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The U.S.-Israeli Dispute over Building in Jerusalem: The Sheikh Jarrah-Shimon HaTzadik Neighborhood

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- The Sheikh Jarrah-Mt. Scopus area – the focus of a dispute between the Obama administration and Israel over building housing units in the Shepherd Hotel compound – has been a mixed Jewish-Arab area for many years. The Jewish population is currently centered in three places: around the tomb of Shimon HaTzadik (a fourth century BCE high priest), the Israeli government compound in Sheikh Jarrah, and Hadassah Hospital-Hebrew University on Mt. Scopus.
- During Israel's War of Independence in 1948, 78 doctors, nurses and other Jews were murdered on their way to Hadassah Hospital when their convoy was attacked by Arabs as it passed through Sheikh Jarrah. Mt. Scopus was cut off from western Jerusalem and remained a demilitarized Israeli enclave under UN aegis until it was returned to Israel in 1967. The area discussed here has for decades been a vital corridor to Mt. Scopus.
- To ensure the continued unity of Jerusalem and to prevent Mt. Scopus from being cut off again, a chain of Israeli neighborhoods were built to link western Jerusalem with Mt. Scopus, and Hebrew University and Hadassah Hospital were repaired and enlarged. Today both institutions serve hundreds of thousands of Jewish and Arab residents of the city.
- Many observers incorrectly assume that Jerusalem is comprised of two ethnically homogenous halves: Jewish western Jerusalem and Arab eastern Jerusalem. Yet in some areas such as Sheikh Jarrah-Shimon HaTzadik, Jerusalem is a mosaic of peoples who are mixed and cannot be separated or divided according to the old 1949 armistice line.

- In the eastern part of Jerusalem, i.e., north, south and east of the city's 1967 borders, there are today some 200,000 Jews and 270,000 Arabs living in intertwined neighborhoods. In short, as certain parts of eastern Jerusalem have become ethnically diverse, it has become impossible to characterize it as a wholly Palestinian area that can easily be split off from the rest of Jerusalem.
- Private Jewish groups are operating in Sheikh Jarrah seeking to regain possession of property once held by Jews, and to purchase new property. Their objective is to facilitate private Jewish residence in the area in addition to the presence of Israeli governmental institutions. The main points of such activity include the Shepherd Hotel compound, the Mufti's Vineyard, the building of the el-Ma'amuniya school, the Shimon HaTzadik compound, and the Nahlat Shimon neighborhood. In the meantime, foreign investors from Arab states, particularly in the Persian Gulf, are actively seeking to purchase Jerusalem properties on behalf of Palestinian interests.

Israel's Right to Build in Its Capital

An Israeli plan to build 20 housing units in the Shepherd Hotel compound in the Sheikh Jarrah neighborhood of Jerusalem has added a new dimension to an already complex dispute between the Obama administration and Israel over continued construction in eastern Jerusalem.¹ Washington is insisting that Israel freeze all building in Sheikh Jarrah, as it occasionally has done in the past regarding other areas in the eastern part of the city. Israel, however, refuses to waive the Jewish people's historical and legal right to live in all parts of Jerusalem, the capital of the State of Israel.² In eastern Jerusalem, i.e., north, south and east of the city's 1967 borders, there are today some 200,000 Jews and 270,000 Arabs living in a mosaic of intertwined neighborhoods.³

Disagreements between the U.S. and Israel over building in eastern Jerusalem are not new. In the 1970s, the U.S. expressed dissatisfaction with the construction of the Pisgat Ze'ev neighborhood, and in the 1990s it opposed the construction of a large neighborhood on Har Homa and a smaller one in Ma'ale Hazeitim near Ras el-Amud.

This time Prime Minister Benjamin Netanyahu has made it clear that Israel's right to continue building in its capital is not a matter for negotiation, and is separate from the debate with the U.S. about the extent of building in the West Bank.⁴ On June 22, 2009, State Department Spokesman Ian Kelly had stated, in answer to a question, that the Obama administration's demand that all settlement activity – including natural growth – come to a halt also applied to Jerusalem neighborhoods over the 1949 armistice line.⁵

The Tomb and Neighborhood of Shimon HaTzadik⁶

The mixed Jewish-Arab neighborhood of Sheikh Jarrah-Shimon HaTzadik has for decades been a vital corridor to Mt. Scopus, home for 80 years of Hebrew University and Hadassah Hospital. For hundreds of years the Jewish presence in the area centered around the tomb of Shimon HaTzadik (Simon the Righteous), one of the last members of the Great Assembly (HaKneset HaGedolah), the governing body of the Jewish people during the Second Jewish Commonwealth, after the Babylonian Exile. His full name was Shimon ben Yohanan, the High Priest, who lived during the fourth century BCE, during the time of the Second Temple.⁷

According to the Babylonian Talmud, he met with Alexander the Great when the Macedonian Army moved through the Land of Israel during its war with the Persian Empire.⁸ In that account, Shimon HaTzadik successfully persuades Alexander to not destroy the Second Temple and leave it standing. According to tradition, Shimon HaTzadik and his pupils are buried in a cave near the road that goes from Sheikh Jarrah to Mt. Scopus. He appears as the author of one of the famous verses in *Pirkei Avot* (Sayings of the Fathers) which has been incorporated into the Jewish morning prayers: "Shimon the Righteous was among the last surviving members of the Great Assembly. He would say: 'The world stands on three things: Torah, the service of G-d, and deeds of kindness.'"⁹

For years Jews have made pilgrimages to his grave to light candles and pray, as documented in many reports by pilgrims and travelers. While the property was owned by Arabs for many years, in 1876 the cave and the nearby field were purchased by Jews, involving a plot of 18 dunams (about 4.5 acres) that included 80 ancient olive trees.¹⁰ The property was purchased for 15,000 francs and was transferred to the owner through the Majlis al-Idara, the seat of the Turkish Pasha and the chief justice. According to the contract, the buyers (the committee of the Sephardic community and the Ashkenazi Assembly of Israel) divided the area between them equally, including the cave on the edge of the plot.

Dozens of Jewish families built homes on the property. On the eve of the Arab Revolt in 1936 there were hundreds of Jews living there. When the disturbances began they fled, but returned a few months later and lived there until 1948. When the Jordanians captured the area, the Jews were evacuated and for nineteen years were barred from visiting either their former homes or the cave of Shimon HaTzadik.

Mt. Scopus¹¹

In 1918 the cornerstone of Hebrew University was laid on Mt. Scopus, north of Sheikh Jarrah, and on April 1, 1925, the opening ceremony was held.¹² In 1938 Hadassah Hospital was opened adjacent to the university on Mt. Scopus, with a nursing school and research facilities as well as wards. During the War of Independence, both institutions, which were a source of pride for the Jewish state in the making, were cut off because the access route passed through Sheikh Jarrah.

Following the UN partition vote on November 29, 1947, Jewish transportation to Mt. Scopus became a target for attacks by Palestinian Arabs who shot passengers and mined the road.

On April 13, 1948, a convoy of ambulances, armored buses, trucks loaded with food and medical equipment, and 105 doctors, nurses, medical students, Hebrew University personnel, and guards headed for Mt. Scopus. The convoy was ambushed in the middle of Sheikh Jarrah, the lead vehicle hit a mine, and gangs of armed Arabs attacked. Seventy-eight Jews were murdered, among them 20 women and Dr. Haim Yaski, the hospital director. In the following months the hospital and university ceased to function. After the Six-Day War, when the area was returned to Israel, a memorial was built in their honor in Sheikh Jarrah on the road leading to Mt. Scopus.

Nahlat Shimon¹³

Until 1948, west of the road linking Sheikh Jarrah, the American Colony and Mt. Scopus, was Nahlat Shimon, its name a reminder of its proximity to the cave of Shimon HaTzadik. The neighborhood was founded in 1891 and was home to hundreds of Jewish families. Just before the British Mandate ended in 1948, security in Nahlat Shimon deteriorated drastically and its residents were evacuated to the Israeli side of Jerusalem. The Jordanians took control of the neighborhood and settled Palestinian refugees there.

Sheikh Jarrah-Shimon HaTzadik and Mt. Scopus, 1948-1967

Until 1948 Sheikh Jarrah was an aristocratic neighborhood for Jerusalem Arabs and members of the two most important Palestinian families: Nashashibi and Husseini. Among its most famous residents before 1948 was the Grand Mufti, Sheikh Haj Amin al-Husseini, and his family, who lived in the eastern part of Sheikh Jarrah, called the Mufti's Vineyard. He began building himself a large house but was deported by the British and left for Lebanon in October 1937. During the Second World War he supported the Nazis and later lived in Beirut and Cairo.¹⁴ His family rented out the house, which was further enlarged and became the Shepherd Hotel.

After 1948 the neighborhoods of Sheikh Jarrah and Shimon HaTzadik came under Jordanian control and the Jewish-owned land was handed over to the Jordanian Custodian of Enemy Property. In the mid-1950s the Jordanian government settled Arabs there. They took over the homes of the Jews and paid rent to the Jordanian Custodian.

During the nineteen years between the War of Independence and the Six-Day War, Israeli access to Mt. Scopus – which remained an Israeli enclave surrounded by territory under Jordanian control – was arranged governed by a special arrangement which went into effect on July 7, 1948, and by other arrangements made later.¹⁵ Once every two weeks a convoy was allowed through from the Israeli side of the Mandelbaum gate with a UN escort, to rotate the Israeli policemen who served on Mt. Scopus. The area was a demilitarized zone containing

Hebrew University, Hadassah Hospital, and the village of Isawiya. However, the arrangement was plagued by friction and arguments, diplomatic incidents and bloody events, and it had to be continually bolstered by various mediators and negotiations.¹⁶

After the Six-Day War (June 1967)

Immediately after Israel defeated the Jordanian army in Jerusalem, the Israeli government began to restore those parts of the city which had been wrested from it nineteen years previously. The city's municipal borders were extended and its area grew to 110,000 dunams (about 27,000 acres), and a Knesset decision brought the entire area under Israeli law. The main considerations of the decision-makers were to take control of the largest possible area with the smallest possible Arab population, to make it impossible to divide the city in the future, and to provide for the security of the city.¹⁷ Building Jewish neighborhoods in areas annexed to the city was done in stages, beginning with a bloc of northern neighborhoods to close the gap between Mt. Scopus and the western part of the city as far as the neighborhood of Shmuel HaNavi.¹⁸

On January 11, 1968, an area of 3,345 dunams, or about 830 acres, was expropriated. It included the no man's land which before the war had separated Israel from Jordan, a strip of land on both sides of the road to Ramallah as far as the houses of Sheikh Jarrah, Hadassah Hospital and Hebrew University on Mt. Scopus, the slopes of Mt. Scopus, and the northern slope of the Mt. of Olives. The territory included 326 plots with 1,500 owners, most of them Arab and a few of them Jews.¹⁹ During the following years, Israeli neighborhoods were built in the space between Mt. Scopus and the former border, including Ramat Eshkol, Sanhedria, French Hill, and Maalot Dafna. The Hebrew University campus on Mt. Scopus came alive and was considerably enlarged. Hadassah Hospital was rebuilt and enlarged as well. Today, the two institutions serve hundreds of thousands of Jews and Arabs living in Jerusalem, especially in the northern parts of the city.

To ensure that Mt. Scopus would never again be separated from the rest of Jerusalem, many Israeli government institutions were built in Sheikh Jarrah, where thousands of Israelis work every day, including the national headquarters of the Israel Police. In addition, the Arab population of Jerusalem is served by a major office of the Israel Ministry of Interior as well as by a large medical clinic at this location.

The Jewish people also returned to the tomb of Shimon HaTzadik, which the Israel Ministry of Religious Affairs officially designated as a site holy to Judaism.²⁰ Prayers are said there every day, and on special occasions (such as Lag B'Omer) great celebrations are held in honor of Rabbi Shimon Bar Yochai. Religious leaders attend, as do tens of thousands of Jews, who come with their rabbis.

Three large hotels have been built along the road leading to Sheikh Jarrah, and to the north there is a Hyatt Hotel, all part of the Israeli presence in the area. Many of the hotel and

Hadassah Hospital employees are Palestinian Arabs who live in and around Sheikh Jarrah, and many Palestinian Arab students study at Hebrew University on Mt. Scopus.

Private Jewish Activity in the Sheikh Jarrah-Shimon HaTzadik Area Since the Six-Day War

Although a Jewish institutional presence has been established in the area in the form of Israeli governmental offices and services, Jewish groups have sought to establish a residential presence as well. This is being done through property and land acquisitions, and by judicial means. To date, this activity has achieved a residential presence of no more than ten families who are living in a small part of the Shimon HaTzadik neighborhood from which Jews had been evicted in 1948.

There are dozens of pending court cases and legal proceedings seeking to remove Arab tenants on the grounds that they have not been paying rent to the rightful owners – the Committee of the Sephardic Community and the Ashkenazi Assembly of Israel, who purchased the land in the second part of the nineteenth century. In some of these cases, eviction notices have been issued, although the Israel Police has delayed the actual evictions due to international pressure.²¹

Private Jewish activity in this area focuses on several points: the el-Ma'amuniya school, which after prolonged discussions eventually became the offices of the Israel Ministry of Interior; the Nahlat Shimon neighborhood, whose Jewish residents were driven out in 1948 and where Jews are now seeking to purchase property from Arab residents; the Mufti's Vineyard (expropriated in 1969), which the Israel Lands Administration has handed over to Jewish custody with authorization for agricultural activity; and the Shimon HaTzadik neighborhood north of the American Colony Hotel.

After 1967, control over Jewish-owned property in the Shimon HaTzadik neighborhood that had been seized by Arabs was transferred from the Jordanian Custodian of Enemy Property to the Israeli Custodian of Absentee Property. In 1972 the Israeli Custodian released the land back to its owners (the Committee of the Sephardic Community and the Ashkenazi Assembly of Israel). In 1988 the Israeli Supreme Court ruled that the 28 Arab families living on the premises enjoy the status of "Protected Residents," but that the ownership of the land belongs to the two Jewish organizations.

Ten years later, in 1998, Jews entered deserted houses in the neighborhood. At the same time, a slow process of evicting Arab families who apparently refused to pay rent to the two Jewish organizations was begun. The Jewish groups involved in the area presented a power of attorney from former Knesset Member Yehezkel Zackay (Labor) and from the heads of the Sephardic Committee permitting them to remain on the site and to rebuild it. Zackay explained that the Arabs there had treated the premises as if it were their own private property, building without authorization, entering houses which were not theirs, and had even tried to destroy the abandoned synagogue located in the middle of the neighborhood. Ehud Olmert, then mayor of

Jerusalem, assisted the Jewish activity from behind the scenes. Members of the Shas Sephardic religious political party also sanctioned the Jewish activity. A son of Shas leader Rabbi Ovadia Yosef began giving lessons at the small, newly built yeshiva that had begun to operate in the abandoned synagogue.

In the months that followed, several Arab families were evicted from the neighborhood and were replaced by seven Jewish families. Eviction notices have been issued for dozens of other Arab families in the area, but they have not been implemented due to international pressure.

An overall plan for the rehabilitation of the Shimon HaTzadik neighborhood that had been taken over by the Arabs in 1948 has been filed with the Jerusalem Municipality Planning Committee.

The Shepherd Hotel Compound²²

The Shepherd Hotel lies just to the east of the British Consulate in eastern Jerusalem, and British diplomats were instrumental in inflaming the controversy between the U.S. and Israel over the future of the property. The building, originally built by the Grand Mufti, Haj Amin al-Husseini, was confiscated by the British Mandatory Government after it deported him in the 1930s and was made into a British military outpost. The Jordanians took possession of the structure after 1948 and expanded it.

After the 1967 Six-Day War, when Israel took over the compound, no one from the Hussein family still lived there, and it had been rented by two Christian brothers. At the beginning of the 1970s, Israel revoked the right of the Hussein family's representative to charge the brothers rent and transfer the money to the family abroad. The brothers received the status of protected tenants and paid rent to the Israeli Executor of Absentee Property. In the mid-1980s, the brothers' widows sold the hotel to a Swiss company backed by Jewish groups.

Two years later, the compound was bought by American businessman Irving Moskowitz, who has worked for years to redeem property in Jerusalem for Jewish settlement. He leased the hotel to the state, and in the 1990s Israeli Border Police units were stationed there. In recent years the building has stood empty and, using the power of attorney of the owners, on July 2, 2009, the Jerusalem Municipality approved a plan to build 20 housing units at the site and at the same time to preserve part of the compound. A more ambitious plan to build 122 units has been prepared but has not yet been approved.

The Growth of Mixed Neighborhoods in Jerusalem

The dispute between the U.S. and Israel over 20 housing units in Sheikh Jarrah has turned the spotlight on the Sheikh Jarrah-Shimon HaTzadik-Mt. Scopus area, which has long been home to

a mix of populations and where Jews and Arabs live side by side. However, parallel Arab migration to Jewish neighborhoods in Jerusalem has received no similar attention.

In Jewish neighborhoods of Jerusalem such as Armon HaNatziv, Neve Yaakov, Tzameret HaBira, and Pisgat Zeev, the fringes of the neighborhoods have many Palestinian Arab residents, either through purchase or rental of apartments. In some of the buildings along Rehov HaHavatzet in the center of the city, a similar change is taking place. Jews and Arabs also live together in the neighborhood of Abu Tor, and there are several streets in the Muslim Quarter of the Old City, such as Rehov HaGai, where a similar situation is gradually developing. In short, as certain parts of eastern Jerusalem have become ethnically diverse, it has become impossible to characterize it as a wholly Palestinian area that can easily be split off from the rest of Jerusalem.

Foreign Investment in Jerusalem: Both Jewish and Arab

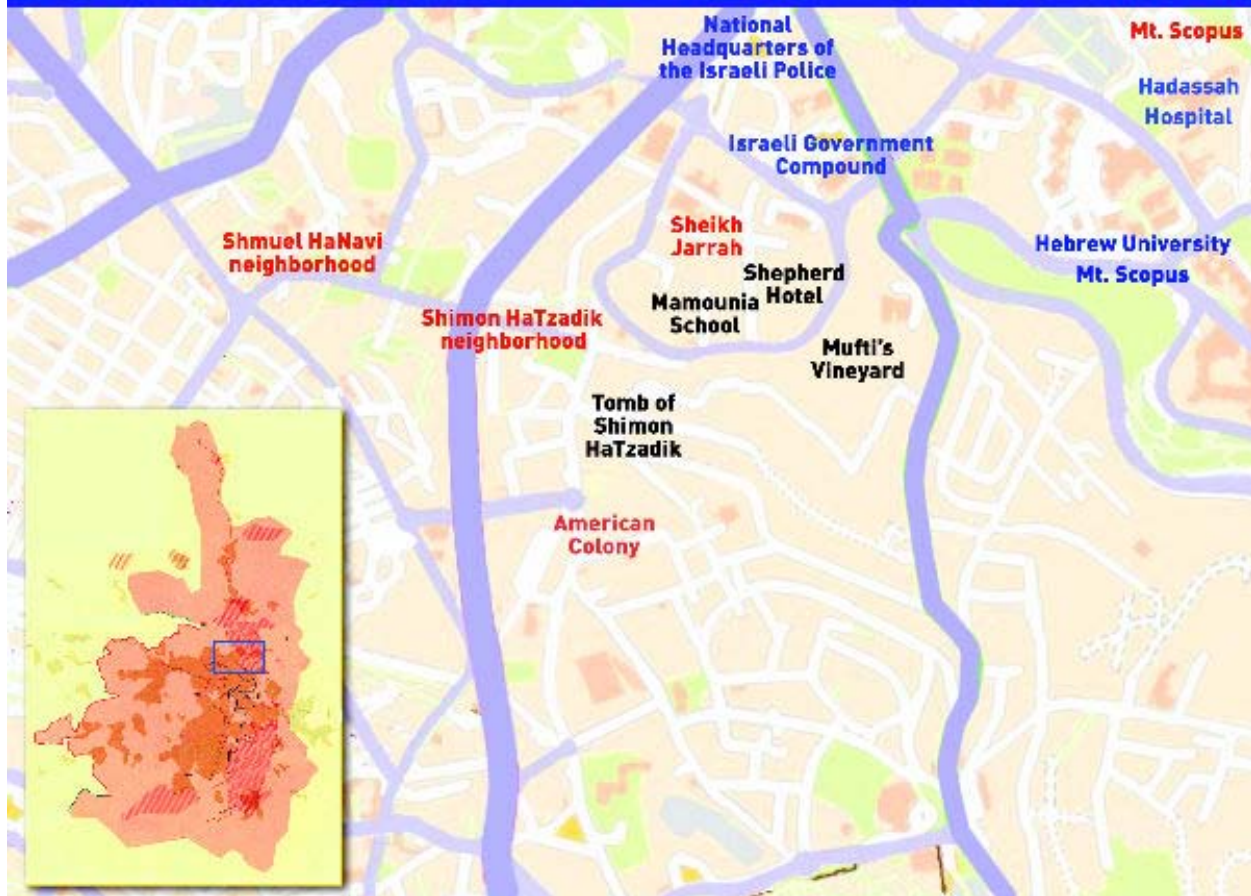
Jews from abroad are not the only ones buying property in Jerusalem. Munib al-Masri, a Palestinian millionaire from Nablus who holds American citizenship, is planning to purchase property 900 meters from the Teddy Kollek Stadium, not far from Jerusalem's Malha shopping mall. His investment company is planning to build 150 housing units next to Beit Safafa, according to company chairman Samir Halayla. Until 1967, Beit Safafa was an Arab village south of Jerusalem divided between Israel and Jordan. After the war it became an area where Jews and Arabs lived together, generally as good neighbors.

The Gulf States, the PLO, and Palestinian millionaires such as al-Masri and the late Abd al-Majid Shuman have all invested funds to purchase property and support construction for Palestinian Arabs. The Jerusalem Treasury Fund affiliated with the Jerusalem Committee headed by King Hassan of Morocco is also active. The Jerusalem Foundation for Development and Investment was founded in Jordan, and there are several similar funds and foundations in Saudi Arabia.²³ Foreign donations from Qatar were also involved in the construction of 58 housing units recently completed in Beit Hanina under the auspices of the Arab teachers' association.

On July 19, 2009, Yuval Diskin, head of the Israel Security Agency, reported to the Israeli government on the extensive efforts of the Palestinian Authority and its security apparatuses to prevent Palestinian land from being sold to Jews, especially in eastern Jerusalem.

Regardless of these ongoing struggles, the State of Israel does not limit or forbid the purchase or sale of property or land within Jerusalem, which is under Israeli law, whether the individuals involved are Jews or Arabs.

Key Sites in Vicinity of the Shepherd Hotel



* * *

Notes

1. Eastern Jerusalem refers to the areas annexed to the east, north and south of the city that were under Israeli control prior to the Six-Day War in 1967. For further information, see Nadav Shragai, *Jerusalem: The Dangers of Division* (Jerusalem Center for Public Affairs, 2008), p. 12 (Hebrew).
2. For the arguments on which Israel bases its position, see Dore Gold, "The Diplomatic Battle for Jerusalem," Jerusalem Center for Public Affairs, 2001, pp. 5-10 (Hebrew).
3. Shragai, pp. 49-53.
4. Information based on conversations with sources within the Israeli government.
5. Ian Kelley, U.S. Department of State, "Daily Press Briefing," June 22, 2009, <http://www.state.gov/r/pa/prs/dpb/2009/125229.htm>.
6. Nadav Shragai, "Simon HaTzadik's New Neighbor," *Ha'aretz*, April 26, 1999 (Hebrew); conversations with people who were evicted that year. See articles in *Ha'aretz* about population issues and history during the relevant years.
7. Mishnah Avot, 1:2. See exegesis.
8. Babylonian Talmud, Tract Yomah, 69a.
9. Mishnah Avot, 1:2.
10. Shmuel Shamir, in an article about the property of the Sephardic community (*Bamaarekhet*, August 1968, Hebrew), and A. Yaari, in *Shluhi Eretz Israel*, enlarged on the history of the purchase.

11. For further information, see Mordechai Gilat, *Mt. Scopus* (Smadar Publishers, 1969) (Hebrew).
12. For further information, see "The University," publication of Hebrew University, the 50th anniversary volume, V. 21, 1975 (Hebrew).
13. For further information, see Yona Cohen, *Gershon the Wise from Nahlat Shimon*, (Reuven Maas, 1968) (Hebrew).
14. For further information about al-Husseini and his support for the Nazis, see Haviv Cnaan, "Who Is Haj Amin al-Husseini?," which appeared in *Ha'aretz* in March 1970 and was reissued by the information services of the Prime Minister's Office.
15. For further information, see Gilat, and a summary in Amnon Ramon, ed., *The Lexicon of Contemporary Jerusalem* (Jerusalem Institute for Israel Studies, 2003), p. 235.
16. Meron Benvenisti, *Jerusalem, the Torn City*, (Weinfeld and Nicholson, 1972), pp. 35-41.
17. David Kroyanker, *Jerusalem, the Struggle for the Structure and Face of the City* (Zmora Bitan and Jerusalem Institute for Israel Studies, 1988), p. 58 (Hebrew).
18. *Ibid.*
19. Benvenisti, p. 290.
20. Shmuel Berkowitz, *How Awesome Is This Place* (Carta, 2006), p. 73 (Hebrew).
21. The information on this matter comes from conversations with Jewish activists who resettle Jews in the Shimon HaTzadik area, from visiting the neighborhood, and from following ongoing court cases on this matter.
22. Danny Rubenstein, "As Long as Nothing Bothers the Hyatt," *Ha'aretz*, November 18, 1991; Danny Rubenstein, "The Palestinian Economy: a Hotel at the Crossroads," *Calcalist*, July 20, 2009; personal knowledge of the area.
23. For further information, see Nadav Shragai, "Jerusalem Is the Solution, Not the Problem," in *His Honor the Prime Minister Jerusalem*, Moshe Amirav, ed. (Carmel, 2005), p. 57 (Hebrew) (based on Israeli defense documents).

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