

# FLIERS & LIARS

## A Reply to Pro-Israel Propaganda

October 2009

At our recent public event, Joe Goodner's talk about his eyewitness experience in Palestine last summer, a group of persons opposed to frank talk about the Israeli occupation distributed a flier outside the meeting hall. This flier contains false propaganda which is being spread to discredit the Palestinian people and the International Solidarity movement.

### **"SHEIKH JARRAH AND SHIMON HA TZADIK: The Neighborhood and the false 'settlement' controversy".**

This is the title of the propaganda flier. Here is our answer.

The flier's text cites no evidence or sources whatsoever and appears to have been lifted directly from some questionable pro-Israel website. It does not, however, show an absolutely flawless mastery of the facts. It states, for example, that **"The Hebrew University [is] a predominantly Jewish university founded by Albert Einstein"**.

The Hebrew University was in fact founded by Chaim Weizmann, Israel's first President, pursuant to a 1913 resolution by the World Zionist Organization. Einstein gave a lecture there during his one visit to Palestine in 1923 and acted as a university fund raiser. In later years, he turned sharply critical of the new Israeli government. But this statement, sadly, is typical of the flier's overall accuracy.<sup>1</sup>

The text is, shall we say, highly selective in its reading of history:

**Between 1948 and 1967, the Jordanian Custodian of Enemy Property controlled Jewish owned property in the area and settled Arabs there as rent-paying tenants. When Israel recaptured the area, the Jewish owned property was returned to its owners, but the Arab tenants were legally recognized as 'Protected Residents'. They may only be evicted for failure to pay rent, and then only after a long legal process that has involved (Israeli) Supreme Court review.**

What are the actual facts?

The police came for them at dawn on a Sunday, heavily armed, wearing helmets and riot shields as they broke down the metal doors of the houses and dragged the two Palestinian families out onto the streets....It was over in minutes, the Hanoun and the Ghawi families evicted from what had been their homes for the past five decades, and thrown onto the pavement before the sun had fully risen.<sup>2</sup>

This is the reality that the world saw and condemned last summer in Jerusalem. Hillary Clinton called the Sheikh Jarrah evictions "deeply regrettable" and incompatible with Israel's obligations under the 'Road Map' The British consulate said that it was "appalled" and that the evictions were inconsistent with Israel's "professed desire for peace". The UN and the EU spoke in the same way.

The evictions contravene a fundamental principle of diplomacy. If land or territory is in dispute between two sides and if the dispute is to be resolved peacefully and diplomatically, neither side should

take unilateral steps which prejudge the outcome of negotiations. But that is what Israel did here and that is what it always does when it engages in settlement activity. That is why it is difficult to take Israel seriously when it claims to desire a peaceful solution to the Middle East crisis. The historical record shows instead that it tries to hold off substantive diplomacy for as long as possible and meanwhile creates "facts on the ground".

Only hopelessly bigoted Zionists can make excuses for Sheikh Jarrah: people who would dismiss Hillary Clinton's protest on the grounds that she is some kind of "enemy of Israel". But the reality is that the Sheikh Jarrah evictions do not occur in isolation and do not arise out of some purely private "property dispute". They are part of a larger plan to change, by deliberate public policy, the demographic character of the city of Jerusalem. As such they are racist and morally wrong; not just inadvisable from a diplomatic point of view.

### **JERUSALEM IN FOCUS: 1948-2009**

In 1948, Jerusalem became a major battleground in the war which created the new state of Israel. The UN Partition Plan granted the city a special international status and did not award it to either the proposed Jewish state or to the proposed Arab State.

Despite their pretended acceptance of the Partition Plan, the Zionists straightaway tried to conquer the city. They engaged in acts of terrorism, such as the blowing up of the Semiramis Hotel in January of that year. They took every effort to stimulate and encourage Arab flight.<sup>3</sup>

The British-dominated government of Jordan was under orders not to try to take Jerusalem, but they kept getting urgent calls to come to the defense of the people there, who were under Zionist attack. (May 1948). A fierce struggle ensued. At the end of the fighting, the Jordanian Army, known as the Arab Legion, had managed to fend off Israel's attempt to conquer what is now the West Bank. It had kept the small territory of East Jerusalem under its control, while the western part of the city fell to Israel.<sup>4</sup>

An estimated 2000 Jewish residents of the Old City became refugees during the fighting, but 30 times that many Palestinians fled or were expelled from West Jerusalem at that time.<sup>5</sup>

From 1948 to 1967, Jerusalem was a divided city. West Jerusalem, under Israeli control, had an area of about 38 square kilometers; East Jerusalem, under Jordanian rule, was only about 6 square kilometers. Israel conquered the whole city, including the Temple Mount/Haram as-Sharif complex, during the Six Day War in June 1967. It quickly annexed the entire area and declared undivided Jerusalem to be its "eternal capital".

The first thing to realize, however, is that the Jerusalem of today does not coincide with the historic Jerusalem. When Israel annexed "East Jerusalem" in 1967, it bit off a large part of the West Bank in the process (a total of 70 square kilometers, not just the original six). **Most of today's "Jerusalem" was never a part of historic Jerusalem, east or west, but was simply stolen from the West Bank.**<sup>6</sup>

The second point to notice is that, when Israel took over the city, it did not simply seek to rule over and provide municipal services to all residents regardless of their ethnic and sectarian background. From 1967 to the present day, it has aggressively pursued a racial

agenda. Put simply, it seeks to maximize the Jewish presence in all parts of the city and to drive out as many Arabs as possible. The goals, and even some of the methods employed, are strongly reminiscent of the “racial zoning” formerly practiced by apartheid South Africa.

Our opponents’ flier confidently tells us that **“Israel does not prohibit anyone from such (property) purchases on the basis of ethno-religious status.”** This is a lie.

Israel has long used indirect means to do what apartheid South Africa did overtly and directly. Its normal practice is to nationalize land: assume ownership in its own right and convert what would otherwise be landowners into long-term leaseholders. Today, as much as 93% of Israeli land is in the public sector. As such, Israel is able to command or direct its use in a discriminatory fashion, while keeping itself at arms length from actual discriminatory practices.

Traditionally, for example, land belonging to the Jewish National Fund was considered the inalienable property of the Jewish people. It could not be leased or even worked by non-Jews. After 1948, Israel turned over much of the land and property confiscated from Palestinian refugees to the Jewish National Fund, in order to create or consolidate areas in the country with a Jewish demographic concentration. But this is just one of many methods that have been used for “demographic engineering.”<sup>7</sup>

In East Jerusalem, land confiscations began almost immediately. Aone Israeli writer puts it:

These expropriations ere presented as being politically neutral: for the purpose of construction, development and settlement in Jerusalem...But no one was deceived by the designation of these ‘ethnically colorblind needs: the expropriated areas were being taken from the Arabs and handed over to Jews. This was an extraordinary interpretation of the word ‘public’: the only legitimate public was Jewish, and therefore only Jews were entitled to benefit from the expropriation. The Arabs, as a haphazard collection of individuals, were to have their private property confiscated so that Jews could settle in Jerusalem and create geopolitical ‘facts’ there.

The writer of these words is **Meron Benvenisti, the former deputy mayor of Jerusalem**. He is perhaps a more reliable authority than some website that says that Albert Einstein founded the Hebrew University.<sup>8</sup>

After 1967, Israel expropriated over 1/3 of the area of East Jerusalem, privately owned Arab land, supposedly for “public purposes”. Between 1967 and 2007, the Israeli government built over 50.000 housing units on the expropriated land for the Jewish population and none at all for the Arab population. As the Association for Civil Rights in Israel notes,

The only logical explanation for this discrimination is that it is a deliberate effort by government authorities to push Palestinian residents of Jerusalem outside the city borders as a means of maintaining a Jewish majority over the long term.<sup>9</sup>

As another human rights organization puts it:

This means that in more than 1/3 of East Jerusalem, Israelis and Jews from anywhere in the world have a right to buy property in Israeli settlements, but not Palestinian residents of

Jerusalem, including the very residents whose land was expropriated to build these settlements.” Most of West Jerusalem is similarly off limits.<sup>10</sup>

In addition to land confiscations, Israel uses a number of other tricks to meet its “demographic” (i.e. racial) objectives for the city.

It denies Palestinians building permits, so that they will be forced to build illegally in order to accommodate growing families. The buildings are then demolished and the families forced to move out.

It arbitrarily revokes the residency rights of Palestinian residents, whose ‘center of life’, it claims, lies elsewhere.

It deliberately deprives Palestinian areas of the city of important municipal services, in order to pressure Palestinians to leave.<sup>11</sup>

All of these discriminatory practices are well documented, not just by Israeli and foreign human rights organizations, but by high level insiders in a position to know.

[At a city council meeting in February 1993, Jerusalem Mayor Teddy Kollek] acknowledged the existence of a policy followed by all governments since 1967 that restricted Arab growth in East Jerusalem by setting a strict limit on the number of new homes built in their neighborhoods...(This was) the first time an Israeli official-and not just any official but the mayor of Jerusalem himself-had publicly acknowledged the existence of a policy to ensure Israel’s demographic superiority in Jerusalem...The strict limits on Arab housing starts are, in fact, a poorly kept secret in Jerusalem. A good number of city officials made decisions, day in and day out, based on these limits....

Again,

Israel saw the adoption of zoning plans as a way of limiting the number of new homes built in Arab neighborhoods and thereby ensuring that the Arab percentage of the city’s population-28.8% in 1967, when Israel took control of the city, did not grow beyond this level. Allowing ‘too many’ new homes in Arab neighborhoods would mean ‘too many’ Arab residents in the city. The idea was to move as many Jews as possible into East Jerusalem, and move as many Arabs as possible out of the city entirely....

Again,

If all this sounds like a throwback to the ‘whites only’ days of segregation in the U.S., it should. Israel was a little more subtle than the segregationists in America-there were no signs stating ‘Jews only’ at the sales offices of the new neighborhoods being built in Jerusalem. But only Jews were eligible for the low interest loans and other incentives subsidized by the state for purchasing the homes in these neighborhoods....

Finally,

Do not believe the propaganda, the rosy picture Israel tries to show the world of life in Jerusalem since the 1967 reunification. Israel has treated the Palestinians of Jerusalem terribly. As a matter of policy, it has forced many of them from their homes and stripped them of their land, all the while lying to them and deceiving them and the world about its honorable intentions.

All these quotes come from the book, *SEPARATE AND UNEQUAL: THE INSIDE STORY OF ISRAELI RULE IN EAST JERUSALEM*, Harvard University Press, 1999. The authors are Amir Cheshin, Bill Hutman and Avi Melamed. Cheshin and Melamed were top aides to former Jerusalem mayor Teddy Kollek, and Hutman was a *JERUSALEM POST* reporter.<sup>12</sup>

## **SHEIKH JARRAH 2009**

This, then, is the essential context we need for understanding the Sheikh Jarrah controversy.

Israel uses any number of pretexts for stealing land or driving Palestinians out. It will confiscate land for “public use”, as a “green area”, or for “security reasons” etc. But occasionally it hits on an issue of pre-war “Jewish ownership” of property in an area it desires to settle. Sheikh Jarrah is one such case.

In 1956, 28 Palestinian refugee families were given homes in Sheikh Jarrah. Under an agreement with the UN and the Government of Jordan, they gave up their right to a lifetime of refugee aid in return for paying a token rent for 3 years, after which the properties would revert to their ownership. But the agreement never came into effect. In 1967, Israel annexed East Jerusalem. In 1972 settler organizations began claiming that a Jewish community was founded there in the late 19th century around the tomb of Simon the Righteous (Shimon Ha-Tzadik). A lawyer later came up with an agreement whereby the Palestinians could stay where they were, if they paid rent to the settler organization. But the families say they never agreed to this deal and they objected to paying rent as an implicit recognition of ownership by the other side.

Human rights monitors note that under international law, East Jerusalem is occupied territory and so Israel may not change the status of the residents there (cf. Fourth Geneva Convention, articles 49 and 53; Hague Convention IV, Article 46). The Jordanian arrangement, which involved merely token rent, should arguably have been honored and the Palestinians awarded outright ownership of the property on the principle of least disturbance to the status quo ante the occupation. The problem, of course, is that Israel does not regard East Jerusalem as occupied but as an indivisible part of its “eternal capital”. In other words, it asserts a kind of conqueror’s right there, even though that idea is supposed to be passe (cf. UN Security Council Resolution 242 Preamble: “emphasizing the inadmissibility of the acquisition of territory by war”).

The real goal of the Sheikh Jarrah escapade is clear from the statements made by Benny Elon, the right-wing Knesset member who serves as patron for the settlers, during a visit to Sheikh Jarrah in 2002: “Our strategic plan for the city is one: a belt of Jewish community from east to west.”

Settlers moved in as soon as the Palestinians were thrown out. Their goal is not to collect rent, but to establish ethnic hegemony in all areas of the city.<sup>13</sup>

It should be noted also that the issue of ownership is not clear and has not been resolved in the settlers’ favor in all cases. Scholars point out that the mere fact that, before the war, Jews resided in a certain area of the city does not necessarily prove that the property they had was “Jewish owned”. According to one leading scholar, “The large majority of houses in the present day ‘Jewish Quarter’ were Muslim waqfs or private Arab properties”.<sup>14</sup>

No sensible person sees the Sheikh Jarrah evictions as justified. Nor can Israel uphold the principle of coercive restitution of Jewish refugee property in this manner without rank hypocrisy.

As PEACE NOW puts it,

The use of Jewish-owned property before 1948 is a double-edged sword, which can open a Pandora’s box of Palestinian claims to receive property they owned before 1948. Mrs al-Kurd, who was evicted from her home in Sheikh Jarrah, said recently that she was willing to return the property to Jews, as long as she too can return to the home of her birth in the neighborhood of Talbiyeh in West Jerusalem.<sup>15</sup>

Israel cannot begin to apply in a consistent fashion the principle that all lost refugee property should be restored to its original owners. If it wants to rewind history in this way, it would have to undo the present boundaries of Jerusalem, readmit all the refugees of 1948 and 1967, and put itself out of existence.

But the fear of being called a hypocrite has never really deterred the Israeli government or its trained flaks and supporters here.

Cheshin, Hutman and Melamed report the case of an Arab family which petitioned the Israeli Supreme Court to buy a home the “Jewish Quarter” of Jerusalem, where they had owned one before 1948:

The Court...rejected the petition on the grounds that homogeneous neighborhood were a historic reality in Jerusalem. The Jews have their quarter in the Old City, the Muslims theirs, and this is how it should remain. The catch, of course, is that when it came to Jews purchasing homes in the Muslim Quarter, the Israeli courts looked the other way.<sup>16</sup>

The authors of this flier may believe that Israel does not discriminate. But the reality in Sheikh Jarrah tells a different story.

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## NOTES

1. *ENCYCLOPEDIA JUDAICA, SECOND EDITION, VOL 8*, Thomson Gale Publishers, 2007 p. 740. ; Fred Jerome, *EINSTEIN ON ISRAEL AND ZIONISM*, New York: St. Martin’s Press, 2009 p. 24
2. Rory McCarthy, “Families Evicted from their Jerusalem homes after 50 years”, *GUARDIAN* 24 August 2009
3. In Jerusalem on 31 January 1948, Ben-Gurion ordered the city commander to “assure Jewish contiguity and expansion through the destruction of Shaykh Jarrah, the occupation of other neighborhoods, and the immediate settlement of Jews in the evicted places. His mission was ‘to settle Jews in every house of an evicted semi-Arab neighborhood, such as Romema.” (the quote is from Ben-Gurion’s Diary)” On 7 February 1948, Ben Gurion could triumphantly report: “When I come to Jerusalem, I feel that I am in a Jewish city. This is a feeling I only had in Tel Aviv or in an agricultural farm. It is true that not all of Jerusalem is Jewish, but it has in it already a huge Jewish bloc when you enter the city through Lifta and Romema, through Mahaneh Yehuda, King George Street and Mea Shearim--there are no Arabs. One hundred percent Jews. Ever since Jerusalem was destroyed by the Romans-the city was not as Jewish as it is now. In many Arab neighborhoods in the West you do not see even one Arab. I do not suppose that this will change. And what happened in Jerusalem and in Haifa can happen in large parts of the country. If we persist it is quite possible that in the next six or eight months there will be considerable changes in the country, very considerable changes, and to our advantage. There will certainly be considerable changes in the demographic composition of the country.”; cited in Ilan Pappé, *THE ETHNIC CLEANSING OF PALESTINE*, Oneworld Publications, 2006 pp 67-68:

- cf. Eugene Rogan, "Jordan and 1948", in Eugene Rogan and Avi Shlaim eds., *THE WAR FOR PALESTINE*, Cambridge University Press, 2001 pp. 112-113
4. John Bagot Glubb, *A SOLDIER WITH THE ARABS*, London: Hodder and Stoughton, 1957 pp. 129-130, pp.157-158. Glubb was the British commander of the Arab Legion.
  5. Michael Dumper, *THE POLITICS OF JERUSALEM SINCE 1967*, New York: Columbia University Press, 1997 p. 65
  6. B'Tselem: Israeli Information Center for Human Rights in the Occupied Territories, "Legal Status of East Jerusalem and its Residents [www.btselem.org/English/Jerusalem/Legal\\_Status.asp](http://www.btselem.org/English/Jerusalem/Legal_Status.asp).
  7. Ian Lustick, *ARABS IN THE JEWISH STATE: ISRAEL'S CONTROL OF A NATIONAL MINORITY*, University of Texas Press, 1980 pp. 167, 170-82, 185-6; Walter Lehn, *THE JEWISH NATIONAL FUND*, London: Kegan Paul International, 1988 pp. 59. 112-117; 120-122, 331;
- Alexandre Kedar, "A First Step in a Difficult and Sensitive Road: Preliminary Observations on *Qaadon v. Katzir*", in *ISRAEL STUDIES BULLETIN*, 16 (2000) pp.2-11
- Note: the Qaadon case was a landmark Israeli Supreme Court ruling in 2000, which ordered that a Jewish township in Israel built on "national (Jewish) land" admit an Arab Israeli couple. Though it did not end the regime of discrimination in Israel, it was an important milestone.
- Ironically, many American fans of Israel cannot appreciate the significance of this ruling or the evidence it provides of Israel's strength as a democracy; if they even know of the ruling's existence. For years pro-Israel groups like the Committee on Accuracy in Middle East Reporting (CAMERA). have been denying that there is any ethno-sectarian discrimination in Israel, even though it is very widely reported. But if there was never any discrimination, there would have been no need for this landmark decision.
- What the Qaadon case really shows is too subtle for some. Though Israel, like all other countries in the world, is imperfect, it is capable of taking extraordinary steps to correct institutionalized injustice. An intelligent supporter of Israel would laud the ruling and praise the Israeli civil rights groups whose tireless advocacy helped to bring it about, even though much more needs to be done to realize the dream of equality. But the most vocal supporters of Israel in our country, unfortunately, are of the dogmatic chauvinist type, not the rational type.
- For the pro-Israel dogmatist, Israel is, in practice, infallible: at least when it is not being too "soft" on the Arabs. All criticism of Israel "unfairly singles out" that country; so long as there is a country anywhere in the world, like Burma, with a worse human rights record: even though Israel benefits from massive US aid and diplomatic protection and Burma does not. All human rights groups in Israel and abroad who criticize Israeli practices are, in the pro-Israel dogmatist's view, engaged in a massive conspiracy to "destroy" Israel and bring about a second Holocaust against the Jewish people. Even if the critics are not knowing and conscious antisemites, they have an unconscious instinct to aid the destruction of the Jewish people by depriving it of the ability to defend itself. And so on and so forth.
- For a classic statement of hysterical pro-Israel paranoia and defensiveness, cf. Cynthia Ozick, "All the World Wants the Jews Dead", in *ESQUIRE*, November 1974.
- Students of ethnic conflict and chauvinism around the world will find nothing at all surprising about these toxic myths, except the extent to which they are taken seriously here.
8. Meron Benvenisti, *CITY OF STONE: THE HIDDEN HISTORY OF JERUSALEM*, University of California Press, 1996, p.155.
  9. *ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL, STATUS OF EAST JERUSALEM*, 2009 [www.acri.org.il/pdf/eastjer2009.pdf](http://www.acri.org.il/pdf/eastjer2009.pdf).
  10. [www.peacenow.org.il/site/en/peace.asp?pt2=62&docid+4324Qpas+1](http://www.peacenow.org.il/site/en/peace.asp?pt2=62&docid+4324Qpas+1))
  11. B'Tselem.org backgrounder on East Jerusalem. [www.btselem.org](http://www.btselem.org);  
cf. also Leah Tsemel, "The Continuing Exodus-The Ongoing Expulsion of Palestinians from Jerusalem", in Ghada Karmi and Eugene Cotran eds., *THE PALESTINIAN EXODUS, 1948-98*, Reading, U.K.: Ithaca Press, 1999
- The denial of building permits as a way to force one ethnic group out of an area intended to be reserved for another was a prominent feature of apartheid South Africa.
- "Since the late 1960s, when the program for urban relocation was launched, there has been a virtual freeze on the building of houses for Africans outside the bantustans...Everywhere this is having the effect of squeezing African people desperate for the security of a home of their own into the Bantustans...Physical development in Huhudi has been actively frozen since 1970. People have been prohibited from putting up new structures because, according to National Party policy, the place has been earmarked for removal...Although the Administrative Boards prohibited owners from improving or even maintaining their houses over the years, they are now using the fact that the houses are dilapidated as a reason for clearing the areas."
- Laurine Platzky and Cheryl Walker, *THE SURPLUS PEOPLE: FORCED REMOVALS IN SOUTH AFRICA*, Johannesburg: Ravan's Press, 1985, pp. 161, 203
12. Amir Cheshin, Bill Hutman and Avi Melamed, *SEPARATE AND UNEQUAL: THE INSIDE STORY OF ISRAELI RULE IN EAST JERUSALEM*, Harvard University Press, 1999 pp. 30, 32, 60, 251
  13. Rory McCarthy. see note #2. cf. Fourth Geneva Convention, articles 49 and 53; Hague Convention IV, Article 46. The general principle is that private property rights must be respected by the occupying power except in a case of absolute military necessity. As the Hague Convention puts it: "Family honour and rights, the lives of persons and private property, as well as religious convictions and practices, must be respected."
- The fact that Israel regards Jordan as having been an "occupier" before 1967 is of course irrelevant to its own obligations, either under international law or in accordance with the diplomatic rule against taking unilateral steps that prejudge the outcome of negotiations. Contested property claims arising out of dual or successive military occupations can hardly be responsibly left to the unilateral decision of one of the parties to the dispute. But until proper adjudication can be arranged, the current occupier has to act on the principle of least disturbance to the status quo ante, where the property rights of protected persons are concerned.
- Israel tends to argue that the territories it occupies were never legitimately held by the countries from which it conquered them and so were, in effect, up for grabs. But the international law community is not particularly impressed by that argument. (cf. International Court of Justice ruling on Israel's "Security Barrier", July 2004).
14. Simone Ricca, *REINVENTING JERUSALEM: ISRAEL'S RECONSTRUCTION OF THE JEWISH QUARTER AFTER 1967*, London, I.B.Tauris, 2007 p. 49 In Islamic law a 'waqf' is an inalienable sacred endowment, such as the property attached to a mosque.
  15. *PEACE NOW: Settlements. Reports. Jerusalem*. "Eviction of Palestinian Families to take place in Sheikh Jarrah in East Jerusalem, 3/17/2009 [www.peacenow.org.il/site/en/peace.asp?pi+61&fld+620&docid+3594&pos+2](http://www.peacenow.org.il/site/en/peace.asp?pi+61&fld+620&docid+3594&pos+2))
  16. *SEPARATE AND UNEQUAL*. pp 61-62.
- IC-PJP 24. 10/11/09. The views expressed here are my own and do not necessarily represent the views of other members of IC-PJP.