, 26 percent by Jews while the remainder belonged to Palestinian religious communities and the government of Palestine.[113] With the division of the city Palestinian Arab individually- owned lands accounted for approximately 34 percent of the western area of Jerusalem under Israeli control.

Table 7   Land Ownership in the Western Area of Jerusalem under Israeli Control[114]

Type	Area (dunums)	percent of total area
Palestinian Arab	5,478	33.69
Jewish	4,885	30.04
Other (Palestinian religious)	2,473	15.21
Government & Municipal	402	2.47
Roads and Railways	3,023	18.59

In the villages that were annexed to Israeli-controlled West Jerusalem, namely Lifta, Deir Yasin, 'Ayn Karim, and al-Malha, Palestinian Arabs owned approximately 90 percent of the land, or about 30,000 dunums.

Table 8   Land Ownership in the Villages of Western Jerusalem [115]

Village	Palestinian Arab (dunums)	Jewish (dunums)
'Ayn Karim	13,667	1,362
Deir Yasin	2,704	153
Lifta	5,396	756
al-Malha	5,906	922

If Palestinian Arab property ownership within the municipal borders and the western villages is combined, Palestinian Arabs owned around 65 percent of the property which became the Israeli municipality of West Jerusalem after the division of the city in 1948. If the property of Palestinian Arab religious institutions and state land is included this figure rises to around 80 percent.

The "Retroactive Transfer" plan prepared by Yosef Weitz in early June 1948, outlined a package of six methods to prevent the return of Palestinian Arab refugees. The plan had already received the blessing of Finance Minister Eliezar Kaplan by the time Ben-Gurion gave his approval, with the exception of Israeli financial assistance to help resettle the refugees in Arab states.[116] Of relevance to Jerusalem are points three and four which called for the settlement of Jews in a number of Palestinian Arab towns and villages and the adoption of laws to prevent the return of refugees.[117] The plan also called for the demolition of Palestinian Arab villages. In comments to the Conciliation Commission, Israel later conceded that it was "not by virtue of a land transaction entered into at a time freely chosen and under conditions freely agreed, that these [properties] are in the possession of the Israel authorities."[118] While villages west of Jerusalem along the route to the coast suffered heavily under this scheme, those within the immediate vicinity of Jerusalem, such as Deir Yasin, al-Malha, 'Ayn Karim etc. were not destroyed. Within the sub-district, however, approximately 55 percent of the depopulated Palestinian Arab villages were completely destroyed. In urban areas of Palestine that fell under Israeli control, estimates of the number of properties to which the original Palestinian Arab owners were allowed to return, range from 67 in all of Haifa, Jaffa and Jerusalem to an estimate of 2000 in undefined urban areas.[119]

On the ground, the Haganah (later the Israel Defense Forces), the Provisional Government (later the Government of Israel) adopted and implemented several practices and laws consistent with the methods suggested in the Retroactive Transfer plan. In early February 1948 Israeli Prime Minister David Ben-Gurion ordered the Haganah to settle Jews in the abandoned and conquered Palestinian Arab neighbourhoods.[120] The use of the term abandoned rather than enemy property

was consistent with Israel's position that Palestinian Arabs fled under their own volition. According to definition, however, the term was inconsistent with Palestinian Arab intentions. Palestinian Arabs from Jerusalem and other areas did not give up control or right of property to Zionist authorities in 1948; Israel, rather, prevented the repatriation of refugee property. Jewish immigrants were also housed in the Palestinian Arab villages west of the city. One hundred and fifty Jews were settled, for example, in 'Ayn Karim at the end of December 1948.[121]   The new state's four year development plan which Ben-Gurion announced to the Knesset on 8 March 1949 called for special efforts to strengthen the Jewish presence in Jerusalem.[122]

Populating Palestinian Arab neighborhoods and villages with Jews fulfilled two primary objectives of the new Jewish state. The government was able to provide housing for present and incoming Jews and it was able to physically block the return of Palestinian Arab families who left their homes during the war. Israeli Colonel Moshe Dayan, for example, believed that the UN would pressure Israel to evacuate areas of Jerusalem not settled by Jews.[123] According to Ezra Danin, a Senior Intelligence Officer of the Haganah and a member of both Transfer Committees, the refugees had to be "confronted with faits accomplis'" to prevent their return. In a letter to Weitz in mid-May 1948, Danin noted that this included "settling Jews in all the area evacuated" and "expropriating Arab property."[124] By the end of May 1948, most of the Palestinian Arab neighborhoods in the western area of Jerusalem had been partially, if not completely settled by Jews. Only 750 individuals of the entire non-Jewish population remained in Israeli-controlled West Jerusalem and of those 550 were Greeks who continued to live in their houses in the German and Greek colonies.[125] The remaining 200 comprised, if one takes the median population estimate for Palestinian Arab residents of the western neighborhoods and villages, less than half a percent of the original Palestinian Arab population of that part of the city.

Further measures were taken by the government of Israel to legalize the fait accomplis barring the return of Palestinian Arab refugees through the adoption of laws dealing with abandoned property, including property in Israeli-controlled West Jerusalem. These new laws were implemented in such a way as to legalize, within the Israeli legal system, the eventual transfer of refugee property to Jewish owners and leasee's in the absence of the original Palestinian Arab owners. Already in March 1948 the Committee for Arab Property, nominated by the Haganah High Command, had assumed responsibility for some 10,000 homes, not to mention businesses and movable property (such as furniture, paintings, books, jewels and commercial stock, etc.) left behind by Palestinian Arab residents of Jerusalem who expected to return to their homes and property after the conclusion of the war.[126]

In June 1948 the Provisional Government passed the Abandoned Areas Ordinance which authorized the creation of regulations for "the expropriation and confiscation of movable and immovable property, within any abandoned area."[127] According to the Ordinance, abandoned property was defined as any place conquered by or surrendered to the Israeli armed forces or deserted by part or all of its residents. The law also invested the government with the authority to declare any area as abandoned. Several weeks later Ben-Gurion appointed the first Custodian of Abandoned Property to administer the movable and immovable property which had fallen into the hands of Zionist forces during the war.

While the appointment of a Custodian facilitated the administration of Palestinian Arab refugee assets, the property remained outside the ownership of the state. The actual transfer of ownership of the property from its Palestinian Arab owners to the state of Israel came with the adoption of the Absentees' Property Law in March 1950.[128] The Law, which former Jewish National Fund (JNF) Chairman Avraham Granott referred to as a "legal fiction", allowed the government to transfer property from Palestinian Arab to Jewish ownership by virtue of a government payment to the Israeli Custodian of Absentee Property who replaced the Custodian of Abandoned Property.[129] The Israeli government thus claimed that the property had been acquired legally (i.e., by payment) rather than through confiscation. Under the law, the Custodian could acquire control of property by declaring the property to be absentee. The burden of proof regarding ownership fell upon the owner rather than the Custodian. Commenting on the Law, the Israeli Supreme Court noted at the time that "[t]he interests of Arab citizens were ignored and evidence presented by the Custodian to certify them as absent were frequently groundless [...]."[130] Despite this and other objections, however, the Absentees' Property Law remained in force.

Under the Law, the Custodian was permitted to not only lease or hold on to property under his custodianship, but to sell it to a Development Authority established subsequently by the government.[131] Dividends from the sale of the property (less administrative and legal expenses) were to be held by the Custodian in fund until such time as the state of emergency, under which the law was declared operational, came to an end. As regards Absentees' property, the state of emergency is still in existence. Ben-Gurion rejected a plan to sell the land outright to the JNF fearing that the government would be accused of confiscating the property illegally under international law. In September 1953 the Custodian signed over his "rights" to land he was responsible for in return for a price paid by the Development Authority, the sum of which was returned to the Development Authority in the form of a loan.[132] In the western neighbourhoods of Jerusalem and other urban areas, many buildings were transferred to the government housing corporation

Amidar.[133] After 1953, Jewish residents were allowed to purchase property from the corporation and the new title of ownership was registered in the Tapu [Tabu in Arabic], the Ottoman record in which much of the property had been registered originally by the Palestinian Arab owners.[134]

Compensation was offered, in principle, in lieu of the right of return, to encourage resettlement outside of Israel on the one hand, and on the other to complete the process of transferring the property of the refugees, initiated under the Absentees' Property Law, to the state of Israel and individual Jewish owners. This was, in effect, application of the basic principle of the sixth strategy suggested by Weitz to Ben-Gurion which called for aid to Arab states to encourage resettlement. While the strategy was rejected by Ben-Gurion, it was, in effect, applied inside Israel. The intention of the government with regard to compensation was, perhaps, evident in the reconstitution of the second Transfer Committee into a Compensation Committee in 1949. Proposals for compensation which would be used for resettlement of the refugees, for example, were made made by Moshe Sharrett during a visit to the US in 1956 and by Prime Minister Levi Eshkol in 1965.[135] Since the late 1950s however, no official offers have been made for compensation for refugees outside of Israel.

The underlying purpose of compensation legislation for Palestinian Arab refugees inside Israel, which included the Absentees' Property Law of 1950, the Land Acquisition (Validation of Acts and Compensation) Law of 1953, the 1973 Absentees' Property (Compensation) Law and the Absentees' Property (Compensation) (Amendment) Law of 1976, was to validate under Israeli law the transfer of Palestinian Arab property to the state of Israel.[136] Using the 1973 Absentees' Property (Compensation) Law as an example, Jiryis illustrates the process through which transfer of Palestinian Arab property to the state of Israel was to be validated through compensation. According to Article 14 of the 1973 Law, compensation, even if it was paid to the wrong person, fulfilled the state's obligations to the absentee thereby severing the absentee from legal recourse with regard to the property in question.[137] In order to force a resolution of the absentee property issue, Article 4 stipulated that compensation claims had to be filed within three years of the law coming into force or two years from the day the claimant became a citizen.[138] Finally, the 1973 Law attempted to extinguish the repatriation of any absentee property. According to Article 18, an absentee's claim for a right in property or for a release of property could not be considered after the law came into force.[139]

The compensation laws also addressed the issue of valuation of absentee property. The Land Acquisition (Validation of Acts and Compensation) Law of 1953 fixed property values according to the estimated 1948 value. In the interceding

years the value of the property, meanwhile, had increased by more than 10 times its value in 1948.[140] The law adopted in 1973 in an attempt to incorporate Palestinian residents of East Jerusalem who were displaced from property, either in the western areas of Jerusalem or inside the other territory that became Israel, continued to fix values at 1948 levels. Land value for urban areas was determined under the law by estimates of urban taxes for the years 1944-48 to which was added a ratio of 75 percent to determine the value on the date of the partition, 29 November 1947.[141] In addition, unlike the 1953 compensation law which allowed for compensation in kind if the property was the main source of livelihood for the owner, the 1973 Law recognized no other compensation except cash.[142]

The law also placed restrictions on cash compensation and set in place rigid schedules for payment. Cash compensation under Article 11 of the law was limited to 10,000 Israeli pounds while claims were to be paid only on or after July 1, 1975.[143] Compensation beyond the cash limit was provided in the form of government bonds payable over 15 years.[144] Under the previous 1953 law, claimants could request compensation without restriction. In 1976, the Absentees' Property (Compensation) (Amendment) Law was adopted in order to provide extensions to the original cut off dates for compensation claims. In order to hasten the resolution of the absentee property issue and complete the transfer of Palestinian Arab property to the state of Israel, Article 20 of the law accorded the government the right, with approval of the Finance Committee of the Knesset, to designate persons who would be entitled to compensation but had failed to file claims.[145]

The creation of facts on the ground to block the return of Palestinian Arab refugees to Israeli-controlled West Jerusalem by transferring so-called property rights to Jewish citizens of Israel was accompanied by measures to formalize Israeli sovereignty in the city. As part of a gradual process of transforming Israeli-controlled West Jerusalem (despite counter assurances to the UN) into the political capital of Israel, the Cabinet approved the transfer of government institutions to West Jerusalem even though Abba Eban,[146] Israel's representative at the UN had reassured member states at the UN that Israel intended no change to the status of the city. "[T]he legal status of Jerusalem is different from that of territory in which Israel is sovereign," stated Eban. General elections which included West Jerusalem were held on 25 January 1949. By February the government had consolidated its political control of West Jerusalem. On 14 February 1949, the first Knesset convened in Jerusalem symbolizing the political significance of the city and signaling the de facto annexation of West Jerusalem to the new state. Military rule was subsequently abolished and the Israeli government declared that it no longer considered the city to be occupied territory. As a final measure, the cabinet decided to transfer officially the government to the city, declaring effectively West Jerusalem as the political

capital of Israel. The Cabinet decree which declared Jerusalem as the capital of Israel came on 11 December 1949, one year to the day following the adoption of UN Resolution 194.[147]

Jerusalem Refugees and International Law[148]

Unable to effect the implementation of the 1947 Partition Plan, the United Nations General Assembly subsequently adopted Resolution 194 on 11 December 1948 to facilitate resolution of the refugee issue.[149] Paragraph 11 of Resolution 194 set down the basic elements of a durable solution for the refugees - repatriation, resettlement, economic and social rehabilitation and payment of compensation - and a preferred option comprised of return and compensation based on the choice of each individual refugee.[150] Resolution 194 does not include specific references to Jerusalem refugees, although it does restate the basic framework put forward in Resolution 181 (the Partition Plan) for Jerusalem as a corpus separatum or international city with the "freest possible access" from both the Arab and Jewish states to be established in Palestine.[151] In explaining the meaning of the resolution the UK delegate emphasized during the debate in the First Committee that the resolution applied to "all refugees and the Arabs who had previously been living in the New City of Jerusalem."[152]

The Resolution was both consistent with international law and forward-looking in practice.[153] Under international refugee law, durable solutions for refugees include three basic elements: repatriation, host country absorption, and third country resettlement. These elements are governed by the fundamental principle of voluntariness or refugee choice. In other words, any one of these three elements cannot and must not be imposed on refugees, but must be entered into freely without duress.[154] Since the early 1980s, the international community has recognized voluntary repatriation as the preferred and most durable solution.[155] As part of this shift in international refugee law, an increasing amount of attention is being devoted to the right of refugees to return not only to their country of origin, but also to their homes and property from which they were displaced.[156] This shift towards restitution as a fundamental aspect of refugee protection is consistent with the growing importance of rehabilitation and reintegration programs as part of the repatriation process.[157] To a lesser extent, though equally important, efforts continue towards the development of principles of compensation for refugees.[158]

A special regime was established to carry out the provisions of Resolution 194. The UN Conciliation Commission (UNCCP) was established to provide protection and facilitate a durable solution based on the framework set down in paragraph 11 of the Resolution, while the UN Relief and Works Agency (UNRWA) was created

a year later to follow up on existing relief programs and carry out development or "works" projects to provide assistance and improve the economic situation of the refugees. While the UNCCP drafted a working definition for Palestine refugees,[159] the collapse of protection functions in the early 1950s meant that it was never applied.[160] The only accepted definition to date for Palestine refugees is that used by UNRWA. This definition, however, is based on eligibility for assistance; it does not indicate refugee status. Approximately 30 percent of Palestinian refugees from Jerusalem and the four villages incorporated into the western part of the city (see Table 9) are registered with UNRWA.

Table 9   Registered and Non-Registered Refugee Population 1998, Jerusalem and Villages [161]

Village and Town	Registered	Non-registered
Jerusalem (west)	108,457	319,541
'Ayn Karim	14,839	7,814
Deir Yasin	3,570	775
Lifta	14,217	3,948
al-Malha	10,837	2,983

When the 1951 Convention Relating to the Status of Refugees was drafted a year later, special provisions were included for Palestinian refugees who were the subject of much discussion during the drafting process. Under the first clause of Article 1(d) of the Convention, Palestinian refugees are excluded from the provisions of the Convention due to the fact that they already receive protection or assistance from an existing organ of the United Nations. The second clause, however, allows for the inclusion of Palestinian refugees within the scope of the Convention if for any reason protection or assistance ceases to exist.[162] The Article provides a kind of safety net for Palestinian refugees to guarantee provision of protection and assistance until the implementation of a durable solution based on the provisions of Resolution 194.[163]

While the Palestine Conciliation Commission attempted to persuade Israel to implement Resolution 194, Israel refused to comply with the guidelines set down in the Resolution, which were anathema to Israeli control over the western areas of Jerusalem. Legally, Israel has based its rejection of 194, in part, on the nature of UN General Assembly Resolutions, which it claims are non-binding.[164] This position, however, is not without anomaly. Zureik notes, for example, that this interpretation does not explain Israel's acceptance of some "non-binding" resolutions like 181 that called for the creation of a Jewish state but rejection of others.[165] In

addition, Lee contends that while individual UN General Assembly Resolutions may be non-binding, the repeated and near unanimous reaffirmation of resolutions, like 194 which has been reaffirmed nearly unanimously by the General Assembly since 1948, acquire, in effect, binding force.[166]

Still other experts assert that Resolution 194 has, in fact, been superceded by subsequent UN resolutions, in particular, Security Council Resolution 242 of 1967 which affirms the necessity for a "just settlement of the refugee issue" (Section 2[b]) and the "territorial inviolability" (Section 2 [c]) of states in the region.[167] Benvenisti and Zamir contend that Resolution 242, because it calls upon Israel to withdraw to its 1967 borders, excludes a general right to return or repossess property inside the state of Israel.[168] Takkenberg, however, asserts that Resolution 194 is further clarified by UN General Assembly Resolution 3236, adopted 7 years after Resolution 242 in 1974.[169] The Resolution reaffirms, according to Sub-section 2, "[...] the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return."

The state of Israel's refusal to implement 194 is also based on a narrow, technical interpretation of the text of the Resolution. According to this interpretation, the Resolution does not obligate Israel to accept the return of the refugees because it does not state that refugees have the right to return; 194 only states that refugees should be allowed to return. "The phraseology 'should be permitted' does not amount to 'must be permitted,'" states Radley. "[I]f paragraph 11 intended to establish a 'right of return' would such a 'right' be a matter of permission?"[170] The corollary of this interpretation, as Peretz notes, is that 194 merely emphasizes moral guidelines concerning the return of Palestinian refugees; it does not legislate binding legal obligations.[171] Working papers prepared by the UN Secretariat in 1949 and 1950 to further explain Resolution 194, however, explicitly state that paragraph 11 deals with "the right of refugees to return to their homes."[172]

The right of return for Palestinian Arab refugees who remained inside the territory that became the state of Israel (internally displaced persons), but were displaced and later dispossessed of their homes and land would also be precluded by a narrow, technical interpretation of 194. Approximately 20 percent of the current Palestinian population in Israel (200-250,000 persons) is comprised of refugees from 1948. Internally displaced persons would also include those Palestinians and their descendants from the western areas of the city who found shelter in the eastern areas of Jerusalem in 1948 and were unable to return after the division of the city or the annexation of East Jerusalem in 1967.[173] While Resolution 194 calls for the return of Palestine refugees, internally displaced Palestinians are not considered refugees in accordance with international norms, which generally require the crossing of borders as a prerequisite for refugee status.[174] UNRWA, moreover,

stopped providing services for Palestinian refugees inside Israel after the Jewish state formally took control of the territory that became the state of Israel. According to the more recent attempts to codify the status of internally displaced persons, however, internally displaced Palestinians also have the right to return to their homes.[175]

Israel has applied the same type of narrow reading to other legal conventions in order to avoid its responsibility towards the refugees. International human rights conventions, such as the Universal Declaration of Human Rights, for example, affirm the right of persons to leave and enter their own country.[176] Israel contends, however, that the conventions do not apply to Palestinian refugees because Israel is not the refugees' country of origin and Palestine no longer exists as a recognized state entity.[177] On the other hand, Lawand argues, based on a comparative and contextual reading, that the term "his own country" is wider in meaning than the term state, and is not restricted to nationals in the formal sense of the word.[178] According to the criteria elucidated by Lawand, the term "his own country" should be determined by habitual residence, property, family ties, center of interests, attachment to the country in questions, and expressed intentions in the future.[179] Moreover, "if the reasons [for the delay in return] are due to factors beyond the control and against the will of the claimant, such factors must be weighed in the claimants favor."[180]

Israel also contends that the right of return under international human rights law applies only to individuals, hence the allowance for limited family reunification, rather than collective, national groups.[181] According to the Israeli government, "[i]nternational documents concerning the right of people to leave and return to their country [...] deal with the rights of individuals. The right of return does not apply to displaced masses of people."[182] By the same logic, massive Jewish immigration to Palestine of displaced Jews and refugees during the period of the British Mandate, based on the Zionist assumption that the refugees were returning to their country, although they were never citizens of Palestine, was illegal. Takkenberg contends that the nature of the right of return, as individual or collective, may been seen to be clarified by UN General Assembly Resolution 3236 of 1974 which Cassese notes "moved the debate from 'the individual's right of return' to the Palestinian people's right for self-determination.'"[183]

Israel's interpretation of international human rights law, however, is not consistent with the conclusions of international experts who regularly review implementation of human rights conventions relating to discrimination, civil and political rights, and economic, social and cultural rights.[184] During the 1998 reporting period, for example, the Committees on the Elimination of All Forms of Racial Discrimination (CERD), Civil and Political Rights (CCPR) and Economic, Social, and Cultural

Rights (CESCR), all found Israel to be in violation of basic elements of the convention relating to the right of refugees to return to their homeland. The CCPR noted, for example, "The right of many Palestinians to return possess their homes in Israel is currently denied. The State Party should give high priority to remedying this situation."[185] The Committee on Social, Economic, and Cultural Rights noted, moreover, "with concern that the Law of Return, which permits any Jews from anywhere in the World to immigrate and thereby virtually automatically enjoy residence and obtain citizenship in Israel, discriminates against Palestinians in the diaspora upon whom the Government of Israel has imposed restrictive requirements that make it almost impossible to return to their land of birth."[186] The Committee then recommended that Israel review its re-entry policies so that Palestinians who wish to re-establish domicile in their homeland would be able to do so.

Denial of return to Palestinian refugees is also based on the contention, as mentioned above, that refugees were never nationals of the state of Israel. Under Israel's 1952 Nationality Law, which prescribes the criteria for Israeli citizenship, Jews can acquire automatic citizenship, based on the notion of historical residence, under the Law of Return.[187] The law grants all Jews, regardless of their national origin or citizenship, the right to return to Israel as the Jewish national homeland. On the other hand, to acquire citizenship Palestinians must be able to prove (among a list of 5 conditions for those born before the establishment of the state of Israel and 3 conditions for those born after) that they were in the state of Israel on or after 14 July 1952, or the offspring of a Palestinian who meets this condition.[188] In effect, the law excludes all Palestinian Arab refugees for whom the territory that became the state of Israel was their actual place of habitual residence for centuries.[189] According to Quigley, however, the inhabitant of a state coming under new sovereignty acquires the nationality of the new sovereign, unless the inhabitant opts for the nationality of the former sovereignty.[190] The purpose of this rule is to avoid statelessness and to grant fair treatment to the inhabitants. "Sovereignty denotes responsibility," writes Brownlie, "and a change in sovereignty does not give the new sovereign the right to dispose of the population concerned at the discretion of the government."[191]

Finally, Israel contends that other international legal principles take precedence over those principles relating to refugees.[192] The state of Israel has argued that the right of return for Palestinian refugees constitutes a violation of the overriding international legal principle of state sovereignty-i.e. that a state has the right to exercise jurisdiction over its territory and everything within that territory.[193] This position clearly stands in contravention to principles on nationality and state succession, and the affirmation by the international community of voluntary repatriation as the most durable solution for refugees. As regards refugees from

Jerusalem, in particular, the majority of the international community still considers Israel's status in the city, including western Jerusalem to be de facto rather than de jure.[194] In the context of UN Resolution 181, which called for a corpus separatum in Jerusalem (and has not, to date, been rescinded by the United Nations General Assembly), and Articles 7-9 of Resolution 194 which restate this position, the city, including the western areas, falls under the definition of occupied territory as these areas were outside the territory accorded for the Jewish state as delineated under Resolution 181. According to this interpretation, the 1949 Geneva Conventions, which stipulate the repatriation of war victims and prohibit the transfer of population to and from occupied territory may be seen to be applicable.[195]

Rejection of the return of refugees to the western areas of Jerusalem based on the principle of sovereign jurisdiction is not without anomaly. Successive Israeli governments have refrained from defining the official borders, one of several elements, which constitute sovereignty, of both the state and Jerusalem. According to Israeli law, the present borders of Jerusalem are de facto rather than de jure (unlike the border with Egypt). The decision to refrain from defining borders for the new Jewish state was first proffered by Ben-Gurion before the People's Council hours before the state of Israel was established: "There was a proposal before us to fix the boundaries [...]," stated Ben-Gurion, "We have decided to evade (and I deliberately use this term) this question, [...] We have left the matter open for future developments."[196] This position was later codified in the 1949 Armistice Agreement between the Hashemite Kingdom of Jordan and the state of Israel.[197] More than three decades later, all references to the borders of Jerusalem were removed from the final draft of the Basic Law that declared Jerusalem to be the "eternal capital" of the state of Israel.[198]

As with the right of return, a narrow interpretation of the principles of international law concerning compensation creates certain anomalies for Palestinian refugees. For example, according to the International Law Association Declaration of Principles of International Law on Compensation to Refugees, Principle 1, "the responsibility for caring for the world's refugees rests ultimately upon countries that directly or indirectly force their own citizens to flee or remain abroad as refugees."[199] As with other legal instruments, a narrow interpretation of the term country could imply that Israel would not be responsible for compensation due to the fact that Israel was not the country in which Palestinian Arab refugees were citizens.

Israel's rejection of 194 as a guideline for compensation may also have revealed its understanding about the implication of compensation under principles of international law. Section 11 of 194 states that compensation would be paid "under principles of international law or in equity."[200] Lee contends that this clause, which was not included in the original draft of the Resolution, "sought to imbue the right

to compensation with legal, not merely moral or political character."[201]   Any
compensation under this framework would have implied an admission of Israeli
responsibility for the displacement and dispossession of Palestinian Arabs, which
in turn would have re-opened the issue of the right of return.

The Israeli position concerning compensation of Palestinian Arab refugees,
rather, appears to be consistent with international practice following the Second
World War, in which, some injured states acquired property in lieu of, or as partial
payment for compensation.[202] In October 1948, for example, the second and official
Israeli Transfer Committee appointed by Ben-Gurion in August of the same year,
put forward the idea that,

> resettlement [costs should come out of] the value of the immovable
> goods [that is, lands, houses] in the country (after reparations [for
> war damages to the Yishuv] are deducted), the Arab states will
> give land, the rest [will come from] the UN and international
> institutions.[203]

Eliezar Kaplan, the Israeli Finance Minister at the time, argued "Arab property
was being sequestered as compensation from the states that waged war against
Israel. They would be held responsible for indemnification to the refugees who
had owned property in Israel."[204]

This position, however, is not consistent with recent findings in relation to Israel's
implementation of human rights conventions to which it is signatory. The Committee
on the Convention on the Elimination of All Forms of Racial Discrimination stated
that refugees should be allowed to re-possess their homes, and where this is not
possible, the refugees should be entitled to compensation.[205] Both the Committee
on the Convention on Civil and Political Rights and Social, Economic and Cultural
Rights found that Israel's property laws under which refugee property was
expropriated are discriminatory and constitute a breach of Israel's obligations under
the covenants.[206] These findings are fully consistent with policy initiatives by the
Office of the High Commissioner for Human Rights and the Office of the High
Commissioner for Refugees to realize the right of returning refugees to restitution
of their original homes and places of habitual residence.

Refugee Restitution in Jerusalem

While Palestinian refugees continue to advocate for restitution based on
international principles restated in Resolution 194, Israeli practice demonstrates a

clear preference for resettlement outside the borders of Israel. If Palestinian refugees who have been citizens of Israel since the establishment of the Jewish state are denied the right to return to their homes in Jerusalem, it appears unlikely at present that Israel will accede the right of return to those Palestinians from the western areas of Jerusalem residing outside the borders of Israel including refugees currently living in the eastern part of the city. The return of Palestinian refugees would alter significantly the demographic balance in the city which is artificially maintained by Israel through discriminatory policies which target the Palestinian community, not unlike the Retroactive Transfer plan designed by Yosef Weitz in 1948.[207] Israeli measures during the interim period of the Oslo process to reduce the number of Palestinians living in Jerusalem, such as the closure of the city, confiscation of residency cards (without which Palestinians are unable to reside or freely enter the city) and house demolitions all but confirm that it is unlikely that Israel will accede unilaterally to the return of Palestinian refugees to Jerusalem.[208] Even on a humanitarian basis, such as family reunification, the process of return to Jerusalem for Palestinians has been virtually impossible.[209]

Furthermore, new legislation considered by Israel since 1998 to privatize state-held land, most of which is refugee property, would create further barriers to the return of Palestinian refugee properties.[210] With the expiration of the 49-year lease on property administered by the Israel Lands Authority (ILA) some of this land is now being sold to individual Israelis.[211] Unlike the Jewish National Fund, which acts as a quasi-private agency, the ILA as a government body cannot refuse the sale of its properties to Palestinian citizens of Israel. The privatization of ILA properties by granting current Israeli leasees priority purchasing rights at reduced costs, however, greatly reduces the likelihood that ILA properties will be sold to non-Jews or returned to Palestinian refugees.[212] In other cases, the ILA and the JNF have engaged in land swaps, transferring ILA land located in areas targeted for Jewish settlement to the JNF.[213] The government's privatization plans also includes a large number of public housing units. In July 1998 the government housing company Amidar, sold 45 acres of residential homes and flats in western Jerusalem, registered as properties of absentee owners, in the course of one week. The properties were sold for negligible amounts, about 40 percent of the legal price of the house, with flexible terms to Jewish buyers.[214]

Despite these attempts to prevent the return of property to Palestinian refugee owners, there are several examples of restitution, which may constitute a precedent and a framework for restitution of Palestinian refugees from the western neighborhoods and villages of Jerusalem. These include the return and/or compensation of Jewish-owned property in East Jerusalem after 1967 and international precedents established through restitution of other refugee

communities. Israeli practice with regard to the return of Jewish property held by the Jordanian Custodian of Enemy Property after the annexation of East Jerusalem in 1967 differs both in relation to the treatment accorded to Palestinian residents of the eastern side of the city and Palestinian citizens of Israel. Shortly after occupying East Jerusalem in 1967, Israel passed the Law and Administration Ordinance as a means of extending Israeli sovereignty to the eastern part of the city through the application of Israeli law, jurisdiction and administration.[215] Subsequent legislation (Legal and Administrative Matters [Regulation] Law [Consolidated Version],1970) dealing with the implementation of Israeli law, facilitated the return of property to Jews who had owned property in East Jerusalem prior to 1948 when the territory came under Jordanian control.[216] Combined with the 30,000 dunums owned by Jews in the West Bank prior to 1948, part of which was comprised of small tracts of land in and near Jerusalem, Jews owned approximately 5 dunums of land in the Old City.[217]

Section 5 of the Law accorded Jewish residents of Jerusalem the right to reclaim these properties. Under Section 5 [c] and [d] of the 1970 law, moreover, Jewish owners of property that was declared to be state property or was required for state purposes were entitled to appropriate compensation. Section 3 exempted Palestinian residents of East Jerusalem from the Absentees Property Law of 1950 under which the title to their property would have been transferred to the state of Israel, however, repossession of absentee property under the law was limited to East Jerusalem. As a result, the Law prevented the release of absentee property belonging to those Palestinians living in East Jerusalem (approximately 25 percent of the 1995 Palestinian population of Jerusalem or more than 45,000 individuals) who lost property in the western neighborhoods and villages of Jerusalem in 1948.[218] According to Benvenisti and Zamir, few Jewish owners have, in practice, been able to repossess their property, however, as with Jewish property in the West Bank, development and use of the property is under Israeli control and for Jewish benefit.[219]

The law, nevertheless, creates a legal precedent for the return of Palestinian absentee property in Jerusalem. The effective adjudication of this highly contentious issue in Israeli courts, however, may prove difficult. Zureik notes that when Israeli courts have recommended the return of some property to the original Palestinian owners, implementation of the order was frozen by the government.[220] In other cases, former Palestinian owners have been ordered to pay back taxes dating to 1948, which make it impossible financially to reclaim property. With the apparent failure of the Oslo process, some Palestinians have again turned to the Israeli courts in an attempt to regain possession of their property.[221] In another possible precedent, the Jewish National Fund agreed recently to publish a list of nearly 2,000 plots of land, valued in the tens of millions of dollars, apparently owned by victims of the

Holocaust in order to locate heirs of the property.[222] No such measures have been taken by Israeli institutions, however, to locate the owners of Palestinian absentee property.

Restitution of other refugee communities has also established important international legal precedents concerning restitution.[223] Peace treaties in recent conflicts that have generated large refugee flows, like Dayton Accords in Bosnia, and the Ramboulliet Agreement in Kosovo, and in other places like Guatemala, Mozambique, Takjikistan, Georgia, and Rwanda, provide for the full restitution of property to refugees and displaced persons. Claims commissions have been established in these areas to facilitate restitution of property. The international community has also been actively involved in pressuring these states to repeal discriminatory legislation, such as laws on so-called abandoned property, which prevent refugees and displaced persons from returning to their homes. The international community has also provided assistance in restoring land titles and reconstructing homes in heavily damaged areas.

Under various restitution laws and procedures established throughout Europe, individual Jews or their heirs have been able to reclaim lost assets and receive compensation for damages and psychological losses. Jewish organizations were later accorded the right to represent claimants and receive both heirless and communal assets. In more recent cases, Jewish victims of Nazi persecution have used class action suits to recover lost properties, including claims against foreign governments, financial institutions as well as cultural institutions. These lawsuits often include demands to freeze all questionable assets, the opening of government and private institutional records related to lost properties, and the appointment of a panel of historians to review lost assets. It is unfortunate to note, however, that many of the obstacles faced by the Jewish community in recovering lost properties in Europe are similar to obstacles created by Israel to block restitution of Palestinian refugees. These include legal obstacles, which render foreign citizens not domiciled in the country ineligible to retrieve property and conditions, such as the payment of back taxes, which make repossession of properties unattractive.

Regardless of the final status of Palestinian refugees from Jerusalem, who today number close to one half million persons, effective restitution and resolution of the refugee issue must be consistent with international law and practice, and the related provisions in UN Resolution 194. Narrow, linguistic interpretations of international law should not stand in the way of an agreement on restitution for Palestinian refugees. Under principles of international law, human rights treaties, such as those which recognize the right to restitution, should be interpreted "in their fundamentally humanistic rather than technical connotation." Refugees must be full partners in the process to determine their future. The collective exclusion of Palestinian refugees

from a meaningful process, which seriously addresses the primary preferences and basic expectations of the refugees, to determine their own future places further barriers against resolution of the refugee issue. Finally, a sustainable agreement must reflect the notion that Jerusalem should be an open city in which the rights of all its residents, including Palestinians and Jews who were displaced and Palestinians who became refugees, are accorded an equal measure of respect and realized with full a measure of equality.

Endnotes

[1] The definition employed here is intentionally broad, consistent with what some legal experts term as the "humanistic" intent of international law. See, for example, Arzt, p. l 65. This definition stands in contrast to a technical interpretation. Arzt and Zughaib note, for example, that Palestinians may not be considered refugees under international law in the juridical as opposed to ordinary sense as they may be unable to meet the conditions or requirements established under international instruments. Arzt and Zughaib, p. 1446.

[2] According to Israeli law, an absentee is any person who was "[...] on, or after 29th November 1947 a citizen or a subject of any of the Arab states; in any of these states for any length of time, in any part of Palestine outside the Israeli-occupied area, or in any place other than his habitual residence even if such place as well as his habitual abode were within Israeli-occupied territory." *Laws of the State of Israel,* 4: p. 68-82.

[3] Ben-Gurion's speech at the Cabinet meeting of 16 June 1948. David Ben-Gurion, *Medinat Yisrael Hamehudeshet* (The Resurgent State of Israel), I:167, cited in Morris (1987), p. 141.

[4] See, for example, comments of the Commission, UN Document A/1367/Rev.1, 23 October 1951.

[5] *Article 74 Bulletin,* 23: p. 8.

[6] See surveys summarized in Zureik (1996), p. 32-34.

[7] This chapter is based on UN Documents, relevent international legal conventions along with a survey of recent English language secondary sources concerning restitution for Palestinian refugees. Most of the population figures are derived from *A Survey of Palestine,* however, the classification by religious community employed throughout much of the *Survey* has been changed to Palestinian Arab and Jewish which the *Survey* eventually found to be necessary during the latter stages of the British Mandate.

[8] Golani, p. 40.

[9] The Peel Commission was sent to Palestine by the British Secretary of State, in the words of the Warrant issued on 7 August 1936, to "ascertain the underlying causes of the disturbances in the middle of April [1936] [...] and if the Commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence." Jewish immigration was capped at 8,000 persons for the period between August 1937 and March 1938. This rate was one fifth that of the average Jewish immigration rate for the previous four years

or about one half of the rate of average Jewish immigration according to British Mandate records starting in September 1920. *A Survey of Palestine,* 1: p. 36, 40 and 185.

[10]   That is not to say that Jerusalem was excluded from the Zionist vision of a Jewish state. Zionist control of the city, rather, was envisioned as part of the expansion of Jewish settlement throughout all of Mandate Palestine following the establishment of Israel and, in the words of Ben-Gurion, the "cancel[ing] [of] the partition of the country." Central Zionist Archives 28, protocol of the meeting of the Jewish Agency Executive, statement by D. Ben-Gurion, 7 June 1938, cited in Morris (1987), p. 24.

[11]   Kellerman, p. 153.

[12]   Ibid.

[13]   *A Survey of Palestine,* I: p. 158.

[14]   *A Survey of Palestine,* I: p. 149,152 and Supplement, p. 13. Estimates for 1944 and 1946 were arrived at accounting for the natural increase in the population and the net migratory increase. The 1922 Census includes His Majesty's Forces (HMF) and the nomadic population. The 1931 Census includes HMF but excludes the nomadic population. The following estimates excluded both HMF and the nomadic population.

[15]   Hadawi (1988), p. 232-7 and *A Survey of Palestine,* p. 104.

[16]   Cohen, 85-86. Also see, Y. Kaniel, "The Struggle Between Jerusalem and Jaffa over the Hegemony of the Jewish Community During the Period of the First and Second Aliya (1882-1914)," *Shalem* 3, Y. Hacker, ed. (Jerusalem: Yad Yitzhak Be Zvi, 1981), 197 [Hebrew] cited in Kellerman, p. 151.

[17]   Brecher, p. 49.

[18]   Ibid., p. 29-30.

[19]   *A Survey of Palestine,* I: p. 158.

[20]   *A Survey of Palestine,* I: p. 147, 149, 150. For the 1922 Census the sub-districts of Bethlehem and Jericho are added as there were included in the Jerusalem sub-district in the 1931 Census and following estimates by the British Mandate government. Within the larger district of Jerusalem, which included the sub-districts of Jerusalem, Ramallah and Hebron, Jews accounted for 2.0 percent of the rural population at the end of 1944, having fallen around half a percentage point from the previous census in 1931.

[21]   Ibid., Supplement, p. 13. Within the Jerusalem district the size of the Jewish population relative to the Palestinian Arab population fell to 26 percent. Not included in the table are population figures for those classified as others which ranged from 88 in 1922 to 160 in 1946.

[22]   Ibid., I: p. 185.

[23]   *A Survey of Palestine,* I: p. 148,151 and Supplement, p. 13.

[24]   In all of Palestine, new migration accounted for 75 percent of the growth of the Jewish population between 1922 and 1944.

[25]   Palestinian Arabs comprised 73 percent of the total population of the city in 1873. *A Survey of Palestine,* I: p. 151.

[26]   Dumper, p. 61-2.

[27]   Golani, p. 40.

[28]   Ben-Gurion Memoirs, IV (Tel Aviv, 1974), p. 230, 237-238 [Hebrew]. Ben Gurion's letter to Wise, 23 June 1937; his letter to Shertok, 23 July 1937 [Hebrew] cited ibid.

[29]   United Nations, General Assembly, 2nd Session, November 19, 1947, *Report of Sub-Committee I*

to the Ad Hoc Committee on the Palestinian Question, A/Ac.14/34, Ad Hoc Committee on the Palestinian Question, Annex 19, 247 cited in Feintuch, p. 10-11. The Agency had earlier voiced its concerns about the majority report of the UN Special Committee on Palestine which called for the partition of Palestine into Jewish and Arab states because of the inclusion of all of Jerusalem into an international zone. For a discussion of Israel's territorial decisions with regard to the partition see Galnoor.

[30] Feintuch, p. 12.

[31] The Zionist proposal to the UN General Assembly sub-committee on borders on 15 November 1947 for a referendum on the future status of Jerusalem after ten years along with Ben-Gurion's concern that the international borders of Jerusalem preserve the Jewish majority in the city, evidence a certain pragmatic approach to acquiring control over Jerusalem that was consistent with the early priority to establish a Jewish state even if it did not include full Jewish control over Jerusalem. Nevertheless, had the Partition Plan succeeded it is uncertain that Jerusalem would have been later incorporated into the Jewish state by virtue of a referendum as called for in Section D of Resolution 181. The language of the clause is ambiguous regarding the scope of the changes to be effected by such a referendum. Feintuch notes that the Zionist leadership was mislead about the meaning of Section D. The word *revision,* in reference to the referendum about the international regime to be held after 10 years, was replaced in the final draft with the word *re-examination.* The changes to be effected by such a referendum, therefore, would seem to have been limited-i.e., Israel could not have acquired sovereignty over Jerusalem by virtue of the referendum. Ibid., p. 14.

[32] Hudson, p. 258. Also see, UN Document A/AC 14/32 cited in Cattan, p. 45. The international zone included the city of Jerusalem and the surrounding villages and towns, "the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, 'Ayn Karim (including also the built-up area of Motsa); and the most northern Shu'fat."

[33] Brecher, p. 15. This was, in fact, the basis of Moshe Sharett's (then Director of the Jewish Agency's Political Department) appeal to the US for internationalization of Jerusalem in March of 1948. Such a plan, according to Sharett, would prevent all the city from falling into Arab hands. Shertok [Sharett] to Marshall, March 26, 1948, *Political and Diplomatic Documents,* December 1947-May 1948, p. 520 cited in Feintuch, p. 24.

[34] Memorandum from Ben-Zion Michaeli, President of the Herzliya Local Council, to the members of the Jewish Agency Executive and the National Committee Executive, 19 December 1947 [Hebrew]; Ben-Gurion's reply, 24 December 1947, Central Zionist Archives S25/564. See also letter from Fisher to Shertok [Sharett] [Hebrew], 18 February 1948, G. Yogev, ed., *Political and Diplomatic Documents,* December 1947-May 1948, Israel State Archives, Jerusalem, 1979, Document No. 214, Note 5 cited in Golani, p. 44.

[35] The villages of 'Ayn Karim, al-Malha and Nitaf and the city of Jerusalem are included as the depopulation of these villages and city started after Deir Yasin although the depopulation was not complete until the early summer of 1948. Village lands already under the control of Zionist forces before 9 April 1948 include Bayt Naqquba, Bayt Thul, Lifta, Qalunya and al-Qastal. Jewish owned land in these villages as per Hadawi totalled 2,135 dunums. The total land figure excludes 2,653 dunums from Lifta and 439 dunums from Qalunya which remained outside territory held by the state of Israel. Hadawi (1988), p. 274-81.

[36] Hadawi (1988), p. 276-81. Abu-Sitta (1998), p. 42 and 44. The figures include public land as per Hadawi for the villages and in the western areas of Jerusalem under Israeli control according to a percentage based on Palestinian Arab and Jewish land holdings in that part of the city. The village figures exclude 153 dunums from Deir Yasin and 132 dunums from Saris classified as per Hadawi as

Jewish owned. The Jerusalem figure does not include 2,473 dunums of land classified according to Hadawi as Christian religious.

[37] Golani, p. 45.

[38] Ben-Gurion, p. 153.

[39] According to Cohen, a third of all Jews killed during the war were killed in fighting in Jerusalem. Cohen, p. 41.

[40] Ben-Gurion thus declared, for example, that "Jewish Jerusalem is an integral part of the State of Israel, just as it is an integral part of Jewish history, Jewish faith, and the Jewish spirit. Jerusalem is at the very heart of the state of Israel." Ben-Gurion, p. 379.

[41] Talmon, p. 195.

[42] Morris (1987), p. 138.

[43] Masalha, p. 8. According to a document issued by the *Mapam* Political Committee in mid-June 1948, "The cabinet ... should [announce] that with the return of peace [the refugees] should return to a life of peace, honour and productivity ... The property of the returnees ... will be restored to them." Hashomer Hatzair Archives, Aharon Cohen Papers 10.95.11 (I), "Our Policy Toward the Arabs During the War" (decisions of the *Mapam* Political Committee of 15 June 1948), issued by the Secretariat of the *Mapam* Centre, 23 June 1948, cited in Morris (1987), p. 142. Morris notes that Golda Myerson (Meir) was willing to make an exception for some "friendly" Arabs, although she did not advocate that this view be adopted as policy, p. 133. For more details on concerns expressed by some Zionists regarding the refugees and the treatment of Palestinian Arabs see Flapan (1987), p. 108-117.

[44] David Ben-Gurion, *Behilahem Yisrael,* 68-9, cited in Morris (1987), p. 52.

[45] For a discussion of these proposals, ibid., p. 266-285.

[46] UN Document A/992, 22 September 1949.

[47] Ibid., p. 278. The family reunification scheme was accepted by Israel in June 1949.

[48] UN Document A/1367/Rev.1, 23 October 1951. Israel estimated the refugee population at 520,000, Morris (1987), p. 297. Berncastle also used a figure of 900,000 refugees for identification and evaluation purposes. UN Document A/1985, 20 November 1950. Abu-Sitta estimates the refugee population at a rate somewhat higher than the PCC, 804,767. If the population of extra villages is added from UNRWA records, the total 1948 Palestinian refugee population reaches 935,573. Abu-Sitta (1997), p. 14.

[49] Israel State Archives, FM24I2/26, Sharett to Eliash (London) 10 August 1949; and Israel State Archives, FM2447/5, Sharett to Shiloah and Sasson (Laussane), 7 August 1949. Morris (1987), p. 282.

[50] Labor Party Archives, 2-11/1/1, Protocol of the meeting of the party Knesset Faction and the Secretariat, 28 July 1949, cited ibid., p. 281.

[51] Weitz, Diary IV, p. 11, entry for 11 February 1949; and Israel State Archives FM2444/19, Shertok [Sharett] to Weitz Liftshitz and Danin, 14 March 1949 cited ibid., p. 259.

[52] Muhammad Abu Samra, "The Issue of the Refugees in 1948-1949," *International Problems, Society and Politics* 31, no. 1: 50-64 [Hebrew] cited in Masalha (1997). Also see, Granott, p. 85-112; Joseph Weitz, *The Struggle for the Land* (Tel Aviv: 1950), 81-107 and 108-126 cited in Lehn, p. 130. This was confirmed in the Reply of the Provisional Government of Israel to the Proposal Regarding the Return of Arab Refugees, 1 August 1948, from Moshe Sharett. UN Document A/648, 16 September 1948.

[53] David Ben-Gurion's *Yoman Hamilhama,* 1948-49 (The War Diary) II, 477, entry for 1 June 1948

cited in Morris (1987), p. 140.

[54] Ibid., p. 135.

[55] Morris further notes that Ben-Gurion did not completely close the door on return in order to prevent *Mapam,* which had advocated for the return of some refugees, from leaving the coalition. Ben-Gurion would have been left then with non-Socialist and religious parties as coalition partners. Ibid., p. 142.

[56] Kibbutz Meuhad Archives, Palmah Papers 141-419, Rabin, Operation Dani headquarters to the Harel, Yiftah, Kiryati and 8th brigades, 19 July 1948; and Kibbutz Meuhad Archives, Palmah Papers 141-250, Allon to the Kiryati, 8th, Yiftah and Harel brigades, 19 July 1948, cited ibid., p. 145.

[57] Hadawi (1988), 276-81. Abu-Sitta (1998), 42 and 44. The figures exclude 15 dunums of Suba, 922 dunums of al-Malha and 1,362 dunums of 'Ayn Karim classified per Hadawi as Jewish owned land.

[58] UN Document A/648, 16 September 1948.

[59] Israel State Archives, FM2570/11, Shimoni (Tel Aviv) to Sasson (Paris), 19 August 1948, Morris (1987), p. 148.

[60] Flapan (1987), p. 103. For a summary of transfer and Zionist thought see Flapan (1979), p. 259-266.

[61] The first transfer committee was set up in May 1948. The policy of destroying Palestinian Arab homes and villages, employed by Weitz, however, was opposed by left Zionist groups like *Mapam* which launched a counter-campaign against the policy in Cabinet. The activities of the first committee eventually came to an end at the start of July 1948 when Weitz suspended the demolition operations after still not receiving official sanction. The second official Committee was appointed by Ben-Gurion at the end of August 1948. Morris (1987), 137-38, p. 149. For a dicussion of the transfer committees see Morris (1986), p. 522-561.

[62] This argument is still at the base of Israel's rejection of the right of return. Recently, see *The Refugee Issue, Background Paper,* p. 8. Further examples see, Gazit, 14 [Hebrew] cited in Zureik, p. 38; Tadmor, p. 415.

[63] Morris (1987), p. 136, citing the three page memorandum signed by Yosef Weitz, Ezra Danin and Elias Sasson entitled, "Retroactive Transfer, A Scheme for the Solution of the Arab Question in the State of Israel."

[64] David Ben-Gurion's *Yoman Hamilhama,* 1948-49 (The War Diaries) I, 382, entry for 1 May 1948 cited ibid., p. 133.

[65] Israel State Archives, *Documents on the Foreign Policy of the State of Israel, May-September 1948,* vol. I, ed. Yehoshua Freundlich, 163, Shertok [Sharett] (Tel Aviv) to Goldmann (London), 15 June 1948 cited ibid., p. 259. Labour Knesset member Shlomo Lavi, in a spring 1949 meeting of the Labour Secretariat, stated: "The large number of Arabs in the country worries me. The time may come when we will be the minority in the State of Israel ... We may reach the point when the interests of the Arabs rather than of the Jews will determine the character of the country ...," Party MKs with Secretariat, 8.1.49, Labor Party Archives, cited in Segev, p. 46-47.

[66] Cited ibid., p. 47.

[67] Benvenisti, *Jerusalem,* p. 43-44 and Rev. Charles T. Bridgeman, (UN Doc.A/1286) cited in Cattan, p. 45.

[68] See note 26 above.

[69] Cattan, p. 45. Schmelz estimates the size of the population of the Palestinian Arab villages later incorporated into Jerusalem to be 9,300 giving a slightly lower total figure of around 40,000 Palestinian

refugees if added to the lower figure for western neighborhoods, p. 56.

[70] Abu Lughod, p. 159. Abu-Sitta arrives at the same figure, 79,298 according to the following breakdown: Jerusalem (Qatamon), 69693; Deir Yasin, 708; Lifta, 2,958; Malha, 2,250; and Ayn Karim, 3,689. Abu Sitta, p. 42, 44. The latter figure for the Jewish population is based on the British Mandate population estimate for 31 December 1946 and the last average rate of increase in the Jewish population as determined by the British between 1941 and 1944. *A Survey of Palestine,* Supplement, p. 13 and 1: p. 144.

[71] The establishment of a Jewish state in Palestine was predicated on the control of territory through public ownership, hence the creation of the Jewish National Fund five years after the First Zionist Congress in 1897 and the establishment of Jewish colonies. According to Granott, "Land was bought in those parts where there was a danger of a political change in favor of the Arabs, or of their being wrenched from the body of the imminent state. Purchases were made precisely on distant frontiers to the east and the north [...] those who were responsible for defining [the state's] boundaries were impelled by realities to include lands bought by the Jews, together with the settlements thereon." Granott, p. 37.

[72] Kimmerling, p. 12. Also Morris (1987), p. 180.

[73] Ben-Gurion, *Medinat Yisrael Hamehudeshet,* 164-5, cited in Morris (1987), p. 141.

[74] Abu-Sitta (1998), p. 10.

[75] David Ben-Gurion's *Yoman Hamilhama,* 1948-1949, I, pp. 22-3, statement by Ben-Gurion at the meeting of the *Mapai* Centre, 3 December 1947, cited in Morris (1987), p. 28.

[76] See text for note 186 below.

[77] Reply of the Provisional Government of Israel to the Proposal Regarding the Return of Arab Refugees, 1 August 1948, Annex II, UN Document A/648. This remains a concern for the state of Israel. See, for example, *The Refugee Issue,* a current background paper published by the government of Israel. "The entry into Israel of masses of refugees would pose a very real threat to security, law and order," 8; also Gazit, 10 cited in Zureik (1996), p. 35.

[78] Israel State Archives, FM2426/9, the Director, IDF Intelligence Department, to Shiloah, 16 June 1948. Morris notes that one Senior IDF officer also suggested that the entire area of Zionist control be quarantined due to the "spread of diseases among the Arab refugees" in order to "more strongly oppose the demand for the return of the Arab refugees." Israel State Archives, FM2444/19, Yadin to Shertok, 14 August 1948, cited in Morris (1987), p. 139.

[79] Knesset Member Eliahu Carmeli once again presented his opposition to the return of refugees in more extreme terms. Carmeli stated that the return of the refugees would create "not a Fifth but a First Column. I am not willing to take back even one Arab, not even one goy [i.e., non-Jew]. I want the Jewish state to be wholly Jewish." Cited in Morris (1987), p. 280-281. Also Comments of Ben Gurion, 26 August 1948, Zureik (1996), p. 34.

[80] Moshe Sharett, Statement to the Knesset, 15 June 1949. *Israel's Foreign Relations.*

[81] The transfer committee chaired by Yosef Weitz had also decided that no internal refugees would be allowed to return to border villages. Flapan (1987), p. 104.

[82] Weitz, *Diary,* 2.8.50, cited in Segev, p. 44.

[83] Based on 1946 estimate by the British Mandate government and a 3.8 percent growth rate, *A Survey of Palestine,* Supplement, p. 13.

[84] The population figure for 1948 is based on estimates in Abu Sitta. Khalidi uses British Mandate figures for 1944/45 and arrives at a population size of 24,360. Khalidi, p. 265-330.

[85] The terms were used by Ben-Gurion during a Cabinet meeting on 26 September 1948. Cited in Morris (1987), p. 218.

[86] UN Document A/648, 16 September 1948. Estimates in the number of villages depopulated in 1948 range from 369 according to Morris (1987); 418 in Khalidi, and 531 in Abu Sitta. Morris' figure is based on recently released Israeli files, Khalidi's includes villages or hamlets listed in the Palestine Index Gazateer of 1945 falling inside the Armistice Line of 1949 but excludes all towns, bedouins, and villages which lost their land but not their homes, localities of villages who live on Jewish or German land and villagers who left before the hostilities. Abu-Sitta's includes figures by Morris and Khalidi as well as tribes in the Beersheba sub-district. Abu Sitta (1998), p. 7.

[87] UN Document A/1367/Rev.1, 23 October 1951.

[88] Moshe Sharett, Statement to the Knesset, 15 June 1948. *Israel's Foreign Relations.*

[89] Israel State Archives, FM2447/2, Eytan to de Boisanger (Lausanne), 25 May 1949, cited in Morris (1987), p. 255.

[90] The estimates were given by Joseph Schechtman, an expert in population transfer in 1952. The latter figure includes $750 for building repairs and $750 for livestock and equipment. Flapan (1987), p. 108.

[91] Golan (1993), p. 29.

[92] Joseph, p. 326-27.

[93] Between May 1948 and April 1949, some 110,000 out of 190,000 new immigrants to Israel were settled in the homes of displaced Palestinians. Israel State Archives, Finance Ministry Papers 10/1/9, "A Consulation About Immigration Absorption (in the [*Mapai*] party)," 22 April 1949, cited in Morris (1987), p. 195.

[94] Peretz (1959), p. 198 and 217.

[95] Israel State Archives, FM2444/19, "Precis of Things Said at a Meeting in the Office of the Prime Minister about the Problem of the Arab Refugees and their Return, 18 August 1948," (Shimoni); David Ben-Gurion's *Yoman Hamilhama,* 1948-49 (The War Diaries) II, pp. 652-4, entry for 19 August 1948; and Yosef Weitz, Diary III, p. 331, entry for 18 August 1948, and; Israel State Archives FM2570/11, Shimoni (Tel Aviv) to Sasson (Paris), 19 August 1948, Morris (1987), p. 148

[96] Ibid., p. 262.

[97] UN Document 1/1255, 29 May 1950.

[98] Moshe Sharett, Statement to the Knesset, 4 November 1951. Israel's Foreign Affairs. UN Document A/1985, 20 November 1951.

[99] Reply of the Provisional Government of Israel Regarding the Return of Arab Refugees, 1 August 1948, Annex II, UN Document A/648, 16 September 1948.

[100] Figures from Abu-Sitta (1998), p. 43-44. This included 11 of 38 depopulated towns and villages.

[101] Zweig, p. 61.

[102] UN Document A/1985, 20 November 1951. The term 'lands' was used by the Commission but included buildings and trees as "integral parts of the soil on which they stood." Hadawi (1988), p. 124. The total area registered according to the Department of Land Registration as of 31 December 1946 was 4,746,178 dunums or about one fifth of the total area of Palestine. *A Survey of Palestine,* Supplement, p. 29-30. Nonetheless, considerable information regarding the "use, amount, value and distribution of property" by the state of Israel was kept secret. Peretz (1995), p. 3.

[103] See Table 1, Chapter 5, Habash and Rempel. Hadawi (1988), p. 94. This estimate excluded 37 percent of the land of these villages defined as uncultivable or used for roads etc. that fell, respectively,

under tax categories 16 A and B.

[104] UN Document A/5700, 11 May 1964.

[105] Hadawi (1988), p. 178-79.

[106] UN Document A/1985, 20 November 1951. The Commission's estimate was therefore based on the percentages employed during the population exchange between Greece and Turkey in early 1920s combined with an estimate using 40 percent of the Arab share in national income at the time.

[107] See Chapter 5, Habash and Rempel Table 3.

[108] The real value, however, is probably higher due to the significant wealth concentrated in the western Palestinian Arab neighborhoods and villages of Jerusalem and the overall low estimate determined by the Commission. Based on a figure of around 750,000 refugees, the Commission's estimate for movable property works out to only 27 Palestinian pounds per refugee. This figure was roughly equal to the evaluation for movable property for refugees from rural areas afixed by Sayigh in a later assessment but around 15 times less the sum he assigned to movable property from urban Palestinian Arab refugees. Yusif A.Sayigh, *The Israeli Economy* (Beirut: The PLO Research Centre, 1966), 92-133, cited in Hadawi (1988), p. 134.

[109] UN Document A/1985, 20 November 1951. Leaders of the Iraqi Jewish community estimated that the value of the their lost property amounted to 156 million Israeli pounds in 1954. This sum was approximately equal to value of Palestinian Arab refugee property as determined by the Palestine Conciliation Commission. Peretz (1993), p. 89.

[110] Flapan (1987), p. 104.

[111] UN Document A/3199, 4 October 1956.

[112] Hadawi (1988), p. 180.

[113] Hadawi (1963), p. 141.

[114] Hadawi, Schedule of Area Ownership, from Palestine Survey Maps & Taxation Records.

[115] Hadawi (1988), p. 235, 278-9.

[116] Weitz, Diary III,p. 294, entry for 30 May 1948, cited in Morris (1987), p. 136.

[117] Ibid.

[118] Comments of the Delegation of Israel Concerning Points Raised in the Statement Made by the Chair of the Conciliation Committee on 26 October 1951, UN Document A/1985, 20 November 1951.

[119] According to former Israeli Finance Minister Kaplan, 400 residents of Jerusalem, Jaffa and Haifa who remained inside the 1948 borders of Israel recovered their property as part of a small amount of property released to Arab residents of the state until 1957. *The Jerusalem Post* (12 February 1953) reported that by 1953 some 2000 dwellings in urban areas had been returned to their Arab owners, Peretz (1959), p. 155 and 182. According to Sachar, p. 67 Palestinian Arab residents of Jaffa, Haifa and Jerusalem who did not leave the country received all or part of their property and in all, 209 certificates were issued by the Israeli Custodian of Absentees' Property for the return of lands to the original owners. Sachar, p. 387.

[120] Morris (1987), p. 52.

[121] David Ben Gurion's *Yoman Hamilhama,* 1948-49 III, 897 entry for 23 December 1948; Israel State Archives amaleph/19/gimel, (Part 3), and A. Shechter, Agriculture Ministry, to A. Bergman, the Military Governor's office, Jerusalem, 20 December 1948, cited ibid., p. 192.

[122] Kark, p. 465.

[123] Israel State Archives, Foreign Ministry, 2431/1, Dayan to Eytan, the Foreign Ministry, 15 March 1949, cited in Morris (1987), p. 193.

[124] Yosef Weitz Papers (Institute for the Study of Settlement, Rehovot), Danin to Weitz, 18 May 1948, cited ibid., p. 135.

[125] Golan (1993), p. 27.

[126] Cattan, p. 61. Also *The Jerusalem Times* (8 March 1996), 8-9; *The Jerusalem Post,* International Edition (1995), 32.

[127] *Laws of the State of Israel,* I: p. 25-26.

[128] Ibid., IV: p. 68-82.

[129] Granott, p. 102.

[130] Peretz (1996), p. 5.

[131] Development Authority (Transfer of Property) *Law, 1950. Laws of the State of Israel,* IV: p. 151.

[132] Jiryis (1976), p. 78.

[133] "Report of the State Controller for the Financial Year 1966/7 no. 18, 1968, pp. 114 and 301-302, cited in Jiryis (1973), p. 89.

[134] A 1998 report by an Israeli inter-ministerial committee on registration of land rights, however, noted that approximately half of all housing units inside Israel are unregistered by current owners in the Tapu. It is uncertain how many of the 783,000 unregistered homes are Palestinian absentee properties from 1948. Ha'aretz [Internet edition], (12 April 1998).

[135] Zureik (1996), p. 35.

[136] See, for example, Kretzmer's comments about the Land Acquisition Law of 1953. Explanatory note to bill in 5712 Hatza'ot Hok 234 cited in Kretzmer, p. 58. Most Palestinians displaced from their homes and property in 1948 have not filed claims or accepted compensation, suggesting that, under the Israeli formula, compensation is unworkable apart from an agreement on the right of return and that the value of Israeli compensation packages has been inadequate. According to Israel Land Authority figures for 1988, a total of 14,364 persons have claimed compensation for property in the territory that became the State of Israel comprising claims to 197,984 dunums (4 dunums is equal to 1 acre). The state released 53,710 dunums of land as compensation and paid out financial compensation worth NIS 2,724,137. Kretzmer does not define to whom the property was released, but it is assumed from the context in which the figures are placed that the numbers refer to lands classified as Absentee under the Absentee Property Law. Kretzmer, p. 59.

[137] Jiryis (1973), p. 188.

[138] Ibid., p. 189.

[139] Ibid.

[140] Instead of being offered 250-350 pounds per dunum, owners were offered 15-25 pounds per dunum. Peretz (1996), p. 7.

[141] Jiryis (1973), p. 189.

[142] Ibid., p. 190.

[143] Ibid.

[144] Israel Lands Administration, Report for 1987 Budget Year (Jerusalem, 1988), 138, cited in Kretzmer, note. 54, p. 73.

[145] Jiryis (1973), p. 190.

[146] Official Records of the 3rd Session of the General Assembly, Ad Hoc Political Committee, 1949,

286-7, cited in Cattan, p. 60.

[147]   According to some prominent Government members, however, the decision to declare West Jerusalem the capital of the state was largely a defensive move in response to the UN plan to push forward with internationalization of the city. "Had the United Nations recognized our deep emotional attachment to Jerusalem, that might well have been sufficient," stated Abban Eban. "It was the violation of that intagible bond by the UN, its insensitivity that pushed us to action, by asserting Jerusalem as an integral part of the state." Kimmerling, p. 10. Brecher, p. 29.

[148]   This revised section is based on new research on the status of Palestinian refugees under international refugee law.

[149]   General Assembly Resolution A/RES/194 (III).

[150]   According to the UN Secretariat, the "General Assembly inteded to confer upon the refugees as individuals the right of exercising a free choice as to their future. The choice was between repatriation and compensation for damages suffered, on the one hand, or no return and compensation for all property left behind on the other." The Secretariat further noted that return meant return to their homes and not homeland. Two amendments which referred to the return of refugees to the areas from which they came were rejected. UN Doc. W/45, 15 May 1950. *Analysis of paragraph 11 of the General Assembly's Resolution of 11 December 1948* (Working Paper prepared by the Secretariat). The Secretariat further noted that the Resolution affirmed two types of compensation: payment to refugees not choosing to return to their homes; and, "payment for the loss of or damage to property which under principles of international law or in equity should be made good by the Governments or authorities responsible". As regards the meaning of the latter term, the Secretariat stated that while the Resolution did not affirm compensation for ordinary war damages, its legislative history implied that the Resolution affirmed compensation for "looting, pillaging, and plundering of private property and destruction of property and villages without military necessity". Draft resolutions by the United States, Guatemala, and Colombia were rejected, as they did not include reference for loss of or damage to properties. The Secretariat noted, in addition, however, that while ordinary war damage was excluded from the language of the resolution and intentions of the drafters, the resolution did potentially provide for a broader set of claims based on the reference to international law. UN Doc. W/30, *Compensation to Refugees for Loss of or Damage to Property to be Made Good Under Principles of International Law or in Equity,* Working paper prepared by the Secretariat, 31 October 1949. *Legal Aspects of the Problem of Compensation to Palestine Refugees,* Paolo Contini (22 November 1949), appended to UN Doc W/32, Letter and Memorandum dated 22 November 1949. Concerning Compensation, received by the Chairman of the Conciliation Commission from Mr. Gordon R. Clapp, Chairman, United Nations Economic-Survey Mission for the Middle East, 19 January 1950. UN Doc. A/AC.25/W.53, *Note on the problem of compensation.* Working paper drafted by the Secretariat of the commission at Jerusalem, 13 September 1950.

[151]   Sections 7,8, and 9. Ibid.

[152] Ibid. In practice, the policy of the United Nations towards Jerusalem and Palestinian Arab refugees from the city acceded to the post-war status quo in which Jordan and Israel acquired *de facto* control, respectively, over the eastern and western areas of Jerusalem. Even though Jerusalem was accorded a unique status under the Partition Plan, which was reaffirmed by Resolution 194, neither UN agencies nor the international community has made a distinction between those refugees from the city and those refugees from other areas of Palestine.

[153]   At the time, resettlement was the dominant solution in practice, due in large part to the high demand for labor in Europe after WWII where large numbers of persons had been displaced, and because refugees themselves chose resettlement or repatriation.

[154] According to the UNHCR Draft Protection Guidelines on Voluntary Repatriation the decision to return to one's country of origin must be the result of the "exercise [of] one's own free and unconstrained will in making a meaningful choice between returning or not returning to one's country of origin in light of … existing conditions within both the countries of origin and asylum." Geneva: UNHCR, Division of International Protection, 1993, p. 52. The 1996 Handbook on Voluntary Repatriation goes on to note that the decision to return must be made in "the absence of measures which push the refugee to repatriate," this is in the "absence of any physical, psychological or material pressures."

[155] UNHCR Executive Committee Decisions No. 18 (XXXI) - 1980, and No. 40 (XXXVI) - 1985. General Assembly Resolution 36/148, para. 3 (16 December 1981). General Assembly Resolution 49/169, para. 9 (24 February 1995). United Nations High Commissioner for Human Rights, Convention on the Elimination of All Forms of Racial Discrimination, General Recommendation No. 22 (23 August 1996). UN Sub-Commission on Prevention of Discrimination and Protection of Minorities Resolution 1998/26, para. 1 (26 August 1998). E/CN.4/1998/53/Add.1, *The Guiding Principles on Internal Displacement, Principle 28.*

[156] In 1998, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities called in the Office of the High Commissioner for Human Rights and the UNHCR to work towards the realization of the right of refugees to the restitution of their original homes and properties. See, Resolution 1998/26, *Housing and property restitution for refugees and displaced persons* (adopted by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities); General Recommendation No. 22 (Article 5 and refugees and displaced persons under the Convention on the Elimination of Racial Discrimination) (23 August 1996); E/CN.4/1998/53/Add.1, *The Guiding Principles on Internal Displacement.* According to the UNHCR guidelines on voluntary repatriation, "[the] UNHCR must attempt to protect the interests and legitimate rights of returnees with regard to access to land." Cited in UNHCR, *The Problem of Access to Land and Ownership in Repatriation* Operations. Inspection and Evaluation Service. Geneva: UNHCR (May 1998). The report goes on to note that "in a system of private property based on registered titles, restitution would be the only acceptable solution, in that the rightful owner must regain possession of his property. Any other solution would be a negation of the real (tangible) right of ownership. In this type of situation the duration of the absence of the owner and the abandonment of the land is of little importance."

[157] See UN General Assembly Resolutions 2956 (XXVII), 12 December 1972; 3143 (XXVIII), 14 December 1973, 3271 (XXIX), 10 December 1974, 3454 (XXX), 9 December 1975, 31/35, 30 November 1976, 33/26, 29 November 1978, 34/60, 29 November 1979, and 35/41, 25 November 1980. Cited in Guy Goodwin-Gill, *The Refugee in International Law.* Second Edition. Oxford: Clarendon Press, 1998, p. 271.

[158] 1986 Report of the Group of Governmental Experts on International Co-Operation to Avert New Flows of Refugees. International Law Association Declaration of International Law on Compensation to Refugees (1992). United Nations High Commissioner for Human Rights, Convention on the Elimination of All Forms of Racial Discrimination, General Recommendation No. 22 (23 August 1996). E/CN.4/1998/53/Add.1, *The Guiding Principles on Internal Displacement,* Principle 29.

[159] *Addendum to Definition of a "Refugee" Under paragraph 11 of the General Assembly Resolution of 11 December 1948* (Prepared by the Legal Advisor), UN Doc. W/61/Add.1, 29 May 1951.

The revision of UNRWA's definition of Palestine refugees in 1992, which removed the criteria of need and initial flight, provides further opportunity for non-registered refugees to register with UNRWA. According to the new revised definition, a Palestine refugee "shall mean any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict." *Consolidated Registration*

Instructions, 1 January 1993, para. 2.13. Takkenberg notes that registration of previously unregistered refugees was theoretically possible under the old instructions but no such registrations had taken place for decades. Takkenberg, p. 77 at note 119.

[161] Abu-Sitta (1998), p. 43 and 45.

[162] For a more detailed discussion of the drafting history and its applicability to Palestinian refugees, *see* Susan M. Akram and Guy Goodwin-Gill, *Brief Amicus Curaie, United States Department of Justice, Executive Office for Immigration Review, Board of Immigration Appeals,* Falls Church, Virginia. [monograph]. For a summary *see* Susan M. Akram, *Reinterpreting the Status of Palestinian Refugees under International Law, and a Framework for Durable Solutions.* BADIL Information & Discussion Brief No. 1. Bethlehem: BADIL Resource Center (February 2000).

[163] Despite the fact that Palestinian refugees have not received full protection from the Conciliation Commission since the early 1950s when the mandate of the Commission was severely truncated, Palestinian refugees have not received such protection from the UNHCR according to the provisions of Article 1(d). The reasons for this situation relate in part to the drafting history and language of the article. For a discussion about the UNCCP and protection see Terry Rempel, *The United Nations Conciliation Commission for Palestine, Protection, and a Durable Solution for Palestinian Refugees.* BADIL Information & Discussion Brief No. 5. Bethlehem: BADIL Resource Center (July 2000).

[164] This position is supported by Tadmor, for example, who argues that Resolution 194 is based on moral considerations and international customary law and is therefore "advisory in nature and not legally binding." Cited in Zureik (1996), p. 39.

[165] Idid., p. 40.

[166] Lee (1986), p. 543-544.

[167] UN Security Council Resolution 242, 22 November 1967.

[168] Benvenisti and Zamir, p. 327

[169] Takkenberg, cited in Zureik (1996),

[170] Radley, p. 601.

[171] Peretz (1993), p. 70.

[172] Working Paper prepared by the Secretariat in October 1949, UN Document, A/AC. 25W. 81/Rev. 2 (Annexe II). UN Doc. W/45, 15 May 1950. *Analysis of paragraph 11 of the General Assembly's Resolution of 11 December 1948* (Working Paper prepared by the Secretariat).

[173] Due to the fact that these refugees were outside the territory that became the state of Israel in 1948 but included inside the territory claimed by Israel after the eastern part of Jerusalem was occupied in 1967 some continue to receive services of UNRWA, particularly those who may live in Shuafat Refugee Camp within the borders of the city. Most of these refugees are residents of the state of Israel rather than citizens. It is unclear if they would fall under the protection of the UNHCR or other international conventions as most are not citizens of Israel or another state, while some may not be registered with UNRWA which would otherwise exempt them from coverage under relevant conventions concerning refugees.

[174] Zureik (1996), p. 6. Palestinians living inside Israel who were prevented from returning to their homes and lands may be considered refugees according to international norms, however, if it is argued that while they did not cross any border, they were incorporated within the borders of the newly established state of Israel in 1948.

[175] See, for example, E/CN.4/1998/53/Add.1, *The Guiding Principles on Internal Displacement.*

[176] General Assembly Resolution 217A (III), UN Document A/810, at 71 (1948). See also, for example,

the International Covenant on Civil and Political Rights, GA Res. 2200A (XXI), 21 UN GAOR,
Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNTS, and the International Convention on the
Elimination of All Forms of Racial Discrimination, 660 UNTS 195 (1969). The right of return was
affirmed as early as 1946 by the Economic and Social Council of the United Nations.

[177] Zureik (1996), p. 6. General Assembly Resolution 2200A (XXI), 21 UN GAOR Supp. (No. 16) at
52, UN Doc. A/6316 (1966), 999 UNTS 171. See for example, Arzt and Zughaib, p. 1441. Ruth
Lapidoth, "The Right of Return in International Law, with Special Reference to the Palestinian
Refugees," *Israel Yearbook of Human Rights* 16 (1986). According to the Israeli government, "the
right of return belongs to nationals, or at least permanent residents, of a state. The Palestinian refugees
have never been nationals or permanent residents of Israel." *The Refugee Issue: A Background Paper,*
p. 10.

[178] The *travaux preparatoires* do not support a restriction on his own country to the country of which
he or she is a national, but neither do they indicate the exact content of the phrase. Lawand goes on to
note that the "arbitrarily" must be strictly and narrowly construed. Kathleen Lawand. "The Right to
Return of Palestinians in International Law", *International Journal of Refugee Law.* Vol. 8, No. 4
(1996), p. 537.

[179] Ibid., p. 557.

[180] Ibid., p. 556.

[181] Hannum, 108 cited in Arzt and Zughaib, p. 1444. Benvenisti and Zamir, p. 324; Lapidoth, p. 103;
Radley, p. 612-613. Some 900 Palestinian refugees were allowed to be reunited with their families in
the first two years after the establishment of the State of Israel. UN Document 1/1255.

[182] *The Refugee Issue: A Background Paper,* p. 8.

[183] Antonio Cassese, "Some Legal Observations on the Palestinian Right to Self-Determination,"
The Oxford International Review 4, no. 1 (1993), 12, cited in Zureik (1996), p. 53.

[184] State parties are usually required to file reports every four years concerning implementation of the
conventions.

[185] Concluding Observations, Convention on the Elimination of All Forms of Racial Discrimination,
52 Session, 1272nd Meeting (19 March 1998).

[186] Committee on Economic, Social and Cultural Rights, 31st and 33rd Meetings (17 and 18 November
1998). The Committee also expressed its concern about the internally displaced Palestinians and
their right to return to their lands.

[187] For an analysis of the 1952 Nationality Law see, for example, Kretzmer, p. 35-48. According to
Section 2 of the Nationality Law, all olim can acquire Israeli citizenship under the Law of Return.

[188] Section 3A, 1980 Amendment to the Nationality Law.

[189] Arzt and Zughaib thus suggest that while Palestinian refugees may not have a right to return to the
state of Israel, they retain the right to return to areas under the control of the Palestinian Authority.
This interpretation has been advanced as a potential compromise to resolve the refugee issue in the
context of a two-state solution by some Israeli and Palestinian intellectuals but does not appear to
find broad support among refugees. The right of return for Palestinian refugees from the western
areas of Jerusalem, however, would likely remain theoretical rather than practical if premised on a
two-state solution in which Jerusalem would become the capital of two states with Israel acquiring
internationally recognized sovereignty in the western areas and East Jerusalem becoming the capital
of Palestine. Palestinian refugees from Jerusalem would have the right to return to Jerusalem, but
only that area-i.e. East Jerusalem-which was recognized as part of Palestine. Arzt and Zughaib, p.
1445. The general framework of this approach is that while the right of return would be recognized

by the state of Israel, it would be constrained to areas within a Palestinian state under a two-state solution apart from a small, symbolic return to areas within Israel. See, for example, ideas of Shlomo Gazit and Rashid Khalidi both cited, respectively, in Zureik (1996), p. 40 and 49.

[190] Quigley cites minority rights treaties following the first world war granting nationality to minority populations in new states in Europe and more recently the conclusions of a working group established by the International Law Commision to analyze nationality upon state succession. *Report of the International Law Commission on the Work of its Forty-Seventh Session,* UN GAOR, 50th Sess., Supp. No. 10 at 68, UN Doc. A/50/10 (1995) cited in John Quigley, "Displaced Palestinians and the Right of Return," Harvard International Law Journal, Vo. 39, No. 1 (Winter 1998), pp. 206-208. Also see Lawand, p. 563. Hannum provides an additional interpretation of refugee rights under international law. Commenting on the findings of the 1972 non-governmental Uppsala Colloquium on the right to leave and return, Hannum states that the right to leave and to return is a fundamental human right that is unaffected by the passage of governments and political fluctuations. Hurst Hannum, *The Right to Leave and Return in International Law and Practice,* 58, quoting *The Right to Leave and to Return: Papers and Recommendations of the International Colloquium Held in Uppsula, Sweden* 343, Karl Vasak and Sidney Liskofsky, eds. (1976) cited in Arzt and Zughaib, p. 1445.

[191] Ian Brownlie, "The Relations of Nationality in Public International Law," 39 *British Yearbook of International Law* 284, (1963), p. 325.

[192] Comments of the Delegation of Israel Concerning the Points Raised in the Statement made by the Chairman of the Conciliation Commission for Palestine on 26 October 1951, UN Document A/1985. This includes the conventions mentioned above, see note 149.

[193] Article 2 (1) of the United Nations Charter, for example, affirms the "sovereign equality" of the UN member states. United Nations Charter, June 26, 1945, 59 Stat. 1031, T.S. 993, 3 Bevans 1153.

[194] For this reason almost all states maintain consulates in Jerusalem with representatives at the ambassadorial level in Tel Aviv.

[195] Article 49 of the Fourth Geneva Convention stipulates that, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 75 U.N.T.S., 287. The application of this convention may also be problematic from a technical point of view as the convention was not in force during the 1948 war.

[196] Blum, p. xxv.

[197] According to the agreement, "[I]t is also recognized that no provision in this Agreement shall prejudice the rights, claims and positions of either Party hereto in the ultimate peaceful settlement of the Palestine question, the provisions of this Agreement being dictated exclusively by military considerations." Article 2 (2), Hashemite Jordan Kingdom-Israel: General Armistice Agreement, 3 April 1949, UNTS 1949, vol. 42, no. 656, 304-320, reprinted in Lapidoth and Hirsch, p. 34.

[198] 1980 Basic Law: Jerusalem, *Laws of the State of Israel,* vol. 34, 5740-1979/80, 209, reprinted in Lapidoth and Hirsch, 322. Israel Radio broadcast, July 28, 1980, transcribed by FBIS, 29 July 1980, N1, cited in Lustick, p. 156.

[199] Quoted in Beyani, p. 137. The International Law Association, founded in 1873, is considered to be the leading private non-governmental organization devoted to the development of international law.

[200] See note 155.

[201] Under international law, states are responsible for injuries caused by acts within their control while remedies are required for any deprivation of rights. The adequacy of compensation, moreover,

is determined by its purpose, which is to restore the claimant to the position prior to the deprivation. Lee (1986), p. 534-35. "The important point is that damages are allowed in situations where it might be difficult to explain the decision on grounds of either the wrongful breach or interference with an express contract." Arzt, p. 71.

[202] Benvenisti and Zamir, p. 303, 330. According to Benvenisti and Zamir, the prevailing view in local law since the Second World War is that original property owners only have the expectation of getting their property back which is subject to the terms of peace agreements.

[203] Morris (1986), p. 550.

[204] *Divai Hakneset,* 3: 139, 150-52, 161-65; 4: 868-70, cited in Peretz (1995), p. 6.

[205] Concluding Observations, Convention on the Elimination of All Forms of Racial Discrimination, 52 Session, 1272nd Meeting (19 March 1998).

[206] Committee on Economic, Social and Cultural Rights, 31st and 33rd Meetings (17 and 18 November 1998). Committee on Civil and Political Rights, 1694th Meeting (28 July 1998).

[207] For more details on Israeli planning discrimination in Jerusalem see, Felner.

[208] For a summary of the issue see, Tsemel and Gassner, and Stein.

[209] Based on figures provided by the Israeli government, on average, less than 10 percent of family reunification applications for Jerusalem are approved.

[210] Dabbagh, p. 18.

[211] *Jordan Times* (2 March 1998).

[212] Some of this property, held by Israeli kibbutzim is being converted to residential use for the construction of housing units for Jewish immigrants. Ha'aretz, [Internet Edition] (1 February 1998).

[213] *Jordan Times* (4 March 1998). *Ha'aretz* (29 July 1998).

[214] *Jerusalem Times* (31 July 1998).

[215] The laws adopted by the Knesset in 1967 to annex the former municipality of East Jerusalem and large portions of the West Bank include: Law and Administration Ordinance (Amendment No. 11) Law, 5727-1967, *Laws of the State of Israel,* vol. 21, 5727-1967, 75, reprinted Lapidoth and Hirsch, p. 167; Municipal Ordinance (Amendment No. 6) Law 5727-1967, 75-76, *Laws of the State of Israel,* vol. 21, 5727-1966/67, reprinted ibid., p. 167; and Protection of the Holy Places Law, 5727-1967, 76, Laws of the State of Israel, vol. 21, 5727-1966/67, reprinted ibid., p. 169.

[216] Section 5, *Laws of the State of Israel,* vol. 24, 5730-1969/70, 144-152, reprinted ibid., p. 242-251.

[217] Benvenisti, p. 239.

[218] Tamari, p. 13.

[219] Benvenisti and Zamir, p. 309.

[220] *Zureik* (1996), p. 60.

[221] *Ha'aretz* [Internet Edition] (2 August 1998).

[222] *Ha'aretz* [Internet Edition] (27 April 1998).

[223] Other cases of note for comparison are the compensation of Indians expelled from Uganda in 1972, and compensation of Chinese refugees by the Chinese government all cited in Lee (1986), p. 536. The United Nations Secretariat also prepared a list of historical precedents for compensation in 1950. *Historical precedents for restitution of property or payment of compensation to refugees,* Working Paper, UN Document A/AC. 25/W. 81/Rev.2 (Annexe I). More recent cases for examination would include those of Bosnian and Kosovo refugees.

[224] See note 1.

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United Press International	*Agence-France Presse*

United Nations Documents (Selected)

Documenting Arab Properties in Western Jerusalem

A. Problems of Documentation: The A.S.S. Survey [1]

Ahmad Jadallah and Khalil Tufakji

The documentation of Arab properties in West Jerusalem became a pressing issue following the Madrid Conference and the Oslo agreements,which left the issues of refugees and the right of return, settlements, and Jerusalem for final status negotiations. While these complicated issues require significant research and documentation, Israel has continued its policies of Judaizing Jerusalem, evicting Palestinian residents of the city and expanding settlements. New allegations have also surfaced concerning Jewish ownership of property in East Jerusalem (the Old City and Silwan prior to 1948).

As a result of these developments, the Arab Studies Society (A.S.S.) began to prepare documentation and research on Arab properties in West Jerusalem. The research team gathered information pertaining to the location of properties, the type of building, and an evaluation of the properties prior to the 1948 war. Additional information was collected regarding the current status of the property (i.e. whether a building was demolished and if so what replaced the building).

The research team faced many difficulties and obstacles. First, the study was undertaken some fifty years after the dispersal of Palestinian Arabs from West Jerusalem and the loss of their properties. For half a century the subject of Arab property was enveloped in silence and ambiguity. In this regard the work of Sami Hadawi was the exception.[2] Hadawi was the head of the Survey Section in the Land Department during the British Mandate over Palestine. With the assistance of Frank Jarvis, the British land expert who joined the PCC in 1956, the two men authorized by the Palestine Conciliation Commission, carried out (between 1952 and 1964) a survey of all Arab properties in the areas that fell under Israeli control, including Arab properties in West Jerusalem.[2] In 1958 Hadawi published a map (reprinted in this volume) detailing the results of the survey and distinguishing

Arab from Jewish properties. The bulk of the PCC survey was deposited in the UN archives in New York, and except for the governments of the regional parties, was not available or accessible to the public.

With this background the Arab Studies Society in Jerusalem began to gather data from Jerusalem families who lost their property and who continued to live in Palestine. The study team discovered that many of the original owners had passed away but the documents that proved ownership of property were preserved by younger family members. Several families however did not possess such documentation. Some lost their papers in the process of emigration and exile. Others did not take their documents with them during the war, thinking that they would return to their homes shortly. When they realized that the situation was deteriorating many owners attempted to return to their home to retrieve documents and money. Some refugees were killed attempting to return to their homes.

The study team also found that among those property owners who did not possess documents, many attempted to acquire copies of their documents from the Land Registry in Israel (*Tabu*). Increasingly this department later became non-accessible to these searches when the Israeli authorities discovered that the original Arab owners were attempting to establish proof of their title deeds. At the same time, the collection of documents identifying Arab properties began to disappear from the shelves of the Hebrew University [National] library. The research team also came under severe criticism from Palestinian sources for not dealing with this issue earlier when the original owners of West Jerusalem property were still alive and prior to the demolition of some their buildings during the last five years.

The result of this ongoing study is a preliminary examination of Arab properties in West Jerusalem confiscated by Israel. Ownership of these properties was later transferred from the Custodian of Absentee Property to the Israeli state and individual owners. The documentation file was opened after the research team was able to identify and contact property owners, their families, and their neighbours. The documentation process was limited mostly to owners still residing in Palestine. The largest number of such owners from West Jerusalem, however, today resides outside Palestine. The latter group consisted primarily of people involved in administrative and commercial professions. They settled down in Arab countries, particularly in the Gulf, which needed skilled professionals. Several of these families are original residents of Jordan, such as the Besharat and Helash families, or Lebanon—such as the Samaha and Haddad families. Others emigrated to other Arab countries and abroad to join with family members who had migrated earlier. This group includes families like Kalibian, Hannush, Kittaneh, Minah, and Malikian, losing all contacts with their homeland. Following the documentation of property owners inside Palestine, the team was supposed to begin documenting property

owners outside Palestine but the lack of resources and access has postponed this process indefinitely.

The research group discovered that many of the properties in West Jerusalem were Islamic or Christian endowments (*waqf*). Although the Islamic Waqf Administration cooperated with our requests, the research team found that the documentation of this property was dispersed and poorly organized, requiring immense resources to codify. Much of the Christian Waqf and church property remains intact. Information about those properties was gathered from the *Tabu*, and lease contracts. When *Tabu* records were not available tax receipts were utilized.

Scope and Nature of Documentation

The A.S.S. study of Arab properties in West Jerusalem included the Arab suburbs within the 1948 Jerusalem municipal boundaries, including Upper Baq'a, Lower Baq'a, Talbiya, Mamillah, Nebi Dawood, Qatamon, Sheikh Bader, Musrara, Juret al-'Ennab, Jaffa Gate, German Colony, and Greek Colony. It also included Jewish suburbs such as Romeima, Rehavia, Talpiot, Sanhedriya, Montifiore, and Mekor Haim.

Several factors led to the dispersion of buildings southwest of Jerusalem outside the Old City walls. Overcrowding combined with natural population growth led people to consider moving to the new suburbs. The establishment of the German Colony in the vicinity of al-Baq'a by German immigrants in 1773 created new conditions which encouraged people to move outside the walls. The growth of Jerusalem outside the walls was further encouraged by the construction of a railway between Jerusalem and Jaffa, as well as the construction of a police station to protect the line, which passed through sparsely populated areas in Baq'a, Beit Safafa, and Malha. Palestinians educated in private mission schools and abroad sought to build modern homes combining European and traditional Arab architectural features. They were particularly influenced by the architecture of the German Templers in the Holy Land. The western suburbs were so desirable because they provided open spaces and fresh air in contrast to the congestion of the old city.

The A.S.S. property survey clearly indicates that Palestinian families who moved to the Western suburbs at the turn of the century were primarily of rich and middle class backgrounds. Heavy building activity went unabated during the two World Wars, including on land owned by Christian and Muslim endowments and the Jerusalem Municipality. Commercial areas sprawled onwards from the Jaffa Gate towards the northwest (Jaffa Road), while light industrial enterprises and services established shops in Mamillah and Shama'a neighbourhoods.

B. Notes on the Landowners Record of the UN Conciliation Commission for Palestine for Urban West Jerusalem in 1948

Salman Abu-Sitta

In 1948 and before, Jerusalem was the hub of Palestine's religious, political and cultural activity. Its inhabitants were Palestinian families of ancient ancestry, Palestinian and foreign religious orders, and pilgrims of all faiths who stayed over the ages to live in Jerusalem.

The richer classes built fine homes in the western suburbs of the city. From a material point of view, the value of the land and buildings in west Jerusalem, as real estate, was much greater than any other Palestinian city in proportion to its size. When it was occupied by Jewish forces in 1948, tens of trucks were loaded with movable properties looted from Palestinian homes. This continued for at least six months until the end of 1948. Furniture, clothes, carpets, libraries, works of art, jewelry, even doors and windows, were piled high in trucks, destined to high ranking officers and Mapai leaders (see Tom Segev's writings). A frenzied rush to select the finest Palestinian homes to occupy soon followed. Even today, Palestinian homes, or 'Arab houses' as the Israelis refer to them, fetch the highest prices.

The land and immovable property luckily had a better fate. The work of the UN Conciliation Commission for Palestine (UNCPP), described elsewhere in this book, made fairly good records of this property.

Palestinian Ownership of Land

In 1948, Israel occupied 272,735 dunums of Jerusalem sub-district and managed to depopulate 39 localities, including West Jerusalem. Table 1 gives 24 items of information about each of these localities and their dispossessed inhabitants. It is taken from *Al Nakba Register* which gives the same information for 531 depopulated localities in occupied Palestine in the 1948 war. In 1948, the sub-district of Jerusalem had 66 Arab villages and 8 Jewish colonies. The Palestinian Arabs owned 84 percent of the sub-district land and the Jews 2 percent. The rest was government land or owned by Christian Missions. The population was 62 percent Arab and 38 percent Jewish.

The Municipal boundaries of Jerusalem in 1947 covered 19,331 dunums, which following the fighting in 1947-49 were divided as follows:

Area in the West Bank (East Jerusalem)	2,220 dunums (11.48%)
Area occupied by Israel (West Jerusalem)	16,261 dunums (84.12%)
of which:	
Arab-owned	5,478 dunums (33.69%)
Jewish-owned	4,885 dunums (30.04%)
Christian Missions	2,473 dunums (15.21%)
Municipal land	402 dunums (2.47%)
Roads and Railways	3,023 dunums (18.59%)
No-Man's Land and UN	850 dunums (4.4%)
Total	*19,331 dunums (100%)*

In 1964, Frank Jarvis, the Land Specialist submitted his report to the UN Conciliation Commission for Palestine (see A/AC.25/W/84 of 28 April 1964). The Jarvis report contained a valuation of Palestinian refugee property taken over by Israel. The monetary valuation is outdated and simultaneously a gross under-estimate. However, its value lies in its listing the Registry of Landowners which is based on the Register of Title, the land records kept by the Mandate Government and other records. Jarvis compiled 450,000 cards: each card belongs to one landowner and lists his ownership in all blocks and parcels located within the administrative boundary of one village or city. Each card, therefore, shows the total holdings of one owner within the land of a village or a city but his holdings in another village or city were shown elsewhere.

Jarvis' records do not cover all land lost by the refugees. Jarvis lists landownership in 'Settled Land' and some of the 'Non-Settled Land'. Settled Land means land in which land survey maps and land ownership have been reconciled. During its 28 year tenure, the Mandate government managed to reconcile the records for about 4,876,695 dunums, before it abandoned Palestine in 1948, leaving 13,766,000 dunums out of 18,643,000 dunums of total Palestinian owned but not-settled land, which is the property of the refugees and the Palestinians who remained in Israel. About 12,577,000 dunums of non-settled land is in the Bir al-Seba' (Beersheva) sub-district which is owned, like other parts of Palestine, through traditional records and common acceptance *['urf wal 'ada]*.

The records cover Palestinian (non-Jewish) property. In addition to not listing large parts of Palestine, there are some problems and deficiencies in Jarvis' records. Nevertheless, Jarvis' records remain the most important and most detailed statement of the ownership of the most heavily-populated Palestinian land in 1948. Original Land Registers kept by the Mandate Government covers larger areas than Jarvis'. These are available but many are illegible.

In the final analysis, Palestinian ownership can best be estimated by subtracting Jewish ownership from total area of Palestine. Jewish records tend to be complete due to the eagerness of the new Zionist immigrants to prove their ownership, usually by sale deed registered with the government: none of this land was inherited, most was owned by colonization corporations. As such, these Jewish records are complete. It should also be recognized that there is a distinct difference between Jewish-controlled and Jewish owned land. The former includes Concession land as granted by the government which at the end of concession should revert back to the government or the people of the country at the time of granting the concession. Also, Jewish-controlled land includes shares in land owned by Palestinians; the percentage of which share is usually small. Otherwise, full registration would have been claimed by the Jews. Much of the shared land is not registered with the government and is recognized only through agreement with the vendors, the authenticity and legality of which is subject to some doubt. For example, according to government records, only 60,000 dunums of Jewish land is registered in Bir al-Seba' (within a total area of over 12 million dunums), although the area shown by Jewish records is several times larger.

Description of the Records

Table 1 is a sample of the UNCCP records created by Jarvis for urban Jerusalem. The first column (No.) is our reference. The following columns list the name, block and parcel numbers, the area in dunums, the tax category, and the share of the owner in the lot of land, respectively. Under the tax category, B = Building, L = Land or Mulk House is sometimes entered. The sum of the column 'Area' is larger than the Palestinian ownership in the village or city. Thus, the correct area of ownership is the sum of 'the Area' column times the 'share' column.

The full record of Palestinian property in urban west Jerusalem lists 2,973 landowners in the alphabetical order of the first name of the landowner. A few names are not listed however because they were not clear in the original record. Because Jarvis did not follow a clear system of transliteration of Arab names, Arab names were listed in various forms, e.g. Cattan, Kattan; Khouri, Khuri. In conjunction with maps showing parcels and blocks, the location of each lot may be determined. At present, Israel Land Administration holds all refugee records (and the land) on behalf of the Custodian of the (Palestinian) Absentee Property.

Palestinian Ownership in West Jerusalem

The Israeli-controlled part of Jerusalem in 1948 has a total area of 16,261 dunums, of which 11,376 (70 percent) is non-Jewish owned. This includes 5,478

dunums, the property of Arab individuals and partnerships, while Jarvis' lists 4,976 dunums as Arab property in West Jerusalem.

It is not possible to correlate these figures exactly with Jarvis' records and he himself admits that his records are not complete. The record for West Jerusalem contains 2,973 landowners (cards). Each landowner may own more than one property, making a total of 8021 entries—an average of less than 3 properties per owner. The record indicates the block, parcel and property area of each property but fails to give other details fully. Since each property may be owned by more than one landowner, it is necessary to know each landowner's share in a particular property. Of 8,021 entries, the share is listed in 6,403 cases (80 percent), while 910 are listed as "None"—the meaning of which is unknown—and 26 listed as "X" where the land is owned by numerous heirs. This leaves 358 as unknown and 324 are left blank.

The total area of parcels listed (sum of column "Area") is 12,087.3 dunums, which is roughly the area of non-Jewish land, although there is not a direct correlation between the two. If the share marked None is made equal to 1, the total property area of listed owners is 5,920 dunums, and if ignored (None=0), the corresponding area is 3,237 dunums. Thus, 80 percent of the landowners and 60 percent of the property can be ascertained with confidence, while for 20 percent of the landowners, their property may be defined but their share of it is unclear. However, examination of individual title deeds collected by Arab Studies Society may help clarify the remainder.

Another way of defining the area of Arab property is to deduct the Jewish property area from the total area. The former is very well documented since the Jewish immigrants to Palestine were eager to register their purchases to prove ownership. What remains is Arab property, both private and public, church and government property. The latter two are well defined, which puts an upper limit on Arab property. The question then becomes the identification of individual ownership, which is largely defined by the Jarvis record, leaving the undefined shares within the same family or partnership. This method reduces the error to an ever-decreasing area.

The variations of recording the landowner's name are as follows. The landowner is defined by full name or: heirs of _____, widow of _____, _____ family, _____ and others, Rev. _____, Haj _____, Arab Bank, Arab National Bank, Arab Engineering and Building Co. Arab National Fund, Orthodox Church, Coptic Church, Waqf Moslem, Waqf of _____, P.L.D. Co., High Commissioner, Municipal Corporation of Jerusalem, Palestine Orthodox Society, Society of the Relief of the Destitute, Committee of Talbiya and Orphans Trust.

Selecting 159 easily identifiable Jerusalem families, we list in Table 2 their names in alphabetical order and the number of landowners (cards) in each family. Rearranging this table by number of landowners (Table 3), we find Dajani has 155 landowners, Nammari 61. Other than these two, there are 10 families who have 20-50 landowners, 22 families have 10-19 landowners.

In Table 4, we assess ownership using the 'Area', not the 'Share' column, which is not complete. As may be expected the, correlation between the two is good for small 'Area' values and not so for large 'Area' values. However, we may get useful tentative results using the 'Area' column. The Dajani family (155 landowners) has the largest share of the Area, about 16 percent (See Table 5), followed by Daoudi (7 percent) and Su'ud (5 percent).

Table 5 covers all landowners, not just the selected families, and shows landowners in groups of one hundred in descending order of 'Area' ownership. It is shown that 100 landowners own about half of West Jerusalem (46.63 percent) and the richest 300 own two thirds of the city. The top 600 own three quarters of the city. While 1,500 (50 percent) landowners own 90 percent of the city, the remainder (1,473) owns just 10 percent. This shows clearly that West Jerusalem is a city of the rich. The disparity between the rich and the poor, however, is not as great as that in Cairo, for example.

It can thus be concluded that the identification of property in West Jerusalem is possible and can be accurate in the majority of cases. It is therefore absolutely necessary to document this heritage and claim it with the support of UN Resolutions. The work of World Jewish Restitution Organization to repossess property (not to receive compensation for it) left in Europe during World War II should serve as an example. Without the benefit of a single UN resolution and with dogged determination and sketchy documentation, their property, unidentified accounts, even jewelry and works of arts, are being recovered.

It is of interest to note that, on 16 September 1998, the Arab League issued a resolution to urge the UN to send a fact-finding commission and to appoint a Custodian by the UN to monitor the status of refugee property in Israel. The sanctity of the private property is guaranteed by the Universal Declaration of Human Rights and UN Resolutions and above all by the determination of the Palestinians. The right to private property transcends sovereignty, occupation, treaties, political agreements and the like. The right of return is both legal and possible.

Table 1   Sample of UNCCP records by Jarvis, Urban Jerusalem

No.	Name	Block	Parcel	Area	Tax Category L=land B=Building	Share
	TOTAL			12087.320		
1	A. H. Khalil	30044	309	0.321	L	4/48
2	Abbas Halim	30049	200	0.350	B	unknown
2	Abbud Hazo	30023	210	0.615	B	1/2
2	Abd Aj Jalil Khamis Al Ghout	30020	7	0.058	B	whole
3	Abd Aj Jawwad Abdul Ghani	30020	32	0.126	B	whole
3	Abd Anton Abdul Malei Turjman & co-owners	30020	61	0.282	B	whole
	Abd Anton Abdul Malei Turjman & co-owners	30020	99	0.506	L	whole
3	Abd Ar Rahman Al Qawasmeh	30031	42	0.042	B	whole
4	Abd Ar Rahman Sammur Abu Khalaf	30020	17	0.059	B	whole
4	Abd Ar Razzaq Muhammad Shawer	30033	423	0.283	L	1/2
4	Abd Ar Razzaq Al Qawwas	30020	48	0.052	B	whole
5	Abd El Ghani Ali Barakat	30020	148	1.270	L	2/8
5	Abd El Haj Yahya Maraqa	30032	38	2.940	L	whole
5	El 'Abd Khalil Zaid	30049	62	0.060	B	1/5
6	Heirs of 'Abdallah Abu Sa'ad	30044	5	2.076	L	unknown
6	Abdallah Ahmad Abu Rosa	30014	124	0.642	L	1/2
	Abdallah Ahmad Abu Rosa	30014	124	0.642		1/2
6	Abdallah Andoni Es Sahhar	30008	34	0.610	B	1/3
	Abdallah Andoni Es Sahhar	30008	34	0.666		1/3
7	Abdallah Asad El Jamal	30009	120	1.105	L	1/2
	Abdallah Asad El Jamal	30009	121	2.880	L	1/2
	Abdallah Asad El Jamal	30021	75	2.256	L	whole
	Abdallah Asad El Jamal	30021	300	0.230	L	1/5
7	Abdallah Elias Andonieh	30001	97	0.671	B	whole
	Abdallah Elias Andonieh	30001	97	0.671		whole
7	Abdallah Jamal	30021	248	1.401	B	1/5
8	Abdallah Khamis Abu Safeh	30016	58	0.489	B	1/4
	Abdallah Khamis Abu Safeh	30016	58	0.460		1/4
8	Abdallah Macmloof	30035	17	3.140	B	unknown
8	Abdallah Mitri El Muna	30007	261	0.670	B	1/2
	Abdallah Mitri El Muna	30007	261	0.670		1/2
	Abdallah Mitri El Muna	30009	120	1.105	L	1/4
	Abdallah Mitri El Muna	30009	120	1.105		1/4
	Abdallah Mitri El Muna	30009	121	2.880	L	1/4
	Abdallah Mitri El Muna	30009	121	2.880		1/4
	Abdallah Mitri El Muna	30028	92	0.383	L	whole
	Abdallah Mitri El Muna	30031	100	0.200	L	whole
	Abdallah Mitri El Muna	30031	112	1.045	L	1/8

8	Dr. Abdallah Mughrabi	30016	12	0.560	B	whole
	Dr. Abdallah Mughrabi	30016	12	0.543		whole
9	Abdallah Muhammad Abdallah Abu Sa'ad	30044	368	0.538	L	1/12
	Abdallah Muhammad Abdallah Abu Sa'ad	30044	370	0.531	L	1/12
	Abdallah Muhammad Abdallah Abu Sa'ad	30044	371	0.048	L	1/12
	Abdallah Muhammad Abdallah Abu Sa'ad	30044	372	0.023	L	1/12
	Abdallah Muhammad Abdallah Abu Sa'ad	30044	376	0.123	L	42/1920
9	Abdallah Mustafa Ed Disi	30013	1	2.512	B	14/104
	Abdallah Mustafa Ed Disi	30013	1	2.356		
9	Abdallah Mustafa El Qawasme	30036	41	0.101	B	1/2
10	Abdallah Qasim Wafa Ed David Ed Dapini	30013	87	0.412	B	whole
	Abdallah Qasim Wafa Ed David Ed Dapini	30013	87		"Slope House"	whole
10	Abdallah Rashed	30040	26	2.277	L	unknown
10	Abdallah Sabat	30040	24	31.800	L	3/24
	Abdallah Sabat	30001	24			None
11	Abdallah Shamiya	30031	97	0.127	B	1/3
	Abdallah Shamiya	30031	101	0.196	L	1/3
	Abdallah Shamiya	30031	106	0.149	L	1/3
	Abdallah Shamiya	30031	109	0.116	L	1/3
11	Abdallah Tuma Abu Jarur	30016	134	0.621	L	1/3
	Abdallah Tuma Abu Jarur	30016	134	0.621		1/3
11	Abdallah Wafa Ed Dajani	30013	105	0.313	L	whole
	Abdallah Wafa Ed Dajani	30013	105	0.313		whole
12	Abdallah Zakharia El Bandak	30014	74	0.635	B	whole
	Abdallah Zakharia El Bandak	30014	74	0.662		whole
	Abdallah Zakharia El Bandak	30014	75	0.631	B	unknown
	Abdallah Zakharia El Bandak	30014	75	0.653		None
	Abdallah Zakharia El Bandak	30014	76	0.636	L	
	Abdallah Zakharia El Bandak	30014	76	0.672		None
	Abdallah Zakharia El Bandak	30014	77	0.653	L	unknown
	Abdallah Zakharia El Bandak	30014	77	0.636		whole
12	Abd El Adhim Ahmad Eid Sharawi	30018	13	0.768	B	1/3
	Abd El Adhim Ahmad Eid Sharawi	30018	13	0.768		1/3
12	Abd El Adhim Husein El Ashmar	30007	144	0.574	B	4/24
	Abd El Adhim Husein El Ashmar	30007		0.551		4/24
12	Abd El Ahad Isa El Sahuriyeh	30008	58	0.610	B	1/8
	Abd El Ahad Isa El Sahuriyeh	30008	58	Mulk House		1/8
13	Abd El Ahad Is-haq El Qattain	30001	139	0.719	B	whole
	Abd El Ahad Is-haq El Qattain	30001	139	0.719		whole
	Abd El Ahad Is-haq El Qattain	30002	25	4.850	L	128/1024
	Abd El Ahad Is-haq El Qattain	30002	25			
13	Abd El Ahad Is-haq El Qattan	30001	54	1.531	B	whole

	Abd El Ahad Is-haq El Qattan	30001	54	1.531		whole
	Abd El Ahad Is-haq El Qattan	30001	111	0.946	B	whole
	Abd El Ahad Is-haq El Qattan	30001	111	0.946		whole
	Abd El Ahad Is-haq El Qattan	30001	125	0.858	L	whole
	Abd El Ahad Is-haq El Qattan	30001	125	0.858		whole
	Abd El Ahad Is-haq El Qattan	30001	126	0.682	L	whole
	Abd El Ahad Is-haq El Qattan	30001	126	0.682		whole
	Abd El Ahad Is-haq El Qattan	30001	127	0.740	L	whole
	Abd El Ahad Is-haq El Qattan	30001	127	0.740		whole
	Abd El Ahad Is-haq El Qattan	30001	128	0.692	L	whole
	Abd El Ahad Is-haq El Qattan	30001	128	0.692		whole
	Abd El Ahad Is-haq El Qattan	30001	129	0.659	L	whole
	Abd El Ahad Is-haq El Qattan	30001	129	0.659		whole
	Abd El Ahad Is-haq El Qattan	30001	130	0.732	L	whole
	Abd El Ahad Is-haq El Qattan	30001	130	0.732		whole
	Abd El Ahad Is-haq El Qattan	30001	133	0.666	L	whole
	Abd El Ahad Is-haq El Qattan	30001	133	0.666		whole
	Abd El Ahad Is-haq El Qattan	30001	134	0.674	L	whole
	Abd El Ahad Is-haq El Qattan	30001	134	0.674		whole
	Abd El Ahad Is-haq El Qattan	30001	135	0.687	L	whole
	Abd El Ahad Is-haq El Qattan	30001	135	0.687		whole
	Abd El Ahad Is-haq El Qattan	30001	136	0.686	L	whole
	Abd El Ahad Is-haq El Qattan	30001	136	0.686		whole
	Abd El Ahad Is-haq El Qattan	30001	138	0.771	L	whole
	Abd El Ahad Is-haq El Qattan	30001	138	0.771		whole
13	Abd El Aziz Abd El Hafiz Ahmad Shalhab	30004	69	0.651	B	1/6
	Abd El Aziz Abd El Hafiz Ahmad Shalhab	30004	69	0.651		1/6
13	Abd El Aziz Said Darwish	30004	9	17.350	L	8/24
	Abd El Aziz Said Darwish	30004	9	12.870		1/3
14	Abd El Aziz Shukri Abd El Aziz Sidi	30019	60A	0.864	B	None
	Abd El Aziz Shukri Abd El Aziz Sidi	30019	60A	0.864		1/16
14	Abd El Bari Taleb Abu El Filat Barakat	30010	179	0.895	B	whole
	Abd El Bari Taleb Abu El Filat Barakat	30010	179	0.895		whole
	Abd El Bari Taleb Abu El Filat Barakat	30018	72	0.762	L	whole
	Abd El Bari Taleb Abu El Filat Barakat	30018	72	0.762		whole
	Abd El Bari Taleb Abu El Filat Barakat	30019	101	0.860	B	whole
	Abd El Bari Taleb Abu El Filat Barakat	30019	101	0.340		whole
	Abd El Bari Taleb Abu El Filat Barakat			0.525		whole
	Abd El Bari Taleb Abu El Filat Barakat	30019	172	0.137	L	whole
	Abd El Bari Taleb Abu El Filat Barakat	30019	172	0.137		whole
14	Abd El Fattah Amin Dino Ish Shuweiki	30019	157	0.625	L	6/24
	Abd El Fattah Amin Dino Ish Shuweiki	30019	157	0.625		6/24
15	Abd El Fattah Muhammad Isa Abu Shamsieh	30019	105	0.915	B	1/4
	Abd El Fattah Muhammad Isa Abu Shamsieh	30019	105	0.915		1/4

	Abd El Fattah Muhammad Isa Abu Shamsieh	30019	120/1	0.407	B	whole
	Abd El Fattah Muhammad Isa Abu Shamsieh	30019	120	1.039		1/2
15	Abd El Ghani Abd El Jabbar El Kurdi	30005	25	0.610	B	whole
	Abd El Ghani Abd El Jabbar El Kurdi	30005	25	0.477		whole
15	(Haj) Abd El Ghani El Imam , Heirs of	30001	25	0.465	L	X
	(Haj) Abd El Ghani El Imam , Heirs of	30001	25			
16	Abd El Ghani Isa Et Tabakhi	30011	67	0.681	L	1/3
	Abd El Ghani Isa Et Tabakhi	30011	67	0.631		1/3
16	Abd El Ghani Said Kamleh	30008	37	1.077	B	whole
	Abd El Ghani Said Kamleh	30008	37	1.077		whole
	Abd El Ghani Said Kamleh	30008	38	1.096	L	whole
	Abd El Ghani Said Kamleh	30008	38	1.096		whole
16	Abd El Ghani Salih Abd En Nabi	30013	4	1.240	L	1/3
	Abd El Ghani Salih Abd En Nabi	30013	4	1.228		1/3
17	Abd El Hafiz Ahmad Shalhab	30004	69	0.651	B	1/6
	Abd El Hafiz Ahmad Shalhab	30004	69	0.651		1/6
17	Abd El Hafiz Ahmad Ish Sharawi	30018	13	0.768	B	1/3
	Abd El Hafiz Ahmad Ish Sharawi	30018	13	0.768		1/3
17	Abd El Hafiz Amin Dino Ish Shuweiki	30019	157	0.625	L	3/24
	Abd El Hafiz Amin Dino Ish Shuweiki	30019	157	0.625		3/24
18	Abd El Hai Yahya Maraga	30004	17	0.571	B	1/3
	Abd El Hai Yahya Maraga	30004	17	0.571		1/3
18	Abd El Halim Khalil Zeitun	30007	15	0.562	B	whole
	Abd El Halim Khalil Zeitun	30007	15	0.548		whole
18	Abd El Halim Suleiman Barakat	30015	9	0.436	B	whole
	Abd El Halim Suleiman Barakat	30015	9	0.436		whole
19	Abd El Hamid Abu El Hamid El Asali	30020	110	1.100	L	18816/ 94080
19	Abd El Hamid Isa Biseisu	30016	44	0.985	B	1/4
	Abd El Hamid Isa Biseisu	30016	44	0.862		1/4
19	Abd El Hamid Rashid El Asali	30008	20	0.573	L	1/2
	Abd El Hamid Rashid El Asali	30008	20	0.573		1/2
20	Abd El Hamid Suleiman Barakat	30004	154	0.643	B	whole
	Abd El Hamid Suleiman Barakat	30004	154	0.643		whole
20	Abd El Karim Hab Er Rumman	30019	90	0.422	B	whole
	Abd El Karim Hab Er Rumman	30019	90	0.601		None
20	Abd El KArim Suleiman Bilbesi	30007	221	0.586	B	1/2
	Abd El KArim Suleiman Bilbesi	30007		0.586		1/2
21	Abd El Latif Arif El Husein	30007	244	1.074	B	whole
	Abd El Latif Arif El Husein	30007	244	0.928		whole
	Abd El Latif Arif El Husein			0.143		whole
21	Abd El Majid Arif Farun	30010	2	4.858	B	2/16
	Abd El Majid Arif Farun	30010	2		House	2/16
21	Abd El Majid Daoud Abu El Filat Barakat	30018	17	0.690	B	whole

	Abd El Majid Daoud Abu El Filat Barakat	30018	17	0.667		whole
	Abd El Majid Daoud Abu El Filat Barakat	30018	23	0.650	B	whole
	Abd El Majid Daoud Abu El Filat Barakat	30018	23	0.665		whole
22	Abd El Majid Yahya Maraga	30004	17	0.571	B	1/3
	Abd El Majid Yahya Maraga	30004	17	0.571		1/3
22	Abd El Mughni Isa Et Tabakhi	30011	67	0.681	L	1/3
	Abd El Mughni Isa Et Tabakhi	30011	67	0.631		1/3
22	Abd El Muhsen Taher Ed Daoud	30004	103	0.645	B	1/3
	Abd El Muhsen Taher Ed Daoud	30004	103	0.645		1/3
	Abd El Muhsen Taher Ed Daoud	30010	47	1.040	B	1/3
	Abd El Muhsen Taher Ed Daoud	30010	47	1.093		1/3
23	Abd El Mu'ti Mahmud Arnaut	30015	103	0.488	B	X
	Abd El Mu'ti Mahmud Arnaut	30015	103	0.488		None
23	Abd El Mu'ti Zahde	30019	57	0.760	B	whole
	Abd El Mu'ti Zahde	30019	57	0.760		whole
23	Abd Er Rahim Abd El Karim Hab Er Rumman	30015	62	0.703	B	whole
	Abd Er Rahim Abd El Karim Hab Er Rumman	30015	62	0.703		whole
	Abd Er Rahim Abd El Karim Hab Er Rumman	30019	90	0.422	B	None
	Abd Er Rahim Abd El Karim Hab Er Rumman	30019	90	0.601		whole
24	Abd Er Rahim Musa Zureiq Ish Shuweiki	30019	157	0.625	L	4/24
	Abd Er Rahim Musa Zureiq Ish Shuweiki	30019		0.625		4/24
24	Abd Er Rahim Salim Salfiti	30016	33	0.960	B	2/12
	Abd Er Rahim Salim Salfiti	30016	33	1.034		2/12
24	Abd Er Rahman Abd El Ghani Tawib	30004	46	0.853	B	1/4
	Abd Er Rahman Abd El Ghani Tawib	30004	46	0.853		1/4
25	Abd Er Rahman El Juneid	30010	128	0.609	B	1/2
	Abd Er Rahman El Juneid	30010	128	0.603		1/2
25	Abd Er Rahman Mahmud Daghlas	30019	93	0.404	L	whole
	Abd Er Rahman Mahmud Daghlas	30019	93	0.404		whole
	Abd Er Rahman Mahmud Daghlas	30019	94	0.458	L	whole
	Abd Er Rahman Mahmud Daghlas	30019	94	0.458		
25	Abd Er Rahman Rabah	30007	243	0.736	B	1/3
	Abd Er Rahman Rabah	30007	243	0.675		1/3
	Abd Er Rahman Rabah			0.061		1/3
	Abd Er Rahman Rabah	30014	16	0.600	B	1/3
	Abd Er Rahman Rabah	30014	16	0.600		1/3
26	Abd Er Rauf Ibrahim En Nammari	30010	27	0.527	B	whole
26	Abd Er Razzak Abd El Halim El Jolani	30020	25	0.042	B	whole
26	Abd Er Razzaq Abd El Halim Abdin	30002	148	0.640	B	1/2
	Abd Er Razzaq Abd El Halim Abdin	30002	148	0.640		
27	Abd Er Razzaq Daoud Abd El Filal Barakat	30016	57	1.070	B	whole
	Abd Er Razzaq Daoud Abd El Filal Barakat	30016	57	0.575		whole
	Abd Er Razzaq Daoud Abd El Filal Barakat			0.575		whole
27	Abd Er Razzaq El Juneidi	30010	128	0.609	B	1/2

	Abd Er Razzaq El Juneidi	30010	128	0.603		1/2
27	Abd Es Salam Hasan Abd Es Salam En Nashashibi	30018	24	2.400	B	X
	Abd Es Salam Hasan Abd Es Salam En Nashashibi	30018	24	2.795		38/144
	Abd Es Salam Hasan Abd Es Salam En Nashashibi	30018	64	0.478	L	None
	Abd Es Salam Hasan	30018	64	0.486		440/ 1152
	Abd Es Salam En Nashashibi					
	Abd Es Salam Hasan Abd Es Salam En Nashashibi	30018	66	0.508	L	None
	Abd Es Salam Hasan	30018	66	0.512		440/ 1152
	Abd Es Salam En Nashashibi					
28	(Heirs of) Abd Es Samad Dajani	30032	28	0.360	B	whole
28	Abd Esh Shakkaur Abd El Mu'ti Sidr	30019	60B	Built in 60A	B	None
	Abd Esh Shakkaur Abd El Mu'ti Sidr	30019	60B	0.864		1/2
28	Abd Esh Shakkur Ramadan Ikreiq	30019	108	0.608	B	1/2
	Abd Esh Shakkur Ramadan Ikreiq	30019	108	0.608	B	
29	Abd Esh Shakkur Shukri Abd El Aziz Sidr	30019	60A	0.864	B	None
	Abd Esh Shakkur Shukri Abd El Aziz Sidr	30019	60A	0.864		1/16
29	Abd El Wadud Suleiman Barakat	30008	84	0.860	L	whole
	Abd El Wadud Suleiman Barakat	30008	84	0.860		whole
	Abd El Wadud Suleiman Barakat	30008	85	0.707	L	whole
	Abd El Wadud Suleiman Barakat	30008	85	0.707		whole
29	Abd El Husheimi	30007	164	0.800	B	whole
	Abd El Husheimi	30007	164			
30	Abdo Hanna Quro	30008	12	0.600	B	1/2

Table 2   Summary of Records of Selected Families with Property in West Jerusalem, listed in alphabetical order

No.	Name	No. of Land-owners	No.	Name	No. of Land-owners	No.	Name	No. of Land-owners
1	Afaneh	2	54	Malabi	5	107	Qalla	1
2	'Afaneh	1	55	Hanania	7	108	Qatran	1
3	Afifi	1	56	Harami	5	109	Qawaar	1
4	'Afifi	1	57	Hazboun	20	110	Qawwar	1
5	Al A'ma	1	58	Hazbun	4	111	Qawwas	17
6	El A'ma	9	59	Hindiya	1	112	Qleibo	3
7	Lama	2	60	Hindiyeh	3	113	Qutob	6
8	Alami	13	61	Husein	2	114	Qutteineh	2
9	'Alami	9	62	Huseini	21	115	Risas	12
10	Ahmad	4	63	Ilaiyan	1	116	Sabbagh	5
11	Amad	3	64	'Ilaiyan	2	117	Saba	2
12	Amawi	2	65	Imam	9	118	Sabha	4
13	Ansari	5	66	Ja'ar	6	119	Saghir	5
14	Ansary	1	67	Jaar	2	120	Zughaiyir	3
15	Asali	15	68	Jabsheh	2	121	Sa'id	12
16	'Asali	2	69	Jackman	1	122	Said	9
17	Atallah	8	70	Jakman	1	123	Sa'ad	29
18	'Atallah	2	71	Jagaman	3	124	Sa'adat	7
19	Aweida	6	72	Jagman	2	125	Salah	6
20	'Aweida	3	73	Jallad	5	126	Salama	9
21	Bandak	3	74	Jamai	6	127	Salameh	2
22	Barakat	42	75	Jamal	16	128	Sallameh	1
23	Beiruti	7	76	Jaouni	10	129	Salfit	1
24	Biseisu	2	77	Joani	7	130	Salfiti	3
25	Bisharat	4	78	Jarkas	8	131	Sam'an	7
26	Budeiri	7	79	Karmi	6	132	Shamiya	10
27	Can'an	1	80	Karram	24	133	Shamieh	5
28	Kan'an	3	81	Katan	5	134	Shamma	8
29	Kannan	1	82	Cattan	8	135	Shauqi	5
30	Dabdub	15	83	Kattan	5	136	Shuweiki	8
31	Dahboura	1	84	Qattain	1	137	Shibr	2
32	Dahbura	6	85	Qattan	22	138	Shiber	2
33	Dajani	155	86	Khalaf	10	139	Shihab	1
34	Damiani	15	87	Khalil	28	140	Shihabi	10
35	Damyani	2	88	Khatib	6	141	Shihada	2
36	Daoud	17	89	Khayat	2	142	Sifri	1
37	Daoudi	48	90	Khoury	2	143	Sliheet	3
38	Darwish	5	91	Khuri	15	144	Spiridon	1
39	Deeb	2	92	Malas	1	145	Su'ud	18
40	Dib	5	93	Malih	1	146	Tamimi	6
41	Farhan	8	94	Mash'al	5	147	Tannous	2
42	Far'on	1	95	Mikail	2	148	Taziz	1
43	Far'un	5	96	Mikhail	1	149	Tazziz	2
44	Farun	4	97	Mughannam	5	150	Tleil	1
45	Faraj	5	98	Municipal Co.	1	151	Totah	2
46	Faraji	13	99	Musallam	5	152	Tugan	2
47	Farraj	14	100	Nakhleh	1	153	Tuma	7
48	Ghosh	2	101	Nammari	61	154	Ubeid	5
49	Ghoshe	4	102	Nashashibi	16	155	'Ubeid	2
50	Hadawi	4	103	Nasr	20	156	Waqf	15
51	Haddad	17	104	Nasra	10	157	Wari	2
52	Halabi	22	105	Nazha	4	158	Wa'ri	9
53	Mal'abi	2	106	Nuseibeh	4	159	Zaruk	17
							TOTAL	1250

Table 3   Summary of Records of Selected Families with Property in West Jerusalem, listed by total number of landowners

No.	Name	No. of Land-owners	No.	Name	No. of Land-owners	No.	Name	No. of Land-owners
33	Dajani	155	19	Aweida	6	35	Damyani	2
101	Nammari	61	32	Dahbura	6	39	Deeb	2
37	Daoudi	48	66	Ja'ar	6	48	Ghosh	2
22	Barakat	42	74	Jamai	6	61	Husein	2
123	Sa'ad	29	79	Karmi	6	67	Jaar	2
87	Khalil	28	88	Khatib	6	68	Jabsheh	2
80	Karram	24	113	Qutob	6	72	Jagman	2
52	Halabi	22	125	Salah	6	89	Khayat	2
85	Qattan	22	146	Tamimi	6	90	Khoury	2
62	Huseini	21	13	Ansari	5	7	Lama	2
57	Hazboun	20	38	Darwish	5	53	Mal'abi	2
103	Nasr	20	40	Dib	5	95	Mikail	2
145	Su'ud	18	43	Far'un	5	114	Qutteineh	2
36	Daoud	17	45	Faraj	5	117	Saba	2
51	Haddad	17	56	Harami	5	127	Salameh	2
111	Qawwas	17	73	Jallad	5	138	Shiber	2
159	Zaruk	17	81	Katan	5	137	Shibr	2
75	Jamal	16	83	Kattan	5	141	Shihada	2
102	Nashashibi	16	54	Malabi	5	147	Tannous	2
15	Asali	15	94	Mash'al	5	149	Tazziz	2
30	Dabdub	15	97	Mughannam	5	151	Totah	2
34	Damiani	15	99	Musallam	5	152	Tugan	2
91	Khuri	15	116	Sabbagh	5	157	Wari	2
156	Waqf	15	119	Saghir	5	2	'Afaneh	1
47	Farraj	14	133	Shamieh	5	4	'Afifi	1
8	Alami	13	135	Shauqi	5	3	Afifi	1
46	Faraji	13	154	Ubeid	5	5	Al A'ma	1
115	Risas	12	10	Ahmad	4	14	Ansary	1
121	Sa'id	12	25	Bisharat	4	27	Can'an	1
76	Jaouni	10	44	Farun	4	31	Dahboura	1
86	Khalaf	10	49	Ghoshe	4	42	Far'on	1
104	Nasra	10	50	Hadawi	4	59	Hindiya	1
132	Shamiya	10	58	Hazbun	4	63	Ilaiyan	1
140	Shihabi	10	105	Nazha	4	69	Jackman	1
9	'Alami	9	106	Nuseibeh	4	70	Jakman	1
6	El A'ma	9	118	Sabha	4	29	Kannan	1
65	Imam	9	20	'Aweida	3	92	Malas	1
122	Said	9	11	Amad	3	93	Malih	1
126	Salama	9	21	Bandak	3	96	Mikhail	1
158	Wa'ri	9	60	Hindiyeh	3	98	Municipal Co	1
17	Atallah	8	71	Jagaman	3	100	Nakhleh	1
82	Cattan	8	28	Kan'an	3	107	Qalla	1
41	Farhan	8	112	Qleibo	3	108	Qatran	1
78	Jarkas	8	130	Salfiti	3	84	Qattain	1
134	Shamma	8	143	Sliheet	3	109	Qawaar	1
136	Shuweiki	8	120	Zughaiyir	3	110	Qawwar	1
23	Beiruti	7	16	'Asali	2	129	Salfit	1
26	Budeiri	7	18	'Atallah	2	128	Sallameh	1
55	Hanania	7	64	'Ilaiyan	2	139	Shihab	1
77	Joani	7	155	'Ubeid	2	142	Sifri	1
124	Sa'adat	7	1	Afaneh	2	144	Spiridon	1
131	Sam'an	7	12	Amawi	2	148	Taziz	1
153	Tuma	7	24	Biseisu	2	150	Tleil	1
							TOTAL	1250

Table 4 Ownership of Selected Families by Total Area

No.	Family	No. of Landowners	Total Area in dunums	% of Total
33	Dajani	155	1925.050	15.93
37	Daoudi	48	808.710	6.69
145	Su'ud	18	599.704	4.96
88	Khatib	6	274.452	2.27
81	Katan	5	247.678	2.05
156	Waqf	15	238.135	1.97
101	Nammari	61	212.516	1.76
22	Barakat	42	199.058	1.65
87	Khalil	28	191.351	1.58
30	Dabdub	15	186.088	1.54
74	Jamai	6	179.538	1.49
23	Beiruti	7	166.915	1.38
26	Budeiri	7	121.850	1.01
38	Darwish	5	105.950	0.88
91	Khuri	15	100.668	0.83
106	Nuseibeh	4	90.076	0.75
78	Jarkas	8	89.620	0.74
9	'Alami	9	85.709	0.71
34	Damiani	15	81.206	0.67
60	Hindiyeh	3	77.377	0.64
159	Zaruk	17	76.942	0.64
80	Karram	24	75.425	0.62
52	Halabi	22	72.969	0.60
83	Kattan	5	72.032	0.60
85	Qattain	22	68.854	0.57
3	Afifi	1	68.090	0.56
123	Sa'ad	29	62.633	0.52
40	Dib	5	54.226	0.45
94	Mash'al	5	53.585	0.44
153	Tuma	7	52.486	0.43
75	Jamal	16	48.966	0.41
102	Nashashibi	16	44.340	0.37
126	Salma	9	41.709	0.35
41	Farhan	8	41.356	0.34
131	Sam'an	7	41.199	0.34
140	Shihabi	10	40.828	0.34
73	Jallad	5	40.170	0.33
8	Alami	13	36.891	0.31
95	Mikail	2	36.626	0.30
111	Qawwas	17	35.368	0.29
93	Malih	1	33.065	0.27
144	Spiridon	1	31.860	0.26
122	Said	9	31.617	0.26
6	El A'ma	9	30.959	0.26
103	Nasr	20	30.691	0.25
118	Sabha	4	29.354	0.24
51	Haddad	17	29.345	0.24
137	Shibr	2	29.258	0.24
36	Daoud	17	29.067	0.24
154	Ubeid	5	28.914	0.24
105	Nazha	4	27.582	0.23
43	Far'un	5	25.919	0.21
99	Musallam	5	25.868	0.21
62	Huseini	21	23.050	0.19
15	Asali	15	22.222	0.18
32	Dahbura	6	22.100	0.18
115	Risas	12	21.618	0.18

47	Farraj	14	21.225	0.18
71	Jagaman	3	21.009	0.17
104	Nasra	10	19.856	0.16
66	Ja'ar	6	19.566	0.16
134	Shamma	8	19.437	0.16
44	Farun	4	19.432	0.16
86	Khalaf	10	18.941	0.16
146	Tamimi	6	17.863	0.15
132	Shamiya	10	16.718	0.14
57	Hazboun	20	15.703	0.13
150	Tleil	1	14.831	0.12
147	Tannous	2	14.356	0.12
54	Malabi	5	13.413	0.11
135	Shauqi	5	13.170	0.11
56	Harami	5	12.114	0.10
158	Wa'ri	9	11.484	0.10
113	Qutob	6	10.684	0.09
55	Hanania	7	10.650	0.09
53	Mal'abi	2	10.580	0.09
108	Qatran	1	10.550	0.09
119	Saghir	5	10.068	0.08
17	Atallah	8	10.039	0.08
136	Shuweiki	8	9.856	0.08
121	Sa'id	12	9.816	0.08
155	'Ubeid	2	9.646	0.08
19	Aweida	6	9.552	0.08
72	Jagman	2	9.241	0.08
64	'Ilaiyan	2	9.044	0.07
112	Qleibo	3	8.911	0.07
21	Bandak	3	8.164	0.07
116	Sabbagh	5	7.918	0.07
141	Shihada	2	7.726	0.06
12	Amawi	2	7.270	0.06
67	Jaar	2	6.695	0.06
133	Shamieh	5	6.568	0.05
13	Ansari	5	6.456	0.05
151	Totah	2	6.326	0.05
84	Qattain	1	6.288	0.05
130	Salfiti	3	5.982	0.05
120	Zughaiyir	3	5.904	0.05
49	Ghoshe	4	5.902	0.05
42	Far'on	1	5.738	0.05
58	Hazbun	4	5.467	0.05
125	Salah	6	5.449	0.05
79	Karmi	6	5.364	0.04
50	Hadawi	4	5.325	0.04
46	Faraji	13	5.265	0.04
89	Khayat	2	5.180	0.04
149	Tazziz	2	5.042	0.04
76	Jaouni	10	5.022	0.04
11	Amad	3	5.014	0.04
65	Imam	9	4.951	0.04
10	Ahmad	4	4.720	0.04
63	Ilaiyan	1	4.522	0.04
77	Joani	7	4.025	0.03
143	Sliheet	3	4.016	0.03
24	Biseisu	2	3.694	0.03
25	Bisharat	4	3.662	0.03
107	Qalla	1	3.552	0.03
27	Can'an	1	3.502	0.03

114	Qutteineh	2	3.457	0.03
139	Shihab	1	3.216	0.03
61	Husein	2	3.105	0.03
109	Qawaar	1	3.005	0.02
157	Wari	2	2.928	0.02
127	Salameh	2	2.888	0.02
82	Cattan	8	2.872	0.02
152	Tugan	2	2.838	0.02
1	Afaneh	2	2.732	0.02
28	Kan'an	3	2.731	0.02
97	Mughannam	5	2.537	0.02
48	Ghosh	2	2.340	0.02
29	Kannan	1	2.333	0.02
18	'Atallah	2	2.317	0.02
128	Sallameh	1	2.272	0.02
90	Khoury	2	2.130	0.02
129	Salfit	1	1.994	0.02
100	Nakhleh	1	1.890	0.02
16	'Asali	2	1.738	0.01
20	'Aweida	3	1.611	0.01
68	Jabsheh	2	1.604	0.01
138	Shiber	2	1.550	0.01
39	Deeb	2	1.396	0.01
110	Qawwar	1	1.393	0.01
2	'Afaneh	1	1.366	0.01
117	Saba	2	1.296	0.01
45	Faraj	5	1.275	0.01
142	Sifri	1	1.232	0.01
92	Malas	1	1.212	0.01
14	Ansary	1	1.170	0.01
96	Mikhail	1	1.009	0.01
124	Sa'adat	7	1.001	0.01
70	Jakman	1	0.862	0.01
7	Lama	2	0.775	0.01
4	'Afifi	1	0.674	0.01
35	Damyani	2	0.636	0.01
69	Jackman	1	0.188	0.00
59	Hindiya	1	0.182	0.00
31	Dahboura	1	0.163	0.00
148	Taziz	1	0.160	0.00
5	Al A'ma	1	0.126	0.00
98	Muncipal Corp.	1	0.006	0.00
	Total	**1250**	**8157.509**	**67.49**
	Total area of full record		**12087.328**	

Table 5 Distribution of Arab 'Area' Ownership in Descending Order by categories of 100

Landowners in 100's	Area	Share	Area (accumulative)	% of Total Area
1	5636.627	2506.617	5636.627	46.63
2	1463.378	630.719	7100.005	58.74
3	799.457	412.904	7899.462	65.35
4	551.011	287.873	8450.473	69.91
5	445.132	177.723	8895.605	73.59
6	349.867	182.618	9245.472	76.49
7	281.268	176.041	9526.740	78.82
8	248.617	135.960	9775.357	80.87
9	222.662	126.468	9998.019	82.71
10	197.437	99.178	10195.456	84.35
11	179.367	104.711	10374.823	85.83
12	164.292	90.365	10539.115	87.19
13	151.369	98.280	10690.484	88.44
14	140.354	96.762	10830.838	89.60
15	132.473	85.524	10963.311	90.70
16	127.723	51.247	11091.034	91.76
17	124.180	77.683	11215.214	92.78
18	121.276	86.312	11336.490	93.79
19	117.929	89.755	11454.419	94.76
20	111.589	75.892	11566.008	95.69
21	99.473	68.550	11665.481	96.51
22	88.644	51.912	11754.125	97.24
23	77.621	52.201	11831.746	97.89
24	66.582	44.578	11898.328	98.44
25	59.827	41.139	11958.155	98.93
26	50.163	26.027	12008.318	99.35
27	38.496	18.121	12046.814	99.66
28	24.755	14.782	12071.569	99.87
29	12.813	8.105	12084.382	99.98
Last 73	2.946	1.921	12087.328	100.00
Total	**12087.328**	**5919.967**		

Endnotes

[1] The editor invited the authors of this chapter to delineate problems of documenting Arab properties in West Jerusalem from their experience as team leaders of an ongoing survey of such property which was initiated by the Arab Studies Society (A.S.S.) in Jerusalem in 1996. The survey involved interviews with hundreds of Jerusalem refugee families from the western neighbourhoods and villages. The following persons were crucial in providing essential information: Greek Orthodox Mukhtar Hanna Issa Tubbeh, Wa'riyyeh Mukhtar Abu al-Abed, Mr Rafiq al-Nammari, Mr Hanna al-Tarshah.

[2] Sami Hadawi, *Palestinian Rights and Losses in 1948.* London: Saqi Books, 1988.

[3] UN Document *A/AC.25/W.84*, April 28th, 1964.

[4] The author, a researcher on Palestinian refugees, was invited by the editor to contribute this summary of his work to this book.

War in the Old City:
The Diaries of Constantine Mavrides[♦]

May 15-December 30, 1948

Translated from the Greek by **John N. Tleel**
Introduction by **Musa Budeiri**

Introduction

    What is so striking about Constantine Mavrides five short memorandums—all of which were written during the few months when the Old City of Jerusalem was being fought over yet once again between politically contending forces with whom he finds little to identify—is how strongly it brings home the notion that there is not a single identifiable entity recognised by all and sundry as constituting 'The Jerusalem' (perhaps this is made clearer by the Arabic name of the city Al Quds 'The Holy').

    Mavrides text, despite its extreme brevity and rather parochial outlook, enabled me for the first time to consider Jerusalem in a new light. Having been born in Jerusalem in the closing years of the Mandate, to a family whose home was in one of the Arab quarters of West Jerusalem, I have always rather lazily identified with a view of the city—which along with other diverse cultural luggage unspokenly bequeathed to me, and which I accepted uncritically—of Jerusalem as a Arab Moslem city (albeit possessing a Jewish minority, a concept which I carried along but it was extremely

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Constantine X. Mavrides was of Greek Thracian origin and was born in Adrianople in 1890. He received his early education in his native country and continued his studies in Jerusalem, where he immigrated to and settled down. In Jerusalem he studied at the Greek Orthodox Patriarchate schools and at the then highly regarded Theological School of the Holy Cross, in the monastery situated in the Valley of the Cross. After graduation Mavrides served in the secretariat department of the Greek Orthodox Patriarchate of Jerusalem for eight years. In 1918, he was employed by the British and served devotedly in various posts in Palestine, Syria and Lebanon and was decorated by the British for his services. After the establishment of the British Mandate in Palestine, Mavrides took up a position as interpreter and secretary in the General Consulate of Greece in Jerusalem. Biographical information provided by John Tleel.

hazy; there were also Christians, but those I tended to regard as a rather outlandish Moslem sect). This was transformed in 1948 as a result of the magnitude of the defeat inflicted by the Zionists on the Arabs, and the implosion of the existing social and economic structure. The truncated Jerusalem I grew up in, in the 1950s was Moslem and Jordanian. Or at least so it appeared to me.

On my daily walk from Sheikh Jarrah neighbourhood, down Nablus road, I pass the old derelict Synagogue, then the American Colony, the Tombs of the Kings, St. George's Cathedral, and an assortment made up of the American Baptist Centre, the First Church of Christ the Nazarene, the YMCA, the American Consulate, the Church School Service, the Dominican Convent de St. Etienne, the Ecole Biblique, the Garden Tomb, the Convent of the White Sisters (Franciscans de Marie), Schmidt Girls school and into the Old City, itself a veritable museum-cum-art-gallery of Christian religious artifacts. All of a sudden Al Quds appears in a new light. Now I realise what I have always perceived, as Al Quds is only one of many "Quds's". I muse how an Orthodox Jew who would venture out of his embattlements, physical as well as cultural, would view Jerusalem. Perhaps as a Jewish city with a troublesome Moslem minority, and a veritable amount of expensive real estate whose title deeds are jealously guarded by a multitude of feuding Christian denominations?

In Context

According to the United Nations partition resolution, Jerusalem was designated an international zone forming a corpus separatum, an enclave within the proposed Arab state. Covering a total area of two hundred and fifty eight square dunums, this included Bethlehem, Beit Jala, Beit Sahour, Sur Baher, Beit Safafa, Sharafat, and Ramat Rahel in the south, Silwan, Al Tur, Izzariye, Abu Dis, and the Sawahreh in the east, Al Malha, Sheikh Badr, Lifta, Deir Yasin, 'Ayn Karim in the west, and Issawiya, Shu'fat, Hadassah Hospital, and the Hebrew University in the north.

According to the most authoritative source on the agreements reached between Prince Abdullah and the Jewish Agency, both parties undertook not to interfere with each other's plans. (Shlaim, p.178) Abdullah would not allow his army to enter the area allocated to the Jewish State, while the Jews undertook not to thwart his occupation of the Arab parts of Palestine. There was however no agreement over Jerusalem. There is no doubt that both Ben Gurion and Abdullah coveted Jerusalem, but neither made his stand public nor communicated his opposition to the Partition decision to the United Nations.

The Battle for Jerusalem had already started immediately after the United Nation's partition decision in November 1947. The Haganah, which had a strong military presence in Jerusalem, took the offensive while the British were still formally in control. The villages and neighbourhoods of Lifta, Romeima, and Sheikh Badr (the site of the present day Knesset), were attacked and emptied of their inhabitants by January 1948. By April, Qatamon and Talbiya had been taken over. By the onset of May 15th western Jerusalem had become completely Jewish (Morris, p. 52). Al Quds had been reduced to the Old City and the sparsely populated neighbourhoods of Sheikh Jarrah and Bab al Zahira.

Until the entry of Abdullah's Arab Legion into Palestine on the 15th of May 1948, the brunt of the fighting in Jerusalem had been borne by assorted irregulars, more often than not locally organised, and rarely operating outside the vicinity of their immediate villages or neighbourhoods. Having been expelled from West Jerusalem, the Arabs concentrated their defense on the ramparts of the Old City walls. But the Old City itself was home to nearly two thousand Jewish inhabitants, and rather than evacuate the Jewish Quarter, the Haganah leadership planned to hold on to it and use it " as a springboard for capturing the entire Old City." (Shlaim, p.180) Without the intervention of the Arab Legion there is little doubt that the Old City would have been overrun by the Haganah. On the 17th of May Abdullah ordered Glubb, the British commander of the Arab Legion, to send his troops into Jerusalem, and on the 18th of May the first company of Jordanian soldiers entered the Old City. With the Jewish offensive in Jerusalem halted, the battle shifted to the Latroun salient, which dominated the main road from Tel Aviv to Jerusalem. The war that ensued was the result of the Haganah's attempts to dislodge the Arab Legion and break the stranglehold on Jerusalem. For its part, the Arab Legion did not conduct any offensive operations and remained loyal to Abdullah's pledge not to enter Jewish designated areas.

The Greek Orthodox Church at War

Mavrides has written briefly about the effect of the 1948 war on the Greek Orthodox Church. He has written about his Jerusalem, and indeed he makes brief references to other Christian sects; negatively to Arabs, and in a more hostile vein, to Jews. Right from the very beginning he declares his neutrality ("two peoples claiming the country"). The Arab quarters he refers to like Qatamon had been occupied by the Jews who had "dislodged ...the armed Arabs and occupied it militarily…". Their attack on the Old City was with a view "...primarily to rescue the about two thousand Jews pinned down and besieged inside the city...". Most of the Arab inhabitants of the city (inhabitants of the Muslim and Christian suburbs) had already gone abroad

before the 14th of May. The remaining took refuge in the Old City itself. They received the hospitality of their relatives, or sought refuge in convents and monasteries. Only the Franciscans refused to open their doors to the refugees. His own church, the Greek Orthodox offered its hospitality to over 400 people, both Arab orthodox and Greek. They gave shelter to their own.

The highlight of this first period is the entry of the Abdullah's Arab Legion, which is greeted with joy and enthusiasm. The author himself is not immune from a certain sympathy both for the Officers of the Legion and for their commander in chief, Abdullah of Trans Jordan. Not only did this safeguard the Old City from falling into the hands of the Haganah, but it also resulted in destruction of the two ancient Jewish synagogues in the Jewish Quarter, and the surrender of the Jewish community, both combatants and civilians. He records the Arab plunder of the Jewish Quarter, but hastens to add that the Jews behaved in a similar fashion towards Arab-owned "and mostly-Christian owned" property in the western quarters of the city.

The intense bombardment of the Old City by the Haganah, which followed the fall of the Jewish quarter and the surrender of the besieged Jewish community, is viewed as an act of revenge, pure and simple. Mavrides does not offer a political perspective. The direct hits scored on the church of the Holy Sepulcher, the Greek Orthodox Patriarchate, and the Greek Orthodox Monastery are deliberate attempts in retaliation for the destruction of the "simple and without important historical value Jewish synagogues". Christian sites are deliberately 'marked out'. Two Greek orthodox priests fall victim to the bombardment. In a rare mention of destruction in other parts of the Old City, he does mention a shell landing at the Mosque of Omar that resulted in the death of twenty-two Arabs, presumably Moslems!

In a general comment on the behaviour of the Arab middle class of Jerusalem and other Arab urban centres, Mavrides notes that long before the 14th of May, many inhabitants of the Muslim and Christian quarters of the City had gone abroad. Closer home, he records that the heads and leaders of the Arab Orthodox community left their posts and to save themselves, also went abroad. Only the very poor and those who had no money were forced to stay. During the first truce in June, a total exodus from the city took place, and the city inside the walls became empty of population. Only five to seven thousand people remained in Jerusalem.

The glimpse Mavrides gives us of Jerusalem is of a city which is sharply divided along confessional lines, and one moreover that is abandoned by its own inhabitants. From the passing reference to a demonstration in the Moslem quarter, it is clear that people were aware early on in the war that the battle had been lost. It is not surprising that in those circumstances Abdullah should appear as a saviour. Indeed Mavrides does not hide his admiration for the King's cleverness, and records that on a tour of

the West Bank in December 1948, he is warmly received by the people. Abdullah, of course, is a victor. But Mavrides is not blind to the human tragedy and ends by remarking that with the end of hostilities those who took refuge within the city walls are awaiting " the unification of the two sectors of the cut up city, to go and visit and recover their abandoned homes".

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The Diaries of
Constantine Mavrides

May 15-December 30, 1948
Memoranda 1-5

Memorandum 1: The Siege of the Old City of Jerusalem
 May 14-31, 1948

On Friday night, May 14, 1948, the last High Commissioner of Great Britain in Palestine sailed from the port of Haifa, leaving the country in chaos, bloodshed and revolt; and two armed peoples—Arabs and Jews—claiming the country.

For months, hostilities between the Arabs and the Jews were intensive within the municipal boundaries of Jerusalem while the British were still in power. It appeared that on the one hand, the Jews were prevailing in the suburbs, but on the other, the Arabs were in the Old City inside the walls, having free exit and communication toward the Eastern part: Jericho and Transjordan, and to some degree, towards the north, to Ramallah and Nablus, through the disputed Sheikh Jarrah quarter. Bloody clashes had been taking place for months in the Sheikh Jarrah quarter, where the Jews had sought its capture from the beginning for free access to the Hebrew University and Hadassah Hospital both on Mount Scopus and the Mount of Olives; while the Arabs sought free access to the north. For the defense of the Old City, the Arabs had taken certain precautions. They had built special walls in front of each of the Gates of the City to protect them—at Mamillah Road (Monastery of the Cross-Rehavya), in front of the Spiney's shops, in front of the old municipality, Jaffa Gate, the adjacent opening of Emperor Wilhelm and in front of the New and Damascus gates. They were troubled however by the presence and existence of the Jewish quarter inside the Old City, and of the armed Jews of the *Haganah*, with their fortress-like synagogues Hurva (built first in 1701), the Tivereth Israel and that of Yohanan. Many armed Arabs were engaged in their blockade and containment.

A month before May 14, the Jews had dislodged the armed Arabs from the Qatamon and occupied it militarily. But they were still hindered in their military operations by the year-old English security zones or cantons.

There were three such cantonment zones. The "A" Zone comprising of the Greek and German colonies, the railway station, the government Printing Press, the petrol

installations Socony Shell, Mantashef, the German Hospital for Lepers and the English Athletic (Sports) club.

Zone "B" included David's Building where the Press offices were, King George V Street up until the Terra Santa College, as well as the US Consulate, the Palace Hotel, the YMCA, the King David Hotel and the French Consulate.

Zone "C" included the Central Post Office, the Municipality, Barclays' Bank, the Police Headquarters, the radio station, the prisons, the government hospitals and the whole area of the Russian Compound.

Afterwards, and by request of the Greek Consulate General as well as other notables, a fifth Zone was established, which included the Talbiya quarter where both the Greek and the Spanish consulates were situated.

Prior to the departure of the High Commissioner, many of the more important buildings of Jerusalem were placed under the protection of the Red Cross, and a special concentration zone was established for the war victims and refugees. Such buildings included the YMCA, the King David Hotel (the area around these two buildings constituted the international area of the Red Cross), the Government House and all the hospitals, as long as they were not used for waging war operations, like the Hadassah and others.

Immediately after midnight on May 14, the Jewish army occupied all these security zones. So they occupied the Greek and German colonies, the Upper Baq'a, the Russian Compounds and the prisons, and later arrived in front of the Old City walls. The next day, they started to pound the Old City gates with bombs, mortar shells and rifle-fire, claiming to want to take the city, but with a first priority of rescuing the almost two thousand besieged Jews inside the city, many of whom were from the *Haganah* organization.

Long before May 14, many inhabitants of the Muslim and Christian suburbs of the city—those who had not gone abroad [1]—took refuge in the Old City, and brought with them what furniture, household utensils and other articles they could transport. These were transported by primitive means because for several months before this event, automotive means had been impossible due to fuel shortages resulting from the destruction caused to the installations in Haifa, the railways and the road networks. People took refuge in the houses of relatives or friends; some temporarily rented one or two rooms; but most notably all convents, monasteries and patriarchates willingly received members from their congregations, as well as other members from different congregations, and offered them shelter. In contrast with the Latin Patriarchate, which was inundated with Arab Latin refugees, the Franciscan Monastery was the only order which did not allow anyone in.

Our Greek Orthodox Patriarchate and the Brotherhood of the Holy Sepulcher

again renewed their historic tradition and principle of opening their arms to their flock and providing shelter. The doors were again opened, as they did 150 years ago, to embrace as many as it could. Over 400 Arab and Greek Orthodox people were given hospitality at this time: rooms, arches, corners, corridors, unused offices, dining rooms, cellars, vaults, lobbies, porches and all that could be made available for housing were converted and used as refugee shelters.

The Jewish army—the *Haganah*, and other independent Jewish organizations—started the attacks against the gates of the Old City during the night of Saturday, May 15 and continued till 5 p.m. on Monday, May 17. There was a continuous pandemonium of rifle-fire, mortar projectiles, bombs, automatic weapons, flares and crossing bullets, spreading panic and fear. None of the besieged and the refugees got to shut their eyes. We were all walking around seeking safer shelter. Only the Yeron [2] (Elder) Dragoman Archimandrite Theodoritos was going round the apartments and the sections of the Central Monastery, to calm down and reinforce the patience of the terrified and panic-stricken refugees. Sleepless, as an escort, I observed his movements.

During the whole night, the irregular (guerrilla) armed Arabs were running inside the city going from Jaffa Gate to the New Gate and Damascus Gate and vice versa to reinforce the vacancies. The dead and the wounded were carried by the newly created stretcher corps of the Red Cross and were taken to the Austrian hospice by the Praetorium on the way to Gethsemane, which they had converted into a hospital.

Around noon of May 17, panic spread: it was rumored that the Jewish [3] army had forced open the New Gate and was threatening to enter the City. It was also being said that they had occupied the French buildings such as the Notre Dame, the hospital [4] and Reparatrice Convent [5] situated immediately outside the New Gate. Having the advantage from these buildings, the army was firing at the defenders who were on the Wall.

The panic-stricken inhabitants of the New Gate neighborhoods inside the wall migrated to the inner part of the city. Fueling the panic were the mournful cries of some mothers and sisters accompanying the transport of their dead. On top of all that, the electric power and the municipal water had been disconnected.

On May 17, the Jews captured Zion Hill and the German building, including its strong and high belfry, and started firing at the wall and the Arab defenders, aiming to force Zion Gate open and come to the assistance of the Jewish Quarter that is very near to the Gate and the besieged Jews inside the city.

The Jewish positions were bombed from the Shu'fat hill, near the Qalandia airport on the Ramallah road, by the artillery of the guerrilla leader Qawuqji, thus backing up the Arab defenders within the city.

On the evening of May 19, the Transjordanian[6] army [7] of King Abdallah arrived. Its entry into the city of Jerusalem was greeted by the crowds with plenty of enthusiasm. Indescribable scenes were manifested in front of the Gethsemane Gate [8] and the streets of the city. The mob and especially the street boys were voluntarily carrying the army's trunks, provisions and ammunition. These gestures looked like jubilant demonstrations especially when yelling "they came, they came…." From the moment of the army's entry, an atmosphere of relief spread through all—both those fighting and the civilian population.

The Jewish attack continued all that night and intensified during the next day and night as well (May 20). Even thought the attacks were directed mainly at Zion Gate, the Jews camouflaged their tactics by first attacking the New and Jaffa gates. The Transjordanian troops helped enormously in the defense and especially in safeguarding the Zion Gate. There were also about 30 armed Arabs, mainly Jerusalemites, who knew the Wall in all its details, who climbed and defended it effectively.

On May 21, the fighting, the rifle-fire and shelling lulled. On the 21 and 22, the Transjordanian army placed within the city armored cars with guns. They had to negotiate the narrow streets of the Old City from Gethsemane Gate to Damascus, New and Jaffa Gates, because Suleiman Road, situated immediately outside the wall, had been covered up with ruins from the destroyed Notre Dame and Reparatrice buildings. The scene was extremely vivid: each car was surrounded by about fifty Arabs jostling one another, trying to give the cars a greater push on the steep and ascending road filled with stairs.

The armored cars and the accompanying guns strengthened the defense of the city of Jerusalem in a definite and effective manner.

The Arab guerrilla fighters who later joined with the Legion of Transjordan were preoccupied with clearing the Jews from the Jewish Quarter inside the Old City, who even used their own synagogues as strongholds from where attacks were made. Qawuqji and the Transjordanian army were continuously pounding the Jewish Quarter. The Tifereth Israel Synagogue was first destroyed, and was followed by the most famous and historic Hurva Synagogue, which was destroyed on May 27. But the Arab Headquarters had warned the Jewish Headquarters through the International Red Cross that unless the armed Jewish forces withdrew from the Synagogue within a certain time limit, they would be compelled to attack it. Since there was no reply from the Jewish side, as it was stated officially by the Red Cross, the Arabs bombed and destroyed it.

Immediately after the destruction of the Hurva Synagogue the Jews began to waver. They started to show signs of surrender. Before the entry of the Transjordanian troops there were rumors that the Jews wanted to surrender, but only to the Legion. The

Arabs were seeking to force them into surrendering through starvation and deprivation.

On Friday, May 28, after the fall of the Hurva Synagogue, the Jews unconditionally surrendered about 350 *Haganah* soldiers and nearly 2000 women, children and elderly people. The *Haganah* soldiers were taken as prisoners of war to Zarqa in Transjordan, but the women and children were handed over to the Red Cross.

They were all in a miserable state. Many corpses were found unburied and almost in a state of decomposition, and the Arabs had to burn them on May 28 and 29 after the capture of the Jewish Quarter. The burning of the corpses, especially during the night, gave the spectacle of a widespread fire with many scattered hearths.

The Arab mob got busy and plundered everything that was left. The bombardment had destroyed the houses and the properties as well. What was left was still plundered, swarms of Arab children and women came into the quarter, most of them from the surrounding villages and tore out window shutters, half-burned doors, railings, etc., and took them away either to sell them in the Arab market or out of the city to their villages.

Memorandum 2: The Siege of the Old City of Jerusalem June 1-16, 1948

Our Patriarchate, as well as placing the Central Monastery at the disposal of about 400 refugees to house them, also placed the Central Girls' School, the Greek Gymnasium [9], and the Monastery of St. Demetrios at the disposal of the refugees for the same purposes. The upper floor of the St. Demetrios Monastery [10] was used as offices by the Arab Executive Committee, while the ground floor was used to house refugees. The Monastery of Abraham, the Metochion of Gethsemane [11], the Monastery of the Great Virgin Mary and other Greek Orthodox convents received refugees as well.

After the devastation of the Jewish Quarter and its synagogues, the bombing and the crossfire by both the Arab and Jewish sides intensified. On the part of the Jews, their attacks against the Old City intensified from June 1-9, concentrating on the Church of the Holy Sepulcher, our Patriarchate [12], and the Central Monastery [13]. During the interval, mortar shells were fired at the monasteries of St.Vassilios (Greek Orthodox), of the Saints Theodores (Greek Orthodox), the Casa Nova (Catholic), the Archangels (Greek Orthodox), the Convent of Abraham near the Church of the Anastasis (Greek Orthodox), the Central Greek Orthodox Monastery as well. The shells which hit the Central Monastery landed on the Finance Office some meters away from the Central Library, where ancient, historical and valuable manuscripts are kept, upon the eastern corner of the St. Demetrios Monastery, where the Arab

Executive Committee sits, and on some other sites as well.

Taking into account the approximate circumference of the dropped projectiles and the targets around the Monastery of Demetions, there are some who assume that the Jews launching their attacks from the Notre Dame building or from behind the Russian Compound were aiming, albeit to no avail, to hit the offices of the Arab Executive Committee. But considering the projectiles that hit the distant Convent of Abraham, and Convent of St. John the Firerunner and some other ones that are situated in the Via Dolorosa, this hypothesis is refuted. This is reinforced in light of the shelling of the big Dome of the Church of the Resurrection: a serious consideration of this action lends to the theory that the Jews dropped these shells in revenge for the destruction of their synagogues in the Old City.

On June 7 at 7.30 a.m., a mortar shell coming from the north-eastern direction, mainly from the Jewish positions (Notre Dame and further behind it), hit the leaden cover of the Dome of the Church of the Holy Sepulcher, and when looking at it from a distance, it seemed as if a hole approximately 30 by 40 centimeters had been caused.

The blinding passion aroused, as already mentioned, to avenge the destruction of a simple synagogue without any historic value, is unforgivable. The damage caused to the Dome of the Church of the Holy Sepulcher, small as it may be, is of consequence and polity regarding its repair and restoration. Not least in causing oppositions and antagonisms among the three dominant and sharing nationalities of the Church of the Holy Sepulcher: Greeks, Catholics and Armenians, as well as other denominations and nationalities of the Church.

The nights of June 7-8 were very active in terms of mortar and machine-gun-fire. We did not sleep. The 9-10 June was the same, especially during the night of June 10, where the intensity was excessive. It seems that each one of the warring parties was seeking to gain strategic ground positions. The next day, at 8.00 a.m., Mr. Bernadotte announced the beginning of a four-week temporary cease-fire and truce.

Memorandum 3: The siege of the Old City of Jerusalem
June 16-July 18, 1948

During the imposed four-week truce, the Old City of Jerusalem was full of life. Arabs from the villages of Silwan, Bethany, Abu Dis, and from the towns of Ramallah, Bethlehem and Jericho were supplying provisions to the city in various ways. The general state of the inhabitants of both Jewish and Arab areas—the fate of relatives and friends became known through contact with representatives of both the United Nations and the Red Cross and also members of the international community resident in each area. The Greeks of the Old City managed to get supplies to Greeks in the

Jewish occupied area and also those that took refuge in the Old City, and a sum was allocated by the Greek Community Presidium for this purpose. Some members of the Old City Greek community also provided their relatives with needed supplies. The members of the Holy Sepulcher Brotherhood in the Monastery of the Holy Cross, the Superior Archimandrite Gregorios, and the Monk Seraphim Superior of the Mount Zion Monastery were also supplied with provisions through the General Consulate of Greece.

But what really characterized the movements of the residents of the Old City during the four weeks of the truce was the exodus of the non-combatant population from the city to the countryside, the surrounding villages and the towns such as Ramallah, Jericho and Bethlehem, or Transjordan. From morning till evening the streets were full of porters and pack-animals, belonging to the Ta'amreh and A'bed tribes, who were carrying furniture, household utensils, mattresses, clothing, etc., from different parts of the city and heading to the Damascus Gate. The exodus was like an ongoing chain of animals, porters, women, aged people, and children—all of them carrying something under the burning sun of July. As the end of the 'truce' neared, this chain of people and animals got denser and denser with each passing day.

At 8 a.m. on Friday, July 10, as the truce expired the Old City was almost empty. Out of a population of sixty thousand (plus the nearly ten thousand refugees who came from the New City suburbs), it is estimated that only five to seven thousand remain. Most of them were very poor, and thus did not have enough money to move away. Among those remaining in the city were the clerics of the different monasteries, patriarchates and the different religious establishments and the civilian government, consular and municipal employees obliged to remain at their posts. A complete desolation ... and indeed the Old City's narrow streets, formerly teeming with people buying and selling to visitors, villagers and passers-by, is now a city empty of people, with closed shops, and only once in a while one would meet a person or two in the street. Because of this situation, robberies are taking place in the streets and in full daylight with the robbed passer-by unable to call any one for help. [14]

The situation of the various monasteries and patriarchates was eased by this exodus as many of those who took refuge inside these institutions also left. Out of nearly 400 refugees staying in the Orthodox Patriarchate and the Central Monastery, three quarters of them went abroad leaving and locking their furniture inside the rooms conceded to them.

At 8 a.m. on Friday, July 10, 1948 the four-week truce, as they said, was over. The radio announced that on the one hand, the Jews are accepting its prolongation for another month, but the Arabs are refusing. At exactly 10 a.m., a bombardment and an

all out battle started just outside the wall and mortar shells landed outside Jaffa Gate.

On Saturday the shelling from the Transjordanian side was intensive during the day and the night. At 5.30 a.m. mortar shells shook the city, and many fell outside the wall and hit the row of shops that belong to the Sacred Commune [15] of the Holy Sepulcher (Bristol, Hanania, Boulos Said, Yeron Euphthymios). Other mortar shells were fired at the covered market place [16] behind the German Church and close to the Monastery of Abraham, and the mortar shelling did not stop for quite some time, hitting other targets.

On July 12 at about 6 p.m., many Arabs were assembled listening to the public radio in the Mosque of Omar area, when a mortar shell was fired, causing the death of twenty two people and the severe injury of many. Among the dead were Fouad Khalidi and his son. The former was a member of the Jerusalem Arab Extraordinary Committee that organized the Arab resistance of the Old City. The funeral of the victims took place the following day in an atmosphere of general mourning.

July 14 was a day shaken by an intensive bombardment originating from the Arab cannons. But the Jews were also firing mortar shells and one of them fell on the Holy Parvis [17] of the Church of the Anastasis and hit a spot in front of St. James Cathedral at a distance of one and a half meters from its wall. It destroyed the stand that was in the Parvis which was used as an office of the architectonic workshop of the Archeological Department of the Government of Palestine, concerned with the restoration of the Church of the Anastasis. Another mortar shell fell at a point between the garden and the roof of the Patriarchate Printing Press.

The night of July 15 passed quietly, but by around 8 a.m. on July 16, intensive bombardment and rifle fire started. According to the Arabs, it was they themselves that were attacking. About 9 a.m. a mortar shell fell in front of the Chruch and the priory of the Great Virgin Mary Convent, not far away from the Greek Orthodox Patriarchate. There were no casualties. By sunset, the shelling by the Arabs lulled a little. But at around 8 p.m., an all-out Jewish attack on the walls of the city and the slinging of mortar shells started.

We saw the first shell that was fired illuminating the rooftops of St. James' Cathedral (also called the terraces of the Central Monastery). The Yeron Dragoman and I were in the room of Archimandrite Hyacinthus at the recent C.M. Building. We had paid him a visit because it was his name day and we were watching from the window of his room. We both rushed out and went down to the spot where the explosion occurred to see the extent of the damage. But we were unable to do so because the mortar shells started dropping constantly. The shelling became more intensive as the time approached 9 p.m., and continued past midnight. It is estimated that they were firing one shell every two minutes. Sometimes more frequently and two or three

simultaneously at different targets and spots of the city. A patient clergyman asserts that till midnight, he had counted one hundred and seventy eight mortar shells. Others estimated the number of dropped shells till the morning to be about six hundred. According to gleanings, there were indications that there were three positions from which they were being fired: the area of Mount Zion; the King David and David's Building [18]; and the last and main area was from the Russian Compound behind Notre Dame.

At the same time, the Arabs were bombarding the Jewish positions and the intensity of the rifle fire, the crossing of the mortar shells, the machine guns and other weapons of both sides looked like an on-going large-scale battle. The flares uninterruptedly uncovered the attackers' positions. Fires broke out everywhere. From our site in the Patriarchate, we were discerning with difficulty the Franciscan's big clock, which is hardly one hundred meters away. For us, it was a black and sinister night.... but phantasmagoric, splendid and unique for the observers and viewers from the Mount of Olives, where the panoramic view of the City of Jerusalem is comprehensive and always imposing and admirable.

We were all terrified, including my wife and my children. We were together in the Great Anteroom that leads to the Official Reception Hall of the Patriarchate. Together with us were also the Patriarchal Vicar and some lay people as well. We were worried and frightened. Still, in a passive state—we were nervously awaiting the development of the Jewish attack. All of a sudden, the young student, Spyros Couloumbis came running to meet us, panting asked for a doctor and announced to the Vicar that Deacon Theoctistos had been hit by a shrapnel of a mortar shell in the cardiac region. He was hit and collapsed bleeding in front of the St. Constantine Church while he was advising the other curious refugees of the Patriarchate to withdraw and protect themselves. Not even twenty minutes had passed when Archimandrites Artemius and Alexander came rushing into the same hall announcing that Monk Vincent, the bakery supervisor, is lying dead and nobody is able to get near him. Monk Vincent, responsible for the distribution of the Monastery bread was hit by a mortar shell that fell in front of his room on the St. James rooftops. The Vicar and the Yeron Dragoman both hurried to the place where Theoctistos was hit and they gave orders for his removal from there, but they are unable to go near Vincent's dead body, for the mortar shelling continues unabated. The news that Vincent died and that Theoctistos was fatally wounded increased our fear. The shelling went on till morning and each one of us had to remain nailed where he already was. We all were awaiting in anguish the rising of this tragic day. The light of that day revealed to us the befallen destruction. Deacon Theoctistos died on his way to the hospital. [19]

Just as the day arose, and being curious and wishing to ascertain with my own

eyes the actual destruction that occurred, I joined Mgr. Aristobulos, member of the editorial committee of the periodical "Nea Sion" [20] and the Holy Synod in a tour of the city, visiting most of its damaged places. The destruction in most spots of the Sacred City was substantial. The destruction sustained by Greek Orthodox properties, establishments and monasteries compared with those belonging to the other nations was far greater. One can assume that the Greek Orthodox institutions and monasteries had been marked out.

So St. Vassilios Convent in the New Gate quarter was ruined completely, while the nearby Franciscan Convent fortunately suffered nothing. All the rooms and cells of St.Vassilios Convent were completely destroyed—no trace of any room remained, its entire narrow facade dispersed about thirty meters away on the public street. Also destroyed was a house nearby that belonged to the Greek Orthodox Patriarchate.

Near the Archangels Monastery, the Sik-Sik house sustained serious damages, and the Monastery of St. Aikaterina was damaged as well. Other convents that sustained damages were the Saidnaya, the St. Euthymios and the Monastery of St. Abraham in which the upper room was completely destroyed. The Metochion of Gethsemane in front of the Anastasis Church had a tragic fate: an entire section was ruined and four tenants were killed. At the time of our visit to the Metochion, the funeral of two of the dead was taking place in the Chapel of the Metochion.

Upon a rooftop two meters away from the recently constructed and built Katholicon [21] of the Anastasis Church a mortar shell fell creating a hole; other shells destroyed the nearby wall that separated the Dome from the Muslim Mosque *Khanke*. Fragments of these shells caused some damage to the leaden cover of the Big Dome of the Church of the Holy Sepulcher.

Mortar shells fell on the Monastery of the Great Virgin Mary, destroyed parts of St. John's Hospice and shops, streets and side-walks in the large market-place. [22] They also hit the Lutheran Church of the Redeemer and its belfry; the city's dry Hezekiah's Pool; Solomon's Temple; the Via Dolorosa; the Salahieh French edifice, school and church; and the Catholic and Armenian patriarchates. Indeed, no building, street and corner were left undamaged or intact. The size and extent of the damages are not ascertained yet.

Though certainly the damages and destruction caused by the Arab cannons and weapons to the Jewish occupied and purely Jewish neighbourhoods will be serious, it is also certain that the Jewish revenge enacted on the Old City of Jerusalem and its shrines and holy places will have given them satisfaction.

During the following day, July 17, quiet prevailed. It was rumored that on both the warring parties a cease-fire had been imposed. However, the last flash of the battle was the Jewish assault on the Jaffa and Zion Gates—it was a Sunday, July 18,

at about 3:30 p.m., but it did not last long. Since then, and on both sides, the fire has ceased.

Memorandum 4: The Siege of the Old City of Jerusalem July 20-end of September, 1948 [23]

This period has been characterized by several developments. Firstly, the demarcation of neutral zones between the belligerent Arabs and Jews by the United Nations representatives and the tripartite Consular Commission. Secondly, Count Bernadotte's continuous shuttle flights to the various Arab capitals and other important Arab and Jewish centers to participate in discussions about disputed issues in the ultimate quest of a lucid and just solution to the Palestinian problem. Thirdly, the continuation from both sides of the attacks and shelling with fluctuating intensity.

On August 2, a delegation of the three main communities of the Holy Places: the Greeks, the Catholics and Armenians, paid the Count a visit at the German Augusta Victoria Building on the Mount of Olives. The delegation asked him for protection of the Holy Places and the cease of hostilities in the Jerusalem area. On August 9, the Count paid a visit to the Anastasis Church. On August 11, while Count Bernadotte was still in Jerusalem visiting the Arab and Jewish officials, intensive bombardment and rifle fire took place from 1 to 6 in the morning, specifically in the area of Nabi Daoud (Zion), Deir Abu Tor [24] and New Gate.

On August 16 the overall situation worsened. There was mortar shelling, rifle fire, detonations and flares. The fighting was waged mainly in Nabi Daoud and the Musrara quarter. A rocket is said to have landed on St. George's Anglican Cathedral, and destroyed the section encompassing the library. There were rumors that the Jews were attempting to take over the strong position on Jabal Mukaber on which stood the massive Government House, previous home and offices of the British High Commissioner.

On Tuesday, August 17, rumors were circulating that the Jews had captured Government House. This meant that the Gethsemane-Bethany-Jericho road, the only road left for communication between the Old City and Transjordan, was under direct threat to be cut off by the continuous firing of mortar projectiles and bullets. At about 10 p.m., walking on the street of St. Charalambos Convent, I was on my way to the Red Cross offices that are situated near the site of Christ's Prison and the Praetorium. [25] Just as I went past the Convent's door, I noticed that out of the obscure marketplace Bab Khan ez-Zeit [26], a crowd of people was advancing upwards in haste toward me and behind the crowd there were sounds of voices and shouts accompanied by demonstrations. Before it became clear to me what was going on, I was swept

backwards by the crowd and I then saw the mass of demonstrators coming nearer to me. Most of the demonstrators were street boys holding rods, sticks, and attacking every store and storekeeper not complying and refusing to close his store. They were also chanting and repeating rhythmically the following words:

"Sacrou ya alil ed-din, Rahat minna Falastin" ["Close your doors, oh lacking of faith, we lost Palestine."]

As the approaching mass of demonstrators was increasing all the time, the storekeepers started to throw in haste the sacks, vessels, stands, chairs and whatever was displayed in front of their stores, shutting the store quickly for fear of being plundered and attacked. In a short while the marketplace closed down, the population was hurrying to hide, and the city was deserted.

The news of the capture of the Government House and the full blockade of the Old City which completed the chain of the siege, was the despair of all those citizens who were informed of the news, among them the animated street-children. However, fresher news came through that Bernadotte's aides and the Red Cross Organization (under whose auspices and flag was the Government House), had persuaded the Jews into withdrawing. This news calmed the situation—order was restored and the market reopened.

The demonstration in the market place indicated the depth of the discontent felt by both the Muslim and Christian populations because of the deterioration of political affairs.

The period from August 18 to September 11 passed without any serious episodes, though one always heard some rife fire, detonations, explosions and blasts; and about politically unimportant news and the movements of Count Bernadotte etc.

From 7 p.m. on Saturday, September 11 until the next day at 2 p.m., the Old City was under continuous and intensive Jewish attack. It was estimated that forty mortar shells landed on different targets in the city during that time. The Armenian Patriarchate and our Greek Orthodox Patriarchate were among the institutions which were hit. Two mortar shells fell on the Greek Orthodox Patriarchate, causing serious damages to several rooms in the Patriarchate's private quarters, garden and kitchen, and leaving nearly most of the upper floor almost uninhabitable.

Impressions of the catastrophes caused by mortar shelling on September 11 at 11:40 p.m.

...We were in the bosom of Morpheus [27], in our first sweet sleep. All of a sudden, a terrible quake shook the Patriarchate and threw us out of our beds. Stones were

falling, window shutters flying and vanishing and glass shattering. Each person was thinking that the catastrophe had only befallen him, and that it was only his room that was destroyed. Some dashed out of their room, and others looked for matches or light to see what was happening and where. Outside my room in the shared corridor, I heard Monk Theophanes' speeding footsteps and him shouting: "Up, up in Anatolios' room." At the same time, I heard calls as if coming from the depths: "Come up, hey you, up over here." The first one to respond was Monk Theophanes: barefoot and stepping on broken glass, he dashed up to the room of Archimandrite Anatolios Georgiades, the Cypriot Professor of the Patriarchate's Gymnasium, to help him, finding him struggling in the darkness under rubble, dust and broken timber. The second one who rushed in was my next door neighbor, Mr. S. Spyridon, and I followed him in. As I came to the door, the Archimandrite looked as would the "resurrected Lazarus", wrapped in a sheet, soaked and all white from the dust, terrified and frightened, he was looking for his inner cassock. The mortar shell had fallen in the middle of his room through the roof, creating a large hole in the ceiling revealing the sky and stars. The Archimandrite would surely have been killed if a wooden part of the fallen roof had not shielded his bed. He was miraculously saved. For many days, the ruined site was visited by many—clerics, government employees, civilians and many others. [28]

During the night of September 15, the Old City experienced yet more suffering. At about 7:30 p.m., the Arabs, according to what people were saying, charged the Jewish positions and the Jews sustained serious casualties. Thus they retaliated with mortar shells, hitting the Old City again. This time, the Central Monastery, the Central Library, the kitchen and other Greek Orthodox properties were hit.

This latest attack upon the Old City and its Holy Places and the Patriarchate compelled the Patriarch of Jerusalem, H.B. Mgr. Timotheos, to again protest in a tone of indignation with the might of the earth. On September 16, he addressed a written protestation to Count Bernadotte through the Elder Sacristan Archimandrite Kyriakos, who went to the Augusta Victoria German building on the Mount of Olives, the Count's office and home during his visits to Jerusalem. The Elder Sacristan handed over the protestation at 3 p.m. to Colonel Bonnot, the director of the Count's office, and asked him to deliver the written protestation to the Count as soon as he arrived at the office. It was known that the Count had arrived in Jerusalem that day.

Unfortunately, the Count could not make it to his office to see the protestation. An hour after its delivery, he was dying by the murderous Jewish bullets. The Count, in a convoy of three cars under the United Nations and the Red Cross emblems, had departed a little while before 4 p.m. from the British High Commissioner's house heading for the YMCA building through the Qatamon and Rehavia quarters. After

the convoy went past the Qatamon quarter and entered Rehavia, near the Italian Consulate, not far from the offices of the Zionist Organization and the Agency, the convoy had to stop at a roadblock. Four people jumped out of a jeep that was standing close-by, approached the Count's car, and shot at him and at Colonel Andre Sarot, who was sitting next to the Count. The latter died instantaneously, but the Count was wounded and was still alive. The assassins realizing this fired at the Count again. The driver of the car managed to pass through the roadblock and brought the dead Sarot and the injured Count to Hadassah Hospital, where the Count died immediately.

It was assumed that because the incident happened in the Jewish occupied region and the jeep in question was similar to those used by the Jewish army, that the assassination was their responsibility.

On the night of September 16, more mortar shells were fired and fell on a Greek Orthodox house close to the old Greek hospital. [29] Windows and glass panes at the Catholic Patriarchate were also damaged.

From September 17 until today (September 30), mortar attacks aimed within the city walls are continuing…

Memorandum 5: The Siege of the Old City of Jerusalem October 1 - December 15, 1948

Throughout the month of October, until mid November, the sporadic explosions and rifle fire outside the wall continued. The redeployment of the Egyptian Army to the south of Palestine and the capture of Beer Sheba and the Negev by the Jews made the inhabitants of the Old City fall into a new despondency. The news that women and children were leaving Hebron by motor-car and taking refuge in Jericho and the surroundings areas clearly revealed the extent of the upheaval of the situation… The gravity of the situation did however give rise to some positive developments: notably drawing more conciliatory moves from well-minded Arab leaders who had previously been hard-hearted and also pushing the United Nations towards action.

From mid-November onwards, meetings took place between Arab and Jewish leaders, through the endeavors and good offices of the organs of the United Nations. Among the Arabs the behavior of the affable and mild Colonel of Transjordan— Arab Garrison Commander and Military Governor of Jerusalem, Abdallah Bey Tell was highly commendable. The meetings that occurred in the last ten days of November resulted in a complete cessation of hostilities. The end to the violence was an unforeseen heavenly grace. It was God's gift, a reward for the perseverance of the besieged inhabitants of the Old City. It became clear that not even a stray bullet would enter the city.

The Old City inhabitants, gaining their courage, ventured to climb the city walls and even to approach the soldiers to discover what was happening outside the walls. The self-exiled refugees returned from Jericho and Transjordan, bringing back with them their furniture. The city and its streets, which had been empty since May, filled with more people every day. The stores opened again, ready to receive the gainful Hermes. [30]

In parallel, the peacemaking work of the United Nations representatives also bore fruit. The representatives—the Americans, French and Belgians—were busy all the time, going from one battlement to the other, from one corner of the wall to another, trying hard to ensure the continuation of the cease-fire and their peace policy. After the cessation of hostilities, the inhabitants of the suburbs of Baq'a, Qatamon, Talbiya and the Greek and German colonies, who took refuge in the Old City in anguish, awaited the opening of the New and Jaffa Gates to enable them to go and recover their abandoned homes.

This period also saw the emergence of H.M. Abdallah, King of Transjordan as a viable leader in the minds of Arab Palestinians, just two months after they had been divided over the question of choosing a government and a leader. This was a result of many factors: the Egyptian Army's redeployment in the south; the capture of Beer Sheba; the lack of response from any other Arab states; the stability of the Transjordanian army; and their successful defense of the Old City.

On December 1, 1948, an assembly of leaders, tribal chiefs, mayors and Palestinian personalities convened in Jericho and decided to unite with the crown of Transjordan, proclaiming King Abdallah their monarch. After the convention, they went to the King's winter palace in Shoune, on the eastern bank of the Jordan River, and submitted their proclamation. Ten days later, the King visited Bethlehem, Hebron, Beit Jala and other cities, where the population warmly received him.

So the extremely clever King Abdallah, a far-sighted and diplomatic Arab leader was leader of a state, of his own, and then attached to that state the Arab part of Palestine and was thus proclaimed its King.

In reviewing the siege of the Old City of Jerusalem that began on May 15, 1948, having myself remained here throughout continuously "faithful to their will," [31] I consider it my duty to say a few words on the following:

The Patriarchate: the Brotherhood of the Holy Sepulcher headed by H.B. Patriarch Timotheos steered the vessel of the Jerusalem Church through the storm of the siege with great dexterity. Each member of the Brotherhood kept his post in the Holy Places, the administration, priories and procurators demonstrated patience and self-sacrifice. The Patriarchate prudently faced the issues concerning the Holy Places in Gethsemane, and the Coptic building close to the Church of the Anastasis. It cared

for the victims of the siege with great strength, led its terrified flock, protected the refugees in many ways—opening its monasteries to food and shelter, and in such a way became worthy of its name and mission. On October 28, our National Day, by my request and with H.B. the Patriarch's consent, a Doxology was sung in the Church of the Saints Constantine and Helena.

The Arab Orthodox Community: the Arab Orthodox Community was abandoned to God's grace, unprotected but for the care of the Holy Sepulcher's Brotherhood. The leaders of the Arab Orthodox Community left their posts and to save themselves, went abroad. The very poor Orthodox Community was abandoned. However, three or four leaders remained at their posts and became the protectors and mentors of their people.

The Hellenic Community: the division of the City of Jerusalem resulted also in the division of the body of the Hellenic community and its presidium. Some went abroad, others stayed in the Jewish zone and only two took refuge in the Old City. Together with community members, and through the Red Cross and the R.G. Consulate of Greece, they supplied their compatriots in the Jewish occupied zone with food. Together with their Arab Orthodox brethren, they dispatched circulars abroad to raise funds, took care of the local Greek compatriots, gave loans to relieve the poor and the unemployed, and documented the displacement of all Greeks that became refugees.Finally, in closing these memoirs I would make an omission if I did not mention the pain I also suffered while caged within the Old City under fire, which has bequeathed me with vividly painful recollections. These memories are sweetened somewhat however when I remember the good and brotherly company of all those I mentioned, whether they be clerics, lay people, Greeks, Arab Orthodox and others, who shared the same pain. I also would like to express my warmest thanks to H.B. the Patriarch of Jerusalem, Mgr. Timotheos, and to all the members of the Holy Sepulcher Brotherhood—from the Patriarch's Vicar to the last door keeper, for the fatherly love with which they surrounded me and my family, the hospitality they accorded to me, and their moral assistance in the execution of my difficult duties as Liaison and Representative of the R.G. Consulate of Greece in the besieged Old City of Jerusalem.

Endnotes

[1] It is said that until the end of the month of April over two hundred and fifty thousand inhabitants left for Egypt, Syria, Lebanon and Transjordan.

[2] Title of the respect and honor traditionally held by four archimandrites office-holders among them the Dragoman of the Patriarchate.

[3] In Greek terminology Hebrew is used instead of Jewish which is rather a religious term, so the writer strictly follows this rule.

[4] The French Hospital, Saint Louis.

[5] The massive French Convent of the St. Marie de Reparatrice Sisters used to stand just outside the New Gate, on the left side going out and leaning on the City Wall. It was opposite the French Hospital and on the other side of Suleiman Road (renamed Haznhanim Road after 1967) The Convent is no longer there and the road is in its place.

[6] At present the Hashemite Kingdom of Jordan.

[7] The Arab Legion.

[8] St. Stephen's Gate.

[9] A secondary school.

[10] It is rather the building of the St. Dimitri School close to the very old St. Demetrios Chruch from where the schools derives its name.

[11] It is a small dependency of the Monastery of the Virgin Mary opposite the Church of the Holy Sepulcher.

[12] The Greek Orthodox Patriarchate.

[13] The main Greek Orthodox Monastery.

[14] The mixing of tenses on occasion is true to Mavrides' original text.

[15] Another name used for the Greek Orthodox Brotherhood of the Holy Sepulcher.

[16] This is the Suk El-'Attarin, the market place for spices and apothecaries and next to it is the Suk es-Sa'at or Suk el-Lahhamin, where entrails and meat are sold.

[17] The Courtyard of the Church of the Holy Sepulcher.

[18] The building which used to be located to the south west of Jaffa Gate.

[19] See endnote number 14.

[20] *Nea Sion* (New Zion) was the official periodical of the Greek Orthodox Patriarchate.

[21] The main Greek Orthodox Church within the Church of the Anastasis (Church of the Holy Sepulcher).

[22] Dabbagha market, next to the Lutheran Church of the Redeemer.

[23] The dates in the present as in the three past memorandums are given according to the Gregorian Calendar.

[24] On the Southern outskirts of Jerusalem on the Bethlehem road. The name is connected with the ancient St. Modestos Greek Orthodox Church existing there.

[25] Pontius Pilate Praetorium.

[26] The covered and crowded market place at the lower and northeastern part of the Old City.

[27] God of Dreams, Son of the Night and of Sleep.

[28] This wing of the Patriarchate remained ruined until very recently. A stormy winter night caused additional damage and it was not until 1992 that the Patriarchate decided to start repairing and renovating it.

[29] The building that during Jordanian rule served as the City Hall and during Israeli rule became a municipality annex.

[30] The Greek God of Commerce and Eloquence, identified by the Latins with Mercury.

[31] The author uses the immortal words inscribed for Leonidas and the 300 Heroes of the Battle of Thermopylai (480 B.C.E.)

The Namamreh Neighbourhood in Baq'a

Tahir al-Nammari

The name of 'al-Baq'a' is found in the maps and registrations of Gordon Pasha who, in 1864, supervised the documentation of historical place names in Palestine. Prior to this, the name al-Baq'a was also used to refer to this same area of land in documents of the Islamic *Waqf*, including, for example, the inheritance document of the deceased Muhammad bin al-Khalili in the year 1137 Hijri (1724 CE). The Baq'a area was also known locally as the 'Rose Valley' [*Wadi al-Ward*] due to the abundance of roses in the gardens, some of which were harvested to prepare rose water for local churches. The land of lower Baq'a is a wide, low plain which was known for its agricultural produce: apricots, pomegranates, olives, almonds, apples, peaches, pistachios, grapes, as well as grain crops and legumes. Travelers who passed through this area mention that Baq'a was full of gazelles, rabbits, hyenas, wolves, and foxes. They also say that bandits were active here, especially after dark.

During the time of the British Mandate, Jews called the area 'Emek Rafa'eem' after the place mentioned in the Torah as the site of a fierce battle during the time of King David between the Israelites and the Philistines. For this reason, Jews attempted to register the land as Jewish land. The Mandate Government, however, concerned about Arab anger in the city in response to such a move, rejected the Jewish renaming. More recently, under the municipal government of Teddy Kollek in the 1970s, the municipality founded a park, the Bell Garden, in Baq'a next to the Omariya School. This park lies on the northeastern edge of the Namamreh neighbourhood.

The Neighbourhood

The construction of the Namamreh neighbourhood coincided with the arrival of the first Protestant German immigrants to Baq'a in 1873 who received land from the Ottoman government. Later, the Greeks arrived and founded the Greek Colony beside the German Colony on the west side of the Namamreh neighbourhood. Al-Wa'riya and Upper Baq'a were located to the east of al-Namamreh, Talbiya to the north, Qatamon to the east, and Mikor Ha'im to the south.

In this period, two families left the Old City to live outside the walls. The first family, al-Nammari, went to Lower Baq'a while the second family, al-Wa'ri, moved to Upper Baq'a. Abdallah Ibrahim Muhsin al-Nammari purchased land from the people

of al-Malha, Beit Jala, and Bethlehem. The land was registered through the Islamic court in the name of Abdallah al-Nammari and made into a family *waqf*. The al-Wa'ri family had relations with the Ottoman governor from whom they received a portion of government land. They were given the name 'Wa'ri' because they left the urban area within the Old City walls and went to live on 'rugged, wild' or 'Wa'r' land.

Abdallah Ibrahim Muhsin al-Nammari was a fifth generation Jerusalemite. His ability to buy land outside the walls and to erect a number of homes on this land was a result of his wealth—he owned a modern oil press, worked in trade, raised sheep that he sold as meat to the Old City, and invested in soap production. In addition, he received income from the properties he owned in the Old City, and later, from the crops—olive oil, wheat, and grapes—that were raised on the Baq'a land. He moved his family—sons, Ibrahim, Izzat, Omar, Abdelkarim, and Khalid, and daughters, Ruqayya, Salma, Labiba, Zulaykha, and Aisha—to Baq'a from Hayy al-Sharaf (the Jewish Quarter today) in the Old City. They built more modern homes in Baq'a, which are still standing today. Around his house, he erected six homes for his children which formed the beginning of the al-Namamreh neighbourhood and from which it derives its name.

The homes in al-Namamreh combined both modern and old styles of architecture. They had a large central room flanked by doors that opened onto other rooms for sleeping and other uses. These rooms had arched windows and doors, both between them and facing outside. The roofs were covered in red tile. Cisterns were dug next to the houses that collected the winter rainwater. There were no central running water or sewage networks in place until the late 1920s or early 1930s when the water and sewage networks were extended to this area under the mayorship of Raghib al-Nashashibi. In the late nineteenth century and at the beginning of the twentieth century, the Far'oun family joined the Namamreh neighbourhood. Eventually, other families moved into the area, including the Barakat, Budeiri, Dajani, Khalidi, Abu al-Sa'ud, al-'Aouri, 'Asali, Ja'ouni, al-Daqaq, Istambuli, 'Owedah, Abu al-Hawa, al-Fitiani, al-Deisi, and some Christian families.

The Namamreh Market

Initially, there were no markets, mosques, schools, or medical facilities located on Baq'a's unpaved streets. Children used to walk to the Old City to attend school as did those who needed to go to the market. In violation of the Islamic *waqf* law which states that *waqf* property cannot be sold, mortgaged or rented for extended periods, the British Mandate authority confiscated 51 dunums of Nammari family *waqf* land to built the 'Sports Club' for the British. The High Islamic Committee intervened

and the matter was settled through financial compensation for the land. This money was used to build the Namamreh market which in turn provided income for the *waqf*, which reinvested the money in new buildings. In the market, goods were bought and sold in both wholesale and retail trade, and a number of workshops were established as well as a pharmacy.

The construction of the market and development of the area attracted more people to the Baq'a area, especially in the 1920s and 30s, which in turn brought additional improvements. In old times, during the long, dry summer months, the inhabitants of the area used to line up at a single tap to fill containers with water brought by brick pipe from Soloman's pools near Bethlehem. The development of the area, including the construction of the train station, the market and the presence of the Sports Club, also encouraged the paving of the streets, the extension of a piped water network, and electricity.

Education

The children of al-Nammari families continued to attend schools in the Old City, such as al-Rawdah (which is currently called al-Omariya) and the small kuttabs where a sheikh taught the children Arabic, arithmetic, the Qur'an, and hadith. Graduates such as 'Izzat Abdallah al-Nammari, Musa Ismail al-Nammari and Muhammad Ibrahim Muhsen al-Nammari (who became Finance Inspector of Jerusalem at the end of the nineteenth and beginning of the twentieth century) went on to study in Istanbul, Egypt and Beirut. Muhammad Ibrahim reconstructed the writings that had been destroyed from the upper part of the Dome of the Rock and 'al-Turrah', the marble block at the front of the Rashidiya school near Herod's Gate. Other members of the family studied architecture at the Ottoman Institute. Some of these men held the title of 'Ma'mar' Pasha, such as Abdulraheem and Bakr Omar (both sons of Muhammad Sadiq). In 1923, the Terra Sancta school was founded on King George Street in the New City and in 1925, the Omariya government school opened. Students from wealthier families who were able to pay the school fees attended the Terra Sancta, while those families who could not afford the fees sent their children to the government school. These later generations went on to study medicine, architecture, law, etc..

The 1948 Disaster

During the fighting between Jews and Arabs in 1948, al-Namamreh, along with other nearby Neighbourhoods such as Qatamon and Talbiya, were subjected to concentrated attacks by the *Haganah* forces. Residents and fighters defended their

neighbourhoods until the first truce. During the truce, the Israelis attacked those that remained in the neighbourhoods and took some of the people prisoner—they were not released until the second truce (Rhodes) in 1949 when they were handed over to the Jordanian forces across the Mandelbaum gate. Two of the Nammari families, headed by Shukri Amin al-Nammari and Yusif Rashid al-Nammari, managed to stay in al-Namamreh by taking refuge in the German church. After the war, they and their families tried to return to their homes but the Israeli military authorities prevented them by declaring their homes 'absentee' property.

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Source: Government of Palestine, *Urban Property Tax Ordinances, 1928-1932*, Jerusalem.